

**MINUTES  
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL  
5:30 P.M., THURSDAY, JUNE 9, 2022  
COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor Scott James Matheson called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Andy Gibbs, Sandra Tooley, Tim Carroll, and Eric Howard. Councilmen Joseph “Sonny” Vickers, Ben Norton, and Councilwoman Vivian Miller-Cody were absent. The invocation was given by Councilman Andy Gibbs, followed by the Pledge of Allegiance to the American Flag.

**AWARDS AND PRESENTATIONS**

**EMPLOYEE OF THE MONTH AWARD**

Consideration of the May, 2022 Employee of the Month Award (Nathanial McKinnon, Public Works Department).

Richard Hardy, Deputy City Manager of Operations, stated that Nathanial McKinnon (Mr. Nate) is an outstanding example of punctuality and dependability. He provides superior service with his attention to detail while providing outstanding custodial care to City facilities. His commitment and attention to detail while providing custodial care are above and beyond excellent. His dedication has provided first class facilities for City of Valdosta Events and its citizens. This year, the Mayor and Council Strategic Initiatives Summit (Retreat) was held at The Woman’s Building. Nate took the lead in completing many tasks in the preparation of the facility and its grounds to meet the deadline of this highly anticipated event. After the building and the grounds were beautified, Nate continued to assist with other tasks that were out of his normal duties. Because of his perseverance the deadline was met allowing for a successful event. Nate also kept the facility in pristine condition throughout the Strategic Initiatives Summit. Nate is a true role model as he represents the City daily during his interactions with visitors and citizens while maintaining City Facilities. City Leadership consistently receives numerous words of praise from City employees complimenting Nate’s dedication in maintaining the appearance of both City Hall and the City Hall Annex as he fills in when requested. Nate’s actions display great dedication and a “Service-Before-Self” attitude both which are superb qualities and says a lot about his commitment. For those reasons and many others, Nathanial McKinnon (Mr. Nate) was selected as the May, 2022 Employee of the Month.

**APPROVAL OF MINUTES**

The minutes of the May 19, 2022 Regular Meeting were approved by unanimous consent (4-0) of the Council.

**PUBLIC HEARINGS**

**ORDINANCE NO. 2022-11, AN ORDINANCE FOR THE ADOPTION OF THE FISCAL YEAR 2022-2023 BUDGET (SECOND HEARING)**

Public Hearing for the Adoption of the Fiscal Year 2022-2023 Budget. (Second Hearing)

Mark Barber, City Manager, stated that in accordance with Georgia Code 36-81-3, each local government shall adopt and operate under an annual balanced budget for the General Fund, each Special Revenue Fund, and each Debt Service Fund in use by the local government. The annual balanced Budget shall be adopted by Ordinance or Resolution. A Budget Ordinance is balanced when the sum of estimated revenues and appropriated fund balances is equal to appropriations. Nothing contained in the above-mentioned Code precludes a local government from adopting a Budget for any funds used by the local government other than those specified. These funds include Enterprise Funds, Internal Service Funds, and Permanent funds. The Fiscal Year 2023 Proposed City of Valdosta Budget has been reviewed and discussed and a Public Hearing has been conducted to afford citizens the opportunity to make comments on funding levels. The proposed Fiscal Year 2023 Budget does include a 5% utility

rate increase based upon the water rate analysis and sufficiency study adopted by Mayor and Council. The General Fund Budget presented is balanced with no anticipated millage rate increase (assuming the digest meets growth projections). The proposed Budget also includes a 3.5% cost of living adjustment (COLA) for career employees effective in July of 2022. The City's medical clinic continues to be funded in this proposed Budget, with no increase in employee contributions for any City benefit offered. The consolidated proposed Budget (uses) increased \$10.8 million when compared to Fiscal Year 2022. There are increases in personnel due to new positions and the 3.5% COLA that are partially offset by smaller cuts across the City. The increases from operating costs (routine operations of City Departments) are primarily the COLA and increases in transit service, the cost of which is mitigated by Grant funding including some Congressionally directed spending. The capital increases are due primarily to SPLOST projects with large investments in water/sewer planned. This Budget represents an increase of approximately 8.6% in total spending but 4.4% in recurring operational costs. Mark Barber, City Manager, recommended that Council approve the Ordinance to adopt the City of Valdosta's Proposed Fiscal Year 2023 Budget.

No one spoke in favor of the request.

No one spoke in opposition to the request.

A **MOTION** by Councilman Carroll, seconded by Councilman Gibbs, was unanimously adopted (4-0) to enact Ordinance No. 2022-11, an Ordinance to adopt the City of Valdosta's Proposed Fiscal Year 2023 Budget, the complete text of which will be found in Ordinance Book XIV.

#### **ORDINANCE NO. 2022-12, AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR TWO ADJACENT PERSONAL CARE HOMES IN A RESIDENTIAL-PROFESSIONAL (R-P) ZONING DISTRICT**

