

**REGULAR MEETING  
CITY COUNCIL OF THE CITY OF NASHVILLE  
COUNTY OF BERRIEN  
MARCH 10, 2008**

**INVOCATION:** Larry Daughtry

**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, Ronald Knowles, John Reynolds, Peter Schultz, City Manager Mandy Luke, and Attorney Mitchell Moore.

**OTHERS PRESENT:** Keith Stone, Nicole Robinson, Fern Turner, Antonio Carter, Elaine Shiver, Randall and Faye Milton, Bobbie Roberts, Larry Daughtry, Mike Sirmans, Wendell Taylor, and John Hunkele.

**ADOPTION OF MINUTES FROM PREVIOUS MEETING:** City Attorney Mitchell Moore asked for a correction in the minutes before approval. He said under the reports, line seven, "Council is changed to counsel". Alderman Richbourg made a motion to approve the minutes with the change. The motion was seconded by Alderman Stalnaker, and the motion carried unanimously.

**ADOPTION OF FORMAL AGENDA-** Mayor Harper wanted to add and delete items from the agenda. He asked the Council to hold a work session for item five, Yard Trash Chipper. Mayor Harper asked to add as item five, opening bids on lights for the Community Center. Alderman Turner asked to add as item six, change in the Animal Control Ordinance. Alderman Turner also wanted to add a brief executive session to the agenda. Alderman Richbourg made a motion to accept the Agenda with the changes. Alderman Retterbush seconded the motion, and the motion carried unanimously.

**NEW BUSINESS**

**1. Recognizing Employee for Years of Service-** Mandy Luke said the City would like to recognize Sgt. Ronald Knowles for fifteen years of service. Sgt. Knowles will receive \$50.00 in Berrien Bucks, a 15 year service pin and a certificate for his years of service to the City of Nashville.

**2. Water Line Extension for the New Elementary School-** John Hunkele with Coastal Engineering told the group at the last Council meeting we discussed the water line extension for the new school and I told you I would get a proposal and design for that project together and present it to you at this Council meeting, and I have the proposal with me. He said I spoke to John Hogan with Hogan Surveying and he has agreed to do the field survey work for this portion of the project, and estimates the fees for this to be around \$5,000.00. Mr. Hunkele told the group he sent over a proposal to Mandy Luke earlier for Coastal Engineering

fee was broken down into three tasks. Task one will consist of construction plans and specifications, task two will consist of permitting assistance, task three consist of bidding assistance and it is our understanding the clients intend to furnish and install all materials required by the construction plans and specifications. Therefore no services related to bidding assistance are offered or required. Task four would consist of our construction phase services. Our proposed fee for Task one not to exceed fees of \$14,400.00, Task two not to exceed fees of \$3,600.00, Task three is not applicable, and Task four not to exceed \$18,000.00. Mr. Hunkele said it is our understanding this is to be a three way split between The City of Nashville, Berrien County Board of Commissioners, and the Board of Education, so our proposal has a line item for each of those entities to accept the proposal which means we will not do anything until each entity has signed. Mr. Hunkele said he would leave an amended copy of the proposal with Mandy Luke and it would be up to the Council to approve or disapprove, and forward it on to the Board of Commissioners and the Board of Education for their review. Mr. Hunkele mention John Hogan said he would need thirty days to get the surveying done so the three parties will have to give authorization for his part as well. He said once we receive his survey it should not take Coastal Engineering two or three weeks to get our part turned around. Alderman Richburg asked John Hunkele if he recommends Hogan Survey be approved now so he can get started. Mr. Hunkele said yes, but if the Council needs to look around for another surveyor he would be glad to help them do so. Mayor Harper asked John Hunkele and the Council if March 18, 2008 at 5:30pm would be ok for the work session requested. Everyone agreed with the date and time for the work session. Alderman Richbourg asked if we also need to make a motion on the approval for the survey with or without the approval of the School Board and the County, so he can get started. Alderwoman Sutton said all parties need to approve the surveyor and the proposed amount because the cost will need to be split three ways. Alderman Retterbush asked Elaine Shiver, the County Administrator for her input on the surveyor and the fee. Elaine said the County will agree to pay one third of the cost for the survey. Mayor Harper said he does not see a problem with the School Board agreeing to one third of the cost. Alderwoman Sutton made a motion to agree to pay one third of the cost of the survey. The motion was seconded by Alderman Turner and the motion carried unanimously. Alderman Richbourg asked Mandy to contact John Hogan once the School Board approves. John Reynolds asked John Hunkele if he would inform the Council about the drainage ditches. Mr. Hunkele said if the City has existing drainage ditches and that is their purpose then you are allowed to maintain those ditches, mow them, shape them, even though they are considered State Waters; just be careful not to make them bigger and that you use appropriate erosion control. Mandy Luke asked if we can take out any trees which have grown inside the ditches. Mr. Hunkele said yes just be sure to restore them back to their original capacity and intent was.

