

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
OCTOBER 26, 2020
6:00 P.M.**

*~Limited Access to City Hall, RingCentral (RC) Teleconference and Facebook Live Stream on
The Berrien Press~*

INVOCATION: Michael Acree

PLEDGE: Mayor Taylor Scarbrough

WELCOME AND CALL TO ORDER: Mayor Taylor Scarbrough

ROLL CALL: Members of the City Council present included Mayor Taylor Scarbrough, Aldermen John Clayton, Scott Stalnaker (RC), Billy Retterbush, Antonio Carter, Walt Steward, Eric Gaither

STAFF PRESENT: Mandy Luke, Jackie Jordan, Mitchell Moore, Police Chief Edwards, John Reynolds, Peter Schultz, Henry Yawn, Fire Chief Clay Davis, Loren Williams, Richard Varn

OTHERS INVOLVED IN MEETING: John Hunkele (RC)

ADOPTION OF THE MINUTES FROM THE PREVIOUS MEETING(s):

Regular City Council Meeting on September 28, 2020; Called Meeting on October 1, 2020: Billy Retterbush made a motion to adopt the minutes. Eric Gaither seconded the motion and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA:

Eric Gaither made a motion to adopt the formal agenda. John Clayton seconded the motion and the motion carried unanimously.

NEW BUSINESS:

- 1- **Unsafe Building and Nuisance Ordinance (House) – Loren Williams, Code Enforcement:** Ms. Williams presented information regarding a house meeting the Unsafe Building and Nuisance Ordinance. The house located at 506 College Street is owned by Telicia Storey and occupied by Tony Harnage. She explained inspections revealed a lack of solid foundation, sanitation, running water, electricity, proper light and ventilation. She further explained there has been no City water/sanitation services at the location since June 2017 and the electrical and plumbing need to be replaced and brought up to code. She requested a Public Hearing to proceed with the Unsafe Building and Nuisance Ordinance procedures due to the extreme health, safety and fire hazards at the location. Eric Gaither made a motion to hold a Public Hearing on November 9, 2020 at 5:30. Antonio Carter seconded the motion and the motion carried unanimously.

- 2- **2018 CDBG Water/Sewer Project – John Hunkele, Coastal Engineering Consultants (RC):** Mr. Hunkele gave a status update on the 2018 water/sewer project in the area including Honeybee, Wilcox, Allen, North Mathis, North John, North Ann and Bryan. He explained the contract was awarded to James Warren and Associates, Incorporated in the amount of \$783,318 on November 25, 2019 with a notice to proceed issued on February 20, 2020 requiring commencement of construction on or before March 2, 2020 with a construction period of 180 consecutive calendar days with a contract completion date of August 28, 2020. Shop Drawings for pipe and materials were submitted by James Warren and Associates on April 9, 2020 and were reviewed and returned to the Contractor on April 13, 2020. Payment request number 1 for the period ending June 25, 2020 in the amount of \$94,033.53 was submitted which was reviewed and submitted to the City by Coastal Engineering Consultants with payment recommended to the Contractor in the amount of \$84,630.18 with retainage of \$9,403.35 per the contract 10% retainage amount. Essentially no further work has been completed since the June 25 pay request. The contractor left the site and the work area was left in unsatisfactory condition with streets damaged and almost impassable. Attempts were made to contact the contractor by phone and email throughout July and August to get an updated construction schedule. The contractor submitted a letter on August 17, 2020 which stated, *“We are making every effort to get this project completed in a timely manner. Due to the current situation with the COVID-19 pandemic, it has been difficult for us to get the materials required, as many suppliers have been affected by the situation as well. In addition, we have been concerned about having our crews working in unsanitary conditions that are present when dealing with open sewer.”* The letter anticipated the water portion of the work would commence within ten (10) days. As of today, October 26, 2020, additional materials to replace damaged materials have been delivered to the jobsite and some attempt has been made to clean up the work site. A street repair has been made at the sewer tie-in on North Coffee Road. No additional sewer lines have been installed and no water lines have been installed. On October 6, 2020, a zoom meeting, attended by Michael Jacobs/SGRC, Mandy Luke/City Manager, John Reynolds/Water Superintendent and John Hunkele/Coastal Engineering, was held to discuss the contractor’s lack of progress. Mr. Hunkele further explained Michael Jacobs indicated several of his projects have experienced delays due to COVID-19 but none to the extent of this project and Michael Jacobs has requested an extension from DCA through December 31, 2020 because completion of this project is essential for the City to be eligible for consideration of grant funds under the 2021 competition. He said the consensus is that a satisfactory response and effort on the part of the contractor has not been received. He suggested action by the City Council is required and presented two options. Option One is to notify the contractor by certified mail (with a copy to the Bonding Company) that he is being charged damages in the amount of \$300 per calendar day in accordance with the contract commencing on August 29, 2020 and that the contract must be completed on or before December 31, 2020. Option Two is to notify the contractor by certified mail (with a copy to the Bonding Company) that the City is granting an extension to his contract with an absolute final completion date of December 31, 2020 after which the City may either assess the liquidated damages until complete or declare him in default and move against the bond. Mr. Hunkele also expressed concerns that the project be completed in order for the City to be eligible to apply for next year’s grant funds which normally has a deadline of April 1st but the date is not known at this time. After a brief discussion, Eric Gaither

