

**REGULAR MEETING  
CITY COUNCIL OF THE CITY OF NASHVILLE  
COUNTY OF BERRIEN  
MAY 12, 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 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, Danny Brooks, Steve Adams, Sarah Paulk, City Manager Mandy Luke, and Attorney Mitchell Moore.

**OTHERS PRESENT:** Randall Milton, Brenda Thomas, Fern Turner, Keith Stone, Nichole Robinson, Larry Daughtry, Bobbie Roberts, Mr. and Mrs. Hiram Griffin, Bryce A. Johnson, John Black, Kevin Griffin, Brenda Smith, Danny Gray, Mr. Telly Hartman, Mr. Roderick Smith, Mr. Donald Harris, and Mrs. Martha Joe West.

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

**ADOPTION OF FORMAL AGENDA-** Alderman Stalnaker wanted to add as item six, Mr. Bryce Johnson who will be speaking about a Solicitor for the City. Alderman Turner wanted to add an executive session to the agenda. Alderman Turner made a motion to accept the Agenda with the changes. Alderman Stalnaker seconded the motion, and the motion carried unanimously.

**NEW BUSINESS**

**1. Recognizing Employee of the Quarter-** Mandy Luke told the group the nominee for Employee of the first Quarter is Mr. Danny Brooks. He was nominated by one of his superiors. She read the nomination letter to the group. Mr. Brooks has always proven to be an outgoing employee; he always wears a smile and has a good attitude about his job. Mandy said Danny will receive a pin, \$50.00 in Berrien Bucks, certificate, and a day off with pay.

**2. Reschedule May 26<sup>th</sup> Council Meeting-** Mandy Luke told the group the Council meeting for May 26<sup>th</sup> falls on Memorial Day, which is an observed Holiday for the City. She requested the Council to either reschedule the meeting or cancel it. Alderman Turner said the City Charter states the meeting should be rescheduled for the following day if the Council meeting falls on a Holiday. Mayor Harper and Alderman Stalnaker informed the group they would be unable to attend the meeting if it is rescheduled for the following day. Alderman Turner made a motion to reschedule the May 26<sup>th</sup> Council meeting for May 27<sup>th</sup> at 6:00 pm. The

motion was seconded by Alderman Retterbush, and the motion carried unanimously.

**3. Liquor and Wine License for Rana Corporation d/b/a J. RAAJ Spirits-** Mayor Harper said J. RAAJ Spirits has filled out an application for a Liquor and Wine License. The location for this license is 720 Adel Hwy. or “The Log Cabin”. The background checked out ok, and the money has been collected. Alderman Richbourg made a motion to approve the license. The motion was seconded by Alderman Retterbush, and the motion carried unanimously.

**4. Bid Opening for New Water Tapping Machine for the Water Department-** Mayor Harper opened the bids for the New Water Tapping Machine. The first bid was from Consolidated Pipe and Supply for \$2,988.50, which includes: base machine, tool box, ¾” 1”, 1- 1/2”, and 2” carbide cutter for ductile/cast pipe, ¾”, 1”, 1-1/2”, and 2” pvc cutter, small and large holesaw arbor includes arbor pilot, ¾”, 1”, 1-1/2”, and 2” flare copper and male iron pope adaptors. The second bid was from HD Supply Waterworks for \$2,762.06, and includes the same description of materials as the first bid. Alderwoman Sutton made a motion to go with the lowest bidder. Alderman Turner asked if we have the money in the Water Departments budget to pay for this equipment. Mandy Luke confirmed amount is in the budget. Alderman Richbourg seconded the motion and the motion carried unanimously.

