

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, SEPTEMBER 22, 2011
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor Joseph "Sonny" Vickers called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Hoke Hampton, Tim Carroll, Ben Norton, Alvin Payton, Jr., and James Wright. Councilwoman Deidra White arrived at 5:40 p.m. and Councilman Robert Yost arrived at 5:50 p.m. The invocation was given by Rev. Floyd Rose, followed by the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES

Mayor Vickers asked for any deletions or corrections to the minutes of the September 8, 2011 Regular Meeting. There were no additions or deletions.

A **MOTION** by Councilman Hampton, seconded by Councilman Payton, was unanimously adopted (5-0) to approve the minutes of the September 8, 2011 Regular Meeting. Councilwoman Deidra White and Councilman Robert Yost were absent for the vote.

ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 2011-31, AN ORDINANCE TO REPEAL SECTION 11-1012, SLINGSHOTS, BOWS AND ARROWS, AIR RIFLES, AND SECTION 11-5008, SALES OF WEAPONS IN THE CITY OF VALDOSTA'S CODE OF ORDINANCES

Consideration of an Ordinance to repeal Section 11-1012, Slingshots, Bows and Arrows, Air Rifles and Section 11-5008, Sales of Weapons in the City of Valdosta's Code of Ordinances.

Police Chief Frank Simons stated that Section 11-1012, Slingshots, Bows and Arrows, Air Rifles and Section 11-5008, Sales of Weapons in the City of Valdosta's Code of Ordinances are very outdated and need to be repealed. Code Section 11-1012 prohibits the discharge of BB guns, paint ball guns, and even water pistols because it works on an air system. It also restricts the use of a bow and arrow in the City limits. There are a number of licensed businesses that use these types of tools one of which is a paint ball facility. As additional businesses try to locate in the City, they would likely be affected by this Ordinance if it is retained in the Code. Section 11-5008, Sales of Weapons requires that retail business trying to sell a weapon to collect certain information, send it to the Police Department for processing, and have the Police Chief actually approve the sale. When this Ordinance was put into place in the early 1960's, it was a necessary Ordinance; however, now there is Federal law in place that covers all of these concerns. This Ordinance is not being enforced at this time. Chief Simons asked for Council's consideration in rescinding these two Ordinances.

A **MOTION** by Councilman Payton, seconded by Councilman Carroll, was unanimously adopted (6-0) to enact Ordinance No. 2011-31, an Ordinance to repeal Section 11-1012, Slingshots, Bows and Arrows, Air Rifles and Section 11-5008, Sales of Weapons in the City of Valdosta's Code of Ordinances, the complete text of which will be found in Ordinance Book XII. Councilman Robert Yost was absent for the vote.

LOCAL FUNDING AND REQUESTS

Consideration of a request to replace hypochlorite generator electrodes at the Water Treatment Plant.

Henry Hicks, Utilities Director, stated that hypochlorite generators were installed during the last upgrade/expansion of the Water Treatment Plant in 2007 which replaced the use of hazardous chlorine gas used for the disinfection of the public water supply. Generation of hypochlorite solution on site is safer, more efficient, and less expensive than purchasing liquid hypochlorite in bulk quantities since it does not deteriorate in strength or effectiveness over time as does liquid solution stored in tanks. The Water Plant has two hypochlorite generators to

meet regulatory requirements for redundancy in critical treatment processes thus ensuring that disinfection capabilities can be met should one generator be taken down for failure, maintenance, or repairs. Each generator has two electrodes used in the generation of hypochlorite solution. During high flow periods, both generators are needed and run simultaneously. These electrodes have a typical life cycle of five to seven years when regularly cleaned and maintained. One of the two electrodes recently failed in Unit 2 and that unit had to be taken offline since the unit cannot function as designed on a single electrode. The manufacturer recommends that both electrodes be replaced at the same time to ensure reliability of the system. The one electrode that still functions in Unit 2 will be kept as a spare for emergency repair purposes only. This is a sole source purchase and they have to purchase the electrodes from the original vendor. Replacement of two electrodes at \$120,000 was budgeted in the 2012 Budget as well as replacement of the other two in the 2014 Budget. Henry Hicks recommended that Council approve the request to replace two hypochlorite generator electrodes at the Water Treatment Plant in the amount of \$116,400.

