

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, JANUARY 20, 2011
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor John Fretti called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, Alvin Payton, Jr., Ben Norton, Deidra White, and James Wright. Councilman Robert Yost was absent. The invocation was given by Mayor John Fretti, followed by the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES

The minutes of the January 6, 2011 Regular Meeting were approved by unanimous consent (6-0) of the Council.

CITIZENS TO BE HEARD

Dan Davis, 1001 Cherry Creek Drive, stated that he was concerned about the sewer overflow that occurred on January 18, 2011 at 3:30 p.m. and lasted until almost midnight. The overflow was approximately 8½ hours and according to the City's estimate there were 27,000 gallons of raw sewage that ran down Bemiss Road into Cherry Creek. Mr. Davis stated that as a homeowner in the first house at the mouth of Cherry Creek he was very concerned about the water quality. He has lived in Valdosta for 17 years and is still on a well and septic tank. He was concerned about the large amount of untreated waste running into Cherry Creek and the lake and contaminating his well and fish. He was also concerned that it was over 24 hours after the accident happened before a warning was issued by the City. Mr. Davis stated that he would like to see the warning done a little sooner for safety reasons because there are a lot of people who live on the lake and fish underneath the bridge daily. There seems to be a difference of opinion with the City about the sewage making it to the lake; however, it was raining that day and he was not sure where 27,000 gallons of sewage would have gone if it didn't go into the lake. Everything that comes out of the stream goes into the lake. Mr. Davis suggested that testing be done to put the homeowners at ease and let them know if the water is contaminated. Mr. Davis stated that he also noticed there will be a second reading of the Outdoor Watering Ordinance and he did not know why the City needed to over complicate something that has been in effect for over ten years and is sufficient for what the State wants.

Roy Taylor, 2209 Bridlewood Drive, stated that he wanted to discuss all of the ordinances that have been passed by Council because many do not even know what they voted for. One of those particular ordinances requires a water cooler in a small office if it is being remodeled or built even though people would not be drinking out of it. Anyone would be foolish today to drink out of any public water cooler because of the problems with AIDS, Herpes, and the different diseases that can be passed. Even if there is a refrigerator and sink in the office and bottles of water, they still have to have the water cooler at a cost of anywhere from \$1,100 and up. This runs up the cost of a \$50,000 remodeling job 2-3%. The City has hired a man at \$65,000 a year to look up those ordinances and get rid of some of them but he has not seen that happen yet. Mr. Taylor asked that Council look very closely at that and the next time there is an ordinance to be passed do not do like Congress did last year and pass a Health Plan without reading it.

Matthew Richard, P. O. Box 147, 5569 Grand Bay Road, Naylor, Georgia, requested that Council never follow suit of the County Commission and shut off citizens' commentary. This is one of the only avenues open to citizens to engage with the issues of our community and if this is closed off democracy is stifled. Mr. Richard stated that he was taking a course in neuro science this semester and his Professor told the class that the brain has no white blood cells in it and cannot fight off any infection. If a virus or bacterium gets into the brain it will be chaotic and mortal. One of the speakers at the Biomass Meeting last week stated that particulate matter can cross the blood brain barrier. If that is the case, then without any white blood cells to defend the brain tissue the particulate matter will be fatal and induce cancer of the brain. Mr. Richard stated when he was watching some of the testimony that has been posted on the watchdog websites in Lowndes County some of the officials have omit that they are not qualified to make scientific opinions and this is a real problem. If there are people who do not have the scientific qualifications to realize some of the hazards of these proposals then this is a major problem.

Dr. Michael Noll, 2305 Glynnedale Drive, stated that he had a document from the Florida Department of Environmental Protection which lists the pollutants that are emitted by the Biomass incinerator in Gainesville, Florida. One of the issues that addressed in the past is that Wiregrass Power is not using the best available control technology. The Biomass Plant in Gainesville should have gone on line as required to do so because it has a different size and falls underneath the major air permit. If the numbers from the one in Valdosta are compared to the one in Gainesville, Florida, there is a significant difference in terms of the emissions that come out of the Florida Biomass Plant. These emissions still have health risks but they are much smaller. There is also a document written by the Science Director of the Blue Ridge Environmental Defense League which points out the various loopholes in the Wiregrass Biomass air permit. Not only are they employing a method that is supposed to be green and safe but it is not, they are wasting tax dollars and going cheap on the health of the citizens which is very disturbing. Regardless of where we stand on the Biomass issue, we should at least have the best available control technology. Dr. Noll stated that there was another document that states the Biomass Plant in Gainesville, Florida is the biggest rip-off in Gainesville's history and it was written by an individual who serves on a Public Service Committee that approves permits to provide electricity. While there is supposedly enthusiastic support for the Gainesville project, a former Mayor of the City is leading the effort to stop the incinerator. Mr. Noll stated that looking ahead they will be fighting tooth and nail to stop the Biomass incinerator. The 1,600-1,700 jobs that the Industrial Authority will be creating are wonderful with the exception of 25 of those jobs because those come with the Biomass incinerator. Mr. Noll stated that there is also a document from the City of Greensboro, North Carolina that looks at a Sustainability Action Plan and deals with energy conservation, energy efficiency, and other measures.

