

**MINUTES**  
**SPECIAL CALLED MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., TUESDAY, MAY 6, 2008**  
**COUNCIL CHAMBERS, CITY HALL**

**OPENING CEREMONIES**

Mayor John J. Fretti called the Special Called meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Sonny Vickers, Tim Carroll, Alvin Payton, Jr., Willie Head, John Eunice, and Robert Yost. Councilman James Wright was absent. The invocation was given by Mayor Fretti followed by the Pledge of Allegiance.

**CITIZENS TO BE HEARD**

There were no citizens to be heard.

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

Consideration of a request to approve the Service Delivery Strategy Agreement effective July 1, 2008.

Larry Hanson, City Manager, stated that the City and County have been negotiating the Service Delivery Strategy Agreement for approximately 18 months and reached agreement several months ago on an Interim Agreement that would run until June 30, 2008. They have been working on a new Agreement that would begin July 1, 2008 and be in place for the next eight years. Though the new Agreement is not perfect, the City can live with it; however, there were three areas that need to be brought to the attention of Council. The first area was under Road Construction and Road Maintenance. On the form, the County had checked the "Other" box which states that if you check that box then a map of the service area must be attached. The County had attached a map of the County and their statement indicates that they maintain the County road system. They also state that some County roads extend into the municipal limits. The City has asked that the actual map of the County-maintained road system be included rather than a map of the County. The County has acknowledged that they have such a map and it is in the office of the County Engineer. The second issue is on the Water and Sewer form. Last year during the time that there was no agreement, the City proceeded with normal business and one of the projects that had been budgeted was to have a second transmission line from the Water Treatment Plant back to town. Since the Water Treatment Plant was built in 1993, the City has been operating with one large transmission to town which has been sufficient in terms of capacity; however, for safety reasons, the City would like to have an alternative line in the event of some unanticipated disaster. Council had been provided with a recommendation and in the fall of 2007, the City wrote a letter to the Planning Commission and the County Clerk as required under the old Agreement asking for extraterritorial service. The County Manager responded that it was not necessary and asked the Planning Commission not to hear the case because at the time there was no Agreement in place. The City proceeded with the project which is now approximately 90% designed and ready to go out for bid. There will be a second transmission line that will run from the Water Treatment Plant on Guest Road, go east to Bemiss/Knights Academy Road, south to Knights Academy Road, and then west on Knights Academy to the railroad tracks where it will tie into some existing lines. The City has asked that the map be updated to reflect this decision that was made during the time there was no Agreement in place. The County suggested today that the City now come back and request to run this line and they would evaluate it and decide whether or not to approve it. Larry Hanson stated that this line is too important to risk going back through a process when the City made a legitimate good faith effort to do that to begin with. Mayor Fretti inquired as to whether we have provided the County with a map and who would be responsible for updating the map. Larry Hanson stated that he had sent an E-mail indicating the route and the map will be updated by the South Georgia Regional Development Center. Councilman Yost inquired as to how much of line will run through the County. Larry Hanson stated that a good portion of the line will run through the County. Councilman Vickers inquired as to why the County is now asking that the City make a request to run the line. Larry Hanson stated that he was not sure because the City had written a letter notifying the County Clerk and had received a letter back from the County stating that it was not necessary because there was no Agreement in place.

