

MINUTES
REGULAR MEETING OF THE VALDOSTA CITY COUNCIL
5:30 P.M., THURSDAY, AUGUST 22, 2019
COUNCIL CHAMBERS, CITY HALL

OPENING CEREMONIES

Mayor Pro Tem Sandra Tooley called the regular meeting of the Valdosta City Council to order at 5:30 p.m. Council members present were: Joseph "Sonny" Vickers, Tim Carroll, Ben Norton, Eric Howard, Andy Gibbs, and Vivian Miller-Cody. Mayor John Gayle and City Attorney Tim Tanner were absent. Jeremy Baker, Attorney with Coleman Talley, LLP, filled in for the City Attorney. The invocation was given by Father Brian LaBurt, St. John Catholic School, followed by the Pledge of Allegiance to the American Flag.

APPROVAL OF MINUTES

Mayor Pro Tem Tooley entertained a motion to approve the minutes of the August 8, 2019 Regular Council Meeting.

A **MOTION** by Councilman Carroll, seconded by Councilwoman Miller-Cody, was unanimously adopted (6-0) to approve the minutes of the August 8, 2019 Regular Council Meeting.

ORDINANCES AND RESOLUTIONS

RESOLUTION NO. 2019-10, A RESOLUTION TO ALLOW FOR A REFERENDUM FOR THE GEORGIA BRUNCH BILL

Consideration of a Resolution to allow for a Referendum for the Georgia Brunch Bill.

Mark Barber, City Manager, stated that Senate Bill 17, known as the Brunch Bill, was signed into law on May 8, 2018 and was codified in O.C.G.A. 3-3-7, which permits counties and municipalities with Sunday alcohol sales, such as Valdosta, to allow Sunday sales beginning at 11:00 a.m. rather than 12:30 p.m. Since Senate Bill 17 was signed into law, the following cities, counties, and consolidated governments have passed a Brunch Bill Referendum: Acworth, Alpharetta, Athens-Clarke, Atlanta, Austell, Avondale Estates, Baldwin County, Ball Ground, Braselton, Brookhaven, Calhoun County, Canton, Chamblee, Chatham County, Cherokee County, Clarkston, Cobb County, College Park, Columbia County, Conyers, Dallas, Decatur, DeKalb County, Douglas County, Douglasville, Dunwoody, Duluth, Fayetteville, Flowery Branch, Forsyth County, Gainesville, Glynn County, Grayson, Greene County, Grovetown, Gwinnett County, Hall County, Hapeville, Harlem, Holly Springs, Jackson County, Johns Creek, Kennesaw, LaFayette, Lawrenceville, Macon-Bibb County, Madison, Marietta, Milledgeville, Milton, Monroe County, Muscogee County, Oakwood, Paulding County, Peachtree City, Peachtree Corners, Perry, Pooler, Port Wentworth, Powder Springs, Putnam County, Richmond County, Richmond Hill, Roswell, Sandy Springs, Savannah, Senoia, Sky Valley, Smyrna, Snellville, South Fulton, Spalding County, Statesboro, Stone Mountain, Sugar Hill, Suwanee, Tucker, Tybee Island, Union City, Villa Rica, Walker County, and Woodstock. In addition, the following have a Brunch Bill Referendum on the November Ballot: Berkeley Lake, Covington, Dahlonega- Lumpkin County, Henry County, Lilburn, Locust Grove, McDonough, Monroe, Newnan, Rome, Stockbridge, and Watkinsville. In order to expand Sunday sale hours, the governing body must authorize the extended hours by Ordinance or Resolution conditioned on approval by Referendum. A Resolution has been prepared which provides for the required Referendum to be placed on the Ballot at the next election. The change in authorized hours would take place only if the Council passes this Resolution and the citizens approve the Referendum. The law provides the Ballot language found in the Resolution as well as limits on the timing of the Referendum based on Council's action. Action by Council would place the November election within the window for Referendum approval and allow the citizens of Valdosta to decide whether earlier sales of alcohol on Sunday should be authorized in the next election. Prior State law and current Valdosta Ordinance allow Sunday sales to begin at 12:30 p.m. if the establishment has a Sunday sales license. If the Referendum is approved, establishments eligible for Sunday sales (those deriving at least half of their total annual gross revenue from the sale of food, prepared meals, or the rental of rooms for overnight lodging) would be able to serve alcohol from 11:00 a.m. until midnight on Sundays only if they have purchased a Sunday sales license. The new rule would become effective

