

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
NOVEMBER 25, 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 Mayor Travis Harper, Aldermen Antonio Carter, Scott Stalnaker, Eric Gaither, Michael Richbourg, and Billy Retterbush.

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

OTHERS PRESENT: John Black, Jamie Inman, Greg Kelly, Brenda Thomas, Mr. Miles and Kyle Pearson.

ADOPTION OF MINUTES- Alderman Richbourg made the motion to adopt the minutes from the previous meeting. Alderman Stalnaker seconded the motion. The motion carried unanimously.

ADOPTIONS OF FORMAL AGENDA- Alderman Stalnaker made the motion to adopt the formal agenda. The motion was seconded by Alderman Richbourg and the motion carried unanimously.

NEW BUSINESS

1. Resolution Approving the Executive Session of October 28th, 2013- Mayor Harper asked the Council to give their approval of the Resolution approving the Executive Session on October 28th. Alderman Retterbush made the motion to adopt and approve the Resolution for the Executive Session held on October 28th. The motion was seconded by Alderman Richbourg and the motion carried unanimously.

2. Ratify the Request for a Yearly Rate Change in Lease from K&E Solar- Mitchell Moore told the Council before they ratify their decision on the request for a yearly rate change from K&E Solar in which the rate seems to have dropped from \$15,000.00 to \$3,000.00 per year after County and City taxes are paid. There seems to have been a misunderstanding on their part about their proposal of \$15,000.00 and from that they were anticipating that would be

in lieu of any taxes. The City does not have control over County or School Board taxes. Mitchell stated he had this conversation with the County Attorney Tom Thomas. Mitchell further stated he revised the lease agreement and sent a copy to Mr. Thomas addressing not only the changes that the fact the tax in order to be offset there will have to be an agreement between the County and the School Board and they will be held by this change that if the taxes are levied against the equipment and not the site. Mitchell again told the group he has sent the changes in the lease to Tom Thomas. The Council understanding was the City was to be paid 15,000.00 net annually less any taxes by the City and if this was not the deal then they did not want it. Some additional negotiations were done last week and a proposal has been modified by K&E to increase the upfront payment of \$15,000.00 which there will be no off set of taxes because there is no equipment at this time to \$25,000.00 plus the \$15,000.00 for a total of \$40,000.00 which will be paid to the City for the first year of rent and then after that the depreciation schedule would come into effect. The depreciation schedule spells out the net increase each year to the City. Mitchell again stated the lease agreement was changed to address all of these areas the only this still under discussion is what will happen to the equipment after the lease agreement is up in either twenty-five- or thirty years. As of now the equipment will be disposed of however K & E deems appropriate subject to the lessor's approval. Randy Lane asked the Council to ratify their decision on November 14th in which there were five no votes and one yes. We should officially ratify this decision because the decision reflected the decision of the Council and they acted accordingly at that time. Mitchell told the group that he has asked for a joiner and consent by the School Board and the County because the tax calculations were based on the conversation between the Mayor and Greg Nemo the tax assessor in which Mr. Nemo indicated the amounts will be discounted from three to five percent annually. After the conversation with Mr. Nemo the Mayor drafted the appraisal assessment. Mitchell told the group he wants to get a joiner and consent signed by the County and the School Board acknowledging the provisions in that lease that states if for any reason the lease is early terminated and it can be because it specifies it can be early terminated if for some reason the lessee fails to perform any of the obligations of this lease they can terminate it in thirty days. So if Georgia Power does not pay K & E Solar they can terminate with thirty days' notice. Mitchell further stated that if the rent is not paid then the County and the School Board needs to understand the City is not liable for taxes. K & E will be liable for the taxes and paying the School Board and the County. Greg Kelly contacted the County Commission Chair and asked for help because the City did not want to go ahead with the project. Mitchell said he was then contacted by the County Commission Chair and was asked why the City was not going to go through with this project although the rent is going to go from \$3000.00 to \$600.00 that's still revenue the County, School and the City will receive. Mitchell explained the deal is the difference between \$3000.00 and \$600.00. The Council evaluated the proposition that they will be holding up a piece of the City's property for thirty years based on six hundred not fifteen thousand and they need to know the facts. Mitchell informed the Council that the taxes will decrease with each entity including the City and the City will receive the difference. Mitchell said he talked to Tom Thomas today and the County's initial response is this is a City property and they are not a party to the transaction which is another way of saying they don't want to sign the joiner and consent. The County will collect their taxes but they don't want to be a party to the lease terms. Mitchell stated that all he wants the County and School Board to