Larry Hanson stated that we should at least ask the South Georgia Regional Development Center to make the change on the map because the County could say that they were not going to approve the request for extraterritorial service. It would, however, be difficult for them to find a valid reason to oppose the extension of that line. The County's position last year may have been that since there was no Agreement in place they had no basis to hear it; however, now that there is an Agreement in place the County may say that they can actually hear the case and make a recommendation on it. Mayor Fretti inquired as to whether there was a time limit for the County to voice an objection. George Talley, City Attorney, stated that was a time limitation and thought that it was 30 days. Larry Hanson stated that the project was in the best interest of the residents of the City of Valdosta and major industries and felt that everyone would want to do what was in the best interest of the community. The third item relates to the December 3, 2007 Settlement Agreement. The City Attorney had recommended that there be a section in the Settlement Agreement entitled Special Settlement Provisions because he felt it was important to include that in the House Bill 489 Agreement. The County Attorney had indicated in a letter that everything was included as noted in the Settlement Agreement but upon final review, Larry Hanson noted that there was a change in the wording that was inconsistent with the Settlement Agreement. The word "sanitation" was omitted in Items (1) and (2) and the County created Item (3) which is different than what the Settlement Agreement states. Larry Hanson recommended that they use the language noted in the Settlement Agreement because it is binding. George Talley, City Attorney, stated that any special stipulations that were settled and voted on by both governing authorities should have been part of this Agreement word for word. Mayor Fretti stated that the third component of a motion should state that the Service Delivery Strategy Agreement reflects the specific language that was agreed upon in the December 3, 2007 Settlement Agreement. Larry Hanson stated that this still allows the County to create an Enterprise Fund to operate sanitation and it avoids a conflict in the language between the House Bill 489 form and the preface to the Agreement. Councilman Yost inquired as to what would happen if the County did not agree to the changes. Larry Hanson stated that if the County does not agree then the City would submit Council's actions along with a letter to the Georgia Department of Community Affairs (DCA) and ask them to make a determination. DCA would probably not accept the document if one form states that a map of the service area is attached and the language conflicts with the form and would ask that it be corrected. Councilman Yost inquired as to why they could not wait to vote on this until they had some concessions from the County. Larry Hanson stated that tomorrow is the date that the arbitrators have to be notified or we have to make a payment for their services. Councilman Payton inquired about the difference in the wording for funding solid waste collection through the Enterprise Fund. Larry Hanson stated that the Settlement Agreement of December 3, 2007 states that the County will create a Special Revenue Fund and they will pay for those services out of that fund. It does say that they can use an Enterprise Fund but it is clear which services are going to be paid for and that they are going to be provided primarily for the benefit of the unincorporated area. The service is going to be provided primarily to the unincorporated area which means that it must be paid for by unincorporated area revenues. The revised language states that the County will fund the cost of solid waste collection from an Enterprise Fund and there is no mention of who the service is primarily for, which should be the unincorporated area. An Enterprise Fund has much more latitude if the primary service recipient is not defined. If the Enterprise Fund loses money then a General Operating Fund transfer could be made or some other operating transfer to make it whole. The December 3, 2007 Settlement Agreement specifies that the County is going to be serving unincorporated area residents and that is where the whole Service Delivery statute is important. It states that services provided primarily for unincorporated residents must be paid for by unincorporated area revenues so they would have to pay for it with some form of unincorporated area revenues. The County has not completed their hearings on how they are going to fund sanitation and what service they are going to provide so there is no guarantee whether it is going to be successful or not. The last thing that the City wants is for an operating transfer be made in the future from the General Fund of the County which means that the City residents would be paying twice. Larry Hanson recommended that Council approve the Agreement and make a request for the changes and hope that the County will be in agreement because that is what was agreed to on December 3, 2007. If all else fails, then the City would submit comments to DCA. George Talley stated if Council is in agreement, a motion should be made to approve the Agreement with the three recommendations noted in Larry Hanson's memorandum dated May 6, 2008 concerning a map of road maintenance, a revision of a map on water and sewer, and repeating the language in the December 3, 2008 Settlement Agreement.

A **MOTION** was made by Councilman Eunice to approve the Service Delivery Strategy Agreement with the three recommendations noted in Larry Hanson's memorandum dated May 6, 2008 concerning a map of road maintenance, a revision of a map on water and sewer, and repeating the language in the December 3, 2007 Settlement Agreement. Councilman Payton seconded the motion. Councilman Yost stated that he was not

comfortable with the motion. Mayor Fretti stated that one of the smaller Cities and the County has already signed the Agreement and it is going before another smaller City tonight for approval. The water and sewer is for the benefit of the citizens and the road maintenance map and language is for the benefit of all. Larry Hanson stated that DCA is the compliance agency and they have to make a determination as to whether the Agreement meets the House Bill 489 regulations. Mayor Fretti suggested that they contact the DCA office to obtain an interpretation because the City does not want to go to arbitration. The motion was unanimously adopted (6-0).

**CITY MANAGER’S REPORT**

There was no report from the City Manager.

**COUNCIL COMMENTS**

Councilman Head thanked Larry Hanson, City Manager, and Mike Martin, Director of Community Development, for their assistance with a problem that Ms. Vernessa Smith, 409 East Gordon Street, was having with her home. This case has sparked an interest in how people are treated unfairly with the purchase of a home and the way repairs are handled. Councilman Head stated that the City needs to take an in-depth look the permitting process and who is authorized to pull permits. Contractors are pulling permits for others who are not authorized to pull permits for a fee and that is what needs to be reviewed.

**ADJOURNMENT**

Mayor Fretti entertained a motion for adjournment.

A **MOTION** by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the May 6, 2008 Special Called meeting of the Valdosta City Council at 7:08 p.m. to meet again in regular session on Thursday, May 8, 2008.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta