

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, MAY 20, 2010
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor Pro Tem John Eunice called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Tim Carroll, Alvin Payton, Jr., Deidra White, and James Wright. Mayor John Fretti and Councilman Robert Yost were absent, and Councilman Sonny Vickers arrived at 5:35 p.m. Tim Tanner, Deputy City Attorney, was in attendance for George Talley, City Attorney, who was out of town. The invocation was given by Councilman Wright, followed by the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES

The minutes of the April 27, 2010 Called Meeting and the May 6, 2010 Regular Meeting were approved by unanimous consent (4-0) of the Council.

CITIZENS TO BE HEARD

Roy Taylor, 2209 Bridlewood Drive, stated that many years ago he visited a small church that his friend, Ralph Roberson, was trying to start in Valdosta. They were trying to get young people to come to Sunday School and he had the pleasure of meeting Joe Rivers, Sr. Mr. Taylor thought they should reward the children in a manner that would be enjoyable to them and would make them want to come back to church so he, along with some other people, donated money to children who brought other children to Sunday School. They bought meals and small toys and watched that church grow into one of the biggest churches in Valdosta. Mr. Taylor stated that he recently visited Mr. Rivers at his home and discovered that he was in need of several things. Mr. Rivers, who was born in 1937, fought in World War II, came home and went back to school, and then went off to the Korean War. One of his many ambitions was to get children off the street corners so he started ball games in his front yard. He had approximately 100 children participating so he split them up into made teams; however, some people objected so he had to have a charter. Mr. Rivers made sure every child received a trophy no matter how good or bad they played and those children knew they had accomplished something in life. Mr. Rivers has dedicated his life to help children and make them a better person. He has been married almost 61 years and is now taking care of his wife who now suffers from Alzheimer's Disease. Mr. Taylor stated that as he walked around Mr. Rivers' home he noticed the ceiling was falling down and for people like this who have served their country and city, there should be a fund established to help them in their time of need. He would like for the City of Valdosta to set up the fund because the dollars donated are tax deductible. They could have a committee to decide who they would like to take care of for things like this. It must always be a worthy cause and must be a person who tries to help themselves. Mr. Taylor asked Council's consideration in establishing a fund.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2010-17, AN ORDINANCE TO AMEND THE MUNICIPAL UTILITIES ORDINANCE FOR IMPLEMENTATION OF A FATS, OILS, AND GREASE (FOG) CONTROL PROGRAM

Consideration of an Ordinance to amend the Municipal Utilities Ordinance for implementation of a Fats, Oils, and Grease (FOG) Control Program. (Second Reading)

Henry Hicks, Utilities Director, stated that the purpose of the Fats, Oils, and Grease Control Program (FOG) is to prevent sewer system blockages, obstructions, and overflows due to the contribution and accumulation of fats, oils, and grease from food service establishments, commercial facilities, and industrial facilities. The accumulation of FOG within the collection system (sewer lines and pump stations) can result in decreased carrying capacity of sewers due to congealed, cooled grease which coats the inside of the sewer pipes. Once a pipe becomes constricted, the potential for a collection system blockage increases. Collection system blockages caused by FOG contribute to sanitary sewer overflows (SSO) and may also cause sewer back-ups into homes and businesses. Each

time there is a discharge it creates a spill and poses a potential public health and environmental issue as well as putting the City in violation of the National Pollution Discharge Elimination System (NPDES) Permit. If the City does not have an Ordinance in place then both the U. S. Environmental Agency (EPA) and Georgia Environmental Protection Division (EPD) may take regulatory actions which would include severe fines or consent orders for failure to adequately address FOG issues in a utility's sanitary sewer system. Henry Hicks recommended that Council approve the Ordinance to amend the Municipal Utilities Ordinance for implementation of a Fats, Oils, and Grease (FOG) Control Program.

A MOTION by Councilwoman White, seconded by Councilman Carroll, was unanimously adopted (5-0) to an enact Ordinance No. 2010-17, an Ordinance to amend the Municipal Utilities Ordinance for implementation of a Fats, Oils, and Grease (FOG) Control Program, the complete text of which will be found in Ordinance Book XII.