**3. FY 2007 Audit Summary-** Mike Sirmans from Meeks, Roberts, Ashley, Sumner and Sirmans, LLP; gave each one the Council a copy of the City of Nashville Annual Financial Report for the Fiscal Year Ended July 31, 2007. He said the City now has eleven funds to audit including two major Governmental Funds and two Major Enterprise Funds. Our audit report issued an unqualified opinion on the financial statements presented. An unqualified opinion states that the financial statements are presented in accordance with generally accepted accounting principles. The most important funds he discussed were, the General Fund, total assets in 2007 increased by \$188,285.00 with a corresponding decrease in total liabilities of \$23,185.00 which resulted in and increase in fund balance of \$211,470.00 from the previous year. The General Fund is in good shape with an

increase in fund balance. Mr. Sirmans said The Enterprise Funds consists of the Water and Sewer Fund, and the Gas Fund. The Enterprise Fund reflected a combined loss of \$16,506.00 due to the loss of some Gas customers, weather conditions, and other conditions. The Enterprise fund should at least break even. He added the fund should also be monitored closely. Overall the Enterprise Fund is currently in good shape with ample cash reserves. Mr. Sirmans said the Audit disclosed a minimum number of findings. He added, Mandy Luke and her staff continue to do an outstanding job with the books and records. We would also like to thank the Mayor, Council, and the City of Nashville for allowing our firm the opportunity to do their 2007 Audit.

**4. Opening of Bids for Gas Department Truck-** Mayor Harper opened and read bids for new truck for the Gas Department. The first bid was from Martin Motors for a 2008 Dodge 1500 regular cab, short wheel base, with a 4.7v8 engine, automatic, and trailer tow package, \$16,945.00. The second bid is from Bo Lovein Ford for a 2008 Ford F150, with a 4.6v8 engine, automatic, and trailer tow package, \$14,451.95. After some discussion among the group, Alderwoman Sutton made a motion to go with the lowest bid. The motion was seconded by Alderman Turner, and the motion carried unanimously.

**5. Opening of Bids for Lights at the Community Center-** Mayor Harper opened and read bids for can lights installed at the Community Center porch. The first bid was from A & E Electric, Willie C. Stone for \$600.00 parts and labor, which includes the placement of seven recessed lights, dress rings and bulbs. Also includes one single pole switch. All wiring will be Metallic Cable and Conduit and a new circuit will be added for these lights only. The next bid was from B & J Electric for \$913.00 includes ten new can lights and installation of switch beside the electrical panel. Alderman Retterbush said the porch needs at least ten lights installed because of the large area. Alderwoman Sutton disagreed and said seven lights should be enough light for that area. Alderman Richbourg calculated the price per light and A & E's amount was \$85.71 per light, B & J's amount was \$91.30 per light. After some discussion, Alderman Turner made a motion to go with the low bid and negotiate with them to see if we can get three more lights installed at the same price. The motion was seconded by Alderman Richbourg, and the motion carried unanimously.