Floyd Rose, President of the Valdosta-Lowndes County Chapter of the Southern Christian Leadership Conference, 1619 North Lee Street, thanked Larry Hanson, City Manager, for responding so quickly to his Open Records Request and thanked Councilman Ben Norton and Councilman James Wright who called and kept their word. Since Mr. Rose appeared before Council on January 6, 2011, he has done some research and the results indicate that the members of this Council are not bound by the policies of the old. If they were then there would have been no need for their election. There are regulations that are mandated by both Federal and State laws and the City Charter, but the Policy of not allowing citizens to address their individual Council members is not one of those laws. Since the adoption of that Policy on February 21, 1985, which was 26 years ago, several new members have been elected and re-elected but there is no indication that Mr. Rose has found that this Council has adopted the 1985 Policy that the Mayor says they have to respect and that Council has said they had to adhere to when he was before Council on January 6, 2011. The City of Valdosta has a weak Mayor form of government. The Mayor makes speeches, kisses babies, gives plaques, and visits churches. In short, the Mayor is the City's cheerleader and Public Relations Officer; however, the business of this City is administered by the City Manager. Council is the Board of Directors and is hired by the taxpayers and the City Manager works at Council's pleasure along with the Police Chief and other officials that are at the high tier of City government. On January 6, 2011, Mayor Fretti stated that it was Council's Policy that citizens are allowed to speak to the Council as a whole and not to individual Council members. The Policy was adopted 26 years ago even though it makes absolutely no sense. We ask ourselves why we are electing new members and re-electing members if you cannot make any difference or change a policy. Mr. Rose asked the City Attorney if incoming members of Council are bound by policies of the previous Council. George Talley, City Attorney, stated that he would get back with Mr. Rose regarding his question. Mr. Rose stated that the City Attorney knew the answer to that. Mr. Talley stated that they were not bound but until the Policy changes it does bind them if they agree to it. Mr. Rose stated that the City Attorney answered the question and that they are not. George Talley, City Attorney, stated that Mr. Rose was not listening to him and that they are bound by it unless they choose to change it at any time with a majority vote. Mr. Rose stated that they are not bound by it as it is; however, if they adopt the Policy then they are bound by it. George Talley stated that he was not going to get into a debate and he was not required to answer any of his questions. Mr. Rose stated that he understood that because they both know what this is. Larry Hanson, City Manager, stated that as a point of clarification to the Council the current Policy Procedures & Guidelines were adopted by this Council on April 8, 2010 as an amended version. Mr. Rose stated he had asked the City Manager's office and was told that the nuts and bolts of this Policy had not been adopted by this Council. Larry Hanson stated that the Policy has been revised 13 times over the past few years and the most recent revision was April 8, 2010. Mr. Rose stated that this was not by the members of this Council now because there is a new member. Larry Hanson stated that was correct and Council had one new person. Mr. Rose stated that this makes a new Council and the Republicans that just went into office are not bound by what happened to the Democrats and this is how government works. Mr. Rose stated

