

**MINUTES**  
**REGULAR MEETING OF THE VALDOSTA CITY COUNCIL**  
**5:30 P.M., THURSDAY, AUGUST 25, 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, Ben Norton, Deidra White, Robert Yost, and James Wright. Councilman Alvin Payton, Jr. was absent. The invocation was given by Councilman Yost, followed by the Pledge of Allegiance to the American Flag.

**AWARDS AND PRESENTATIONS**

**SPECIAL PRESENTATION ON THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES (CALEA)**

Mayor Fretti entertained a motion for a special presentation on the Commission on Accreditation for Law Enforcement Agencies (CALEA).

A **MOTION** by Councilman Carroll, seconded by Councilman Vickers, was unanimously adopted (6-0) for a special presentation on the Commission on Accreditation for Law Enforcement Agencies (CALEA).

Police Chief Frank Simons stated that the Valdosta Police Department has been CALEA accredited since 1999 and every three years they are up for review of the reaccreditation status. A team visits the Police Department to inspect them and ensure that they have met all of the standards and that they are doing all the things they are supposed to be doing. The Valdosta Police Department recently had an inspection team on site and as a result Capt. Bobbi McGraw and Chief Simons traveled to Cincinnati, Ohio on July 30, 2011 in order to appear before the Commission on Accreditation for Law Enforcement Agencies for consideration of reaccreditation. At that meeting they were granted reaccreditation for the fourth time which was significant in many ways. The first award is difficult because you are starting brand new and you are not really sure what you are doing and you learn as you go. If you make a good faith effort, working hard, and covering the bases it is unusual for an Agency going through the first inspection not to be successful. Reaccreditation is a different matter because after you get the award it is not stagnant and you have to keep up with it. Standards change and CALEA is an organization that continuously reviews, changes, and issues new standards for law enforcement so that they are consistent with best practices of today. Not only must they maintain the standards but they must also meet the new standards as they come out to ensure they are working with the best practices. The Reaccreditation Certificate has a designation on it that says "CALEA With Excellence." Chief Simons stated that he was very proud of the City of Valdosta's Police Department because this is the third accreditation in a row with distinction. The Valdosta Police Department was awarded CALEA Flagship status in 2005 and 2008 which is indicative of an Agency maintaining extraordinary compliance of CALEA standards and an Agency that is recognized as the "best of the best" in the field of law enforcement. They were the first Agency nationwide to receive back-to-back flagship awards. "CALEA With Excellence" is a new program and after the inspection team visited Valdosta's Police Department and reviewed their standards and personnel, CALEA contacted them and asked that they complete an application for this award. As a result, the Valdosta Police Department was granted this award. Out of 487 standards, they found 8 folders that required an additional piece of already existing documentation. There were no standards found to be out of compliance and there were eight cases where they had the documentation in hand and asked that it be placed in the file. Chief Simons presented the Mayor and Council with a CALEA lapel pin and asked that they wear it with pride and honor. He also presented the framed award to the citizens of Valdosta and will display it at the Valdosta Police Department. Chief Simons stated that Capt. McGraw has worked very hard on this project and her efforts were very much appreciated. Chief Simons presented Capt. McGraw with roses and a Certificate of Appreciation thanking her for her contributions to the Accreditation Program for Law Enforcement Agencies as an Accreditation Manager. Capt. McGraw thanked Chief Simons, the Police Department Staff, and the Mayor and Council for their support.

The minutes of the August 11, 2011 Regular Meeting were approved by unanimous consent (6-0) of the Council.

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

Consideration of bids for roll off containers for the Public Works Department (Bid No. 01-11-12).

John Whitehead, Deputy City Manager of Operations, stated that this bid was for 10, 15, and 20 yard roll off containers. These containers are offered by the City to residential and commercial customers to place debris in and then have it hauled to the land fill. This contract contains options to renew. Consolidated Disposal is the current supplier and the prices offered on the last contract were \$3,735 for the 15 yard and \$4,439 for the 20 yard containers providing the City with a lower price for this contract. Sealed bids were received on August 9, 2011 with the low bid submitted by Consolidated Disposal in the amount of \$3,080 for the 10 yard, \$3,521 for the 15 yard, and \$3,721 for the 20 yard for a total bid of \$10,322. John Whitehead recommended that Council approve the low bid submitted by Consolidated Disposal in the amount of \$10,322 and allow the Public Works Department to proceed with the purchase.

