

**REGULAR MEETING  
CITY COUNCIL OF THE CITY OF NASHVILLE  
COUNTY OF BERRIEN  
FEBRUARY 11, 2008**

**INVOCATION:** Mayor Travis Harper

**PLEDGE:** Pledge of Allegiance was led by Mayor Travis Harper

**WELCOME:** Mayor Travis Harper

**ROLL CALL:** Members of the City Council present included Aldermen Michael Richbourg, Billy Retterbush, J. P. Watts, Bill Turner, and Scott Stalnaker, Alderwoman Pat Sutton, and Mayor Travis Harper.

**STAFF PRESENT:** Henry Yawn, Tina Haughton, Chief Jimmy Clayton, Tommy Davis, John Reynolds, Peter Schultz, Sarah Paulk, City Manager Mandy Luke, and Attorney Mitchell Moore.

**OTHERS PRESENT:** Nichole Robinson, Fern Turner, Elaine Shiver, Randall Milton, Brenda Thomas, Mary Alice McGee, Larry Baldree, and John Black Jr.

**ADOPTION OF MINUTES FROM PREVIOUS MEETING:** Alderman Richbourg made a motion to approve the minutes. The motion was seconded by Alderman Turner, and the motion carried unanimously.

**ADOPTION OF FORMAL AGENDA-** Mayor Harper wanted to add as item five, Conflict of interest boys and girls club CDB grant, and Alderman Retterbush wanted to add as item six, a request to install lights on the porch of the Community Center. Alderman Richbourg made a motion to accept the Agenda with the changes. Alderman Watts seconded the motion, and the motion carried unanimously.

**NEW BUSINESS**

- 1. Ratify Decision on Skate Park** – Mandy Luke told the group the City was approached by the County about trying to acquire the funds to build a skate park at the County Recreation Complex. The County said they are applying for state funds and grants for the skate park, as well as putting in County funds. They are asking the Cities to put in funds toward this park. Some organizations are also planning to have fundraisers to help on the cost of the skate park. The estimated cost of the skate park is around \$70,000.00. The City Council was polled by the Mayor and they agreed to invest \$5,000.00 if the County agrees and begins to build the skate park. The decision needs to be ratified. Alderman Richbourg made a motion to ratify the decision. Alderman Retterbush seconded the motion the motion carried except for Alderman Turner who voted against the decision. Alderman Turner said he was not against the idea of a skate park, just the funds the City wants to invest. He said we have five more months to go in this budget year and we do not know the total cost of our water and sewer department but as of now the our expenses are running up. He said I don't think our priorities are in order at this time. Elaine Shiver, County

Administrator, told the group that in the City's resolution for your Splost referendums, there was verbiage in them for recreation, so the money can come from your Splost dollars and not the annual budget. Alderman Retterbush said this decision will take up to six or eight months before anything is done correct. Elaine explained, we are exploring the possibilities, and we have great expectations that we are going to get the park. She said we had to send a letter to Representative Houston stating how much the City and County were going to contribute toward this project so she can put those figures into the budget. Mayor Harper said the motion was made to ratify the decision by Alderman Richburg and seconded by Alderman Retterbush. The motion will carry with Alderman Turner voting no.

2. **Ratify decision on PetroFlex North America-** Mandy Luke told the group the City has been contacted by the Berrien County Industrial Authority to assist them in promoting Nashville and Berrien County to a prospective business. The industrial Authority asked if we would join forces with the County to waive seven years of inventory taxes for PetroFlex to entice them into choosing Nashville as their new place of business. This would create twenty five jobs and possibly more jobs later. They estimate their inventory value at the end of the year to be about \$750,000.00. Based on the figure, the City would waive \$2,100.00 in inventory taxes a year. The City would not lose any money in property taxes because the company would be renting the building, in which the owner of the building would pay the property taxes. The City Council was polled by the Mayor on February 6<sup>th</sup> and the majority ruled in favor of waiving the inventory taxes for seven years. She asked the Council to ratify their decision. Alderman Retterbush made a motion to ratify the decision. The motion was seconded by Alderman Richbourg and the motion carried unanimously.
3. **Resolution to recognize GA Cities Week-** Mandy Luke told the group Cities across Georgia will celebrate GA Cities Week during the week of April 26<sup>th</sup>. This is a week set aside to recognize the many services City Governments provide and how City Governments enhance the quality of life for their citizens. This year the theme is "Living It Up Downtown". During this week the City can spread the word about City services to all of the citizens through planned events, press releases, promoting public safety, and visiting schools and planning school field trips to the City Departments. This week gives us the opportunity to convey to all the citizens, they can shape and influence government through their civic involvement. Mandy asked the Council to adopt a resolution recognizing the week of April 20<sup>th</sup> thru April 26<sup>th</sup> as GA Cities Week. She would also like for the Council Members and Department heads assist Sara Paulk, with Better Home Town, in the planning, promoting and hosting the events in order to celebrate this week. Alderman Turner made the motion to adopt the resolution to recognize GA Cities Week. The motion was seconded by Alderman Retterbush, and the motion carried unanimously.
4. **Gas Consent Agreement-** Mandy Luke informed the group about a Gas Consent Agreement sent out a few months ago to all gas operators in Georgia. She said the Public Service Commission advised every gas operator of various probable violations stemming from a lack of written