AN ORDINANCE TO ESTABLISH A COMBINED PUBLIC UTILITIES SYSTEM FOR THE CITY OF VALDOSTA (FIRST READING)

Consideration of an Ordinance to establish a Combined Public Utilities System for the City of Valdosta. (First Reading)

Henry Hicks, Utilities Director, stated that the City of Valdosta uses a single utility bill that outlines the costs for services received and includes water, sewer, stormwater, and sanitation services. This is used to streamline the billing process and simplify the payment process. As with most municipalities, the utility services provided were not all established at the same time and each one has their own separate ordinances. As a result, this has caused confusion as to whether or not a customer had to pay the bill in full or could chose to pay only certain amounts if they disagreed with the charge (i.e., pay for water/sewer, but not stormwater or sanitation). An example of this occurred in July, 2009 when the City of Valdosta, along with the Clayton County Water Authority and Garden City, received letters from the U. S. Department of Agriculture (DOA) stating that they were not liable for local stormwater runoff fees and would discontinue payments effective immediately. Stormwater utilities are not a tax and therefore all developed properties are responsible for payment. Most municipal utility providers have a Utility Collection Ordinance that bundles the charges into a single monthly statement and requires the entire bill to be paid in full or risk termination of all services until payment and late fees are received; however, the City of Valdosta currently does not have this Ordinance. Councilman Vickers inquired as to whether the DOA would not recognize the State of Georgia. Larry Hanson stated that the State of Georgia and the DOA were both taking the position that they were not going to pay stormwater utility fees around the State; however, they ultimately did pay them because Garden City had a unified billing and said if they did not pay then they had the right to cut off their water and sewer. There is an appropriate procedure in this Ordinance for dispute resolution if someone feels they are being overcharged but they should still pay and then appeal. The Ordinance will allow the City to bundle fees so that they cannot selectively pick and choose which services they pay. Councilman Wright stated there may be some instances where a citizen may enough money to pay their water bill but not sanitation and inquired as to what would happen. Larry Hanson stated that there are hardship cases that the Staff works with every day and they will continue to work with the citizens if they call to make arrangements for payment. Councilwoman White inquired as to whether the services would still be itemized. Larry Hanson stated that there would be no changes to the billing format. This was a recommendation from the Georgia Municipal Association in order to exert some leverage on the State if they started to pick and chose which local bills they want to pay.

Mayor Pro Tem Eunice stated that this was the First Reading and no action was needed.

ORDINANCE NO. 2010-18, AN ORDINANCE TO AMEND THE STORMWATER MANAGEMENT UTILITY ORDINANCE

Consideration of an Ordinance to amend the Stormwater Management Utility Ordinance.

Henry Hicks, Utilities Director, stated that after careful consideration, the City of Valdosta adopted the Stormwater Utility Ordinance in March, 2006. The Ordinance outlined a fair and equitable rate structure for the

developed properties within the City that receive the benefits of stormwater management services, systems, and facilities to ensure the operation/maintenance of existing and future stormwater system. While there is some language for an Appeals Process within the existing Ordinance, additional language is needed to clarify the payment process so that customers understand that payments must continue even in the Appeal Process. Once a decision is made on the Appeal Process and if an error is found in favor of the customer, then a credit and/or reimbursement will be made. Henry Hicks recommended that Council approve the Ordinance to amend the Stormwater Management Utility Ordinance.

A MOTION by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (5-0) to an enact Ordinance No. 2010-18, an Ordinance to amend the Stormwater Management Utility Ordinance, the complete text of which will be found in Ordinance Book XII.

RESOLUTION NO. 2010-5, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, TO FUND THE PURCHASE OF BULLET PROOF VESTS FOR THE POLICE DEPARTMENT

Consideration of a Resolution authorizing the filing of an application with the U. S. Department of Justice, Bureau of Justice Assistance, to fund the purchase of bullet proof vests for the Police Department.

