

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
October 14, 2008**

INVOCATION: Henry Yawn

PLEDGE: Pledge of Allegiance was led by Alderman Turner

WELCOME: Alderman Turner

ROLL CALL: Members of the City Council present included Aldermen J. P. Watts, Bill Turner, Billy Retterbush, and Scott Stalnaker.

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

OTHERS PRESENT: Randall Milton, Nicole Robinson, John Hunkele, Antonio Carter, Fern Turner, and John Black.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS: City Attorney Mitchell Moore asked for a correction on the previous minutes. He said on page four the name of the Creek should be Reedy Creek not Greedy Creek. Alderman Stalnaker made a motion to approve the minutes with the change. The motion was seconded by Alderman Retterbush, and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA- City Attorney, Mitchell Moore asked for a brief Executive Session to be added to the agenda. Alderman Stalnaker made the motion to approve the formal agenda with the addition. Alderman Retterbush seconded the motion, and the motion carried unanimously.

NEW BUSINESS

1. Coastal Engineering's Report- John Hunkele updated the Council on the Wastewater Treatment Plant Expansion Plant. He said since our last report on September 22, we have received approval of the Environmental Information Document (EID). This approval letter was dated September 23. We have now submitted the Design Development Report (DDR) which is the last approval required before we begin preparation of the final construction plans. We have selected a structural consultant for the WWTP Project (Port City Design Group, LLC). We have identified a number of potential electrical sub-consultants and expect a selection within the next 30 days. John also reported, pursuant to the last meeting, we have revised the project to reflect Phasing. Phase one involves improvements to the wastewater collection and transmission system and other rehab projects which we are moving forward with now in terms of accelerated plan preparation, bidding and construction. Phase two involves the remainder of the new construction. The estimated breakdown is as follows: Phase (1) \$1,000,000.00; Phase (2) \$4,600,000.00 for the total of \$5,600,000.00. This information has been forwarded to Bill Powell so that he may recommend a phased rate increase to the City of Nashville Council. John updated the group on the Stream Buffer Variance. He said on October 9th Jean Shepherd with EPD in Atlanta acknowledged receipt of our buffer variance application and confirmed

that it is a complete application package and that it is under review. Ms. Shepherd intends to discuss a few issues with her supervisor and believes they can work with us on the emergency repair portion of the work. They may request additional details on the remainder of the work on this ditch section. We inquired as to the possibility of obtaining a city wide variance for drainage maintenance purposes. She advised that they review buffer variance requests on a case by case basis and that a city wide or annual variance does not seem to her to be a possibility. However, she did agree to discuss this with her supervisor as well and promised to get back with us as soon as possible. John said no further response has been received to date and we will continue to push for a resolution. Mitchell Moore asked John Hunkele if he asked Ms. Shepherd with EPD about the “term of art” state waters. John said yes he did ask her that question and she said it is really up to the local issuing authority to make that determination, which would be you. He said we are going to try to find some sort of resolution on this in the next couple of weeks, and it may involve me and Henry Yawn looking at each of these ditches and rule out the ones we can safely say are not state waters, and the others we will probably have to approach them on a case by case basis and apply variances for the ones that really need to be done. He added hopefully we can find some sort of middle ground on the applications for variances on the streams and creeks, due to the expense of surveying them and all the paper work involved applying to get the variances for just one creek or stream.

2. Library Board Appointment- Alderman Turner said the City has received a request from the library board that Gail Benjamin, an educator at the Berrien Primary School, be appointed to serve as a board member which will be effective at the board’s next meeting in November. Ms. Benjamin will be replacing Dr. Florence Moffett who has served as the city’s representative on the Carrie Dorsey Perry Memorial Library Board of Trustees since 1999. In the request it was noted that in accordance with the board’s constitution a member may serve three successive terms of three years for a total of nine years. It was also noted that Dr. Moffett has served well and ably during this period of time. The board made the recommendation that Ms. Benjamin be appointed to serve at their August meeting. The City has two representatives who serve on the board. Mrs. Sue Whidden is the other representative who was appointed in 2000 and has agreed to serve the remainder of her term through May 2009. The Council needs to vote on the recommendation. Alderman Retterbush made a motion to appoint Gail Benjamin to the Library Board. Alderman Stalnaker seconded the motion and the motion carried unanimously.

3. Opening of Bids for Sidewalk- Alderman Turner told the group at the September 22nd meeting the Council voted to call for bids on the construction of a sidewalk at Dr. Jeff Cox’s office located on the corner of South Bartow and West McPherson. Bids for this construction are as follows: Ross Construction from Nashville bids \$4,860.00. LBP Concrete from Waycross bids \$4,000.00. Southland Contractors from Valdosta bids \$6,312.00. Alderman Retterbush made a motion to go with the lowest bid from LBP Concrete from Waycross for \$4,000.00. The motion was seconded by Alderman Watts, and the motion carried unanimously.

