

**REGULAR MEETING  
CITY COUNCIL OF THE CITY OF NASHVILLE  
COUNTY OF BERRIEN  
SEPTEMBER 24, 2012  
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, Billy Retterbush, Scott Stalnaker, Alderwoman Mellisa Watson and Mayor Travis Harper.

**STAFF PRESENT:** Mandy Luke, Tina Ward, Randy Lane, Henry Yawn, Peter Schultz, Chief Clayton, John Reynolds, and City Attorney Mitchell Moore.

**OTHERS PRESENT:** Allen Davis, John Black, Randal Milton, Darrell Miles, and Keith Stone

**ADOPTION OF MINUTES, A WORK SESSION AND THREE PUBLIC HEARINGS FROM THE PREVIOUS MEETINGS:** Alderman Stalnaker made the motion to approve the minutes from the previous meetings. Alderman Carter seconded the motion and the motion carried unanimously.

**ADOPTIONS OF FORMAL AGENDA-** Mayor Harper asked the Council to strike item number one, Waste Water Treatment Plant Update, and item number four, Bids on Radio Read Meters, and add an Executive Session to the formal agenda. Alderman Retterbush asked the Mayor to remove item number four from the agenda. He said the Council has bid on this item twice and there is no need in bringing it up again. Mayor Harper said Council has not bid on this item at all. Alderman Gaither corrected Alderman Retterbush and said we have voted not to bid on this item two meetings ago. Mayor Harper replied we voted but we did not have a full Council at that time. Alderman Retterbush stated we voted not to bid on 4/23/2012 and we had a full Council then. Mayor Harper replied we voted but not on bids on 4/23/2012. Mayor Harper replied this item has been removed from the

agenda. Alderman Stalnaker made the motion to adopt the formal agenda with the changes. The motion was seconded by Alderman Carter and the motion carried unanimously.

## **NEW BUSINESS**

- 1. Set a Date for a Work Session on the Ordinance for Solicitations without a Permit-** Randy Lane told the group that Council needs to decide on a date for the Work Session on this Ordinance and a few other items which need to be discussed. After some discussion Mayor Harper set the date for Monday October 1<sup>st</sup>, 2012 at 6:00 p.m. Randy told the Mayor he will get with him on the other items he wants to add to the Work Session.
- 2. Resolution to set the Millage Rate for 2012 Property Tax-** Mandy Luke told the Council the millage rate needs to be set for 2012's property taxes. Council needs to adopt the Resolution setting the millage rate at 8 mills. Alderman Gaither made the motion to adopt the Resolution setting the millage rate at 8 mills for the 2012 property taxes. Alderman Stalnaker seconded the motion and the motion carried unanimously.

## **REPORTS**

- 3. City Manager's/Finance Director's Report-** None
- 4. City Attorney's Report-** Mitchell Moore updated the group on the LOST negotiations. He said he talked with the County's attorney and the City's consultant. He said he had hoped to get information back from the consultant by next week. He also said they agreed the sixty day deadline for nonbinding arbitration mediation or other means of resolving conflicts Friday, September 28<sup>th</sup>, 2012. They will reconvene the mediation on Tuesday October 2<sup>nd</sup>, 2012. Mitchell discussed and compared our negotiations to another similar case. He said that GMA's opinion is to eliminate issues and come to a resolution then we can call for a special called meeting right after the mediation. If we do not have a full Council during the Special Called meeting then we can poll the Council and ratify the resolution at the next Council meeting. Mayor Harper asked Mitchell if we will need to have everything finalized before we file a petition for binding arbitration. Mitchell said no but we need to have our "ducks in a row" because once we finalize within that thirty day period it is up to the arbitrator to set the time period. Mayor Harper wanted to reschedule the meeting for the meeting on October 2<sup>nd</sup> which originally was scheduled right after the mediation at 1:00 p.m. He said we

need to schedule one at 6:00 p.m. because we want to update everyone and some of the Council may have a hard time attending a 1:00 p.m. meeting. So tentatively we can schedule the meeting at 6:00 p.m. if we need it. Mayor Harper clarified the meeting Monday will be held to speak to the consultant and then after the mediation only if we have a resolution or come to terms then we will have a Special Called meeting at 6:00 Tuesday October 2<sup>nd</sup>, 2012.

