

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
JULY 25, 2011**

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 Eric Gaither, Dick Perryman, Billy Retterbush, Scott Stalnaker, and Antonio Carter.

STAFF PRESENT: Tina Ward, Randy Lane, Mandy Luke, Tommy Davis, Henry Yawn, Major Edwards, John Reynolds, Peter Schultz, and City Attorney Mitchell Moore.

OTHERS PRESENT: Randall Melton, John Hunkele, Bobbie Roberts, Charles Luke Jr., Ida Luke, Sharon Shivers, Don Shivers, Ben Drawdy, Donna Drawdy Floyd, Aleck Merritt, Gayle Merritt, Sam Sullivan, J C Gillian, Bill Turner, Frank Watts, Brenda Thomas, and Mr. Miles.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS: Alderman Stalnaker a motion to adopt the minutes from the previous Council meeting. Alderman Carter seconded the motion and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA- Mayor Harper asked the Council to change item two on the formal agenda. Add as item two, Allgreen Services, Alderman Gaither made a motion to adopt the formal agenda with the change. The motion was seconded by Alderman Retterbush and the motion carried unanimously.

NEW BUSINESS

1. Request for special exception- Henry Yawn told the group a public hearing was held today at 5:30 p.m. for a special exception request or a variance of setbacks on Griner Street and Anderson Street from 55 feet from the center line of the street to 40 feet from the center line of the street. Mr. Aleck Merritt is requesting these setbacks in order to build two additional apartments. Mayor Harper commended Mr. Merritt for helping bring more affordable housing into Nashville. He added he and Randy Lane have been a part of a community housing initiative to help bring in more affordable housing for the City. Mayor Harper also stated that rules are not meant to be broken but if the rules were made 30 years ago and they need to be applied to the here and now, then the changing of these rules would be very costly so that is why the City Charter grants the City Council the right to hold public hearings and allow for special exception, because every situation does not fit every rule. Mayor Harper said he cannot vote but he would like to speak in favor of this special exception on these two lots. He also stated the 15 feet and 18 feet needed for the setback to build these two apartments should not cause any problems on Griner and Anderson Streets. Mitchell Moore wanted to clarify the request; he said Mr. Merritt is requesting a waiver of sought permission to put a compliant housing unit on a noncompliant lot. Mayor Harper said Mr. Merritt sought permission from the Planning Board and for reasons unknown the board did not meet, and fulfill their commitment to this project, so now he is seeking permission from Council. Alderman Stalnaker stated if we allow this special exception then how many others will there be in the near future. Alderman Retterbush asked Mr. Merritt if the codes were in effect before he bought the lots. Mr. Merritt said the zoning was in effect but the lots were not plated as they are now. They were originally plated for eight shotgun houses and he had the lots plated again for four units in order to bring the lots up to code. Alderman Perryman elaborated by saying the way the zoning is now it looks like according to the map, will prevent Mr. Merritt from doing anything on his property especially on lot one. The zoning was not put into place to keep a person from using his own property. Alderman Perryman made the motion to approve the setback of eighteen feet on lot one. Alderman Retterbush seconded the motion. Mayor Harper called for a roll call vote. Alderman Perryman, Retterbush, Carter, and Gaither voted in favor, and Alderman Stalnaker voted against. The motion carried four to one. Alderman Perryman asked Mr. Merritt if he could build a two storey home on lot four if the fifteen foot setback is not approved. Mr. Merritt said yes it can be done. Mayor Harper pointed out; the opposition for this request is against a two storey more than a one storey duplex. Most of the opposition said they would rather have a one storey duplex than a two story home. Alderman Retterbush made the motion

to approve the fifteen foot setback for lot number four. Alderman Gaither seconded the motion. Mayor Harper called for a roll call vote. Alderman Perryman, Retterbush, Carter, and Gaither voted in favor of the fifteen foot setback, and Alderman Stalnaker voted against the motion. Alderman Stalnaker explained he feels as if the ruling will set precedence. The motion carried four to one.

2. Allgreen Services- Sam Sullivan with Allgreen Services wanted to stop by the Council meeting to introduce him and J.C. Gillanwater the operations manager for Allgreen Services based out of Adel. He said Allgreen is the City's contracted household waste service. Mr. Sullivan wanted to tell the Council hello and thank you for allowing Allgreen to serve the City. He also told the group the company has a dispatcher; Tracy and she along with April Copeland from the City, handle the day to day transactions as far as the pickup and billing. Mr. Sullivan advised the group, if anyone has any questions or needs anything just let them know.

3. FY 2012 Budget Adoption Resolution- Mandy Luke presented the FY 2012 Budget Resolution. She said the Council needs to adopt the Resolution for the Budget. All advertisements were placed before and after the public hearing. Since the last meeting nothing much has changed except for the Waste Water Treatment Plant project will get started this fiscal year. We are also starting on a new gas project this year so that made a small change in the gas fund. The general fund has changed some but it is related to our increase in revenues and to our budgeting lower revenues the last year. The actual proposed budget for FY 2012, August 1, 2011- July 31, 2012 is as follows: General fund- \$2,894,340.00; Water/Sewer fund- \$1,619,580.00; Gas fund- \$1,583,925.00; SPLOST fund- \$859,362.00; Hotel/Motel fund- \$4,507.00. Mandy noted that the City is coming out of SPLOST 2 and the new SPLOST starts January 1, 2012. Alderman Stalnaker made the motion to adopt the FY Budget Resolution. Alderman Carter seconded the motion and the motion carried unanimously.

