

**REGULAR MEETING  
CITY COUNCIL OF THE CITY OF NASHVILLE  
COUNTY OF BERRIEN  
JANUARY 28, 2008**

**INVOCATION:** Brother Larry Daughtery delivered the invocation.

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

**WELCOME:** Mayor Harper welcomed all in attendance.

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

**STAFF PRESENT:** Johnny Hall, Mandy Luke, John Reynolds, Peter Schultz, Henry Yawn, Chief John Clayton, Tommy Davis and Mitchell Moore.

**OTHERS PRESENT:** Fern Turner, Randall Milton, Larry Daughtery, Patricia & William Marks, Virgil & Patsy Hickox, Antonio Carter, Rebecca Eubanks, Patty McConico, Jody Kelley, Nicole Robinson, Johnny Black and Larry Baldree.

**ADOPTION OF MINUTES FROM PREVIOUS MEETING:** Alderman Richbourg made a motion seconded by Alderman Turner to adopt the minutes of the previous meeting. Motion was carried unanimously.

**ADOPTION OF FORMAL AGENDA:** Alderman Turner asked that we add item # 7, Water Pressure System for Chaparral Boats. Alderman Retterbush asked that an item 8 being added for a request from the Girls' Scout Organization for a meeting place at the Community Center. Mayor Harper requested that item # 9 be added which will be a request from Mary Alice McGee pertaining to a new business coming to Nashville. Following these requests Alderwoman Sutton made a motion seconded by Alderman Stalnaker that we adopt the formal agenda with the additions of the items 7, 8 and 9. Motion was carried unanimously.

**NEW BUSINESS**

**1. RECOGNIZING EMPLOYEE OF THE QUARTER –MANDY LUKE** Ms. Luke told the Council we are recognizing the Employee of the Quarter for the 4<sup>th</sup> Quarter. She informed them that Patty McConico had been nominated and selected as the "Employee of the Quarter". Ms. Luke then read the remarks of the person nominating Ms. McConico. For this recognition Ms. McConico was presented with a pin, certificate, a day off with pay and \$50.00 in Berrien Bucks. Ms. McConico received a round of applause.

**2. RECOGNIZING EMPLOYEE FOR YEARS OF SERVICE – MANDY LUKE** Ms. Luke informed the Council that we have an

employee who has completed 5 years of service with the City of Nashville. She said this person is Rebecca Eubanks and works for the Police Department as a Crossing Guard. Ms. Eubanks received fifteen dollars in Berrien Bucks, a pin and a certificate in appreciation for her 5 years of service to the City. Ms. Eubanks received a round of applause.

**3. BEER & WINE LICENSE FOR CREW'S IN CONVENIENT STORE – JOHNNY HALL** Mayor Harper informed the Council that we have an application for a Beer & Wine license from Patricia and Williams Marks for Crew's In Convenient Store. Mayor Harper questioned Chief Clayton is everything checked out on this. Chief Clayton responded that everything checked out okay. Following this Alderwoman Sutton made a motion seconded by Alderman Retterbush to approve the application. Motion was carried unanimously. Alderman Turner asked the Marks if they were going to operate under Crew's In or if they were going to change the name. They responded they are going to leave it under Crew's In. Alderman Turner informed them of an offense where they had sold to underage person. There was some discussion as to if this when against the business name or the individual.

**4. RATIFYING PURCHASE OF A 2" VALVE FOR GAS DEPARTMENT – MANDY LUKE-** Ms. Luke informed the Council that on January 17, 2008, they were polled regarding the purchase of a 2" valve replacement and for services performed. She stated that Harp & Associates had discovered an old 2" water valve in with the gas line causing a gas leak. This was located on the corner of Bullard and Avera. The cost is \$1,405.00 which included the welding on the line. She stated this needs to be ratified and voted on in an open meeting. Alderman Turner made a motion seconded by Alderwoman Sutton to ratify this purchase. Motion was carried unanimously.