**5. Service Interruptions on Sanitation-** Alderman Turner said he wanted to speak about the service interruptions in the City’s water and gas not the sanitation. He stated the public especially the businesses should be notified of any interruptions in their gas or water and we need to establish a system tonight. Alderman Richbourg said the main person who will know when the gas or water will be turned off is the department heads. Alderman Turner suggested the department heads contact City Hall and tell them the area the service interruption will effect. The City Hall employees can then call the businesses in that area and notify them of the interruption. Mitchell Moore said to clarify, this has been an ongoing problem and the City needs to adopt a form or policy to notify the area of the service interruption. Mayor Harper confirmed the City has no such policy and we need a service interruption policy established. Alderman Stalnaker replied, it is crucial the businesses be notified of the interruption. He added the department head needs to be the one to notify these businesses instead of going through City Hall. Alderman Turner said the department head would not have time to go around to each business and tell them of the interruption, which is why we need something centralized like City Hall. Mitchell Moore asked Mandy Luke if the City Hall could handle these calls. Mandy said we could handle calling the businesses but not all of the residences in that particular area. She added we do not have all the phone numbers of these individuals or the time to call each one the interruption will affect. Mitchell pointed out, if services were interrupted in a subdivision like Meadowbrook, neither the department head nor City Hall would have time to call 150 residences. Mayor Harper said notifying the businesses of the service interruption would be better than trying to notify each residence. Alderman Turner suggested a sign be placed in the neighborhood to notify the residence of the service interruption. Alderman Stalnaker suggested door hangers be placed to notify everyone effected. Alderman Turner said we need to establish some kind of policy on this issue. Alderman Richbourg said we definitely need to establish a policy for businesses, but a policy for the residences would be impossible, because it would be a full time job. Mr. Hiram Griffin, owner of The Huddle House, said

his business has been affected twice since January 1<sup>st</sup>, and both were at lunch. He said the establishment has waited one and a half hours for gas services to be cut back on during the lunch hour. Mr. Griffin added he has never had a problem with other Cities cutting off the services during the lunch hour. Mr. Griffin said he is a tax payer and he is upset with the interruptions in his business services not to mention not being notified if there is a problem. He also said the dumpster located at the Huddle House has a fence around it and the Griffin Waste dump truck has hit it, so he wants the fence fixed, as well as be notified when or if services are going to be interrupted. Mayor Harper said we will definitely get a policy in place to notify businesses of interruptions in services, as far as your fence around your dumpster, Kevin Griffin is here from Griffin Waste and you will need to speak with him outside of the Council meeting. John Reynolds told the group the reason Mr. Griffin's gas was cut off was due to an error on the Gas map. He also apologized for the water being cut off, but on that particular day they had two fittings blow while they were working on the water line to McDonalds, and although they had no intention of shutting off the water they had to in order to fix the two blowouts. Alderman Turner asked John if he could check with the businesses before working on the water lines and set up a time so it doesn't interfere with their busy hours. John said if the job can allow for a scheduled time we can do that, but in some cases the interruption can't be helped so it can't be scheduled. Mayor Harper said we will definitely have a policy drawn up on service interruption, so it doesn't happen again. Kevin Griffin, from Griffin Waste told the group how much they appreciate our business and if there is anything they can do to make things easier for the City, they want to do it. He said we have an increase 3% in CPI scheduled for June and will hold that back and revisit it in January 2009. Kevin also told the group Griffin Waste wants to cook for the City Employees and Council members this month to show our appreciation, and he will get with Mandy to set a date and time for that dinner.

**6. Solicitor for the City-** Alderman Stalnaker told the group in the last Council meeting on April 29<sup>th</sup> we discussed hiring a Solicitor for the City. He also informed Council on what a Solicitor's job is and asked Bryce Johnson, Assistant Solicitor General, from Tifton to attend our Council meeting tonight so he might answer any questions the Council may have. Alderman Stalnaker thinks if we hire a Solicitor, the City's Police Department will be brought up to a higher professional standard. The Chief and the Judge both agree a Solicitor will not only help with the cases, but officer's overtime will be cut a great deal, which will save the City money. Alderman Stalnaker told the group if they have any questions, Bryce Johnson is here and will be glad to answer them. He also would like for the Council to vote on hiring a Solicitor for the City tonight, so we can run ads and accept applications, but first we need to check with the City Manager to see when the funds will be available before we proceed. Mayor Harper asked if the Solicitor would set the amount to charge the City, or would we set the rate of pay once they are hired. Mandy Luke said they, like the Judge, the Solicitor would be paid out of the Municipal Court, so they would be appointed to that position, and we can either take bids or the Council can appoint someone for that position. Alderman Turner commented a Solicitor will help speed up our time in Court as well as free up the Police Officers time in Court. Mayor Harper added Judge Hamilton spoke to him about a Solicitor and said this will help save some of the cases he sees thrown out of Court due to technicalities, and since he was appointed as the City's Municipal Court Judge a lot of cases have been thrown out due to technicalities. Alderman Stalnaker said we need to get this implemented as soon as the funds are available and run an ad in the paper stating we will accept applications and have the

