

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
MARCH 11, 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, John Reynolds, Henry Yawn, Tommy Davis, Chief Clayton, and Mitchell Moore.

OTHERS PRESENT: Allen Davis, Bryan Shaw, John Black, Keith Stone, Margie Morris, Walt Turner, Barry McMillan, Debbie Rowan, & John Mitchell.

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

ADOPTIONS OF FORMAL AGENDA- Alderman Stalnaker made the motion to adopt the formal agenda. The motion was seconded by Alderman Retterbush and the motion carried unanimously.

NEW BUSINESS

1. First Reading of the Historic Preservation Ordinance/Amending the Historic district- A public hearing was held at 5:00 p.m. regarding the City Ordinance Chapter 31: Historic Preservation District; the defined district boundaries and the specific properties being considered for designation as a historic property within those boundaries are defined as follows: Jackson Street and fronting properties, south to Dennis Avenue and fronting properties, west to

Bartow Street and fronting properties, north to McPherson Avenue and fronting properties, west to McKinley Street and fronting properties, north to Avera Avenue and fronting properties, east to original starting point on Jackson Street. Mitchell Moore told the group we must designate the property owners and have them listed in the Ordinance. He added we have redefined the boundaries of the Historical Preservation Ordinance. Bryan Shaw said we are planning on sending a list of these properties we have identified for historic relevance to the Historic Preservation Division in Atlanta. They are required to respond in thirty days. So we may need to postpone the second reading until we get those results back from Atlanta. Mitchell agreed with Bryan Shaw and told him we can postpone the second reading, the adoption, and the publication until we get those results back from Atlanta.

2. Updates to Nashville Code of Ordinances, Article 5 Sec. 5-76 through Sec. 5-80- Mitchell told the group this will constitute the second reading of this Ordinance and if it meets with the Councils approval then we can adopt it and have it published. Alderman Gaither made the motion to adopt the Ordinance. Alderman Carter seconded the motion and the motion carried unanimously.

3. Ratify the decision to create the position of City Marshall- Randy Lane told the group on February 26th, 2013 he sent out a message to all the Council about the City Manager having the authority to create a new position. Paul Stagner was appointed the new City Code Enforcer/ City Marshal and the Council needs to ratify the decision of City Manager Mandy Luke to create the Nashville City Marshal's Office. This department will be responsible for the enforcement of City Ordinances, State Law, and anything pertaining to Nuisances, as well as any Code Enforcement activity. Alderman Richbourg made the motion to ratify the decision to create the new position of City Marshal. Alderman Retterbush seconded the motion and the motion carried unanimously.

4. Radio Read Meters- Mayor Harper told the group he received a letter today from Mandy outlining her interest and concerns in the project and also her opposition to move forward at this time due to the circumstance we face with the Waste Water Treatment Plant and LOST. Although he respectfully disagrees that now is not the right time to move forward he does respect Mandy's opinion and her guidance. Alderman Richbourg stated that we need to pay any fees that may have incurred during this investigation or survey. Mayor Harper told the group that he feels sure that any fees will be carried over until we decide to pick this project up again. Alderman Retterbush stated that this project was never bid out so we are not obligated to pay anything. Alderman Richbourg said if we are obligated to pay for

the services then we need to get it paid. Alderman Retterbush said he asked Mandy Luke and Tina Ward to go through the minutes and the work sessions in order to see if this Council approved any type of survey being done. According to their findings no such motion was made and no approval was given. Alderman Retterbush stated that no contract has been signed approving this investigation or survey so we are not obligated to pay. Alderwoman Watson stated that she believed no one was aware of this until the Work Session when she asked Mr. Poje what the cost was for the work done so far. Mayor Harper stated that he recalled everyone was ok with this project from the first time it was brought up and any time you move forward with a project all the charges are worked in. Alderman Retterbush stated he was not aware that the go ahead was given on this project and he certainly would have voted against it especially if it was charging the City \$2,500.00. Alderman Richbourg stated that if we are monetarily obligated to pay any charges for the work that is done so far then we need to pay the bill so it does not come back up down the road that we owe this person \$2,500.00. He added that Mandy can pay that amount without approval from the Council because it is under her \$5,000.00 limit. Alderman Stalnaker stated we need to pay this because we may want to use their services in the future and we certainly want to have a good standing with the company. Alderman Gaither stated the City did not send out ads for an Engineer so he does not see where the City is obligated to pay this bill. Again Alderman Richbourg stated we need to pay this because no matter how or what took place, the work was done and we need to pay the bill so we can keep in good standing with the company for the future.