Police Chief Frank Simons stated that the Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998, is a unique U. S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. The City has received funding from this program over the past nine years to help purchase bullet proof vests for the Police Department. Each vest has a limitation of five years and there are some examples of vests failing after that period of time. The City of Valdosta has a number of vests that are at or nearing the five-year mark and this program has allowed the City to receive partial reimbursement for eligible vest purchases. Funding amounts are determined by the Department of Justice in order to meet increasing demands and to allow as many jurisdictions as possible an opportunity to participate in the program. The Department of Justice has determined that the City's regular fund application maximum is \$27,300 for 2010. This is a reimbursement grant and the City will be eligible for 50% reimbursement on the purchase of eligible vests. The application must be submitted online by June 1, 2010. Chief Simons recommended that Council approve the Resolution authorizing the filing of an application with the U. S. Department of Justice, Bureau of Justice Assistance, to fund the purchase of bullet proof vests for the Police Department. Councilman Vickers inquired as to the number of vests that would be replaced if the grant funding is approved. Chief Simons stated that the total number of vests would be dependent on the price which could range from \$500 to \$600 per vest. There are some restrictions by the Department of Justice and most of the major manufacturers meet those restrictions. The City has selected a model that the Agency uses but they do bid that out. Councilman Wright inquired as to whether the old vests are sold as surplus. Chief Simons stated that they do not sell the vests as surplus but use them at the firing range to prevent ricocheting bullets.

A MOTION by Councilman Carroll, seconded by Councilman Vickers was unanimously adopted (5-0) to an enact Resolution No. 2010-5, a Resolution authorizing the filing of an application with the U. S. Department of Justice, Bureau of Justice Assistance, to fund the purchase of bullet proof vests for the Police Department, the complete text of which will be found in Resolution Book V.

RESOLUTION NO. 2010-6, A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S U. S. FIRE ADMINISTRATION TO FUND EXPANSION OF THE FIRE OPERATIONS AND FIREFIGHTER SAFETY PROGRAM

Consideration of a Resolution authorizing the filing of an application with the Federal Emergency Management Agency's U. S. Fire Administration to fund expansion of the Fire Operations and Firefighter Safety Program.

Fire Chief J. D. Rice stated that the City of Valdosta has received funding under 2003, 2004, and 2006 Assistance to Firefighter's Grant cycles. The 2003 and 2004 funding provided exercise equipment to assist

firefighters with a wellness and fitness program that has enhanced their fitness and health levels and improved their physical endurance in responding to fire incidents. The 2006 funding allowed the City to purchase 40 Integrated Personal Alert Safety System (PASS) device upgrades for self-contained breathing apparatus, 2 rapid intervention team (RIT) bags and computers, printers and supporting software to comply with the National Fire Incident Reporting System (NFIRS). The City is requesting 2010 grant funds in the fire operations and firefighter safety program category for the purchase of three vehicle exhaust extraction systems at Fire Stations 2, 5, and 6, a cascade system at one fire station to replace a 20-year system that does not comply with current standards, and equipment to purchase a mobile command station. The total grant request is \$82,882 and a 10% match in the amount of \$8,288 is required. Chief Rice recommended that Council approve the Resolution authorizing the filing of an application with the Federal Emergency Management Agency's U. S. Fire Administration to fund expansion of the Fire Operations and Firefighter Safety Program.

A MOTION by Councilman Wright, seconded by Councilwoman White, was unanimously adopted (5-0) to an enact Resolution No. 2010-6, a Resolution authorizing the filing of an application with the Federal Emergency Management Agency's U. S. Fire Administration to fund expansion of the Fire Operations and Firefighter Safety Program plus a 10% cash match from SPLOST funds, the complete text of which will be found in Resolution Book V.

LOCAL FUNDING AND REQUESTS

Consideration of a request for on-street parking on Boone Drive.

