

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, JANUARY 6, 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, Robert Yost, and James Wright. The invocation was given by Bishop Patrick Paige, The Church of Jesus Christ Latter Day Saints, followed by the Pledge of Allegiance to the American Flag led by Carson Paige, Boy Scout Troop 418 of The Church of Jesus Christ Latter Day Saints.

**AWARDS AND PRESENTATIONS**

Mayor Fretti entertained a motion for Awards and Presentations.

A **MOTION** by Councilman Payton, seconded by Councilman Wright, was unanimously adopted (7-0) for the January Awards and Presentations.

**SPECIAL RECOGNITION OF THE SESQUICENTENNIAL COMMITTEE**

Special Recognition of the Sesquicentennial Committee.

Sementha Mathews, Public Information Officer, stated that under the authority of the Valdosta Mayor, Council, and City Manager, a Valdosta Sesquicentennial Planning Committee (VSPC) was formed in 2008 to consider ways to celebrate the City's 150<sup>th</sup> milestone year in 2010. The VSPC was made up of 17 representatives from across the community and they planned for the celebration in over 20 monthly meetings between July, 2008 and December, 2010. The VSPC's sole purpose was to create a calendar of events and activities that ultimately would increase community awareness and appreciation of Valdosta's accomplished past, help citizens celebrate the present uniqueness of our community and heritage, and inspire them to see their role in the City's promising future. Working with a modest budget, the Committee was responsible for coordinating celebratory events for 2010 which included: (1) Twelve monthly events which engaged thousands of citizens of all ages, and included the Downtown DostaFest kickoff event, Reflections on the Generations, Tribute to Black Americans with featured Valdosta author James Edward Alexander, Georgia Racing Hall of Fame event, Happy 100<sup>th</sup> Birthday City Hall, People's Choice Photo Contest, Back to the Future 2060 Time Capsule Burying event, a Cycle Play at the Sunset Cemetery celebrating the lives and contributions of Valdostans, "An Anniversary Christmas-Celebrating 150 Years" parade, a "Happy Birthday Valdosta" open house on December 7, 2010, and many other events commemorating life from the original establishment of the railroad to Valdosta winning TitleTown, U.S.A. (2) Over 12 additional events that were already City calendar items and were made "sesquicentennial" to observe the occasion. (3) Six Historic Valdosta Tours, approximately 1½ hours each, which took citizens by bus through Valdosta's historic districts, including the Fairview Historical Neighborhood, Downtown, Patterson Street Historical District, Valdosta State University, and Remerton Mill Village, as well as several famous houses in our community such as the Roberts House and the Crescent. (4) Several dozen public speaking opportunities throughout the year that took the story of the City's sesquicentennial to civic clubs, church groups, and student groups. Lengthy celebrations often lose their luster, however, the VSPC was successful in obtaining the necessary media support through the Valdosta Daily Times and area TV and radio outlets, which secured monthly promotion of events and helped maintain the sesquicentennial momentum throughout the year. Other promotion efforts utilized attractive flyers, brochures, street banners, the City's website, monthly media features, and several dozen public speaking opportunities. Events were so well received by participating citizens that many of the events have actually been requested to continue in 2011. The City's milestone year was also acknowledged by our local and state governments, with a Lowndes County proclamation and Georgia House and Senate Resolutions at the Downtown DostaFest in January, as well as a proclamation from Georgia Governor Sonny Perdue for the City of Valdosta's actual anniversary on Dec. 7, 2010. The Committee has provided several modestly priced (or free) commemorative items that citizens may obtain as a keepsake of the City's sesquicentennial year, such as: (1) Commemorative polished brass sesquicentennial challenge coins, (2) "Still Cookin' After 150 Years" cookbook (compiled with citizen recipe submissions), (3) Limited supply solid crystal Coca-Cola bottles with engraved City seal, (4) Valdosta City Hall Christmas ornament,

which also features the sesquicentennial logo, and (5) Various other memorabilia such as a beautiful City street map, pens, book markers, coffee mugs, sesquicentennial stickers, and drink koozies. Most communities would have probably opted to celebrate with one big occasion; however, the VSPC unanimously decided that 150 years of community life deserved a better-rounded look at all the many facets such as historic preservation, diversity, industry, culture, tradition, scenic beauty, and the generations of lives lived here that make Valdosta a great place to live. The VSPC looks forward to being a part of the City of Valdosta's 200<sup>th</sup> birthday with the opening of the time capsule buried in Drexel Park in the year 2060 and wishes the City a prosperous future. Mayor Fretti and Larry Hanson, City Manager, thanked the following Committee members for their commitment in making this a wonderful 150th celebration and presented each member with a framed Certificate of Appreciation: (1) Myrna Ballard, Valdosta-Lowndes Chamber of Commerce, (2) Steve Barnes, Moody Air Force Base Marketing, (3) Donald Davis, Lowndes County Historic Society and Museum, (4) Paige Dukes, Lowndes County, (5) Nikki Forman, City of Valdosta Metro 17, (6) Emily Foster, City of Valdosta Special Projects/Historic Preservation Planner, (7) Mary Gooding, Valdosta State University Marketing, (8) Joanne Griner, Central Valdosta Downtown Association, (9) Kay Harris, Valdosta Daily Times, (10) Ellen Hill, Valdosta Main Street, (11) Tyra Howard, Valdosta-Lowndes County Tourism Authority, (12) Sementha Mathews (Chair), City of Valdosta Public Information, (13) Christina Moore, Wiregrass Georgia Technical College, (14) Cheryl Oliver, Annette Howell Turner Center for the Arts, (15) Jennifer Steedley, Valdosta City Schools, (16) Jeff Stubbs, Georgia Department of Economic Development, and (17) Lu Williams, Valdosta-Lowndes County Industrial Authority.

**PRESENTATION OF THE JANUARY, 2011 EMPLOYEE OF THE MONTH AWARD**

Mayor Fretti presented the January, 2011 Employee of the Month Award (Officer Christopher Bell, Police Department).

