

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
September 22, 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, Alderwoman Pat Sutton, and Mayor Travis Harper.

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, Dr. Jeff Cox, Bebe Cox, John Hunkele, Clinton Ray.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS: City Attorney Mitchell Moore said under item one of the previous minutes, a change needs to be made. He said under item number one, in the sentence which read 5 to 1, needs to change to 3 to 1. Alderman Richbourg made a motion to approve the minutes with the change. The motion was seconded by Alderwoman Sutton, 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 Richbourg made the motion to approve the formal agenda with the addition. Alderman Stalnaker seconded the motion, and the motion carried unanimously.

NEW BUSINESS

1. Request for sidewalk on Bartow Street- Dr. Jeff Cox told the group he is renovating the old Gregg Isaacs building for a new dental facility, located at the corner of East McPherson and South Bartow. He said the building is being redeveloped by Jerry Kelly, the owner of the property, and my dental office will a

part of the new facility. Clinton Ray, who is with the construction company for the building, informed the Council about the new sidewalk on the Bartow street side of the building. He said the width of the sidewalk will be 200 feet from curb to curb. We will need a curb installed from Bartow to the Citizens Bank side of the building. The sidewalk needs to be installed in front of the building to the curb of the Citizens Bank. We have access to sidewalks in front of the building but when exiting the building the exit opens up on Bartow Street which has no sidewalks, and will be a safety issue for people exiting the building. Mr. Ray gave the Council an estimated amount for the two hundred foot of curb and one hundred and ten foot of sidewalk, 48 inches wide, of \$3,712.00. Alderman Richbourg commented the curb and sidewalk will be in the City's right of way. Mayor Harper asked Mitchell Moore, the City Attorney, if the City has any history on a private business owners request for curb and sidewalk in the City's right of way. Mitchell said historically curbing and gutter expense part of it has been placed on the developer. Alderman Richbourg added the sidewalk is a safety issue for people exiting on that side of the building but the curbing part is more an issue of keeping cars from cutting through that area instead of using the four way stops. Mayor Harper added the curbing would fall more on the property owner. Mitchell said the record needs to reflect he was involved in the closing of these transactions, although this would not present a conflict of interest, the Council should be aware by way of disclosure; I was involved in some of the transaction for that whole development. Alderman Richbourg asked Mitchell if the Council would be able to answer the question of the curbing and the sidewalk tonight. Mitchell said this presents two different issues, from the entry way north of the building is a safety issue and on the City's right of way flush up to the building, so we should be able to deal with those. Mayor Harper asked Mr. Ray if the 200 foot in the diagram includes Washington to McPherson. Mr. Ray responded correct. Mayor Harper said so what the Council is mainly concerned about as far as a safety issue is from the corner of the building up to Washington. Clinton Ray said if we are just talking about the part of the sidewalk and curb which is a safety issue then take the total amount I gave earlier \$3,712.00 and deduct \$1,200.00 from that figure to get the cost for that project. Alderman Stalnaker asked Mr. Ray about the utility hookups, and will that present a problem installing the curb and sidewalk. Mr. Ray said we have a sewer line on Washington Street which will tie into the property, and we have installed under the property, new taps for water which can be incorporated in. Mayor Harper asked if we will have a problem with storm runoff by curbing this area. Tommy Davis, Street Department, head told the group the curbing will add to the problems in the parking area. He said the water runs into Marion Street, which is the first drain for the storm runoff. Alderman Retterbush commented the curbing will keep the storm runoff from going into the building. Mitchell Moore said the drainage issue has

been addressed by the property owner. Mr. Ray said the owner has added some additional drainage which runs under the building. Alderman Retterbush made a motion to approve the sidewalk and curb on the side of the building for safety issues, so that would be the one hundred and ten feet from Washington to the corner of the building. He asked City Manager, Mandy Luke, if the City has funds for this project. She replied this expense will come out of SPLOST funds. Alderman Stalnaker seconded the motion and asked if the Council could open this project up for bids. Mandy said we will have to because our street department doesn't have the equipment to do the work. Mayor Harper said we have a motion and a second on the curbing and sidewalk of one hundred and ten feet from Washington to the corner of the building. The group discussed the issue if the owner wanted to extend that sidewalk could they connect with no problems. Alderman Stalnaker asked what kind of time frame the City would have for sending the project out for bids. Mr. Ray said Dr. Cox is going to be occupying the building by Thanksgiving, so we are looking at least a six week period before the bidder is chosen. Mayor Harper said we have a motion and a second to put out bids and open by the next Council meeting for the curb and sidewalk one hundred and ten foot from Washington to the end of the building. The motion carried unanimously.