**6. Request for Change in the Animal Control Ordinance-** Alderman Turner told the group he has several complaints about dogs barking. He said according to my understanding of the City Ordinance under code, 4-3 and 4-4, a member of the Police Department, assuming the Animal Control Officer is a member of the Police Department, can warn the owners of the animals and if they do not comply, he can issue a citation and be asked to come before our Judge in Municipal Court. Alderman Turner said, Jody Kelley our Animal Control Officer does not feel as if he has the authority to give out these citations. According to the Ordinance Jody does have this authority and I think it is up to the Council to make sure the Ordinance states that clearly. Mayor Harper said if the Ordinance already states he has the authority, then why do we need to alter anything. Chief Clayton said he has addressed this issue with the Animal Control Officer and Jody understands if he has a problem with someone not complying to the warning he can ask an Officer to go to the residence with him and issue a citation with Jody as a witness. Alderman Turner read code number 4-3 which states, It shall be unlawful for any person to keep, maintain or permit any animal or fowl in the City in such manner as to create an unsanitary or obnoxious condition, or to become noisy, offensive or a nuisance

to neighbors or citizens of the City, or to disturb the peace of the City. Alderman Turner said the Ordinance also states how to correct the condition which is to eliminate the condition or be issued a citation and appear in Municipal Court. Mayor Harper asked Alderman Turner is he thinks we need to amend the Ordinance. Alderman Turner said we need to specify Animal Control Officer in the Ordinance so he understands he has that authority. Alderman Richbourg asked if Jody can reach an officer through his southern link. Chief Clayton said yes, and he will contact me before a citation is issued in order to make sure he is doing the right thing. Alderman Richbourg said we may need to speak with Jody directly and make sure he understands he has the authority to call an officer to issue the citations. Mitchell Moore, City Attorney, asked if we want Jody to issue the citation or would it be more effective for him to call a Police Officer and allow Jody to be a witness but allow the uniformed Police Officer issue the citation. Mayor Harper said, he feels as if Jody would feel more at ease allowing the Police Officer issue the citation. Alderman Turner said the Ordinance reads, the person involved shall be properly notified by a member of the Police Department and given an adequate time to either dispose of the animal or fowl or eliminate the cause of the complaint. Mrs. Faye Milton stated that most of the citizens do not take Jody seriously and they will take a Police Officer seriously. Alderman Stalnaker said he believes we should leave the Ordinance as it is, and let the Officer issue the citations for Jody. Mayor Harper asked Alderman Turner if he just wanted to bring this issue to light. Alderman Turner said yes and gets an agreement from the Council on how much Jody and the Police Department will be backed on enforcing the Ordinance we already have. The Council agreed to back up Jody and the Police Department. Chief Clayton said the Police department backs Jody 110%, but we try to gain compliance from the individual before issuing the citation.

## **REPORTS**

- 7. City Manager's/Finance Director's Report-** Mandy Luke told the group the City clean up week is usually held at the end of April so this year we decided on holding the clean up week the same week we will celebrate Georgia's Cities Week which is April 21<sup>st</sup> through April 25<sup>th</sup>. Mandy also asked for approval from the Council on a bill she received from Hogan Survey for a survey done around the boundary of the holding and treatment ponds. The bill amount is \$5,480.00. Alderman Richbourg said this is a survey that had never been done and verified that with the City Attorney Mitchell Moore. Alderman Turner made a motion in approval of paying the bill. The motion was seconded by Alderman Retterbush, and the motion carried unanimously.
- 8. City Attorney's Report-** Mitchell Moore said he has Ms. Clarice looking into some things Mr. Hogan is depicting concerning the boundary line survey, and I will report back to the Council once that is completed or by the next Council meeting. Mitchell said the only other issue he wanted to bring up was the letters he was asked by John Reynolds to write will be hand delivered by John instead of mailing them. John Reynolds said he feels as if he can get a greater response by hand delivering these letters. Mitchell said the other things I need to discuss can be brought up at executive session.
- 9. Department Head's Report-** John Reynolds told the group he was told by John Hunkele the spray heads he needs to purchase will be covered with the GEFA Loan. He said we need to go ahead and order the spray heads and pay Nashville

