

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
JANUARY 14, 2008**

INVOCATION: Dwight Bishop

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, Buck Warren, John Reynolds, Peter Schultz, Steve Adams, City Manager Mandy Luke, and Attorney Mitchell Moore.

OTHERS PRESENT: Keith Stone, Nichole Robinson, Fern Turner, Antonio Carter, Dwight Bishop, Bill Alley, Patrick Garner, Elaine Shiver, James Eubanks, Randall and Faye Milton, Joe Barkman, Derrick Joiner, Paul Hart, Curtis Davis, Clay Davis, Robert Fackler and family.

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

ADOPTION OF FORMAL AGENDA- City Attorney Mitchell Moore asked the Council to add a brief executive session to the agenda. Alderman Richbourg made a motion to accept the Agenda with the change. Alderwoman Sutton seconded the motion, and the motion carried unanimously.

SWEARING IN CEREMONIES

City Attorney Mitchell Moore was asked by the City Clerk Johnny Hall, who is under the weather, to stand in for him and swear in the City's newly elected council members for post 4, 5, and 6. Attorney Moore told the group this is the first swearing in ceremony Mr. Hall has missed in twenty years and he wishes he could have been here for this tonight. Mitchell asked Scott Stalnaker, Michael

Richbourg, and Billy Retterbush to stand before him so he could swear them in. He said instead of swearing them in one at a time he would like to swear them all in at once. Mitchell administered the solemn duties for each new Council member. Each new Council member took the oath and was sworn into office.

SPECIAL RECOGNITION

The City of Nashville's Fire Chief Buck Warren wanted to give special recognition to Fireman Robert Fackler. He said this year Mr. Fackler was awarded at the Fire Department's Christmas Party for being the most outstanding fireman for the year of 2007. Buck said we based this award on the number of calls and drills the firemen attended. He said out of 171 fire calls Mr. Fackler answered 145 of them and rode in the fire truck 39 times to the calls. He said out of 52 fire drills Mr. Fackler attended 50 of them. Buck said although we presented this award to Robert Fackler at our Christmas party, we wanted him to be recognized before the City Council tonight for his hard work and achievements.

OLD BUSINESS

- 1. Speed Bumps' Policies and Procedures-** Mitchell Moore said a rough draft on the Policies and Procedures is included in the Council's agenda packet and he asked for the group's input. Alderman Turner said item number two of the policies and procedures which states, no speed bump will be installed on any street less than seven hundred feet in length unless 90% of the residents residing on said street execute the petition for the installation of the speed bump. He said if we require 90% on streets less than 700 feet, we will prevent a lot of short streets in residential areas from having a speed bump. Alderman Turner said when he spoke to some of the Police Officers none of them said the speed bumps were a danger to anyone, only that they were deterrent to speeders, which is the purpose for the speed bumps. He said the percentage needs to be lowered to 70%. Alderman Stalnaker said we really don't want to handicap the short streets and 70% of the residing residents would be good for all the streets. Mitchell said he would like for the council to consider item numbers 1 and 3, which I put in under exigent circumstances. Item one reads speed bumps will be limited to residential areas only unless there were extenuating circumstances. Item three which is also exigent circumstances reads no speed bumps will be installed closer than two hundred feet of a curve or a stop sign, because theoretically a curve or stop sign should act as a speed reducer. Mitchell said this Policy and Procedure for the installation of speed bumps is just part