2. Street Light Request for 215 Bay Street and 120 A Melba Street-

Alderman Stalnaker told the group the City has received two requests for street lights. One from Rose Lovely, who resides at 216 Bay Street, and one from Mary Sloan, who resides at 120 A Melba Street. Alderman Stalnaker said after investigating these areas, he recommended and made a motion to install the lights in these areas. Alderman Richbourg seconded the motion, and the motion carried unanimously.

3. Appointment of Municipal Judge-

Mayor Harper informed the Council he spoke with Jason Moon who is a defense attorney from Valdosta in reference to filling the position of The City of Nashville's Municipal Judge. Mayor Harper said Judge Paul Hamilton recommended Mr. Moon for the position, and after speaking to another candidate for the position, Mayor Harper said he would like to present Mr. Moon before the Council for approval as our Municipal Court Judge. Alderman Stalnaker said he would like to recommend Mr. Moon as well. He said he has seen Mr. Moon in court and thinks he will prove to be a good Judge for the City's Municipal Court. Alderman Richbourg made the motion to appoint Jason Moon as the Municipal Court Judge. Alderman Stalnaker seconded the motion, and the motion carried unanimously.

4. Coastal Engineering's Report- John Hunkele told the group on September 2, 2008 he and Pete Maye met with EPD officials in Atlanta regarding the status of the EPD's review of the Environmental Information Document (EID). We discussed a few concerns which EPD had raised relative to the EID and offered our responses. We expect EID approval shortly after which we will submit the Design Development Report (DDR). Mr. Hunkele said due to the long review times we are experiencing with documents submitted to EPD in Atlanta, we recommended a phased approach to the wastewater treatment plant improvements. We envision at least two and possibly three phases. The first is a construction plan package for the improvements to the wastewater collection and transmission system. Since these are rehab projects and not new construction, the approval process is not as time consuming as that for new construction. Phasing and accelerating rehab gives the City more leverage if we ever have to re-negotiate dates in the consent order. He said project phasing also plays into the increased rates recommended by GRWA rate study being prepared and presented by Bill Powell. Coastal Engineering Consultant (CEC) will revise the project cost opinions and budget to reflect project phasing and forward to Mr. Powell and the City Council prior to the next meeting. This will allow Mr. Powell time to recommend a phased rate increase to the Council. Mr. Hunkele proceeded to update the Council on the Stream Buffer Variance. He said the Stream Buffer Variance application for the ditch between SR 125 and Middle School Circle has been submitted to EPD. A copy of the application and supporting documentation was left with the City. CES will follow up with EPD to monitor status and furnish additional information as required. CES will also pursue a city wide variance to clean and maintain ditches. This will include to Glynn County and others responsible for ditch maintenance to determine how they are handling the stream buffer variance and state waters issue. CEC will report progress at the next Council meeting. Alderman Turner asked Mr. Hunkele if they could vote tonight on cleaning out the drainage ditch on 129 which runs down by McDonalds and behind Meadowbrook subdivision. John Hunkele said they could vote but may have a hard time proving that particular ditch is not state waters. Alderman Turner replied, the ditch is not a flowing stream and is dry six months out of the year, so would that still make it difficult to prove it state waters. John said the fact it is a named creek, it's called Reedy Creek, and that will make it hard not to get the EPD to say it's not state waters. Alderman Richbourg asked Mr. Hunkele how long the Emergency request he submitted to EPD would take before he hears something back from them. John said we should hear something back with the next few weeks. Mayor Harper asked if we will have to submit the same type of packet each time, if we want to clean out any other part of this ditch or creek. Mr. Hunkele suggested the Council get with Henry Yawn, the City Code Enforcer, and look at all the different areas in the City and which ones we can say

or not say are state waters. He also stated the ones with a creek name will be hard to submit. The group had some more discussion about the different Creeks and drainage ditches. Mayor Harper added the drainage ditch Alderman Turner is speaking of, we should be able to get a work crew out there to clean it up tomorrow. Tommy Davis, Street department head, told the group when the EPD representative from Albany came to talk to me, John Reynolds, and Henry Yawn, he said all waters were state waters, and anytime we needed to do anything to the ditches we would have to get a variance through them. Mitchell Moore told the group he would get in touch with EPD to verify and make sure of the proper procedure and have them put it in writing. Mayor Harper suggested we get a variance request in the mail while Mitchell is verifying. The group discussed the meaning of state waters. Alderman Turner made a motion to apply for the variance with EPD for the drainage ditch. The motion was seconded by Alderwoman Sutton, and the motion carried unanimously.

