

MINUTES
SPECIAL CALLED MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, SEPTEMBER 13, 2012
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John Gayle called the special called meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Ben Norton, Alvin Payton, Jr., Robert Yost, and Deidra White. Councilman James Wright was absent. Tim Tanner, Attorney with Coleman-Talley, LLP, filled in for George Talley, City Attorney, who was out of town. The invocation was given by Councilman Alvin Payton, Jr., followed by the Pledge of Allegiance to the American Flag.

Mayor Gayle entertained a motion to enter into Executive Session to discuss pending litigation.

A MOTION by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (6-0) to adjourn the September 13, 2012 Special Called Meeting of the Valdosta City Council at 5:34 p.m. and enter into Executive Session to discuss pending litigation.

Mayor Gayle reconvened the September 13, 2012 Special Called Meeting of the Valdosta City Council at 6:09 p.m. and stated that there was discussion of pending litigation and action will need to be taken.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of a request to approve a Joint Representation Letter of Agreement for the Local Option Sales Tax (LOST) Arbitration.

Tim Tanner, Attorney, stated that a Joint Representation Letter of Agreement is needed for a Special Counsel to jointly represent the Cities of Dasher, Lake Park, Remerton, Hahira, and Valdosta for the pending Local Option Sales Tax (LOST) Arbitration.

A MOTION by Councilman Norton, seconded by Councilman Payton, was unanimously adopted (6-0) to approve a Joint Representation Letter of Agreement for the Local Option Sales Tax (LOST) Arbitration as presented.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 2012-16, A RESOLUTION TO APPROVE AND AUTHORIZE A SPECIAL COUNSEL TO PRESENT THE CITY OF VALDOSTA IN THE PENDING LOCAL OPTION SALES TAX (LOST) ARBITRATION AND TO OBTAIN A LOST DISTRIBUTION CERTIFICATE

Consideration of a Resolution to approve and authorize a Special Counsel to represent the City of Valdosta in the pending Local Option Sales Tax (LOST) Arbitration and to obtain a LOST Distribution Certificate.

Tim Tanner, Attorney, stated that Lowndes County and the Cities located within the County were required to re-negotiate the Local Option Sales Tax (LOST) in 2012. Negotiations and the subsequent mediation, which was held on August 21-22, 2012, were not successful in reaching an agreed settlement on the distribution of the LOST proceeds. In order for a Special Counsel to represent the City of Valdosta for the pending Arbitration and to obtain a LOST Distribution Certificate as required under the laws of the State of Georgia, a Resolution must be approved by the Mayor and Council of the City of Valdosta. Tim Tanner recommended that Council approve the Resolution.

A MOTION by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (6-0) to enact Resolution No. 2012-16, a Resolution to approve and authorize a Special Counsel to represent the City of Valdosta in the pending Local Option Sales Tax (LOST) Arbitration and to obtain a LOST Distribution Certificate as required by law, the complete text of which will be found in Resolution Book V.

Consideration of a request to approve a Joint Petition to Proceed to Arbitration for resolution of the Local Option Sales Tax (LOST) distribution.

Tim Tanner, Attorney, stated that if the parties involved in reaching an agreed settlement on the distribution of the Local Option Sales Tax (LOST) proceeds fail to do so within 60 days of submitting the dispute to non-binding arbitration, mediation, or such other means of resolving conflicts, any of the parties may file a Petition in the Superior Court of the County seeking resolution of the dispute and to establish a date for Arbitration in order to determine the final allocation of LOST proceeds. Negotiations and the recent mediation between Valdosta, the smaller Cities, and the County have not been successful. Tim Tanner recommended that Council approve a Joint Petition to Proceed to Arbitration.

A MOTION by Councilman Yost, seconded by Councilman Payton, was unanimously adopted (6-0) to approve the filing of a Joint Petition as presented to Council with discretion given to the Mayor, City Attorney, and City Manager to determine the final Arbitration figure.

CITY MANAGER’S REPORT

Larry Hanson, City Manager, thanked Jason Schaefer, Reporter for the Valdosta Daily Times, for the article he wrote on the utility extension to the islands. That is a very complex issue and the article was the most informative and well-written one that has been done on that subject.

COUNCIL COMMENTS

Councilman Vickers stated that Mayor Pro Tem Alvin Payton, Jr. did an outstanding job filling in for Mayor Gayle at the 9-11 Ceremony. The entire Ceremony was wonderful and everyone involved in organizing the event did a great job.

CITIZENS TO BE HEARD

Ken Klanicki, 2208 Jerry Jones Drive, stated that the Mayor and City Manager need to stand fast with the SPLOST standoff. Mr. Klanicki also stated that he has noted over the past two or three meetings that whenever someone comes to the podium there is a standing policy of the Mayor and Council not to engage those persons who come to the microphone; however, there have been one or two violations. Mr. Klanicki stated that this standing policy of the Mayor and Council is a very good one and it is counterproductive for any member of Council to go head-to-head with those persons who have come forward to speak.

ADJOURNMENT

Mayor Gayle entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Norton, was unanimously adopted (6-0) to adjourn the September 13, 2012 Special Called Meeting of the Valdosta City Council at 6:18 p.m. to meet again in regular session on Thursday, September 20, 2012.

City Clerk, City of Valdosta

Mayor, City of Valdosta