4. Bids on Repairing Street Sweeper- Mandy Luke asked to make a correction on this item because it should read estimates on repairing the street sweeper which has been down for a month. She said we have received many complaints from different citizens and Tommy Davis has asked for estimates on repairs beginning in September. She said the first estimate is from Mike’s Auto located in Nashville

for \$1,317.60. Quality Auto located in Nashville estimated \$1,634.02. Albany Tractor Company located in Albany estimated \$2,049.00 and they noted freight is not included on their estimate. Mandy added the estimates included an estimated time for repairs, and two to three days after parts are received is the estimated time. Tommy Davis added the parts for the Sweeper will be ordered and shipped from three different places so the time for repairs may vary a little. Alderman Turner said he wanted to note he has a problem with estimated cost being called for instead of bids, due to the estimated cost for repairs more cost can be added and if bids were called for the bid would not have extra cost added on. Alderman Stalnaker said since we are getting complaints and the sweeper has been down for a month we should go ahead and vote on the lowest estimate and get it fixed. Alderman Retterbush concurred and motioned to go with the lowest estimate. Mitchell Moore told Tommy to get confirmation and have it documented from the lowest estimate and hold them to it, before the work is done on the sweeper. Tommy said yes all the estimates include that stipulation. Alderman Stalnaker seconded the motion to go with Mike's Auto for \$1,317.60 and fix the sweeper, and the motion carried unanimously.

5. First Reading of Red Flag Ordinance- Mitchell Moore presented and discussed the Ordinance briefly at the September 22nd meeting. This is an Ordinance which will amend the Code of Ordinances for the City of Nashville. It will provide a new Section 29-110, Article IV; which will deal with the identity theft prevention program. This will bring the City in compliance with Federal Regulations relating to address discrepancies, red flags and identity theft. Mitchell asked the Council to review the drafted copy. He made some suggestions for changes to the draft, and asked the Council to review it, and the final draft will be submitted and read at the October 27th Council meeting.

REPORTS

6. City Manager/Finance Director's Report- Mandy Luke told the group the City has received some new updated flood maps and a meeting will be held at the County Administration Building tomorrow from 11:00 am to 2:00 pm for Community Officials and from 12:00 to 2:00 pm for the public. Mandy told the group a while back she came before Council about contracting with GMA on delinquent utility bill collections. She said after everything was submitted, the company RDS, that GMA uses pulled out and no longer provides those services. GMA has not found anyone to replace the company. Mandy said after I became aware of this I contacted the Credit Bureau Associates of Tifton, which is a company The City of Tifton started using for their collections once RDS pulled out on GMA. She said they gave the same rates as GMA which is 25%. She said they handle all the letters, phone calls for collections. Credit Bureau Associates will set up a way for the person to pay at the City or their office. Mandy said the advantage in going with Credit Bureau is they will automatically report the past due on the individual's credit report and most of the other companies do not report it automatically. She added most people don't care about paying if it doesn't get reported to their credit report. Mandy said the Council doesn't have to make any decisions tonight but she wants them to consider contracting with Credit Bureau Associates due to the large amount of past due utility bills. She gave an example of how the utility bills become past due and uncollected. The customer will get behind on the bill, have the services cut off and allow the deposit to cover the outstanding bill, but most of the time the deposit will not cover the total amount of

the outstanding bill. They will then get someone else inside the home to place the water and gas in their name and put down another deposit, so the remaining outstanding bill never gets collected. Mandy also wanted to inform the group about the City's accepting credit cards for payments now. She said the Police department has a place on their web site set up for payments to be made by credit card on line for fines. Mandy wanted to look into the City web site being set up to accept credit cards for property taxes and utility bills. She said I contacted TBS, the software company we use in order to see what we needed to do and how much money it would take for the City to install this feature. TBS online payment system will not allow the individuals a way to make their utility or property tax payment it will allow the Attorneys offices a way to look up property taxes and the amounts. She said the only draw back would be the property taxes which are past due from a few years back. The software will be set up for payment in full only because we do not accept partial payments, so the on line payments will be the same. Mandy said the cost for this service is \$5,480.00, which is a one time fee and includes travel and on site training, and an annual charge of \$2,100.00 charge or \$175.00 per month. She asked the group to consider the on line payment package even if Council doesn't want to agree to approve it now, we need to look into it for the near future. Mandy also asked the group how long they wanted the Solicitor's résumé held. She said we were trying to hold off on the decision of a Solicitor due to the City's revenues. She said the property tax bills have now been billed and we need to decide when we want to hire a Solicitor. She added the ad was in the paper and no deadline was placed in the ad. Alderman Stalnaker, Turner, and Retterbush agreed to make the decision at the next Council meeting. They also asked Mandy to place the ad back in the paper and with GMA, and include a posted deadline before the next Council meeting. Mandy also wanted to inform the Council of the upcoming Round Table meeting which will be held on Thursday October 23, 2008 at 6:00 pm. The event will be held at the Berrien County Ag Service Center, and they request anyone attending to please RSVP by Wednesday October 22, 2008. She also told the group about the group at Statewide setting up a preconstruction meeting for the lift station for the 06 CDBG. The want to schedule the meeting for October 20th at 10:00 am. Alderman Turner asked Mandy what is the delay in deciding on using Credit Bureau Associates for collections. Mandy said there is no delay and the Council can vote on it tonight because I have not heard back from GMA on who they will be using from now on, and I don't have anyone else I can look at. Alderman Turner said if there is no one else then I think we should not delay in the decision. Alderman Stalnaker agreed, and said he has worked with Credit Bureau Associates and they are good at what they do, but would like to make sure we have investigated all of our options before we make the decision. Mandy said she will call GMA and see if they have decided on someone. Alderman Stalnaker said then we should wait and make the decision at the next Council meeting. Alderman Retterbush agreed.