Sunday, November 24, 2019. If the Resolution is not passed or if the Referendum is not approved, the authorized hours for Sunday sales will remain as they are now. Mark Barber, City Manager, recommended that Council approve the Resolution to allow for a Referendum for the Georgia Brunch Bill.

A **MOTION** was made by Councilman Vickers to approve a Resolution to allow for a Referendum for the Georgia Brunch Bill. The motion was seconded by Councilman Norton. The motion was adopted (5-1) with Councilwoman Miller-Cody voting in opposition to enact Resolution No. 2019-10, the complete text of which will be found in Resolution Book VI.

BIDS, CONTRACTS, AGREEMENTS, AND EXPENDITURES

Consideration of bids for sanitary sewer rehabilitation for pre-determined sections of the Two-Mile Branch sewer basin.

Darryl Muse, Utilities Director, stated that in 2015, the Environmental Protection Division (EPD) Supplemental Environmental Project (SEP), which updated the Withlacoochee sewer collection system flow model, was completed. The new model assisted the Utilities Department in identifying potential sewage overflow locations and areas with high inflow and infiltration probability. The model and ensuing rehabilitation report identified numerous sections of the system in need of sewer main upgrades to eliminate flow restricting bottlenecks. There were six high priority Phase 1 Projects and five Phase 2 Projects that were developed as a result. Four of the high priority Projects have been completed to date. This is the fifth high priority Project which will eliminate major bottleneck and pipe grade issues in sections along Two-Mile Branch between North Ashley Street and North Patterson Street. Using a combination of trenchless and open-cut methods, it will replace and upsize 461 feet of deteriorated sewer line. The Project also includes the rehabilitation of seven manholes. Additional sections of sewer line along Two-Mile Branch were identified in the Rehabilitation Report as a Phase 2 Project and must be upsized to further reduce bottleneck issues in this area. Bidders were asked to submit two alternate bids that include these other sections. Bid Alternate #1 will replace and upsize a total of 1,764 feet of sewer line and will rehabilitate 11 manholes. Bid Alternate #2 will replace and upsize a total of 3,395 feet of sewer main and will rehabilitate 17 manholes. This last option would complete the entire Phase 2 Project area for this segment of the Two-Mile Branch sewer basin. On June 28, 2019, the Utilities Department advertised for bids for the Project to rehabilitate pre-determined sections of the Two-Mile Branch sewer basin. A mandatory pre-bid conference was held on July 18, 2019 with four potential bidders attending. Bids were received from two bidders and opened on August 8, 2019. The lowest responsive and eligible bidder for the base bid (461' of sewer line and 7 manholes) was James Warren & Associates, Inc. in the amount of \$532,510.00. RPI Underground, Inc. was the lowest responsive and eligible bidder for Bid Alternate #1 (1,764' of sewer line and 11 manholes) in the amount of \$994,123.90. RPI Underground, Inc. was also the lowest responsive and eligible bidder for Bid Alternate #2 which includes the high priority and entire Phase 2 Project area (3,395' of sewer main and 17 manholes) in the amount of \$2,060,695.20. A 20% contingency was included with Bid Alternate #2 due to the higher possibility of conflicts and uncertainties in the larger Project area. Darryl Muse, Utilities Director recommended that Council approve the Bid Alternate #2 submitted by RPI Underground, Inc. in the amount of \$2,060,695.20 which includes a 20% contingency to handle any unforeseen circumstances the entire Phase 2 Project area (3,395' of sewer main and 17 manholes).

