

**REGULAR MEETING  
CITY COUNCIL OF THE CITY OF NASHVILLE  
COUNTY OF BERRIEN  
November 26, 2012  
6:00 P.M.**

**INVOCATION:** Mayor Pro-Tem Billy Retterbush

**PLEDGE:** Pledge of Allegiance was led by Mayor Pro-Tem Billy Retterbush

**WELCOME:** Mayor Pro-Tem Billy Retterbush

**ROLL CALL:** Members of the City Council present included Aldermen Eric Gaither, Antonio Carter, Scott Stalnaker, Alderwoman Mellisa Watson and Mayor Pro-Tem Billy Retterbush.

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

**OTHERS PRESENT:** Randal Milton, Allen Davis, John Black, Pearlene Daniels and Frank Watts.

**ADOPTION OF MINUTES-** Mitchell Moore wanted to make some corrections to the minutes. Under item number seven, the word road should be the entire lot, the word Lions should be spelled Lyons, and sharing in a plea should read sharing pleadings. Alderman Stalnaker made the motion to approve the minutes from the previous meeting with the changes. Alderman Gaither seconded the motion and the motion carried unanimously.

**ADOPTIONS OF FORMAL AGENDA-** Mayor Pro-Tem Retterbush requested a few items be added to the formal agenda. As item number three the Beer and Wine application for Flash Foods, item number four, Change or cancel the Council meeting for December 24<sup>th</sup>, 2012. Mitchell Moore requested an Executive Session. Alderman Stalnaker made the motion to adopt the formal agenda with the changes. The motion was seconded by Alderman Gaither and the motion carried unanimously.

## NEW BUSINESS

**1. 2<sup>nd</sup> Reading of the Ordinance Amending Article II Sewer Use-** Mitchell Moore told the group this Ordinance Amending Article II sewer use, section 29-51 permit, application fee by deleting section 29-51 in its entirety. There shall be two classes of building sewer permits, residential, commercial service and industrial service. This will constitute the second reading of this Ordinance and once the Council adopts the Ordinance it can be published. Alderman Gaither made the motion to adopt the Ordinance Amending Article II Sewer Use. Alderman Carter seconded the motion and the motion carried unanimously.

**2. Agreement for Engineering Services from Rakestraw and Associates-** Randy Lane told the group this is an agreement between the City of Nashville and Rakestraw and Associates, the engineers for the T-Project on Dogwood. DOT needed a copy of this agreement so Mandy Luke signed it and sent them a copy. Council just needs to ratify this agreement in open session. Mayor Pro-Tem Retterbush pointed out on page seven the total fee for the engineers will be 12% or \$52,500.00. The total design fee will be \$437,500.00. The \$350,000.00 GDOT funds plus \$87,500 local match will equal the \$437,500.00. Alderman Stalnaker made the motion to ratify the agreement with Rakestraw and Associates. Alderman Carter seconded the motion and the motion carried unanimously.

**3. Correction on Beer and Wine Application for Flash Foods-** Mandy Luke told the group at the last Council meeting the group approved a Beer and Wine Application for Flash Foods. All fees were paid and a criminal history was completed with no records found. The applicant made an error on the application. The application was to be for 2013 and instead 2012 which was typed in the blank for the year. According to the applicant, Patrick Jones, they were attempting to get a head start on the license for next year. Mandy told the group she was sure the store did not change ownership but will double check it tomorrow. Alderman Carter made the motion to approve the beer and wine application for 2013 for Flash Foods based on the ownership being the same. Alderwoman Watson seconded the motion and the motion carried unanimously.

**4. Change or Cancel the December 24<sup>th</sup> Council Meeting-** Mayor Pro-Tem told the group the December 24<sup>th</sup> Council meeting falls on Christmas eve so the Council needs to vote on canceling the meeting. Alderman Carter made the motion to cancel the meeting on December 24<sup>th</sup>. Alderman Gaither seconded the motion. The motion did not carry unanimously with Alderman Stalnaker voting no. Alderman Stalnaker told the group that the City has entirely too much open

business to cancel the meeting. He suggested the meeting be open and then cancel it at the last minute if there is nothing for the agenda. The group discussed the beer and wine applications need to be approved in the month of December. Mandy Luke told the group the letters for these licenses have been sent with the notice that they must have the applications in before the first meeting in December. Mayor Pro-Tem Retterbush asked Chief Clayton if he could send out some officers to let these business owners know that their license needs to be approved at the first meeting in December. Chief Clayton told the group that they have done this in the past and will continue to inform each business owner. Mandy also told the group that according to the Department of Audits and Accounts the Federal Government now mandates that each business with ten or more employees that applies for a business license or occupational tax for the 2013 year must have an e-verify number. We have included the web site address for all business owners, so they can retrieve an e-verify number. The e-verify number must be on every application for these business owners when it is turned in or they will not be approved for a business license. Alderman Carter made the motion to resend is original motion and keeps the December 24<sup>th</sup> Council meeting open. Alderman Gaither seconded the motion and the motion carried unanimously. The group had some discussion over the VFW's license renewal. Mitchell Moore said under the Statue they may qualify for the Sec. 3-89 which allows for a transfer without proration in submitting the application if there is no change in ownership only in managers.