Von Shipman, City Engineer, stated that Kurt Lamon is currently constructing a 14-unit apartment complex on property that fronts both North Oak Street and Boone Drive and is located directly across the street from Valdosta State University and immediately south of the Baptist Student Union. The site has an interior parking lot with access from Boone Drive only and it contains the minimum number of required parking spaces for the apartments. Because the tenants of the complex are very likely to be college students, Mr. Lamon would like to add four more parking spaces to help ease the site's parking demand. Because the site is long and narrow, it is impossible to add any more spaces on-site without sacrificing needed access to the building, circulation in the parking lot, and overall good site design. Therefore, Mr. Lamon is requesting approval to have four perpendicular "on-street" parking spaces along the rear of the site which will straddle both his property and the Boone Drive right-of-way (approximately half of the space on private property and half on the public street). He is also proposing to have the apartment complex dumpster pad next to these spaces along the Boone Drive right-of-way. The applicant met with Matt Martin, Interim Planning and Zoning Administrator, and there may be an opportunity to shift the parking to the north and to the east so that all of it is off of City right-of-way. This would allow the large trees to remain which is important to the applicant and the City, and the dumpster could be located to a site between the two apartment buildings. Mr. Lamon would like to have the four additional spaces for visitor parking. There is an underground detention and ex-filtration system which allows the dirty stormwater to enter into pipes and through perforations be distributed into the rock and gravel and percolate into the ground. The latest concept is to shift the parking spaces entirely on private property and the dumpster located at a site that is conducive to the Fire Department and Public Works. Matt Martin, Interim Planning and Zoning Administrator, stated that even if the parking spaces are shifted a little to the north and the east, the access to those spaces will need to come from the City's right-of-way so there is still need for approval from Council to do that. Also, they may not be able to shift the spaces far enough to get all of the designated minimum space size onto private property. Boone Drive is a 60 foot right-of-way but this is the northern terminus of the road which ends at the property line so there is no traffic issue since this is the end of a very short street. Councilwoman White inquired as to whether the dumpster should still be considered in the request. Matt Martin stated that it is and it has always been planned to be on private property and just the access to it may need to come from the street. They have an idea as to where on site it might be located but that needs to be reviewed by the rest of the City's development Staff. Councilman Vickers inquired as to what the City Manager's recommendation would be. Larry Hanson, City Manager, stated that he was in agreement with that and he did not have an objection to the parking based on the particular circumstances and the fact that the applicant was not trying to use the right-of-way to meet the City requirements. The applicant met the minimum parking requirements and was trying to do a little more. The specific request did state that the dumpster pad would be located on the City's right-of-way and that would be a dangerous precedent. Councilman Carroll

inquired as to whether Council should provide some rationale as to why they would be approving this request so that a precedent is not set for any future requests. Larry Hanson stated that it would not be needed and his own rationale was that it met the minimum standards which are important and this particular site is in the proximity of Valdosta State University and is ideal for collegiate type housing. There would not be anyone harmed by this action.

A MOTION by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (5-0) to approve the request based on the presentation of the issue as defined this evening at the hearing.

CITY MANAGER'S REPORT

Larry Hanson, City Manager, stated that the new Utilities Building is nearing completion and there will be a ribbon cutting ceremony the second week of June. There will also be an Open House for the new Crime Lab during the second week of June.

The Budget Hearings that were previously scheduled for May 26-27, 2010 have been postponed until the first week of June. There were some technology issues that have now been corrected and even though the budget could have been balanced by tomorrow there would not have been adequate time for Finance to bundle everything together and distribute to Mayor and Council for review prior to the meetings. The budget adoption schedule will remain the same and there will be a first reading at the Public Hearing on June 3, 2010 and a second reading and adoption at the June 10, 2010 Council meeting.

COUNCIL COMMENTS

Councilman Vickers inquired as to when they would receive a report on the Federal Emergency Management Agency (FEMA). Larry Hanson, City Manager, stated that they had a meeting with FEMA yesterday and the news is still evolving so an update will be provided in the near future.

ADJOURNMENT

Mayor Pro Tem Eunice entertained a motion for adjournment.

A MOTION by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (5-0) to adjourn the May 20, 2010 meeting of the Valdosta City Council at 6:13 p.m. to meet again in regular session on Thursday, June 10, 2010.

City Clerk, City of Valdosta

Mayor, City of Valdosta