**5. OPENING OF BIDS FOR PUMP FOR WATER DEPARTMENT – MAYOR HARPER** Mayor Harper reminded the Council that they had voted to call for bids for a pump for the water department at the last Council Meeting. He stated we had received two bids. The first bid was from Morrison's Home Center for a 4HP (Gas) 3" Diaphragm Pump for \$1,599.00. He stated this price is good for thirty days and the date on the bid is December 27, 2007 which is over the thirty days. Alderman Retterbush asked John Reynolds if he had asked for a 5HP. Mr. Reynolds responded that he had and explained the difference. He told the Council he had contacted five people and only two had responded. The second bid was from United Rentals out of Valdosta, GA. Their bid was for a 3" Mud Hog Diaphragm Pump with 4HP Honda motor. The price on this pump is \$1,420.00 and is good until December 30, 2008. Alderman Richbourg made a motion seconded by Alderman Turner to go with the low bid of \$1,420.00 from United Rentals out of Valdosta. Motion was carried unanimously.

**6. RESERVING PARKING FOR BUSINESSES NEAR COMMUNITY CENTER – ALDERMAN TURNER** Alderman Turner informed the Council that he had a call last week from one of the businesses on the square regarding the parking situation around the Community Center. He remarked that he called Johnny to find out who had rented the Community Center and he was told that Harvey's had rented for the day. He

said there was a large crowd in the meeting and all the parking spaces around the Community Center and in the area were taken up. He went on to say that the restaurant delivers meals to the bedridden and they had no where to park to load the meals. Alderman Turner stated that he gave them permission to utilize the handicapped parking. He commented that these businesses are locally owned and that they pay taxes for their licenses and if there is anyway we could allow parking spaces for them he thinks we should. It was discussed that since this was a D.O.T. funded project we may have to go through them to get permission for reserving parking. It was suggested that we contact D.O.T. about this. Alderman Turner remarked we need to do everything we can to accommodate the businesses. Mayor Harper asked Attorney Moore is he is aware of anything that would prevent the City from reserving the parking spaces. Attorney Moore responded no. There followed a discussion on if they should contact D.O.T. Attorney Moore told the Council he would double check on this. He added since this is City property he would think not, but being it was a D.O.T. project he would have to check to be certain. Virgil Hickox asked the Council if we could just not to allow big meetings during the week. He stated on this particular day it cost them approximately \$400.00 in revenue from not having any parking spaces. Mayor Harper talked about making a Monday through Friday rental a two hour limit. Attorney Moore stated if we limited the parking then we would have to enforce it. He added that we need to look at the various options we have. He remarked if they are looking for foot traffic there should not be a problem. Ms. Hickox responded that those who attended the meetings do not shop. The Hickox's told the Council they only have problems when they have meetings during the week. Mayor Harper asked about "Reserved Parking". Mr. Hickox responded that he doesn't like the idea of "Reserved Parking" since can run into problems with it. Mayor Harper stated that he was referring for business usage. Mr. Hickox reiterated that it would be simple; just do not rent the Community Center during the week. Alderman Richbourg discussed with the group about contacting D.O.T. concerning this issue. Mayor Harper commented that when the County Administrative building gets built this will provide more parking. Ms. Hickox stated that the City needs to make sure that they tear down the old health department building. Mayor Harper responded that the City is going to hold the County to this. He added he doesn't think they are going to renege. A representative from the Dinner Bell Restaurant spoke up and stated that he agrees with Mr. Hickox on limiting the days. Mayor Harper asked the Council if they had any ideas on this. Alderman Richbourg reiterated that we need to contact D.O.T. to get their input. Attorney Moore remarked that he would look at this. Alderman Stalnaker discussed the possibility of raising the fees to deter big parties. Attorney Moore stated we need to maximize subject to the merchants. He asked if the City got a count on the number of people. Johnny Hall responded yes. In closing Attorney Moore stated he will check into this.

## **REPORTS**

**7. WATER PRESSURE SYSTEM FOR CHAPARRAL BOATS-** Alderman Turner told the group Chaparral Boats contacted him and requested a pump be placed on one of their water line so they may have water pressure to the sprinkler system. Chaparral's insurance company required more pressure to be added to their sprinkler system. Alderman

Retterbush said Harvey's had that same request a few years ago from their Insurance Company and they paid \$30,000 for a new diesel pump and system. Alderman Turner said he spoke to Buck Warren and the New Fire Truck has the capability of boosting the water pressure, so they can install the pump. Alderman Retterbush said the only problem with that is the truck may boost more than is needed. Alderman Turner asked John Reynolds if the main line at Chaparral has enough water pressure to install a booster pump. John replied we have about sixty eight PSI pressure in town and Chaparral pumps theirs up to 150 PSI, because they have the biggest main water line in Nashville. John said the new Fire truck should be able to handle that amount of volume if they hook into their main line. Alderman Turner asked if John would go by and look into this request from Chaparral.