REPORTS

5. City Manager's/Finance Director's Report- Mandy Luke told the group that she sent out an email to everyone last week in reference to the issues we are having with the City Tennis Courts on Hazel. She asked the Council to consider allowing the Schools to take over the tennis courts or allow them to use the facility for free but they do all maintenance on the courts and restrooms. Either way we need something in writing or a written agreement. We have a similar agreement with the County Recreation department on the City ball park. Alderman Richburg stated this agreement seems to work with the recreation department it should work with the board of education. Alderman Carter asked if a written agreement would prevent anyone from using the courts. Mandy stated we have another set of tennis courts located at Tygart Park but they are not as nice as the ones located on Hazel. Mitchell Moore asked Mandy to let the Council know what the City has done about the tennis courts on Hazel in previous years. For several years now, we have

had a verbal agreement with Coach Luke and the agreement has been that we get the restrooms and courts in usable condition at the start of tennis season. After the season begins, it was their responsibility to keep the trash picked up and keep the restrooms cleaned and stocked and locked every night when they are not in use. The City would then pick up the maintenance after tennis season and keep them up and do any improvements that were needed before the next tennis season. Mitchell added they use these courts for practice and for matches. Mandy said for several years we have had issues with the tennis courts being kept up throughout the tennis season especially the bathrooms and this year is no different. Mandy said that Randy Lane informed her of what the City of Adel had to pay to have their tennis courts redone and it was a lot of money. She added her concern is that it is not fair to allow the city tax payers to pay for all the improvements such as keeping the nets up and resurfacing the asphalt of the tennis courts and keeping the restrooms maintained when the Berrien County School System are the main people that use it. It will not be long and the wind screens will need to be replaced along with upgrading the asphalt on the courts. Randy Lane pointed out another problem they have with the tennis courts is the lighting. When a light goes out the Street department does not have the proper equipment to go up and change the bulbs. They have to borrow a bucket truck to change out the bulbs. He added they replace eight or nine this year and the bulbs are very costly. Tommy Davis added the street department also did some patching on the surface of the courts. He said we did the best we could with the equipment we had to work with. Alderman Carter said his concern was if we allow the school system to take over the courts then the citizens will not be able to use it and a lot of people use the courts during the summer months. Alderman Retterbush asked Mitchell if we could write up a fifty-fifty plan with the school system. Mandy told the group Tresa the City's custodian has had to go over to the courts five or six times to unclog or clean up the bathrooms since the schools started using the courts two weeks ago. Randy added they are not securing the bathrooms properly so this does not happen. Mitchell was unsure of what kind of agreement the City wants to present to the school board. Alderman Richbourg stated since the written agreement with the ball fields seems to be working with the County why don't we present the school board with a similar agreement and add that citizens of Nashville can use the courts if they are not in use. The group had some more discussion and asked Mitchell to add the one condition before we turn the courts over to the school board and that condition is that they will be open to the public when they are not in use. Mitchell said he will present the agreement to the school board and get back in touch with Mandy. Mandy told the group they have had some changes on the Hogan project and the Council will have to approve the amount needed. She asked Randy to explain the changes. Randy told the Council that phase one of the Hogan project was

