

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
November 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 J. P. Watts, Bill Turner, Billy Retterbush, Michael Richbourg, and Scott Stalnaker, Alderwoman Pat Sutton, and Mayor Travis Harper.

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

OTHERS PRESENT: Randall Milton, Fern Turner, Larry Daughtry, Margie Tygart, Lisa Tolley, Ronnie Tolley, Brenda Smith, Mr. Bell, and Mike Bochenko.

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

ADOPTION OF FORMAL AGENDA- Mayor Travis Harper added as item number 4, Approval of Beer License for the Log Cabin. Alderman Retterbush added as item number 5, Update on the Golf Cart Ordinance; and item 6, updates on the solid waste and yard debris. Alderman Stalnaker added as item number 7, Rate increase for the rental of the Community Center. Alderman Richbourg made the motion to approve the formal agenda with the additions. Alderman Stalnaker seconded the motion, and the motion carried unanimously.

NEW BUSINESS

1. Employee of the Quarter- City Manager Mandy Luke told the group it is time to recognize the Employee of the Quarter, and this individual was nominated by her peers. She came to work with the City in March 2008 as the City's Custodian. Tresa McCluskey is very committed to her position and is always willing to do whatever is asked of her. She has earned the admiration and respect of her co-workers. Tresa is very deserving of this award. With this recognition she will receive fifty dollars in Berrien Bucks, a day off with pay, a certificate, and an Employee of the Quarter Pin.

2. 2nd Reading/Adoption of Amendment of Ordinance re: Petit Theft- City Attorney, Mitchell Moore told the Council the first reading of this Ordinance was conducted at the October 27th meeting. This will constitute the 2nd reading and with Council's approval be adopted. Once adopted it will be ran in the local newspaper after which it will become effective. He said that Section 18-43 entitled "Shoplifting" is deleted in its entirety and Section 18-43-entitled "Petit Theft" is hereby inserted to read as follows: Any person who shall take, conceal, misappropriate, damage or otherwise render useless, any property (with a value not

to exceed \$500.00) belonging to another by any means or method, with the intent to deprive or defraud the true owner of said property, or the use or benefit thereof, or to misappropriate the same to the use of the taker, or any other person, shall be deemed guilty of Petit Theft. Alderman Turner made a motion to adopt the Ordinance. The motion was seconded by Alderwoman Sutton and the motion carried unanimously.

3. State of Georgia/DNR Drinking Water Fee Contract Renewal- Mandy Luke told the group the City received an invoice from the State of Georgia/DNR on October 31, 2008 for the renewal of the Drinking Water Fee Contract. The annual fee is \$6, 250.00. She said the Council needs to approve the payment of this invoice. Alderwoman Sutton made a motion to approve the payment on the invoice. The motion was seconded by Alderman Turner, and the motion carried unanimously.

4. Beer License Request for The Log Cabin- Mayor Travis Harper presented a Beer License application for the Log Cabin the request was made by Rana F. Rajendrasiah, a/k/a Raj Rana Corporation. Mayor Harper said the fees were paid in full and the background check was completed and came back clean. Alderman Retterbush made a motion to approve the Beer License for the Log Cabin. Alderman Stalnaker seconded the motion and the motion carried unanimously.

5. Golf Cart Ordinance- Alderman Retterbush said he was approached by the owners of the new golf cart shop that has just opened in reference to the Golf Cart Ordinance. He asked Mitchell and the Council for an update on the issue. Mayor Harper said the issue is still open for discussion because right now the only restrictions on the golf carts is for the carts to stay off the State right of ways. Mitchell Moore said the group had discussed the requirements and restrictions for driving a golf cart, such as helmets, stay off State right of ways, liability insurance, and restrictions on the age of the drivers. Alderman Stalnaker said the issue is still being investigated by reviewing several other Cities' Golf Cart Ordinances, in order to come up with an Ordinance which best suits our City. Mitchell said he had drafted an Ordinance for Council to review and used the Golf Cart Ordinance. He asked the group if they had any input or concern on any areas of the drafted Ordinance. He added due to the restriction on the carts not being allowed on State Routes, Council will need to consider some designated areas for crossings. The Council can make a prevision to the State Code at a local level to allow the crossing over a State road, but it can not be changed. Alderman Turner asked Mitchell for a copy of the State Statue on motorized vehicles, in order to review the requirements of the State. Mitchell said the State has a specific Statue which states: Authority of local governing bodies; crossing streets under jurisdiction of Department of Transportation, under the State Statue number 40-6-331. Mayor Harper requested a Public Work Session on deciding these designated areas at a later date.

