

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
JANUARY 28, 2013
6:00 P.M.**

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 Eric Gaither, Antonio Carter, Scott Stalnaker, Billy Retterbush, Michael Richbourg, Alderwoman Mellisa Watson, and Mayor Travis Harper.

STAFF PRESENT: Tina Ward, Randy Lane, Mandy Luke, Dawn Morrison, Peter Schultz, John Reynolds, Henry Yawn, Tommy Davis, Chief Clayton, and Mitchell Moore.

OTHERS PRESENT: Randal Milton, Allen Davis, Frank Watts, John Black, John Hunkele, Barry McMillan, Debbie Rowan, John Mitchell Rowan, Cindy Watson, Neil Bennett, and Brenda Thomas.

ADOPTION OF MINUTES- Alderman Richbourg made the motion to approve the minutes from the previous meeting. Alderman Stalnaker seconded the motion and the motion carried unanimously.

ADOPTIONS OF FORMAL AGENDA- Mayor Harper added a few items to the formal agenda; Item number three, Beer and Wine application from the “Mr. Gees” 705 N. Davis Street. Item number four open an account for the USDA Farmers Market Project, and Item number five, “LEAP” Let Everyone Attend & Participate. Alderman Gaither made the motion to adopt the formal agenda with the changes. The motion was seconded by Alderman Carter and the motion carried unanimously.

NEW BUSINESS

1. Update from Coastal Engineering- John Hunkele updated the Council on the Waste Water Treatment Plant. He presented a report from Coastal Engineering Consultants, Inc. (see report below)

“Coastal Engineering Consultants, Inc. is pleased to make the following report to the City Council.

WWTP Improvements – Contract A, Main Lift Station (Southern Champion Construction, Inc.)

This contract is completed, a Certificate of Material Completion has been issued to the Contractor and the main lift station is on line. The Contract completion date was June 28, 2012. The project was fully complete and operational on June 19, 2012. All money due the Contractor, including amounts retained per the contract, has been paid. There were no change orders. The Contractor’s general warranty remains in effect until June 28, 2013.

WWTP Improvements – Contract B, Treatment Plant (BRW Construction Group LLC)

The contract is substantially complete and the treatment plant is on-line except for the tertiary filters and UV disinfection. Effluent from the treatment plant is being routed to the Land Application System (LAS) until the treatment plant can meet its permit limits. It may take up to 30-days for the bio-mass to reach the levels necessary to accomplish this. The bio-mass is growing and we expect that by the end of February, the plant will be discharging to the outfall.

All equipment, except the belt press, has been checked, started and meets the design functions intended. Operator training on such equipment has been performed. The belt press startup is scheduled for this Wednesday, January 30. Operator training on this equipment cannot be conducted until enough sludge has been produced by the treatment process to require wasting. This will be several months and the equipment manufacturer will return at that time, without charge, to conduct the training.

A final punch list has been prepared and submitted to the Contractor. The Contractor has been correcting the outstanding issues and a final walk-through is expected this week. If all items have been addressed, a Certificate of Material Completion will be issued. The Contract completion date is February 13, 2013.

There has been one change order as outlined below:

| | |
|---|-----------------------------|
| Miscellaneous Field Changes | \$ 1,894.36 Decrease |
| Additional Work Items | |
| Removal & Replacement of Unsuitable Soils | \$ 2,567.95 Increase |
| Filter Bypass Line | \$ 2,648.14 Increase |
| Total Change Order Amount | \$ 3,321.73 Increase |

WWTP Improvements – Contract C Outfall Sewer (Standard Contractors, Inc.)-

This contract is completed, a Certificate of Material Completion has been issued to the Contractor and the outfall sewer line is ready to accept effluent. The Contract completion date was June 28, 2012. The project was fully complete and operational on June 8, 2012. All money due the Contractor, including amounts retained per the contract, has been paid. The Contractor’s general warranty remains in effect until June 28, 2013.

There has been one change order as outlined below:

| | |
|-----------------------------------|-----------------------------|
| Final Quantity Adjustments | \$ 11,900.00 Decrease |
| Additional Work Items | |
| Demobilization and Remobilization | \$ 3,000.00 Increase |
| Remove and re-install 16-inch DIP | \$ 2,850.00 Increase |
| Total Change Order Amount | \$ 6,050.00 Decrease |

GEFA Loan Status

Due to construction costs higher than anticipated in the original loan application, it will be necessary to increase the GEFA loan in order to complete the project. This was known at the beginning of the project but, upon the advice of GEFA, modification of the loan amount would be better accomplished at the end of the project so that it would only need to be done once. The current loan status is detailed in the Table below.