**A MOTION** by Councilwoman White, seconded by Councilman Norton, was unanimously adopted (6-0) to approve the low bid submitted by Consolidated Disposal in the amount of \$10,322 and allow the Public Works Department to proceed with the purchase of roll off containers.

Consideration of bids for roll out containers for the Public Works Department (Bid No. 02-11-12).

John Whitehead, Deputy City Manager of Operations, stated that the roll out container contract has expired and this contract supplies the City with a single source of supply for the roll out containers utilized to pick up household trash. This contract has options to renew. Sealed bids were received on August 9, 2011. The results are as follows with the low bid meeting specifications submitted by Otto Environmental in the amount of \$47.69. The City was paying \$51.38 during the last contract period which will save the City \$4.69 per cart. John Whitehead recommended that Council approve the low bid meeting specifications submitted by Otto Environmental in the amount of \$47.69 and allow the Public Works Department to proceed with the purchase of roll out containers.

**A MOTION** by Councilman Carroll, seconded by Councilman Wright, was unanimously adopted (6-0) to approve the low bid meeting specifications submitted by Otto Environmental in the amount of \$47.69 and allow the Public Works Department to proceed with the purchase of roll out containers.

Consideration of bids to upgrade a water main at Miller Business Park.

Henry Hicks, Utilities Director, stated that the Industrial Authority is currently building the Miller Business Park located between Highway 94 and Highway 41. The project will require the extension of a water main down Clay Road from Howell Road to New Statenville Road in order to serve the proposed Business Park. This water main extension will complete a much needed loop and create connection point for a future loop. The proposed Business Park will only require the capacity of an 8-inch water main, but in order to provide the highest capacity water loop, a 12-inch water main would need to be installed and connected to the existing 12-inch water main on Clay Road. The capacity in the upgrade would be used for the future water main extension/loop to Inner Perimeter Road. The Miller Business Park was designed by Lovell Engineering for the Valdosta-Lowndes County Industrial Authority. During the design of the Miller Business Park, Lovell Engineering realized that the City could possibly benefit from an upgrade to a portion of the proposed water main that was to serve the Business Park. The Utilities Department reviewed the portion of pipe that was proposed to be upgraded and received a price from the contractor to upgrade the pipe from an 8-inch to a 12-inch. The upgrade would provide a benefit by eliminating two dead end water mains and providing a connection point for a future water main loop. The project was sent out for bid and the low bidder was determined to be Standard Contractors. The cost of upgrading the 8-inch water main to a 12-inch water main was \$53,500. The Utilities Department Water Main Extensions Capital Account will be used to pay for this work. Henry Hicks recommended that Council approve the low bid submitted by Standard Contractors in the amount of \$53,500 for upgrading the water main at Miller Business Park.

A **MOTION** by Councilman Yost, seconded by Councilwoman White, was unanimously adopted (6-0) to approve the low bid submitted by Standard Contractors in the amount of \$53,500 for upgrading the water main at Miller Business Park.

## **ORDINANCES AND RESOLUTIONS**

### **ORDINANCE NO. 2011-29, AN ORDINANCE FOR A REFERENDUM TO ALLOW CITIZENS OF THE CITY OF VALDOSTA TO VOTE ON WHETHER TO ANNUL AND REPEAL THE SPECIAL INDEPENDENT SCHOOL SYSTEM SO THAT THE CITY OF VALDOSTA PUBLIC SCHOOL SYSTEM SHALL BECOME PART OF THE LOWNDES COUNTY PUBLIC SCHOOL SYSTEM**

Consideration of an Ordinance for a referendum to allow citizens of the City of Valdosta to vote on whether to annul and repeal the special independent school system so that the City of Valdosta public school system shall become part of the Lowndes County public school system.

