

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
MAY 13, 2013
6:00 P.M.**

INVOCATION: Keith Stone

PLEDGE: Pledge of Allegiance was led by Mayor Pro-Tem Billy Retterbush

WELCOME: Mayor Pro-Tem Billy Retterbush

ROLL CALL: Members of the City Council present included Aldermen Eric Gaither, Antonio Carter, Scott Stalnaker, Michael Richbourg, and Mayor Pro-Tem Billy Retterbush.

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

OTHERS PRESENT: Bryan Shaw, Keith Stone, Mark Gaither, Margie Morris, Jamie Chapman, John Black, Frank Watts, Lori Carter, Pauline Daniels, and Allen Davis.

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- Mayor Pro-Tem Retterbush asked the group to add an item to the formal agenda. Add Disc Golf as item number one. Also add an Executive Session to the Formal Agenda. Alderman Richbourg made the motion to adopt the formal agenda with the changes. The motion was seconded by Alderman Gaither and the motion carried unanimously.

NEW BUSINESS

1. Request for a Disc Golf Course- Mark Gaither presented the Council with a folder which included the proposal for a Disc Golf Course. He is proposing the installation of an eighteen hole disc golf course in the City of Nashville. The course will be behind Lovein Funeral Home and the City softball field. There are now more than 2000 disc golf courses in the United States and Canada, nearly all installed by City and County parks departments. People have found that there are few recreational activities that offer the high benefit-to-cost ratio of disc golf. Disc golf has relatively low capital and maintenance costs compared with other recreational installations, environmentally sound, and is played year-round in all climates and is enjoyed immediately even by beginners of all ages. Mark told the group that only 18-20 acres of land is

needed to build a course and the maintenance cost is relatively low. Mark and other local disc golf players are offering to be volunteers for the Nashville course. In this capacity they would work with park staff and local players to run leagues, clinics and tournaments and secure any necessary permits for these activities. These activities would be self-funding and would require no new park funds. Mark also pointed out the list of prospective verbal sponsors who are willing to help bring disc golf to Nashville. He also told the group that they can find out more information about the sport on the PDGA website. Alderman Stalnaker told Mark that although the Council appreciates the time and effort he put into his presentation the City is on hold about spending any money until they hear something, hopefully at the end of this month, from the LOST litigation. Mayor Pro-Tem Retterbush thanked Mark Gaither for coming and presenting his idea to the Council.

2. Resolution approving the Executive Session from April 22nd, 2013- Mayor Pro-Tem Retterbush told the Council they need to adopt the Resolution approving the Executive Session from April 22nd, 2013. Alderman Stalnaker made the motion to adopt the Resolution approving the Executive Session from April 22nd, 2013. Alderman Carter seconded the motion and the motion carried unanimously.

3. Reschedule or Cancel May 27th Council Meeting- Mayor Pro-Tem told the group that the City Hall will be closed May 27th to observe the Memorial Day holiday. Council needs to either reschedule the Council meeting set for that date or cancel it. Alderman Richbourg made the motion to cancel the meeting scheduled for May 27th. Alderman Carter seconded the motion and the motion carried unanimously.

4. Ice Skating instead of Snow on the Square during the Christmas Holiday- Dawn Morrison told the group that since 2001 the City has held the snow on the square event during the Christmas Holidays. The past couple of years we have had some trouble with older kids who come to the event causing trouble. So this year she proposes the City to allow an ice skating rink company to come in and replace the snow. This company has put on this event for several other communities. The event would be held for one day and would bring several people into the community. The cost of the snow each year was \$2,000.00 and the cost of the ice skating rink would be \$5,000.00. We could use the \$2,000.00 originally used for the snow and offset the difference by selling tickets to skate for five dollars and also selling fast pass tickets for eight dollars for anyone who did not want to wait to skate. Each ticket holder would be allowed to skate for one hour. The Company will provide everything including the skates they will also be liable for any accidents so they handle all the insurance. The County has given their approval to have the rink set up in the Administration building parking lot. The company said the rink's size is 40x100 feet and can hold up to 130 skaters at one time. Mitchell Moore told Dawn to check with our insurance carrier because they need to be informed about the event and where it will take place and what their policy is on the event. Alderman Richbourg made the motion to allow Dawn to proceed with bringing the Ice Skating event to Nashville, and allow the \$2,000.00 which was originally used for the Snow to be used toward the Ice Skating event. Alderman Stalnaker seconded the motion and the motion carried unanimously. Dawn also wanted to get the approval of Council to sign a contract between Better Hometown and Bo

Bice. She told the group she has invited Bo Bice to come to Nashville and perform on June 29th at the Horse Creek Winery. Alderman Stalnaker made the motion to allow Dawn to enter into the contract with Bo Bice. Alderman Carter seconded the motion and the motion carried unanimously.

