

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
JUNE 9, 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, Aldermen Antonio Carter, Scott Stalnaker, Eric Gaither, Billy Retterbush, Walter Steward, Alderwoman Mellisa Watson, and Mayor Travis Harper.

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

OTHERS PRESENT: Allen Davis, Brian Shaw, Mary Howard Clayton, Fred Council, Michael Klink, Mike Sirmans, and John Hunkele.

ADOPTION OF THE MINUTES FROM THE PREVIOUS MEETING- Alderman Stalnaker made the motion to adopt the minutes from the previous meeting. Alderman Gaither seconded the motion and the motion carried unanimously.

ADOPTIONS OF FORMAL AGENDA- Mayor Harper asked the Council to add as item number one Mike Sirmans with the City Auditors the FY 2013 Audit Report. Also change item number four to item number two. Mitchell Moore asked the Council to add an Executive Session to the formal agenda. Alderman Stalnaker made the motion to adopt the formal agenda with the additions. Alderman Retterbush seconded the motion and the motion carried unanimously.

NEW BUSINESS

- 1. FY 2013 Audit Report-** Mike Sirmans the City Auditor presented the group with the FY 2013 Audit Report. Mike told the group that they audit the three major funds for the City of Nashville. He pointed out the general fund balance which increased last year \$239,000.00. The revenues increased by \$229,000.00 and the expenditures by \$247,000.00 and the reason for this is the small grants that the City had for that year. He also pointed out the Water and Sewer enterprise fund, which the total assets went from fourteen million to fifteen million and this is because of the new Waste Water treatment facility. He pointed out the revenues in 2013 compared to the revenues in 2013 actually

decreased by \$50,000.00 which is due to LOST. The expenditures are about the same as compared to 2012. The operating expenditures were \$19,568.00 which is about a \$50,000.00 decrease in the previous year. Mike pointed out this fund needs to generate this amount of revenue to circumvent the debt. The Gas fund had an increase of \$167,000.00. The fund is holding its own as is the Water and Sewer fund. Over all the City is in pretty good shape. Mike thanked the Council for allowing his firm to do the 2013 Audit. He also complimented Mandy Luke and her staff on their job.

2. **Annual Certification of the Watershed Protection Plan-** Randy Lane introduced Michael Klink with ATM. Mr. Klink told the group the City of Nashville was required to develop a watershed protection plan as part of the NPDESZ permitting process for the newly constructed advanced wastewater treatment facility (AWTF) completed in 2013. Every Year we must monitor four bodies of water and submit it to EPD. They Mayor must sign a certification statement that guarantees to EPD that the City Council has reviewed the sampling results and are aware of the status if the Stormwater Management Program. Michael Klink then went over some of the results found or not found in the samples taken. Randy Lane asked the Council to also approve the low bidder for the monitoring for the year. Tyndall Enterprise bid was \$10,372.00 and Water Air and Research bid was \$11,400.00. Alderman Stalnaker made the motion to go with the low bid from Tyndall Enterprise and allow the Mayor to sign the Watershed Protection Plan. Alderman Steward seconded the motion and the motion carried unanimously.
3. **Letter of Condition and Loan Resolution from USDA-** Fred Council from USDA asked the Council to approve the Letter of Conditions and the Resolution from USDA for the new police vehicles. Once approved by Council the Mayor and City Clerk will be asked to sign the documents. Alderman Stalnaker made the motion to adopt the Loan Resolution. Alderman Retterbush seconded the motion and the motion carried unanimously.
4. **Appoint and Reappoint Members to the Library Board-** Mary Howard Clayton told the group thank you for the City's contribution to the Library every year. The City has two representative on the Library Board and this year Mrs. Linda Yawn will be stepping down. The board has recommended Skeeter Parker to serve in her position and Gail Benjamin the other representative has decided to serve another term. We need the Council to appoint Skeeter Parker and reappoint Gail Benjamin. Alderman Stalnaker made the motion to reappoint Gail Benjamin and appoint Skeeter Parker for a three year term on the Library Board. Alderman Steward seconded the motion and the motion carried unanimously.
5. **Resolution adopting the May 12th, 2014 Executive Session-** Alderman Retterbush made the motion to adopt the May 12th, 2014 Executive Session. Alderman Gaither seconded the motion and the motion carried unanimously.
6. **Ratify the payment of the City Attorney's Bill-** Mandy Luke told the group the City Attorney's bill was thirty dollars over her limit on reoccurring bills. The total was \$10,030.00 and the Council was polled in order to pay it. Council needs to ratify this

decision in open session. Alderman Stalnaker made the motion to ratify the payment of the City Attorney bill. Alderman Carter seconded the motion and the motion carried unanimously.

