

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
JANUARY 23, 2017
6:00 P.M.**

INVOCATION: Mitchell Moore

PLEDGE: Pledge of Allegiance was led by Mayor Michael Richbourg

WELCOME: Mayor Michael Richbourg

ROLL CALL: Members of the City Council present included Mayor Michael Richbourg, Aldermen Scott Stalnaker, Billy Retterbush, Eric Gaither, Antonio Carter, Walt Steward and Alderwoman Mellisa Brown

STAFF PRESENT: Mandy Luke, Jackie Jordan, Jill Wise, Chief Edwards, John Reynolds, Peter Schultz, Henry Yawn, Mitchell Moore, Fire Chief Buck Warren, Steve Adams, Derek Joiner and Ronald Knowles

OTHERS PRESENT: John Hunkele, Steve Edwards, Sam Jones, Frank Watts and Robin Postell

ADOPTION OF THE MINUTES FROM THE PREVIOUS MEETINGS – Eric Gaither made the motion to adopt the minutes from the previous meeting. Antonio Carter seconded the motion and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA – Mellisa Watson made the motion to adopt the formal agenda. Billy Retterbush seconded the motion and the motion carried unanimously.

NEW BUSINESS

1. **WINFAB Project – John Hunkele** – Mr. Hunkele explained the original bid opening was November 2nd and all seven (7) bidders were deemed non-responsive because of problems associated with section three (3) documentation, along with some other things, so they re-advertised and took bids again on December 15, 2016. There were six (6) bids and three (3) were

deemed non-responsive for same reasons/problems previously with section three (3). The lowest responsive bid was Thrift Brothers, LLC from Waycross with a bid of \$526,732.50 which is \$80,000 over budget. Mr. Hunkele said he contacted DCA and there is no additional funding from DCA. Mr. Hunkele and John Reynolds brainstormed to find ways to address the \$80,000. He said they originally planned to replace the force main from lift station seven (7) into town to a six-inch, which is now a four-inch, and they feel the best solution is to keep it a four-inch and eliminate all bid items associated with it which can get the low bid down to \$451,672.50 which is \$4,947.50 over budget and trims \$75,060 from the original project amount. Mayor Richbourg asked how this would handle future growth. Mr. Hunkele said four-inch will handle the anticipated future growth from WINFAB but unexpected growth or new industry around pump station seven (7) service area might require upgrades at that time. Scott Stalnaker made a motion to award the low bidder at \$451,672.50 with the proposed changes. Antonio Carter seconded the motion and the motion carried unanimously.

2. **Beer, Wine & Liquor License Applications on Quickmart 1 and Quickmart 2 – Mayor Richbourg** – The Mayor presented the applications due to change in ownership. Billy Retterbush made a motion to approve both applications. Mellisa Watson seconded the motion and the motion carried unanimously.
3. **Affidavit & Resolution for January 9, 2017 Executive Session – Mitchell Moore** – Antonio Carter made a motion to approve the Resolution. Eric Gaither seconded the motion and the motion carried unanimously.
4. **Assignment of Council to Mayor Pro-Tem and Departments – Mayor Richbourg** – The Mayor asked the Council if anyone wanted to change Mayor Pro-Tem and departments. Antonio Carter made a motion for Mayor Pro-Tem and department assignment to remain the same. Billy Retterbush seconded the motion and the motion carried unanimously.
5. **Fence Variance for Rick Carter/Nashville Tractor – Mayor Richbourg** – The Mayor said he briefly discussed with Henry Yawn and City Attorney Mitchell Moore a fence variance request on Middle School Circle where Nashville Tractor built a new irrigation building to place the fence fifteen feet off the curb. Mitchell said initially, he did not know if it would constitute a variance which is an alteration from the lot dimensions and involves an application process with the planning commission versus a special use exception. Mitchell explained this is not an actual variance because it is not