Consideration of an Ordinance for a Conditional Use Permit for two adjacent Personal Care Homes in a Residential-Professional (R-P) Zoning District as requested by Justin Moore (File No. CU-2022-05). The properties are located at 1109 and 1111 North Patterson Street. The Planning Commission reviewed this request at their May 23, 2022 Regular Meeting and recommended approval with three conditions (10-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that Dr. Justin C. Moore is requesting a Conditional Use Permit (CUP) for two adjacent Personal Care Homes in a Residential- Professional (R-P) Zoning District. The properties total approximately 0.63 acres and are located at 1109 and 1111 North Patterson Street. These are along the east side of the street approximately 200 feet south of East Ann Street. These properties each contain an existing historic single-family residence and were previously used as rental houses. The applicant is a prospective new owner of these properties and is proposing to convert each of them into a Family size (six or fewer residents) Personal Care Home for elderly persons. The applicant is proposing four residents with two staff members in the southerly house (three-bedroom), and five residents with two staff members in the northerly house (four-bedroom), for a total of nine residents and four staff. There is an existing shared parking lot (nine plus spaces) between the houses that will serve both facilities. The applicant is proposing no physical changes to the site nor the outside of the homes other than the addition of rear ADA access ramps and re-striping of parking spaces. Because these are physically separated buildings, the State is requiring that each facility be licensed independently. Because there would then be two facilities on the same City block, the applicant applied for and received Variance approval from the Land Development Regulations (LDR) Supplemental Standards for Personal Care Homes (allowing no more than one per block), as approved by the Zoning Board of Appeals (ZBOA) on May 3, 2022 (File No. APP-2022-06). The properties are located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan and are also located within the City's local Historic District as well as the North Patterson National Register Historic District. This is not the typical CUP request for a small-sized Personal Care Home in a residential neighborhood. The properties are residential in character and have a long history of being used as rental houses; however, they are zoned R-P which means they allow all forms of residential as well as professional offices. They are located along a busy street that is a non-residential corridor whose land uses are dominated by professional offices and light commercial. Therefore, the issues in this particular case are not those of compatibility with the surrounding neighborhood, but rather a compatibility with the existing historic structures and historic theme of the area. The applicant is proposing to respect the historic character of the properties and leave the buildings and site "as is" except for the type of building occupancy which way is less

intensive than professional offices or many other uses allowed in R-P Zoning. The total occupancy of the site in terms of the number of residents and staff members, is only truly limited by the structures themselves and the number of parking spaces the property can appropriately hold which is sufficient. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria and recommended approval with the following conditions: (1) Approval shall be granted for up to two State-licensed and fully compliant Family Personal Care Homes on the subject properties, with no more than five residents in each facility, and no more than nine total residents in both facilities. No other uses allowed in R-P Zoning shall be allowed on the property that are in addition to the Personal Care Homes. (2) There shall be no temporary signage, and permanent signs shall be limited to those which are allowed in the Historic District under R-P Zoning and in accordance with the Historic District Design Guidelines (LDR Appendix G). (3) Conditional Use approval shall expire after two years from the date of approval if no City Business License has been approved for the facility(ies) by that date. The Planning Commission reviewed this at their May 23, 2022 Meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval subject to these same three conditions as recommended by Staff (10-0 Vote).

Dr. Justin Moore, Minister of the West Hill Church of Christ, 1416 West Hill Avenue, spoke in favor of the request. Dr. Moore stated that he wanted to thank the Mayor and Council for giving him the opportunity to extend his ministry. This ministry began approximately two years ago when his father became ill. He did not want to go into a nursing home so they had to hire different CNA's to come to his house. They are attempting to do the same here and create a Christian atmosphere with people who share ideas of Christ to serve the elderly. He has older women in his congregation and one who is 99 years old. Her daughter is 74 years old and is more sickly than her mother. This place would be ideal for these women to live in. He would love to be able to support the elderly in his congregation and the community.

Thangada Deeley, 201 West Gordon Street, spoke in favor of the request. Ms. Deeley stated that she has accompanied Dr. Moore to inspect a number of properties and they have spent a lot of time talking about this ministry. This is a wonderful project and it will be great for the dignity and health of elderly people. These are lovely, home-like places with beautiful kitchens and amenities. This could not be a better project.

No one spoke in opposition to the request.

**A MOTION** was made by Councilwoman Tooley to approve the Ordinance for a Conditional Use Permit for two adjacent Personal Care Homes in a Residential-Professional (R-P) Zoning District as requested by Justin Moore with the following three conditions: (1) Approval shall be granted for up to two State-licensed and fully compliant Family Personal Care Homes on the subject properties, with no more than five residents in each facility, and no more than nine total residents in both facilities. No other uses allowed in R-P Zoning shall be allowed on the property that are in addition to the Personal Care Homes. (2) There shall be no temporary signage, and permanent signs shall be limited to those which are allowed in the Historic District under R-P Zoning and in accordance with the Historic District Design Guidelines (LDR Appendix G). (3) Conditional Use approval shall expire after two years from the date of approval if no City Business License has been approved for the facility(ies) by that date. Councilman Gibbs seconded the motion. The motion was unanimously adopted (4-0) to enact Ordinance No. 2022-12, the complete text of which will be found in Ordinance Book XIV.

#### **ORDINANCE NO. 2022-13, AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR A CHURCH IN A SINGLE-FAMILY RESIDENTIAL (R-6) ZONING DISTRICT**

Consideration of an Ordinance for a Conditional Use Permit for a Church in a Single-Family Residential (R-6) Zoning District as requested by Rev. Francisco Menjivar (File No. CU-2022-06). The property is located at 805 Old Clyattville Road. The Planning Commission reviewed this request at their May 23, 2022 Regular Meeting and recommended approval with four conditions (10-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that Rev. Francisco Menjivar is requesting a Conditional Use Permit (CUP) for a Church in a Single-Family Residential (R-6) Zoning District. The property consists of 0.54 acres and is located at 805 Old Clyattville Road. This is at the southwest corner of Old Clyattville Road and Loch Laurel Street and is located directly behind the Bratts Plaza shopping center. The property contains an existing commercial building (3,048 square feet) in the northern tip of the property, as well as some remnants of