**8. GIRL SCOUTS REQUESTING TO USE THE COMMUNITY CENTER TWICE A MONTH-** Alderman Retterbush said Tina Stone asked if they could hold their girl scout meeting at the Community Center every second and forth Tuesday of each month from 6:00 to 7:30 pm. He said they did have meeting's at the Ag center but their schedule was starting to conflict with the County 4H meetings schedule. Johnny Hall said he told Ms. Stone we could not promise the use of the Community Center every month. The group discussed some different meeting places. Alderwoman Sutton suggested they meet at the Methodist Church, and Johnny Hall suggested they meet at the Council Chambers every second and forth Tuesday, because they have done so in the past. The group agreed that the Council Chambers was a good idea. Johnny said he would get with Ms. Stone and set up times.

**9. NEW BUSINESS WANTING TO RELOCATE IN NASHVILLE-** Mayor Harper said Mary Alice McGee contacted him last week and was told a new company by the name of Petroflex North America wanted to relocate their business in Nashville. Mary Alice has done some negotiating in order to get them here due to the fact they are looking into relocating in another City as well. Mrs. McGee spoke with the County and they are willing to wave seven years of inventory taxes and she is requesting the City do the same in order to get the Company to move here. Mayor Harper said they will be using City Water and Gas, plus they will be renting a building, so the property taxes will remain. They will also create fifteen to twenty jobs and the company hopes to expand which will create more jobs. Mayor Harper said the Council needs to vote on waving the inventory fees. Aldermen Richbourg, Stalnaker, and Retterbush wanted to investigate and find out what kind of inventory the company will have before waving any taxes. Alderwoman Sutton suggested Mary Alice McGee be invited to come before the Council at the next meeting and answer this question. The group agreed.

**10. CITY MANAGER/FINANCE DIRECTOR'S REPORT-** Mandy Luke asked the group to allow Mitchell Moore the City Attorney to give his report because they are on the same topics.

**11. CITY ATTORNEY'S REPORT-** Mitchell Moore said Mandy asked him about one of the local businesses in Nashville which filed bankruptcy, The Movie Gallery, her question was; can the City pursue any delinquent utilities. Mitchell said due to the fact they are under what is called a reorganization the City can not pursue any delinquent utilities, but they will

have to stay current with their on going utilities. Mitchell asked Mandy if the account is current and she replied she will have to check with April Copeland the Billing Clerk, and get back with him. Mitchell said if the business does not keep the utilities current from the time they filed Bankruptcy, we can recover those amounts, we just can not do anything about the delinquency before they filed, because those amounts will have to be presented before the Bankruptcy Court.

Mitchell said he needed some guidance from the Council on a financial situation. The City supplies utilities for all local merchants and the City also does business with most of the local merchants. One of the merchants wanted a late fee taken off their bill due to the fact they have waived late fees for the City in the past. Mitchell explained the only late fees waived by this merchant were before Mandy Luke was employed by the City. Mandy explained the City's policy is not to waive any late fees because that is revenue for the City taxpayers. Mitchell asked the group if the City needs to cut the businesses utilities off if they do not pay their late fee, or do I continue to try to convince this merchant to pay they late fee. Alderman Richbourg said I don't think we need to cut off a business over a late fee. Mayor Harper remarked, the merchant made the check out to the wrong person and did not discover the error until a month later. Mandy added the City's policy does state we will not receive partial payments. Alderman Retterbush said he had a similar situation happen and he had to pay the entire bill including the late charge, so what is good for the goose is good for the gander. Alderman Turner said we should stick to our policy which applies to everyone. Alderwoman Sutton agreed with Alderman Turner. Alderman Stalnaker said the same rule should apply to the bills paid by the City. Alderman Sutton stated most of the surrounding Cities and Counties will not pay late fees to her employment, so they have to usually write the late fee off. Mitchell said we need to treat everyone equally and stick to the policy we have in place. Mayor Harper told the group when he spoke to this individual about this issue and was unaware at the time about the late charge they waived for the City, which was over two years ago, until Mandy gave me the bill. He added, this administration has not had any problem with paying bills on time since Mandy came on board, and the merchant voluntarily waived those late fees accrued by the City. Mitchell said that is a private individual business and they have that right to make those decisions, but on the other hand we do not. He advised Mandy not to make this decision herself, but allow the Council to advise her on what to do. Mayor Harper remarked we can not change the policy to fit each individual situation. Mandy added, the merchant told her they were not going to pay the late fees and if they were not waived, they would charge the City the late charges they waived two years ago. She said the dilemma she had was, do I cut off their utilities due to the non payment of late fees which is our policy, or does the Council want me to do something else. Mitchell said he will contact the merchant and explain to them the City Council will not waive the late fees for anyone, and if it is not paid we will proceed accordingly. Mayor Harper asked Mitchell if there is a statue of limitations on the late fees the merchant waived for the City two years ago. Mitchell said that is what is called an ovation, in which there was a disputed amount and they took it upon themselves to waive it, so that is a done deal. They can not exercise the right of offset against the City two years later. Mitchell said he will advise the merchant and we can go from there.