## **REPORTS**

### **5. City Manager's/Finance Director's Report- None**

**6. City Attorney's Report-** Mitchell Moore told the group that he advised the owner of Mimi's Café to amend their application under the Sec. 3-89 when it was brought before Council during the last meeting. Unfortunately they did not do this they changed ownership and applied for a new numbers. This can still be done if Council will allow their amended application for 2013. Mitchell told the Council he was contacted by John Reynolds about some people who were on some of the City's property without permission. He said the property is the easement property given to the City by Dee Shiver and Jeff Dorsey for the new Waste Water Treatment Plant and these individuals have been spotted on this property more than one time. Also the cable and the locks that were put up to keep people out were driven on and the lock was broken. He said he has advised John to put signs up around the area so these people are adequately warned. Mitchell asked the Council's permission to send a notice to these individuals for trespassing on this

property and take the proper steps to prevent it from happening again. The Council told Mitchell to do whatever is necessary.

**8. Department Head's Report-** Randy Lane told the group that Abby Griffin and she wanted to ask the Council if she could have a fund raiser at the Community Center for a scholarship in memory of her son. The vendor will be selling jewelry and half of the proceeds will go towards the scholarship. The Council said they are very sympathetic but we can't allow the fund raiser. We can't because it goes against our policy. Alderwoman Watson told Randy to let Ms. Griffin know she will be happy to allow the fund raiser in her store, which is across from the community center. Also Randy Lane told the group a decision needs to be made on the Local Maintenance and Improvement Grant (LMIG). Council needs to decide on which street they want to see repaved. The choices are Hull, between Edgewood and Enigma highway, on MLK from Ann to Mitchell and South Jefferson and Edgewood to US 129 or Davis Street. Randy told the group we will be receiving \$51,508.00 to pave but this amount will not go very far so Council needs to choose one of these roads. Council told Randy that the one that has the most traffic should be the one that gets repaved. Randy also told the group that Statewide Engineers took back the lowest bid from James Warren and Associates because the bid was incomplete. The eight required documents that follow were not included in James Warren and Associates bid. 1. Letter of Bond ability, 2- Certificate of Insurance, 3-Equal Employment Opportunity Clause, 4.Certification of Non-Segregated Facilities, 5.Contractor Certification Regarding Debarment, 6. Drug Free Work Place, 7.Sub-Contractor Affidavit and Agreement-Immigration Reform and Control Act, 8. Section 3 Clause of the Urban Development Act of 1968. Therefore it is the recommendation of Statewide Engineering that the City of Nashville reject the bid from James Warren and Associates and award the Base Bid (without the additive alternate) to the lowest, complete, and accurate bid received which was from Ricketson Construction Company. Ricketson Construction Company submitted the lowest bid that was mathematically correct and contained all documentation required. The total base bid from Ricketson Construction is \$171,001.49, which is over budget by \$233.07. The bid is for the 2011 CDBG Sewer upgrades. Alderman Carter made the motion to reject the bid from James Warren and Associates and award the bid to the next lowest bidder Ricketson Construction Company. Alderman Gaither seconded the motion and the motion carried three to one with Alderman Stalnaker abstaining from the vote. Randy Lane also wanted the Council to be aware that the annual retreat for the Georgia Initiative for Community Housing will be held in Lake Blackshear on February 25<sup>th</sup> through the 28<sup>th</sup>. Dawn Morrison handed the Council the Nashville Christmas Event Schedule. Saturday, December 1<sup>st</sup>, Breakfast with

Santa from 9 to 11a.m. at the Brownbag. Also the Christmas Parade will begin at 6:00 pm that evening. Sunday, December 2<sup>nd</sup>, the Tour of Homes and Stuff your Stocking from 2:00 to 4:00pm and Art Room Treasures-Art Exhibit from 1:30 to 4:30pm. Monday, December 3<sup>rd</sup> and Tuesday, December 4<sup>th</sup>, Stuff your Stocking-Shop over 25 vendors under one roof from 10:00am to 8:00pm. Friday, December 7<sup>th</sup>, the Snow downtown will start at 6:00pm and end at 8:30pm. and the drawing for CASA Playhouse will take place at 7:00 pm. Dawn also handed each of the Council a ticket for the Tour of Homes.

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

Allen Davis asked Mandy where the website is to complete and receive the E-verify number. Mandy said the website should be on the letter sent out by Brenda Swain. Frank Watts told the group the sidewalks on East Marion look great.

### **EXECUTIVE SESSION**

Alderman Stalnaker made the motion to go into Executive Session at 6:42 pm. Alderman Gaither seconded the motion and the motion carried unanimously. Alderman Gaither made the motion to come out of Executive Session at 7:14pm. Alderman Carter seconded the motion and the motion carried unanimously.

### **ADJOURNMENT**

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