a small parking lot (broken pavement) immediately behind. The store has been vacant for more than ten years, and it was last used as The Meat Place butcher shop. The applicant is proposing to renovate the existing building and convert it for Church use. The applicant is currently not proposing any changes to the site. The property is located within an Established Residential (ER) Character Area on the Future Development Map of the Comprehensive Plan. In spite of their being an existing commercial building on the property, the ER Character Area on the property does not allow any form of Commercial Zoning. Therefore, the only possible non-residential use of the building would be something institutional such as a Church. The only alternative is to remove the old commercial building (which has been empty/vacant for more than ten years) and redevelop the property residentially under R-6 Zoning, which equates to a handful of houses or duplexes. The cost of demolition alone would probably make that scenario cost-prohibitive. In this case, the applicant is proposing to do nothing to upgrade the overall site, and therefore, Staff's initial recommendation was for denial; however, with the existing building being locked into its non-conforming status and it having sat empty for so many years already, Staff has determined that even just occupancy of this building is a move in the right direction. With the existing building size having a limited capacity for the gathering of worshipers and there being enough pavement on site to accommodate 10-20 cars, then a modest version of the proposed use as a Church should be deemed acceptable; however, certain conditions of approval will be needed to make sure the use of the property does not become overcrowded to the point that it becomes a detriment to the neighborhood rather than a positive change. If in the future the proposed Church gathers sufficient resources to enable a true redevelopment of the whole property, then a new CUP review (with a proper site plan) would be required. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following four conditions: (1) Approval shall be granted for a small Church and related Church accessory uses which utilize the existing building only. Any new buildings or building expansions will trigger review of a new CUP application. (2) All parking for the facility shall be off-street on private property at all times. (3) All recent construction and renovation work performed on site shall be subject to full commercial plan review and required inspections as applicable. (4) Conditional Use approval shall expire after two years from the date of approval if no Certificate of Occupancy has been approved for the facility by that date. The Planning Commission reviewed this at their May 23, 2022 Meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval subject to these same four conditions as recommended by Staff (10-0 Vote).

Robert Winter spoke in favor of the request. Mr. Winter stated that the members of the Church are on fire for Jesus and they would like to have their services held in this building. He has been to their Church and has seen what they are doing. They do everything themselves and use their own money. From the point of view of the business that he is in, which is an Alarm Company owner, he looks at the value of having a piece of property that has a security system, video cameras, and is going to deter crime. The building would have cameras and they will bring everything up to safe standards. They are not planning to do any radical renovations because that would trigger more expense. If you dream, anything is possible and they are dreamers. He whole-heartedly believes that this building would be much better for the community and the residents in that neighborhood if the building is secured and the people there are not doing anything that would disturb the peace.

No one spoke in opposition to the request.

**A MOTION** was made by Councilwoman Tooley to approve the Ordinance for a Conditional Use Permit for a Church in a Single-Family Residential (R-6) Zoning District as requested by Rev. Francisco Menjivar with the following four conditions: (1) Approval shall be granted for a small Church and related Church accessory uses which utilize the existing building only. Any new buildings or building expansions will trigger review of a new CUP application. (2) All parking for the facility shall be off-street on private property at all times. (3) All recent construction and renovation work performed on site shall be subject to full commercial plan review and required inspections as applicable. (4) Conditional Use approval shall expire after two years from the date of approval if no Certificate of Occupancy has been approved for the facility by that date. Councilman Gibbs seconded the motion. The motion was unanimously adopted (4-0) to enact Ordinance No. 2022-13, the complete text of which will be found in Ordinance Book XIV.

**ORDINANCE NO. 2022-14, AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR A RELIGIOUS FRATERNAL ORGANIZATION IN A SINGLE-FAMILY RESIDENTIAL (R-15) ZONING DISTRICT**

Consideration of an Ordinance for a Conditional Use Permit for a religious Fraternal Organization in a Single-Family Residential (R-15) Zoning District as requested by Fellowship of Christian Athletes (File No. CU-2022-07). The property is located at 2110 Jerry Jones Drive. The Planning Commission reviewed this request at their May 23, 2022 Regular Meeting and recommended approval with eight conditions (10-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that the Fellowship of Christian Athletes (FCA) is requesting a Conditional Use Permit (CUP) for a religious Fraternal Organization in a Single-Family Residential (R-15) Zoning District. The property consists of approximately 1.10 acres and is located at 2110 Jerry Jones Drive. This is along the west side of the road approximately 350 feet north of West Park Avenue. The property contains an existing single-family residence (2,496 square feet) which was previously used as a rental house. It also contains a large circular driveway in the front yard and small parking area (both paved) on the south side of the building. The applicant is proposing only minor interior renovations and would like to utilize the existing structure as administrative offices for their organization, as well as occasional meeting space for FCA students and staff/volunteers. The facility will be non-residential and will only be utilized during daytime and early evening hours. Other than perimeter fencing and landscaping, no exterior changes to the site are being proposed. The property is located within an Established Residential (ER) Character Area on the Future Development Map of the Comprehensive Plan. The Land Development Regulations (LDR) requires Fraternal Organizations to be located in proximity to the Valdosta State University (VSU) main campus on properties designated by an official map. The property is not featured on this map, and the applicant requested and received a Variance to this requirement from the Zoning Board of Appeals (ZBOA) on May 3, 2022 (File No. APP-2022-07). In addition to single-family residential uses, Zoning Districts such as R-15 do allow the possibility of certain other uses (such as a Church, home business, family daycare, personal care home, etc.) if the details of the proposal are found to be compatible with the surrounding land use patterns. In such instances, there are often several "conditions of approval" imposed which ensure the proposed use remains as such. In spite of the relatively high traffic counts along Jerry Jones Drive, the property is completely surrounded by a large and stable residential area which has been maintained for more than 50 years. The introduction of any non-residential uses into this area should be weighed and considered very carefully, and the perception of any non-residential encroachment along Jerry Jones should be avoided. In this particular case, the property is larger than most other adjacent properties and has driveway access only onto Jerry Jones. The property's existing building (if unchanged) will continue to match the massing and residential appearance of the surrounding area. Therefore, with proper conditions of approval, a modest non-residential use might go unnoticed here, as long as it does not overload the property with too many people or vehicles. It could very well be considered compatible here as long as it avoids the negative perception of encroachment. It is paramount that the overall residential character of the property and this neighborhood be maintained. Staff found the request consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval with the following eight conditions: (1) Approval shall be granted in the name of Fellowship of Christian Athletes (FCA) only, to utilize the existing building and adjacent grounds for administrative office and meeting space, as well as passive or light recreation. The existing building shall maintain its residential character, and there shall be no building expansions or new accessory buildings installed. (2) All parking shall be off-street and located on existing pavement only with no pavement expansions. There shall be no vehicular or pedestrian access to/from Thomwall Street. (3) Install perimeter landscaping along with a minimum 6' tall solid opaque privacy fence along the entire western boundary, as well as at least the westerly halves of both north/south side yards. (fencing/plantings along the front halves is optional). The density of existing and new vegetation along these boundaries shall at least be comparable to that of a 20' wide buffer yard in accordance with LDR requirements. This landscaping and fencing design shall be approved in advance by the City Arborist. (4) There shall be no permanent signage on the property's exterior other than non-illuminated wall signage that does not exceed a cumulative total of 32 square feet and one incidental freestanding yard sign not to exceed 3 feet in height and 3 square feet in area. There shall be no banners or other forms of temporary signage allowed. (5) Daily hours of operation shall be limited to within the timeframe of 6:00 a.m. to 8:30 p.m. (6) All outdoor lighting shall be residential in scale and shielded from all adjacent properties. (7) There shall be no outdoor speakers or other amplified/mechanical outdoor sound systems. (8) Conditional Use approval shall expire after two years from the date of approval if no Certificate of Occupancy has been approved for the facility by that date. The Planning Commission reviewed this at their May 23, 2022 meeting, found it consistent with the Comprehensive Plan and the Conditional Use Review Criteria, and recommended approval, subject to these same eight conditions as recommended by Staff (10-0 Vote).