A MOTION by Councilman Carroll, seconded by Councilman Norton, was unanimously adopted (6-0) to replace two hypochlorite generator electrodes in the amount of \$116,400 at the Water Treatment Plant. Councilman Robert Yost was absent for the vote.

CITY MANAGER’S REPORT

Larry Hanson, City Manager, stated that Governor Nathan Deal and five Staff members were in our community last week and Mayor Vickers had an opportunity to have lunch with him and make some comments later in the day. They discussed some of the issues that affect Valdosta as it relates to stormwater and the Governor seemed very interested and asked for additional information.

Larry Hanson, City Manager, provided updates on the following projects: (1) Manhole Replacement and Rehabilitation Project – This Project was approved by Council is progressing very nicely. It is currently under budget by 30% so there will now be six additional manholes that will be rehabilitated. The lining of the last two manholes will be completed this week which will help with inflow and infiltration. (2) Tucker Road Bridge Replacement Lift Station – This Project will begin construction next week so that the bridge can be replaced and the road reopened. (3) Mud Creek Wastewater Treatment Plant Project - Construction for this Project is on schedule and under budget. (4) Savannah Avenue and Fry Street Elevated Storage Tank Project – This Project has all of the approvals now in place. The pre-bid meeting was held on September 20, 2011 and there were three contractors with two who were responsive. The bid opening will be held on October 11, 2011. (5) Park Avenue Box Culvert Project – This Project is now complete. (6) Martin Luther King, Jr. Corridor Project – The work on this Project is ongoing and AT&T has completed all of their work on time. Georgia Power is now completing the new pole additions and the City’s contractor will start work this week on the City’s portion. The Project should be completed by Thanksgiving.

Larry Hanson, City Manager, stated that Mayor and Council received an invitation for a Legislative Appreciation event which is scheduled for Friday, October 14, 2011. This is our attempt as a community to have the equivalent of a Bird Supper type event in our community to honor our local delegation. An invitation will also be extended to other members of the General Assembly to attend so that we can showcase our community.

Larry Hanson, City Manager, stated that Mayor Vickers had asked that him to provide the Council with more comprehensive information on the Transportation Tax. The Southern Georgia Regional Transportation Roundtable comes out of the Transportation Investment Act of 2010 and there will be a regional tax voted on in 2012. Georgia has the second lowest transportation resources per person in the United States and spends \$380 per capita. The U. S. average is \$700 per person per state so we are only above the state of Tennessee. Georgia has the second lowest Motor Fuel Tax in the U. S. and that is why we have less funding for transportation. The Transportation Investment Act of 2010 was the General Assembly’s answer to address transportation needs in Georgia. There are 12 Special Tax Districts based on Regional Commission boundaries and each District can levy a 1% sales tax for ten years. An individual county cannot opt out and there will be a vote in every county in the region. The regional vote determines whether it passes or fails. The money raised in each District will stay in that District. The Federal Gas Tax is subject to congressional balancing which means that the State Department of Transportation (DOT) must spend the same amount of money in each Congressional District in the State of