Mitchell also wanted to go over the additions to the speed bump policy. He made a few revisions to the policy. Mitchell said the Council had some discussion about owner verses tenant, and he went back and looked at some other Cities one of which was Marietta, and they enacted this in their policy but they do not have a petition. Mitchell said he has a very simple petition, but the question is do you want to limit this to just the owners or to residents. Alderman Turner said we want owners/tenants. Mitchell said he did specify in the petition only one vote per household, but the tenants will change so whoever is there when the petition is signed will be the one dealing with the speed bump. At any rate I have included owners/resident. Mitchell said this should be the final additions or changes unless the Council has some other changes. Mayor Harper said one thing that is not included but needs to be understood is streets like Mathis Street which run from Old Coffee Road to Marion Street, the understanding is the policy pertains to stop sign to stop sign and not necessarily the entire street of Marion. Alderman Turner said item two in the policy covers the issue of stop sign to stop sign. Mitchell said he would e-mail a copy of the petition to Mandy and then she can give it to Henry Yawn the Code Enforcer who was also added in the policy under item eleven.

Mitchell said Georgia Power and I have spoken about the Streetscape lighting which has been an on going thing, and although the Council has already agreed to pay the bill, I was asked to try to negotiate with them before we pay it. Georgia Powers's position is the balance is owed on the lighting. Mitchell told them our position is, this was a gross miscommunication, and neither the City nor the Engineers understood it to be billed that way. I informed Georgia Power the City will take this into consideration, but I want the Council to understand they take the position we owe this and they have recourse so the City is going to need to pay the bill. Mitchell added the City is not the first and only one to have the same misunderstanding with Georgia Power.

Mitchell said another topic I wish to discuss is TTL has installed three more wells which are 15, 16, and 17. I have been contacted by the engineers and the wells need to be located by survey plat. Wes Hand who was doing the surveying for the City is no longer in business. The City originally put this up for bids because I knew it was going to be a long drawn out process, hopefully we are at the end of the process in fact the guy told me last week he checked with Keith who is the On Site Engineer and he said he does not see us doing a whole lot more, so do I need to bring this back up for bids in order to locate these three wells. He said he spoke to John Hogan of Hogan Surveying, about locating the wells, and I need the Councils permission to allow him to do the survey or do you want me to put this back up for bids. Alderman Turner said if John Hogan can do it then let him go ahead, Alderwoman Sutton agreed. Mitchell said he will contact John Hogan and let him go ahead and survey it.

Mitchell also discussed the warehouse on Taylor Street. He said Henry Yawn looked at the property and only found a lot of cardboard that needs to be moved. Mitchell said this issue goes back to May 2006 and it has been extended several times. Per Henry the facility is still half full of cardboard. Mitchell said the purpose for the extension was, they were going to have to use smaller trucks that were street legal to carry the stuff out. Mitchell advised the Council to give them more time to get the warehouse cleaned out due to the fact the individual is under a court order from our Municipal Court Judge, not to have eighteen wheeler trucks on this street.