procedural information in the gas system operating manual. The Commission expressed the intent to fine each gas system up to \$15,000.00 per violation if the procedures were not updated and put in writing. Most municipal gas systems responded by requesting additional time to correct the problems. The Commission has agreed to allow municipal gas systems adequate time to draft and adopt the necessary procedures for operations and maintenance. In order to take advantage of this additional time offer, our city must enter into a consent agreement with the Public Service Commission and return the agreement by February 29, 2008. Mitchell Moore, the City Attorney, has reviewed the agreement and Peter Schultz can give the Council more details on what the agreement will entail, but the Council must vote to enter into this consent agreement. Peter Schultz, the Gas Department Supervisor, told the group the agreement states all gas employees will have to be trained and qualified by December 1, 2008. Eddie Harp, with Harp and Associates, who was contracted by the City will take care of updating our manuals and procedures, as well as taking care of all the filing and paperwork that will be needed. He said all we will be responsible for is the written qualifications and physicals for each employee. Mitchell Moore told the group he reviewed the agreement and everything looks ok. He added we actually have all the pieces in line to meet the deadlines, so basically all we are doing is abiding by the guidelines and we now need to enter into the consent agreement with the Public Service Commission. Alderman Stalnaker asked Peter if the timeline we are given will be enough. Peter said the timeline is favorable for us, because Eddie Harp got it extended from July, which was the first timeline, to December. Alderman Richbourg asked Peter what will happen if we do not meet the timeline. Peter replied the City will be fined \$15,000.00. Alderwoman Sutton made the motion to enter into the agreement with the Public Service Commission. The motion was seconded by Alderman Retterbush and the motion carried unanimously.

5. **Conflict of Interest Requirements for CDBG Grant-** Mandy Luke informed the group Kimberly Hobbs, with Southeast Georgia RDC, contacted her last week concerning the application for the CDBG we are planning on applying for the extension on the Yes Center for The Boys and Girls Club. She said the memo states, local governments who are submitting 2008 CDBG's must comply with Federal "Conflict of Interest" regulations. If an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients could be affected (in any way) by CDBG funding, a FULL DISCLOSURE must be submitted to DCA as part of the 2008 CDBG application. Additionally, the person(s) affected must not participate in project discussion, planning or voting. Mandy told the group Local Governments who presently have or may have conflicts of interest must take the following steps before submitting the 2008 CDBG's. First an attorney statement/opinion must be obtained. Second, the conflict or possible conflict must be publicly disclosed in a regularly scheduled meeting. Certified minutes of said meeting must be signed. Third, the persons that may have a conflict should not be allowed to vote on anything pertaining to this grant and/or grant application. Mandy said she will give the Council the example of the attorney letter which was sent to her by Kimberly Hobbs. She said we basically need to disclose in our meeting anyone who has or may have a conflict of interest

with the expansion on the Yes Center for the Boy's and Girl's Club. Mitchell Moore told the group to use caution and if any member or family member of Council has any entities that will be providing materials directly or indirectly to the Yes Center, they need to inform us now. Alderman Richbourg said he has a conflict, because his mother serves on the Board of Directors for the Yes Center. Mitchell said she may not be a relation to this, and it will not benefit you or her directly or indirectly, so I do not think this would be a conflict, but you have disclosed this information so if you choose to abstain from voting you can. Mayor Harper asked Mandy if she has heard anything from Ms. Hobbs on the payment for the water. Mandy replied no. Mayor Harper said we may need to get some blueprints before we can estimate what a payment will be. Mandy said she has a layout in her office.

6. **Lights for the Porch of the Community Center-** Alderman Retterbush told the group the Community Center needs some outside lights installed around the porch and steps. He said the area is very dark and could be dangerous for some of our citizens at night. He asked the Council if they could call for bids on eight or ten lights to be placed around the porch and steps. He also asked Henry Yawn to oversee the project and the installation. Alderman Retterbush made a motion to take bids on lighting for the Community Center porch. Alderman Turner seconded the motion, and the motion was carried unanimously.