REPORTS

5. City Manager's/Finance Director's Report- Mandy Luke wanted to ratify the decision on the incentive package she sent out to the Council in order to get new businesses to come to Nashville. Alderman Stalnaker made the motion to ratify the decision on the incentive package for new businesses. Alderman Richbourg seconded the motion and the motion carried unanimously.

6. City Attorney's Report- Mitchell Moore told the group that as far as the LOST litigation he understands that oral arguments are to be heard on June 6th between Ashburn and Turner. He will get with Mandy and let her know as soon as he hears anything.

7. Department Head's Report- Chief Clayton thanked the group for all the thoughts and prayers for his brother that passed away. He also wanted to invite everyone to the Fishing Rodeo and fish fry for the Senior Citizens that will be held at the Victory House this Friday at noon. He also told the group the children's Fishing Rodeo will be held on Saturday and the grand prize winner will be announced on the square in order to lure the crowd to the downtown area for the Fiddle Jam. Chief Clayton also wanted to get the Councils approval on applying for a Universal Hire Grant or COPS Grant. Through this grant if we are approved the Federal Government will pick up the cost or salary of hiring a new employee at 100% the first year, 75% the second year, and 50% for the third year and 25% the fourth year and on the fifth year the City will have to pay 100% of the employee's salary. Chief Clayton told the group that he has until the 28th of this month to apply for the grant and he would like to apply for two new employees. Mandy Luke warned the group that we are still unsure of the LOST litigation and each of these employees will have to be offered benefits, and be given a way to ride. Alderman Stalnaker suggested the Chief apply for the grant and resign from the application if the outcome on the LOST litigation is not in the City's favor. Alderman Stalnaker made the motion to allow the Chief to pursue the application with the contingency that we will withdraw the application if the decision on LOST is not in the City's favor. Alderman Richbourg seconded the motion and the motion carried unanimously.

Randy Lane presented a proposal of purchasing two Kabota tractors to the Council. He said the City has two old tractors, one of which can't be fixed and the other one will cost around \$2,400.00 to fix it. Tommy Davis spoke to Mr. Carter at Nashville Tractor and they are willing to give us \$28,000.00 for a trade in for the old equipment which will purchase one new Kabota tractor. Randy also asked the group to approve the purchase of the second tractor. The City can retrieve the money back from this purchase by entering into the DOT contract which stipulates the City will mow the right of ways, patching the pavement, clean the ditches, install guard rails, and remove ice and snow from roadways. He added that most of these jobs are done by the street department now so it won't be anything different. The DOT contract is offering \$3500.00 per mile. By entering into this contract we will be able to pay for the tractor plus bring

extra money into the general fund. Alderman Richbourg made the motion to purchase the two tractors from Nashville tractor under the contingency Mitchell look over the contract with DOT before we enter into the agreement. Alderman Stalnaker seconded the motion and the motion carried unanimously.

Randy also told the group he received a call from the 911 director who stated that GEMA would like to know if we are going to have any Fourth of July fireworks and if we are when will this event take place. Mandy Luke told him yes the City will have fireworks and the event will be held on evening of Thursday, July 4th, 2013.

PUBLIC COMMENTS FROM PUBLIC/COUNCIL

Bryan Shaw told everyone that Saturday is when the New Harmonies opens. The Fiddle Jam will be the first event starting at 11:00p.m. We have forty five musicians coming to the event at their own expense. All of these musicians are coming to honor Frank Malloy who is the Patriarch of string musicians in the Southeast. He urged everyone to attend the festivities. Bryan Stated this will be the biggest musical event that Nashville will see in our lifetime. Mayor Pro-Tem congratulated Keith Stone for being elected to serve on the real-estate appraiser's board by the Governor.

