

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
JUNE 10, 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, Billy Retterbush, Antonio Carter, Scott Stalnaker, Michael Richbourg, and Mayor Travis Harper.

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

OTHERS PRESENT: Bryan Shaw, and Allen Davis.

ADOPTION OF MINUTES- 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 group to add two items to the formal agenda. Item number five will be an application for a beer license for the Log Cabin, and item number six will be the Consent to Assignment and Assumption of Contract from Allgreen to Advanced Disposal Services. Alderman Richbourg made the motion to adopt the formal agenda with the changes. The motion was seconded by Alderman Retterbush and the motion carried unanimously.

NEW BUSINESS

1. Resolution approving the Executive Session from May 13th, 2013- Mitchell Moore told the group that Council needs to adopt the Resolution approving the Executive Session from May 13th, 2013 by the Mayor Pro-Tem and Council for the City of Nashville. Alderman Retterbush made the motion to adopt the Resolution approving the May 13th Executive Session. Alderman Gaither seconded the motion and the motion carried unanimously.

2. Update the Intergovernmental Agreement between Berrien County Board of Elections and the City of Nashville- Randy Lane told the group the Intergovernmental Agreement between the County Board of Elections and the City of Nashville has not been updated since

2005. Christina Allen the Board of Elections Superintendent has mailed an updated copy of the agreement and she added they are not asking for more money just an updated agreement. Alderman Richbourg made the motion to approve the signing of the updated Intergovernmental agreement with the County Board of Elections. Alderman Stalnaker seconded the motion and the motion carried unanimously.

3. Water/Sewer at the Old Courthouse- Crissy Staley asked the Council to consider paying the water and sewer bill for the old county courthouse. She said due to some budget pinches the Chamber is experiencing she is asking that the City to consider during the next budget year helping the Chamber pay the monthly utility bill for the Old Courthouse. She reminded the Council that the Old Courthouse not only houses the Chamber but the Volunteers for the Historical Preservation Committee as well. She added that for the next several weeks the Courthouse will also be displaying part of the Smithsonian exhibit. Mayor Harper told Crissy that they will discuss this request at the Budget Workshop which Mandy Luke will schedule at tonight's meeting. Alderman Richbourg asked Crissy what is the average monthly bill for the Old Courthouse. Crissy said the bill is usually from \$125.00 to \$175.00 per month. Alderman Stalnaker asked if the Chamber has been responsible for paying this bill in the past. She said no the County has been responsible for paying the bill every month. Alderman Richbourg asked Crissy has she asked any of the other City's within the County to help with paying this bill. Crissy said not yet but she will do if needed.

4. Inmate Work Detail Cost for the Next Year- Randy Lane told the group they received the contract for the inmate work detail on May 28th, 2013. The cost for the next year will be \$38,500.00. Council needs to decide if they want to continue using the inmate work detail labor. According Peter Schultz who took over the Street department while Tommy is sick, figures combined with Tommy's figures the crew only works 51% of the time they are here. Mandy Luke did some figures and we could hire a full time laborer and a part time person for what we pay the inmate work detail. Randy reminded the group why the work detail was put in place. Originally they were to clean out the ditches and we don't have that issue any more because the City purchased a side arm mower that works well. We also looked at sending one of the street department personnel over to the cemeteries and the parks to help Craig. We could then hire a part time person to handle the DOT memorandum of understanding which pays \$26,000.00 per year. Alderman Richbourg asked if the City owns the equipment and the van used by the inmate work detail. Randy said yes and we have looked at putting those items to other uses as well. Randy added with the City not knowing what's going to happen with the LOST litigation we don't need to extend this contract out for another year. Alderman Richbourg asked if the City can sign the contract at any point and time if we see the other options are not going to work. Randy said yes we can and at a prorated amount. Mayor Harper said if Mandy and Randy can get the numbers together and make it work then he is all for trying their suggestion. Randy said they will get the numbers together and have them for the Council at the Budget Workshop which Mandy will schedule.

5. Application for a Beer License for the Log Cabin- Mayor Harper told the group the Log Cabin has changed owners Vidyakumari J. Rana. A criminal history was completed and no

records were found and all fees have been paid. Alderman Retterbush made the motion to grant the beer license for the Log Cabin's new owners. Alderman Carter seconded the motion and the motion carried unanimously.