4. Ratify the Resolution/Intergovernmental Agreement for use of Berrien County Right of Way/Easement- Mitchell Moore told the group this another Intergovernmental Agreement in connection with the Gas Line Project. The Resolution is for use of Berrien County right of way. Council needs to ratify this agreement. Alderman Stalnaker made the motion to ratify the Resolution. Alderman Perryman seconded the motion and the motion carried unanimously.

5. Engineer for Waste/Water Treatment- John Hunkele told the group on July 19, 2011 the bids for the Waste Water Treatment Plant was opened at the City Council Chambers. A total of 10 bids were received on Contract A (Influent

Pumping Station) with Southern Champion Construction Company of Stone Mountain, Georgia being the apparent low bidder at \$460,176.00. Eight bids were received on Contract B (Wastewater Treatment Plant) with BRW Construction Group, LLC of Savannah, Georgia being the apparent low bidder at \$5,714,867.50. Seven bids were received on Contract C (Outfall Sewer Line) with Standard Contracting of Valdosta, Georgia being the apparent low bidder at \$243,860.00. The total amount of the three low bids is \$6,418,903.50. We have requested from each of the low bidders, the necessary MBE/WBE compliance information to send to Gaynell Hill with EPD in Atlanta. Upon her approval of the MBE/WBE compliance data, the City may award construction contracts to each low bidder. Hopeful this will be done at the August 8, 2011 Council Meeting. The next step after award will be contract preparation and execution, pre-construction meeting and notice to proceed. We anticipate a notice to proceed by the week of September 12, 2011.

The NPDES Permit has been issued and the formal construction plan approval is expected by the end of this week (July 29, 2011).

REPORTS

6. City Manager's/ Finance Director's Report-Mandy Luke told the group the only thing she needed to discuss is the Adoption of the Budget for FY 2012.

7. City Attorney's Report- Mitchell told the group a third Intergovernmental Agreement in relation to the Gas Line Project that needs Councils approval. This Resolution will be authorizing the City Manager to execute the Intergovernmental Agreement – C. D. Ownership Agreement. This agreement will reflect the C. D.'s pledge by the City of Nashville for the Gas Line Project. The agreement has been drafted and sent to Mark Sandiford and Greg Sowell. The C. D. Ownership Agreement will reflect, no funds shall be deducted from the jointly held Certificates of Deposit absent default by Nashville as in the Pipeline Agreement, and in the C. D. Ownership Agreements. Alderman Stalnaker made the motion to adopt the Resolution, authorizing the City Manager to execute Intergovernmental Agreement- C. D. Ownership Agreement. Alderman Retterbush seconded the motion and the motion carried unanimously. Alderman Retterbush asked Mitchell if he had heard anything from TTL. Mitchell said he will get in touch with them and follow up this week and email the update to Council.

8. Department heads Report- None

PUBLIC COMMENTS/GENERAL COMMENTS FROM COUNCIL

Bobbie Roberts told the group her yard is being flooded again by water traveling from across town and overflowing the pond located behind her home. She commented she plans to build her yard up higher than anyone around her area in order to keep the overflow from flooding her yard. Mr. Bill Turner told the group he would like for the Council to look into spraying more for mosquitoes or find other ways to get rid of this pest. He said he contracted West Nile Disease which comes from mosquitoes, a few years ago and he wanted to ask Council to help keep this disease from infecting others. He said the holding pond behind his home is nothing but a mosquito incubator and in the afternoon he or his wife can walk outside without getting bitten by this pest.

Frank Watts told the group someone needs to call DOT about the red light located at the Rite Aid intersection. The lights timer is off because it takes forever for the light to turn green to allow for traffic to drive across or turn onto Davis Street. Mayor Harper asked Randy Lane to look into this matter.

Mrs. Ida Luke said since school is about to begin could the Police department send some units to control the speeding buses on Hull Ave.

Randall Milton asked the Mayor if the City could put some pavement on Hull Avenue. Mayor Harper said since most local Governments do not have the funds for paving, the Local Maintenance and Improvement Grant Program or (LMIG) is the program used by local Government for paving roads each year. He also encouraged the group to go out and vote for the T-SPLOST which is another 1 cent sales tax but it will help fund transportation projects. It will also bring money back to the City and County and will help give a better match of these LMIG funds we are trying to acquire. Alderman Gaither requested the City start advertizing for a Crossing Guard since schools are about to reconvene. Major Edwards said the Police department has received several applications for the position and will start interviewing this Friday when the Chief returns from meetings in Savannah. Alderman Carter commended the Police department on a job well done, in reference to the KFC investigation.

ADJOURNMENT

There being no further business to conduct, Alderman Stalnaker made a motion to adjourn the meeting at 6:50p.m. Alderman Gaither seconded the motion and the motion carried unanimously.

Mayor Travis Harper

Alderman Eric Gaither

Alderman Dick Perryman

Alderman Antonio Carter

Alderman Billy Retterbush

Alderman Scott Stalnaker

Alderman Michael Richbourg

ATTEST

Tina Ward, City Clerk