George Talley, City Attorney, stated that on May 12, 2011, the Community Unification for Educational Excellence (CUEE) organization filed paperwork to begin a petition drive to collect enough signatures to have a referendum question on the repeal of the City School Charter to be placed on the November Municipal Election ballot. On July 11, 2011, CUEE provided the petitions to the Teresa Bolden, City Clerk, and Mark Barber, Elections Superintendent, as required by law. The City then had 50 days from the date the petitions were delivered to verify 10,090 signatures as valid, registered voters in the City of Valdosta as prescribed under the statute and Georgia law. As of July 1, 2011, the total number of registered voters in the City of Valdosta was 28,274 as provided by the Lowndes County Board of Elections. O.C.G.A. §20-2-370 requires that the petition be signed by one-fourth of the qualified voters of the municipality. At the time the petition was presented and filed with the City, there were 28,274 qualified voters in the City which would require valid petitions signed by 7,068 qualified voters. The results of the verification process determined that there were 7,163 valid signatures on the petition; therefore, the petition was certified to be valid and the question will be placed on the ballot of the November Municipal Election. An Ordinance calling for a referendum as to whether the City of Valdosta shall annul and repeal their independent school system so that the City of Valdosta public school system shall become a part of the Lowndes County public school system is attached. Also contained in the Ordinance is a stipulation that if the repeal of the City school system is approved then the City schools will continue to function until the Lowndes County Board of Education can arrange for the operations of those schools as part of their system as provided in O.C.G.A. §20-2-371. George Talley stated that he did not want to tell Council how to vote but wanted to cite a case. The case is the Board of Education for the City of Valdosta vs. Oliver, Mayor and it was decided by the Supreme Court of Georgia on November 10, 1960. The case provided that the Board of Education sought relief from a judgment of the Superior Court of Lowndes County which sustained the Mayor's demurer and dismissed the Board's petition seeking a Writ of Mandamus compelling the Mayor to call an election for the purposes of holding a referendum to obtain an increase in the tax rate. In reversing the case, the Court said that the location, organization, and management of the school were unknown to them and is not involved in the simple question of calling an election to approve an additional tax for school purposes. When and if the election is held and the tax is collected and the plan for the school adopted, then any legality in the plan can be raised. Since the questions were premature, the calling of the election in the circumstances pleaded being a plain duty laid upon the defendants by law and their failure to perform this duty, it was dismissed. George Talley stated that should Council not approve this, more than likely there would be a Court action taken and the Judge would place it on the ballot. Mayor Fretti stated that it could cost money out of the City's budget to defend that and they would have the Supreme Court case to use. He did not want any member of Council to feel that their free will is being taken away as to how to vote because they are not required to affirm this vote, but everything leads you to a path to make a decision and affirm the vote or expend more time and effort in the community to see how much further it could go.

Councilman Carroll stated that, in order to clarify the City Attorney's comments, it is in the Georgia Constitution that it is the right of citizens to petition their government in a legal and certifiable way and it would be against the Constitution for them to try and deny their request. George Talley, City Attorney, stated that was correct. The Court is saying that the law requires under the Code that was in effect at that time when the referendum is presented they had to call for the election. This City Council is under the same case here because the statute says that Mayor and Council shall call for an election. Councilman Carroll stated that this was merely a

formality. Councilman Yost inquired as to what would happen if they voted not to place this on the ballot. George Talley stated that the Judge would issue a Writ and would direct the officials involved to do something. Councilman Yost stated that they are saying that your vote does not count because it is going to be done anyway which takes it out of Council's hands. Councilman Yost inquired as to whether it really mattered if they included the City School System's millage when they voted on the millage. George Talley stated that it did matter because they were required to. This 1960 case involved Maxwell Oliver, Mayor of Valdosta, and he and the Council voted it down and he probably asked some of the same questions Council has asked. Mayor Fretti stated that neither he nor George would tell Council how to vote but they wanted to show Council what might occur with both decisions.

**A MOTION** was made by Councilman Vickers to deny placing the petition on the ballot. Councilman Wright seconded the motion. Councilman Vickers stated that he has never in all the time he has served on City Council objected to the voters making a decision on an issue. The problem he has with this is that a lot of people were hoodwinked into signing this petition. He has a problem with that and also some questions about the verification of the signatures. He cannot see anything that consolidation would do to help our children. There are too many questions left out there that are unanswered and they are asking us to buy a pig in the sack which means you do not know what you are getting. The City's Board of Education has worked hard to try to educate our children and this group wants to consolidate and tell us that our School System is second class and we need to merge with the County to improve it. They are planning to build a new school on the south side of town to replace Southeast Elementary and if we consolidate that is the end of it. Some of the people on this committee who are spending thousands of dollars have a hidden agenda which is to consolidate the City and the County. Most of us understand that and a lot of people are scared to say it. Many years ago they had a meeting in Calloway Gardens to discuss consolidation and the reason it didn't move forward was because they did not see how they could consolidate the school systems because you had to do that first before you consolidate the City and County. The next thing they found out was that it would not be any cheaper. Councilman Vickers stated that in his heart he could not vote for this. He has a choice of how he can vote and how he represents his community. He has heard from a number of individuals in his District and from those who signed the petition and they did not know what they were doing. That is the reason he made the motion.