CURRENT GEFA LOAN STATUS

| | |
|---|---------------------|
| Original Loan Amount | \$6,348,000.00 |
| Funds Disbursed as of December 31, 2012 | \$6,338,000.00 |
| Remaining Funds Available | \$10,000.00 |
| Outstanding Obligations | \$344,803.13 |
| Additional Funds Needed | \$334,803.13 |
| Suggested loan modification request | \$350,000.00 |
| Percent increase | 5.5% |

The original design concept submitted to EPD included a treatment plant design flow rate of 1.0 MGD average daily flow with no peaking factor for peak hydraulic flow rates in excess of this amount. EPD commented that standard design practice calls for a 2.5 peaking factor resulting in larger treatment units to accommodate peak hydraulic flows – in our case to handle a peak hydraulic flow rate of 2.5 MGD. EPD also commented that the plant required a standby power generator and 100% redundancy for the various treatment units. By incorporating the requested redundancy to satisfy the EPD comments, the project cost would have increased by more than \$1.5 million.

Coastal Engineering Consultants, Inc. proposed that, since the LAS was to remain in service any flows in excess of the average would simply be diverted to the existing system thereby eliminating the need for larger hydraulic capacity, standby power and treatment unit redundancy. After a meeting here in Nashville EPD concurred that the larger hydraulic capacity and standby power could be eliminated provided that the existing storage lagoons be converted to off-line flow equalization basins with the capability to either re-route the bypassed flows back through the treatment plant during low flow periods or land apply to the existing spray fields. However, the requirement for redundant treatment units for tertiary filtration and UV disinfection remained. The additional cost to provide 100% redundancy to the tertiary filters and UV disinfection systems and to modify the existing storage lagoons to function as off-line flow equalization basins added approximately \$408,000 to the total project cost.”

2. Representative for the Deep South Solid Waste Authority- Mayor Harper Told the group Alderman Retterbush represented the City on the board for the Deep South Solid Waste Authority for four years. He no longer can attend the meetings due to his employment. Another representative for the City of Nashville needs to be appointed to this board, so the Mayor nominated himself to take over for Alderman Retterbush. Mayor Harper commended Alderman Retterbush for the good job he has done for the City while being the City’s representative for the Deep South Solid Waste Authority. Alderman Stalnaker made the motion to appoint Mayor Harper to the represent the City of Nashville on the Deep South Solid Waste Authority Board. Alderman Retterbush seconded the motion and the motion carried unanimously.

3. Beer and Wine Application from “Mr. Gee’s” Convenience Store- Mayor Harper presented the Council with an application from “Mr. Gee’s” Convenience Store located at 705 North Davis Street. All fees have been paid in full and the background history was completed with no records found. Alderman Gaither made the motion to approve the beer and wine application for Mr. Gee’s. Alderman Retterbush seconded the motion and the motion carried unanimously.

4. Open a New Checking Account for USDA Farmers Market- Mandy Luke told the group that we are at the point now where we need to open up a separate checking account for the USDA Farmers Market Grant. Council needs to approve the opening of this account. Alderman Stalnaker made the motion to approve the opening of the USDA Farmers Market Grant checking account. Alderwoman Watson seconded the motion and the motion carried unanimously. Alderwoman Watson asked Randy Lane when the City will break ground on this project. Randy

told the group that once we submit the paperwork and Mitchell submits the paperwork he has, then with Ricky Sweat's approval, we should be able to start breaking ground in about a week.

5. Let Everyone Attend & Participate "LEAP"- Alderwoman Watson told the group she is taking over for Ms. Betty Dupree who was over the Berrien County Health Advocate. This organization would help people in need. For example if someone had cancer and needed transportation to and from their treatments Ms. Dupree would provide transportation. She also helped people pay for their medications if they could not afford it themselves. Ms. Dupree spoke with Alderwoman Watson a few weeks ago and told her she was closing the doors because due to her age she simply could not provide the service any more. Alderwoman Watson said she will donate the funds she receives from serving as a City Councilman to the organization so the services Ms. Dupree provided will continue. Alderwoman Watson told the group that LEAP or Let Everyone Attend & Participate will also be created as a non-profit organization. LEAP will allow children who want to play recreational ball but can't afford to pay the registration cost. Alderwoman Watson told the group if they know of any child who wants to play ball but could never afford the registration cost have them come by Watson's Pools or Berrien County Recreational Department and fill out a form. So far she has thirty four children who have signed up to play ball. Alderwoman Watson also encouraged the group to donate any old athletic equipment, uniforms, or shoes to the LEAP organization.