Georgia. This tax is not subject to congressional balancing which makes it difficult for the DOT. The Project Criteria to determine which projects are funded was developed by each Roundtable. Citizens will have the opportunity to vote on a Referendum in the Primary Election in July, 2012. There was consideration by the Georgia Special Session to move it to next November, but that was deferred so it could come up again in the General Assembly in January, 2012. If it is passed, the funds will start flowing in the first quarter of 2013. In the Southern Georgia Region, there are 18 counties, 45 cities, 11,000 miles of roads, and 406,583 people, and Valdosta is the largest city in the Region. Each Roundtable consists of two members from each county and includes the Chairman of the County Commission and a Mayor elected by the Mayors of the county. The Brantley County Mayors did not appoint a representative so there are 35 members in our Region instead of 36. The Bill also establishes an Executive Committee with five members of the Roundtable selected by its members. There are three non-voting members who are Legislators selected by Chairs of the House and Senate Transportation Committees. Travis Harper, Mayor of Nashville, is the Chair of both the Roundtable and Executive Committee in our Region but he does not have a vote. A list of projects was developed and later that list had to be constrained in order to find the projects to give the best value for the money, improve the region's transportation network, support economic growth, ensure safety and security, and minimize the impact of the environment. These projects must be ones that can be delivered on time and on budget so there has to be an expectation that all of the projects can be completed within ten years of the tax. The final constrained list must be adopted by October 15, 2011. There were \$2.092 billion in unconstrained projects submitted by the cities and counties of this Region and there was \$503 million in available revenue. The Executive Committee had to cut \$1.589 billion in projects just to get a balanced budget within the revenue expected. Each local jurisdiction was asked to rank the projects and then the Executive Committee held three meetings to develop a constrained list of 57 projects with at least one project in each county. There are two pots of money written into the law with the first one being the regional pot with 75% of the one penny tax going to the Region. That money will be used to fund the 57 projects if they are approved by the citizens in a Referendum. The Georgia Department of Transportation will be responsible for project delivery so they will actually carry out and build these projects if the tax passes. The second pot of money is local discretionary money so 25% of that money will be divided among all local governments within the District based on the old LARP formula. Each local government would determine what this money would be used for such as resurfacing or local road improvement projects. The estimated revenue collection generated in 18 counties is \$670 million with \$503 million going into the 75% regional pot and \$167 million going into the 25% local discretionary pot. The intent of this legislation was to build projects that are considered to be of regional significance. Projects that were viewed by the Committee as more of a local project can still be done but we would have to use money from the 25% local discretionary funds. The City of Valdosta benefits greatly being a regional community because more than half of the SPLOST funding comes from people who do not live in Valdosta. This tax will be a little different in that our County and City will be the primary generators and most of that is going to be spent throughout the rest of the Region. We do have some obligation to help support the Region because we benefit from it; however, we would have been preferred to see more of the money go to the counties that are contiguous to us because they support our economy but that is not exactly what happened. Out of the \$565 million which was the original projection, Lowndes County would generate an estimated \$212 million of the tax which means we will generate approximately 40% of the tax; however, based on the allocation of projects, our community would only get about 26% of it back. The City of Valdosta generates about \$180 million of the \$212 million so we generate the majority of the tax but we are only going to receive approximately \$47 million over ten years in return. We need to look at both sides of the issue because it is important for the Region to prosper because we benefit from that as well; however, it is clear that our City and County will be a donor to the Region for this tax. Councilman Yost stated that he agreed to a certain point but we have to take care of them everyone who comes into our City and uses our services once they are here. Everything that we do is a benefit to them but it costs us money. Even if it was 50/50, we should be getting more of this money back into our community. He did not fault the smaller cities and counties for fighting for more of our money, but it is the whole process and how this was set up that concerned him. Councilman Yost inquired as to whether we would still get Federal dollars if things were left just as they are. Larry Hanson stated that we would but there is no guarantee when we would get the funds. Councilman Yost stated that we are asking the citizens to pay more money for more tax to do bigger projects in other places and some here. Councilman Yost inquired as to what role we would play and if we would have a say in whether we are for or against this. Larry Hanson stated that some of the smaller communities only got one project and it was a really good project. For example, Atkinson County has Highway 441 and they cannot control the fact that this would be an expensive project; however, that is truly a regional project to complete the widening of Highway 441. If the Regional Transportation Roundtable does not adopt a final constrained list by October 15, 2011, all local

governments must match their LMIG funds at a rate of 50% and then wait 24 months to start the process over again. If the list is approved and the voters do not approve the Referendum, then we would have to match the DOT money at a rate of 30% and wait 24 months before our Region could have another Referendum. If the voters approve the Referendum, we would still be required to match the LMIG money at a rate of 10% and we could use the 25% local discretionary as the match. In the final steps, the Regional Roundtable had three public hearings and they have a meeting scheduled for October 10, 2011 to adopt the final list. Citizens will vote on the Referendum in the General Primary Election in July, 2012 unless that is changed by the Legislature. Then project delivery will be led by the DOT and a Regional Citizens Review Panel will be appointed to oversee the process. If it passes in the Region then it is effective in the entire Region and if it fails in the entire Region then it is effective nowhere in the Region. It does not matter if Lowndes County passed it at 80% because if it fails in the Region as a whole it would not be in effect here. Likewise, if we defeated it in our community and it passed in the region then it would pass.