Officer Christopher Bell began his employment with the City of Valdosta in September, 2007 as an Officer in the Police Department. In this position, Officer Bell is involved in a variety of law enforcement tasks to assure protection of people and property. Officer Bell responds to calls relayed by the Dispatcher which include domestic disputes, assaults, burglaries, traffic accidents, and others. He conducts preliminary inquiries, field interviews, and follow-up investigations which include gathering information and evidence, protecting the crime scene, and processing the scene in the absence of an Investigator. Officer Bell apprehends, arrests, and processes offenders, including juveniles, and he provides traffic direction and escort for needed events such as parades, funerals, ball games, and school crossings. Officer Bell is also knowledgeable in first aid and CPR and provides assistance to victims as needed. On July 26, 2010, Officer Bell responded to a call where a female was threatening suicide. He made verbal contact with the female through the locked door while she continued to threaten suicide and would only agree to come out if her friend came to the house. While waiting for the friend to show up, Officer Bell kept her calm and continued to talk to her. When Commander Eugene Bell arrived on scene, he allowed Officer Bell to continue talking with her because of the rapport he had already established. Officer Bell talked to her for approximately two hours until her friend arrived and persuaded her to come out of the bedroom. Officer Bell performed his job in an outstanding manner and prevented a dangerous situation from turning into a tragedy. For Officer Bell, the phrase "to serve and protect" was one he carried out in an exemplary manner deserving of recognition. For these reasons and many others, the Employee Relations Committee nominated Officer Christopher Bell as Employee of the Month.

**APPROVAL OF MINUTES**

The minutes of the December 9, 2010 Regular Meeting were approved by unanimous consent (7-0) of the Council.

**CITIZENS TO BE HEARD**

Roy Taylor, 2209 Bridlewood Drive, stated that we have just elected a new Congress in the United States with a great majority and one of their first priorities will be to overturn regulations that are putting small businesses out of business and keeping them from going into business and creating jobs. Another one of their priorities will be not to spend more dollars than they take in. The State of Georgia just elected a new Governor and his first political speech indicated that he was going to help get rid of some regulations and ordinances that are putting people out of

business and work. Mr. Taylor stated that he had previously asked Council to realize and take responsibility for the ordinances that have been passed that are putting people out of business. There were 138 people who lost their jobs in November and part was directly related to some of the ordinances that have been passed. Council members should have received a letter that was sent by one of those businesses that gives the sentiment of most of the businesses that went out of business. Last month there was .3% increase in unemployment in Valdosta. If Councilwoman White's restaurant went out of business it would affect her suppliers and it makes their business weaker because it is like a domino effect. There were approximately 14 businesses that went out of business in November alone. The City of Atlanta and Fulton has a book of ordinances which is 476 pages and the City of Valdosta has a book of 800 pages. Mr. Taylor stated that he and several others met with Mayor Fretti, Larry Hanson, City Manager, and Matt Martin, Interim Planning and Zoning Administrator, approximately six months ago and they were told that Matt Martin had been hired at a cost of \$60,000 per year part time to get rid of some of these ordinances. As of this date, the only one that has been changed relates to having all of the political signs in your yard that you want. This is the only one that has benefitted the people of Valdosta. Mr. Taylor stated that he could find none of them that benefitted keeping him in business and the people that he rents to. One of the businesses that he backed and would have been paying him \$24,000 per year if they had succeeded but it was put out of business partly because of the City's regulations and the Health Department's regulations. There was a sign business with five employees that went out of business after being in business for two years and that is directly related to the City's sign ordinances. There is no longer a demand for their product. In 2010 in Valdosta there were over 1,000 homes that were taken back by the banks and 4,000 people are now out of a home. There was also an average of 200 people who were evicted from apartments each month for a total of 2,400 people. This is because they did not have a job and their unemployment benefits had run out. It is time that Council does something about it. Mr. Taylor stated that he spoke with his City Councilman and was told that it takes time. It did not take Council time to pass the ordinances and put people out of business. Council needs to undo some of the things that have been done. When an ordinance is passed Council does not think about how many people it will hurt. Mr. Taylor stated that he has engaged an attorney who will explain about the things they do not want to do but will do if it comes to it.

Jay Smith, Attorney, 1019 Cherrywood Circle, stated that he was retained by Mr. Taylor and other similarly situated businessmen in Valdosta because they feel like they have their back against a wall to conduct business in the City of Valdosta. Mr. Smith has had a good relationship with the City each time that he has represented a client with business before the City. Mr. Taylor and others have met with the City regarding certain ordinances and regulations to air their concerns and nothing has happened. The businessmen have exercised their First Amendment right to seek a redress of grievances with the City government and that has not worked. Mr. Smith stated that his clients feel at this point they can either seek another type of redress of grievances or they are at risk of going out of business. Mr. Smith stated that his law firm would be reviewing the ordinances and regulations that his clients feel are strangling them and prohibiting them from doing business profitably in the City. They will also present the City with a list of the ordinances that they feel violate the United States Constitution as an improper taking from his clients. They will do a thorough review and present the City with a list. If the City will not repeal the various ordinances and regulations that they deem in their research violates the law, then their only choice will be to pursue litigation in the U. S. District Court for the Middle District of Georgia, Valdosta Division. Mr. Smith stated that personally he did not want to do that because it would not be good for the City and he would rather the dispute be worked out and his clients do not want to do it; however, they are resolved that they are not going to go quietly into the night on this issue. Mr. Smith stated that his law firm has agreed to represent them and they are happy to do so. Mayor Fretti asked Mr. Smith to share some of the components that he would be looking for. Mr. Smith stated that they would be looking at ordinances and regulations that are either hampering small businesses or putting them out of business. They will also look at how the ordinances and regulations are being applied and how they are enforced which is another issue. Mr. Smith stated that if they think an ordinance may be unfair but meets the Constitutional guidelines they will not file a lawsuit about it.