6. Consent to Assignment and Assumption of Contract- Mayor Harper told the group that Allgreen Services which is the City's current service contract provider, has sold its company to Advanced Disposal Services in Valdosta. According to the contract there will be no change in the services or prices. Advance Disposal Services will acquire all assets, hire Allgreen employees, and assume the duties and obligations of our current service contracts. Mayor Harper suggested the Council approve the new contract. He also stated we have a year left on the contract and we can look at some other options then. Alderman Retterbush made the motion to sign the contract if no changes will take place except for the name change. Mitchell Moore added the only change he has in his file for solid waste is an addendum from April 2010, and then the assignment in July 2010. Mitchell examined the document and gave his ok to sign if the Council so chooses. Alderman Carter seconded the motion and the motion carried unanimously.

REPORTS

5. City Manager's/Finance Director's Report- Mandy Luke informed the Council that June 26th at 6:00 pm we will hold the Budget Workshop in the Council Chambers. She also told the group the 2012 audit is in and she will have one of the Auditors explain the audit at one of the upcoming Council meetings with the bounded copies of the audit. Mandy also told the group she did some investigating based on last year's figures on the upcoming industry that will be closing soon to see how this closing will affect the City. The water and sewer fund will lose around \$9,700.00 and the gas fund will lose \$116,000.00.

6. City Attorney's Report- Mitchell Moore handed the Council the Resolutions on the modification of the GEFA loan. The Council made the motion to approve the increase at the January 28th, 2013 Council meeting but the Resolutions were never presented. Alderman Stalnaker made the motion to adopt the Resolutions for the GEFA loan increase. Alderman Richbourg seconded the motion and the motion carried unanimously. Mitchell also told the group he received a notice of a deposition to be taken on the Locklyer litigation to be taken by the defense attorney and is scheduled for July 17th in Valdosta. Although Mitchell may not be able to attend the deposition the case is moving forward. Mitchell also updated the group on the information he found out about the ice skating rink because the Council stated at the last meeting that this request would be approved subject to his checking with the insurance company. He said according to the contract from the ice skating company the City's insurance company stated the liability will fall back on the City. The contract states the customer which is the City will hold them harmless. Mitchell said he just wanted the Council to be aware of the fact that this will fall back on the City's coverage. Also in the packet that the ice skating company provided are release forms that will have to be signed by each individual participant. Dawn Morrison told the group the representative she spoke with about the event told her they would be liable for any accidents that may happen. Alderman Richbourg suggested the City take out an event policy for the ice skating event. Dawn told the group she has taken out event

policy's for different events in the past and we can get one for this event for around \$500.00. Alderman Stalnaker asked Mitchell about the Governmental immunity on the parks and recreation would this apply to the event. Mitchell stated it will most likely apply but it does not prevent the possibility of a law suit. Dawn told the group we have never had an incident in the last ten years the snow event has been done downtown. Mitchell said he can check with the City's insurance agent about the event policy and get back with Dawn. Dawn suggest that they have a waiver for each person that skates to sign. Randy Lane told the group if the City decides to have the skating event every year then we will have to include it in our policy next year and every year after just like the fireworks event. Dawn said she needs to know something soon because the company is holding the date for our event on "the first Saturday in December" which is a very popular day. Mitchell said he will get with the ice skating company and see what they have as far as insurance, and also speak to the City's insurance company and get back with Dawn. The Council asked Mitchell to proceed. Mitchell also updated the group on something that was brought to his attention by Randy. He said the City has an agreement that expired in 2011 on the head start building which is located on County property. We need to address and revisit this contract and find out what we need to do because the building is covered on the City's insurance. Mitchell also updated the council on the DOT contract they asked him to look at and according to the contract DOT reserves the right and can terminate the contract at any time. The City can also terminate the contract as long as it is within thirty days of the anniversary date. Randy Lane asked Mitchell about the uniform contract and if he has terminated the services. Mitchell said he had sent a letter which included the termination of services along with the bases of why we want to terminate their services, which was the failure of services under their performance guarantee. They have thirty days in which to respond and if they have not responded within that thirty day period the contract is terminated without penalty. Alderman Retterbush suggested the departments look into purchasing their own uniforms and let each employee be responsible for washing their own uniforms, because according to his experience these contracts are hard to get out of.