REPORTS

6. City Manager's/Finance Director's Report- Mandy Luke told the Council this year the cost for the fourth of July's fireworks display will be \$7,000.00 and Council needs to approve this purchase. Alderman Richbourg asked Mandy if the City had the money for the fireworks this year. Mandy said we have included the purchase in this year's budget. Alderman Carter made the motion to approve the purchase of the fireworks for \$7,000.00. Alderman Retterbush seconded the motion and the motion carried five to one with Alderman Stalnaker abstaining from the vote due to being part of the Fire department.

7. City Attorney's Report- Mitchell Moore told the group that the hearing for LOST is scheduled for February 21st. This hearing is to file a motion to dismiss. Alderman Richbourg asked Mitchell what a "motion to dismiss" means. Mitchell said we file the petition and then the County files the motion to dismiss by petition. If the court dismisses then we will not get into the merits of the petition unless we

are picked. Mitchell told the group he is only aware of two decisions on other cases. However, an Appeal has been filed by Turner County on the Turner county and Ashburn litigation. Also, there have been two trial courts including Turner County and Ashburn that the ruling was in favor of the Municipalities in regards to denying the “motion to dismiss”. In the Toombs and Vidalia case the motion to dismiss was also denied. Alderman Retterbush asked Mitchell who the Judge would be on the City’s case. Mitchell said Judge Salmon who is also the Judge on Lowndes Lanier and Berrien County.

8. Department Head’s Report- Dawn Morrison updated the group on the Hogan project or “Hanna’s Hope Park” project. She told them Newbern Construction was awarded this project and we are waiting them to get some paper work to our engineer which is Stacey Watson. Once they have completed this we should be able to break ground on this project.

PUBLIC COMMENTS FROM PUBLIC/COUNCIL

Frank Watts asked the group if we have an Ordinance that prohibits wheelchairs from being driven on the public roadways. Mayor Harper told Mr. Watts that they are protected and Governed by the State Disability Act and the only place they are prohibited is driving on State highways. Mayor Harper told Mr. Watts that Chief Clayton may be able to help do something more about the situation if you would like to speak with him after the meeting.

Brenda Thomas wanted to know if the City has changed their policy on when late charges are place on the utility bills. She said that the bills are due on the 20th of each month and this month the 20th fell on a Sunday and the City had a Holiday on the 21st which was Monday, so she paid her water bill on the 22nd which was Tuesday and was charged a late charge. Alderman Stalnaker told Ms. Thomas that the City’s policy has not changed. The bills are due by the 10th of each month and each one is given a ten day grace period so the final day they are due is the 20th, so if you pay your bill the following day a late charge will be attached to it. Mayor Harper also told Ms. Thomas that the drop box is checked each morning and once everything was posted in the drop box, then the late charges are accrued. Ms. Thomas argued that the policy has changed because the bills were not always done that way. Mandy Luke and the Council told Ms. Thomas again the policy has not changed.

Barry McMillian wanted to know about the grease traps the restaurants are being required to install. Will his business be required to install a \$500.00 dollar grease trap or a \$5000.00 dollar grease trap? Barry told the group that he spoke to Chick Fil-A in Tifton and they have the under the sink grease traps installed in their

business and that is sufficient for Tifton but my business is being required to install a larger grease trap. John Reynolds told the group that Barry's restaurant will have to install one of the largest grease traps. Barry told the group that he does not understand why his business is being required to install the largest grease trap when a smaller one should suffice. He said in today's economy a small business cannot afford to purchase a \$5,000.00 grease trap. Mayor Harper told Mr. McMillan that John Reynolds who is our waste water professional who is making those decisions. The Ordinance specifies the formula that he is bound by for determining what kind of grease trap each individual business will need to install. Mitchell Moore explained to the group that they checked fifteen Ordinances for the most recent formulas from six other Municipality's and adopted the formula that was the most workable for our Municipality. Debbie Rowan from Nashville's Smokehouse asked the group why the existing grease trap will not suffice and another one will have to be installed. Alderman Stalnaker told Ms. Rowan that the existing grease trap does not meet requirements and will need to meet the Ordinance requirements. John Reynolds gave an example to Ms. Rowan why the grease trap they presently have will not suffice. Cindy Watson asked John what the City will do about a resident pouring their grease down the drain. John said all we can do is educate the public on "what will happen if they pour grease down their drains", we cannot control each individual household. Alderman Carter told the group that the City Council is not trying to make things hard for business owners. The New Waste Water Treatment Plant cost the City six million dollars to build and the grease simply cannot go into that new facility. Alderwoman Watson told the group they may want to check with the Berrien County Chamber of Commerce in reference to help with a \$500.00 to \$500.00 business improvement match, if they are members with the Chamber of Commerce. She also asked if the Community Center will be required to install a grease trap. Alderman Richburg said the Community Center will be evaluated and a grease trap will be installed if one is required. Alderman Retterbush asked John Hunkele who is the City's engineer on this project, to tell the business owners who are present what will happen to the wastewater treatment plant if grease gets into the system. John Hunkele told the group if grease gets into the pipes it will accumulate and interferes with the treatment process. The grease impairs the performance and could be detrimental to the entire treatment process. John Reynolds adds the grease has already begun to accumulate on the side walls of the plant. Alderman Richbourg asked what can be done to educate the public. Mandy Luke told group that the City is looking into changing the size of paper the bills are printed on. Instead of the small cards we have now the bills will be printed on 8 1/2 by 11 paper so we can print out any news, events, comments or alerts from different departments on the bills to help educate the public. Cindy Watson asked the group