that since he knows Council is not bound by the Policy he wanted to ask each Council member where they stood with respect to the Biomass Plant. Mayor Fretti stated that he had asked Mr. Rose not to engage individual members in debate and there is a Policy that Council is bound by. Mr. Rose stated that Mayor Fretti would have to do what he had to do because, as a matter of conscience, he could not respect it. Mayor Fretti stated that Mr. Rose had a little more time and asked if there was anything else he wanted to present to the Council other than that. Mr. Rose stated that children are going to die and old people are going to suffer and he wanted to know where the people who represent this community stand on this issue. They can either say they are for it, against it, or that it is none of his business but they ought to be able to say something. Mayor Fretti stated that Council members did say something last meeting and that they would get back with Mr. Rose if they felt compelled. Mayor Fretti stated that they have already been through this and Council's Policy is not to engage individual members in debate. Mr. Rose stated they have the Police here and he was not going to respect that. Mayor Fretti would have to do what he had to do because he was going around the horn again and ask each Council member where they stood. Mayor Fretti stated that Council did say that at the last meeting and Mr. Rose's time was up. Mr. Rose stated that Mayor Fretti could not speak for them. Mayor Fretti asked Mr. Rose to relinquish the podium because there were other citizens to be heard and the business of the meeting to conduct. Mr. Rose stated that he was not going to do it and that Mayor Fretti would have to do whatever he had to do. Mayor Fretti asked Mr. Rose again to relinquish the podium because his time was up and stated that Council was not going to engage him individually. Mr. Rose stated that he would move if Council told him to because Mayor Fretti was not in charge of this government and was a weak Mayor. Mayor Fretti stated that Council empowers him as the Chairman of this meeting to enforce the policies that they have enacted during the meeting. That is what little power he has and he was doing that tonight. Mayor Fretti asked Mr. Rose one more time to relinquish the podium so that other citizens could be heard and they could continue with the conducting of business. Mr. Rose stated that he would be glad to relinquish it once the individual members say to him that they are for it, against it, or that they do not want to respond. Councilman Vickers stated that Council has taken a position and that was to supply water to that company. That was the only thing that has ever come before Council and that was the only thing that they have the authority over. They voted 7-0 to do the water deal. Mayor Fretti stated that he did not think that had come before Council. Larry Hanson stated that they had approved a Lease Agreement for the solar portion of this project which does have some language about utilities on the property but he did not recall the specifics of it at this time. Councilman Vickers stated that they do not have any jurisdiction because it is outside of the City Limits and they do not have a position on it as a Council as to where it is located. Mayor Fretti stated that he had some additional information for Council at this time and during that time Mr. Rose was welcome to reconsider if he wanted to relinquish the podium. Citizens have asked at several recent meetings what the position of the City is as it relates to the Biomass Project. The Valdosta-Lowndes County Industrial Authority is charged with the legal and constitutional responsibility for industrial development in Lowndes County. The Authority was created by an Act of the Georgia Legislature and has broad powers as outlined in its enabling legislation. Those powers include land acquisition, taxation, industrial development, authority to sign binding contracts with industries, and more. Regarding the Biomass Project, the Industrial Authority has entered into a binding contract with the company to construct and operate a Biomass Plant on Authority owned property. The property on which the facility will be located is in unincorporated Lowndes County and is not contiguous to the City of Valdosta borders. The City has no regulatory authority over this property. The Mayor and Council has not taken any action that we know of at this time regarding this facility and has no authority to prevent it from locating on property outside of the City Limits of Valdosta. The City has been asked to sell treated wastewater to the facility. Since the property is located in an area outside of the City in an area of unincorporated Lowndes County where there is no public water supply, the industry would have the right to apply for a permit to drop a well to supply its own water needs. These are the facts that we see and Council has individually stated this in many ways on the radio, in the newspaper, and in personal conversations. Mayor Fretti asked Mr. Rose if he would relinquish the podium. Mr. Rose stated that he had one last comment and he hoped he understood what Mayor Fretti had said. Mr. Rose inquired as to whether the Mayor stated that this Council has taken a position. Mayor Fretti stated that this Council has not taken a position. There has been no vote that they have taken on this facility because the authority to prevent it from locating outside of the City Limits is not within them. Mr. Rose stated that he thought that was what Councilman Vickers had said and that there has to be an agreement with respect to the Mud Creek facility to supply water. Mayor Fretti stated that the City has not yet entered into an agreement. Mr. Rose inquired as to whether that was on the table. Mayor Fretti stated that it was for consideration. Councilman Vickers stated that verbally he thought they did and said to the Industrial Authority that the City would provide the water. Larry Hanson stated that the Industrial Authority did come to the City and water is a public resource and we do not generally vote on whether to provide a business with water. It may not be

legal to deny a business to have water. It was his understanding that the City has not signed any agreement and Council has not approved any agreement because they are not at the point yet where they have been provided with specific information to have an agreement. Mr. Rose stated that was clear and not his understanding.