Councilman Wright stated that he passed out a document to Council and he was not in favor of this. He could appreciate them following and applying the law especially in a situation like this but when you look at the Code Section that was in the Ordinance that they are being asked to rubber stamp tonight it says that when the citizens of a municipality wish to annul their school system that they should be the one to initiate the process. That is the first concern that he has because this was not initiated by the citizens but by a group that got the citizens involved. Also, Code Section 20-2-291 talks about the financing and construction of merging and consolidation and states that no student will be required to travel a greater time than the maximum time prescribed by the State Board of Education. We have no information on how far these children are going to travel and what they are going to have to do. That same Code Section states that the local Board of Education, who are the potential parties to merge the local school system, have to approve a Resolution and send to the State Board of Education to ask them to conduct a Feasibility Study. Councilman Wright stated that he called the State Board of Education to inquire as to whether a Resolution from our local School Board has been sent asking them to conduct a Feasibility Study on consolidation of schools. The person stated that she was not aware of any Feasibility Study. He also called the local Board of Education and asked them the same question. They said there was a Feasibility Study conducted in 1990 but it was not done by the State Board and it said they should not consolidate. The local Board of Education has to approve a Resolution asking the State Board to conduct a Feasibility Study and the local Board has to approve it. If that has happened then we could go forward; however, thinking about the law and the City being sued, Councilman Wright asked for Council to consider this. The local Board of Education and the State Board of Education have conducted a Feasibility Study and they should side on the caution of the law. Councilman Wright stated that he would be voting no on this.

Councilman Carroll stated that what is before Council is a petition with 7,163 valid signatures of citizens registered to vote in the City of Valdosta asking them to place a referendum on the ballot. They are passing along what a group of citizens have petitioned their City to do. There is a legal interpretation that this would be in violation of the Constitution of the State of Georgia. As to the issues that Councilman Wright and Councilman Vickers brought up as to the potential flaws in the referendum in the ballot initiative, those are issues that should be decided somewhere other than City Council. Councilman Carroll stated that he would vote in favor of the

referendum because there are citizens who have properly executed a petition that has been certified by the City of Valdosta and meets all the requirements based on the State Constitution and Code.

Councilman Yost stated that he did not like the position that they have been placed in because their vote, whether they are for or against it, has been taken out of their hands in order to protect themselves from later litigation. Councilman Yost stated that the 1960 decision may be well past its time and things have come and gone since then that would prove this totally different than the way it has been explained. Council does have to vote the way they feel though.

Councilwoman White inquired as to what the ramifications would be if they tabled the issue in order to have more time to hear the arguments. George Talley stated that the only problem that may have would be the time involved in preparing the ballots. Larry Hanson, City Manager, stated that there are also different ways to go about consolidation and you cannot mix and match the Code Sections. In one of the Code Sections it stated that the Ordinance had to be adopted within seven days of the validation of the petition. George Talley stated that was under the Home Rule Act and this did not come under the Home Rule Act. Councilwoman White inquired as to which one of the legal issues supersedes the other. Larry Hanson stated that they could not really answer the timeline question and that would the Lowndes County Board of Elections would have to answer that. Councilman Yost asked for clarification as to what would happen if this motion fails. Mayor Fretti stated that if this motion fails Council has to ask for a motion in the affirmative and that has to pass.

Councilman Norton stated that he has had both sides speak to him and if this came to them with every "i" dotted and "t" crossed then it is to put the referendum on the ballot. Citizens are encouraged to study both sides of the issue and they can make this decision to annul or not.

