

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
FEBRUARY 24, 2014
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 Mayor Travis Harper, Aldermen Antonio Carter, Scott Stalnaker, Eric Gaither, Billy Retterbush, and Alderwoman Mellisa Watson.

STAFF PRESENT: Mandy Luke, Tina Ward, Randy Lane, John Reynolds, Peter Schultz, Dawn Morrison, Chief Chuck Edwards, Paul Stagner, and Mitchell Moore.

OTHERS PRESENT: Bryan Shaw, Pearlene Daniels, Gayle Bailey, Brenda Smith, Margie Tygart, Kyle Pearson and Skeeter Parker.

ADOPTION OF THE MINUTES AND PUBLIC HEARING FROM THE PREVIOUS MEETINGS- Alderman Carter made the motion to adopt the minutes from the previous meeting. Alderman Stalnaker seconded the motion and the motion carried unanimously.

ADOPTIONS OF FORMAL AGENDA- Mayor Harper asked the Council to add a few items to the Formal Agenda. Item number five, Open Bids for the BILO Project, and item number six, GMA Annual Convention and Training opportunity. Alderman Gaither made the motion to adopt the formal agenda with the additions. Alderwoman Watson seconded the motion and the motion carried unanimously.

NEW BUSINESS

1. Rezoning Property at 920 North Davis Street- Mr. Henry Yawn told the group the City held a Public Hearing on this request at 5:30. The application for rezoning this property was heard and granted in 2004 by the Berrien County Planning Board. However the request was never brought before Council for approval. The request from the property owner Mr. Jerry Morris was to change the zoning of 920 North Davis Street from R15 (residential) to GB (general business). Alderman Stalnaker made the motion to grant the request to change 920 North Davis Street to GB (general business). Alderman Retterbush seconded the motion and the motion carried unanimously.

2. Resolution for the Gate Way Grant- Mitchell Moore told the group that the Council needs to adopt the Resolution for the Gate Way Grant so that Crissy Staley can send the application along with all the other documentation needed for this grant. Currently we have two Resolutions for Council to approve. The first one is the resolution that GDOT sent to Crissy in PDF format. This Resolution is the one that the Council needs to approve for GDOT. Mitchell stated that some of the blanks in the Resolution were filled in incorrectly so he revised it. After he revised the resolution he forwarded it in word format to Mr. Davie Biagi with GDOT and he informed Mitchell that the resolution which is in the original PDF format is what GDOT requires to be submitted, but we can adopt and submit both resolutions with the application package. Mitchell also informed the group that the maintenance agreement with DOT will be completed after the grant application. Alderman Stalnaker made the motion to approve the resolution for the Gate Way grant. Alderman Retterbush seconded the motion and the motion carried unanimously.

3. First Reading of the Designated Properties & Boundaries Ordinance for the Historic District- Mitchell Moore told the group this will constitute the second reading of the Designation Ordinance which will set forth the geographic boundaries of the historic district. It also includes the listing of contributing and non-contributing properties with the revision the Council made at the first reading which was to change Mr. Luke's property to a non-contributing property. Alderman Retterbush made the motion to adopt the Designation Ordinance. Alderman Gaither seconded the motion and the motion carried unanimously.

4. Historic District's Design Guidelines- Bryan Shaw told the group that according to the Historic division in Atlanta we must adopt the submitted historic district design guidelines. These guidelines were given to the Council about three weeks ago. The historic guidelines consist of three areas, preservation, construction, and presentation. He told the group that as of right now 95% of the properties within the district are in compliance of these guidelines. Randy Lane asked Bryan if someone owns a building within the historic district what they should do if they if they want to make any changes to the property. Do they still have to adhere to the City's Ordinances and Codes or do they only see the Historic Commission for a certificate of appropriateness. Bryan said any changes or improvements made to the property will require a certificate of appropriateness but they still must adhere to any of the City Ordinances and Codes. Bryan also suggested the historic guidelines be mailed out with the next set of certified letters. Dawn suggested they not send each of the property owners a copy of the twenty two page design guidelines since we can have copies of the guidelines available at City Hall and the Courthouse. Mitchell concurred and added the documents including the Certificate of Appropriateness are also on the City's website. Alderman Stalnaker made a motion to adopt the Design Guidelines for the Historic District. Alderman Carter seconded the motion and the motion carried unanimously.