of the solution. The City also needs to tighten up on the speeders in residential areas. Alderman Richbourg said we need to change item number two to 70% instead of 90%. Alderman Turner made a motion to change item number two to 70% of the residents residing on said street. Alderman Retterbush seconded the motion, and the motion carried unanimously. Mayor Harper added any street which has two or more speed bumps; the bumps need to be 500 feet apart. Mitchell said he would add that to the Policy and Procedures. Alderman Turner said we need to clarify “residential areas”, because some of our residential areas are on truck routes. Mitchell said we need to also take in consideration the impact our new schools will have on the traffic flow. He asked for Council’s permission to contact DOT and have them do a traffic count on the streets the new schools will impact the flow of traffic. Alderman Turner asked Mitchell if he would also ask them about the study on the alternate truck route they promised the City in order to get trucks out of the middle of town. Mayor Harper asked Mitchell if a vote was needed on the Policy and Procedures. Mitchell said at this time the concerns the Council has need to be addressed first. Alderman Richbourg added we also need a petition and some sort of format needs to be available for the Clerk’s office. Alderman Retterbush said we need to appoint someone who can verify property owners and signatures of the residents who are signing the petition. Alderman Turner said that responsibility needs to fall upon our code enforcement. The rest of the Council agreed Henry Yawn the City Code Enforcer would handle all petitions for speed bumps. Mitchell said, subject to the changes and the addition to the Policy and Procedure, it should be satisfactory and I will get up the application to put the Code Enforcer in charge of the procedure. Mayor Harper said, also if we feel something needs to be deleted or added to the Policy and Procedure, any petition received before or after that change comes about need to be held to the original Policy and Procedure. Alderman Richbourg added with any petition a copy of the Policy and Procedure should be with it. Mitchell said no vote is necessary this will be the Policy and Procedure subject to the changes. I will post it and put it in the paper, even though we are not formally adopting an Ordinance.

NEW BUSINESS

- 2. 2008 Committee Appointments-** Mayor Harper appointed standing committees of the City Council whose duties shall be as provided by the Council. This is in reference to Section 3-6 in the Charter. Mayor Harper said with the Council’s approval he would like to appoint Alderman

Richbourg as the Mayor Pro Tem as well as the Public Safety committee, Alderwoman Sutton to Parks and Recreation/Cemeteries, Alderman Watts to Street Department, Alderman Turner to Economic Development and Sanitation, Alderman Stalnaker to the Gas Department and Public Safety, Alderman Retterbush the Water and Sewer Department. Alderman Retterbush made a motion they accept the appointments. Alderman Richbourg seconded the motion and the motion carried unanimously.

- 3. 2008 Alcohol License Renewal-** Mayor Harper asked the Council to vote on the few businesses who failed to turn in their renewal applications for a 2008 Alcohol License. The businesses are Akridge's Get-N-Go, Gaskins Grocery, KDR Foodmart, LLC, Lucy Corner, Pap's III, and Stop & Shop. Alderwoman Sutton asked if the City applies a penalty to these businesses for their late application. Mandy Luke, City Manager said the penalty is, they are not allowed to sell any alcohol for the first two weeks of the New Year. After some discussion, Alderman Richbourg made a motion to approve the renewal of alcohol license for the above businesses. The motion was seconded by Alderman Stalnaker, and the motion carried unanimously.
- 4. Opening of the Bids for a new Pipe Locator for the Gas Department-** Peter Schultz, the Gas Department Supervisor, asked the Council's approval for bids on a new dual frequency pipe horn 800 hl on December 10th's Council meeting. Mayor Harper opened the bids and they were as follows; Pipe Horn Located Technology, from Birmingham Alabama, bid: \$1,213.00 which includes shipping and handling. G & C Supply Company from Atwood Tennessee, bid: \$1,673.69, and HD Supply Waterworks, bid: \$1,495.00. Alderman Turner made a motion to go with the lowest bid. Alderman Stalnaker seconded the motion to go with Pipe Horn Located Technology, and the motion carried unanimously.
- 5. Opening Bids for an Asphalt Roller-** Tommy Davis, the Street Department Supervisor, asked the Council's approval for bids on a new asphalt roller on December 10th's Council meeting. Mayor Harper opened the bids and they were as follows; United Rentals from Valdosta, Ga., bid: \$9,024.77 for a new right arm roller, Wolf Pack 2500, with a one year warranty on the roller and a two year warranty on the engine. Yancey Brothers from Valdosta, Ga., Bid: \$8,330.00 on the same roller with the same warranty on the roller and engine. Trowel Trade from Suwannee, Ga., bid: \$7,939.38 on the same roller but with no warranty on the roller or the engine. Alderman Turner made a motion to accept the bid from Yancey

Brothers, due to the fact they gave a warranty and the lowest bidder did not. The motion was seconded by Alderman Retterbush, and the motion carried unanimously.