applicants meet with the City Manager and whoever else the Council wishes, and possibly give a quote on what the salary may be. Bryce Johnson confirmed what the Council said about a Solicitor. He said the role of a Solicitor is to improve efficiency and help cases move faster and cleaner through the process. Bryce said he spoke with Judge Hamilton and he told him of some cases that were thrown out, and if only a few questions had been asked but were missed, it might have been more revenue for the City. He added saving revenue for the City is not the only thing a Solicitor can do for the City. They will work with the law enforcement and make sure every "T" is crossed and every "I" is dotted so justice will be served. Bryce said the Solicitor will also save the Judge and the Public Defender time in and out of Court. Mayor Harper asked the City Attorney, Mitchell Moore, before we implement this do we need to draft some kind of policy since this will be a new employment position for the City. Mitchell replied, he will have to take a look at the City Charter, but the Judge is appointed as an Officer of the Court, so I would think the Solicitor would be considered an Officer of the Court as well. Bryce Johnson added, the City's Public Defender was appointed not too long ago by the Council according to Judge Hamilton, and I would think a Solicitor would be appointed as well. Mitchell said if the Council wants to go ahead and solicit for a Solicitor you need to discuss their compensation, because you are going to have to let them know what you will be paying them. The group had some more discussion about the Solicitors pay and agreed it would come out of the Municipal Court budget, but at this time they will not know the amount set aside in the budget for the next fiscal year until next Monday's Budget Hearing. Bryce Johnson said the Council could consider basing the amount of pay on experience and any future discussion with the Council based on budget. Mayor Harper said we have a motion from Alderman Stalnaker to approve the position in our next fiscal budget year. Alderman Turner seconded the motion and the motion carried unanimously.

## **REPORTS**

**7. City Manager/Finance Director's report-** None

**8. City Attorney's Report-** Mitchell Moore told the Council he is looking into legislation on licensing for body piercing and tattooing. He said there was some legislation enacted in 2007 and he would like for the Council to do a moratorium on body piercing and tattooing at this time. Mayor Harper added if someone opened one of these parlors are we correct in assuming that we would have no way of regulating it at this point. Alderwoman Sutton made a motion to do a moratorium on body piercing and tattooing parlors, until we get an Ordinance together in order to regulate these parlors. Alderman Turner seconded the motion and the motion carried unanimously. Mitchell said he is working on drafting something on this and will have something by the next Council meeting. Mitchell told the group he thinks the City and County have discussed adopting Freeport but doesn't think any steps were taken to implement it. The first step is the referendum and I am not sure if the referendum by the public at large has ever taken place. Alderwoman Sutton and Alderman Retterbush agreed the referendum was voted on and passed several years ago. Mitchell said if that is the case then the next step is to see how much of a percentage of exemption can the City stand. Alderman Stalnaker told Mitchell he spoke with the City Clerk Johnny Hall and the last records he found we were at 20%. Johnny also told me, that the Council can only address this issue once a year and it must be addressed at the first of each year. Alderman Stalnaker added, although Johnny did not have the records in hand he would still research and make sure the 20% is the correct percentage. Mandy

Luke told the group she spoke to Johnny about this and he still has not found anything, but he is sure this was discussed during executive session and voted on once the Council came out of executive session in January of 2004. Mitchell said he would get in touch with Mandy and Johnny about the vote and the date the referendum was passed. If we can't locate it we need to take steps to implement it. Mitchell also updated the group on the TTL Project. He said everything is still on tract. The next step is the vacuum truck which is to be scheduled and will be an eight hour event. After that we will hopefully have a better idea of where we stand as far as the clean up.

**9. Department Heads' Report-** John Reynolds told the group John Hunkele who could not be here tonight wanted the Council to know John Hogan, with Hogan Surveying is through with his part. He also said he has both the variances on the creeks and has something for the City Attorney to sign.

### **PUBLIC COMMENTS**

Mrs. Bobbie Roberts told the group years ago when her mother and father lived in Nashville, City Hall would call them and let them know the water was going to be shut off. They had enough time to fill jugs of water until it was cut back on. She said I know times have changed but we should still be notified when our water or gas is going to be shut off.

Mr. Danny Gray, who lives at 1913 Lynn Avenue, told the group about some of the living problems at the Airport Trailer Park. He said someone needs to do something about the owners not up keeping their trailers, because some of the trailers look uninhabitable, some of which have tenants. Mayor Harper said the City Code Enforcer and the City Attorney are investigating to find out who the owners are, so the proper steps can be taken to take care of these properties. Mr. Gray said the trailer park is also infested with drug dealers. Alderman Turner asked if some of the trailers can be condemned if they are uninhabitable. Mr. Gray said he spoke to someone about condemning some of the trailers and was told it can't be done because the government will not allow it. The group told Mr. Gray the situation would be looked into.