7. **Bids for the Gas Line Extension to Alapaha-** Randy Lane presented the list of bids for the new gas line extension to Alapaha. He, Mandy Luke, Paul Stagner, and Peter Schultz conducted the scoring process for each bid. He said the following companies bid on the project. Statewide Engineers scored a 32 they are 38 miles from the project and they have EDA experience with one project and their bid price was \$131,500.00 which includes everything such as easements and permits. Watkins and Associates scored a 31 they are 20 miles from the project and they have experience with one EDA project. Their bid is for \$120,000.00 which includes everything such as easements and permits. Carter and Sloop Engineers scored a 31 they are 72 miles from the project and they have experience with six EDA projects. Their bid is \$83,300.00 which does not include easements and permits and they charge by the hour. Turnipseed Engineering scored a 30 they are 215 miles from the project and they have experience with four EDA projects. Their bid is \$107,000.00 which does not include easements permits and they charge by the hour. EMC scored a 22 they are 25 miles from the project. They have no EDA experience and no gas experience. Their bid is \$204,400.00. Peter Schultz suggested they Council go with Watkins and Associates due to previous experience with the company and they are one of the lowest bids since all their fees are included in the bid price. Alderwoman Watson made the motion to go with Watkins and Associates bid on the new gas line project to Alapaha. Alderman Retterbush seconded the motion and the motion carried unanimously.
8. **Propex Sewer Extension** – Dawn Morrison updated the group on the meeting held last week with Kimberly Hobbs and investors of Propex on helping the industry get started again. The investors of Propex would like to shut down the sewer system that is there and attach their sewer to the City's sewer line. Kimberly Hobbs stated she felt sure we could get grant money to help with this project. The representatives of the company are investing ten million in the plant and hope to employ one hundred and fifty to two hundred jobs. Kimberly Hobbs told the investors any machinery purchased for the plant can be used on the grant application. Randy Lane added they pointed out in the meeting held that the company could save around \$70,000.00 by hooking up to the City sewer system. They also discuss annexing the plant into the City limits. The investors told Randy that they may possibly donate the 35 acre tract that is left of the plant to the City. Alderman Retterbush asked John Reynolds to estimate how much money it would take to do this project. John said just the lift station would be around \$70,000.00 and with the amount of line that has to be put down the total may be around \$400,000.00. But take into consideration there is a \$500,000.00 grant available for this. Alderman Stalnaker made a motion to move forward with the estimation for the project.

REPORTS

9. **City Manager's/Finance Director's Report-** Mandy Luke asked the Council they need to schedule a budget workshop because the budget needs to be adopted by the last meeting in July. She told the group she will be on vacation the 19th of July and would like to hold the

meeting before she leaves for vacation so could the Council please give her any conflicting dates for June and July so she can schedule a budget workshop.

10. City Attorney's Report- Mitchell told the group he is awaiting approval from the FDIC for the Quit Claim Deed from the Bank of Ozark. Dawn Morrison also added that she is looking into the grant money for 18 units which include this property on Perkins, Beetree, and Old Coffee through DCA. There is grant money out there to refurbish or rebuild these homes. Mitchell also wanted the Council to be aware that there are some questions about the SPLOST fund and the amount paid to the municipalities. Apparently the County paid out the SPLOST money's to the municipalities instead of holding it for the Tier one project. Mayor Harper stated the letter sent to all the Municipalities was that the County was recouping money not taken from the SPLOST because it had been under collected for the past four or five years. So they are going to start taking \$3000.00 off of our SPLOST starting with the next SPLOST payment. The County also stated they wanted to go back and recoup \$120,000.00. Mayor Harper stated he does not have a problem in the County taking what they are supposed to be taking but he has a problem in the County taking from what was already collected and paid or recouping money they did not collect before. Mayor Harper stated that the other Municipalities agree with him. Mayor Harper said that Mitchell is looking into some case law about this issue. Mitchell stated that State Law states if someone makes voluntary payments or over pays and it is their own fault they do so and they can't go back and recollect those money's. The burden then falls on the individual to show the other party that benefited from the overpayment is responsible. Short of them establishing this they are not entitled to go back and collect. There is some issue about six months' worth of payments starting in January 2006 and we need some kind of account on how they came up with that amount. Mitchell also updated the group on the Chaparral Fire Suppression. He said John is working on getting some price's on surveying so we are moving forward on that project. Alderman Retterbush asked the Mayor is the amount the County is requesting \$3000.00 a month. Mayor Harper replied yes \$3000.00 and an additional \$10,000.00 for the year to make up the difference. Mitchell stated we are not agreeing to anything as far as the additional amount. At some point the Council will have to make a decision if they start deducting the full amount to make up for the \$120,000.00. Mitchell stated the Council will then decide on filing an injunction because they cannot collect the additional money unless they can prove that the City was at fault in their calculations. They can deduct the money and if we don't do something to stop it from happening they may very well deduct it and disburse to us the balance. Right now the Clerk is compiling the information on the first and the second SPLOST. Mandy and Mitchell discussed when the first payment for the administration building was taken out of SPLOST. Mitchell stated the City did not decide how much money they received of the SPLOST, because the County did those calculations and disbursed it out to the City's. So they under collected or an overpayment which was sent out to the Municipalities. This is where we get it is a voluntary payment arriving from an under collection.