7. City Attorney's Report- Mitchell Moore said he the first thing I need to inform the Council is, I will be unable to attend the Quarterly Round Table meeting due to another engagement. Mitchell updated the group on the yard debris Ordinance, and stated this will be the first reading of this Ordinance. We deleted Sec. 25-60 and 25-61 and substituted the following: Yard Debris, no grass clippings, tree limbs, brushes or any other similar yard debris may be deposited into the container for household solid waste for disposal. All such yard debris shall be removed by the property owner, resident or commercial collector or deposited on the street curbside for pick up by the City of Nashville. No yard debris shall be placed in street in such a manner as not to impair, impeach or obstruct the storm

drainage system. Alderman Retterbush mentioned the yard debris that is blown into the storm drain by residences, and should we address that in this Ordinance. Mitchell said blowing yard debris into the storm drain would be a violation according to what we all ready have, if no other suggestion we can go ahead and let this be the first reading of this Ordinance. Mitchell also expressed his concern about the new proposed Flood Map. He said he is a property owner in the Flood Zone so I will attend the meeting tomorrow because they are soliciting the property owners' input. Mitchell also encouraged the Council to be there as well. Henry Yawn told the group he received some information about the meeting and the process, will give out copies.

8. Department Heads' Report- John Reynolds, the City Water department head, ask the Council if they want to go ahead with the work in front of the new School. John said he has some bids but is unsure what do at this point, because the City is not paying for the waterline. He commented it would seem the School Board would hold some sort of meeting about this added job. Alderman Turner said we agreed to meet with them and we also agreed the cost was not our responsibility. Mitchell Moore said he, John and Mandy meet with DOT last week and the total given was around 1,470 feet of line total, and in the project area the total is around 700 feet. So what the Council needs to decide as a body is if we are going to take up half of the 1,470 feet then we need to take up the total, because it will eventually present a problem. So the central issue is will the School Board pay for the total project or will they pay for half, which is on the project site. He also said the School Board at this time is not volunteering to pay for what is on the project site, so we can be assured they will not pay for what is off the project site. Mitchell said the other issue is how much and who is going to pay for it before we can get the ball rolling. The next step for the City would be to allow John Reynolds to make the permit request, because he will have to be the one to request it. Mitchell added the School Board will soon be questioning why the construction is at a stand still because if it's not now, it soon will be; and if the Council directs me to do so I will go to the School Board and tell them the City is not paying for the added project. Mitchell added, the DOT was suppose to run some numbers and send them to the Engineer on the project but I have not heard anything further, so we are going around in circles. Alderman Stalnaker commented we need to decide something because with the disposal of this Hazmat material we will need a team in place and the disposal of the material is not cheap. Alderman Retterbush said the disposal of these materials can run up to \$20,000.00 according to my investigations. He added that is just for the disposal it doesn't include the new pipe and labor. John Reynolds said the City has already spent \$53,000.00 so far on the School Project. Alderman Retterbush made the motion to give the approval for Mitchell Moore to talk with the School Board about these issues and come to a solution. Alderman Stalnaker seconded the motion and the motion carried unanimously.

PUBLIC COMMENTS/GENERAL COMMENTS FROM COUNCIL

None

EXECUTIVE SESSION

Alderman Retterbush made the motion to go into executive session at 7:10 pm. The motion was seconded by Alderman Stalnaker, and the motion carried unanimously. Alderman Retterbush made the motion to come out of executive

session at 7:15 pm. The motion was seconded by Alderman Stalnaker, and the motion carried unanimously.

ADJOURNMENT

There being no further business to conduct, Alderman Retterbush made a motion to adjourn the meeting at 7:15 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