- 6. Grinding Yard Waste-** Bill Alley of Alley Cats spoke to the group about grinding the City's yard waste this year. He said Alley Cats has grinded the yard waste for the City of Nashville for the past three years and would like to request the opportunity to do so again this year. Mr. Alley said if this job of grinding the City's yard waste goes out for a bid I would like to give a bid on the job or construct a new contract so I can keep the City's business. Mayor Harper said, since we are a part of Deep South Solid Waste we are discussing going in together as a regional organization with Lowndes, and Lanier County and purchasing the equipment, which will be shared between the three counties, to do the job. Mayor Harper said we have also discussed renting the equipment and grinding the yard trash ourselves.
- 7. Ratify the Repair on Pump Motor for the Water Department-** Mandy Luke said on December 28, 2007 the City Council was polled regarding the pump motor for the water department. This pump is used to pump wastewater into the spay field. This is a 250hp motor. It needed to be rewound at an estimated cost of \$4,000.00 to \$6,000.00. The Council needs to ratify the approval for this repair. Alderman Turner made a motion to ratify the repair on the pump. Alderwoman Sutton seconded the motion and the motion carried unanimously.
- 8. Light Request for the Dog Pound-** Chief Clayton asked the Council for a street light to be installed at the City's Dog Pound. The City's Animal Control person Jody Kelly said a light is needed for entering the facility at night. He said the outside of the building has a cable and a pole so a light is all that is needed. The Council discussed installing a motion light instead of a street light for the facility. Chief Clayton said he will look into purchasing a motion light if the K-9 budget permits. Mayor Harper asked Alderman Watts to look into installing a street light at 115 Melba Street. Alderman Turner asked Alderman Watts to also look into installing a street light on North Taylor Street, between Sharon Street and Smith Avenue.
- 9. Request to call for Bids on a Pump for the Water Department-** John Reynolds said the pump was included in last year's budget, but was never purchased. The Water Department tried to get by with the old pump and we have, but now the pump we have is shot, and will cost \$1,500.00 to fix it.

We use this particular pump every time a water line is busted, so we really need to purchase a new one. John said the stats for the new pump are 3” discharge with a 5hp Honda motor. Alderman Turner made a motion to accept bids for a new pump. The motion was seconded by Alderwoman Sutton, and the motion carried unanimously.

REPORTS

- 10. City Manager’s/ Finance Director’s Report-** Mandy Luke told the group she received a letter from DOT and they have selected a construction company and awarded them a contract to handle the project on Hazel Avenue or the intersection at McDonalds on January 7, 2008. The company selected is Reams and Sons Construction Company. She said the letter does not give a specific date as to when the project will be under way; it just states construction on the project will begin shortly.

- 11. City Attorney Report-** Mitchell Moore told the group he has the revised copy of the Emergency Response Ordinance. He said the Council wanted the agreement’s terms to read from December to December, in which the agreement will be automatically renewed for successive one year terms, unless prior to ninety days before the end of the initial term or any succeeding renewal term, either party to this Agreement notifies the other party in writing that it does not desire to renew this agreement. In the event of such notification, this Agreement and any right to automatic renewals shall terminate at the end of the current term. Mitchell said he also added a provision to the Agreement which states Emergency Services will indemnify and hold the City harmless. The contract has been reviewed and the changes were accepted so now all we need to do is sign it. Mitchell said he will give the Council a copy of the agreement he received from the Rail Road Company on Greenridge Drive. This Drive has been on the inventory of the Rail Road and they are now saying it should not be in their inventory, in fact it should be listed as a private drive or as a drive belonging to the City, since Greenridge Drive was dedicated to the City. He said if the Council agrees to sign this agreement we will be responsible for all maintenance and upkeep to that cross road including the electronic signals. He said this will end up costing the City a substantial amount of money in the long run, so I recommend we do not sign the agreement. Mitchell said a copy of this contract will be given to each of the Council for review. Alderman Retterbush asked Mitchell about the latest development on the monitoring of the wells. Mitchell said we signed the contract and the

engineers are monitoring the situation as well as working with EPD on the wells, but I will follow up on that project.