changing the lot dimensions and, in regards to permissive easement to erect a fence within a public right of way and under existing city code sections 3-5; 3-8, fences are not deemed to be impermissible encroachments but a fence can be evidence of ownership so he wants it to be agreed and understood by the Mayor, Council, Mr. Carter and the owner of the property that it is a permissive direction of a fence and cannot ripen into adverse ownership. For purposes of protocol, procedure and to avoid a misunderstanding, it would be better to have something drafted and on the minutes reflecting it is not a variance or special exception but is a permissive easement. He explained, for instance, on the same tract north of there, the City recently acquired from the owners an easement across their land to put in a gas line and it is a reciprocal type situation but the easement does acknowledge it is permissive in nature and that if for some reason something had to be done such as if the road had to be widened, the fence could have to be removed because it is not permanent in nature. He has drawn something up to submit to them and have the Mayor and Council to review which is to be executed by the Mayor or City Manager and attested by City Clerk. He said there was also question as to exact number of feet it was to be. Mr. Henry said he went out there and marked the right of way and fifteen feet away for review. Mayor Richbourg and Billy Retterbush asked if he thought it would affect the traffic. Mitchell explained anything there would be within the confounds of the fence which will be about fifteen feet inside the edge of the curb and he is planning to use a six-foot hurricane fence. Mitchell said the main thing he wants to be understood is it is permissive so it does not override the public right of way and it will not acquire title by virtue of the fence installation. Mitchell also said he wanted to make sure it does not encroach upon or impede any utilities. John said there may be one section in the front but he will talk with him about it. Scott Stalnaker said they also need to be put on notice that if at any time, we have to repair or replace any pipe running under it, they may be asked to remove it at their expense and Mitchell said it would have to be such that we can maintain utilities. Scott Stalnaker made a motion, subject to approval and acquiescence by John Reynolds and Henry Yawn, the City Attorney is authorized to draft and revise, if necessary, the permissive easement to erect a fence in the public right of way on Middle School Circle. Walt Steward seconded the motion and the motion carried unanimously.

- 6. Development Progress on Perkins Subdivision off Beetree Road – Mayor Richbourg** – The Mayor asked the status of this blighted property. Mitchell Moore explained there has been a slight delay due to the attention needed in the other ongoing projects but he has spoken with John Hunkele about it and they

are going to finalize a bid solicitation from private developers with specifications of what can be done and what it can be used for. He said the bid solicitation should take thirty (30) to forty-five (45).

REPORTS

7. **City Manager's/Finance Director's Report** – Mandy explained the FY2016 audit is to be submitted by the end of the month to the State Department of Audits and once it is submitted and approved, Mike Sirmans will present it to the Council. She also said she received two bids out of the four requested for tree and stump removal at the tennis courts (Hazel Avenue). These are Charlie Singletary, Affordable Tree Service, for \$675 and Mad Beaver for \$750. Scott Stalnaker said we still need approval from the County since one of the trees is on the property line and it is on the Agenda for their next meeting but does not think it will be a problem. Antonio Carter made a motion to award it to the low bidder, Affordable Tree Service, subject to the County's approval. Scott Stalnaker seconded the motion and the motion carried unanimously. Scott also stated for the record that two other companies were solicited with no response. Mandy said she has spoken with Derek Rowan regarding security surveillance at the City parks and he is working on it but has not given her anything on that yet. She also said the City's website has been hacked and is currently unavailable and Brad McCall said it will have to be upgraded with newer software and security which will be about \$1,500. She said someone hacked the system and sent out about 30,000 emails from the City so he shut it down. Scott made a motion to approve the new software and security. Mellisa Watson seconded the motion and the motion carried unanimously.

8. **City Attorney's Report** – Mitchell said he has a Resolution authorizing the closing of the rural economic development loan from City of Adel thru RD/USDA to direct and authorize the Mayor, City Manager, City Clerk and City Attorney to execute the documents on the Letter of Credit. Scott Stalnaker made a motion to pass the Resolution as drafted. Eric Gaither seconded the motion and the motion carried unanimously.

9. **Department Head's** – Jill Wise reminded everyone of the Chili Cook-off to take place Saturday, February 25th, at Connie's Park.

PUBLIC COMMENTS

Sam Jones and Steve Edwards with Advanced Disposal addressed the Council and said they wanted to check the service. Mayor Richbourg extended a thanks to him for clean up after the recent storm.

COUNCIL COMMENTS

Antonio Carter extended his gratitude to the Fire Department and Police Department. Walt Steward asked Henry Yawn if he had a list of blighted property and he replied he does not have it on an Excel spreadsheet as of yet. Mellisa Watson commended the community for the help after the tornado.

Antonio Carter made a motion to go into Executive Session @ 6:48 pm. The motion was seconded by Eric Gaither and the motion carried unanimously.

EXECUTIVE SESSION 6:48 P.M. – 6:53 P.M.

RESUME REGULAR MEETING

At 6:53 p.m. a motion was made by Mellisa Watson to come out of Executive Session. Antonio Carter seconded the motion and the motion carried unanimously.

Mayor Richbourg discussed the tornado that occurred the previous weekend and the emergency warning system. The result was for the City Manager, Police Chief Edwards and Fire Chief Warren to further review the protocol and backup plan for same.

ADJOURNMENT

There being no further business to conduct, Antonio Carter made a motion to adjourn the meeting at 7:48 p.m. Eric Gaither seconded the motion and the motion carried unanimously.

Mayor Michael Richbourg

Alderman Eric Gaither

Alderwoman Mellisa Watson

Alderman Antonio Carter

Alderman Billy Retterbush

Alderman Scott Stalnaker

Alderman Walter Steward

ATTEST:

Jackie Jordan, City Clerk