Councilman Wright stated that any time we get ready to conduct some real estate business or major project in the City one of the first things they do is a Feasibility Study for someone to bring them accurate information so that they can make an educated and informed decision to vote on it. For whatever reason, these laws that he previously cited have not been addressed. The local School Board should send a Resolution to the State Board of Education and that has not happened. When he spoke with a representative of the State Board they said that people from this organization had called and inquired about a Feasibility Study but they have not called back. He called the local School Board and they said a Feasibility Study was done in 1990 and it was not feasible to consolidate. They are going on nothing to move forward. This Council has never conducted business like that before and he was surprised they would consider it. The citizens who are the most at risk are those who are being left out of the process. They have not followed the law and he was confident about that. He has not seen anything in black and white and this is the law and what they have to do.

Councilman Carroll inquired as to whether there is any law that would legally put this City Council into jeopardy if they voted in the affirmative on this. George Talley, City Attorney, stated that he did not look at the Code Sections that Councilman Wright had mentioned earlier but he thought this was where they were voluntarily consolidating the system so they have to do a Feasibility Study. George Talley stated that he did not know what had been done by our community about any kind of consolidation or anything else. This law talks about financing construction of facilities for voluntary consolidation. There is a procedure that was originally in the Constitution where two smaller counties can consolidate their system. For example, Taliaferro-Greene County and Randolph-Macon County consolidated their systems and have one high school between the two. These counties are small and they could better afford facilities by going together. Councilman Carroll stated that his assumption was that their action as Council does not put them into any legal liability and all they are doing is acknowledging that they received a legal, certified, verified petition of citizens based on the minimum number of signatures required to place a referendum on a ballot. George Talley stated that was correct and that Council is voting to certify that the number of signatures required by registered voters is here and asking the Board of Elections to place it on the ballot for the General Election in November. Councilwoman White inquired as to whether that was correct. Larry Hanson, City Manager, stated that the City is really not involved in this in any way, shape, or form other than at the end of the process being forced to validate the signatures on the petition. That was the City's role and we had no role to do any study and we were not asked to do that. They are following a statute in the Official Code of Georgia. Using annexation as an analogy, there are multiple ways in the Georgia Code to annex property. If it is an unincorporated island you can annex by having the unilateral authority, you can annex by the 60% method, you can annex by the

100% method, or you can annex by the acquiescence of the County governing authority. There are at least four distinct Code Sections in the Georgia statute dealing with annexation. Property owners and the City have the right to pick the one they so choose. In annexing the unincorporated islands, Council chose the one that allowed them to do that by your own vote. What is happening here is some mixing and matching of Code Sections because there are several different Code Sections regarding the consolidation of school systems. George Talley stated that most consolidations have been brought about by local legislation, local legislation doing away with an independent school system, or local legislation allowing a county-wide vote. Larry Hanson stated that for whatever reason, this group chose not to pursue that particular Code Section or option. There is no legal jeopardy for Council to vote against it but if they choose to challenge it in Court then a Judge will make a determination.

Councilman Vickers stated that he wanted to make a brief statement and then he would call for the question. Councilman Vickers stated that he believes that if we were going to consolidate the two school systems then the two school systems would need to sit down and work out the issues, prepare a plan, and present it to the community. In this case, there is no plan and there is an attempt to merge the two systems when the County does not even want it. We are forcing this on them and it is going to cost millions. The School Systems have two different curriculums and it is going to take years to get them reading out of the same book. There are a lot of things wrong with this that we just do not know. It is like buying a pig in a sack and you hope when it jumps out it is a real pig. You are being fooled and they ought to be able to put a plan in place but they can't put a plan because they have no authority to make a plan and present it. We have worked to get representation on our elected boards in the minority communities and if we merged we will end up with one Board of Education Member and in the City we have four. It is not so much a black and white issue but having fair representation that represents the community. We have a good Board of Education and they live in different parts of the community. There is too much of the unknown. Councilman Vickers stated that he has constantly heard from citizens through the years who have threatened to sue Council so they should not make a decision on something just because they received a threat of a lawsuit. Most of the Council members have heard it over and over but one thing they cannot do to you is eat you so they need to vote their conviction.

**A MOTION** was made by Councilman Vickers to call for the question. Councilman Wright seconded the motion. Mayor Fretti stated that the call for the question is to limit or stop debate. The mover did not ask to limit debate so he could only assume that it was to stop debate when it is silent on limiting. This is a vote to stop debate and go directly to the mover's original motion. The motion was adopted 4-2 with Councilman Norton and Councilwoman White voting in opposition.