Floyd Rose, President of the Valdosta-Lowndes County Chapter of the Southern Christian Leadership Conference, 1619 North Lee Street, stated that it has been more than a year since he last stood before Council. That decision was based primarily because he discovered that decisions are not made in the Council Chamber but are made before Council comes here and that Council will make announcements in the meetings for citizens to accept. Mr. Rose stated that he did not want to waste Council's time nor his but there comes a time when a man is faced with an issue that is so important to him and to the people that he represents that he must speak on it even if it does no good but at least he can go home and go to bed knowing that he tried. Mr. Rose stated that he wanted to share a

portion of a letter that he wrote to Brad Lofton, Executive Director of the Valdosta-Lowndes County Industrial Authority. The letter stated the following: "First, let me say how very much I appreciate your responding to our letter so quickly. At least you seem to appreciate SCLC's interests and to understand why we might be concerned about the proposed Biomass Plant and its possible adverse effects on the health and safety of the children and seniors in that immediate and surrounding area. Our concerns are the concerns of communities across the United States and those organizations which are directly involved in promoting good health including both the American Lung Association and the American Cancer Society. Of the seven claims that you mention you did not say that it would improve the health and well-being of our children and seniors which is our major concern. As for what the Industrial Authority has done for our community by way of the 100 Black Men and other worthy causes, we certainly applaud you and we are especially glad to know that you were the first group to endorse the Valdosta Small Emerging Business Program although it will likely benefit more small white-owned businesses than African-American initiatives. We are also pleased to learn that the Industrial Authority's Staff is working with Councilman James Wright, Mr. George Rhynes, Mr. John Robinson, and others to identify financial resources for small and emerging business loans. Earlier I read that the Plant would provide at least 25 additional jobs. Mr. Rhynes has in fact indicated to me that he believes the Biomass Plant is a done deal and therefore he and Mr. Robinson feel that if they are able to receive benefit from it by way of jobs and income they would no longer oppose it. I want to be clear. If I don't believe in prostitution, it would be hypocritical of me to invest money in a whore house or if I preach against drunkenness it would be hypocritical of me to invest money in a distillery. Like so, if I believe that the Biomass Plant poses significant health and safety risks to the lives of our children and seniors, and I am convinced that it will, if I were personally offered a \$200,000 per year job I could not in good conscious accept it. For us this is not about personal gain but it's about what is in the best interest of our children and seniors." Mr. Rose stated that he has come to this body tonight to ask each Council member where they stand on this issue that is so important to the health and safety of children and seniors. Not a single organization devoted to health and safety has endorsed the Biomass Plant. Not one organization in this country and not even the World Health organization has endorsed it. Mr. Rose stated that he wanted to ask the Mayor and Council members where they stood on this issue because the citizens deserve to know. Mayor Fretti stated that Mr. Rose would not be allowed to go person-to-person to ask an opinion and that they would be glad to get back to him. Council is welcome to enter into a motion or an Agenda Item for Council to vote on. Mr. Rose stated that he could not honor the Mayor's request so he would have to do what he has to do. George Talley, City Attorney, stated that the Council's policy provides that after a citizen speaks then Council will get back to the individual and we ask that he not address the question to each individual Council member. Mr. Rose stated that he would not do that and if they were willing to arrest him because of this that was fine because he was prepared to go tonight. Mr. Rose asked Councilman Vickers about his stance on the Biomass Plant. Councilman Vickers stated that he would have to abide by the Council rules. Mr. Rose asked Councilman Carroll. Councilman Carroll stated the same. Mr. Rose asked Councilmen Norton and Payton and they replied the same. Mr. Rose then asked Councilwoman White. Councilwoman White stated that she has struggled with this particular policy because she is fully prepared to always give her opinion if she has formed it; however, she was torn by the policy set before her that she is supposed to abide by. Councilwoman White stated that she has no issue in answering Mr. Rose publicly but she felt that she would need to abide by the policy that is set before her. Mr. Rose inquired as to whether Councilwoman White was saying she could not answer. Councilwoman White stated that at this time she was choosing not to answer and to honor the policy but with regret to Mr. Rose personally. Mr. Rose asked Councilmen Yost and Wright and they stated that they would abide by the policy. Mr. Rose stated that he has traveled the length and breadth of this country and appeared at the request of people as witness for several groups across this nation and this was the only place that he had ever been where citizens were not allowed to ask public questions of the people that they choose to represent them. Mayor Fretti inquired as to whether Mr. Rose understood why Council has that policy. Mr. Rose stated that he did not. Mayor Fretti stated that they had the policy primarily because any person who comes up under Citizens to be Heard could start a debate that would take a very long time and nothing might get done and it would really just be open banter whereas with good decorum and diplomacy the concern is lodged to the Council and they then return with a written letter or a meeting later where everyone can be open and frank instead of what appears to be grandstanding. Mr. Rose stated that he was not questioning the reason for the policy but he did not think the policy was in the best interest of the citizens who elect these people to represent them. Mr. Rose inquired as to whether the Council members would get back to him on this issue. Mayor Fretti stated that the normal procedure was to get back with the citizen. The City Manager could write a letter on behalf of the Council or they could set up a meeting with the citizen. Council members could also individually get back with the citizen or they could have an item added to the Agenda for endorsement of a project like that. Mr. Rose stated that he wanted to be clear that someone would get

back to him and he would know where each of the Council members stood on the issue. Mayor Fretti stated that someone would get back to him and he would know whether the Council members want to reply to his request. Mr. Rose stated that he wanted to know where each of the Council members stood on the issue that affects the health and welfare of the children so if they are not going to do it then they need to let everyone know. George Talley, City Attorney, stated that he would get back with Mr. Rose. Councilwoman White stated that she would get back with Mr. Rose and her position is that the rules set before her are not to respond now in this setting and that is what she is adhering to. She has not said that she would not get back with Mr. Rose. Mr. Rose asked Councilman Yost if he would get back to him. Mayor Fretti stated that they had already gone through that. George Talley stated that Mr. Rose had already asked each Council member individually and that was their response. Mr. Rose inquired as to what was wrong with asking each Council member saying they would or would not get back with him. Mayor Fretti stated that Mr. Rose was engaging Council again. George Talley stated that they have a policy that you do not direct questions directly to individual members of Council and Mr. Rose was ignoring that. Mr. Rose stated that it was his understanding that the policy was designed to do what he said about engaging in debate and that was not what he was doing. He was just asking a simple question and all they Council members had to do was to say that they did not want to answer him, or they do not have to answer him, or whether they were for or against the Biomass Plant. He did not want to leave there thinking that someone was going to respond to him when nine times out of ten he knows it will never happen. Mayor Fretti stated that if they do then Mr. Rose would understand that they are coming to him to respond.