6. Update on Deep South Waste Management- Mayor Harper said he spoke to Marty LeFiles with South Georgia RDC and was told since the City now uses Pecan Rowe landfill we are eligible for grant money from Deep South Waste Management Authority. He said funds should be allocated before the year end, and Alderman Retterbush and Marty LeFiles are looking into purchasing a Tub Grinder with the money allocated per the City Council's request. Alderman Retterbush told the group they are looking into allowing someone to come on site and do the work with their mobile tube grinder. So we will need the help of the rest of the Council

to find out how many people have mobile tube grinders before we put out bid request.

7. Community Center Rental, Rate Increase- Alderman Stalnaker said he was concerned about the up keep and maintenance of the Community Center and if the amount of rental for the center allowed it to pay for itself and not cost the City any extra money for up keep, which is about \$2,000.00 per month. He said Mandy Luke and I questioned other Cities rental fees for their Community Centers and found out most of their rental is a little higher than ours. Alderman Stalnaker said he would like to request an increase in rates for the Center which is now and \$20.00 per hour, up to 4 hours at which point is considered all day and the rental fee is \$100.00, to \$25.00 per hour and \$150.00 for the day. Alderman Stalnaker pointed out that some much needed new furniture and appliances were recently purchased for the Community Center and it is in need of another air conditioner unit as well as some other much need repairs. He said the Center's rental needs to be increased to absorb the cost of up keep, supplies and maintenance. Alderman Stalnaker made the motion to change the rental rates of the Community Center to \$25.00 per hour up to four hours which is considered all day at which point the fee would be \$150.00. Alderman Retterbush seconded the motion. Alderman Turner said he would like to see a charge be made to the user for any disrepair or cleanup needed after the individuals' rental of the Center rather than raise the rental fees. Mayor Harper said the City charges a \$60.00 deposit for each rental and if it is not left in good condition and the key returned the deposit is forfeited to the City. Mandy Luke added our custodian Tresa McCluskey checks the Community Center after each rental. Alderman Stalnaker said in the future if the City can lower the rates back down we should, but for now the Center is in need of the increase. Mayor Harper asked for a final vote on the motion and the motion carried unanimously.

REPORTS

8. City Manager's/Finance Director's Report- None

9. City Attorney's Report- Mitchell Moore said John Hunkele submitted an application to EPD on the Stream Buffer variance for the ditch between SR 125 and Middle School Circle, and it was denied. So we can't proceed with the stabilization on the project. Alderman Turner asked if the variance was denied on the south end of town as well. Mitchell said he did not know if an application was submitted for the south end of town due to the steps it takes and the expense included. Alderman Turner said He thought they were going to submit that application for variance as well. Mitchell said his recollection was John Hunkele was concerned about what was considered State Waters, and it is up to us the Local Authority, to determine what water is navigable throughout the City. If we define it as non navigable and the EPD disagrees then the City is penalized. So, John Hunkele wanted me to get a little more specific on the definition of that stream or water way before he submitted it to EPD. Mitchell said he recalled John also discussed a City wide variance but EPD did not give him much encouragement on that idea.

Mitchell also told the Council the City Clerk Johnny Hall handed him a memorandum issued by the Municipal Gas Authority, of which the City is a member and receives certain benefits from such, and what they are proposing is to extend the terms of the bonds. These bond maturities have been no more than twelve years from the date of the issuance. The Municipal Gas Authority is

proposing to extend the maturity of those bonds to fifteen years. He said they are also increasing the bond indebtedness from 850 million to 1.5 billion. They are requiring the Council to adopt a resolution approving the 2nd Amendment to the Gas Supply Contract, and the 1st Amendment to the Portfolio III Supplemental Contract. Mitchell said what we as a member are agreeing to is allowing the Municipal Gas Authority on our behalf, extend these bond maturities and increase the indebtedness. He said the deadline for issuing bonds for Portfolio III gas supplies is December 31, 2008. Alderman Turner asked Mitchell if the City members of the Municipal Gas Authority would be held liable for the bond indebtedness. Mitchell replied no, they can go back against the City's assets. He said all this contract does is allows the members to buy gas at cheaper rates long term. Mitchell said the City is responsible for their share which is calculated on the amount of usage, as are the other 76 members, but we are not liable for the entire amount of indebtedness. Alderman Richbourg asked if the Council needs to adopt this Resolution tonight. Mitchell said yes due to the deadline of December 31, 2008 we need to go ahead and adopt them tonight. Mitchell told the group the City's old Portfolio III Obligation share was 0.31860% of the \$650 million, and under the new Portfolio III Obligation share is .25833% of the \$1.5 billion. He said these figures are based upon and calculated as the percentage of the member's annual purchases for 2007 to the total purchases for all participating members. The Obligation Share indicated assumes that all members for the Gas Authority will approve the amendments to the Portfolio III Supplemental Contract. This method is consistent with the calculations used to determine Members Returns. Mitchell said in conclusion these figures are based upon all members extending the contract, because if you stay with the Gas Authority the contract must be extended.