**AN ORIGINAL MOTION** was made by Councilman Vickers to deny placing this question on the ballot to allow citizens of the City of Valdosta to vote on whether to annul and repeal the special independent school system so that the City of Valdosta public school system shall become part of the Lowndes County public school system. The motion was seconded by Councilman Wright. The motion was tied 3-3 with Councilman Carroll, Councilman Norton, and Councilman Yost voting in opposition. Mayor Fretti stated that he did not like this and he planned on voting against the consolidation issue if it makes it to the ballot. It is confusing and it started out in the least inclusive manner. As you heard with annexation, there are several choices you could take and one choice was to involve the entire community. This choice unfortunately feels like a forced adoption because it seems to be forced on people who do not want the City School System and a City School System that does not want to go to these people right now. That is unfair. If our legislators could go to the State and say to their fellow legislators that there are only 15 of these left in the State then we might be able to get them to pass a bill to allow one for both charters to dissolve and have them create a unified charter. Mayor Fretti stated that he felt like this would pass the Legislature and wished they could have done that ahead of time. This was the most constrictive manner and he has not seen a plan on how to go about that; however, the required amount of registered voters signed the petition to take this to the ballot so that they could be heard and they should be heard. Mayor Fretti stated that he also wanted to be heard at the ballot box. Mayor Fretti voted against the motion to deny placing this on the ballot.

Mayor Fretti stated that they would need a motion in the affirmative.

**A MOTION** was made by Councilman Carroll to approve the request that 7,163 registered voting citizens of our community have presented to them to place this referendum on the ballot in the fall. Councilwoman White seconded the motion. The motion was adopted 4-2 with Councilman Wright and Councilman Vickers voting in opposition to enact Ordinance No. 2011-29, the complete text of which will be found in Ordinance Book XII.

Mayor Fretti stated that only the citizens of Valdosta only who have been registered for six months may vote on this issue in November. Councilman Vickers stated that he thought the citizens had to already be registered for six months to sign the petition and to vote on the referendum and those who are just getting registered next week would not be able to vote. Mayor Fretti stated that was the last information he heard and it is unfortunate. George Talley, City Attorney, stated that the Code Section requires only qualified voters that have been a resident of the City for six months could vote on the issue. Mayor Fretti stated that is why he would be voting against this at the ballot. People will be turned away at the ballot box because they do not qualify and have not been a registered voter for six months. If anyone in the Council Chambers went today to register to vote on this issue they would not be able to vote on it. Mayor Fretti stated that, in his humble opinion, there was a much better way to go about this in order to allow everyone that will be affected by this to be heard.

Councilman Yost stated that to vote in the General Election in November you can register up until 30 days prior to the election and inquired as to whether they will give a ballot to someone with this on it if they have only been registered for 30 days but cannot vote on the referendum. George Talley, City Attorney, stated that was a very interesting question and there will probably be a lawsuit. Mayor Fretti stated that they think there will be a separate ballot and more costs to the City of Valdosta for staffing because there has to be a line for those that have been registered for six months and a line for those who were registered yesterday. Councilman Wright stated that according to the statute that they were ignoring tonight you have to be a registered voter for six months to even sign the petition. Larry Hanson stated that he did not think you had to be a registered voter for six months to sign the petition. Councilman Carroll stated that the trained Supervisor of Elections for the City of Valdosta has certified that there were 7,163 valid signatures. Councilman Wright stated that his question was whether they had to be a registered voter for six months to sign the petition. George Talley stated that there was no decision on that point.

## LOCAL FUNDING AND REQUESTS

Consideration of a request for an appointment to the Five Points and Municipal Auditorium Steering Committee.