Mitchell also spoke about the discussion the Council had at the last Council meeting on the alcohol statue and suspension. He asked if Council would like him to amend the Ordinance. Alderwoman Sutton said yes and the Mayor agreed. Mitchell said so the amendment should read suspension on a first time violation for underage sale. Alderman Richbourg asked how long we will suspend their license. Mitchell asked Chief Clayton what his position was on the amending. Chief Clayton said the City does not have anything in place now, and I am in the process of investigating and researching other City's Codes in order to put something together as far as first, second, and third time violators. The group had some discussion on the code and decided to have Mitchell bring the code to the next Council meeting and go over it at that time.

Mitchell said the last thing we need to discuss is the issue we still have with the T-Project. We still have not received money from the DOT because they have not signed off on the final approval and the reason they have not signed off the final approval is because two items have not been completed, one of which is on the punch list and the other item is not. The flashing which is not on the punch list has not been repaired. Mandy added Bruce Greene who was suppose to repair the flashing is not going to do the repairs the City will have to do the work because that item did not make it on the DOT's punch list. Mitchell said he understood that Mr. Greene was not going to be paid until the DOT signed off on the project, but there was a settlement negotiated because there were some items in dispute. Statewide negotiated an agreement with Mr. Greene to come to terms and finish the contract. Mr. Greene has been paid in full for the project. Mitchell said somewhere in all of this the item on the punch list, the concrete planters were left off. One of the landscaping subcontractors who are responsible for the planters has them but will not bring them because he has not been paid by Bruce Greene. Mitchell said he will contact Statewide and Mr. Greene and see what can be done about the situation, but it may be a situation where we have no hold over him in other words we do not owe him anymore money and had I known this I would have asked for some kind of reserve during the negotiated settlement. Mitchell said he will get in touch with Statewide and Mr. Greene and tell them they need to come back and finish or at least finish what is on the punch list so we can get our money from DOT. Alderman Turner asked if they will replace the dead oak trees. Mandy said they are supposed to replace those, because the trees have a warranty one year from the close out date and we have not closed out. Alderman Richbourg asked if we could get in touch with Lace Futch and ask him to help us out. Mitchell said he will check with him and see if he will.

**12. DEPARTMENT HEADS' REPORT-** John Reynolds asked the council for a work session meeting possibly by next week. The Council agreed on Thursday, January 31<sup>st</sup> at 5:30p.m.

Johnny Hall told the group the Council needs to decide on a time, date, and place for the Round Table meeting, because it is our turn to host the meeting. The Council asked Johnny to get in touch with the County and the other Cities to set a date and time and then let the Council know what was decided, but if at all possible arrange the meeting for a Thursday night.

## **PUBLIC COMMENTS/GENERAL COMMENTS FROM COUNCIL**

Pat Marks who purchased the Crews In convenience store asked the group will they have a first offence for the sell of alcohol to a minor on their record since the owner before them had a clerk convicted of selling to a minor, or does that apply only to that owners alcohol license. Alderman Richbourg said it would only apply to their license and not yours.

Alderwoman Sutton said the City's recycle bin now has a set of mattresses in it. A few weeks ago I saw a dryer dumped beside the bin, and last week some County residents were spotted putting trash in the bin. She asked what the Council is going to do about the on going problem, because the City is being charged for the pick up of these items. Mandy said we are in the process of ordering a camera for surveillance at the site.

Mayor Harper asked if the light has been installed at Beetree Park. He said Brenda Thomas has attended the meetings on several occasions and requested a light be placed at Beetree Park, so I wanted to see if one has been installed or has it been ordered. Alderwoman Sutton remarked it took around six weeks before the last light was installed. Mayor Harper asked if Johnny Hall would check on the status of the light.

Alderman Stalnaker thanked Larry Daughtery for attending the meeting and leading them in the invocation. He commended Rebecca Eubanks for her five years of service to the City, and told Patty McConico the City is privileged to have such a good employee.

**ADJOURNMENT:** There being no further business to conduct, Alderwoman Sutton made a motion seconded by Alderman Retterbush to adjourn the meeting. Meeting was adjourned at 7:18 p.m.



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

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

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

\_\_\_\_\_  
**Alderman Pat Sutton**

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

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

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

**ATTEST:**

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