Councilman Gibbs inquired as to whether it was possible to add to Condition (4) that there shall be no permanent recreation equipment such as a permanent basketball court in the back or no volleyball set up in the back. Matt Martin, Planning & Zoning Administrator, stated that it is possible to do that. These are recommended conditions just like the approval is a recommendation and it is subject to editing and final approval by Council. Councilman Gibbs stated that he knew there may be events held on a Saturday, but he did not want anything permanent. If a basketball goal was set up, then cars would have to be moved to the grass so they could play basketball in the driveway or dirt is being hauled in because there is a volleyball court in the back yard. Matt Martin stated that he would incorporate that item into Condition (1) where it talks about passive or light recreation.

Mayor Matheson stated that this particular request has drawn great interest so he will limit each side speaking in favor or against 15 minutes. Mayor Matheson asked if anyone wanted to speak in favor of the request to come forward and state their name and address for the record.

Bobby Willis, Area Director of the Fellowship of Christian Athletes, spoke in favor of the request. Mr. Willis stated that he and Donna Jones, his Administrative Assistant, have visited and gotten approval from every neighbor around the property (two on each side of the house, two behind it, and three in front of it). He does not want a volleyball court because this is ministry. It is not to come and hang out. Their offices will be in that building where they can do ministry as they expand it. They need a place to do that because they have run out of space where they are currently at. They want to be part of the neighborhood. He wants a privacy fence and has already talked to someone about the yard. They want to make the house look like part of the neighborhood. They do not want to be excluded from the neighborhood because they want to be there. The gentleman who currently owns the house has cameras set up for security. They will never have any music outside. They will have no more than eight to ten people in the house at a time and they will always be supervised. They have Chaplains for different ball teams and if they want to have a small Bible study in the house, then they will come with the student. There will be no unsupervised students in the house. No one will be living in the house. The three bedrooms in the house will be offices. There will always be an adult there. They want a place to do God's work. They have looked all over Valdosta and along with his wife and Administrative Assistant, God kept telling him that the house at 2110 Jerry Jones is where he needed to be. He is not one to go against God so that is what he is doing here. He asked Council's consideration in voting in favor of it. The neighborhood is changing but he wants to be a part of it. There will be no sign other than one on the mailbox that says FCA. They are not a frat house and there will be no parties at the house. They may feed a small group of kids but there will be a Staff member there. He just wants to help the kids in our community and make our community stronger.

Johnny Johnson, 2103 Jerry Jones, spoke in opposition to the request. Mr. Johnson stated he has no problem with the organization itself, but he thinks it will be setting a precedence of putting something like this in a R-15 neighborhood. If you look at the drawing at the carport end, it shows it jutting out past the carport but it is actually even with the carport so you would lose two spaces if you park cars there. He does not see putting something like this in R-15.

A **MOTION** was made by Councilman Gibbs to approve the request for a Conditional Use Permit for a religious Fraternal Organization in a Single-Family Residential (R-15) Zoning District as requested by Fellowship of Christian Athletes with all eight conditions as noted above and with the added condition that he made reference to regarding the permanent equipment to Condition No. (1). Councilman Carroll seconded the motion. The motion was unanimously adopted (3-1) with Councilman Howard voting in opposition to enact Ordinance No. 2022-14, the complete text of which will be found in Ordinance Book XIV.

**ORDINANCE NO. 2022-15, AN ORDINANCE TO REZONE 8.14 ACRES FROM PLANNED MIXED-USE DISTRICT (PMD) TO A NEIGHBORHOOD-COMMERCIAL (C-N) ZONING DISTRICT AS WELL AS 58.73 ACRES FROM PLANNED MIXED-USE DISTRICT (PMD) TO SINGLE-FAMILY RESIDENTIAL (R-6) ZONING DISTRICT**

Consideration of an Ordinance to rezone 8.14 acres from Planned Mixed-Use District (PMD) to a Neighborhood-Commercial (C-N) Zoning District as well as 58.73 acres from Planned Mixed-Use District (PMD) to Single-Family Residential (R-6) [66.87 acres total] as requested by T.W. Paine Properties, LLLP and River Hill, LLC (File No. VA-2022-09). The property is located along the west side of James Road. The Planning Commission reviewed this at their May 23, 2022 Regular Meeting and recommended approval (8-1-1 Vote).

