

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
FEBRUARY 25, 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, Mandy Luke, Randy Lane, Peter Schultz, John Reynolds, Henry Yawn, Tommy Davis, Chief Clayton, and Mitchell Moore.

OTHERS PRESENT: Randal Milton, Allen Davis, Margie Tygart, Bryan Shaw, and Darrell Miles.

ADOPTION OF MINUTES- Mitchell wanted to clarify something for the Council under item five of his report. "According to their figures and ours there is a discrepancy of about \$1.28 per mile." Mitchell wanted the Council to know that the original amount given by Tifton was \$1.78 and based on our figures we came up with fifty cents. Alderman Stalnaker told Mitchell according to what he understood that the City was going to have a meeting about the maintenance figures Tifton came up with and our maintenance figures before a counter proposal was given. Council agreed that the minutes reflected all of the above. 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 asked the Council to remove item number two from the formal Agenda. Mitchell added that we must contact the owners before the public hearing scheduled March 11th and give them a chance to be heard before we have the first reading of this Ordinance. Mayor Harper added as item number three, Radio Read meters. And item number four,

Proposed Lease agreement from a Solar Firm. Alderman Richbourg made the motion to adopt the formal agenda. The motion was seconded by Alderman Carter and the motion carried unanimously.

NEW BUSINESS

1. Amendment to the GMEBS Benefit Retirement Plan 2nd Reading- Mitchell Moore told the group this amendment will reduce the vesting requirement for eligible employees employed on or after March 1, 2013 from a 10 year cliff vesting schedule to a 5-year cliff vesting schedule so that benefits will be 100% vested after a participant has a minimum of five years of total credited service. This will constitute the second reading of this Ordinance. It will be in effect as of March 1st, 2013 once it is published in the local paper. Alderman Gaither made the motion to adopt the Ordinance. Alderman Retterbush seconded the motion and the motion carried unanimously.

2. Updates to Nashville Code of Ordinances, Article 5 Sec. 5-76 through Sec. 5-80- Mitchell told the group this original ordinance was adopted July 8, 1991, but was not enacted as specific amendment to the Code and hence has been included herein as Article IV §§ 5-76--5-81 to Chapter 5 at the discretion of the editor. Mitchell recommended that the Mayor and Council adopt the entire ordinance again. The draft for the first reading will comply with the provisions for adopting an ordinance with the necessary enabling language. He concurred with the marked up revisions, but also noted that our existing definitions should be expanded to include lavatory, faucet and toilet as defined under OCGA § 8-2-3. He also noted that State ordinance provides that any person violating or installing a toilet, faucet, urinal shower head in violation of the code section shall be guilty of a misdemeanor. Since we are seeking compliance by the City Code with OCGA § 8-2-33, he suggested that we incorporate the definitions as hereinabove stated and also incorporate the penalty of a misdemeanor which will still be prosecuted in Municipal Court. Mitchell stated this will constitute the first reading of this Ordinance and a second reading will take place at the next Council meeting.

3. Radio Read Meters- Mayor Harper told the group that he and Alderman Carter met with Chris Poje at Mayor's Day event which was held in Atlanta. Mr. Poje informed us that GEFA is in their final phase of sending out letters to those still interested in the radio read meter project with the principle forgiveness on the loan. Mr. Poje told us that GEFA has dropped the principle interest rate from 0.8% to the principle interest rate of 0.5% on the loan for all those who qualify for the principle forgiveness on the loan. Also GEFA said if the Council was still