5. Bid Openings for the BILO Project- Mayor Harper told the group last Thursday at 2:00 we had a bid opening for the BILO Project. Four bids were submitted the first bid was from Bryan Stone Construction out of Adel and their bid was for \$289,747.67 with sixty days until

completion; Classic Homes by Weaver bid \$215,040.69 with sixty days until completion. Also Gaither Construction bid was \$259,040.69 with one hundred days until completion; and John Webb bid was \$267,982.50 with sixty days until completion. Mayor Harper informed the group that in order to meet the deadline of May first we asked that the bids be presented as sixty days until completion so this requirement disqualifies Gaither Construction. Classic Homes by Weaver is the lowest bidder. Mayor Harper added that he Mitchell Moore and Randy Lane had some reservations about using Mr. Weaver again for this project due to the previous project he worked on for the City. We met with Mr. Weaver and he apologized and said there was no excuse for not finishing the last job the City pulled him from. Mayor Harper suggested the Council go with Classic Homes by Weaver because it is \$53,000.00 cheaper than the next low bidder. Some of the Council asked about the plans and if an elevator was included. Mayor Harper said an addendum will have to be completed and included in the plans in the next few months. Mr. Weaver stated he would put out the bids for the elevator if the Council chooses. Alderman Stalnaker asked why the elevator was not included in the bids presented tonight. Mitchell said he spoke with Richard Hill who is the architect for the project and Mr. Hill stated an elevator was not needed until another tenant adjoins the building. Mr. Hill added that an elevator could be installed in the lobby of the building and it would serve the North and South side. Mr. Hill contemplates that we will not commit to an elevator until there is a need for another tenant and because it is not required by ADA compliance unless there are tenants on the first and the second floor. However, should an elevator be required then some minor adjustments will need to be made to include the elevator. Mitchell stated that the adjustments for an elevator needs to be addressed now and a commitment made from BILO that if and when an elevator is needed that they will commit to something more than is what's on this lease. Dawn Morrison stated that since she started the project it was her understanding that if the elevator was not in the plans that it would be a deal breaker and they would not come to our building. Mitchell stated he spoke to the BILO representative and as long as an elevator is contemplated at some point then it will not be a deal breaker. Randy Lane, Dawn Morrison and Mitchell had some more discussion about the issue and Mitchell told Randy Lane that he is the project manager. Alderman Retterbush asked why they are recommending Gary Paul Weaver for this project when he was taken off of the last project. Mayor Harper stated the City has used Gary Paul for many projects and the last one was the only one he fell short on. Mr. Weaver had stated he was sorry and that he had no excuse except he stretched himself a little too thin and could not complete the project on time. Alderman Retterbush asked why the elevator was not in with the bid packets because it would make more sense to include it in with the packets and not wait to bid it out later. Mayor Harper said when he spoke to Mr. Weaver earlier today he said the elevator cannot be figured in for around three to four months because of the backup at most elevator companies. Alderman Gaither stated he would have to abstain from the vote due to the fact he is related to one of the bidders, but he wanted to recommend that the Council use the next lowest bidder on the project. Mayor Harper told Alderman Gaither he will not have to abstain from the vote because the contractor that is a relative did not meet the qualifications or did not comply with the recommendations for the project; therefore he is not in consideration for this project. Alderman Retterbush stated he still has a problem will allowing Mr. Weaver to handle this project when the City had to take him off of the last project. Randy Lane explained that we asked Mr. Weaver to help with the solar panel project while he was still working on the

Beetree Park project. Mr. Weaver was then asked to do some other things for the Solar Company which took up so much of his time he was “stretched too thin”. Mitchell stated that they all had some reservation on using Mr. Weaver but when we met with he suggested we increase the liquidated damages from two hundred to five hundred per day. Mitchell said that Mr. Hill told him that Mr. Weaver took the time to itemize everything correctly in his bid and also contemplated the windows and an elevator. Mr. Hill not BILO is the one who anticipated an elevator in the lobby concept which would serve BILO and the another tenant should one take the other space there. Randy gave the group some information on the plans for flooring that will save the City twenty two thousand on the floor covering. Mayor Harper added that Mr. Weaver has completed several projects for the City including the renovations to City Hall. He added he is still seventy five thousand dollars cheaper than the next lowest bidder. Alderwoman Watson stated Mr. Weaver will be cheaper even if we added the elevator into the plans. Alderwoman Watson made the motion to allow the lowest bidder Classic Homes by Weaver with a bid of \$215,000.00 to complete the project. Alderman Stalnaker seconded the motion with reservations and the motion did not carry with three voting no and two yesses. Alderman Retterbush made the motion to allow the next lowest bid who meets the requirements of the job which would be Bryan Stone Construction with a bid of \$289,747.67 to complete the project. Alderman Gaither seconded the motion. Mayor Harper stated he could not understand why the Council wants to take a bid that is seventy five thousand more than the lowest bid. He did a roll call vote with two voting no and two voting yes the Mayor broke the tie with his no vote. The motion did not pass. After some more deliberation Alderwoman Watson made the motion again to go with Classic Homes by Weaver. Alderman Stalnaker seconded the motion and the motion passed three to two. Mitchell Moore added the amount of liquidated damages be set at \$500.00 per day.