Mara Register, Assistant to the City Manager, stated that the Mayor and City Council appointed the City appointees to the Five Points and Municipal Auditorium Steering Committee at the regular meeting on May 5, 2011. Two alternates, Mrs. Jennifer Powell and Mr. Michael Thomas, were also appointed at that time. The Committee has been meeting monthly since that time and will continue their work through the next year to plan for the redevelopment of the Five Points property to include the new Municipal Auditorium facilities and the new South Georgia Regional Library. Mr. Blake Ellis, one of the original Steering Committee members, tendered his resignation to the Committee on Thursday, August 18, 2011. Mr. Ellis' resignation was due to a potential conflict of interest due to his previous association with an architectural firm in the community that is planning to submit a proposal to serve as the professional design consultant for the Five Points and Municipal Auditorium project. The Mayor and City Council appointed two alternates to the Committee, Mrs. Jennifer Powell and Mr. Michael Thomas, at the time of the Committee appointments on May 5, 2011. Both Mrs. Powell and Mr. Thomas expressed interest and willingness to serve if selected to fill the vacancy due to Mr. Ellis' resignation from the Committee. Mara Register stated that they received 13 Request for Qualifications proposals this week and they will be distributed to the six subcommittee members for review. They will go through training with Pat Collins, City Engineer, next week about the different project delivery methods on September 1, 2011 and then meet on September 7, 2011 to short list three firms to make presentations to the subcommittee on September 28, 2011. The on October 13, 2011, their recommendation will be made to the full Steering Committee which will then be brought before Mayor and Council on October 20, 2011.

Mayor Fretti asked for nominations. Councilman Vickers placed in consideration the name of Michael Thomas. Councilman Carroll placed in consideration the name of Jennifer Powell. There being no other nominations, Mayor Fretti closed nominations. Jennifer Powell received three votes and Michael Thomas received three votes. Mayor Fretti broke the tie and Jennifer Powell was appointed to serve on the Five Points and Municipal Auditorium Steering Committee.

Larry Hanson, City Manager, stated that the 10<sup>th</sup> Anniversary 9-11 Remembrance Ceremony will take place on September 11, 2011 at 8:30 a.m. at the Lowndes County Courthouse. The program has come together very well and Mayor and Council are encouraged to attend.

The Downtown Farm Days have been very successful with approximately 29 vendors and have been taking place every other Saturday since May 7, 2011. There will be two more events and those are scheduled for September 3<sup>rd</sup> and September 17<sup>th</sup>.

The Regional Committee for T-SPLOST which consists of 35 members met on Wednesday of this week and they have now approved the list recommended by the Executive Committee of the region. There were 24 members present and they voted 22-2 to move that forward so it now goes to the stage of having three public hearings. The City of Valdosta has offered to host one of those public hearings so it will be held on September 19, 2011 from 10:00 a.m. to 12:00 p.m. at the City Hall Annex. Citizens in the region can come and see the projects and offer comments for or against those projects. This includes an 18-county region with projects totaling \$503 million and both Valdosta and Lowndes County have projects on the proposed list.

Larry Hanson stated that we were preparing Sunday night and Monday morning for Hurricane Irene and had all of employees on alert; however, during the course of the week the path of the hurricane shifted and it appears that the southern-most point will be over Hatteras, North Carolina.

## **COUNCIL COMMENTS**

Councilman Yost thanked the Staff who worked on the ballot issue for weeks and weeks and he was not sure if he liked the process. Councilman Yost stated that he has not heard from his own School Board members about how they feel on this issue and now Council has to make a decision to put it on the ballot. Councilman Yost also thanked the Police Department and all of their Staff who worked on the reaccreditation and as a community we should be very proud of that. He has also thoroughly enjoyed the Farm Days and buying fresh vegetables and it has been a great success.

Councilman Vickers commended the Council members and the Mayor on their lively discussion tonight. Sometimes they need to have a discussion and not rubber stamp everything that comes across their desk. Councilman Vickers stated that he was also concerned about House Bill 87. Larry Hanson, City Manager, stated that House Bill 87 is the Attorney General's re-write of the Open Meetings/Open Records and it is now not being considered in this session of the General Assembly. Councilman Vickers stated that they need to have some conversations about that and then let the local Representatives know. It is ridiculous that if they are going to a meeting in Atlanta they cannot ride together in a van. George Talley, City Attorney, stated that the new House Bill says that Council members cannot talk to him unless it is litigation and privileged. Councilman Vickers stated that they do not need to wait until January to discuss this.

Councilwoman White stated that on school consolidation she felt that there are too many unanswered questions for it to have been presented to the Mayor and Council tonight. She would have moved to table the vote if she had sensed that was the will of the majority, but it did not seem so in the room at the time to table it so they pressed on. Councilwoman White stated that she did feel like her ultimate vote was indifference to the voters and she could not under estimate her respect for the voters in letting them make an opinion. It is their right to make that ultimate decision; however, anyone who is against it has more than enough grounds and more than enough questions to be asked from this point forward. From what Council was given here tonight, they made the right decision. Councilwoman White thanked Staff for all of the work they did in bringing this to the Council. It was presented to Council without enough information but they had to make a decision. So everyone will move forward whether they are for or against. There are fine people on both sides of this issue and none should be disrespected in any way.