Mitchell informed the group he responded to a letter he received from Rob Wilmot in connection to the new gas line in North Berrien County. He said he asked the City of Tifton to provide us with the information on their maintenance cost. Mayor Harper updated the Council and said the City of Tifton wants to redo the contract on the new gas line because the maintenance cost was not figured into their original contract.

**5. Department Head's Report-** Randy Lane told the group he received the paperwork on the Grant awarded to the City for Beetree Park. The Grant is for \$50,000.00 with a \$25,000.00 match. He added we are going to try and do some in-kind services as much as possible. He presented the Mayor with the Resolution for his signature. Alderwoman Watson asked if anyone attended the neighborhood meeting in connection with the park. Alderman Carter said he did and they discussed the park and some of the equipment that will be installed or refurbished. Alderman Carter made the motion to adopt the Resolution for the Grant to refurbish Beetree Park. Alderman Stalnaker seconded the motion and the motion carried unanimously.

Mitchell Moore gave the group an update on Tally Alley. He said the Methodist Church is responsible for the run off on to Tally Ally even though the runoff has historically come out onto Tally Alley. Mr. Henry Yawn is working with David Deloach and Jackie Dove on grading the ally differently to address the run off problem. They have come up with a couple of options one of which is to build a catch basin which would handle the run off problem. The other option is for the City to abandon the property "Tally Alley" further south and ask Mr. Waugh Turner to sign over his rights to the church so the runoff could be handled by a holding pond or pumped westward to the storm drain.

## **PUBLIC COMMENTS FROM PUBLIC/COUNCIL**

Alderman Gaither wanted to be clear that since the radio read meters was stricken from the agenda tonight that it is a dead issue. He also recommended that it not be brought back up again until the Council decides to go with the meters. Mayor Harper said the radio read meters will be brought back up again at a later date

because everyone from Council is not here tonight to vote on this issue therefore it was stricken from the agenda for tonight's meeting. Alderman Retterbush stated he thinks this is a dead issue because the Council voted twice not to go with radio read meters. Mayor Harper told the group bids for this item will be brought up again before a full Council because bids were never voted on by a full Council. Alderman Gaither made the motion to not bring up the bids for radio read meters again until Council decides to go with these meters. Mitchell Moore told the group he knows of nothing under the City's charter that prohibits anything from being revisited. He added under Roberts Rule of Order there is certain protocol that must be followed but the item can be introduced as new business. Alderman Gaither said he wants to make a motion that this item not be brought up again until we decide to go with radio read meters. Mayor Harper said some of the Council who are not here will not know if we want to go with them until we get the bids. Randy Lane added this item was stricken from the agenda and should not be discussed. He added the Council is trying to table this item or set it aside until another meeting. Mayor Harper told Alderman Gaither he is not for sure a motion can be made to prohibit anything from being discussed again during open session. Mitchell said he can make the motion but has there been a second on that motion. Alderman Carter seconded the motion. Mayor Harper called for a roll call vote due to the opposed votes. Alderwoman Watson voted no, Aldermen Carter, Retterbush, and Gaither voted yes, and Alderman Stalnaker voted no. The motion carried three to two on no more discussion on radio read meters. Mayor Harper said at the next meeting Council meeting this can be brought up again so I can be the tie breaker. Alderman Carter said no we have the new member on the Council here tonight so why don't we discuss this item and get the voting over with. Mayor Harper said the full Council is not here. Alderman Retterbush argued the full Council voted against this in the April 23<sup>rd</sup> meeting. Mayor Harper argued the Council at tonight's meeting was not present at the April 23<sup>rd</sup> meeting.

## **EXECUTIVE SESSION**

Alderman Carter made the motion to go into Executive Session at 6:45 p.m. Alderman Stalnaker seconded the motion and the motion carried unanimously. Alderman Stalnaker made the motion to come out of Executive Session at 6:59 p.m. Alderman Carter 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 7:00 pm. Alderman Stalnaker seconded the motion and the motion carried unanimously.

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Mayor Travis Harper

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Alderman Eric Gaither

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Alderman Mellisa Watson

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Alderman Antonio Carter

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Alderman Billy Retterbush

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Alderman Scott Stalnaker

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Alderman Michael Richbourg

**ATTEST**

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Tina Ward, City Clerk