

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
NOVEMBER 9, 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, Dick Perryman, 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, Randall Milton, Joe Watts, Jarrett Luke, and Ann Marie Griffin.

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 in the meeting he indicated that a variance cannot be granted to different use. Mitchell also pointed out the needed change in the minutes on page two under item three. Adopt Resolution on Gateway Grant Project, under the statement made by Alderman Perryman; the grant applied for is up to \$50,000.00, not the grant is \$50,000.00. Alderman Richbourg made a motion to adopt the Public Hearing and Minutes from the previous meeting with the corrections made by Mitchell Moore. The motion was seconded by Alderman Stalnaker and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA- Mayor Harper requested the Council to add an executive session to the agenda. Alderman Richbourg made a motion to approve the formal agenda with the changes. Alderman Turner seconded the motion, and the motion carried unanimously.

OLD BUSINESS

1. Driveway Repair for Griffin Property- Mayor Harper told the group at the October 26th meeting Mrs. Ann Marie Griffin approached the group with a complaint concerning the driveway on her property located off Hwy 129. The City dug up the drive to run utility lines. When the repairs were made Mrs. Griffin was unsatisfied and ask the Council to visit the site in order to make the necessary repairs. Mayor Harper and the Council discussed the repairs needed for the drive, and asked Tommy Davis to order the cold pack and make the repairs needed. Mrs. Griffin said she wants the drive to look decent and put back the way it was. Alderman Richbourg thanked the Griffin's for their patience in the matter.

2. Board of Education offer of Playground at Old Primary School- Mayor Harper said no formal motion will be made on this item until the Mayor and some of the Council has a chance to speak with the School Board on the matter.

3. Ratify action taken on Special Exception Variance on William O'Connell- Mitchell Moore pointed out in the October 26th meeting that when the Berrien Planning Commission approved Mr. O'Connell's request, it was for a "Special Exception" to the Variance not a "Variance". Mitchell gave a brief definition as to what constitutes a Special Exception. He said during the application process Mr. O'Connell did not apply for a variance but for a Special Exception, which was approved by the planning Commission. So what the Council needs to do is ratify the Special Exception not the Variance applied for by Mr. O'Connell and approved by the Planning Commission. Alderman Turner made a motion to ratify the Special Exception. The motion was seconded by Alderman Retterbush, and the motion carried unanimously.

4. Ratify action taken on opening of Bank Account- Mandy Luke told the group the City Auditors instructed her to inform and receive approval from the Council each time the City needs to open a new bank account. Mandy told the group we will be receiving a grant from USDA for a parking lot and one of the requirements is that a bank account is to be opened so fund can be transmitted to it. Due to time restraints we had to open an account before the Council could meet again, so each Council member was polled on October 28, 2009 and each approved the new account. This action needs to be ratified and voted on in an open Council meeting. Alderman Perryman made a motion to ratify the approval to open a bank acct for the Parking Lot Grant. Alderman Stalnaker seconded the motion, and the motion carried unanimously.

5. Ratify action taken on quotes for Workers' Comp Ins.- Mandy Luke said she was informed recently that the City's current carrier of Workers' Comp Insurance, SEUS, has been shut down by the Georgia Insurance Commissioner. A representative from the City's local agent, The Gaskins Company, called and told us that she was currently working on quotes from different companies. She said she received four quotes and was looking for others. Meanwhile the representative contacted GMA for the City's Loss Runs and they expressed interest in providing a quote for the City's coverage. Mandy also informed the group the concerns about the City being Self-Insured should be put to ease because according to our representative, the present insurance company will have to insure the City until we find other coverage, but are working on a November 26th deadline. Due to the time restraints, the only option is to allow Gaskins Company to continue seeking quotes. The Council was polled on November 4, 2009 regarding this matter and each member approved Gaskins Co. the continuation of seeking quotes. The Council will need to ratify this in open meeting. Alderman Turner made a motion to ratify the decision to allow Gaskins Co. continuing the quotes for Workers' Comp. The motion was seconded by Alderman Perryman, and the motion carried unanimously.

6. 2nd Reading/Adoption of Ordinance on Traffic Congestion- Mitchell Moore told the group the Nashville Police Department introduced an amendment to the City Ordinance regarding traffic congestion problems we are currently experiencing during the school hours on Hwy. 129 and Smith Avenue. After reviewing the information, Mitchell said he made some revisions in the Ordinance for the first reading of the Ordinance on October 26th. He said the Council needs to

vote on this matter, which will constitute the 2nd reading and the Adoption. Alderman Richbourg made a motion to adopt the Ordinance. The motion was seconded by Alderman Davis, and the motion carried unanimously.

7. Adopt Resolution of November 3rd Election Results- Mayor Harper read the election results to Council. For Council Member Post 4, Eric Gaither-156, Billy Retterbush-238; Post 5, Scott Stalnaker-300, unopposed; Post 6 Michael Richbourg-299, unopposed. The Referendum to authorize the City of Nashville to issue licenses to sell distilled spirits for beverage (by the drink), 209 voted yes, and 170 voted no. Mayor Harper informed the group they need to vote to adopt the Resolution of November 3rd election results. Alderman Retterbush made a motion to adopt the Resolution. The motion was seconded by Alderman Stalnaker, and the motion carried unanimously.