Councilman Carroll thanked Mark Barber, Deputy City Manager of Administration, and his team for all of their work on verifying the signatures on the petition. It was a very tedious process and they received pressure from both sides wanting to know where things stood.



Larry Hanson, City Manager, stated that the Code Section was very old, out dated, literally impossible to comply with all the terms. He suggested that Council consider asking the Legislature and the local delegation to have that law rescinded and removed because he would not want any other city to have to go through what our Staff has had to go through. It is unfair to try and make decisions when it is so vague and unclear. There are now mechanisms in the Constitution, 1983 and beyond, that appear to be much more community oriented. Decisions that affect an entire community should not have to be made by only one segment of the community. Larry Hanson asked Council's consideration in asking the Legislature to rescind and remove that from the Official Code of Georgia. Mayor Fretti stated that there was a better way to do this and the Georgia Municipal Association and other cities are watching Valdosta throughout this process to see how this has worked.

### CITIZENS TO BE HEARD

J. Holder Smith, Attorney, 1019 Cherrywood Circle, stated that the Board of Ethics, which was appointed to investigate Mayor Fretti's travel expenses, reached a decision last week and while he disagreed with that decision he respected it. He respects each of the members of the Board of Ethics and their willingness to serve. Mr. Smith stated that he wanted to ask Council's consideration in making three changes to the Code of Ethics. The first one being is that we now have a precedent set by the Board of Ethics because as the Code of Ethics is presently written, it is now ethical conduct for an elected official to submit the same travel expense to two different governmental agencies and receive compensation from both agencies for the same expense. While this Council has amended the Travel Policy to prohibit such conduct, the Code of Ethics does not. Mr. Smith asked that Council consider amending the Code of Ethics so that it is consistent with the Travel Policy. The second suggestion that he would like for Council to consider is the actual power of the Board of Ethics itself. The Board, as we learned over this process, has no subpoena power. With the particular issue that was addressed last week, they had the power to submit open records requests both to the City and the Department of Community Affairs. The subpoena power was not a huge deal although if they wanted to compel a witness to attend that Board Meeting they could not. In the future that may be a problem; therefore, the second suggestion for Council's consideration is to amend the Code of Ethics so that the Ethics Board would have the subpoena power to compel production of documents and have the subpoena power to compel witnesses to come and testify. The final suggestion for Council's consideration is if someone is found to have violated the Code of Ethics nothing happens to them. The only penalties are a reprimand and a censure which is essentially the same thing. There are no provisions for suspension, loss of pay, or removal from office. For example, if he was on the City Council and robbed a bank he might be guilty of violating the Code of Ethics; however, as he reads it, he could continue to serve as a City Councilman until his term was up. The Code of Ethics has absolutely no enforcement power for someone who is found by the Board of Ethics to be in violation. A reprimand or censure is merely a piece of paper and it will not deter any future conduct. Mr. Smith stated that he did respect the decision of the Board of Ethics and he very much respected the members who agreed to serve in that very difficult decision, but the process has exposed some very significant weaknesses in the Code of Ethics and he would appreciate Council's consideration in making those changes. George Talley, City Attorney, stated that they are considering a new Ordinance in that regard but this body does not have the authority to do some of the things that he has proposed. Mayor Fretti stated that Mr. Smith should study his law a little more because only the Governor can remove any member of Council or a County Commission. Mr. Smith inquired as to whether he could petition the State Legislature to change that. Mayor Fretti stated Mr. Smith that he could do that.

### 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 Norton, was unanimously adopted (6-0) to adjourn the August 25, 2011 meeting of the Valdosta City Council at 7:13 p.m. and enter into Executive Session.

Mayor Fretti reconvened the regular City Council meeting at 7:38 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 Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the August 25, 2011 meeting of the Valdosta City Council at 7:39 p.m. to meet again in regular session on Thursday, September 8, 2011.

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City Clerk, City of Valdosta

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Mayor, City of Valdosta