A **MOTION** by Councilman Gibbs, seconded by Councilman Vickers, was unanimously adopted (6-0) to approve the Bid Alternate #2 submitted by RPI Underground, Inc. in the amount of \$2,060,695.20 which includes a 20% contingency to handle any unforeseen circumstances for sanitary sewer rehabilitation for pre-determined sections of the Two-Mile Branch sewer basin.

Consideration of a request for continuation of the design and construction of a secondary equalization basin at the Withlacoochee Wastewater Treatment Plant.

Darryl Muse, Utilities Director, stated that during 2018, the City of Valdosta, as well as the State of Georgia, was inundated with a rare precedent of rainfall. In fact, 2018 was the second wettest year on record for the State with over 70 inches of rainfall (over 71 inches in 1948). Rainfall in the State has been recorded since 1868. As a result, creeks and rivers exceeded their boundaries and in December of 2018, after approximately 12-15

inches of rainfall in a 24-hour period, much of this floodwater entered the sanitary sewer system of the City. The result was an estimated 30 million gallons of flow received at the Withlacoochee Wastewater Treatment Plant. Although 90% of this inflow was stormwater, the City reported an overflow at the Withlacoochee Wastewater Treatment Plant of approximately 20 million gallons. As a result of this overflow, the City of Valdosta met with the Georgia Environmental Protection Division (EPD) and committed to constructing an eight to ten million gallon secondary equalization basin to handle excess flows to the Withlacoochee Wastewater Treatment Plant. During the height of the overflow event, in an attempt to contain the flows on campus, a local contractor who was on-site began to dig a reservoir. Anticipating additional heavy rainfall, the contractor procured the services of a local engineer, Lovell Engineering Associates (LEA), to assist with the effort. None of these costs were passed on to the City. The result of this work effort was the development of 30% complete plans for the construction of a secondary equalization basin at the Withlacoochee Wastewater Treatment Plant. In an effort to expedite the design of this Project, the City has contracted with a local engineering firm to finalize the design of the Project and submit to the EPD for approval. The City is requiring this work to be completed within 30 days. In addition to the design requirements, the engineering group is responsible for working with the EPD to acquire the appropriate permit modifications as well as prepare bid documents for the construction of the basin. The cost to complete this service is \$136,372.50 which includes a 10% contingency to handle any unforeseen requirements. Darryl Muse, Utilities Director recommended that Council approve the cost of \$136,372.50, which includes a 10% contingency to handle any unforeseen requirements, for Lovell Engineering Associates (LEA) to complete the design and construction of a secondary equalization basin at the Withlacoochee Wastewater Treatment Plant.

A MOTION by Councilman Carroll, seconded by Councilman Gibbs, was unanimously adopted (6-0) to approve the request for continuation of the design and construction of a secondary equalization basin at the Withlacoochee Wastewater Treatment Plant by Lovell Engineering Associates (LEA) in the amount of \$136,372.50.

Consideration of a request for emergency repairs and upgrade of a sewer main on Williams Street.