Matt Flumerfelt, 2009 Michael Terrace, stated that the Industrial Authority has signed a contract with Sterling Planet to construct the Biomass incinerator on their sole authority. When asked, the City has disclaimed responsibility for the decision saying that they are just selling them water. The County also disclaims the responsibility saying that they just rezoned the property. Both City and County say they are powerless to stop it. Mr. Flumerfelt stated that he felt his interests were not adequately represented in this decision. The Industrial Authority is not an elected body and they are a body appointed by two elected bodies, the City Council and the County Commission. Neither of these entities claim any control over its decisions and makes this contract challengeable on constitutional grounds.

Barthaniel Wertz, 903 North Troup Street, stated that there is flooding on Force Street between Troup Street and Lee Street. Mr. Wertz spoke with the City Engineer and some others but did not hear anything that was either positive or negative. There are no pipes there and the water collects in the middle of the street. When it rains the street is flooded and the residents cannot walk across the street. Mr. Wertz stated that there are others living in that area who would like to express their concern. Mayor Fretti stated that there are many streets that were built 30 or 40 years ago that do not have stormwater drains. Council has set a goal to get to those streets one by one as the money becomes available and have stormwater drainage contained all over the City. Mr. Wertz stated that the Engineer explained that they had no authority over this and John Whitehead, Deputy City Manager of Operations, would need to be consulted.

George Boston Rhynes, 5004 Oak Drive, stated that he and John Robinson had the opportunity to be on television in Atlanta and they discussed some of the things that go on here in the City of Valdosta. One of the things is that they feel the citizens are not being properly informed on what takes place at public meetings as well as some people not being represented on certain television and radio stations from an elected body from all the people of our community. Mr. Rhynes stated that it has been approximately two years since he has asked for a number to be placed by each of Council's names plates to indicate their District so that as people come in they can see who their representatives are especially if they do not know. Mr. Rhynes also stated that if the City would respond to some of the things that are presented to Council more quickly this would not be necessary. Mr. Rhynes stated that he had pictures showing the discrepancies at the Martin Luther King, Jr. monument. There is concrete that is busted, bricks sinking down, and the granite and marble steps separating at least one inch. The flag poles are not correctly displayed and that needs to be corrected as well. Mr. Rhynes thanked the City Manager and John Whitehead for listening to them and saying that they would correct those problems. Mr. Rhynes stated that he would follow up on this even if the Valdosta Daily Times and other news media sources would not publish what he was saying.

Mark George, 1022 Cherokee Street, stated that he has lived in Valdosta for 36 years and has seen a lot of change. At the same time he has worked with communities to change Valdosta for the better to make it more inclusive. Mr. George stated that he would like to be educated about why a lot of the elected officials do not have to speak to the public and what the rationale as to why the public cannot ask questions. One of the things that disappointed him with the community is that we can do better than having a generator that burns human wastes and a private prison. These are two things that we, as a community, seem to be getting excited about. We should start looking into the history of some of the corporations that are coming into our community like Corrections Corporation of America (CCA). If you check out New Mexico, they have had a variety of problems with understaffing, guards, and inmates being killed. It is troubling that this is what we are shooting for in Tiletown. Mr. George stated that there were promises made by companies like Sterling Chemical in the past and he was not certain whether Council or any other elected body has had an opportunity to research whether or not these industries delivered on their promises. He has been before a variety of Boards and Council has generally responded; however, a variety of the Boards do not respond or answer questions. This seems un-democratic and there is no accountability. They have petitioned the Department of Justice to come into the community and investigate Valdosta City Schools. As a community, we need to find a way to make government more transparent in public by using the public access station to broadcast Council meetings as well as other meetings of elected officials. Mr. George stated that he did not understand why people who are elected cannot speak to their

constituents publicly at these meetings. He would also like for them to move into the 21st century technologically in terms of public access.