acknowledge that if for some reason this thing stops their recourse will not be against the City. The County and School Board recourse will be against the equipment and K & E Solar not the City. So the question is can the Council authorize us to move forward with the lease agreement that will clearly specify that the parties to it will be K & E and the City that the taxes will be paid directly to the County and the School Board and to the City with the offset of fifteen thousand. The County's stance is they don't have to sign the understanding because if the equipment goes there and the tax assessor assesses it then they will get the taxes owed. Mitchell stated he wants to cover all the bases so there are no questions in the future. This is a similar situation as the LOST litigation where all parties who are to receive any benefit must agree. Alderman Richbourg made the motion to ratify the polled vote completed on November 14th where the Councils vote was five no and the Mayor yes to K & E lease agreement change. Alderman Retterbush seconded the motion and the motion carried unanimously. Mayor Harper told the group the vote that was polled on November 14th was based on six hundred per acre or three thousand per year. This figure was based on after the taxes were paid including the City taxes. According to the schedule the Mayor provided to each of the Council the City's total for the first year would be \$5727.00. Mayor Harper explained the Appraisal/ Assessment Schedule figures below:

<u>Total Taxes on Equipment</u>	<u>Total City Taxes</u>	<u>Total Less All Taxes</u>	<u>Net Total to City</u>			
11673	583.63	2400	120	3327	15000	5727
11089		2280		3911		6191
10506		2160		4494		6654
9922		2040		5078		7118
9338		1920		5662		7582
8755		1800		6245		8045
8171		1680		6829		8509
7587		1560		7413		8973
7004		1440		7996		9436
6420		1320		8580		9900
5837		1200		9164		10364
5253		1080		9747		10827
4669		960		10331		11291
4086		720		11498		12218
2918		600		12082		12682
2335		480		12665		13145
2335		480		12665		13145
2335		480		12665		13145

Net Total Years 2-30; \$186,705.00
 Net Total 1st Year; \$40,000.00
 Net Total 20 Years; \$226,705.00

Mayor Harper also advised the group that the Solar Company is also looking at another piece of land to do another project for next year. Mr. Greg Kelly with K & E Solar and Hanna Solar explained some of the history of the solar companies. He also told the group about some of the

other companies and Municipalities in South Georgia that they do business with. Mr. Kelly explained to the group how they will install the solar panels on the piece of property. After some more discussion on the issue Alderman Richbourg made the motion to enter into the lease agreement with K & E Solar based on the figures above and whatever Mitchell More needs to do to get things taken care of with the County on the taxes. The motion was seconded by Alderman Gaither and the motion carried unanimously.

3. LMIG Contract Approval- Randy Lane told the group on November 7th bids were received and opened on the 2013-2014 LMIG. Statewide Engineering recommended the lowest bid which was from The Scruggs Company in the amount of \$119,815.89. Randy said one the Council approves this recommendation a change order also needs to be approved for around \$13,000.00 which needs to be spent. We would like to use the money on the road between Jefferson and Davis and the money left over can go towards street signs. Alderman Stalnaker made the motion to approve the lowest bidder, The Scruggs Company, for the 2013-2014 LMIG; and also approve the change order for the remaining funds to go to the repaving of the street between Jefferson and Davis and any remaining funds can go towards the purchase of street signs. Alderman Gaither seconded the motion and the motion carried unanimously.

