

**REGULAR MEETING  
CITY COUNCIL OF THE CITY OF NASHVILLE  
COUNTY OF BERRIEN  
December 10, 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, Alderwoman Mellisa Watson and Mayor Pro-Tem Billy Retterbush, Mayor Travis Harper arrived late.

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

**OTHERS PRESENT:** Randal Milton, Allen Davis, Dale Luke, Pearlene Daniels and Brenda Thomas.

**ADOPTION OF MINUTES-** Mitchell Moore wanted to make some corrections to the minutes. Under item number four and item six, Sec. 3-89 should be written instead of 389. Also, under the Attorneys comments the easement was given to the City by Jeff Dorsey and Dee Shiver not Georgia Power. Alderwoman Watson 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-** Mitchell Moore requested an Executive Session be added to the formal agenda. Alderman Gaither 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. Resolution on the Executive Session from the November 26<sup>th</sup> meeting-**

Mitchell Moore presented the group with the Resolution for the Executive Session held on November 26<sup>th</sup>. Alderman Carter made the motion to adopt the Resolution for the Executive Session. Alderman Gaither seconded the motion and the motion carried unanimously.

**2. Ratify a Grant for the Water Department-** John Reynolds told the group he applied for and received a 100% reimbursable grant from Georgia Rural Water for fluoride equipment at the drinking water wells. John told the group they will receive a total of \$3120.00 in grant money. They were able to purchase new pumps and piping for both of the drinking wells. Alderman Gaither made the motion to ratify the grant from Georgia Rural Water. Alderwoman Watson seconded the motion and the motion carried unanimously.

**3. Changing vesting time on City Retirement-** Randy Lane told the group he checked with GMA Retirement about changing the vesting time on our City Retirement from 10 years to 5 years. Mr. Randy Logan from GMA advised me it would cost the City of Nashville \$2,500.00 more per year to change the vesting time. He also told me most cities our size are going to the lesser years to vest because it is a very good recruitment tool to use against the larger cities like Valdosta and Tifton to attract better people for city jobs. Mr. Logan stated that our retirement fund is very stable and will continue to be. Randy added the employees who are employed with the City of Nashville now will be grandfathered in to the new vesting time. Council needs to ratify this decision in open session. Alderman Carter made the motion to ratify the changing of vestment time from ten years to five years on the City's retirement. Alderwoman Watson seconded the motion and the motion carried unanimously.

**4. Open a new checking account for SPLOST #4-** Mandy Luke told the group that the City's Auditors requested that she keep up with the funds from SPLOST #3 separately from funds for SPLOST #4 which the City started receiving in March of 2012. They advised her to open a new checking account for the SPLOST #4 funds. Per the Auditors the Council must approve any new checking account in open session. Alderman Carter made the motion to approve the opening of the SPLOST #4 checking account. Alderwoman Watson seconded the motion and the motion carried unanimously.

**5. Discussion on the adoption of the Intergovernmental Agreement on Energy Excise Tax-** Mandy Luke told the group the Energy Excise Tax on Energy used in Manufacturing is an optional local tax designed to replace the LOST revenues that will be lost during the new statewide sales tax exemption beginning January 1<sup>st</sup>, 2013. The City's must elect by intergovernmental agreement with the County to collect the tax and County can elect by Ordinance to collect the Energy Excise Tax. If the County doesn't want to agree then the City's must adopt the Ordinance to collect the tax and the City's will receive the funds from the collections. If the County agrees and the City's do not then the County will receive the benefits of this tax. If all agree then the tax will be split out based on the SPLOST or LOST agreement. If the City of Nashville enters into this intergovernmental agreement with the County then the County will be responsible for collecting and distributing the tax and will receive one percent off the top for administrative fees. She sent a copy of the intergovernmental agreement to Mitchell Moore for his observation and she asked Mitchell to give group his input. Mitchell told the group the tax will be phased in and start out at 2% up to a maximum of 5%. He said this is a County tax and he advised the Council to participate in this tax. One percent off the top will go to the County for collecting and distributing, one half will also be given to the County and the other half will be split out between the other participating Cities'. The County is supposed to adopt an Ordinance on this tax tomorrow night during the County Commissioners meeting. Alderwoman Watson asked how energy used in manufacturing is defined. Mitchell said any natural or artificial gas, oil, gasoline, electricity, solid fuel, wood, waste, ice, steam, water and other materials necessary and integral for heat, light, power, refrigeration, climate control, processing or any other use in any phase of the manufacturer that is primarily engaged in producing electricity for resale, such as energy manufactured for resale by Georgia Power or an EMC. Mayor Pro-Tem Retterbush asked Mitchell how the tax is enacted. Mitchell said the tax is enacted through the adoption of an Ordinance<sup>3</sup> by the Board of Commissioners; no referendum is required. If one or more cities want to be included they must sign an intergovernmental agreement with the County. If the County fails to adopt the Ordinance before the end of 2013, any city can adopt their own Ordinance<sup>3</sup> and collect the tax within their jurisdiction. Alderman Gaither made the motion to enter into the intergovernmental agreement with the County of the Energy Excise Tax. Alderwoman Watson seconded the motion and the motion carried unanimously.

