

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
JUNE 23, 2008**

INVOCATION: Henry Yawn

PLEDGE: Pledge of Allegiance was led by Mayor Pro Tem Michael Richbourg

WELCOME: Mayor Pro Tem Michael Richbourg

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

STAFF PRESENT: Tina Haughton, Chief Jimmy Clayton, Tommy Davis, John Reynolds, Peter Schultz, and City Manager Mandy Luke.

OTHERS PRESENT: Randall Milton, Antonio Carter, Fern Turner, Sarah Luke, and Ron Ganster.

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

ADOPTION OF FORMAL AGENDA- Alderman Turner wanted to add as item six, City Ordinances. Alderman Stalnaker made a motion to accept the Agenda with the changes. Alderman Watts seconded the motion, and the motion carried unanimously.

NEW BUSINESS

1. Beer & Wine Application- Mayor Pro Tem Richbourg said we received an application for a Beer & Wine License from Debra Ann Hardeman who will be doing business as “Tremici” an Italian bistro. The business will be located at 106 North Davis Street. The license fee has been paid and the criminal history found no record. Alderwoman Sutton made a motion to approve. The motion was seconded by Alderman Stalnaker, and the motion carried unanimously.

2. Ratifying Purchase of Mosquito Spray- Mandy Luke told the group the Street Department needed to purchase some mosquito spray. The cost of a fifty five gallon drum is approximately \$1,635.00. Since this amount exceeded the allowable \$1,000.00 limit the Council was polled on June 17, 2008 and each gave approval of the purchase. This action needs to be ratified and voted on in an open meeting. Alderman Stalnaker made a motion to approve the purchase. Alderwoman Sutton seconded the motion, and the motion carried unanimously.

3. Ratifying Increase of Purchase of Fireworks-Mandy Luke told the group in order to have a much better July 4th Fireworks display the Mayor recommended the amount be increased. The amount budgeted for the event was \$10,000.00 and in the past the City has spent \$3,000.00 on the fireworks. The total increase requested is \$7,000.00 for the Fireworks display. She added the company from where the fireworks are purchased has agreed to let the City use their equipment to set off the display. The Council was polled on June 17th concerning this increase and each approved. This action needs to be ratified and voted on in this open meeting. Alderwoman Sutton made a motion to approve the increase. Alderman Turner seconded the motion, and the motion carried unanimously.

4. 1st Reading of Ordinance on Tattooing & Body Piercing- Mayor Pro Tem Richbourg told the group a copy of the Ordinance on Tattooing and Body Piercing is in each one of the Council's packets. This constitutes the first read of the Ordinance and the 2nd read will be placed on the July 7th Council meeting.

5. Petition for Speed Bump- Henry Yawn, Code Enforcer, told the Council a petition has been presented from the residence on Dee Avenue requesting a speed bump. Henry said the petition has been signed by 70% of the residents and they have met all the requirements. Alderman Stalnaker made a motion to approve the speed bump. The motion was seconded by Alderman Turner, and the motion carried unanimously. Mayor Pro Tem Richbourg added the process in which the request was handled went exactly how it should've.

6. City Ordinances- Alderman Turner asked the Council to what extent will we go to enforce the City's Ordinances. Mayor Pro Tem Richbourg said the only answer to that question is we will enforce them to the extent of the law. He asked Alderman Turner what particular Ordinance he was asking about. Alderman Turner said yes, the Ordinance which applies to the big truck traffic on North Taylor. He said this is and has been an on going problem since the Warehouse operation located on that street started. Alderman Turner said a Zoning Ordinance has been violated as well as a violation of the Nuisance Ordinance. When this