Brad Lofton, Executive Director of the Valdosta-Lowndes County Industrial Authority, 3747 Knights Mill Drive, stated that he wanted to clear up a few things and give them some facts about the Biomass Project. December was a great month for renewable energy and specifically for Biomass. The Federal Environmental Protection Agency (EPA) along with the USDA, the Department of Energy, and a number of other Federal groups continue to provide their support. They mentioned that Biomass plays a very vital role in reducing greenhouse gas emissions in this country. It is a great tool to boost economies in rural America and it is safe, green, and clean. Mr. Lofton stated that the Industrial Authority hosted a forum on December 6, 2010 and there were two world renown toxicologists from Florida State University with over 30 years of experience who testified that Biomass improves the air quality when you compare what is going on within a 60 mile radius of Valdosta and all of the open source burning that is going on in our region. When we take all of that material in a controlled environment with all of the control devices that they will have it will actually improve the air quality. This was the opinion of the Florida State University toxicologists. There was also testimony from Golder Associates, a world leader in environmental engineering, and they made the same comments. This month there are Biomass Plants being built on major universities, hospitals, two air force bases, and all over America. The University of Iowa is building a second Biomass unit, and Gainesville, Florida approved a Biomass Plant that is double the size of the one proposed for Valdosta. The organizations that approved the Gainesville, Florida Biomass Project include the Florida Wildlife Federation, the Southern Alliance for Clean Energy, the Florida Forestry Association, the Florida Farm Bureau Federation, the Florida Municipal Electric Association, the Gainesville Area Chamber of Commerce, Florida Works, Forrest Landowners Association, Alachua County Legislative Delegation, Gainesville City Commissioners, North Central Florida Renewal Resource Conservation and Development Council, Florida Department of Agriculture and Consumer Services, Florida Public Service Commission, Florida Department of Environmental Protection, Florida Department of Health, Florida Department of Community Affairs, Florida Department of State, Florida Department of Transportation, North Central Florida Regional Planning Council, Suwanee River Water Management District, City of Gainesville, Alachua County, and the U. S. Army Corps of Engineers. Mr. Lofton stated that these were just a few of the examples of organizations that have publicly stepped up to support the project. There continues to be support from every cabinet level position in the Federal government all the way down to the Governor who has issued a press release. The State Department of Economic Development said that this is a targeted industry for Georgia. The State Environmental Protection Division enthusiastically endorsed the project and they spent seven months reviewing the health impacts of the Biomass Project and provided a permit to move forward. We also have support from over 95% of every environmental activist group in the country and wherever you turn people support Biomass with the exception of perhaps the American Lung Association who wrote a letter stating if we were to build a Biomass Plant they wanted to ensure that we were doing three things. We are not only doing those three things but exceeding their requirements. This will be state of the art technology and there will be no idling of diesel trucks. We currently have three operating Biomass facilities in our community today with no adverse health effects. Mr. Lofton stated that the Clyattville Plant is actually moving to a Biomass process and they have now been labeled the greenest paper mill in America. If the wood is not burned in a

controlled environment it would be rotting in a landfill and creating methane problems. We will be taking the material and burning it in a controlled environment with all kinds of safety precautions. The experts have told us that this will actually improve the health in the area and will make a major positive impact on the environment.

Barthaniel Wertz, 903 North Troup Street, stated that he was concerned about the drainage on Force Street between Troup Street and Lee Street. When it rains the water runs down the center of the street and people are unable to cross the street due to the level of the water. Mr. Wertz asked that something be done about the drainage problem.

Tory Small, 4603 Ridgeview Circle, stated that he came before Council in November to express his concern about the Alcohol Ordinance and businesses having to close at 2:00 a.m. versus the County's businesses being allowed to stay open until 4:00 a.m. or 5:00 a.m. This is hurting his business. In November they employed 20 people full time, 15 part time, and 10-12 part time Officers. Today they employ three part time employees, one full time employee, and no Officers. Police Officer Bell is the head of the off duty detail and he has been affected by this as well because they cannot afford to pay the Officers. This is directly related to the difference in the closing time. Mr. Small stated that he has called his Councilman several times and he was told at the last Council meeting that someone would get back to him but that has not occurred. Mr. Small was very disappointed because he has two major businesses in this District and if he cannot turn to the Council to address this problem it is disheartening. Mr. Small stated that Mayor Fretti had expressed willingness to perhaps align it to 3:00 a.m. or 3:30 a.m. so that they could be closer in line with the County because they have an unfair competitive edge. Mayor Fretti stated that he had expressed a willingness for all three governments, Remerton, Valdosta, and Lowndes County, to be equal so that everyone goes home at the same time and there is not a lot of bar hopping and people driving from one closing time to a later closing time while intoxicated. He would prefer that everyone be leaving at the same time and it is the County that is different. Mr. Small stated that he has spoken with other business owners in Valdosta and Remerton and they are hurting also because if you have a choice to go to a club that you have to leave at 2:00 a.m. and pay the same price as a club that stays open until 5:00 a.m. then they will choose the club that stays open later because they feel like they are getting more for their money. Mayor Fretti stated that they would get back to Mr. Small on the issue. Mr. Small stated that he had another issue with the Zoning and the leeway they have in enforcing the rules and regulations because he received a certified letter yesterday. Upon him taking over 2159 Bemiss Road, which was previously CR's Nightclub and before that it was Rick's Nightclub, he opened Visions Nightclub which was the same purpose as it has been for 15-20 years. While the City was doing an inspection, he was made to put certain things in club that had not previously been in there. He had to put in two fire rated doors to separate one side of the club because they were not in place before. They were aware of that and did not make the previous tenants do it. He was also told that he could not open because he did not have enough parking which led him to enter into a contract with the owners of Harvey's at \$1,000 per month on top of the rent. Mr. Small stated that he was no longer able to afford that so he terminated the agreement and he has now received a letter from the City stating that his business license is in jeopardy because he does not have enough parking. The previous tenants had the same business, same purpose, and no contract for additional parking. They were able to operate with no problem. It seems like this is bias and that Zoning has a wide brush and a lot of leeway in who they enforce and what they choose to enforce. Mr. Small stated that he would like for this to be even across the board. Larry Hanson, City Manager, inquired as to whether the letter Mr. Small received had asked for him to set up a meeting with them. Mr. Small stated that the letter did ask for him to set up a meeting but he has not done so yet since he just got the letter yesterday; however, there was no meeting with the previous tenants and no issue with the previous tenants. Mr. Small stated that he would address that with Zoning as well. He has addressed similar problems since he was made to put up a two hour fire wall and the exact words that Ted Bilak, Plan Reviewer for the City of Valdosta, told him was that he did not care and he would not open unless he put the wall up. George Talley, City Attorney, stated that there may have been change in the regulations from time the previous operator had the business. Mr. Small stated that he took it directly over but he would address that later.