Councilman Yost inquired as to what would happen if the region and 90% of the counties in Georgia voted this down and then we wanted to add a penny to SPLOST in order to raise money to use for transportation issues and not have to share with other communities. Larry Hanson stated that a lot of the business communities across the State feel that transportation issues have to be addressed in metro Atlanta. If it passes in Atlanta and failed in the rest of the State then perhaps nothing would be done. There are some who think this might not pass in any Region in Georgia and if that is the case then the Legislature may reconsider and look at some other options. As far as an additional local tax, State law says that you can only have \$.07 sales tax and we currently have that so this would not be an option to have an additional penny unless the Legislature allowed a local Referendum for a transportation tax as opposed to regional one.

Councilman Carroll stated that there are some projects on the list that we had tentatively planned to fund through SPLOST and inquired as to whether this would free up some SPLOST money by shifting these projects if approved. Larry Hanson stated that when SPLOST passed in 2008 it was a six-year tax and it was expected for the City to generate \$72 million over six years. It is now tracking in year four to generate \$50 million over six years. We have had to cut \$22 million out of existing projects to live with a lesser amount of revenue than anticipated so there will not be any additional money to allocate.

Councilman Wright inquired as to whether this was the final list of projects. Larry Hanson stated that when the Regional Roundtable meets on October 10, 2011 they will vote on the final list. If we want to ask the Regional Roundtable to make changes to the list then there is still time to do so. Initially, we only had four or five projects approved; however, we got more projects and money by attending the meetings so in their minds they feel that they did add additional projects at our request.

Councilman Yost stated that he would like to see the list amended so that one of the two Airport Projects that were on the list but not approved are on there along with a couple of sidewalk projects. Larry Hanson stated that there were categories established and this Region had 0-5% for Aviation Projects which meant \$0 to \$25 million. There is only \$1.2 million in the whole Region set aside right now for aviation and that is for a project at the Turner County Airport. This is a reasonable request because by their own criteria they allocated up to \$25 million in our Region. Councilman Payton stated that if the Airport Project is added then they would have to take off a project from the list. Larry Hanson stated that he had heard that there is one community that is going to ask to remove a \$5 or \$6 million project so if we want to ask them to add the Airport Project we should do so.

COUNCIL COMMENTS

Mayor Vickers thanked Council for showing confidence in him and appointing him as the new Mayor. He also thanked Larry Hanson, City Manager, Teresa Bolden, City Clerk, Shirley Britt, Deputy City Clerk, and all of the employees at City Hall for their assistance and support. Mayor Vickers stated that he has received numerous phone calls and the support and encouragement that he has received from family, friends, and the citizens of Valdosta was greatly appreciated.

Councilman Hampton inquired as to whether there was a law in Valdosta about baggy pants. George Talley, City Attorney, stated that there was nothing on the books at the current time.

Roberta Magnasco, 2607 Rolling Hill Drive, stated that there is an issue of great concern to citizens in our area. In a few months, Georgia Power will be coming into the City and County to install smart meters. These are digital electric meters that will replace the current analog meters on our homes. Groups across the country including the Sierra Club of San Francisco, the Green Party, Republicans, Democrats, Tea Parties, the Attorney General from Connecticut, and the Attorney General from Bath, Maine have all supported ordinances to stop the forced installation of these meters on our homes. There is concern with health and privacy issues and the actual costs savings that we are told we will receive from the meters. Ms. Magnasco asked that Council study the issue and if possible, pursue having a City Ordinance with an “opt out” option for all citizens who do not want to be forced to have the meter installed on their homes. Councilman Wright inquired about the safety hazards. Ms. Magnasco stated that there have been fires that have occurred with these meters. The ones that are installed in California have not been certified by Underwriter’s Lab. She has been doing research on the ones that will be installed here and has not been able to find certification at the UL website either. Some have said that the fires were caused by faulty connections and others because of the actual wiring. There is a lot of concern about the radio frequency waves coming from the meters and health concerns about the frequency of the micro waves being sent out over the air. There is also a lot of concern about cyber security because a savvy computer person could access those waves going out to determine if someone was home or not. Ms. Magnasco stated that there will be gas meters installed in the future but they are concerned about the electric meters being installed not only by Georgia Power but the EMCs as well.

ADJOURNMENT

Mayor Vickers entertained a motion for adjournment.

A **MOTION** by Councilman Norton, seconded by Councilman Carroll, was unanimously adopted (7-0) to adjourn the September 22, 2011 meeting of the Valdosta City Council at 6:35 p.m. to meet again in regular session on Thursday, October 6, 2011.

City Clerk, City of Valdosta

Mayor, City of Valdosta