8. Adopt Resolution Increasing Loan Amount from GEFA- Mandy Luke told the Council a Resolution was adopted on March 24, 2008 approving \$5.5 million for the GEFA loan in order to complete a sewage treatment facility expansion and improvement project. Since the adoption of the March 24th Resolution the cost estimate of the project has increased to \$6,348,000. This is an additional \$848,000. The adoption of this Resolution will authorize the additional \$848,000 for the project. Mandy said the Council need to adopt this Resolution authorizing the Mayor and City Manager, and with the assistance of Coastal Engineering, to submit a loan application to the Georgia Environmental Facilities Authority to borrow the estimated amount of \$6,348,000 for twenty years. She added the increase was approved by Council and needs to be ratified. Alderman Stalnaker wanted to point out the loan was increased due to the changes made by EPD regulations. Alderman Davis made a motion to ratify the increase in the GEFA loan. Alderman Richbourg asked if the City is still on the Federal list for assistance on this project. Mandy replied, yes, we are still on the list for assistance. The motion was seconded by Alderman Stalnaker, and the motion carried unanimously.

9. Beer License Application for 2009- Mayor Harper told the group the City received an application for 2009 Beer License from Sagheer Ahmad who is doing business at the Gaskins Grocery located at 1318 East Marion Avenue. A criminal background check on the individual has been completed with “no record” being found. He said this individual was made aware and understands that this license is only good until December 31, 2009, at which time it will have to be renewed for 2010. The applicant has also paid the required fee of \$500.00. Alderman Perryman made a motion approving the Beer license for 2009. The motion was seconded by Alderman Richbourg and the motion carried unanimously.

REPORTS

10. City Manager’s /Finance Director’s Report- Mandy Luke. None.

11. City Attorney’s Report- Mitchell Moore questioned the Council about the time table, the requirements, and the restrictions before putting together the, By the Drink Ordinance. Mayor Harper said two patrons have questioned him on when the City will have the Ordinance in place and he informed them it should be complete by January 1, 2010. Mitchell noted some of the requirements the Council wanted in the Ordinance. He said usually in order for the licenses to be issued and for the establishment to be considered a restaurant a percentage of sales must come from

food. He further explained, this will keep the “by the drink” in the restaurants that want to serve their patrons a drink. Mayor Harper requested the percentage of food sells by an establishment be set at 70%. Mitchell said he will look at a number of model Ordinances and model the Ordinance after my findings in order to have it prepared for the first read.

12. **Department Heads’ Report-** None.

PUBLIC COMMENTS/GENERAL COMMENTS FROM COUNCIL

Alderman Davis discussed with the group the general concept of Annex property. He said it is his understanding the jurisdiction stops on the Alapaha Hwy. for City Police from the Old Glass Stream building to the City limit sign on the East side of the Highway, and the County has the jurisdiction. Jurisdiction starts for the City on the West side of the highway. Alderman Davis asked the group if they could or wanted to speak to the County about Annex the above property into the City jurisdiction. Alderman Richbourg remarked if someone is speeding coming into town they could receive a speeding ticket from the City, but if they are speeding going out of town from the Old Glass Stream building to the City limit sign the County will have to issue the ticket. Mitchell said when that was Annexed it was done so through the right of way or down the middle on both sides. Alderman Stalnaker agreed with Mitchell. The group discussed the matter further and asked Mitchell to investigate what boundaries were annexed into the City jurisdiction and report back to Chief Clayton or Council. Alderman Richbourg informed the group in most small communities the City officers are deputized by the County so they will have that jurisdiction. Chief Clayton said it is called a Mutual Aid Agreement. Alderman Turner said a local business man asked if the City would consider giving a permit for his “Mule” to use as a service vehicle for his business, if he meets all the City’s requirements. He said this will allow him to assist customers and pick up parts for his business quicker. Alderman Turner said since the City uses the same type of vehicle for reading meters, we need to consider this person’s request. The Group discussed the Golf Cart Ordinance and concluded the Ordinance does not allow for ATV’s or “Mules”. Alderman Turner made a motion to allow the permit to be granted for the “Mule” to be used by this business. No second motion was made and the motion failed.

Alderman Stalnaker wanted to thank the Police and Fire departments and commend them on a job well done for Mr. Mckeever’s funeral.

Alderman Perryman asked Mandy if the City is still applying for the USDA loan for the new water treatment plant. Mandy said yes, John Hunkele is still looking at funding with GEFA and USDA. Currently he is working with the representative and the Engineer from USDA to get some of the engineering reports needed for the application.

EXECUTIVE SESSION

Alderman Richbourg made the motion to go into Executive session at 6:55p.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 7:05p.m. The motion was seconded by Alderman Stalnaker and the motion carried unanimously.

REGULAR SESSION RECONVENED

Alderman Stalnaker made a motion to give Mitchell Moore the approval and to go ahead with the land acquisition. The motion was seconded by Alderman Perryman, and the motion carried unanimously.

Alderman Richbourg made a motion to give Mitchell Moore the approval to contact Griffin Waste. The motion was seconded by Alderman Retterbush, and the motion carried unanimously.

ADJOURNMENT

There being no further business to conduct, Alderman Richbourg made a motion to adjourn the meeting at 7:06p.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