

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
NOVEMBER 23, 2009**

INVOCATION: Mayor Travis Harper

PLEDGE: Pledge of Allegiance was led by Mayor Travis Harper

WELCOME: Mayor Travis Harper

ROLL CALL: Members of the City Council present included Mayor Travis Harper, Aldermen Michael Richbourg, Bill Turner, Billy Retterbush, Scott Stalnaker and Darrin Davis.

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

OTHERS PRESENT: Fern Turner, Joe Watts, Christina Reyes, and Cindy Watson.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS: Mitchell Moore, the City Attorney, asked the Council to make one change in the minutes from the previous meeting. He said under item three on line three, it should read it is a special exception to the Variance. Alderman Stalnaker made a motion to adopt the Minutes from the previous meeting with the correction. The motion was seconded by Alderman Richbourg and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA- Alderman Richbourg made a motion to approve the formal agenda with the changes. Alderman Turner seconded the motion, and the motion carried unanimously.

NEW BUSINESS

1. School Zone Lights- Hwy 125- Mandy Luke told the group Colquitt EMC has been informed to send the bill for the lights on the Alapaha Highway, (129) for the Berrien Primary School's Zone Lights to the Berrien County Board of Education. Ms. Brenda Swain has contacted Georgia Power Company regarding the lights on Hwy. 125. She was informed by Georgia Power; they could not take off anything on our bill and bill it to the Board of Education without presenting the change to the City Council and the Board of Education and having them include the change in each entity's minutes, along with the agreement which states the Board of Education agrees to pay. Mandy said the bill is around \$20.00 a month and after speaking with several Council members they agreed the School Board should pay the bill for the lights. She added The City is already paying for a crossing guard. Alderman Stalnaker said he agrees the Board of Education needs to pay for it, but we need to give them some notice to include it in their budget. Alderman Richbourg agreed and asked Mandy to contact them before placing the item on their agenda.

2. Quotes on City of Nashville's Workers' Comp Ins. - Mandy Luke said, as you all know the City's current Workers Comp Insurance carrier has been declared insolvent. Our local agency, The Gaskins Company, has obtained quotes from various companies. The representative has submitted two quotes for the Council's consideration. One is from Key Risk Management Services out of Atlanta, Ga. Their quote for an annual premium is \$43,411.00. Key Risk Insurance Company has a Best rating of "A+" which is (Superior). The second quote is from Insured Solutions, also out of Atlanta, Ga. Their quote for an annual premium is \$46,689.00. Insured Solutions has a Best's rating of "A-" which is (Excellent). Mandy noted both of these quotes are estimated. She said according to The Gaskins Company this has to be bound no later than Tuesday, November 24, 2009, since the deadline is November 26, 2009. Alderman Stalnaker asked Mandy if installment fees could be quoted by Key Risk Management since they were not included in their quote and were included in Insured Solutions quote. Alderman Richbourg asked Mandy how much the City paid last year for Workers Comp Insurance. She said around \$40,000 annually so the quotes are fairly close to what we have been paying. Alderman Richbourg made a motion to except the lowest bid which includes installment payments. The motion was seconded by Alderman Stalnaker. Mayor Harper wanted to discuss and clarify the quotes from each of these Companies and asked if these quotes are to fulfill the current year or if they are a quoting a new annual contract. He said we may need to check into allowing some of the other insurance agencies in town the opportunity to bid on our Worker's Comp. Mandy said these are quotes for an annual contract, not to fulfill or current contract. She said Gaskins Company received five or six different quotes, some which were outrageous in cost, and these were the best of the quotes received. She also informed the group we have to let Gaskins know something by tomorrow. With no further discussion the motion carried unanimously.

3. Consumption by the drink Ordinance- Mitchell Moore was asked by the City Council to look into constructing the new liquor by the Drink Ordinance. The voters of the City of Nashville voted in the referendum at the last election and the City will need to adopt an Ordinance in order for this to be enacted. Mitchell told the group he has looked at several different cities Consumption by the Drink Ordinances, and devised a rough draft by combining several different cities' Consumption by the Drink Ordinances. He said the Council needs to look over the draft and make several decisions as to what percentages of food sales will be required. The fees to charge for a license to sell. He noted the Consumption by the Drink license will be higher than the beer and wine license. Also the process for which they are certified to obtain a license to sell. Will the Council require yearly certification and yearly audits? Mitchell told the group he has narrowed the Ordinance down to two different formats and he will email those to Mandy so she can distribute them to the Council. He asked them to help decide on one of the two formats or a combination of the two. He also told the group to decide if the existing Ordinance will need to be revamped due to the areas not covered. Mitchell suggested or purposed that they start revisions in retail sales because the City will receive 3% per drink of onsite consumption, and the existing Ordinance does not cover those areas. He said due to all the material previsions that need to be settled on, the first read should or can be ready for the next Council meeting. Mayor Harper suggested the Council take the drafts home and look them over and have a work session the following Monday. The group agreed to have a Work Session Monday November 23rd at 5:30 p.m. Cindy Watson, the Owner of the Cadillac Ranch, told the group she would rather they take their time with the construction of the Ordinance, because it's important to get it right and not have any changes after

it is enacted. Mitchell Moore thanked Ms. Watson for her help, patience, cooperation and understanding about this issue.