made a motion to choose Option One as written and the motion was seconded by Billy Retterbush. After further discussion of the options, Eric Gaither rescinded the motion. After further discussion of the options and the exact wording of the option, Attorney Moore stepped out of the meeting to speak with Mr. Hunkele on the best option and wording of the option. The meeting continued with the next Agenda items and once Attorney Moore completed the discussion with Mr. Hunkele and the meeting returned to this item, Walt Steward made a motion for the City Attorney to notify the contractor, James Warren and Associates, by certified mail, with a copy to the Bonding Company, that he shall complete the contract with an absolute final date on or before December 31, 2020 after which the City reserves the right at such time to assess liquidated damages from the original contract completion date of August 28, 2020. Billy Retterbush seconded the motion and the motion carried unanimously.

- 3- **Wine License Application for 2020/Marvin's Diner – Mayor Taylor Scarbrough:** The Mayor presented the wine license application, which is for the remainder of 2020. John Clayton made a motion to approve the application. Eric Gaither seconded the motion and the motion carried unanimously.
- 4- **Ray City – Mandy Luke, City Manager/Finance Director:** Mrs. Luke explained a request from Mayor Brenda Exum for help with animal control in Ray City since Ray City does not have animal control. Mrs. Luke said she explained she would have to present it to the Council but if so, it would only be help with vicious animals. There was a brief discussion regarding the liability to the City and it was mentioned they had requested help from the County which had been denied. No action taken.

It was necessary for Mitchell Moore, City Attorney, to step out of the room to further discuss Agenda item #2 with John Hunkele. Therefore, Billy Retterbush made a motion to post pone Agenda items #5, 6, 7 until Mr. Moore returned. Scott Stalnaker seconded the motion and the motion carried unanimously.

- 5- **Georgia Environmental Finance Authority (GEFA) Deferral Modifications/Resolutions – Mitchell Moore, City Attorney:** Mr. Moore explained modifications by GEFA, due to the COVID-19 pandemic, on two (2) promissory notes between the City of Nashville and Georgia Environmental Finance Authority that the notes shall not bear interest during the period of June 1, 2020 through November 30, 2020 and no payments or principal, interest or fees shall be due or payable during the period of July 1, 2020 through December 31, 2020. GEFA supplied deferral modification agreements and Resolutions for same. The loans are known as #CW10001 for the waste water treatment plant in the original amount of \$6,698,000 and #DW16010 for the radio read meter project in the original amount of \$1,000,000. Scott Stalnaker made a motion to approve both Resolutions {#R-11-20 and #R-12-20} and allow the Mayor and City Clerk to execute the necessary documents. Billy Retterbush seconded the motion and the motion carried unanimously.
- 6- **1st Reading/Nashville Historic Preservation Commission Ordinance – Mitchell Moore, City Attorney:** Mr. Moore again explained the proposed changes and recommendations by DCA regarding the number of Commission members, the process of

appointing members to the Commission and the qualifications of the Commission members. He again explained the need for a quorum and the current lack of a quorum and after a brief discussion, the item was tabled until the next regular Council Meeting on November 9, 2020.