Tractor because they can not wait for the GEFA Loan to pay them. John said he found some spray heads for half the price quoted to him earlier. The full circle will be \$460.00 each and the half circle will be \$700.00 to \$1,100.00 each. The price was quoted with buying a minimum of twenty spray heads. Alderman Richbourg asked how many John will need. John replied, at least twenty five on hand. John added, I would like to order twenty of the full which will equal \$9,200.00, and five of the half circles which will equal \$3,500.00 and the total for the twenty five will be \$12,700.00. John also said he would like to have seven of the full and three of the half circle kept in inventory, because we will continue to need them. Alderman Richbourg asked how we would pay for the spray heads. John said we can get the money from Splost because the spray heads will be considered new equipment but we are running low on funds in the Splost account for this budget year. Alderman Richbourg asked Mandy when we would get the GEFA Loan and how much interest will be charged. Mandy replied, three to six months and around 3% interest will be charged. The group discussed some other options for paying for the spray heads. Alderman Richbourg made a motion to buy thirty five spray heads and John Reynolds should determine how many of each one he needs. Alderman Retterbush seconded the motion, and the motion carried unanimously.

John Reynolds told the group the lift station located on the Old Valdosta Hwy. motor has burned up. He said Wynn Electric has offered to fix it but the motor is only one and a half years old so it should be still under warranty. He said an \$8,000.00 motor should not break in a year and a half, although the company we bought it from was unsure if it was still under warranty, but will look into it. He asked if we need to involve Mitchell if the company will not fix the motor under warranty. Alderman Richbourg asked what their state of warranty was originally. John was unsure but would find out and let Mandy Luke know so she can relay the message to Council. Alderman Richbourg asked John when the company is going to let him know if the motor is still under warranty. John said he is sending the motor off tomorrow and the company has a week turn around. The group had more discussion about the warranty on the motor and asked John to report back when he finds out.

John Reynolds said he had one more issue to discuss with the Council. He said I have a list of private property owners who have not fixed their sewer lines. The list I have was started before I was employed with the City, and I have added more to the list since then. Alderman Richbourg asked if that falls under Code Enforcement. Mitchell Moore added he has the file with the list of property owners in his possession. He ask what does the Council want him to do. Alderman Richbourg said why don't you send each one a certified letter and give them thirty days to comply with the letter. John added the list has grown to seventy property owners and most of the property is rental property. Alderman Richbourg suggested we write a new letter for the property owners who have not yet been contacted and a letter for the property owners who have been notified previously. The group discussed the letters and who should receive them. Mitchell said we need to separate the list and the recently added property owners we will not mail a certified letter, but the ones who have been sent several letters and notifications allow me to send each one a certified copy and notify each one; there will be no more mailings and if they do not comply they will be issued a citation from the City Code Enforcer. John Reynolds said if they don't comply we need to be able to turn off their water. Council agreed their water should be cut off if they don't comply, and they asked Mitchell to add that to the letter. Alderwoman Sutton made a motion to authorize Mitchell and John to take the proper course of action with the list John provided. Alderman Turner seconded the motion and the motion carried unanimously.