problem was presented before the Council earlier our City Attorney wrote the violators a letter stating what Ordinances were violated and gave the individual time to get his goods out of the warehouse. We also voted to extend that time period to allow him more time to remove the goods inside the warehouse. We also granted this individual another extension on November of 2006 and the business is still operating in the warehouse. Alderman Turner asked why we cannot stop this, and enforce what we voted on. Mayor Pro Tem Richbourg said we can enforce it to the extent of the law and obviously in every law we have, there are some gray areas and in which we will have to use our own discretion. He added, although I do not know the exact violations your speaking about, and asked Henry Yawn the City Code Enforcer to help shed some light on these violations. Henry said the problem is the warehouse has been in that area for years, so there is a gray line area, but Mitchell Moore the City's Attorney is working on coming up with an answer on the subject, although due to the death of his father he could not be here. Mayor Pro Tem Richbourg said we need to wait to hear from Mitchell on this subject. Alderman Stalnaker said he would like to do some more consulting with Mitchell on the matter to be sure we are legal and right on every thing we do, so we can clear this matter up. Alderman Turner said the operator agreed with all the stipulations presented to him in the letter from Mitchell, he agreed to the resolution, he agreed to the extension, and he agreed to use two ton trucks on that street but he has not done any of those things. Mayor Pro Tem Richbourg said Alderman Turners point is well taken, but we need to speak with Mitchell when he returns on this matter. Henry Yawn added this particular case is under a court order, and he understands the Judge will be handing down a decision soon on the case. Mayor Pro Tem Richbourg asked Alderman Turner is we could put this item back on the agenda for the next Council meeting so it could be discussed further with the City Attorney who has some concerns. Alderman Turner agreed.

REPORTS

7. City Manager/Finance Director's Report- Mandy Luke said she received a cost estimate for the prison work detail, and they have an increase of \$2,000.00 from last year. They are increasing from \$37,500.00 to \$39,500.00 for this year's contract. The Council needs to vote on the increase of the contract. Alderwoman Sutton made a motion to agree with the increase. Alderman Stalnaker seconded the motion, and the motion carried unanimously.

Mandy said in reference to the City's water and sewer rate increase, Bill Powell with Georgia Rural Water would like to speak to the Council about the water and sewer rate study he did last week. She said he would like to come before the Council at the last meeting in July, after the Budget is adopted.

Mandy also wanted to the Council to be aware of the Sanitation rate increase she received from Griffin Waste today. She said Griffin Waste will increase their fuel sur charge and she is working on some figures on the rate increase for sanitation and will get a copy of those figures to the group at a later date.

8. City Attorney's Report- None

9. Department Heads' Report- None

PUBLIC COMMENTS/GENERAL COMMENTS FROM COUNCIL

Randall Milton told the group he spoke to Henry Yawn in reference to the placement of political signs. The ad in the Berrien Press on Political signs stated where the signs were to be located according to the State. Each street corner has a lot of signs through out the City, although a few have been removed around town since the ad. Mr. Milton said he spoke to Henry Yawn about a publishing the City Ordinance on political signs so that people can place them accordingly. Mayor Pro Tem Richbourg said the City has a General sign Ordinance but not a Political sign Ordinance, but we will look into it and make sure. Mayor Pro Tem Richbourg said we can speak to Mitchell Moore about adding something to our Sign Ordinance and possibly add something to our Ordinance which would cover Political Signs. He also stated it would be a good idea to have the General Sign Ordinance published in the paper. Mr. Milton also said we need put something in there as to when the signs should be picked up after the election.

Sarah Luke asked the group if anything is going to be done at the pond located at Cypress Woods apartments. She said the people who live around that pond have asked the City to get it cleaned up for two years and nothing has been done. She told the group about several recent occasions where water moccasins were located in yards or dead in drives. Her concern is, if the City keeps waiting a child my get bitten by one of the poisonous snakes. She said before the Cypress Woods apartments were built in the early seventies, the City signed a contract which stated they would be responsible for maintaining the property around the pond. Mayor Pro Tem Richbourg asked Henry Yawn he could check the deed on the property to see if it has changed hands. Alderman Stalnaker added the property was cleaned up before the last election. Mayor Pro Tem Richbourg said whoever owns the apartments should be responsible for maintaining the pond. He said we will find the deed and get with the owner of the property and decide what it is we need to do. Alderman Stalnaker added since the last election the property has been cleaned up and mowed outside the fence and inside the fence around the pond. He said we

need to see the contract so we can make legally sure the owner cleans up the property. Alderman Stalnaker concluded since our efforts in finding something in the minutes have failed, we will also need to get with the City's Attorney and see if there is anything we can do legally. Mayor Pro Tem Richbourg said he would get with Henry Yawn and look at the County Courthouse for some documentation on the property. Alderman Stalnaker added we also need to find out if the original agreement on the property transferred over to the new owners contract.