## **REPORTS**

7. **City Manager/Finance Director's Report-** Mandy gave the group the packets for the GMA Convention which is scheduled for June 21<sup>st</sup> through June 24<sup>th</sup>. She asked the Council to have the forms filled out and handed back in to the Clerks office by March 2<sup>nd</sup>, because registration will begin March 3<sup>rd</sup>. Mandy asked the Council if they need to start discussing or putting them out for bids, any contracts which are coming up for renewal, although the only contract which is up for renewal is the employee health insurance and it is up in May 2008. Mandy also told the group the Auditor should be ready to present their report to the Council soon.
8. **City Attorney's Report-** Mitchell Moore told the group he spoke to Statewide in reference to the parking areas by the New Park. He said they recommended we hold off on doing anything, until the project is finalized by the DOT, after that we can do anything we want because the City will have the control to do so, as far as designating parking areas, and the scheduling conflicts of the Community Center. Mitchell said the only thing we are waiting on before the DOT will sign off on the project is the delivery of the planters which is on the punch list. John Reynolds told the group Mr. Greene called him and said the planters were delivered with plants in them and they will need to be watered if they are not watered the plants inside the planters will die. Mitchell said the only other thing Mr. Aldridge with DOT needs is a statement of the expenditure report and Mandy told Roger Fowler, she sent a copy of the expenditure report from the City to DOT back in December 2007. So as far as the City is concerned they have sent everything they can to the DOT. Statewide said DOT was waiting on the report from the RDC, but RDC did not write the checks, the City did, so Mitchell said he will follow up on that and hopefully they will

realize we have sent everything they need and DOT will give us the final payment, so we can finalize this project. Mitchell said the other thing the Council needs to discuss is the Alcohol Ordinance as far as fines and suspensions. He said the Ordinance reads for a first time offense there is a \$200.00 fine and a thirty day suspension, on a second offense there is a sixty day suspension. He said the Council's concern was the selling of alcohol to an underage person. Mitchell said he can draft the Ordinance any way the Council wishes, such as automatic suspension for selling to someone underage, or a zero tolerance for any infraction. He asked the Council to give him some direction on which way they want to go with the Ordinance. Alderman Turner suggested a sixty day suspension on the first offense and on the second offense revokes the alcohol license. Mayor Harper suggested they schedule a work session in order to discuss this matter as well as a few other items.

- 9. Department Heads' Report-** John Reynolds informed the group, next week Georgia Rural Water will be dredging and sucking the stuff out of our septic ponds, which will improve our nutrient levels in the ponds. Sarah Paulk gave the group a copy of Better Hometown's, end of the year report. She pointed out the Better Hometown has to do an assessment each year for the State, which must meet ten standards and we met all ten this year. She said Mandy Luke and Better Hometowns Board of Directors has looked through the assessment gave their approval and signed off on it so I could send it into the State. Sarah went through some of the pages of the assessment in which she thought the Council would like to see, and gave each of them a copy. She pointed out they hosted over thirty events last year for the downtown area which was listed under their promotions in 2007. She told the group about their fund raiser for Better Hometown in 2007. She said they raised \$7,815.05 towards the Art Mural Project, \$3,500.00 of which was raised by The Rotary Club. We also were awarded eight grants in 2007 through the Façade Grant Program in which we did six building rehabilitation/restorations. She said under our organization for 2007, Nashville along with Berrien County were designated an Entrepreneur Friendly City. We also applied with the Chamber of Commerce and obtained a \$19,000.00 EFI Grant in order to promote shopping locally. Sarah also told the group they had two work planning sessions to plan for 2008. She told them they elected two new members on the Better Hometown Board, Sue Tittle and Janet Studstill. Sarah also revealed the new t-shirts on sale for promoting downtown's first Thursday late night shopping. She requested the City purchase one for every lady employed by the City and asked that they wear them every first Thursday to help with the promotion. Sarah asked the Council to look over their plans for 2008 and if they have any ideas let her know. Alderman Retterbush said he would like to commend Sarah for all of her hard work. Mayor Harper said sometime earlier last year the City paid the last payment on renting the Billboards located in Valdosta, for advertisements, and those billboards are still advertising our promotion because no one has rented them behind us, so we are still receiving free advertisement in Valdosta.

John Reynolds told the group the manhole covers on East 6<sup>th</sup>, Mathis, Beetree, and MLK will be relined tomorrow and he would like to commend the guys for the job they did on relining the sewer lines in those areas.