Roger Budd, III, 5 Cherokee Circle, stated that he was in support of Tory Small and his issues in doing business in the City of Valdosta. The issue of closing time seems like something that could be easily solved. On a personal level, it does not matter to him what time the bars close in Valdosta and they could stay open 24 hours a day but other people might have issues. Mr. Small has over \$1 million invested in the City of Valdosta so he is speaking from the heart. Mr. Budd stated that he did not understand why the competition has to be Lowndes County and why the City could not do what they are doing. Also, the letter that Mr. Small received stated that the parking was insufficient. This was previously the old Beverly Theater parking lot located at 2159 Bemiss Road.

The building is actually older than the Zoning Ordinance for the City of Valdosta. Larry Hanson, City Manager, stated that was irrelevant. Mr. Budd stated that the parking lot was here first. George Talley, City Attorney, stated that the parking lot was not used for an establishment with a liquor license. Mr. Budd stated that he would have to ask Joe Crosby when he got his liquor license but it has been a long time ago.

Dan Davis, 1001 Cherry Creek Drive, stated that the first week of 2011 has been a very busy one for the businesses in Valdosta. Fox's Pizza, Old South Barbeque, and Loco's have all gone out of business. If we keep on this same path it will equal to 156 businesses going out of business this year. Mr. Davis asked Council to take this into consideration when they are adopting ordinances and resolutions. Eventually if everyone goes out of business there will not be enough money to run the City because you can only tax people so much. We need to keep businesses open so they can pay some salaries. Mr. Davis stated that he does numerous trade shows in Las Vegas and while some people may think that midnight is late enough for a restaurant or bar to be open there are different age groups that go out at different times. Mr. Davis asked Council's consideration in accommodating Mr. Small with his business needs. Also, Council will be considering a partnership with the State of Georgia to collect revenue and we do not need to hire any more people because we already have a tax person that comes around to verify all that. The City of Valdosta does not need to get into the sales tax collection business. Mr. Davis stated Council is also considering adoption of an Ordinance to Establish Standards for Outdoor Watering and as a business person he is capable of figuring out when his grass and shrubs need to be watered even though the City did tell him how many trees and shrubs he had to plant. Hopefully, Council will not waste the taxpayers' money and make more red tape for businesses by expanding ordinances that are useless. George Talley, City Attorney, stated that the Georgia Legislature is requiring that all cities adopt the Outdoor Watering Ordinance. Larry Hanson, City Manager, stated that the Georgia Water Planning Act was passed last year by the Georgia Legislature and requires that every city and county in Georgia adopt the Ordinance by January, 2011.

Dr. Michael Noll, President of Wiregrass Activists for Clean Energy (WACE), stated that there would be a Biomass event on January 13, 2011 at 7:00 p.m. at the Valdosta State University Center Theater. There were a couple of inaccuracies that were mentioned earlier tonight and Biomass is dirtier than coal as evidenced by the data received from the Environmental Protection Division and Eric Cornwall. Wiregrass LLC is not using the best available technology that as mentioned in the letter from the American Lung Association that Mr. Lofton was referring to. Ms. June Dean, State Director of the Georgia Office of the American Lung Association of America, has basically stated "that should your community indeed go ahead with the Biomass incinerator please use the best available technology." We are not doing that and those and many other questions will be answered not by people who have an opinion on the matter but by people who have studied and worked with this for many years. Dr. Noll stated that at the meeting next week there will be a variety of experts from various fields to discuss the loopholes found in the air permit, the health risks associated with a Biomass Plant, expose the truth of the supposed support that the Biomass incinerator enjoys, and they will shed light on an Industrial Authority that still lacks division to bring prosperity to our community without having to risk its health. Dr. Bill Sammons, known throughout the country for his expertise in the health risks associated with Biomass incinerators and pollutants, and Lou Zeller, Science Director of the Blue Ridge Environmental Defense League, will both be at the meeting as well as several other experts. Dr. Noll stated that within the last three or four weeks they have tried to get, in some form or fashion, one piece of evidence, statement, or letter from any medical organization saying that Biomass is safe from either Mr. Lofton or Dr. Teaf. Dr. Noll encouraged the Mayor and Council to attend the meeting next week.

Diane Cox, 1009 Cherry Creek Drive, stated that she was concerned about the Ordinance being considered tonight to partner with the Georgia Department of Revenue in order to ensure proper payment of sales tax. Ms. Cox followed legislation that was passed in the Georgia Legislature this year that allowed tax collectors to be armed with weapons just as law enforcement officials are as long as they meet the instructions that the law enforcement personnel do for carrying weapons. Ms. Cox inquired as to whether Council was aware of the law. Mayor Fretti asked Ms. Cox if she had contacted City Hall to get a copy of the Agenda Item. Ms. Cox stated that she did not but she would be waiting to hear what Council would consider tonight. Mayor Fretti stated that the Agenda has been out for a week and what they were considering had nothing to do with what she was saying. Council would not be partnering with the tax collectors that carry guns. Ms. Cox stated that she disagreed with the Georgia Legislature about partnering and collaborating and she was concerned that the City might be getting into something they are not supposed to. Mayor Fretti stated that Ms. Cox could have called earlier to ask about it and alleviate her fears so she would not have had to come before Council tonight. Ms. Cox stated that she had not seen the Agenda until tonight.