interested in buying some more time until we figure out how much this financing will cost and what we are looking at with the Waste Water Treatment Plant, we could authorize Mandy Luke to fill out the non-binding application for the loan. Once it is approved by GEFA it will come back to the City for final approval. Mayor Harper told the group this will buy the City some more time. The City will not be obligated to take the loan. Chris Poje also suggested that if we complete the application then we should start the bid process in order to buy even more time. Alderman Gaither asked what the engineering fees are. Alderwoman Watson told the group at the last work session we had on this project Mr. Poje told us the Engineering fees were \$3,500.00. Mayor Harper told the group the engineering fees will be paid out of the loan and this is with every project. Alderman Retterbush told the group he would like to wait and see what will happen after the LOST negotiations are completed. Mayor Harper told the group the engineering fees were authorized about a year and a half ago when we authorized Mr. Poje to look into the project. He stated that when he first brought this project before the Council we had Turnipseed Engineering complete a study to see how many water meters were needed and the Engineer, Chris Poje presented Council with the proposal during a Work Session. Alderwoman Watson stated that this is not a good idea right now because we have entirely too much going on. Mitchell Moore told the group he could shed some light on the LOST negotiations. The Supreme Court has taken the case and they have granted a discretionary appeal. Mayor Harper said right now we have been approved for the 20% principle forgiveness on the loan from GEFA and if we don't fill out the application we will lose out on the 20% forgiveness and the 0.5% interest rate. Alderman Gaither asked Mandy if the City is obligated to pay Chris Poje the \$3,500.00 for engineering fees. Mandy told the group so far we have not paid anything. She was given permission by the Council to look into it, but not sure what that includes without listening to the minutes. Alderman Stalnaker stated he was under the impression that it would not cost anything to look into the project. Mayor Harper said that he recalled the amount quoted was \$2,500.00. Alderwoman Watson told the group the amount Mr. Poje quoted was \$3,500.00 at the work session held on September 6th, 2012. Alderman Carter told the group the City is going to be out the \$2,500.00 if we fill out the application or not, so he suggested the Council grant the permission to fill out the application to Mandy so we can keep the 0.5% interest rate. After we get the bids in we can see how much the cost will be and we can decide if the City can go through with the project at that time. Randy Lane asked Mandy if the Council knows what had to be done in order to balance the budget for the Water project. Mandy told the group she had to add in money from the water departments savings in order to balance their budget. Alderwoman Watson asked Randy Lane his personal opinion on the radio read meters project. Randy said he would wait and

see what the expenses are for the new Waste Water Treatment Plant before we add another project. He added this is defiantly something worth checking into but timing is everything. John Reynolds added this project will defiantly save the water department some money. Alderwoman Watson suggested that before Mandy fills out any application she should call Mr. Poje and find out what the City owes him. Mandy told the group she will look back in the work session minutes and find out what was quoted. Mayor Harper suggested this item be postponed until the next Council meeting. He added we have six to eight weeks to make the decision to apply. Alderman Stalnaker made the motion to postpone this item until the next Council meeting. Alderwoman Watson seconded the motion and the motion carried four to two with two opposing.

4. Propose Lease Agreement from a Solar Firm- Mayor Harper told the group that he, Randy and Mandy met with a Mr. Bill Elliot who is the owner of a solar firm from the Atlanta area. The request by Hanna Solar LLC through which they contract with Georgia Power Company to allow private companies to build solar energy plants locally. Georgia Power then buys energy from the plants with tax credits. They would like to lease around five to eight acres from the city at a cost of \$15,000 per year. They are interested in two locations for a total of \$30,000 per year with a five-year option to renew and a second five-year option to renew if desired. Mayor Harper added, the Solar Company will pay the application fee and then the application is subject to approval by Georgia Power. Mitchell was asked to look over the agreement and his concern was if this is a Proprietary or Governmental function because there are certain restrictions that apply to one but not the other. He advised the Council to push forward with the agreement subject to further negotiation and refinement. Mitchell also cautioned the group about one of the areas the company wants to lease which is the spray field. The spray fields are the backup and part of our contingency plan on our Waste Water Treatment Plant and we don't need EPD to come back and say we should not have tied it up because it was the backup for the new plant. Alderwoman Watson requested the Council hear offers of other solar company's before a decision is made. Alderman Retterbush agreed with Alderwoman Watson and added we should take time a research this further before we make any decisions. Alderman Richbourg asked the Mayor what he wants from the Council. Mayor Harper explained this company will fill out the application and pay the application fee of \$5,000.00 then Georgia Power must approve the application before they can go through with the project. Mitchell advised the group to take this under consideration subject to further refinement and negotiation. Mayor Harper suggested that the Council make a motion to proceed subject to a lease agreement that is worded by our City Attorney and according to our terms. He also told the group about an opportunity the City

may have in the future should Georgia Power approve the application. Alderman Stalnaker made a motion to proceed with the lease agreement with Hannah Solar, subject to Mitchell's additions and providing that the city is not obligated in any way, shape, or form. Alderman Richburg seconded the motion and the motion passed five to one with one opposed. Mayor Harper added in the meantime Alderwoman Watson can try and see if the company she knows would be interested and maybe give a better deal.