## PUBLIC COMMENTS

John Black Jr. told the group the Trailer Park located next to the Elementary School has turned into a dumping site. He said someone has dumped out old furniture and mattresses and he would like for someone to see about cleaning this mess up. Mayor Harper asked Mr. Henry Yawn, City Code Enforcer, to check into the complaint.

Mayor Harper told Mr. Baldree the Council will meet and discuss the request for the valley vole court during their work session. Mr. Baldree said if anyone has some questions he will be glad to meet with them before the work session.

Brenda Thomas asked the Council to remove the speed bumps on Beetree. and MLK. She said they are coming apart and need to be removed. Mayor Harper said the Council voted to leave the speed bumps down by any Daycare Centers and Schools, but we will have Tommy Davis, with the Street Department look at repairing them.

Elaine Shiver asked the Council if the City collects Hotel, Motel taxes. The group had some discussion and was pretty clear they voted on the issue. Mitchell Moore said he thinks the Council had some discussion about the issue but never voted on it. He asked Alderman Turner to help him look into it.

Mary Alice McGee asked the Council if they would revisit the adoption on Freeport which was voted on three years ago. She said it has never been put on the books and never reported to the State. The voters passed it and the City was to implement it at 100%, but it was never put on the books. She asked the Council to look into this and let her know what the percentage is so she can notify DCA.

John Reynolds asked the group to set a date and time for their work session. The group decided on Thursday, February 14<sup>th</sup> at 5:15pm.

Alderman Turner asked John Reynolds if he spoke to Buck Warren about the use of the Fire Truck in order to boost the pump for Chaparral's new sprinkler system. John said he has talked to the company's Insurance Company and they asked some questions that I did not know the answers to until I speak to John Brooks. He said I will know more once I meet with Mr. Brooks and then I will speak with Buck about the Fire Truck.

Alderman Turner said Buck believes the truck can handle the boost but the Fire Department may need it for a fire call. He said be that as it may we may be able to use the rescue truck if it has a booster pump. Alderman Turner asked Mitchell Moore if he has checked with DOT about paving Virginia Street. Mitchell replied no. Mandy Luke told the group she had a copy of the minutes which we said we would make the road passable or fix it but no promise was made to pave the road.

Mayor Harper asked Mitchell if he has the resolution done on the four year term, or do you need some guidance on how we want it worded. Mitchell said he has not written yet but he will do so and get it into the paper so we can introduce it this year.

Mayor Harper gave the Council a legislative update on senate bill 372 which deals with local ethics boards. He said they are mandating Cities to have an Ethics Board, and since we are a City of Ethics we need to get a board established. Also, senate bill 348 which is on limitation of recovery fees, Senator Clark is trying to put limitations on the fees the Fire Department can recover from Insurance Companies. We implemented a

few months ago that the Fire Department could go before the insurance companies to get reimbursements on recovery fees and now they are trying to put limitations on those fees. He added GMA is against this bill. Alderman Stalnaker said he would like to thank Sarah Paulk and the Chamber for all their hard work and commend them on their accomplishments in 2007.

### **EXECUTIVE SESSION**

Alderwoman Sutton made a motion to go into executive session at 7:08 pm. The motion was seconded by Alderman Stalnaker, and the motion carried unanimously.

Alderman Richbourg made a motion to come out of executive session at 7:15 pm. Alderman Retterbush seconded the motion, and the motion carried unanimously.

### **REGULAR MEETING RECONVENED**

Alderman Turner said he has been asked if the prisoners can help paint the Alternative Center. The Council agreed with the request.

Alderwoman Sutton asked Mitchell Moore if we ever received any money from DOT on the paving project from the 2001 CDBG grant. Mitchell said no but he has spoken with Roy Harrington and he stated that he might be able to make it up to us on a later project.

### **ADJOURNMENT**

There being no further business to conduct, Alderman Turner made a motion to adjourn the meeting at 7:20p.m. Alderman Richbourg seconded the motion and the motion carried unanimously.

\_\_\_\_\_  
Mayor Travis Harper

\_\_\_\_\_  
Alderman Bill Turner

\_\_\_\_\_  
Alderwoman Pat Sutton

\_\_\_\_\_  
Alderman J. P. Watts

\_\_\_\_\_  
Alderman Billy Retterbush

\_\_\_\_\_  
Alderman Scott Stalnaker

\_\_\_\_\_  
Alderman Michael Richbourg

**ATTEST**

\_\_\_\_\_  
Johnny Hall, City Clerk