

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
October 9, 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, Michael Richbourg, Alderwoman Mellisa Watson and Mayor Travis Harper.

STAFF PRESENT: Tina Ward, Randy Lane, Henry Yawn, Peter Schultz, Chief Clayton, John Reynolds, Tommy Davis, Dawn Morrison, and City Attorney Mitchell Moore.

OTHERS PRESENT: Randal Milton, Ken Morrison, and John Hunkele

ADOPTION OF MINUTES, A WORK SESSION AND SPECIAL CALLED MEETING FROM THE PREVIOUS MEETINGS: Alderman Gaither 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 add the LOST negotiations to the formal agenda as item number six. Alderman Richbourg made the motion to adopt the formal agenda with the change. The motion was seconded by Alderman Carter and the motion carried unanimously.

NEW BUSINESS

1. Resolution and Minutes for the previous meetings Executive Session- Mitchell Moore told the group according to the new Statue the Council must approve the Resolution for the Executive Session. Alderman Richbourg made the motion to adopt the Resolution for the Executive Session held on September 24th,

2012. The motion was seconded by Alderman Carter and the motion carried unanimously.

2. Waste Water Treatment Plant updates from Coastal Engineering- John Hunkele updated the group on the waste water treatment plant. He said they are close to being finished. The grading contractor is on site now doing the final grading. The mechanical bar screen went online last week. There is a representative on site this week from aqua aerobics checking out all the major mechanical equipment. We should be on line mid to late November or early December 2012. It looks like we are going to be well within our budget and within the contract time period. Alderman Retterbush asked John if we know from EPD if the plant will need to be maintained 24 hours a day seven days a week. John told the group all they said is the facility needs to be adequately staffed, and we are in the process of writing the owner's maintenance manual which is one of the requirements that needs to be submitted to EPD to be approved. There is a section in this manual on recommended staffing and he will be going over this with John Reynolds, Brandon Rice, and Randy Lane. The manual does not state 24/7 it only states adequately staffed. Alderman Retterbush asked if the City will need to hire any help for the facility. John told the group as soon as he has the draft on the manual he will be better prepared to answer that question. There will be a good bit of maintenance required but until we hear back from EPD we will not know the recommendation on staffing. As far as monitoring the plant we can monitor it by any computer or smart phone.

3. Agreement for Engineering Services from G. Ben Turnipseed Engineers- Mayor Harper told the group the City received funding from the Georgia Department of Community Affairs, Community Block Grant Program to construct sewerage system improvements. Our Engineers forwarded four copies of the agreement for engineering services between G. Ben Turnipseed Engineers and the City of Nashville. Alderman Richbourg made the motion to enter into the agreement with G. Ben Turnipseed Engineers. Alderman Carter seconded the motion and the motion carried unanimously.

4. Ratify purchase of Lawn Mower for the City's new Lawn Care Personnel- Randy Lane told the group the Council was polled last week in reference to the purchase of a lawn mower for our new lawn care personnel for the City's cemeteries. The majority voted in favor of the purchase. The cost for the mower was \$6,100.00. Council needs to ratify this purchase in open session. Alderman Gaither made the motion to ratify the purchase of the new lawn mower. Alderman Retterbush seconded the motion and the motion carried unanimously.

5. Appoint the Committee for the Historic Preservation Committee- Dawn Morrison told the group Brian Shaw sent over the list of new members for the Historic Preservation Committee for the Council's consideration. The list is as follows: Chairman Brian Shaw, Judy Dasher, Gaile Bailey, and Skeeter Parker. Council needs to approve and appoint this committee so they can start work. Alderman Richbourg made the motion to approve and appoint the above Historic Preservation Committee. Alderwoman Watson seconded the motion and the motion carried unanimously.