Anthony Bellamy, 1100 Rogers Street, stated that in December, 2008 there were two shootings in Valdosta. A Police Officer was shot and then a week later a citizen was shot. There were two eye witnesses in the shooting of the citizen by the Police Officer. Mr. Bellamy stated that he was not a witness or a judge but the witnesses did come forth and as a result he has filed 15 or 20 IA inquiries. The Valdosta Police Department has an accreditation from CALEA and each Officer was given \$2,000 per year for the accreditation. Several years ago there were some problems with the Police Department but they have worked that out. Mr. Bellamy stated that he was a proud citizen and he would not do anything to embarrass Valdosta or put the City in a bad light. During the accreditation process, Commander Brian Childress stated in an article that the Valdosta Police Department would support criticism and would welcome any questions. Mr. Bellamy stated that his life has changed and he has gone to the GBI in Thomasville, called the FBI and asked questions, and called the Department of Justice. There are all types of patrols coming through at awkward hours, SUV's, one going east and one going west at different times of the night. Mr. Bellamy stated that he has even taken pictures and addressed it with Capt. Bobbi McGraw and she is going to get back with him on some issues. Mr. Bellamy stated that he would work with the Police Department but he would not be harassed or intimidated. The Police Department works for the citizens and it should not be us against them. Mr. Bellamy stated that it was a complex issue and he was not there to air dirty laundry.

**ORDINANCES AND RESOLUTIONS**

**RESOLUTION NO. 2011-1, A RESOLUTION TO PARTNER WITH THE GEORGIA DEPARTMENT OF REVENUE IN AN EFFORT TO ENSURE PROPER PAYMENT OF SALES TAX**

Consideration of a Resolution to partner with the Georgia Department of Revenue in an effort to ensure proper payment of sales tax.

Mark Barber, Deputy City Manager of Administration, stated that the Georgia Municipal Association (GMA) notified us that they are working with the Georgia Department of Revenue (DOR) to collect all the sales tax that is due to the state and local governments. GMA is encouraging cities to share their business occupation tax records with the DOR. The DOR is asking for the legal name of the business, any associated trade names for the business, the physical address, the North American Industry Classification Code System, and the sales and use identification number. The City of Valdosta currently collects all of that information which would be sent to the DOR electronically. The DOR will then compare each city's occupation tax records with their sales tax records and look for discrepancies. The businesses that do not appear on the sales tax records will be investigated. The DOR is currently beta testing the transmittal process with Rome, Cartersville, and Muscogee County. Councilman Carroll noted that the City of Valdosta would not be hiring any new employees or spending any new funds and would only be transmitting information to the DOR about businesses in the City. Larry Hanson, City Manager, stated that State officials estimate that there is \$1 billion annually that is owed to the State that is not being collected by the DOR. A. D. Fraizer, Chairman of the Tax Reform Committee, will be making recommendations to the State and has acknowledged that there is several hundred millions of dollars uncollected and slipping through the cracks. The primary issue is that it is an uneven playing field for honest business people because the taxes are actually being collected by businesses and they are not remitting them to the State. Honest businesses are at a competitive disadvantage because they are collecting and paying the tax and someone else is collecting and keeping 7%. They merely want to cross reference a list that they have in Atlanta with the list of businesses in each city and county to ensure that everyone is paying. The end result of those not paying the sales tax is that taxes are raised on honest businesses. A city cannot legally collect sales tax and they are not in the sales tax collection business. The State of Georgia is the only entity that can collect sales taxes.

**A MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (7-0) to enact Resolution No. 2011-1, a Resolution to partner with the Georgia Department of Revenue in an effort to ensure proper payment of sales tax, the complete text of which will be found in Resolution Book V.

**AN ORDINANCE TO ESTABLISH STANDARDS FOR OUTDOOR WATERING FOR THE CITY OF VALDOSTA (FIRST READING)**

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



Henry Hicks, Public Utilities Director, stated that the Georgia General Assembly has required all local governments in Georgia to adopt a Water Conservation Ordinance which establishes standards for outdoor watering of landscape. The Ordinance will need to be in effect no later than January, 2011. The Ordinance will allow outdoor watering of landscape between the hours of 4:00 p.m. and 10:00 a.m. with certain exceptions. After discussion at the Work Session, there were some minor modifications made to the Ordinance that include the addition of odd/even addresses with three days each for watering. The odd number addresses would be restricted to Monday, Wednesday, and Friday between the hours of 4:00 p.m. and 10:0 a.m. and the even number addresses would be restricted to Tuesday, Thursday, and Saturday between the hours of 4:00 p.m. and 10:0 a.m. There would be no irrigation on Sundays. Councilman Yost inquired as to whether the restrictions would occur during a time of drought. Larry Hanson, City Manager, stated that this is the first reading of the Ordinance and no vote would be taken tonight. Since odd/even conservation has been in place for quite some time by the State and people were accustomed to it, the Ordinance written so that the odd/even addresses would remain. Historically, prior to three or four years ago there was not an odd/even watering policy. That was put in place by the State and imposed on local governments during drought conditions and even when there was not a drought in south Georgia we were required to impose it just as it was in north Georgia where they were having the water shortage issues. The State is interested in encouraging in conservation of a precious resource. In the past the odd/even requirement was not permanent and the City would impose it when the State required us to do so and it was done through a press release or putting the information in water bills. Mayor Fretti stated that the odd/even requirement does not have to be in the Ordinance and it could be in only in drought conditions or in the normal conditions. Council may contact the City Manager to say what they prefer. Councilman Yost stated that he did not have a problem with it being in the Ordinance under normal conditions but he would prefer that it be done under drought conditions. George Talley, City Attorney, stated that there would need to be some standard or trigger in there for drought conditions and that it be done when the State mandates it. Larry Hanson stated that it could be the State or the Director of Utilities because there could be a local drought and not necessarily State-wide. Mayor Fretti stated that this was the First Reading and it would come back before Council at the January 20, 2011 Council Meeting.

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

Mayor Fretti stated that Agenda Items 6(a) through 6(d) all dealt with the Valdosta Regional Crime Lab and all are being paid for out of Grant Funds which include a combination of the Kingston Grant, the JAG Grant, and the Criminal Justice Coordinating Council (CJCC) Grant. Mayor Fretti stated that if Council so chooses they could take these items in the form of a Consent Agenda; however, the Purchasing Agent, Greg Brown, would make a presentation on each.

Consideration of bids Laboratory Information Management System (LIMS) Software for the Valdosta Regional Crime Lab (RFP No. 39-09-10).