6. GMA Annual Convention- Mayor Harper stated the GMA Convention is set for June 20th through June 22nd, 2014. The online registration begins at 9:00 a.m. on March 4th so if anyone is planning of attending the convention please turn in your registration forms to the City Clerk no later than Friday February 28, 2014. Mayor Harper also wanted to ask the Council permission for Alderman Carter and himself to train at another GMA event in April. He added the training will be held in Augusta for four days. Mayor Harper told the group the training cost will be \$550.00 per person and the room will cost approximately \$120.00 per night and they will share the room. The total cost will be around \$1,500.00. Alderwoman Watson asked what type of training is offered. Mayor Harper stated it is leadership training that is offered once a year. Alderman Stalnaker asked Mandy if the City has the money in the Budget. Mandy stated she will have to check. The Council decided to table this request until the next Council meeting.

REPORTS

7. City Manager’s/Finance Director’s Report- None

8. City Attorney’s Report- Mitchell Moore told the group he was approached by Paul Stagner with a request for moratorium or a stay on the old City cemeteries, St. James and Griner. There are some questions about ownership of the cemeteries although the City has maintained them. Mitchell suggested that no more lots be sold in either of these cemeteries until

everything is checked out and the City can show proof of ownership. He added that he will report back to the Council once the situation is resolved.

9. Department Head's Report- Peter Schultz told the group he looked at the limb truck and everything looks good. The dealership does not keep fuel in the trucks so they are flushing the fuel line. Peter said he will let the Council know once he goes back to look at the truck. He also asked the Council to allow the street department to keep the old limb truck for a stand by tuck. Alderman Stalnaker said he spoke to Peter about keeping the old limb truck for usage if the other truck goes in for maintenance. The dealership wanted to give the City around one thousand for a trade in and the truck would be worth more than that to the City if we use it as a backup. Alderwoman Watson stated that using the old truck as a backup sounds fine as long as the City is not putting in too much money to keep it running. Randy Lane updated the group on the status of Beetree Park since Peter and the street department took over the project. He said we have put down six loads of top soil, installed the new playground equipment. We moved the basketball goal and lowered it down to eight feet. We also replaced the swings. Randy said he ordered new backboards for the basketball goal he also ordered a water fountain. Also we have someone who will pave the track for \$9,000.00. The total budget was \$50,000.00 and we spent a total of \$54,656.82. Randy added the total includes landscaping for the park. Dawn Morrison told the group that Crissy Staley from the Chamber wants a headcount for the roundtable event that is set to take place Wednesday night in Alapaha. As of now I have listed Myself, Antonio, and Mellisa. Mayor Harper, Alderman Stalnaker, and Mitchell said they will attend if their work schedule permits.

PUBLIC COMMENTS FROM PUBLIC/COUNCIL

Pearlene Daniels stated that although Mr. Weaver was pull off the park project to do another important job for the City he did not put the Beetree Park project in the top of his priority list. Margie Tygart told the group that the Woman's club met with the forestry department and they set out ten dogwood trees for the Yes Center. She stated they have fifty dogwood trees left and they would like to plant those trees up and down Dogwood. Mayor Harper told Ms. Tygart that the City has a T-Project in the works which will redo the sidewalks up and down Dogwood and once that project is underway we will be planting Dogwood trees up and down Dogwood. Ms. Tygart also told the Council they would plant some of the Dogwood trees at Beetree Park if someone would water and take care of them. Pearlene Daniels said the "Girls of Action" will be happy to take care of the trees. Ms. Tygart also asked the Council to look into putting the trash can at the cemetery in another spot. Paul Stagner told Ms. Tygart he will look into the matter. Brenda Thomas told the group she can help Mitchell Moore with locating the owner or owners of Prescott Cemetery. She said that years ago her grandmother, Lola Cowley and her great uncle Sam Lukas were the contact people when someone was to be buried or needed information for a burial. Skeeter Parker asked the Council to look into doing something with the abandon property at 1407 Azalea. Paul Stagner told Mr. Parker the property is in limbo which means the property owner does not want it and it has not gone through foreclosure with the finance company. We can't do anything until the property goes under foreclosure. Alderman Stalnaker asked Paul and Mitchell if the City could assume ownership of the property in order to go in

and clean it up. Mitchell said we need to contact the lienholder and find out if the City can be empowered to do something if they are not going to foreclose on the property. He also stated if the neighbors sign a petition against the property so the City can step in and do something to clean it up. Mitchell stated he will look into the matter. Kyle Pearson since the City has awarded Mr. Weaver another project please be sure there is a clause or something in his contract so he does not make the same mistakes again. Ms. Tygart asked who she needs to

contact about planting the trees at Beetree Park. Mayor Harper told her Randy Lane is the project manager and he can tell here where to plant the trees. Aldermen Stalnaker and Retterbush thanked the Historical Commission for all their hard work.

ADJOURNMENT

There being no further business to conduct, Alderman Carter made a motion to adjourn the meeting at 7:11p.m. Alderman Gaither seconded the motion and the motion carried unanimously.

Mayor Travis Harper

Alderman Eric Gaither

Alderwoman Mellisa Watson

Alderman Antonio Carter

Alderman Billy Retterbush

Alderman Scott Stalnaker

Alderman Walter Steward

ATTEST

Tina Ward, City Clerk