6. LOST Negotiations- Mayor Harper updated the group on the LOST negotiations with the County. Mediation for the LOST was held last Tuesday and the mediation was unsuccessful. The last offer from the County was 70% for the County and 30% for all the Cities. Our last offer was 50% for the County and 50% for all the Cities. The County was unwilling to settle so the next step is to petition the Superior Court and have this issue settled before a judge. Mitchell Moore told the group that we are in the last thirty days and now the City or the County must petition for Arbitration before the 28th deadline. He said that he contacted Tim Tanner from Valdosta to get a copy of their petition for Arbitration to see what is involved. He said he is looking into asking another attorney such as Tim Tanner to assist him in this procedure. He suggested Tim Tanner because his firm has handled one of these before. Mayor Harper told the group the County was caught off guard last week during the mediation because we had a consultant who had the numbers to back up our offer. The County said they wanted to get their own consultant to look at the numbers before making a final decision or a final offer. Mitchell Moore said the County has thirty days to have someone look at these numbers and address the offer. Mitchell also wanted to clarify that if the other Cities rep the benefit of the consultant who was hired by the City of Nashville and paid by the City of Nashville then they would pay their portion of this bill. Randy Lane told the group that the bill for the consultant will be split up between the other Cities' according to the old census. Mitchell wanted to disclose to the Council that he represents multiple parties in this, Nashville, Alapaha, Enigma, and Ray City and he also is a Magistrate Judge and as such I receive a check from the County. If an agreement cannot be reached before the Arbitration and this goes from negotiation to litigation he will step down as the City Attorney. He disclosed this to Tom Thomas, the County's attorney as well because if he cannot represent his clients fully and to the best of his ability he must step down as the City Attorney. Alderman Richbourg asked Mitchell if the County decides to make a deal at the last minute do we have to go through with the Arbitration or can we settle out of court. Mitchell said yes we can settle any time before the Arbitration. The group discussed the procedures in which they will need to go through before

the 28th of October. Mayor Harper told the group that the Council needs to vote on moving forward with the petition the Superior Court for the Arbitration. Alderman Gaither made the motion to petition the Superior Court for the Arbitration. Alderman Richbourg seconded the motion and the motion carried unanimously. Mitchell said he will follow up with Tim Tanner and keep the Mayor, Mandy and Randy apprised. He also stated that he would like the authority to hire any associated council if he deems necessary unless the Council wants him to come before them before he does so. Mayor Harper requested that Mitchell get with the Council before hiring any associated council. Mitchell told the group he is scheduled to go to a seminar on the 22nd and 23rd of this month and will not be at the next Council meeting, so he will get with Council before that time if he needs to hire an associated council. Alderman Richbourg made the motion to give Mitchell the authority to retain another attorney to help with LOST. Alderman Carter seconded the motion and the motion carried unanimously.

REPORTS

7. City Manager's/Finance Director's Report- None

8. City Attorney's Report- Mitchell asked the group for some more guidance on the Solicitation Ordinance. Chief Clayton suggested that a time frame be placed on the group soliciting. No soliciting between the hours of 3:00 and 6:00p.m., on all Thursday's and Friday's. They must apply for a permit at the Police department at least seven days in advance in order for us to regulate and give them the rules. Such as, defining and prohibiting aggressive solicitation, not to solicited in the road way so traffic can flow, that a traffic vest must be worn at all times, and the days and hours they can solicited. He also suggested these groups should be limited to four times a year or once per quarter. If they violate any of these rules then the permit should be terminated. 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. 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. They also have proposed to dig a small retaining pond on the Church property which will retain the drainage for a few days and pumped west towards Dogwood Drive and dump in the storm drains. The water going South of Tally will be diverted on to McPherson. The Church needs to decide if they are going to use the retaining pond to deal with the rush of water and then let

it out slowly so it won't overload the storm drains. The other option is to install a 15 to 17 inch wide line instead of a retaining pond. The reason for so much detail on this issue is that the City is ultimately responsible for the run off or getting rid of the storm water. Alderwoman Watson asked Mitchell why the City is responsible if the Church is aware of this issue and are going to take care of it initially. Mitchell said they are proposing three different proposals and one of them is going to require closing Tally Ally further south, and Tally Ally is still City property. The Church is looking into the different proposals and will present their proposal to the Council and the Council can either look at closing Tally Ally a little further South or thirty to fifty feet. Notify the adjoining land owner which is the Church, Waugh Turner and S.R. Akins. So the Church would get the West part of Tally Ally, Waugh Turner would get the East part of Tally Ally which would be about fifteen feet of land for each. Then these land owners can deed this to the Church for the retention pond. If the City is not willing to close Tally Ally then the Church can put the pond on the existing land they own. Mayor Harper suggested we find out what the other land owners want to do before we make a decision. Mitchell said he just needs some guidance on what direction he needs to take. Randy Lane suggested the Council have an Engineer look at this before any decision is made. He said they had a work session last week with some representatives from ATM and found out about EPD's restrictions on storm water drainage. The group had some more discussion on the matter and decided to wait for a proposal from an Engineer.