4. First Reading of the Amended Cemetery Ordinance- Mitchell Moore told the group he will be amending the Cemetery Ordinance chapter six section 6-12 price of lots and provide a schedule of rates and charges for the sale of City cemetery lots. The price per gravesite of cemetery lots owned by the City of Nashville will be set forth in the schedule of rates and charges on file in the office of the City Clerk effective as of the date thereof and modified as hereinafter. These prices shall be regulated by Mayor and Council in open session however any changes in the price of said lots will become effective the Monday following two weeks' notice publication of notice of any revision of the gravesite lot prices. Mitchell stated this will constitute the first reading and will be effective subject to the two weeks' notice and published in the local organ.

5. CDBG Bid opening for the Sewerage System Improvements Project on East

Washington- Mayor Harper told the group that bid were received and tabulated on October 24th. Chris Poje of G. Ben Turnipseed Engineers sent the recommendation letter which states after tabulation of the bids Southeast Pipe Survey, Inc. with a total bid amount of \$445,839.80. Mr. Poje stated the low bidder has adequate experience, technical ability and financial capability to complete the project. Mr. Poje enclosed a copy of the cost summary for the project and since the City does not have adequate funds to complete the project as bid they recommend the City reduce the scope of the project and award the contract with an enclosed change order which revises the contract amount to \$436,362.80. Mr. Poje also enclosed a certified copy of the bid tabulation for the bids received and sample resolution the City should consider adopting to award the construction contracts. Alderman Richbourg made the motion to go with Southeast Pipe Survey on the project. Alderman Stalnaker seconded the motion and the motion carried unanimously.

6. Budget Resolutions for the End of the Fiscal Year 2013- Mandy Luke introduce a three Budget Resolutions for the end of fiscal year 2013. The City had an increase in revenues in the amount of \$1,500.00 on the Hotel Motel from the last budget so this is why we are increasing the Hotel Motel. The General Fund will need to be increased \$45,000.00 to cover some of the unexpected expenditures where we were over on such as the \$30,000.00 spent on the consultants for LOST. Our Auditors told us we need to have a completely different fund set up for the new SPLOST which is SPLOST 4. The resolution for SPLOST is what was actually budgeted for SPLOST 3 and splitting it between SPLOST 3 and SPLOST 4. Alderman Stalnaker made the motion to adopt the Resolutions. Alderman Gaither seconded the motion and the motion carried unanimously.

REPORTS

6. City Manager's/Finance Director's Report- Mandy presented the Council with an agreement from Deep South Solid Waste for the City's annual royalty payment of around \$15,000.00. This money can be used towards anything dealing with sanitation. Council needs to give the Mayor the authority to sign the agreement so the City can receive the royalty payment. Alderman Richbourg made the motion to give the Mayor the authority to sign the agreement for the royalties. Alderman Retterbush seconded the motion and the motion carried unanimously. Mandy also reminded the Council about the City's Thanksgiving lunch Wednesday at noon.

7. City Attorney's Report- Mitchell Moore updated the group on the DuPont Pine and the gas line extension. On September 12th he submitted an Inter-Governmental Agreement to Tom Thomas. Ben Warren and Peter Schultz went over the site in order to address some concerns about some of the existing utilities. Mitchell said Tom Thomas wanted to revise the IGA to reflect "any necessary right of ways" but he will charge the City for the revisions. Mitchell stated we can't go anywhere without the right of ways in the IGA agreement and the Council needs to advise on which way to go. Alderman Richbourg stated if that's what it takes to get the County to sign the agreement then he feels as if the Council is willing to do that. Alderman Richbourg also asked where the City stands with the project now. Mitchell said they are still looking at other options but if we get the grant and according to Kim Hobbs from Southern Georgia Regional Commission the City stands a good chance at getting this grant. Dawn Morrison confirmed Mitchell's statement and said they need around five other things before we need to speed up the process. Alderman Richbourg made the motion to give Mitchell the authority to have the County attorney revise the Inter-Governmental Agreement up to \$500.00. The motion was seconded by Alderman Stalnaker and the motion carried unanimously.