Matt Martin, Planning & Zoning Administrator, stated that late this afternoon, he sent the Mayor and Council an E-mail in the form of an update of some of the discussion items that they had at the Work Session. One of those was the maintenance of Riverside Road which cuts through this property. That is a County-maintained road. When James Road was being designed, that was a dirt road and we do not have too many of those in the City to worry about. The other one is R-10 Zoning. They thought maybe that would be an option, but the main thing to note there is the Character Area which is Neighborhood Activity Center. It does not allow R-10 Zoning and it is simply not intensive enough. The range of zonings that are on our pallet are from R-6 to C-N which is exactly what the applicant is requesting. In terms of Single-Family development in those other districts, they all allow Single-Family homes and they all allow a minimum lot size of 6,000 square feet. It is pretty much a wash with the R-6 part of the request. In the Agenda Packet, there are surveys that differentiate the geography and Riverside Road is cutting through diagonally. The property is mostly to be requested as R-6 with a strip of commercial along James Road. T.W. Paine Properties, LLLP and River Hill, LLC are requesting to rezone 8.14 acres from Planned Mixed-Use District (PMD) to Neighborhood-Commercial (C-N), as well as 58.73 acres from Planned Mixed-Use District (PMD) to Single-Family Residential (R-6) [66.87 acres total]. The property is mostly vacant and located along the west side of James Road, both north and south of its intersection with Riverside Road. The applicants are proposing to later vacate Riverside Road and have most of the property developed as a conventional subdivision with about 200-210 Single-Family Residential lots that meet R-6 standards (minimum 6,000 square feet and 60' wide). The applicant is also proposing to reserve a strip of speculative C-N Commercial Zoning (about 200' deep) along most of the western frontage of James Road, which will be serviced by a primary entrance (lining up with James Circle) and a reverse frontage road. There are no specific commercial uses being planned, but the property would be marketed to all those uses allowed in C-N Zoning. As a geographic reference, the property is about 1/3 of a much larger tract of land zoned PMD for the former Market Street Master Planned Development, which was approved in 2007 but never developed. The property is located within a Neighborhood Activity Center (NAC) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of R-6 and C-N Zoning. This property is part of the northern James Road corridor in the City Limits which is still dominated by mostly vacant lands that are tied up in the Market Street Master Plan (PMD Zoning). With exception of a rezoning and other public hearings regarding a Quick Trip truck stop to the north at the intersection of James Road and North St. Augustine Road, this entire property has been sitting dormant for 15 years. The PMD Master Plan covers about 240 acres and calls for a fairly intensive mixed-use development consisting of 500+ high-density dwelling units (townhouses, duplex/villas, and houses on 60' wide lots), as well as approximately 1.3 million square feet of commercial development, consisting of retail shopping centers with anchor tenants, hotels, restaurants, and offices. For multiple reasons, it is unfortunate that this PMD development never got built, nor even started. The applicant's property consists of a little less than 1/3 of the total PMD acreage but is generally the least intensive portion of it with about half of this portion being planned for residential development rather than commercial. When focusing on just this portion, the PMD would have called for 157 dwelling units and about 375,000 square feet of commercial building space. As a comparison, the applicant's new development proposal is calling for about 205 dwelling units, and what would likely amount to about 100,000 square feet of commercial (depending on the final layout pattern and the actual type of commercial uses). Overall, the applicant's proposal is slightly less intensive than what is called for in this portion of the PMD, and technically it could be considered a down-zoning. As a further comparison, Staff found the applicant's conventional layout design to be very non-creative and unimaginative. It is very obvious that the overall intent of the design is simply to maximize housing density. The amount of proposed development amenities is poorly situated and are really nothing more than gratuitous at best given the size of the development and the likely future expansions westward. Given the existing PMD Master Plan drawing that is still in place (albeit only conceptual), it is very unfortunate that the applicants are proposing a replacement for 1/3 of it that is so lacking to the point that Staff's initial recommendation was for denial of this request; however, based solely on the numbers in comparing this portion of the PMD with the applicant's proposal, and given the notion that this PMD Master Plan will never be developed as depicted, it is with great reluctance that Staff is instead recommending approval. The only consolation is that this request is not an approval of a layout design. It is simply to reset the defunct PMD Zoning on this property to a combination of R-6 and C-N instead which ironically is consistent with the development intensities of this part of the PMD. Staff found the request, with reluctance, consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommended approval. The Planning Commission reviewed this at their May 23, 2022 Meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval of R-6 and C-N Zoning as requested (8-1-1 Vote).

William Morgan, 2181 Smith Street, which is right off of James Road, spoke in favor of the request. Mr. Morgan stated that he represents the River Hill and the Jones community which is off of James Road. They are not opposed to the rezoning of this particular area, but they want to make sure is that City Council understands that they are opposed to closing any portion of Riverside Road. The gentleman who spoke before him laid it out beautifully and he does know that this is not the quorum tonight to make that decision; however, they did want to make sure that everyone understands that they are opposed to closing any portion of Riverside Road. He asked those people who represented the River Hill and Jones community to stand. It is obvious that little or no consideration was given by the planners of the negative impact that would occur for existing residents along Riverside Road and Hunter McCormick Road. Citizens have lived on these two roads for countless years. This is a historic road and the residents have already voiced that they do not want any portion of that road closed. When they think about the modifications that would be necessary for the Hunter McCormick Road, which is a very narrow road, they would be vast with consideration for the infrastructure and the widening of the road. Children walk and play on that road. They consider that road as part of their yard. That is how narrow that road is. During the school year, some of the children get on and off the bus on James Road and they walk along the narrow Hunter McCormick Road. The plan is to close part of Riverside Road and funnel the rest of the traffic to Hunter McCormick Road. That increased traffic would inherently cause danger for the children. For any government, at any level, the number one priority of that government is the safety of its citizens and especially its young. The closing of any portion of Riverside Road and the idea of funneling traffic through Hunter McCormick is a bad idea. They see the plan to close Riverside Road and make the Hunter McCormick Road a through-way as insensitive, bullying, and a total disregard for safety. They respectfully ask the City government to reject the closure and have it understood by planners and developers that no portion of Riverside Road within the City be closed. The infrastructure for the new development needs to have a proper draining system to prevent any flooding coming into the adjacent properties due to this project, including Hunter McCormick Road. Also, they would like consideration that no storage units, cigarette, or vaping stores be open in this area. They want this project to be a blessing to the existing community and not a curse. Finally, there are those who say cooperation between citizens and their government is just a theory. They say it is a fallacy because they say that is not what actually happens. They do not subscribe to that line of thinking. They believe that there is cooperation between the collective citizenry of our community and our local government, especially here in Valdosta and Lowndes County. Again, they do not oppose this rezoning of the proposed housing development, but they are against and oppose any portion of the road being closed.