Greg Brown, Purchasing Agent, stated the Valdosta Regional Crime Laboratory is requesting to purchase a Laboratory Information Management System (LIMS) which is a computerized integrated information management software system commonly used in accredited crime labs. The software is responsible for tracking evidence from the date of collection until return to owner. The process is referred to as chain of custody which is critical to ensuring the integrity of evidence until prosecution has been done. Also, the software provides reporting capabilities, statistical data, and analysis of work load service data for laboratory management, submitting agencies, and the courts. By using this technology, it will allow the laboratory to operate paperless. A Request for Proposal (RFP) was issued to potential providers. The City received six responses and developed a short list of three firms to make presentations. After rating each proposal, StarLIMS was ranked the highest rated selected to be the provider. The cost of the StarLIMS software package including maintenance is \$216,901.

Consideration of bids for a Gas Chromatograph (GS) and Mass Spectrometer (MS) for the Valdosta Regional Crime Lab (Bid No. 1-10-11).

Greg Brown, Purchasing Agent, stated the Valdosta Regional Crime Lab is requesting to purchase a Gas Chromatograph (GS) and Mass Spectrometer (MS) to assist with their duties. The two requirements in drug testing are the presumptive test and the second is confirmatory testing. Both of these units need to be purchased from the same supplier since they operate in tandem. The GS and MS are fully automated and are used in the presumptive

test (first requirement) in the identification of routinely encountered drugs but not all dangerous drugs. Sealed bids were received on August 24, 2010 and Shimadzu submitted the low bid in the amount of \$ 91,665.60. Greg Brown recommended that Council approve the low bid submitted by Shimadzu in the amount of \$91,665.60 and allow the Crime Lab to proceed with the purchase.

Consideration of bids for a Fourier Transform Infrared Spectrophotometer (FTIS) for the Valdosta Regional Crime Lab (Bid No. 2-10-11).

Greg Brown, Purchasing Agent, stated that the Valdosta Regional Crime Laboratory is requesting to purchase a Fourier Transform Infrared Spectrophotometer (FTIS) to assist with their duties. The FTIS is used in the identification of non-routine dangerous drugs and narcotics found and submitted to the Crime Lab for testing that the GC and MS do not identify. Sealed bids were received on August 24, 2010 and the low bid was submitted by Shimadzu in the amount of \$17,180.60. Greg Brown recommended that Council approve the low bid submitted by Shimadzu in the amount of \$17,180.60 and allow the Crime Lab to proceed with the purchase.

Consideration of bids for a Head Space Gas Chromatograph (HSGC) for the Valdosta Regional Crime Lab (Bid No. 3-10-11).

Greg Brown, Purchasing Agent, stated that the Valdosta Regional Crime Laboratory is requesting to purchase a Head Space Gas Chromatograph (HSGC) to assist with their duties. The HSGC is used in the field of forensic toxicology and specifically in blood alcohol analysis. This is the preferred instrument and method in identifying drinking alcohol level in blood and to determine the quantity of blood alcohol present in living suspect's blood. Sealed bids were received on August 24, 2010 with the low bid submitted by Shimadzu in the amount of \$46,318. Greg Brown recommended that Council approve the low bid submitted by Shimadzu in the amount of \$46,318 and allow the Crime Lab to proceed with the purchase.

**A MOTION** by Councilman Carroll, seconded by Councilwoman White, was unanimously adopted (7-0) to approve Agenda Items 6(a) through 6(d) as requested by the Valdosta Crime Lab with all funding to be through the Jack Kingston Grant Fund, the JAG Grant, and the CJCC Grant with no local match required.

Consideration of bids for the Pump Station Improvements Project.

Henry Hicks, Utilities Director, stated that the majority of the existing sewer pump stations are approaching 30 years in service and have deteriorated to the point where major upgrades are necessary. Pump and motor parts are extremely difficult to find and typically require fabrication or rebuilding. Electric control systems are obsolete and in need of constant repair. The Ponderosa and Big Country Club pump stations were severely damaged during the flood of April, 2009 and funding for their replacement was requested from the Federal Emergency Management Agency (FEMA). To date, FEMA has only approved \$23,000 for Ponderosa and \$53,000 for Big Country Club pump stations repairs. This combined total is approximately half of the upgrade cost of a single pump station; however, the upgrade costs of these two pump stations as well as Mack Drive and Eastwind can be funded under the 2006 Georgia Environmental Facility Authority (GEFA) Loan. This loan was split into two phases last year in order to retain funding. Projects covered under Phase I portion of the 2006 loan are expected to be completed by February, 2011 thus freeing up funds for Phase II projects. Due to the condition of Mack Drive and Eastwind pump stations, all four stations require immediate upgrade. By bidding a combination of pump stations for upgrade at one time, better pricing should be realized versus one or two at a time. On November 11, 2010, Amendment No. 1 to Camp Dresser & McKee's (CDM's) pump station design contract was approved by City Council for bidding and construction services on the Pump Station Improvements Project. An advertisement to bid was posted on November 5, 2010, and the bid openings were held on December 7, 2010. The three options for bidding were as follows: (1) Option A was for Big Country Club and Ponderosa pump stations only, (2) Option B listed Mack Drive and Eastwind pump stations only, and (3) Option C included all four pump stations. Two local contractors responded with Radney Plumbing only bidding on Option A. Standard Contractors submitted bids for each option and was the lowest responsible and responsive bidder for each option. Henry Hicks recommended that Council approve the low bid submitted by Standard Contractors in the amount of \$1,465,153.00 plus a 10% contingency for the construction improvements for all four pump stations. The work will be paid for by GEFA under the Phase II portion of the 2006 loan.

A **MOTION** by Councilman Yost, seconded by Councilman Wright, was unanimously adopted (7-0) to approve the low bid submitted by Standard Contractors in the amount of \$1,465,153.00 plus a 10% contingency for the construction improvements for all four pump stations.

Consideration of a request to authorize the Mayor to execute a Letter of Commitment and approve a Federal Home Loan Bank (FHLB) Affordable Housing Program Agreement for owner-occupied housing rehabilitation in the Westside, Tom Town, and Pinevale neighborhoods.