Darryl Muse, Utilities Director, stated that on June 6, 2019, a City of Valdosta Utilities crew responded to a report of a sinkhole at the edge of Williams Street across from Drexel Park. Following their investigation and subsequent evaluation of the sewer system, personnel determined that an 18-inch sanitary sewer main was the source of the problem. They discovered that a section of the concrete main had collapsed. The collapse had restricted sewage flow increasing the risk of sewer backups and overflows. To avoid further collapse, Staff quickly installed a steel plate over the affected roadway. Subsequent research showed that the entire 320 linear feet (LF) of the aging main was deteriorated and in danger of further collapse. Additionally, this section of the system was previously identified as a bottleneck area in the Withlacoochee sewer system study from 2015. A point repair of the collapsed section was considered, but Staff ultimately determined that the best course of action to prevent future pipe failure and overflows was to expedite an upgrade Project and replace the entire 320 LF sewer main. Cured-In-Place-Pipe (CIPP) lining was not an option because of the brittle condition of the pipe and the need to upsize to a 24-inch pipe to remove the bottleneck. Due to time constraints and the critical need to prevent further pipe failure, an emergency condition was issued for repairs which prevented use of the formal bidding process. Instead, Staff used the informal written bid method and requested bids from three local contractors. Staff requested various options for replacing the main and determined that the most cost effective and feasible way was the open-cut option. The lowest bidder was RPI Underground, Inc. with a quote of \$357,998. RPI Underground, Inc. agreed to perform the Project under emergency conditions and commenced work on Monday, June 20, 2019. All work was completed in minimal time with little to no disruption of sewer services. Darryl Muse, Utilities Director recommended that Council approve the low bid submitted by RPI Underground, Inc. in the amount of \$357,998 for emergency repairs and upgrade of a sewer main on Williams Street.

A MOTION by Councilwoman Miller-Cody, seconded by Councilman Norton, was unanimously adopted (6-0) to approve the low bid submitted by RPI Underground, Inc. in the amount of \$357,998 for emergency repairs and upgrade of a sewer main on Williams Street.

Consideration of bids for an upgrade to the water system on Crawford Lane and Crawford Alley.

Darryl Muse, Utilities Director, stated that a two-inch galvanized water main currently supplies water to the residents along Crawford Lane and Crawford Alley. This aging undersized main has a long history of leaks and

repairs which have increased in frequency in recent years. Each repair results in an excavation of the roadway and service interruptions to area residents. Staff determined the best course of action would be to replace 650 feet of the brittle two-inch with a new six-inch PVC water main. Isolation valves, 11 new water services, and 2 fire hydrants will also be installed as part of the Project. Upon completion, Crawford Lane and Crawford Alley will have a fully new water system. On July 9, 2019 the Utilities Department advertised for bids for the Project to upgrade the water system on Crawford Lane. A mandatory pre-bid conference was held on July 30, 2019 with three potential bidders attending. Bids were received from the three bidders and opened on August 12, 2019. The lowest responsive and eligible bidder was James Warren & Associates, Inc. in the amount of \$34,210 which includes a 10% contingency. The 10% contingency is included due to the possibility of conflicts and uncertainties in the Project area. Darryl Muse, Utilities Director recommended that Council approve the low bid submitted by James Warren & Associates, Inc. in the amount of \$34,210 which includes a 10% contingency to handle any unforeseen circumstances to upgrade to the water system on Crawford Lane and Crawford Alley.

A MOTION by Councilman Norton, seconded by Councilman Gibbs, was unanimously adopted (6-0) to approve the low bid submitted by James Warren & Associates, Inc. in the amount of \$34,210 which includes a 10% contingency to handle any unforeseen circumstances to upgrade to the water system on Crawford Lane and Crawford Alley.

Consideration of a request for the City of Valdosta to consent to assign the Sublease from WGL Energy Systems, Inc. to a subsidiary.

Jeremy Baker, Attorney with Coleman Talley, LLP, stated that on August 6, 2013, the City of Valdosta entered into a Lease Agreement with the Valdosta-Lowndes County Industrial Authority contingent upon the Sub Lessee constructing, owning, and operating a 1.250 MW solar photovoltaic facility located on property owned by the City of Valdosta. The Sub Lessee entered into a Power Purchase Agreement with Georgia Power under the Advance Solar Initiative - Medium Scale Solar Agreement for 20 years at \$.13 kWh for all power produced by the solar array for the sole benefit of the City of Valdosta or its Sub Lessee and Georgia Power. A Sublease Agreement was executed on August 7, 2013 between the Valdosta-Lowndes Co. Industrial Authority and Hannah Solar, LLC. Hannah Solar, LLC then approached the City of Valdosta proposing to construct and operate a 1.250 MW solar photovoltaic facility on property owned by the City. The City of Valdosta determined that it could not enter into a Lease Agreement with Hannah Solar, LLC and requested that the Valdosta-Lowndes Co. Industrial Authority lease the property and then sublease it to Hannah Solar, LLC. Hannah Solar then executed an Assignment and Assumption Agreement with Washington Gas Energy Systems, Incorporated on August 7, 2013 to assign and delegate to Washington Gas Energy Systems, Incorporated all of their rights, title, and interest in and to and duties under the Sublease. Washington Gas and Light (WGL) is seeking consent to assign the Sublease from WGL to a subsidiary along with a few hundred other solar projects. WGL intends to assign its rights under the Sublease to a subsidiary and then sell the subsidiary to another large energy holding company. In order to do so, WGL must secure consent from both the Valdosta-Lowndes Co. Development Authority and the City of Valdosta. Jeremy Baker, Attorney, recommended that Council approve a letter from WGL requesting consent from the City of Valdosta to assign the Sublease to a subsidiary.