7. Department Head's Report- Chief Clayton told the Council that with some of the citations written by the City officers the State has different surcharges and add-ons that apply to different citations. One of these surcharges is drug education and training. Recently the States percentages dropped from 5% to 1.5% which affects the portion that the City receives. What the City must decide is to either leave the total fine the same which will increase the portion the City receives on those specific citations to \$3.41 or we can reduce the total fine one dollar which would bring the total the City receives to \$1.24. He asked the Council to vote on which action they need to enforce. Chief Clayton said he recommends the fine amounts stay the same and a larger amount of the fine will come back to the City. Alderman Retterbush asked the Chief what fund is credited if we leave the fines the same. Chief Clayton said the General fund will receive the fund for these specific fines. Alderman Stalnaker asked the Chief will the fines be posted and advertised if we leave them the same to show the increase according to State law. Mandy Luke stated this is not changing the fine amount just the percentage the State receives and the percentage the City receives. Alderman Richbourg made the motion to leave the fines the same. Alderman Gaither seconded the motion and the motion carried unanimously.

Dawn Morrison asked the Councils permission to apply for a Rural Business Opportunity Grant (RBOG) a grant from USDA. The grant will be for \$100,000.00 and no match. This grant will be for some more improvements for one side of the upstairs in the Downtown Center. One portion of the grant will go toward the elevator which will cost around \$30,000.00. Once the elevator is in place we can work on refurbishing the remaining part of the building, but for now we want to work on expanding the business incubator portion of the Downtown Center. Mayor Harper asked Dawn how long does the Downtown Center need to remain a business incubator according to the grant funds used. Dawn said she believes it is two or three years. Dawn told the group the representative in Atlanta who is over this program called her today and because this will be an expansion of the business incubator which has over 50 new businesses inside the center and it has been here for three years. They feel as if this is a good project and although they normally don't fund these types of projects they like this project. Dawn also said although this grant will be a no match project we will need to use and show in the application some in-kind labor for the wiring and plumbing. Alderman Stalnaker made the motion to approve the application for the RBOG. Alderman Retterbush seconded the motion and the motion carried unanimously. Dawn also told the group she would like to apply for another grant. The Product Development Grant through the Department of Economic Development which will be for \$15,000.00 and it will have a match of \$3,000.00. She told the group this grant will also be used for the Downtown Center and has been used before for the same project. Alderman Richbourg asked Mandy if SPLOST funds can be used for the match on the grant. Mandy said yes the funds can come from SPLOST. Alderman Richbourg made the motion to approve the application for the Product Development Grant. Alderman Retterbush seconded the motion and the motion carried unanimously. Dawn also informed the group about the Atlanta Symphony. The Atlanta Symphony representative called and stated the article she sent for the Symphony's visit to Nashville was picked up by the Associated Press and hit twenty four newspapers/websites across the country over the weekend. Randy Lane told the group that the City will be sending Bryan Shaw who is the Chairman of the Historic Preservation Committee to training in Savannah in order for him to acquire his certification for serving on the committee.

PUBLIC COMMENTS FROM PUBLIC/COUNCIL

Bryan Shaw thanked the Mayor for his participation in the grand opening of the Smithsonian exhibit and the Fiddle Jam. The Fiddle Jam was a big hit and success with the public and the local businesses. Many of the people who participated or visited want to return next year. Alderman Richbourg complimented the City on the entrances to the City. He said they look great. Mayor Harper wanted to request that each member of Council receive a uniformed shirt with the City's name on it to wear when they represent the City in an event or in training. He said each member can pick out and purchase their polo shirt and have the City's monogram placed on it then let the City reimburse each one for the shirt. The Council agreed. Mayor Harper also asked each one to keep Alderwoman Watson's Mother in their prayers.

ADJOURNMENT

There being no further business to conduct, Alderman Richbourg made a motion to adjourn the meeting at 6:50p.m. Alderman Stalnaker 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 Michael Richbourg

ATTEST

Tina Ward, City Clerk