Karen Noll, 2305 Glynndale Drive, commended the City and the Industrial Authority for the Solar Plant that is moving along nicely. This is very important and is a progressive idea for our City. Wiregrass Activists for Clean Energy (WACE) supports this project and all that it will bring our community. It is truly a green and clean energy source and it needs no air permit because it has no emissions. Solar will not compromise the health of our citizens and it requires no cooling water. Solar requires no emissions from the diesel trucks that would transport fuel to it because it comes on its own. On the other hand, the dirtier than coal Biomass Plant proposed by the same Industrial Authority does not enjoy their support. WACE objects to the statements that the proposed Biomass Plant would improve our air quality. Students at J. L. Lomax Elementary School, which is less than one mile from the proposed site, who suffer from asthma and area residents with respiratory illnesses would call it a pro asthma stance and will make the dirtier than coal Plant a less than forward thinking idea. Ms. Noll stated that she hoped the elected officials are not taking a pro asthma stance for our community. As pointed out earlier, the consequences of this health debacle brought to our City and your constituents are not small. There would be 170 tons of controlled hazardous pollutants which is not small but we are supposed to go to the Industrial Authority about that. Ms. Noll stated that earlier this month she had a conversation with Henry Hicks, Utilities Director, and they discussed the water issues associated with the proposed dirtier than coal Plant. The City has no agreement in place with Wiregrass, LLC to sell them the gray water from the Wastewater Treatment Plant at this time. Although the permit states they are going to burn biosolids there is no agreement for that either. With no agreement in writing, the City is not held to anything. Ms. Noll asked Council to look at the issue closely. The Plant would need 750,000 gallons of gray water a day in addition to the 50,000 gallons a day of potable water. This would make them the largest consumer of water in the City and higher than the current top user of water which is 301,000 gallons a year. This is less than 1,000 gallons a day. The proposed dirtier than coal Biomass Plant needs 750,000 gallons of water for cooling and that is 750 times our current top user. This is a huge deal. The City is planning to sell the gray water from the Wastewater Treatment Plant for cooling and 80-90% of that water will go up in steam. This means that the 750,000 gallons a day will no longer go into Mud Creek and it will be reduced by 80-90%. Considering the water shortage in this region of the country and the entire state as well as surrounding states, we need to look closely at this. We are not alone in looking at water usage. Ms. Noll inquired as to what the 80-90% reduction in water mean to the water table and access to ground water and what it would mean to Mud Creek and the flora and fauna it supports. The water issue requires an environmental impact study. By not doing so would be irresponsible. WACE is requesting that the City conduct an environmental impact study and look at the water usage before entering into an agreement. Ms. Noll stated that she expected to hear from Council about the status of an environmental study before the next Council Meeting.

John Quarterman, 6565 Quarterman Road, stated that he heard earlier that Council had mentioned recording and distributing video of the meetings. Mayor Fretti stated that they have been comparing the will of Council and the cost of recording for several years. The cost has been high with maintaining the integrity of the Council Chambers with fixed cameras that can pan and zoom. The worst thing would be to have one camera in the back that has audio but does not focus in and just shows people mumbling. Mr. Quarterman suggested that Council purchase a camera for approximately \$250 because it pans and zooms and does not require a stand. Council could easily purchase a couple of the cameras and have two people in different locations. Mayor Fretti stated that a lot of communities are going to video streaming but it is very expensive.

PUBLIC HEARINGS

REQUEST TO CLOSE AN ALLEY BETWEEN LINZIE DRIVE AND CLAY ROAD

Consideration of a request to close an alley between Linzie Drive and Clay Road.

Pat Collins, City Engineer, stated that the Engineering Department has received a request from Mike Bailey, property owner, to close an alley that runs approximately 617' east and west between Linzie Drive and Clay Road as well as 546' in a northwestern direction from the alley to Savannah Road. This area was recently annexed into the City. There is an existing drainage pipe beneath Linzie Drive that discharges directly to the alley and future City access may be needed for drainage maintenance. Staff does not support recommending the vacation of

the alley due to that fact. Pat Collins stated that he contacted Mr. Bailey to inform him of Staff’s position and asked if he had any immediate plans for the alley. Mr. Bailey stated that the alley bisects several properties he owns and another parcel that he is attempting to acquire. He wanted to “square off” and consolidate several individual parcels he owns to leave to his children for their future. Pat Collins indicated that until the drainage is provided for Staff could not support the vacation of the alley; however, at some future date, when the consolidated parcel is developed, the City could reconsider the request and possibly swap the alley for a drainage easement along the perimeter of his parcel. Mr. Bailey indicated that he would not be at the Council Meeting and would not challenge the Staff’s recommendation; however, he did ask if Council could override the recommendation. He was told that Council could override Staff’s recommendation. Staff does not anticipate any objection from Mr. Bailey given their discussion. The City was properly advertised for a Public Hearing on January 20, 2011. Pat Collins recommended that Council deny the request to close an alley between Linzie Drive and Clay Road.

No one spoke in favor of the request.