- 12. Department Heads' Report-** Chief Clayton asked if the Police Committee could set up a meeting to discuss the probation matter.

PUBLIC COMMENTS/GENERAL COMMENTS FROM COUNCIL

Elaine Shiver, the County Administrator asked the Council to waive the water tap fee for the new ball field. She said the City has always helped waived fees in the past for the County and asked if they would please waive the \$1,400.00 water tap fee for this project. Alderman Richbourg made the motion to waive the tap fee for the County's new ball field. The motion was seconded by Alderman Stalnaker, and the motion carried unanimously.

Dwight Bishop told the Council he is concerned about the report which was published in our local paper about those establishments who have been accused of selling alcohol to underage consumers, what is the recourse to revoking those license or do they pay a penalty and continue sell alcohol. Mayor Harper said he had the same concern, and was told on the first offense the establishment is fined and put on probation; however repeat offenders license can be revoked by the Council. Mr. Bishop asked if we can change that particular Ordinance so these establishments have stiffer penalties. Mr. Bishop said our most precious gift from God is our children and for these establishments to sell alcohol to them is a terrible thing. He said their license should be revoked on the very first offense. Mitchell said without having the code before me, I think it reads, on the second offense there is a suspension for a period of time and then they can be revoked or terminated on the third offense. Alderman Turner said we can adopt a first time offender suspension of license, and would like to see that done.

Alderman Richbourg asked what part the State revenue plays in regulating that. Chief Clayton said we conduct stings and charge the establishment from a local level and the State charges them from a State level. On a local level we charge the individual clerks who sell the alcohol to the minor. The State charges the personal business license of the establishment, and the first offence is usually a fine, the second is a suspension, and the third is usually termination of their license with the State. Alderman Turner said we should look into changing our Ordinance to read, a fine and a suspension on an establishments first offense. Mitchell said he will look into changing the Ordinance.

Alderman Turner said about a few years ago, we made a promise to pave Virginia Street once it was developed and have failed to do so. We need to see if we can get some state money to pave that street.

Alderman Stalnaker said he would like to say something to the residence on Avera Street. The Mayor and I are talking to some of the DOT personnel about our request of painting that street. Mayor Harper said Mr. Herrington with the DOT advised us that since the change of a Chairman in the DOT, the small favors or project that were or are being done for small towns is being watched. He said all we can do is put our request in and he will send it to Atlanta.

EXECUTIVE SESSION

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

Alderman Richbourg made a motion to come out of executive session at 7:45 pm. Alderman Retterbush seconded the motion, and the motion carried unanimously.

REGULAR MEETING RECONVENED

Mitchell said the situation is Jack Donaldson has materials in a warehouse which is owned by Judge Dane Perkins. Mr. Donaldson was told last year to remove these materials because big trucks could not travel on the street where the warehouse is located. Alderman Turner asked if Henry Yawn our Code Enforcer could look in the warehouse and see if there are any EPD violations, if so call Bill Lucas in Albany. Alderman Richbourg disagreed and wanted Henry to approach Dane Perkins about the situation without having to involve anyone else right now. Mitchell advised we could possibly get into an inverse condemnation litigation case with them if we are not careful and follow the correct procedures. Alderman Turner said we have already given Mr. Donaldson the opportunity to remove the materials from the warehouse. Mitchell reviewed the resolution he prepared a year ago. Alderman Turner said he is currently operating in town on Middle School Circle, without a business license. Alderwoman Sutton said she has not seen Mr. Donaldson on Middle School Circle recently. The Council agreed to have Mitchell get with Henry Yawn and try to handle the situation before going any further.

ADJOURNMENT

There being no further business to conduct, Alderman Richbourg made a motion to adjourn the meeting at 7:55p.m. Alderman Stalnaker 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