REPORTS

5. City Manager's/Finance Director's Report- Mandy Luke told the group that the City's liability insurance is up for renewal on May 24th. Council needs to decide if they want to bid it out. Alderman Richbourg said the Council has already set up the bidding for every two years, so no motion was needed.

6. City Attorney's Report- Mitchell Moore updated the group on the LOST litigation. The hearing on the motion to be dismissed was rescheduled due to the sudden illness of the Judges spouse. We do not know at this point when it will be rescheduled. However the Supreme Court did grant the discretionary appeal filed by Turner County in connection to the denial of the motion to dismiss. This case was heard on the December 8th. The judge took the best offer of the City and denied the motion to dismiss. Mitchell said he is not sure what effect this will have on pending cases but to his knowledge this is the only case that has been taken up to the Supreme Court at this time. Mitchell said he has prepared all the necessary paperwork and is waiting on the rescheduled hearing. Alderwoman Watson shared some of the things she learned while attending some GMA classes this week. She said according to the City Manager in Valdosta who taught one of the courses, most of the four or five City's that have gone through the LOST litigation have won their cases. Mitchell said he knew of a couple of case where the City's prevailed. Mayor Harper said in those cases it had something to do with separation of power. Mitchell said agreed that one of the cases did, and read the outcome of both cases. We however are dismissing our part about the challenge to the unconstitutional on the judicial power. Mitchell told the Council he will keep them posted.

7. Department Head's Report- Randy Lane introduced Sargent Paul Stagner who will be the City's new Code Enforcer to the Council. Sargent Stagner will be replacing Henry Yawn once Mr. Henry retires at the end of the year. Also, we will have a meeting here on Thursday at 6:00 p.m. in reference to the Beetree Park project. Randy also informed the Council of a request made by Chief Clayton. He

said since they abolished the old Task Force the Chief was given a new computer that belonged to the old Task Force commander. He also purchased another computer before he received the donated one from the task force. Chief Clayton wanted to ask the Council about declaring two of his old Dell desktop computers as surplus property so they can be donated to the District Attorney's office. The District Attorney's office does not have any desktop computers. Alderman Richbourg made the motion to declare the two Dell desktop computers as surplus property so they can be donated to the District Attorney's office.

PUBLIC COMMENTS FROM PUBLIC/COUNCIL

Alderman Stalnaker stated that Tommy Davis and the street department did a good job on the City's ditches.

Alderwoman Watson asked John Reynolds how many restaurants have their grease traps installed. John told the group only one. Alderman Stalnaker told the group that he knew of several that have the plans completed they are just waiting on the equipment to come in so they can be installed. Randy Lane told the group the second thirty day deadline is almost up. Alderman Richbourg stated that the cost to install the grease traps will be more if the restaurants do not comply.

Alderman Carter agreed with Alderman Stalnaker about the good job the Street department did. He also wanted to ask the Council to allow Mandy Luke to be the sole person who makes the decisions on training. He asked that the request for training does not go before the Council. Alderman Richbourg stated the Council has already done this request. Mandatory training is not brought up before the Council, only the non-mandatory training is heard before Council. Also, if the training is free the decision is Mandy's. Alderman Carter stated that he wanted to go to some training courses for the City. Alderman Richbourg replied that all of the Council is granted one or two training session per year, and that decision was decided a few years ago. Mayor Harper suggested the Council have a work session and discuss the Councils training. Alderwoman Watson suggested the City hold a retreat or a work session for the Council so we can sit down and figure out what our five or ten year plan. Mayor Harper said we did a work session on the 5 year plan a few years ago. Mandy stated the City would have to schedule a work session because we simply do not have the money for a retreat. Alderwoman Watson said she would also like to sit down with the County representatives once a year and discuss our plans. Alderman Stalnaker stated we do this through the round table sessions that are held every year. Alderwoman Watson said she would like to have an open work session once a year without the chamber members in order to sit down with just the County Commissioners.

ADJOURNMENT

There being no further business to conduct, Alderman Carter made a motion to adjourn the meeting at 7:00p.m. Alderman Richbourg 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