originally to do the West wall and the floor. Justin DeVain who was with Southern Georgia Regional Commission and before he left the RC he told them the City will have to pitch in \$4,200.00 dollars to get the East wall to match the West wall. Justin figured something wrong so we had a preconstruction meeting with Kimberly Hobbs, the Engineer of the project and some of the workers. They came up with another figure which was \$14,499.50 to replace the wall on the West side. Dawn Morrison added that if we do the wall at a later date the wall will cost us \$26,000.00 but if we do it now the wall will only cost us \$14,499.50. If we don't do the wall and leave it as it is then the project will not be finished. She added the wall that is there now has big patches of stucco on it as well as holes where pipes used to be. Randy added that DCA gave us credit for the money we have raised for the project which was around \$7,500.00. The grant we received was for \$162,000.00. Mandy told the group we could use SPLOST for the \$14,499.50. Alderman Richbourg asked if we could bid out the West wall and possibly get it cheaper. Randy said they did an addendum so they will do both walls to match. Also according to Kimberly Hobbs getting a phase two grant for this project is slim to none. Alderwoman Watson requested they look into a cheaper way of building the wall. She stated that \$14,499.50 was entirely too much to pay for a wall. Randy Lane told the group the wall will be made of block and brick so it is a reinforced wall that will match the other side. Dawn Morrison told the group the plans for this wall will be tiles that were completed at the "Art of Fire" function and they will be framed out in the brick as well as the picture of Hanna Clayton with her story. This wall will represent who this Park is named after. Alderman Gaither asked if the picture of Hanna and her story will be placed on a panel. Bryan Shaw who designed the wall said we could save a few dollars on the brick where the panel will be because the panel is around 4x8 and it is not necessary to have anything behind the panel, so that is something to consider. Dawn said we really need to put brick behind the panel because ten years from now if any changes are made the wall will not be complete. So it may be best to brick the entire wall. Dawn also told the group that DCA is not very happy with us right now because this project is behind schedule due to problems with the engineer. Alderwoman Watson stated she still does not see paying that much money for a brick wall when there are cheaper ways of building this wall such as pavers that are made to look like brick. She asked Randy if we could rebid the wall. Randy said that is a question for the Engineer and he will have to be brought back in because he will have to approve then the request, and then it must be presented to DCA and they must approve the changes. He also pointed out this process will take more time and cost even more money because we have already paid the Engineer over eight thousand dollars and he will charge even more money to rebid. Dawn pointed out that we cannot receive any more grant money for this project so we need to complete this wall and

do it right. Alderman Richbourg stated that it sounds like the only solution would be to approve the fourteen thousand and complete the wall the right way because if not now then this project may end up costing the City even more money down the road. Alderman Retterbush made the motion to approve the Addendum for the Hogan Project. Alderman Richbourg seconded the motion and the motion carried five to one with Alderwoman Watson voting no. Mayor Harper also wanted to state for the record that he was against the addendum.

6. City Attorney's Report- Mitchell Moore updated the group on the proposed lease agreement with the Solar Firm. He said they modified it to show it is not binding. Mitchell read the modified agreement. Alderman Retterbush asked Mitchell if he looked into the question he had about one body of Council over another body of Council. Mitchell said he was looking at the proprietary verses the Governmental function. There are ways to meet the constitutional restraints. He said we are not contributing any money for this project the firm will be paying us. So if another body of Council comes in and decides they don't want the money any longer then we will cross that bridge when we get there. Right now all we have is a proposal to be considered so once they come back to us with what they want to do then we can make the decision to sign it. Alderman Retterbush asked Mitchell in five years if we want to get out of the contract can we do that or will there be a cost applied. Mitchell said we can address that issue and any others once we are prepared to sign, but as of now all we have is a proposal.

7. Department Head's Report- Randy Lane told the group that Brenda Ferrell from the County Commissioners office wanted to invite the Council to the event at Chaparral on March 28th at 11:00 a.m. They will take everyone on a tour around the plant and provide lunch. He added that they need a head count by tomorrow morning.

PUBLIC COMMENTS FROM PUBLIC/COUNCIL

Margie Morris told the Council she wanted to ask about the Grease Traps again. The deadline to have the traps in is Friday and several of the businesses cannot install them right now, so would the Council reconsider allowing the under the sink grease traps as long as they are tested and not allowing anything through that will harm the new waste water treatment plant. Mayor Harper told Ms. Morris that all businesses are not the same but the formula used to figure out how big a grease trap is needed is the same. Because we know your business is not as big as O'Neal's restaurant we reduced the tank size for your business. Ms. Morris complained that the tank was going to cost her seven to eight thousand dollars. She