Ms. Brenda Smith told the Mayor and Council she has a petition for the removal of the restrooms at Beetree Park. Mayor Harper told Ms. Smith the Public Hearing for this issue was held earlier at 5:30 pm, but if you want to give the list of names to us we will accept it. Ms. Smith said she was unaware of the Public Hearing held at 5:30 pm. Alderman Turner made the statement; he is ashamed to call Beetree Park a City Park. He said, I don't know what we can do different to keep it maintained, but the park is a disgrace. Mayor Harper said he agreed with Ms. Smith in that if we put new equipment in the park the older kids will vandalize everything which keeps the young children from enjoying the facility. He added the only other thing we could do is hire a security guard to sit over there 24 hours a day. Mayor Harper said for the record Ms. Brenda Smith has 47 names on the petition she has presented to the Council tonight, who want to get ride of the bathrooms located in Beetree Park. Alderman Turner said he would like to decide on making someone responsible for maintaining the park properly, because that is the only park on the east side of town, not to mention the children need somewhere to go and play. Mitchell Moore said what will happen to the park if we just abandon it, because the problem will not just go away. Alderman Stalnaker said we are going to have to maintain the park and ask for the public's help to keep the park maintained. Alderman Richbourg suggested installing surveillance cameras around all the parks to keep out unwanted traffic and vandalism. Alderwoman Sutton said the vandals

could tear the cameras down. Alderman Stalnaker said the best solution would be to get the neighborhood involved and set up a neighborhood watch around that area.

Ms. Smith said she would like to see the park secure and maintained properly. She also suggested have someone lock and unlock the bathrooms at a certain time each day. Mayor Harper told Ms. Smith during the Public Hearing the City Manager, Mandy Luke told the Council the City is in the process of hiring a new custodian and part of their responsibility will be keeping the restrooms in the parks clean, so we are not going to get rid of the bathrooms we are going to keep them up. Ms. Smith said in that case please allow someone to lock and unlock the bathrooms in order to help keep out unwanted traffic. Mayor Harper confirmed with Tommy Davis and Chief Clayton that the restrooms at Beetree Park are now clean and can be used. Alderman Turner said Beetree Park needs to be up graded and put under some kind of management, because that is the only park on the East side of town. Brenda Smith also asked about the upkeep of the cemeteries located behind Chaparral and the Hospital. She told the group the cemetery grounds are in need of attention. After some discussion among the group, Mayor Harper told Ms. Smith they would check with Patrick Garner about the cemetery grounds.

Mr. Telly Hartman asked if the Council voted on the beer and wine license for the Blue Flame Lounge. He said the financial obligation has been taken care of and was told the Council wanted to discuss how close the Lounge is to the Church. Mayor Harper said the City Attorney Mitchell Moore will check with GMA about the closeness of the Lounge and the Church, and what direction we need to go. He said the problem is that the Council has already offered a License for Mae's Café and they are closer than the Blue Flame to the Church. Mitchell added, it has never been pointed out that it is that close to the Church, and his concern is that it is in violation of the City Ordinance. Mr. Hartman said the Lounge was there before the Church, so would that make a difference. Alderman Richbourg said in all fairness we very well can not give one location which is closer to the Church a license and not give one to the Blue Flame. Mitchell said he was not aware the Council approved a license for Mae's Café. Mayor Harper said it was approved in January 2008. Mitchell said Mr. Hartman has raised a valid point about the Lounge being there before the Church, or "Grandfathered In" if that is true, the rule doesn't apply to them, but I will have to go back and check. Mayor Harper asked Mr. Hartman, since your financial obligation has been met was the application fee for the beer and wine license paid, and have you applied for a business license. Mr. Hartman said he has paid for the beer and wine application, and will apply for a business license which was in the packet with the beer and wine license, but it can't be approved until the beer and wine license is approved, because why should I get a business license if the beer and wine license is not approved. Alderman Richbourg asked Mitchell if the Council can vote on the beer and wine license in lieu of the business license and in lieu of the Lounge being "Grandfathered In". Mitchell said yes, contingent upon the business license, and if the Lounge was there before the Church. Alderman Turner asked Mitchell if he could get a reply from GMA and their position on this before the next Council Meeting. Mitchell said yes, but we can not have a special called meeting to vote on the license it will have to be voted on in a regular meeting. Mayor Harper asked Mitchell if the Council can vote on the License tonight in lieu of these items, so the business can open, and then rescind the vote if we find out different from GMA. Alderman Richbourg added, if we approved a license for another business which was closer to the Church, then we certainly have to approve this one, but if we have to rescind the license then we will have to rescind the beer and wine license for the other business as well. Mitchell confirmed, the Council could vote on the license subject too the fact it is