Alderman Richbourg made a motion to adopt the resolution to the Municipal Gas Authority. Alderwoman Sutton seconded the motion and the motion carried unanimously. Mitchell added along with the Resolution the Council needs to make a motion to adopt the First Amendment to Supplemental Contract and the Second Amendment to Gas Supply Contract. Alderman Richbourg made a motion to except both contracts. The motion was seconded by Alderman Retterbush, and the motion carried unanimously.

Mitchell also wanted to update the Council on the decision made in regards to the water line replacement at the new School and the responsible party's cost of the replacement. Mayor Harper said when he spoke to some of the School Board Members the understanding is to take the entire project cost and split it in half between the City and the School Board. The City will use their in kind contributions towards their half and the School Board will supply the other 50% in cash, although none of this has been put on paper, this was the conclusion gathered from speaking to some of the members. Mr. Bachenko, the School Board Superintendent, told the Mayor he was correct, the School Board had a called meeting to clarify it. He said the question was the in kind contribution, and when speaking with Mitchell Moore the School Board is fine with the number, since 750 feet of that pipe line was added because of the new school. Mayor Harper told the group in conclusion what the School Board is proposing is we, the City and the School Board split the cost of the new line and the City will be using approximately \$9,000.00 in labor and equipment the School Board will apply that toward the City's half and pay the rest in cash. Alderman Richbourg made a motion to accept the proposal. The motion was seconded by Alderman Retterbush, and the motion carried unanimously.

10. Department Heads' Report- John Reynolds updated the group on the repairs on the pump for the lift station on the Old Valdosta Highway. He said we

should get our pump back soon from the company repairing it. He said I and John Hunkele have stressed the urgency of the repaired pump's return.

PUBLIC COMMENTS/GENERAL COMMENTS FROM COUNCIL

Lisa Tolley told the group her concerns about a ticket for driving without license issued to a young man. She said the Police department's ticket charge and procedures in handling this were incorrect. She said according to the Police department driving without license ticket charge is \$117 to \$118 dollars, but according to the State Code the Court can only charge the person \$10.00. She said the young man came to his court date and was going to present the State Code and his valid driver's license to the Court so he could pay the ten dollars which State Code requires in order to resolve the ticket. Judge Moon told the young man since he pled guilty he could be charged up to \$1,000.00 and serve up to a year in jail. If the young man wanted to plea not guilty he would be given another court date to present any evidence to argue his case. Lisa said instead of all these court proceedings which cost the tax payers more money and the individual's time away from work, why can't the Clerk of Court be given the authority to receive the citations' payment so the individuals can go back to their jobs. She also stated she has a copy of the citation given to the young man and a copy of the State Code to Mitchell Moore the City's Attorney. She pointed out the State code was printed from the same State Code number given on the citation. Lisa said she shared her argument with Mandy Luke the City's Manager and was told the Municipal Court procedure is to allow the cases in which individuals plead guilty be heard on the first court date, and individuals pleading not guilty are rescheduled for the following court date in order to be given time to collect evidence and argue their case. Alderman Richbourg asked Mitchell if the Clerk of Court can accept this responsibility in order for the individuals and the court to save some time. Alderman Stalnaker said the Superior Court is set as such, the Clerk of Court can accept the fines, but in the City's the individuals are given an opportunity to plead guilty or not guilty, and the not guilty are given a date to come back to court and present any and all evidence. They are also given the opportunity to be presented by Council. Whether they want to seek council or be given a court appointed attorney. Alderman Stalnaker said this is just the system set up for Municipal Court. He concluded by saying he was unsure if this is an order given by the Judge, but he will find out. Chief Clayton told the group in the past Judge Hamilton set up the court is such that the individual could appear before the judge and show a valid driver's license and the fine be reduced. Alderman Richbourg asked the Chief to request the Judge into re-implement this order. Brenda Smith asked the Council when the rate increase on the Community Center will be in effect. Alderman Stalnaker said it will not affect the individuals who are renting the Center now but it would affect the one who have it later.

EXECUTIVE SESSION

Alderman Turner made the motion to go into executive session at 7:00 pm. The motion was seconded by Alderwoman Sutton, and the motion carried unanimously. Alderwoman Sutton made the motion to come out of executive session at 7:30 pm. The motion was seconded by Alderman Turner, and the motion carried unanimously.

REGULAR MEETING RECONVENED

Alderman Stalnaker told the group Chief Buck Warren needs to know who will be riding in the Christmas Parade.

ADJOURNMENT

There being no further business to conduct, Alderman Richbourg made a motion to adjourn the meeting at 7:32 p.m. Alderman Stalnaker seconded the motion and the motion carried unanimously.

Mayor Travis Harper

Alderman Bill Turner

Alderwoman Pat Sutton

Alderman J. P. Watts

Alderman Billy Retterbush

Alderman Scott Stalnaker

Alderman Michael Richbourg

ATTEST

Johnny Hall, City Clerk