if a business does not comply how will the fines will be assessed. Cindy told the group she agrees with what needs to be done as far as the grease traps but is each individual business going to be treated the same as far as the time limit and the fines. Mayor Harper told Cindy that everyone will be treated the same. Alderman Stalnaker asked Dawn Morrison if any grants are available for these small businesses. Dawn said she would check into it but most of the time the Government will not help small business. They concentrate on public institutions and how many jobs it will create before they will even consider giving any assistants. Alderman Richbourg told the group these businesses need to know what will happen if their business installs the new grease traps but the business down the road does not comply with the new Ordinance. What will the penalty be for that business? Mitchell told the group the penalty is up to \$1000.00 for each violation. He explained what will happen is a citation will be issued and they will come to court before the Municipal Judge and he will make the decision of what the penalty will be. Randy Land asked Mr. Henry to deliver each business a copy of the Ordinance in its entirety, and make sure they sign that they received it. Mitchell More told Mr. Henry to make sure these businesses check to make sure the systems they are installing will comply before they spend any money. Cindy Watson commented that they did not want to install a thousand gallon grease trap if all they need a five hundred gallon grease trap. Neil Bennett with NDB Septic Service, who was one of the ten listed on the EPA Compliant Grease Interceptor Maintenance Companies which was handed to each of the business, told the group according to State Law a thousand gallon or more grease trap must be emptied every ninety days and anything less should be emptied every month. Alderwoman Watson asked John if we could provide these businesses with the information on the grease traps and what size each one will need. Randy Lane told the Council Henry Yawn and John Reynolds provided each business with a copy of the Ordinance on grease traps Sec. 29-67 Interceptors which was passed on August 27th, 2012. Each business received a copy of the diagram on Grease Interceptors Detail, also a copy of EPA Compliant Grease Interceptor Maintenance Companies the ten closes companies in our area; they also received a copy of a fact sheet on Grease Trap 101, and a fact sheet on fats, oils, and grease. Each business was given 30days to be in compliance with the Ordinance from the date the letter was delivered. Neil Bennett told the group that it will take up to two weeks to do the “locates” on some of these grease traps and two to three days to install the trap. Mitchell told the group that there is a provision for a 30 day extension if they are in compliance. Randy Lane told the group the 30 day time limit from when each business received the documents and signed for them, is up on February 15th, so if these businesses are complying then they can get a 30 day extension which means they have until March 15th. Randy Lane told the Council that John Reynolds and

Henry Yawn will hand deliver another copy of the Ordinance with a letter which states they are to be in compliance as of March 15th. Also they will make sure each business owner signs the letter so we know they have been informed again. The Council added we need to run an ad in the paper so we can educate the public about the grease and the effects it has on the new Waste Water Treatment Plant. Mitchell Moore wanted to update the group on the North Berrien County Gas Line. He said they heard something back from the City of Tifton in reference to the maintenance cost of the gas line. He reminded the Council about the issue that came up in reference to the maintenance cost for the gas line and that the City of Tifton is losing money on the gas line due to maintenance cost. The City of Tifton has submitted those figures to Peter and he is reviewing them. Mitchell said with the Council approval he will respond to the City of Tifton that we have received the figures and once we have gone over them and considered them we will get back in touch with the City of Tifton.

ADJOURNMENT

There being no further business to conduct, Alderman Richbourg made a motion to adjourn the meeting at 7:00p.m. Alderman Stalnaker seconded the motion and the motion carried unanimously.

Mayor Travis Harper

Alderman Eric Gaither

Alderman Mellisa Watson

Alderman Antonio Carter

Alderman Billy Retterbush

Alderman Scott Stalnaker

Alderman Michael Richbourg

ATTEST

Tina Ward, City Clerk