No one spoke in opposition to the request

A **MOTION** was made by Councilman Vickers to follow the recommendation of the City Engineer and deny the request to close an alley between Linzie Drive and Clay Road. Councilman Payton seconded the motion. Councilman Wright stated that there were several Wright’s who had signed the petition and because of that he would abstain from voting. The motion was unanimously adopted (5-0-1).

REQUEST TO CLOSE AN ALLEY LOCATED BETWEEN OLIVER STREET AND WEST MAGNOLIA STREET

Consideration of a request to close an alley located between Oliver Street and West Magnolia Street.

Pat Collins, City Engineer, stated that the Engineering Department received a request from property owners to close an alley in the 900 block of Oliver Street that runs east and west between Chandler and West Streets. The alley begins at Chandler Street and extends approximately 515' to the west. The City has properly advertised for a Public Hearing on January 20, 2011. Pat Collins recommended that Council approve the request to close an alley located between Oliver Street and West Magnolia Street.

No one spoke in favor of the request.

No one spoke in opposition to the request

A **MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to approve the request to close an alley located between Oliver Street and West Magnolia Street.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2011-1, AN ORDINANCE TO ESTABLISH STANDARDS FOR OUTDOOR WATERING FOR THE CITY OF VALDOSTA (SECOND READING)

Consideration of an Ordinance to establish standards for outdoor watering for the City of Valdosta (Second Reading).

Henry Hicks, Public Utilities Director, stated that this Ordinance was brought before Council two weeks ago at the January 6, 2011 Council Meeting. There were some minor revisions made to give discretion to declare drought conditions to the Utilities Director and the conditions that would be used to declare drought conditions. The Ordinance will use odd/even days for irrigation with the same hours as required by the State. South Georgia is currently in a moderate drought condition and the prognosis moving forward is that it will not be. Typically, the State declares a drought for the entire State or it could declare parts of the State. This Ordinance will give us the discretion that if we are in a severe drought while other parts of the State are not then we could require additional restrictions on odd/even days. Councilman Vickers inquired about the time restrictions. Henry Hicks stated that

the time restrictions are the minimum requirements of the State and that is between 4:00 p.m. and 10:00 a.m. with certain exceptions. Councilman Wright inquired as to what would happen if the City decided not to enact the Ordinance. Henry Hicks stated that the State could have the Environmental Protection Division fine the City and we could also lose our withdrawal permits. Larry Hanson, City Manager, stated that we could also lose our Qualified Local Government Status, have our water withdrawal permit rescinded, or be placed under a Consent Order by the Environmental Protection Division (EPD), be mandated to do it, and be charged a fine. Henry Hicks recommended that Council approve the Ordinance with changes noted above.

A MOTION by Councilman Wright, seconded by Councilwoman White, was unanimously adopted (6-0) to enact Ordinance No. 2011-1, an Ordinance to establish standards for outdoor watering for the City of Valdosta, the complete text of which will be found in Ordinance Book XII.

RESOLUTION NO. 2011-2, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF HOMELAND SECURITY (DHS) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO PURCHASE FIRE AND ARSON INVESTIGATION EQUIPMENT AND EDUCATIONAL MATERIALS FOR THE VALDOSTA FIRE DEPARTMENT

Consideration of a Resolution authorizing the filing of an application with the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) to fund the purchase of fire and arson investigation equipment and educational materials for Valdosta Fire Department's fire prevention, arson, and educational campaigns.

Fire Chief J. D. Rice stated that the Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) Grants Program Directorate is responsible for the implementation and administration of the Assistance to Firefighters Grant (AFG) Program. The purpose of the AFG is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards. The Grants Programs Directorate administers the Fire Prevention and Safety (FP&S) grants as part of the AFG Program. FP&S offers grants to support activities in two categories: (1) activities designed to reach high-risk target groups and mitigate incidences of death and injuries caused by fire and fire-related hazards (Fire Prevention and Safety Activity), and (2) research and development activities aimed at improving firefighter safety (Firefighter Safety Research and Development Activity). Projects eligible for funding include public education campaigns, arson prevention, prevention-related training, fire prevention activities, and risk assessments. The Fire Department is seeking funding under the 2010 Fire Prevention & Safety (FP&S) grant to purchase fire and arson investigation equipment and educational materials that will improve the Valdosta Fire Department's ability to address issues related to fire prevention and arson. Funding will also be used to increase the public's understanding through educational campaigns. The current Fire Prevention Education Program, Learn Not to Burn, has not been updated in ten years. For arson detection, the Firefighters currently take samples by hand and send to the Crime Lab for analysis to determine if some type of accelerant was used. They would like to be able to purchase arson detection kits that would give them a general idea if an accelerant was used so when samples are sent to the Crime Lab the sample will come back with positive results and help them with the prosecution of arsonists. Also, in the Inspection Bureau, they would like to put computers in the Inspectors cars so when they are out in the field and someone needs a Code interpretation they will not have to come back to the Station and look through several sets of Code Books. The Grant is \$50,000 with a 10% match from the City. Councilman Norton inquired as to whether they currently have software for the laptops to access the information. Chief Rice stated that the software is available. Chief Rice recommended that Council approve the Resolution authorizing the filing of an application to fund the purchase of fire and arson investigation equipment and educational materials for Valdosta Fire Department's fire prevention, arson, and educational programs.