**6. Watershed Protection Plan-** Randy Lane told the group we received the Watershed Protection Plan which has to be approved by The Council before it can be sent to Georgia Department of Natural Resources for their approval. Michael Klink from Applied Technology & Management, Inc. received the letter from EPD

and forwarded the letter with the final Watershed Protection Plan. He included the minor changes that were requested by EPD. The letter states the watershed planning and monitoring program has reviewed the City of Nashville Watershed Protection Plan. We appreciate the City's commitment to protecting the watersheds in your service area and to monitoring the results of your protective measures. (See attached copy of the Watershed Protection Plan). In addition to the list of biological monitoring tasks on page 21, flow measurements should be conducted at the macroinvertebrate collection sites. Alderman Gaither made the motion to approve the Watershed Protection Plan with Applied Technology and Management. Alderman Carter seconded the motion and the motion carried unanimously.

**7. Applications for 2013's Beer and Wine license-** Mayor Travis Harper read the list of applications for 2013 beer and wine license. Akridge's Get-N-Go, Alco Discount Store, Berrien Café, Cypress Pointe, Discount Corner, Four Guys Convenience, Gaskins Grocery, Harvey's, La Puerta Del Sol, Mae's Café, Market Café, Me. G's Market, OM & Aaron Corp DBA Lucky Corner, Pap's III, Pit Stop, Quick Mart #1 and #2, Rana Corp d/b/a J Raj Liquors, SNSV Inc. DBA 5 Points, Stop & Shop, The Blue Swan, The Log Cabin, and the VFW have applied a license. All have paid in full and all criminal histories were completed with the exception of Pizza Hut who did not apply. Alderman Gaither made the motion to approve the beer and wine license for the above applicants with the exception of Pizza Hut. Alderman Retterbush seconded the motion and the motion carried unanimously.

## **REPORTS**

**8. City Manager's/Finance Director's Report-** Mandy Luke told the group the City Auditors have completed their time at City Hall. They will continue their audit of the City at their office and we should hear about the results by February or March 2013. Also we need to reschedule the City Council meeting for December 17<sup>th</sup>, 2012, or hold a Special called meeting for the 17<sup>th</sup>. The first order of business for the meeting will be to approve the lowest bidder from the bid openings conducted on December 13<sup>th</sup> for the Hogan Project. Mandy also told the group due to the lack of time the minutes will not be completed from the December 10<sup>th</sup> meeting for the December 17<sup>th</sup> meeting. Alderman Retterbush made the motion to reschedule the December 24<sup>th</sup> Council meeting for December 17<sup>th</sup> at 6:30 pm. The motion was seconded by Alderman Gaither and the motion carried unanimously.

**9. City Attorney's Report-** Mitchell Moore spoke to Henry Yawn about a piece of property in Perkins Subdivision. He said the Bank of Ozarks is not interested in foreclosing on this property because it is a liability. They stated that they will not condemn the property and are not opposed to any part the City may take to protect the neighborhood. Mitchell stated he is looking into some other options for the property and will keep the Council updated. Mitchell told the group he was given contracts from Statewide Engineering on the Farmers Market for him to review and sign. He was unable to sign off on the documents because they were incomplete and he called Statewide Engineering and express his concern about certifying documents in the form they were in and Statewide Engineering indicated that there were some issues with the contract on the person who submitted the lowest bid. Statewide Engineering also stated that USDA had not approved their copy of these documents. Mitchell said he told Statewide that he would send them the problems he had with the documents and the corrections needed to correct the documents. In the meantime Statewide was going to check with USDA and the bonding company to find out if these will be ok once they are corrected.

**8. Department Head's Report-** Randy Lane told the group he has a pre-grant meeting tomorrow in Cordell on the Beetree Park renovations and hopefully we will get the notice to proceed on this project in the next week. Also he will try to get a planning meeting with Steven Rakestraw on the Dogwood project before Christmas.

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

Mayor Harper apologized to everyone for his being tardy to the meeting.

### **EXECUTIVE SESSION**

Alderman Retterbush made the motion to go into Executive Session at 6:51 pm. Alderman Gaither seconded the motion and the motion carried unanimously. Alderman Carter made the motion to come out of Executive Session at 7:20pm. Alderman Gaither 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 7:21p.m. Alderman Carter seconded the motion and the motion carried unanimously.

---

Mayor Travis Harper

---

Alderman Eric Gaither

---

Alderman Mellisa Watson

---

Alderman Antonio Carter

---

Alderman Billy Retterbush

---

Alderman Scott Stalnaker

---

Alderman Michael Richbourg

**ATTEST**

---

Tina Ward, City Clerk