

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
November 24, 2008**

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 Aldermen J. P. Watts, Bill Turner, Billy Retterbush, Michael Richbourg, and Scott Stalnaker, and Mayor Travis Harper.

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

OTHERS PRESENT: Randall Milton, Fern Turner, Larry Daughtry, Margie Tygart, Brenda Smith, John Hunkele, Bill Heart.

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- Alderman Richbourg requested number eight be added to the agenda. He wants to discuss the renewal of any or all annual contracts entered in by the City are put up for bids before they are renewed with the City. Mayor Harper requested the item two on the agenda be moved to the end on the agenda. Alderman Turner requested a short executive session. Alderman Stalnaker made a motion to approve the formal agenda with the additions. Alderman Richbourg seconded the motion, and the motion carried unanimously.

NEW BUSINESS

1. Vote on a Request for Variance- Mayor Harper said at 5:30 pm today the Council conducted a Public Hearing to discuss a variance from BBR Property Managers, Inc. on property located between Old Coffee Road and Taylor Street and between Beetree Avenue and Perkins Drive. The granted request will allow the

property which consists of 18 units be sold as individual units and not as a whole. Alderman Turner made the motion to approve the variance request. The motion was seconded by Alderman Retterbush, and the motion carried unanimously.

2. Day After Christmas- Alderman Stalnaker told the group since Christmas falls on a Thursday this year I would like to recommend the City Employees also be allowed to take Friday the day after Christmas as a paid Holiday. He said some employees will be traveling during the Holidays to spend time with families and this would allow them an opportunity to have some additional time. He also added the request was made before the County Commissioners and was granted for all County Employees. Alderman Turner asked if anyone will be on call during that time. Alderman Stalnaker said yes there will be someone on call during that time as well as the usual emergency assistance. Alderman Stalnaker made a motion to allow the Day after Christmas be taken as a paid Holiday. The motion was seconded by Alderman Richbourg, and the motion carried unanimously.

3. Vote on Selection of Engineers for 2009 CDBG- Mayor Harper told the group we received a call from Kimberly Hobbs of Southeast Georgia RDC on November 19, 2008 stating that the deadline for RFP's for engineering the City's 2009 CDGB is fast approaching. The e-mail stated the deadline is Monday, November 24th at 2:00 pm. Mayor Harper gave the group the rating on the list of Engineers which was conducted earlier by him, Alderman Turner, and Alderman Stalnaker. He said the ratings are as follows: 38.25 for Statewide Engineering, 37.50 for Ingram & Associates, 36.75 for Hofstadter, and 33.50 for Professional Engineering. Mayor Harper said the Council needs to decide on one of the Engineers so we can submit the appointments to the RDC. Alderman Richbourg asked Mayor Harper how the Engineers were graded. Mayor Harper replied each one were graded on a scale of one to four and each were given a grade based on their experience, distance, if they have insurance, if they have worked on a project with the City before, their ability to meet the scheduled project time, the amount of expertise they have on staff.

4. Agreement on Increasing Probation Fees- Chief Clayton told the group Sentinel Offender Services, LLC, out of Duluth, Georgia currently provides probation services to the Municipal Court of Nashville, and they have proposed an increase in the Probation fees of five dollars per month per case. A copy of the agreement was given to the Council for review. Chief Clayton said the increase proposed has to be approved by the Council before it can be enforced. Alderman Turner asked if the increase would be passed on to the offenders. Chief Clayton confirmed and said the amount will increase from \$35.00 to \$40.00 per month per

offender. Alderman Richbourg asked the City's Attorney Mitchell Moore if approval of this increase could hold any negative effect on the City. Mitchell said no it would not hold any negativity. Alderman Turner made a motion to approve the increase of five dollars. The motion was seconded by Alderman Richbourg, and the motion carried unanimously.

5. Contract on Backhoe- John Reynolds told the group the City backhoe has to be serviced periodically. Yancey Brothers Company has submitted a quote for contractual maintenance of the Backhoe. Alderman Richbourg asked John if this is a reasonable price for service of the Backhoe. John said he asked the Yancey Brothers Representative to cut the proposed quote and the representative could not cut the price. John also added in order for the backhoe to remain under warranty we have to enter into this service agreement.

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