A MOTION by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (6-0) to enact Resolution No. 2011-2, a Resolution authorizing the filing of an application with the Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) to fund the purchase of fire and arson investigation equipment and educational materials for Valdosta Fire Department's fire prevention, arson, and educational campaigns, the complete text of which will be found in Resolution Book V.

Consideration of bids for the restoration of Brown's Canal stream bank.

Pat Collins, City Engineer, stated that there was a bid opening for the restoration of Brown's Canal stream bank on January 19, 2011. Only one bid was submitted and based upon that he could not recommend that they move forward in the bidding process for this project. Larry Hanson, City Manager, stated that the one bid was a concern as well as the price that was submitted. It was significantly higher than what the Engineering Department's estimate and based upon that it is recommended that Council reject the bid so that they can rebid the project. All of the potential bidders were contacted and they had various reasons why they chose not to bid but we feel that a rebid will generate significant interest and result in a bid more consistent with our expectation.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to reject the bid for restoration of Brown's Canal stream bank and put it back out for rebidding.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the Georgia Municipal Association Mayor's Day event will be held January 22-24, 2011 in Atlanta. Larry Hanson asked Council to be aware of the changing weather conditions and wintery weather in metro Atlanta.

Also, Larry Hanson and John Whitehead, Deputy City Manager of Operations, met with John Robinson and George Rhynes on the Martin Luther King, Jr. monument and most of the corrections that need to be made were due to settling of the sand. The contractor will be asked to come back and make the corrections since it is still under warranty. The issue with the fountain will also be corrected under warranty.

Larry Hanson stated that he wanted to make a point of clarification on Karen Noll's comment. The largest water customer may be 301,000 gallons a day but that is potable water withdrawn from the aquifer and sold to customers as opposed to the 750,000 gallons which is treated wastewater and is reuse of treated wastewater. This is not water available for sale for human consumption. Gray water is considered environmentally friendly and a reuse of treated wastewater is a conservation technique that it preserves our drinking water supply.

Regarding the sewage overflow, a Press Release was sent out and the timing of the Release met the EPD requirements. As soon as the overflow was known it was handled by the Utilities Department. It was caused by a grease blockage from private businesses entering the system. Everything has been done in compliance and the testing will also be done in compliance. The City will report all of this to the EPD.

COUNCIL COMMENTS

George Talley, City Attorney, stated that he did not get to complete his statement to Mr. Rose and he wanted to clear it for the record. Mr. Rose misunderstood the rule that when you say this Council is not bound by a former Council's. That is the rule of law and it does not mean the act itself is not valid or that the Policy is not valid. Mayor Fretti stated that Council is allowed to take action to reverse or repeal something. George Talley stated that the actual law is that one Council is not bound because of free legislation. For instance, today the U. S. House of Representatives chose to repeal the Medical Bill that was passed last year. You have the choice to decide to repeal any Ordinance that is on the books. That is what the rule of law is and it does not mean that what is on the books is invalid. In other words, Council's Policy is still valid and if Council wants to change it then they can change it.

Councilman Vickers stated that Council had some discussion about the gray water with the Industrial Authority. Larry Hanson, City Manager, stated that when Brad Lofton, Executive Director of the Industrial Authority, came before Council several years ago about the project he did ask for the City's consideration in selling gray water or treated waste water to this industry. The Utilities Director has met with the company itself during the past couple of years but we have never reached a point where a contract has been signed. One correct statement is that it would be the largest customer the City would serve because it would be the first and only customer we have in selling treated wastewater. Councilman Vickers stated that we have not taken a formal vote but Council did let them know we were interested. Larry Hanson stated that was correct and the Industrial Authority proceeded with

the negotiations several years ago based upon an expectation that the City of Valdosta Utilities Department would sell treated wastewater to that company for their cooling purposes. Councilman Vickers stated that we have wasted a lot of time on this issue that we do not have jurisdiction. Mayor Fretti stated that he understood the phrase about wasted time but the beauty of democracy is that people get to express their views. Even though it may seem repetitive, he has seen new information each time.