REPORTS

5. City Manager/Finance Director's Report- Mandy Luke told the group Bill Powell from Georgia Rural Water, has asked if the Council would approve his request for reimbursement on some of his travel expenses, due to the State being over their budget. She said Bill has traveled over and spent a lot of time with us to either get information or talk to us. He has also traveled over and spoke to the Council on two occasions. Mandy said if the Council could approve \$200.00 in reimbursement, the fund would help his travel expenses a great deal. Alderwoman Sutton made the motion to approve the reimbursement of \$200.00 to Bill Powell. Alderman Stalnaker seconded the motion, and the motion carried unanimously.

6. City Attorney's Report- Mitchell Moore said he placed in each one of the Council's box a working draft of the Golf Cart Ordinance. He did investigate some of the other City's Ordinances and their requirements. He said the insurance for the Golf Carts is available for them; so in the draft he required the minimum limit of insurance on the Golf Carts. He said another requirement is, the cart must be operated by a licensed driver, or must be at least 16 years or 15 years of age with a licensed driver. Mitchell added the group needs to look at designated crossing for the Golf Carts. He added the carts can not drive on State routes so Council needs to look at designated routes and crossings. Mitchell said we need to decide on the hours of operation, as to whether or not we will allow them to only operate during daylight hours only, or if we want to require head lights and brake lights. Alderman Turner asked who is pushing for this ordinance. Mitchell said we have several people wanting to operate the carts in the City and if we are going to allow

them to be driven; we need something in place in order to deal with any issues which might arise because of the Golf Carts. Alderman Turner asked how we could we do anything with a motorized vehicle contrary to State Law. Mitchell said there is a State Law which expressly provides that you can by local ordinance govern motorized vehicles. The State statute provides for this so we can address it by local ordinance. Mitchell asked Chief Clayton what the Police Department is doing about regulating the areas of operation for the Golf Carts so far. Chief Clayton said they have told the operators the Carts can't be driven on any State highway or the State right of way. If they can't follow the rules then they need to take the Carts back home. Alderwoman Sutton commented the State will not title these vehicles because they do not want them on the State highways. Alderman Turner commented this may open up an even larger can of worms than the water rates. Mitchell said we either need to ban Golf Carts all together or regulate them. Alderman Turner said we also need to have a public meeting whatever we decide to do on the issue. Alderman Turner asked the Chief what the Police department is going to do about the bikes which are all over town. He said some of these operators are six to eight years old and the bikes have no lights or reflectors, and they ride them all hours' day or night. Mitchell also updated the group about the yard debris which the Council asked him to look into at the last Council meeting. He said under sections 2560 and 2561 in the City Code book prohibits citizens from putting debris such as trees and brush out in the street. He said the Code section also states the City will provide City bags for the yard debris, and he suggested the Council move to strike that provision from the Code book and maybe put in the place of that provision something against any kind of dumping yard debris in the street. Mitchell added this will hopefully keep the debris from getting into the City's storm drain. Tommy Davis asked Mitchell what can done or what can the City charge the ones who don't obey this ordinance. Mitchell said he was looking into that and the charge would fall under the new statewide littering statute, which is 16753E1. Mayor Harper concluded we need to delete the provision which states the City will provide trash bags for the yard debris and add or substitute something against any kind of yard debris dumping in the street or the storm drains. Mitchell added the Council will have to adopt those ordinances. Mayor Harper asked Mitchell if he will have those ready for the first read at the next Council meeting. Mitchell said yes the first read will be ready for the next Council meeting. Mitchell said he also wanted to discuss something he got from GMA today, which will need to be completed by November 1st. He said because the City provides utilities we have to adopt an ordinance under the Fact Act Ordinance. He said we are subject to it by virtue of the fact that we are a creditor. Because by providing the utilities on an account basis we have to comply with and take steps to prevent any kind of frugal information. He said we have to get some

policies in place to avoid identity theft the City has a burden on them to show that we have something in place because we are acting as a creditor. He said the first read will be ready by the next Council meeting on the as well.