“Grandfathered In”, and they purchase a business license. Alderman Richbourg made a motion to grant the beer and wine license to the Blue Flame Lounge with a contingency, they get a business license and it is “Grandfathered In”. Alderman Retterbush seconded the motion, and the motion passed with Alderman Turner voting no.

Mr. Donald Harris commented on the bathrooms and playground equipment at Beetree Park. He said someone needs to maintain the restrooms and the equipment. If the City would purchase industrial equipment for the park, then maintaining it will not be hard. Mr. Harris also said someone from the Parks and Recreation department needs to check behind the lawn care maintenance personnel for the cemetery and the parks. He said the grass is cut too high and they wait until the grass is too tall before it is cut. Mr. Harris also asked if the City could do something about taking up the flowers on the graves, because there are entirely too many flowers being left on them, one flower per grave should be enough. Mayor Harper asked John Black how long the flowers are left on a grave after the funeral. Mr. Black said usually two weeks. Mayor Harper asked Alderwoman Sutton to check with Patrick Garner on the lawn care for the cemetery and parks. Alderman Turner said he wanted to mention someone is spray painting not only on the street signs but the grass as well in those areas.

Mrs. Fern Turner asked how feasible would it be for one person to be responsible for the parks. Can the City hire one person to maintain them as well as lock and unlock the restrooms each day? Mayor Harper said the new custodian will be responsible for them.

Alderman Turner said he spoke to Jody with the City Animal Control about the cats running loose around the City. He said we do not have an Animal Control Ordinance written for cats, but we do have a Public Nuisance Ordinance, so if the cats are a nuisance to anyone, or the fleas they carry from yard to yard then the Nuisance Ordinance should control that. Mitchell Moore said he would check but thought we revised the Animal Control Ordinance to cover cats.

Mayor Harper said, if no one has any objections he would like to schedule the Work Session for Tuesday, May 20<sup>th</sup> at 6:00 pm. He said we need to speak with the Recycling person, and Mr. A.J. Dorminey wanted to speak with Council on a matter. He said if Council has anything else which needs to be added we need to know so it can be advertised twenty four hours before the meeting. Alderman Stalnaker said he would be unable to attend due to moving his office.

Alderman Stalnaker said he would like to thank the City, especially Danny Brooks, the Quarterly Employee, for all their hard work.

### **EXECUTIVE SESSION**

Alderwoman Sutton made a motion to go into executive session at 7:17 pm. The motion was seconded by Alderman Stalnaker and the motion carried unanimously. Alderwoman Sutton made a motion to come out of executive session at 7:30 pm. The motion was seconded by Alderman Stalnaker, and the motion carried unanimously.

### **REGULAR MEETING RECOVERED**

The group discussed the project at McDonald’s. They also had some discussion about the truck route. Mitchell Moore said project should be completed April 30<sup>th</sup> 2009. Alderman Turner spoke about the reorganization of the RDC which will put us under the South Ga. RDC in Valdosta.

Mandy Luke told the group if they wanted to discuss anything at the Work Session which will be held on May 20<sup>th</sup>, let her know by 5:00 pm, Friday May 16<sup>th</sup>.

Alderman Turner told the group he opposes the Probation Office relocating to a City building, and Alderman Stalnaker and Alderwoman Sutton agreed.

Alderwoman Sutton made a motion to not allow the Probation Office to be moved to a City building. Alderman Turner seconded the motion, and the motion carried unanimously.

Alderwoman Sutton made a motion the reschedule the next Council meeting for May 29<sup>th</sup> at 6:00 pm. The motion was seconded by Alderman Stalnaker, and the motion carried unanimously.

### **ADJOURNMENT**

There being no further business to conduct, Alderman Turner made a motion to adjourn the meeting at 7:45p.m. Alderwoman Sutton 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