Margie Morris asked the Council to help her with the tap fees she will have to pay before she can install a grease trap. She said the fee for the new tap is \$2500.00. Alderman Richbourg asked Randy Lane if the City can spread out payments for the new tap. Randy said the City can carry out any wishes the Council may have but the tap fee was set by GEFA. GEFA set all the fees so the City could pay back the six million dollar loan we received for the Waste Water Treatment Plant. Alderman Richbourg asked Mandy if we could stretch out the tap fees. She told the group the total can be stretched out but not for more than six months. John Reynolds pointed out that they have given Mrs. Morris a discounted price on the tap and are only charging the cost for the line. Alderman Richbourg stated at six months the payment would be around \$416.00 per month. Margie Morris asked what will happen to her business on the 16th of this month since she did not have the grease trap installed. Paul Stagner told the group that the deadline is set for Thursday the 16th at 4:30pm. The morning of the 17th those businesses that are not in compliance will be receiving a letter of violation. In compliance means everyone must have the trap installed or a signed contract stating that it is going to be installed by thirty days. Mitchell Moore pointed out to the Council that Mrs. Morris' is unique situations because she has to put in a new tap, where the others who are putting in the grease trap do not need to pay tap fees because they are using an existing line. However Council wants to handle it by moratorium or a payout is one possibility but he said we must make sure we don't breach our covenants. If the lender tells us we are in default by doing this then we need to be ready to explain why treating this is a little different than the basic. Mitchell added the idea is to get the grease traps in place and make the effort to accommodate the businesses because the City wants to keep them in operation. Alderman Richbourg asked Margie if paying the tap fees in payments and extending those payments for six months will help her. Margie told the group that \$2500.00 is still a steep amount to pay back on top of the cost of the grease trap we will have to install. She did not understand why the City of Nashville charges so much when other City's charge less for these fees. John Reynolds told the group we have discounted the fees and are

giving it to her at cost so there is no more room to discount the fees for this tap anymore. Margie Morris told the group that she had heard someone say to add a dollar or fifty cent to our menu prices to offset the price of the tap and grease trap but we can't do that. Alderman Richbourg made the motion that if it is allowed and the City Attorney, Mitchell Moore will do the research to make sure the conditions of the City's GEFA loan will allow it, that we stretch out the tap fee for a six month period to allow the property owner the time to pay it. He added this will take effect after the grease trap is in place and all the work is finished. Alderman Stalnaker seconded the motion and the motion carried unanimously. Jamie Chapman told the group he has a problem with grease traps. He said the problems he is having are the requirements for the grease trap and the location where the grease trap is to be located. After some discussion Alderman Richbourg told the group the requirements and the location of this grease trap should have been discussed and resolved before coming before the Council.

EXECUTIVE SESSION

Alderman Stalnaker made the motion to go into executive session at 7:00 p.m. Alderman Richbourg seconded the motion and the motion carried unanimously. Alderman Richbourg made the motion to come out of executive session at 7:12 p.m. Alderman Gaither seconded the motion and the motion carried unanimously.

REGULAR SESSION RECONVENED

Alderman Stalnaker made the motion to adopt the contract for the City Manager/Finance Director. The contract should reflect, increase in vehicle allowance, 12 months' severance package, no contract length because it automatically renews unless terminated by employer or employee, will look at contract once a year for performance evaluation. Alderman Richbourg seconded the motion and the motion carried unanimously. Alderman Stalnaker made the motion that any or all travel expense for the Mayor or Council must be preapproved by the Mayor and City Council the request should be submitted in writing on a form and presented to the Mayor and Council prior to the travel time. The Council decided no motion is needed instead they asked Mandy to come up with a form to be used by the Mayor and Council for the travel expense request.

ADJOURNMENT

There being no further business to conduct, Alderman Richbourg made a motion to adjourn the meeting at 7:15p.m. Alderman Gaither seconded the motion and the motion carried unanimously.

Mayor Travis Harper

Alderman Eric Gaither

Alderman Antonio Carter

Alderman Scott Stalnaker

Alderman Mellisa Watson

Alderman Billy Retterbush

Alderman Michael Richbourg

ATTEST

Tina Ward, City Clerk