Councilman Gibbs inquired as to whether it is zoned so that there cannot be any vape or cigarette stores or storage units. Matt Martin, Planning & Zoning Administrator, stated that the proposal for the commercial strip is for Neighborhood-Commercial (C-N) Zoning. It does not allow self-storage facilities, no alcohol (whether it is package sales or pouring), and a lot of the more intensive commercial uses. In terms of vape shops, the City has a Moratorium on those. C-N Zoning is the most restrictive of the commercial zones. This came up at the Planning Commission Meeting and there were some other uses that were mentioned such as nightclubs, which are not allowed.

Bill Nijem, Attorney with Langdale Vallotton, LLP, spoke in favor of the request. Mr. Nijem stated that he felt like Mr. Morgan addressed issues that are not really before the Council right now with respect to Riverside Road. That is a separate process that will go through the Engineering Department and it is a Public Hearing process. If there is a request to close Riverside Road, then they will be back before Council to address that. The rezoning has nothing to do with the closure of Riverside Road. The Market Street site plan had a big fish on the hook and they had Bass Pro Shop who was going to come in and put a big box anchor retail facility there. All of this was going to be developed around it. The recession hit and that never happened. They have been sitting with this for 15 years and nothing has happened with that site plan. They need to move forward and they will do this piece meal. He does not think that the whole swath of land will be taken down at once. He would have loved to have seen that and it would have been good for the community, but we are not there anymore. They are proposing R-6 and C-N Zoning with commercial along James Road. It will be a 55 plus community with a 3,000 square foot community center. The whole southeastern quadrant of the property is devoted to a common area and amenities. There will be a community center, club house, swimming pool, pool house, four pickle ball courts, a playground area, gazebos, picnic area, a ten-foot wide walking trail, and a pond. There is over \$1,000,000 that will put into the amenities for this development. They are targeting the 55 plus age group where people are wanting to downsize which is the reason for the smaller lot size. They do not want big yards to maintain. These are people who enjoy traveling and want a smaller footprint. They want a community and that is the purpose of the community center and amenities. This is a conceptual plan and it is not set in stone. It is merely a rendering of what could occur.



The developer is agreeable to putting all these amenities in the plan and he will also make a conscious effort to preserve the older hardwood trees that are throughout the property. The homes will be approximately 1,600 to 2,300 square feet heated with attached two car garages. There will be deed restrictions and building standards for architectural materials that will be used. The developer will maintain architectural control over the materials in order to have a consistent community. This property is perfect for a development like this. The City's Ordinances provide for such zoning. They are in the Neighborhood Activity Center under the Comprehensive Plan. That in itself seeks higher density housing which is what they are looking at here. There will be a mixture of uses with retail and commercial, a community center, and open spaces. It is a down-zoning if compared to what was done before. The density and intensity of the uses are a whole lot less. The City and the County have both anticipated growth in this area. There have been millions put into James Road to build it up for development. This is consistent with the Comprehensive Plan and the Planning Commission approved it. Staff is also recommending approval and the only thing left is for Council to approve it. Mr. Nijem asked Council's consideration in approving the request.

Councilman Gibbs inquired as to whether the development is just for the 55 plus age group or could anybody live there. It will be inside the City and there is a school system right down the road. We do not have a lot of growth happening within the City Limits and he was thinking in terms of that. Mr. Nijem stated that we do not have a lot of growth in the City and this may be one of the first subdivisions that he has come across in a long time that is in the City. The intent is for it to be a 55 plus age group community; however, they may be some people who are not. There are some covenants that could be put into place for that.

Councilman Howard stated that normally when people come up and speak, they are in opposition; however, with Pastor Morgan, you have a partner in him. Pastor Morgan does not have a financial stake in this, but moving forward, when they discuss this, some input from him and the others in that area would be a good thing. Mr. Nijem stated that he appreciated that and they have reached out to them and met with them at the Planning Commission. Pastor Morgan has his contact information and as they move forward and work through the street and road issue, it will be imperative that they sit down and discuss that.

Steve Miller, 8344 Ousley Road, spoke in favor of the request. Mr. Miller stated that he was not here to talk about the \$67 million build out, the \$1 million amenity center, the commercial land, or the tax revenue that the City would gain which would be substantial. He is here to talk about the housing shortage that we currently have in the City of Valdosta. Typically, they run about six months of inventory of single-family residences to sell in Valdosta; however, currently, they are running on about three weeks of inventory. This project will help alleviate some of that demand that is out there. The older people want to move into smaller homes. They are empty-nesters, they do not need the space, and they do not want the maintenance. This will provide them with a place to go where they can down-size and free up as much as 10% of the 2,200 homes that we would have to build tomorrow to fill the gap in our inventory. This will be a win for the City and it will help with the housing shortage.

Joann Statum, 2862 Hunter McCormick Road, spoke in opposition to the request. Ms. Statum stated that she does not have a problem with them building the homes; however, she has a problem with closing Riverside Road. There will be a lot of traffic routed to Hunter McCormick Road. She asked Council to drive down Hunter McCormick Road to see how close the houses are on that road. Riverside Road runs all the way from James Road to Highway 84. Ms. Statum asked Council to keep them in consideration and to not run all this traffic into their community by closing Riverside Road.

**A MOTION** by Councilman Gibbs, seconded by Councilman Carroll, was unanimously adopted (4-0) to enact Ordinance No. 2022-15 to rezone 8.14 acres from Planned Mixed-Use District (PMD) to a Neighborhood-Commercial (C-N) Zoning District as well as 58.73 acres from Planned Mixed-Use District (PMD) to Single-Family Residential (R-6) [66.87 acres total] as requested by T.W. Paine Properties, LLLP and River Hill, LLC, the complete text of which will be found in Ordinance Book XIV.