11. Department Head's- Paul Stagner told the group several years ago the City acquired a 2005 truck from the Military. Three years ago the transmission went out on this truck and it was hauled to Joe Day's Transmission shop. The truck accumulated three years of storage fees at \$5.00 per day which equals more than \$5,400.00. The transmission is too expensive to replace

on the truck as well. Paul recommended the Council declare the truck surplus property and hand the title over to Joe Day's Transmission for the storage fees. Alderman Retterbush asked if the truck is off of the inventory listing from the military. Paul said yes it off our listing of inventory we received from the military. Alderman Carter made the motion to declare the truck surplus property and turn the title over to Joe Day's Transmission. Alderman Gaither seconded the motion and the motion carried unanimously.

Mayor Harper told the group the Ice Skating rink event at Christmas was rained out and the City still owes the company \$2,000.00. Dawn Morrison told the Council that the agreement was that I would sell tickets to make up for this \$2,000.00. She added we sold about \$1,000.00 in tickets but the event got rained out. Alderman Carter made the motion to pay the amount due to the Ice Skating Company. Alderman Retterbush seconded the motion and the motion carried unanimously. Dawn Morrison informed the group about the Purple Heart City ceremony that will take place Friday here at City Hall. She asked everyone to attend the ceremony at 11:30a.m. and stay for some refreshments afterwards. Dawn also told the group about the meeting she Randy and the Mayor attended today with the Commissioners of DCA. Also in attendance were representatives from all the industries and businesses. The meeting was mainly about the industrial plans for Berrien County and Nashville. She also mentioned that the Mary Alice McGee who was over the County's Industrial Development is leaving her office. Alderwoman Watson asked Dawn has anyone been named to fill her spot. Dawn replied no one has been named as of yet but they have been talking with Crissy Staley about taking over the position.

PUBLIC COMMENTS FROM PUBLIC/COUNCIL

Allen Davis complemented the City of Nashville for allow Public Comments. He said he attended the City of Adel's Council meeting and found out no one can speak at their meeting unless they are on the Agenda. Bryan Shaw handed the group a handout which simplifies the Historic Guidelines and identifies what is considered to be grandfathered into the historic district. The handout points out that any material changes in a historical property must receive a Certificate of Appropriateness and what is considered a hardship case or "hardship clause". The handout also has some pictures of areas we have already addressed. Alderwoman Watson asked Bryan if anyone has had any issues lately as far as hardships. Bryan said no not lately and the hardship case that was presented several weeks ago has not made any kind of contact with us so we could help them. Alderwoman Watson asked Bryan to define hardship. Bryan stated a hardship case is something that is not of their own making. In other words if the person creates the problem then it is not a hardship. Alderwoman Watson pointed out one case in the district and ask if the historical committee has worked with the individual. Bryan said we have tried and we have given him an extension but his is not willing to corporate.

EXECUTIVE SESSION

Alderman Gaither made the motion to go into Executive Session at 7:21 p.m. Alderman Stalnaker seconded the motion and the motion carried unanimously. Alderman Gaither made

the motion to come out of Executive Session at 7:40 p.m. Alderman Steward seconded the motion and the motion carried unanimously.

REGULAR SESSION RECONVENED

Alderman Gaither made the motion to allow Mitchell to advise the County that until the SPLOST issue is settled that they do not withhold any money or the City will file an injunction. Alderman Steward seconded the motion and the motion carried unanimously.

ADJOURNMENT

There being no further business to conduct, Alderman Carter made a motion to adjourn the meeting at 7:45p.m. Alderman Steward 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 Walter Steward

ATTEST

Tina Ward, City Clerk