4. DDA/Badcock Building/Auction- Mitchell said Chamber and Better Hometown held an auction in this building, last Thursday and Friday, November 19th and 20th. He said although he did not attend he heard the auctions were a big success. Mayor Harper said due to all the daily activity within the building, some people are asking if this will be a day to day business. Alderman Stalnaker added there are some concerns about the power being used, liability, and theft or damage of property. Mitchell said he has heard some of these concerns by some of these concerned citizens. One concern is that someone was getting a rent free building for a private business. Mitchell said when the idea was presented to Council the idea for the building was to get foot traffic downtown on those two nights a week, which would in turn benefit the City. He added that DDA was presented with several ideas for the Badcock building. One of which was putting in an entrepreneur satellite office in the building. He said the idea was to set aside a place for a new business. They could use it temporarily or long enough to get their business started. He said all of these ideas were to promote business in the downtown area, which would in turn help, the City. Mitchell said the Auction, which was one of those ideas presented, is what was decided on. They originally said the auction would take place twice a month, but if it promotes business downtown then four times a month would be good. One of the things we did not anticipate was the daily activity, in order to deliver stuff for auction. Mitchell said in order to control the traffic concern; DDA and the City could dictate that the building will only be open these hours for delivery or pickup. Another concern about the building, its being used rent free, by a private business. The increased use and the number of hours would cost more than utilities the City is presently supplying for the building at no cost. Mitchell said the Council needs to decide on a charge or a percentage to offset the cost of utilities. He said the other issue that needs to be addressed is the liability. The first liability issue is; if people are going in and out of the building, unrestricted or unbridled, we have the problem of opening up a City property which is not in the best of conditions. The second liability issue is, once goods are delivered to the building, then who is responsible or accountable for those items. Mitchell told the Council the Liability Insurance coverage on the building has a cap of \$1,500.00 per claim per person. Alderman Richbourg suggested DDA, Better Hometown, and City Council have a meeting so each group can be of like mind on these issues. He added all parties have an interest, and can help the Council make these decisions. After some discussion they decided to hold a called meeting, Monday, November 30th at 6:00 p.m. to be held after the work session scheduled at 5:30 p.m. Mitchell reminded the group a called meeting needs to be posted twenty four hours ahead of time. Alderman Richburg asked Mandy Luke to contact Dawn Morrison about the meeting and ask her to contact the DDA and inform them of the Special Called Meeting.

REPORTS

5. City Manager's /Finance Director's Report- Mandy Luke reminded the Council and Mitchell about the City's Thanksgiving lunch. She said it will take place at the Community Center at 12:00 noon, November 25th. Mandy also wanted to inform the group that GEFA is going over the application. She said she has been contacted by Gary at GEFA in order to answer questions, some of which she

referred him to the Engineers to answer. She said Gary contacted her again today and he said when the original rate study was complete, it was based on 5.5 million dollars, but as you all know it has increased to 6.3 million, so now our submitted rates will not be enough to cover our estimated payments. Mandy said GEFA wants another rate study report done and this report needs to be more detailed than the original rate study. Mandy said she will contact Bill Powell and get his input on how to put together another more detailed rate study report for GEFA, which will cover the increases.

6. City Attorney's Report-None

7. Department Heads' Report- Chief Clayton told the group the Police department are investigating the person or persons responsible for the graffiti painted on some of the down town buildings. He said they have a couple of leads and hope to have an arrest soon.

PUBLIC COMMENTS/GENERAL COMMENTS FROM COUNCIL

Christina Reyes wanted to address the Council with a problem she has encountered. She said she knows of some elderly wheelchair bound people, who live in a small house. The house is so small the wheelchairs cannot move around and they are having difficulties functioning. Mrs. Reyes said she tries to do all she can for people in need and it break's her hart to see how these people have to live. Mrs. Reyes wanted the Council to look into helping these people in need. After some discussion Mrs. Cindy Watson offered to talk to Mrs. Reyes and help her get in touch with FEMA.

EXECUTIVE SESSION

Alderman Richbourg made the motion to go into Executive session at 7:05p.m. The motion was seconded by Alderman Stalnaker and the motion carried unanimously.

Alderman Richbourg made the motion to come out of Executive session at 7:10p.m. 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 7:11p.m. Alderman Retterbush seconded the motion and the motion carried unanimously.

Mayor Travis Harper

Alderman Bill Turner

Alderman Dick Perryman

Alderman Darrin Davis

Alderman Billy Retterbush

Alderman Scott Stalnaker

Alderman Michael Richbourg

ATTEST

Johnny Hall, City Clerk