8. Department Head's Report- Randy Lane told the group a security light was requested in the parking lot behind the old DA office and Dr. Cox's office. Right now the parking lot has no light in it at all and some of the employees who park there leave a dark. Alderman Richbourg suggested they put up the same type of street lighting as the downtown area. Alderman Retterbush asked Randy if they could reposition the lights that are located in the area. Randy said that would not work due to the placement of the other lights. Alderman Richbourg made the motion to put up another street light in the parking lot located behind the old DA office and Dr. Cox's office. Alderman Stalnaker seconded the motion and the motion carried

unanimously. Randy introduced Mr. Jamie Inman who wanted to speak to the Council in reference to damages to his car due to hitting a pothole in the road on Old Coffee.

Mr. Jamie Inman stated that his wife was traveling on Coffee Road on Nov. 2 and hit a pothole, an incident that was reported by Sargent Timmy Jernigan. Mr. Inman stated that the pothole was cut out in the road, not worn out, and was a road hazard. Mr. Inman wanted to be reimbursed for half the \$702.95 cost of replacing his tire and rim and a front end alignment. He indicated that his insurance company had denied his claim since it resulted from a road hazard. Council members were informed by City Attorney Mitchell Moore that municipalities are not responsible damages from road hazards. Mayor Harper asked the Council if anyone wanted to take any action. Council members did not want to take any action on the matter. Mr. Inman was advised to retain an attorney if he wished to pursue the matter.

Chief Edwards gave an update on the USDA grant for the police vehicles. He said we have received notification that we have been considered eligible to go forward with the application process and so the next step is to hold a Public Meeting and advertise ten days prior to the meeting in the local press or the Berrien Press. Chief Edward told the Council they would like to hold the Public Meeting on December 9th at 5:30 pm before the Council meeting if the Council has no objections. Hearing no objections, he gave a copy of the Public Notice to the City Clerk, Tina Ward, to post in the City Hall and for the record. Alderman Retterbush made the motion to approve holding the Public Meeting on December 9th at 5:30 pm before the Council meeting. Alderman Richbourg seconded the motion and the motion carried unanimously. Chief Edwards also updated the group on the search for these police vehicles. The Tahoe's that were mentioned in the last police package are not available right now so we were looking at the Ford Expeditions which is a special purpose vehicle and does not meet our needs. We have concluded that we will remove this vehicle from our proposal. Chief Edwards stated he will continue researching other alternatives and hopefully have something for the next Council meeting. Chief Edwards told the group they recently purchased a 2010 Crown Victoria that was refurbished. We also have a hold on a 2011 Crown Victoria which has only 29,000 miles on it and as soon as the financing is approved by the City Manager we will move forward.

PUBLIC COMMENTS FROM PUBLIC/COUNCIL

Brenda Thomas told the group the trailer park located on MLK Drive needs to be removed. Paul Stagner told Ms. Thomas they are making arrangements to get rid of the trailer park. John Black asked for a copy of the new Cemetery Ordinance. Mitchell Moore said he will forward a copy to the City Clerk and Mr. Black can pick it up at City Hall.

Alderman Stalnaker asked the group to allow the City employees to go home at 2:00 pm on November 27th. Most everything will be closing early that day which is the day before Thanksgiving. Alderman Stalnaker made the motion to allow the City employees to go home at 2:00 pm on November 27th. Alderman Richbourg seconded the motion and the motion carried unanimously. Mayor Harper stated for the record he is in favor of this motion.

Mayor Harper along with the Council thanked Alderman Stalnaker for his years of service with the Nashville Fire department. Alderman Stalnaker will be attending his last Monday night meeting tonight with the volunteer fire department.

ADJOURNMENT

There being no further business to conduct, Alderman Richbourg made a motion to adjourn the meeting at 7:30p.m. Alderman Gaither 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