7. Department Heads' Report- John Reynolds, the City Water department head, informed the Council the about the waterline which was tied into the new school but the PSI's were more than was projected by the School Board's Engineers, which is a good thing. John said we still have a few places left to tie in, one of which is around Thomas Street and Quailrun Subdivision, which will circulate and boost the water pressure for Quailrun Subdivision. John said the other thing he needs to discuss with Council is the turn lane installation on the Alapaha Highway for the New School. John said EMC wants the City to remove our waterline from the DOT right of way. He said they want a new waterline put down and the old one removed from the right of way. John said this should have been discussed and planned, was not, before the Board of Education starting building the New School. Mayor Harper said EMC needs to bill Mike Bachenko at the Berrien County Board of Education the City should not have to bare the expense for the removal and the replacement of the waterline. John said regardless the EMC said it's got to happen before the turn lane can be installed, and the line belongs to the City. Mayor Harper and Alderwoman Sutton said that should be left up to the School Board to do. Mayor Harper said they should have budgeted for this when the project began. He concluded this is not something the City wanted to do and we should not have to bare the expense because the School Board needs it done. John requested the Mayor and Council go with him to the next meeting with the EMC to discuss this issue. John said the request from EMC to remove the line we will need to pick it up un-busted, wrap it in plastic, place it in dumpster and haul it to the landfill, all of which I'm not certified to do. Michael asked John what kind of distance we are looking at for the new line. John said 14,070 feet will need to be replaced and the cost of the pipe alone will be close to \$9,500.00. This will not include labor or equipment expenses. After the group discussed the issue further they decided to meet with the John, the EMC representative, and the Board of Education to discuss this subject.

Chief Clayton asked the Council's approval on a purchase for three refurbished camera's for the patrol cars. He said the refurbished cameras are \$525.00 each with a 30 day warranty for a total cost of \$1,575.00. He added the cost for new cameras are \$800.00 each with a one year warranty and a total cost of \$2,400.00. Chief Clayton said he would like the Council's approval for the refurbished cameras. Alderman Richbourg asked how long the refurbished cameras last. Chief Clayton said we've used the refurbished cameras we have for four years. Alderman Richbourg made a motion to purchase the refurbished cameras. The motion was

seconded by Alderwoman Sutton, and the motion carried unanimously. Chief Clayton also wanted to invite the Mayor and Council to the Drug Task Force Meeting at 11:30 am to be held at O'Neal's. He also wanted to invite them to Judge Hamilton's appreciation dinner noon Wednesday at the Community Center.

PUBLIC COMMENTS/GENERAL COMMENTS FROM COUNCIL

Randal Milton informed the group his street still doesn't have any lines or parking areas. Mr. Milton who lives on West Avera said we have a lot of tractor trailers traveling down the street which is giving the road a beating. Mayor Harper asked if West Avera is a designated truck route. Alderman Turner said yes it is a State highway and designated truck route. Alderwoman Sutton added the State will tell you if they have any interest in the road then the road belongs to the State.

Alderman Richbourg said we need to find out who the road belongs to either the City or DOT, and if it belongs to the City, and we can stripe the road then we can send out for bids, because Mr. Milton has been requesting this for a year. If the road belongs to DOT then we have no control over when or if the striping gets done. Mr. Milton said if the road belongs to DOT then I can take another course of action through my Congressman and leave the City alone.

Alderman Turner told the group he has been approached by several people about the Air Port trailer park. He said they informed me a lot of people have been spending the night in some of the old empty trailers which are uninhabitable, and we need to take some kind of action to have these trailers condemned. Alderman Turner added the trailer park also has a large amount of bulldogs in the yards and in the trailers. Henry Yawn, the City Code Enforcer, told the group he is all ready working on the problem.

EXECUTIVE SESSION

Alderwoman Sutton made the motion to go into executive session at 7:22 pm. The motion was seconded by Alderman Stalnaker, and the motion carried unanimously. Alderwoman Sutton made the motion to come out of executive session at 7:35 pm. The motion was seconded by Alderman Retterbush, and the motion carried unanimously.

REGULAR MEETING RECONVENED

Alderwoman Sutton made the motion to give Mitchell Moore the authority to accept the offer of \$3,500.00 and no than \$5,000.00. Alderman Watts seconded the motion and the motion carried unanimously.

ADJOURNMENT

There being no further business to conduct, Alderman Richbourg made a motion to adjourn the meeting at 7:37 p.m. Alderwoman Sutton 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