**ORDINANCE NO. 2022-16, AN ORDINANCE TO REZONE TO REZONE FOUR PARCELS OF LAND TOTALING 0.75 ACRES FROM SINGLE-FAMILY RESIDENTIAL (R-6) TO A MULTI-FAMILY RESIDENTIAL (R-M) ZONING DISTRICT**

Consideration of an Ordinance to rezone four parcels of land totaling 0.75 acres from Single-Family Residential (R-6) to a Multi-Family Residential (R-M) Zoning District as requested by the Salvation Army (File No. VA-2022-10). The property is located along the south side of Virginia Avenue and west of North Troup Street. The Planning Commission reviewed this at their May 23, 2022 Regular Meeting and recommended approval (10-0 Vote).

Matt Martin, Planning & Zoning Administrator, stated that the Salvation Army is requesting to rezone four parcels of land totaling 0.75 acres from Single-Family Residential (R-6) to Multi-Family Residential (R-M). The properties are generally located along the south side of Virginia Avenue, west of North Troup Street. This is directly behind and to the north of the existing Salvation Army main facility which is located at the northwest corner of Smithland Place and North Troup Street. This is also located within the local Historic District. The applicant owns three of these properties, has the fourth property under contract, and has ongoing ambitions to acquire the remaining two properties to the east along Virginia Avenue. The applicant is proposing to expand their overall facility to include all of these properties under one campus master plan which includes some more transitional housing building space. The property is located within an Established Residential (ER) Character Area on the Future Development Map of the Comprehensive Plan which allows the possibility of R-M zoning. The property is also located within the Local Historic District as well as the East End National Register Historic District. The existing main facility to the south is zoned R-P which allows both the main use and the possibility of transitional housing (through CUP); however, these other properties zoned R-6 do not allow transitional housing facilities at all, and a rezoning to at least R-M is required. These properties are located within an Established Residential (ER) character area which caps the possible zoning change at R-M. It is the intent of the applicant to rezone these properties to R-M now, perhaps rezone other properties to R-M later (if acquired), and then to prepare a comprehensive overall master plan that can be submitted for formal Planned Development review under both R-P and R-M Zoning. Currently, the proposed master plan is extremely draft and has a long way to go. Staff is supportive of the overall idea of tying the Salvation Army's existing facilities in this location into one cohesive campus master plan, with perhaps some expansions at an appropriate scale. The applicant's current request is really just a stepping-stone in the overall process and to get more of the appropriate Zoning categories in place to support their vision of an overall master plan. If this request gets approved, their next step would be to continue seeking the acquisition of the other adjacent properties to the east solidify their proposed building plans. These plans, along with any proposed demolitions, will then need formal approval from the Historic Preservation Commission (HPC). Only then would their Planned Development proposal be sufficiently complete to submit back to City Council for final consideration. If the Planned Development process is abandoned after this rezoning, the approved R-M zoning would still be considered compatible with the surrounding land use pattern (which includes apartments, duplexes, boarding houses, etc.). Staff found the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommended approval. The Planning Commission reviewed this at their May 23, 2022 meeting, found it consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP), and recommended approval of R-M zoning as requested (10-0 Vote).

Capt. Chris Thomas, Salvation Army, spoke in favor of the request. Capt. Thomas stated that the Salvation Army has been in Valdosta for 98 years since 1924. There are two pressing issues in their area and those are housing and recreation. They have had a number of people to approach them about using their gym. Their gym is in an area where you can come with an unplanned event and there is no real true requirement. The problem is the gym does not have HVAC. The need is there because when the tournaments start, there is no place to practice and that is why the coaches are looking for extra space. The other issue is affordable housing. We have a homeless problem and they have two choices. They can come to the Salvation Army shelter, stay their time, and once their time runs out, whether it is because of the time limit or because of their inability to pay, they move on. Sometimes when they move on it is to someone else's property who did not invite them. They have experienced that with the house they own next door to the Salvation Army. Even though it is their property, they still have vandals who come and make it their home. They want to present something positive that will invigorate the community and be a step in the right direction to rebuild the Downtown area one block at a time. They are within those blocks and they would like to be able to do that. They are proposing affordable housing in there that would be a stepping-stone from the shelter for people who are trying to establish themselves apart from their family and have independent living. They want people to be able to have an affordable lifestyle so they will not be out on the street or having to go from place to place. They want it to be an asset and not a liability where they are having to get law enforcement involved. Unfortunately, they have had a couple of fatalities in some of these homes. They want to be a viable asset to the community and continue to do the most good as they have done for the last 98 years.

No one spoke in opposition to the request.

A **MOTION** by Councilman Carroll, seconded by Councilman Howard, was unanimously adopted (4-0) to enact Ordinance No. 2022-16 to rezone four parcels of land totaling 0.75 acres from Single-Family Residential (R-6) to a Multi-Family Residential (R-M) Zoning District as requested by the Salvation Army, the complete text of which will be found in Ordinance Book XIV.

## **ORDINANCES AND RESOLUTIONS**

### **ORDINANCE NO. 2022-17, AN ORDINANCE TO AMEND THE CITY OF VALDOSTA FISCAL YEAR 2022 BUDGET**

Consideration of an Ordinance to amend the City of Valdosta Fiscal Year 2022 Budget.