Ron Ganster asked the group about parking zones for the Donaldson building. He said the issue was brought up years ago about the usage of the building, and the Commission agreed the building was not a conforming use. He said the building is being used for Commercial/Industrial type business, but the property is not zoned for that. It is zoned for General Business and it is not being used properly. He stated the Donaldson's have tractor trailer trucks parked or driving up and down that street all the time. The street is not able to handle that type of weight or wear and tear. He said John Reynolds is always repairing broken sewers because they drive over everything. He added, Chief Clayton has been out to my property and threaten to tow the trucks off of my property, now this issue is in Court and the Commission doesn't know anything about it. Mayor Pro Tem said we do not have our City Attorney present in order to ask any questions we have about this issue, we are not saying we don't know anything about it. Mr. Ganster said he was issued a subpoena to appear in Court on this issue and the Donaldson's did not even show up. The entire republic did not to voice our choice in front of Judge Hamilton, now we are having a secret meeting with an attorney, and I can't get Judge Hamilton to talk to me or the public about the issue. He asked how are we going to change the zoning, permit the use that is nonconforming, while keeping in mind all of the residential homes that are located there, and maybe putting a Commercial/Industrial Business there. He also asked how you turn a sixty-five foot tractor trailer truck around in a twenty foot street, which is impossible. Mayor Pro Tem Richbourg told Mr. Ganster he did not think anyone is arguing with him. Mr. Ganster said the problem is no one is agreeing with me. He added at one time this issue was resolved, the Commission agreed, the Attorney agreed and the Court agreed, and now it is back in the lime light and no one seems to know about it. Alderman Stalnaker said some of the Council was not here when this transpired and have no knowledge of exactly what went on in other meetings. Furthermore, I have told Alderman Turner I would like to proceed forward with this issue, because I think the Council agrees with you, but we want to make sure we pursue this issue the correct and legal way before we take any action on it. Mr. Ganster said there was a court hearing about this and no one from the Council seems to know anything about. Mayor Pro Tem Richbourg said no one from the City Council was aware of any court hearing or were they summons to Court on the

issue. Mr. Ganster said he has five businesses with business license located in the same area as the one in question, and if the tractor trailer trucks are permitted to travel and park up and down that street, my businesses will shut down. Alderman Stalnaker said that is one of the questions we need to address with the City Attorney, to see if in fact tractor trailer trucks are allowed on that street.

Alderwoman Sutton stated the trucks are not allowed and the City has posted the proper signs. Alderman Turner said the City Ordinance states which streets in the City can be used as truck routes and that particular street is not one of them.

Alderman Stalnaker said the Ordinance also states the business can not be denied access for pickup and delivery. Mr. Ganster stated the Donaldson's know this business is nonconforming, and they went to the County to try to get the area rezoned, they were turned down. They also came before the City to have the area rezoned and were turned down. Mr. Ganster also questioned the Donaldson's business license and if they have one for that warehouse. Henry Yawn replied they have a business license for their business, which carries over to their storage area, or the warehouse. Mandy Luke confirmed, and said if a business has a business license and is located in one area, they do not need a business license for their storage area if it is located in a different part of the City. Mr. Ganster said that is not what was written in the minutes of the last meeting when this issue was brought up. He said the minutes clearly state if you have a business you must have a business license with the name of the business and the address on the license, fitting the zoning ordinance for that building. Mayor Pro Tem Richbourg said we will put this item, as well as have a copy of the Ordinance on next Council meetings agenda, and have some discussion with the City Attorney before the next meeting. The group had some more discussion about this issue and Mayor Pro Tem concluded the conversation by telling Mr. Ganster the item will be placed on the next Council meeting agenda.

Alderman Turner asked the group if they had a chance to read over the copy of the Animal Control Ordinance he gave them at the last Council meeting. He told the group he would like to get the ball rolling on this Ordinance so we can enforce it in the City. Alderman Turner requested the Council add this item to the next Council meeting's agenda.

Ron Ganster wanted to commend the Police Chief and the department on a job well done, especially the night patrolman. Alderman Stalnaker commended the Police department on the tremendous jobs they do at night and during the day while they are patrolling and keeping our City safe.

ADJOURNMENT

There being no further business to conduct, Alderwoman Sutton made a motion to adjourn the meeting at 6:36p.m. Alderman Turner 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