Councilwoman White inquired about an update on the Martin Luther King, Jr. Corridor Project. Kevin Tolliver, Assistant City Engineer, stated that the contractor is mobilized to begin the work which will take approximately 150 days.

Councilman Wright stated that on the Biomass Permit it states that the Plant would be powered by wood and sewage sludge and he had not heard a lot about the sludge. Larry Hanson stated that the primary energy source of the Plant would be wood byproducts from a multi-county area which would be 99.8% of the fuel supply. Two one hundredths of one percent of the fuel supply would be dried sludge from the City's Wastewater Treatment Plant. The City currently incurs a large expenditure because it is being disposed of in a landfill. It is very limited as to what you can do with that and we are hauling loads of dried sludge to a landfill to dispose of it at \$23 per ton which equates to approximately \$250,000 per year. The interest was in trying to help the City save that money by using it as a small percentage of the fuel supply. The company was interested because it has moisture in it which helps with the burning of the wood. This is done around the country and even some of the newer Wastewater Treatment Plants burn 100% of the waste that is generated there to supply fuel to operate the entire Plant. Mayor Fretti stated that the City of Valdosta is willing to wait until the Plant is up and going and then slowly introduce the biosolids in a pilot process to see if there is a measurable quantitative or qualitative differential in the effluent and air emissions. Based on that analysis the City will make a further decision on that.

Councilman Payton inquired as to whether the Utilities Department could determine which business caused the grease clog that caused the sewer overflow. Henry Hicks, Utilities Director, stated that there was a section of pipe on Bemiss Road that was totally blocked and there are three major businesses that could have contributed to the overflow. Staff has been inspecting manholes in the area and they have asked the businesses for records of pumping frequencies as the Ordinance requires.

Councilman Carroll stated that he wanted to make a comment regarding Citizens to be Heard and engaging in conversation with Council. He personally supports the Policy as it is currently written because it is for citizens to be heard and not citizens wishing to debate with Council. It would become very time consuming. In his experience in viewing other popular methods of displaying videos of City Council Meetings in other parts of the United States where it is allowed, there is nothing positive in any of the videos that he has seen and no purpose is served other than to cause trouble. Like many citizens in his District and others, they do seek Council members out by calling, sending an E-mail, or meeting to discuss issues and concerns that they have. Councilman Carroll stated that he felt they should continue with the Policy of Citizens to be Heard. Mayor Fretti stated that Mr. Rose had written a letter stating that no other government does what we do but after a cursory search of at least five governments around us they all do it the same way. They all have a Policy in place and they do not allow individual debate and questions and answers from members of Council. They take Citizens to be Heard as a whole and respond at a later date. Councilman Carroll stated that nowhere else in local government, whether it is City Council, County Commission, or Boards of Education, is there a Citizens to be Heard on the Agenda of a public meeting. There are no Citizens to be Heard on the State Legislature or at the Federal level and this is as close as it gets to real democracy and real connection with the citizens and their elected officials.

Councilman Vickers stated that he was in agreement with Councilman Carroll and we should not give the indication to the ones who advocate that because it is something that Council has looked at and talked about for years. Councilman Vickers stated that he was opposed to it. He gets many calls and the ones who come before Council want to get in the press and it is the theater part that they like because they want to see their name in their newspaper. Councilman Vickers stated that 99.9% of the citizens do talk to Council members in their community and there are a few of the same citizens that will meet you in the street and not say a word about an issue because this is where they want to come to do the grandstanding. Mayor Fretti stated that he would continue to enforce the Policy because that is his job. Councilman Wright stated that if each person was to be able to ask each Council person a question then it would be a long night and the City business would be bogged down. The Policy allows for Council to handle City business and he was in support of it.

Mayor Fretti thanked Council for their support of the Eunice family this week and asked that they keep them in their prayers.

ADJOURNMENT

Mayor Fretti entertained a motion for adjournment.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) to adjourn the January 20, 2011 meeting of the Valdosta City Council at 7:07 p.m. to meet again in regular session on Thursday, February 10, 2011.

City Clerk, City of Valdosta

Mayor, City of Valdosta