Tommy Davis told the group he wanted to call their attention to all the ditches through out the City. Some of which have trees growing in them, sand washed down into them so much they will not hold too much water. He gave an example of the last big rain the City had and the water had no where to go but over the top of the streets in some areas. We also have areas which were damaged due to the water overflow and will need to be repaired. He said we do not have the equipment to do the work of cleaning out these ditches, so I suggest the City take bids and allow someone with an excavator and several dump trucks clean out the ditches. Mayor Harper asked if there is anything we can do to prevent the ditches from eroding after they are cleaned. Tommy said we are also having problems with beavers building dams and preventing the water flow. He said Mandy contacted the Game Warden and he is setting traps in order to help get rid of that problem. Alderman Retterbush asked Tommy which sections of the City need the most work done, because we might need to take bids and clean one section at a time. Tommy replied in order to make this work we need to start at the bottom of the City and work our way up one section at a time. Alderman Richbourg asked Tommy if he could bid out the project in sections. Tommy said yes, and we need to start at Meadow Brook and work all the way up to Norman. Alderman Retterbush made a motion to accept bids on cleaning the ditches one section at a time with Tommy Davis determining the sections. Alderman Watts seconded the motion and the motion carried unanimously. Mitchell Moore wanted to caution Tommy about making sure he will be just cleaning the ditches and not widening, or reconstructing them. Mr. Wendell Taylor added most of the ditches are wide enough due to nature, they need to be filled in and dug deeper. Tommy also wanted to mention, Mr. Taylor has a tree problem by his home on the twenty five foot right of way a tree is leaning. He said I spoke to Mandy Luke about this problem and we are working on getting bids to have the tree cut down and ground up, because if the tree falls the way it is leaning, then it will tear up Mr. Taylor's chain link fence and his concrete drive. Mr. Taylor said he has a bucket truck and he will cut the tree if the City will grind up the stump and haul it off. Chief Clayton apologized for not getting back in touch with Alderman Turner in reference to the barking dogs. He assured Alderman Turner he would take care of the problem. He is familiar with the location of the problem. On the day in question it was my understanding the barking was due water filling up in the yard and the dog was chained, so the concern was more for the well being of the animal, and I sent Jody our Animal Control Officer around to the location to handle that problem.

## **PUBLIC COMMENTS**

Fern Turner told the group the big ditch that runs through town is behind her chain link fence and the water has rerouted from its course and is very close to washing way the corner post from my chain link fence. The fence had a five foot wide bank behind it but it has been washed away and it cement will need to be put down to keep the water from washing through.

Mrs. Bobbie Roberts told the group she had a problem with cruelty to animals not with the nuisance of animals. She said one of her neighbors has a three month old puppy and the dog is supposed to be a house dog but it is kept outside tied up. On the day the Chief spoke about earlier this puppy was outside in the rain and he had gotten tangled in his leash and was barking because the yard was filling with water he could not get to shelter and he was about to drown, although the owners were inside the house they did not check on the puppy or pay attention to his cries. Mrs. Roberts said she went over to the yard and untangled the little dog so it could get

under the shelter and would not drown. She asked the Council, what their definition of cruelty to animals is. She was told that as long as the owner is trying what I saw would not be considered as cruelty to an animal.

Mr. Randall Milton asked if the whole on Avera Street could be filled in or fixed. Tommy Davis said he would get it fixed.

Alderman Richbourg asked Tommy if he would look into repairing the washed out areas on the road between Morrison's and the motel. Tommy said he has started working on the road today. Alderman Retterbush added MLK also needs some repairs.

### **EXECUTIVE SESSION**

Alderwoman made a motion to go into executive session at 7:20pm. The motion was seconded by Alderman Richbourg and the motion carried unanimously.

Alderman Richbourg made a motion to come out of executive session at 7:40pm. The motion was seconded by Alderwoman Sutton, and the motion carried unanimously.

### **ADJOURNMENT**

There being no further business to conduct, Alderwoman Sutton made a motion to adjourn the meeting at 7:40p.m. Alderman Richbourg seconded the motion and the motion carried unanimously.

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Mayor Travis Harper

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Alderman Bill Turner

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Alderwoman Pat Sutton

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Alderman J. P. Watts

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Alderman Billy Retterbush

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Alderman Scott Stalnaker

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Alderman Michael Richbourg

**ATTEST**

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Johnny Hall, City Clerk