- 7- **Proposed Burn Ordinance – Mitchell Moore, City Attorney:** This item was tabled until the next regular Council Meeting on November 9, 2020.
- 8- **Nashville Historic Preservation Commission – Mayor Taylor Scarbrough:** The Mayor explained the previous discussion regarding advertising for members to serve on the Commission and the results of the advertisement and presented the one application received by the deadline of October 16th which was Michael Acree. Mayor Scarbrough stated Rick Postell was previously interested but he is no longer interested. After a brief discussion of the current Ordinance and qualifications, Eric Gaither made a motion to add Michael Acree to the Nashville Historic Preservation Commission. Walt Steward seconded the motion and the motion carried unanimously.
- 9- **Contract for Georgia Municipal Association (GMA) Day Retreat – Mitchell Moore, City Attorney:** The agreement as provided by GMA for a day retreat on November 8, 2020 along with agreement for using the Valdosta Woman’s Building. Billy Retterbush made a motion to accept the agreements with GMA for the Retreat and the agreement to use the Woman’s Building. John Clayton seconded the motion and the motion carried unanimously.
- 10- **Format of Next Regular Council Meeting – Mayor Taylor Scarbrough:** Scott Stalnaker made a motion to continue with the same format strongly encouraging masks and social distancing, RingCentral teleconference, if available, and Facebook live stream via The Berrien Press, if they wish to do so. Antonio Carter seconded the motion and the motion carried unanimously.

City Manager/Finance Director Report:

Mrs. Luke provided the Mayor and Council with a statement of bank balances as of September 30th along with revenue and expenditures by department and fund as of October 26th. Mrs. Luke presented a budget amendment Resolution {#R-10-20} for FY 2019-2020 [August 1, 2019 – July 31, 2020] for the following adjustments: decrease Police Department \$45,000, decrease Animal Control \$12,000, increase Street Department \$12,000, decrease Parks and Cemeteries \$8,000, increase Code Enforcement/Building/Zoning \$20,000, increase Administration Department \$25,000 and increase Economic Development/Mainstreet \$8,000 based on the departments being over or under budget for various reasons. John Clayton made a motion to approve the Resolution to make the necessary entries. Antonio Carter seconded the motion and the motion carried unanimously.

City Attorney Report:

None.

Department Head’s Report:

Henry Yawn explained a Certificate of Appropriateness (COA) had been submitted to the Historic Preservation Commission and due to lack of a quorum, no action has been taken by the Commission so the COA is approved by default under the Historic Preservation Ordinance since the forty-five (45) day period has elapsed.

Clay Davis was introduced as the new Fire Chief, replacing Buck Warren after his retirement and Chief Davis expressed his appreciation for Mr. Warren's long-time service. Chief Davis has served on the City's Volunteer Fire Department for seventeen (17) years.

Public Comments:

None.

Council Comments:

Mayor Scarbrough reminded everyone to vote and asked everyone to keep the Cason family in prayer due to the loss of Pastor Cason.

ADJOURNMENT:

John Clayton made a motion to adjourn the meeting at 8:13 p.m. Eric Gaither seconded the motion and the motion carried unanimously. October 26, 2020

Mayor Taylor Scarbrough

Alderman John Clayton

Alderman Antonio Carter

Alderman Walt Steward

Alderman Scott Stalnaker

Alderman Billy Retterbush

Alderman Eric Gaither

ATTEST:

Jackie Jordan, City Clerk