Mara Register, Assistant to the City Manager, stated that the Mayor and Council approved the request to apply for funds from the Federal Home Loan Bank (FHLB) Affordable Housing Program (AHP) at the April 22, 2010 Council Meeting. The proposed use of these funds was for the rehabilitation and reconstruction of homeowner occupied houses in the Westside, Tom Town, and Pinevale neighborhoods in the Designated Revitalization Area. The funds would be utilized in conjunction with Community Development Block Grant (CDBG) and Community Home Investment Program (CHIP) funds to continue the existing homeowner occupied repair program currently in place. The City was notified by the Federal Home Loan Bank on December 24, 2010 of the award of \$800,000 through the Affordable Housing Program to be used for the rehabilitation of 48 single family owner-occupied units. This is the largest Grant Fund ever awarded in the history of the City to do homeowner housing rehabilitation and reconstruction. Branch Banking and Trust (BBT) is the Member Bank and the City of Valdosta will serve as the project Sponsor. The FHLB requires the approval and acceptance of a Letter of Commitment and AHP Agreement by January 24, 2011 before any disbursement of funds can be made. All funds must be expended by December 9, 2013. During the past ten years, the Code Enforcement Division has demolished 562 substandard houses, brought 433 houses up to Code, created 131 new first time home buyers in our community through use of CDBG and CHIP Funds, and repaired 231 homeowner occupied homes either through the Southern Hospitality Group Work Camp or through the major repair program. They have projected that another 40-50 homes will be repaired through the Work Camp this year and the \$800,000 will greatly assist the City in continuing the successful programs that are in place. Mara Register recommended that Council approve the Letter of Commitment and the FHLB Affordable Housing Program Agreement for owner-occupied housing rehabilitation in the Westside, Tom Town, and Pinevale neighborhoods. Councilman Wright inquired as to whether the 48 homes to be rehabilitated have been identified. Mara Register stated that some have been identified as far as the west side and the CDBG Advisory Committee will be meeting next week. They will also be setting up a neighborhood meeting at Calvary Baptist Church on Force Street in Tom Town and will continue to identify homeowners as successful applications are turned in. Councilman Wright stated that he was impressed as to how this information was collected. The Staff rode up and down every street in these neighborhoods with a GPS indicator and every home with a problem was identified, documented, and maps were generated that showed each address. Mara Register stated that was done under the leadership of Dr. Michael Brooks, previous Department Head of the Sociology Department at Valdosta State University. They drove down every street in the 17 neighborhoods, documented every parcel whether it was vacant or occupied, noted the condition of the property, and then put it into categories. Those surveys are now being used to identify houses for the Work Camp and programs in these neighborhoods. We are the only community of our size in the State that is utilizing this tool. Councilman Carroll inquired as to whether any of the Valdosta Small Emerging Businesses (VSEB) will be eligible to bid on this project. Mara Register stated they would be eligible. They have been working to develop a good pool of qualified business contractors and all of the VSEB contractors and sub-contractors have an opportunity to bid on this work as well. Mara Register recommended that Council approve the Letter of Commitment and approve a Federal Home Loan Bank (FHLB) Affordable Housing Program Agreement for owner-occupied housing rehabilitation in the Westside, Tom Town, and Pinevale neighborhoods.

A **MOTION** by Councilman Wright, seconded by Councilwoman White, was unanimously adopted (7-0) to approve the Letter of Commitment, the Federal Home Loan Bank (FHLB) Affordable Housing Program Agreement, and any additional documents for the owner-occupied housing rehabilitation in the Westside, Tom Town, and Pinevale neighborhoods.

## **LOCAL FUNDING AND REQUESTS**

Consideration of a request to approve sponsorship of a table at the Law Enforcement Appreciation Dinner.

Larry Hanson, City Manager, stated that the men and women of Valdosta's Law Enforcement Agencies work tirelessly to ensure our security and safety every day and for the past several years, the Rotary Club of Valdosta has hosted a Law Enforcement Appreciation Dinner. This event is one small way to show the Law Enforcement professionals that their community supports and appreciates their efforts of our behalf. The funds raised through ticket sales and donations are used to assist the area's Local Law Enforcement personnel and their families in times of special need. This year, the Rotary Club of Valdosta will host its 4<sup>th</sup> Annual Law Enforcement Appreciation Dinner on Tuesday, February 15, 2011 at the James H. Rainwater Conference Center. The event will begin at 6:00 p.m. with a reception and dinner at 7:00 p.m. There will be recognition of the "Officers of the Year" for participating Departments. A table of 10 can be purchased for \$1,000 or individual tickets are \$100 each. Larry Hanson recommended that Council approve the sponsorship of a table at the Law Enforcement Appreciation Dinner.

**A MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to approve a request to approve sponsorship of a table at the Law Enforcement Appreciation Dinner.

### CITY MANAGER'S REPORT

Larry Hanson, City Manager, recognized Pat Collins, the new City Engineer, who began working with the City on January 3, 2011. Pat is getting out and meeting people and looking forward to working with the Mayor and Council in addressing the needs of the City.

Larry Hanson stated that he, Mayor Fretti, and Councilman Carroll attended the Valdosta-Lowndes County Chamber of Commerce Governmental Affairs Committee Meeting and made a presentation on several issues. Chris Clark, new CEO of the Georgia Chamber of Commerce, was in attendance and they shared some concerns about the T-SPLOST, the sales tax collection issue with the Department of Revenue, and the regional drainage issues that we are asking the Regional Water Council to address.

### COUNCIL COMMENTS

Councilman Carroll stated that the PowerPoint presentation that Larry Hanson, City Manager, made at the Regional Water Council Meeting is now on the State's web site.

Councilman Yost stated that he appreciated what the Industrial Authority does and the excellent work they do to bring jobs to our community on a daily basis.

### ADJOURNMENT

Mayor Fretti entertained a motion to adjourn the Council meeting and enter into an Executive Session for the purpose of discussing real estate.

**A MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (7-0) to adjourn the January 6, 2011 meeting of the Valdosta City Council at 7:30 p.m. and enter into Executive Session.

Mayor Fretti reconvened the regular City Council meeting at 7:55 p.m. and stated that there was discussion of real estate in the Executive Session and no action was taken.

Mayor Fretti entertained a motion for adjournment.

**A MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (7-0) to adjourn the January 6, 2011 meeting of the Valdosta City Council at 7:55 p.m. to meet again in regular session on Thursday, January 20, 2011.