A MOTION by Councilman Norton, seconded by Councilman Gibbs, was unanimously adopted (6-0) for the City of Valdosta to approve a letter of consent to assign the Sublease from WGL Energy Systems, Inc. to a subsidiary.

CITIZENS TO BE HEARD

There were no citizens to be heard.

CITY MANAGER'S REPORT

Mark Barber, City Manager, stated that the Valdosta Fire Department will be holding their Annual Fill the Boot Fundraiser Campaign to raise funds for the Muscular Dystrophy Association. These funds will help transform the lives of children and adults with diseases such as MDA, ALS, and other types of related illnesses. They will be at Sam's Club, Wal-Mart, and Piggly Wiggly from 3:00 p.m. to 7:00 p.m. on August 29-30, 2019 and 1:00 p.m. to 6:00 p.m. on August 31, 2019. Citizens are encouraged to participate in this worthwhile cause.

We also want to continue to encourage our citizens to use the SeeClickFix app which has turned out to be a great success in reporting concerns and issues in our City. In July and August we had a total of 172 reports that were open from our citizens and we have closed 161 out of the 172 reports. The City Departments are doing a great job in fulfilling those issues that arise.

The 9-11 Ceremony will be held on September 11, 2019 at 11:00 a.m. at the historic Courthouse.

Mark Barber, City Manager, stated that he has placed at each Council seat a fully executed copy of the SPLOST VIII Agreement with Lowndes County. Council approved the City's SPLOST VIII Projects at the Special Called Council Meeting on August 12, 2019.

Also, there will be a Special Called Council Meeting on August 28, 2019 to adopt the Tax Millage Rate for the City of Valdosta at 5:30 p.m. in the Council Chambers. The reason it is a Special Called Meeting is because we have to wait until the Valdosta School Board approves their millage rate which will be on August 27, 2019. We will be going with the rollback rate and there will be no property tax increase for the next 12 months.

COUNCIL COMMENTS

Councilman Howard stated that he would like for Council to take into consideration the E-mail that Mayor Pro Tem Tooley had sent out regarding a meeting for Council to re-evaluate where they are at with what they put forth at the Strategic Initiatives Summit Meeting held in March. He would like to go ahead and schedule a date. Mayor Pro Tem Tooley stated that they would probably need to meet in November even though there will be some changes at the first of the year. Mark Barber, City Manager, stated that was a great idea to review the goals that the Mayor and Council adopted at the Retreat in March.

Councilwoman Miller-Cody stated that there are members of the greatest Leadership Lowndes class ever who are present at the Council Meeting tonight and she wanted to recognize them.

ADJOURNMENT

Mayor Pro Tem Tooley entertained a motion for adjournment.

A MOTION by Councilman Vickers, seconded by Councilman Carroll, was unanimously adopted (6-0) to adjourn the August 22, 2019 meeting of the Valdosta City Council at 6:16 p.m. to meet again in Regular Session on Thursday, September 5, 2019.

City Clerk, City of Valdosta

Mayor, City of Valdosta