9. Department Head's Report- Randy Lane presented the Council with a Resolution to transmit the 2012 Update to the Short Term Work Program. Whereas the Mayor and Council of the City of Nashville items contained in the Sort-Term Work Program of the Joint Berrien County Comprehensive Plan. Alderman Retterbush made the motion to adopt the Resolution. Alderman Carter seconded the motion and the motion carried unanimously.

Randy Lane also advised the group to try and attend the 2013 CDBG Public Hearing and start-up meeting scheduled for November 15th at 11:00 a.m. at City Hall. Randy told the group he received a call from David DeLoach today and he invited the Council to the Moody Support Dinner which is scheduled for the November 1st at 6:00p.m. Also, Thursday October 11th the Council is invited to Moody for the County and City's base visit. They ask that anyone interested in attending be at a specified location at 8:45a.m. and drop off time will be at 1:00p.m. The itinerary will be sent out tomorrow and the contact person is Doindra Nichols.

Dawn Morrison gave the group information about the Harvest Festival scheduled for this Saturday. She told them the opening ceremony will be at 11:00a.m. The

parade starts at 10:00 Saturday morning, and if any of the Council wants to ride in the parade they need to be there at 9:30 to ride the Fire Truck.

Chief Clayton told the group he needs permission to apply for a USDA Grant for Police cars. The grant is a 50/50 match the amount is unknown and the money has not become available at this point and time but we need to apply. This does not mean we have to accept once the money is available but we still need to apply. The group had some discussion on the amount of the grant and the number of cars the Chief will apply for. Alderman Gaither made the motion to allow the Chief to apply for the USDA grant. Alderman Retterbush seconded the motion and the motion carried unanimously.

PUBLIC COMMENTS FROM PUBLIC/COUNCIL

Alderwoman Watson told the group she had some complaints from some of the teachers during the field trip she attended last week. They complained about the weeds growing on the sidewalks around town and the trash that is not picked up. Alderwoman Watson asked the Council if we have anyone who cleans up the sidewalks or if not can we get someone to clean them up. Randy Lane told Alderwoman Watson that one of the problems we are having is the Street department is having equipment problems. They have two Kubota Tractor's that are fifteen years old. One of the tractors has blown up and the cost to fix it will be around six to seven thousand dollars. We don't have a sidearm mower right now so the prison labor we get from the State are helping clean up the ditches, until we can purchase another tractor with a side arm mower. Randy said he did some investigating on line and at Nashville Tractor and found out that if we trade in one of the Kubota's and John big blue tractor the difference we would have to pay would be \$20,000.00 for a brand new tractor with a side arm mower that has a three point hitch. Alderwoman Watson told Randy that some of these workman's comp people who are on light duty can clean up the sidewalks. Randy said we don't have any employees on light duty at this time. The group discussed how to resolve the problem. Mayor Harper said the problem is the City does not have the equipment or the man power right now to handle the sidewalks. Alderwoman Watson suggested we organize a volunteer group like the City of Valdosta to clean up these areas. Mayor Harper suggested the prisoners be taken off the ditches and put on cleaning the sidewalks around town until we can organize a volunteer group for the clean-up. Randy Lane suggested sending out notices in the utility billing and placing an advertisement in the local paper for volunteers. Alderwoman Watson also informed the group she spoke with the Sheriff, Anthony Heath today in reference to a complaint made by a parent. This does not have anything to do with the City Council but this complained to the State department about the bullying

in the public schools and was told to take the complaint before the City Council. Alderman Carter told the group he has been told about a few incidents dealing with the security and drugs at the schools. Mayor Harper told Alderwoman Watson that this should be taken up with the School Board and the Berrien County Commissioner's not the City Council.

Alderman Retterbush wanted to know if anyone was appointed to the Berrien County Planning Commission. Mayor Harper said we will put this item on the next agenda.

John Hunkele from Coastal Engineering volunteered to look into the drainage situation on Tally Ally.

ADJOURNMENT

There being no further business to conduct, Alderman Carter made a motion to adjourn the meeting at 7:15 pm. Alderwoman Watson 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