also stated that the Berrien Press quoted the Council at the last meeting and the paper read that there are grants and funds available for small business owners. Alderman Stalnaker told Ms. Morris that he did not say that but what he did was asked Dawn Morrison to look into and see if any Grants are available. Dawn said she did and there are no grants available. Ms. Morris asked the Council to consider the revenue these small businesses provide for the City. Mayor Harper told Ms. Morris again that the City has invested a great deal of money in this waste water treatment plant, around six and a half million dollars and we have to protect the investment that the Citizens of Nashville have made. Alderman Stalnaker stated the Council has been preaching about the grease traps for two years we have put it in the paper, we have sent John Reynolds around to speak to everyone, and the only businesses that may not have known are the new businesses. Ms. Morris said that the Ordinance was passed in August of 2012 and we did not get the notices until January 2013. Ms. Morris told the group she did not know this was going to be mandatory because she would have had something in place instead of installing a under the sink grease trap. Debbie Rowan from Georgia Smokehouse complained that when their line was tested John Reynolds looked away and there was no grease found in that line. John told Ms. Rowan that he did not have to look because he already knew that there was a major grease problem in that sewage line. Part of the reason there is a problem is because Barry's is also connected to that line and both businesses are being told to install grease traps. Mayor Harper told Ms. Morris that according to Charles McCann with Georgia Rural Water the under the sink grease traps will not work. Alderwoman Watson asked the Council to have someone help John Reynolds or go behind him when he visits these facilities so all of this responsibility does not fall solely on John. Mayor Harper told Alderwoman Watson that is what Charles McCann with Georgia Rural Water has done. Charles has gone all over the State looking at grease traps and the Ordinances, some of which are stricter than ours. John Reynolds told Ms. Morris and Ms. Rowan what he thinks will work for their facilities. The two ladies' disagreed. Alderwoman Watson told the group that Pa's meats knew he had to install a grease trap before April 2012 and they installed a grease trap which was signed off on the first of April 2012 by John Reynolds. Ms. Morris had some more complaints about the list of people who are certified to install the grease traps. Alderman Richbourg told Ms. Morris that it seems to him that she has been given a lot of consideration because as John stated earlier your facility does not have to install a fourteen thousand gallon tank he said your facility would be fine with a thousand gallon tank. Ms. Morris stated she has no place to install the tank and she is fine with the under the sink trap she has now. Alderman Richbourg told Ms. Morris unfortunately if you are going to be in this type of business you are going to have to install a grease trap. Alderman Retterbush stated that he knows what Ms. Morris

has done for the City, but the City had to put in the waste water treatment plant. Ms. Morris stated she understands the plant had to be installed but she feels as if the City should have given them at least six months. Alderman Retterbush told Ms. Morris they are not experts so we have to rely on whatever the Engineer who designed the plant tells us needs to be done. Ms. Morris said it is her understanding that anyone who has not installed these grease traps will be made to appear in City Court on Friday. Mayor Harper told Ms. Morris that this subject was brought up at the January 15th meeting and everyone had sixty days in which to comply with the Ordinance or at least are preparing to install the grease trap, so how far has Ms. Morris gotten with her installation. Ms. Morris said she only has a few bids for the grease trap to be installed. Mayor Harper suggested the facilities be given thirty extra days to install the traps. Debbie Rowan told the group they feel as if they are the only facilities concerned about the traps because no one else has made an effort to do anything. The group had some discussion about some of the facilities in town which were not informed that they must install a grease trap. Both Ms. Morris and Ms. Rowan felt their facilities were being treated unfairly because they are not on the same deadline as everyone else, some of which have not been served the paperwork for the grease trap. John Reynolds told the two ladies that those facilities will be on a deadline as soon as they are notified. Randy Lane asked John how long will it take for him to visit all the facilities that need to install a grease trap. John said the process will take him another week if he does nothing else but visit these facilities. Randy suggested he do nothing else until every place has been visited. Alderman Richbourg suggested that the Council give everyone the same amount of time, so whenever John visits the last facility, however long that may be, then every facility will have the same amount of time to comply with the Ordinance. The group had some discussion over what is fair for all the facilities. Alderman Richbourg suggested they give everyone sixty days to comply. Alderman Carter disagreed with the suggestion because the facilities that have not been notified will not have the same amount of time as the owners present tonight. What will we do when these places that have not been notified come before the Council in sixty days and ask for another sixty day extension. Alderman Richbourg made the motion that the City set the deadline for May 15th. This deadline will give everyone sixty five days in which to comply with the Ordinance. Also if a new restaurant or any facility that serves food opens up in Nashville they are to be given the sixty day notice to comply. Alderman Stalnaker seconded the motion and the motion carried five to one with Alderman Carter voting against the motion. Mayor Harper also wanted the record to show he is also against giving extensions at this time.

Keith Stone told the group that he believes the Council exhibited earlier tonight that there is no such thing as “free money”. When the City applies for a grant they

need to explore the possibility of other charges that will be added to the end of the project. Although grants are a good thing they can come back to cost the City more money than originally planned.

ADJOURNMENT

There being no further business to conduct, Alderman Richbourg made a motion to adjourn the meeting at 7:18p.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