Chuck Dinkins, Finance Director, stated that on March 11, 2021, the United States Congress passed the American Rescue Plan Act of 2021 (ARPA) which provides fiscal relief funds to State and Local Governments to support urgent COVID response efforts to decrease the spread of the virus, to replace lost public sector revenue to strengthen support for vital public services, to support immediate economic stabilization for households and businesses, and to address systemic public health and economic challenges that have contributed to unequal impacts of the Pandemic on certain populations. The City of Valdosta was allocated \$16,254,692 under this program, of which half (\$8,127,346) has been received to date. The City created a fund to manage and track the proceeds of this Grant and the expenditures therefrom. This fund experienced limited activity because final rules for the use of the funds were not issued until March of this year. The current Budget does not provide for expenditures from the ARPA fund because final rules had not been issued when the Budget was adopted. The City is now prepared to proceed with additional Projects funded by ARPA; however, we will need to amend the Budget to properly demonstrate fiscal responsibility. Several software purchases are planned for June as well as the obligation of funds for the City's Non-Profit Organization (NPO) Grants. The Amendment total is \$1,083,200 and will be allocated as follows: (1) Community Development Software - \$24,000, (2) Business license/Accommodations Software - \$64,200, (3) Utility Software - \$40,000, and (4) NPO Grants - \$955,000. The Amendment will increase the Budget for both revenue and expenditures from the Grant and have no effect on budgeted City-wide net income. Chuck Dinkins, Finance Director, recommended that Council approve the Ordinance to amend the current Budget.

A **MOTION** was made by Councilman Howard to amend the City of Valdosta Fiscal Year 2022 Budget. Councilman Carroll seconded the motion. The motion was adopted (3-1) with Councilwoman Tooley voting in opposition to enact Ordinance No. 2022-17 to amend the City of Valdosta Fiscal Year 2022 Budget, the complete text of which will be found in Ordinance Book XIV.

## **BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES**

Consideration of bids for the maintenance of stormwater canals and ponds in the City of Valdosta (Bid No. 22-21-22).

Angela Bray, Stormwater Manager, stated that this bid contains the labor necessary to maintain certain City stormwater canals and ponds which are overseen by the Stormwater Division of the Engineering Department. This includes mowing, trimming, and picking up trash monthly/bi-weekly. This is for a one-year period with options to renew. Ultimate Underground is the current contract holder. A mandatory pre-bid conference was held in mid-May and each property was visited by the vendors listed below. Sealed bids were received on May 26, 2022 with the low bid submitted by Ultimate Underground in the amount of \$207,985. The bid that was submitted by 1<sup>st</sup> Choice was deemed unresponsive due to the incompleteness of information that was submitted. All requirements for advertising this bid was done in accordance with the Purchasing Ordinance. Angela Bray, Stormwater Manager, recommended that Council approve the bid submitted by Ultimate Underground in the amount of \$207,985 for the maintenance of stormwater canals and ponds in the City of Valdosta.

A **MOTION** by Councilman Carroll, seconded by Councilman Gibbs, was unanimously adopted (4-0) to approve the bid submitted by Ultimate Underground in the amount of \$207,985 for the maintenance of stormwater canals and ponds in the City of Valdosta.

Consideration of a request to approve the forgiveness of loans for participants in the Urban Development Action Grant (UDAG) Loan Program.

Chuck Dinkins, Finance Director, stated that the City's Urban Development Action Grant (UDAG) fund holds mortgages receivable from homeowners who qualified for assistance as part of the UDAG Program. These notes were set up to be forgiven at the City's option after 30 years if the homeowner satisfied all Program conditions. The City has mortgage receivables in a number of funds with automatic forgiveness at the end of an eligibility period, but the UDAG mortgages were written with the City having the option to forgive them. The following mortgages have now reached 30 years and are eligible for forgiveness according to the terms of the Program: (1) Loan No. 3035 for Sandra Easley Branam, Loan Date - 12/31/88, Loan Amount - \$8,956.32, and (2) Loan No. 8034 for Kenneth Limehouse, Loan Date - 05/08/92, Loan Amount - \$9,956.64. The total amount is \$18,912.96. Chuck Dinkins, Finance Director, recommended that Council approve the forgiveness of loans for participants in the Urban Development Action Grant (UDAG) Loan Program.

**A MOTION** by Councilman Gibbs, seconded by Councilman Howard, was unanimously adopted (4-0) to approve the forgiveness of loans for participants in the Urban Development Action Grant (UDAG) Loan Program.

### **CITIZENS TO BE HEARD**

Sementha Mathews, Executive Director of the Turner Center for the Arts, 527 North Patterson Street, stated that she wanted to present the Mayor and Council with a copy of their 2022 Art of Writing Contest Anthology. It contains all of the winners from the middle schools and high schools who wrote non-fiction, fiction, and poetry. This year the theme was "Humanity." They awarded \$3,000 in cash prizes to the winners and the artists who provided ten different pieces of artwork. Writing is such a wonderful outlet for adults and children alike and we need to promote it more among our young people. This year, the Turner Center for the Arts has bused in every 5<sup>th</sup> grader in the City Schools for four classical concerts at the Turner Center. They also bused in every 8<sup>th</sup> grader for this year for the performance of the Harriet Tubman Underground Railroad Musical at the Turner Center. They have outreach partnerships with the Valdosta Housing Authority, the Boys and Girls Club, LARC, Behavioral Health, and many more organizations. They also have on-site classes for youth and adults which feature painting, pottery, glass blowing, culinary, literature, digital arts, photography, music lessons, and much more.

### **CITY MANAGER'S REPORT**

There was no City Manager's Report.

### **COUNCIL COMMENTS**

There were no Council Comments.

### **ADJOURNMENT**

Mayor Matheson entertained a motion to adjourn the Regular Meeting and enter into Executive Session for the purpose of discussing real estate and personnel.

**A MOTION** by Councilman Carroll, seconded by Councilwoman Tooley, was unanimously adopted (4-0) to adjourn the June 9, 2022 Meeting of the Valdosta City Council at 7:11 p.m. to enter into Executive Session for the purpose of discussing real estate and personnel.

Mayor Matheson reconvened the June 9, 2022 Meeting of the Valdosta City Council at 8:32 p.m. and stated that there was discussion of real estate and personnel in the Executive Session and no action was taken.

Mayor Matheson entertained a motion for adjournment.

A **MOTION** by Councilman Carroll, seconded by Councilman Howard, was unanimously adopted (4-0) to adjourn the June 9, 2022 Meeting of the Valdosta City Council at 8:32 p.m. to meet again in Regular Session on Thursday, June 23, 2022.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta