

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
OCTOBER 25, 2021
6:00 P.M.**

INVOCATION: Mitchell Moore

PLEDGE: Mayor Pro-Tem John Clayton

WELCOME AND CALL TO ORDER: Mayor Pro-Tem John Clayton

ROLL CALL: Members of the City Council present included Mayor Pro-Tem John Clayton, Scott Stalnaker, Billy Retterbush, Antonio Carter, Walt Steward, Eric Gaither (Face Time only part of the meeting)

STAFF PRESENT: Peter Schultz, Jackie Jordan, Nancy Pesce, Police Chief Edwards, Mitchell Moore

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

September 27th Regular Meeting and Public Hearing; September 29th Called Meeting; October 5th Called Meeting; October 13th Called Meeting and Executive Session; October 18th Called Meeting and Executive Session; October 20th Called Meeting and Executive Session: Scott Stalnaker made a motion to adopt the minutes. Billy Retterbush seconded the motion and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA:

Mayor Pro-tem suggested striking the update on the City Manager position since the entire Council was not present. Billy Retterbush made a motion to adopt the formal agenda deleting the City Manager Position Update. Walt Steward seconded the motion and the motion carried unanimously.

NEW BUSINESS:

- 1- Affidavits and Resolutions for Executive Sessions: October 13, October 18, and October 20, 2021 – Mitchell Moore, City Attorney:** Antonio Carter made a motion to approve and adopt the Resolutions being Resolution #R-19-21 for the October 13th Executive Session, Resolution #R-20-21 for the October 18th Executive Session and Resolution #R-21-21 for the October 20th Executive Session. Walt Steward seconded the motion and the motion carried unanimously.

- 2- Juneteenth Holiday – Peter Schultz, Interim City Manager:** Mr. Schultz stated President Biden signed a bill in June, 2021 making Juneteenth a federal holiday and asked the Council if they want it added to the approved list of holidays for the City employees. Walt Steward made a motion to add the new federal holiday, Juneteenth, to the City's approved holiday calendar. Billy Retterbush seconded the motion and the motion carried unanimously.

{Mayor Pro-tem John Clayton stated for the record that he lost connection with Councilman Gaither via Face Time}

3- James Warren and Associates (JWA) Claim for Additional Compensation (2018

CDBG) – Mitchell Moore, City Attorney: Mr. Moore previously mentioned receipt of a claim by JWA requesting additional compensation at the September 13th meeting which he circulated to the Council at the time. He explained the \$61,071.20 claim total: item #1 for \$12,376.50 for demo and removal of asphalt for installation of water line, item #2 for \$39,427.20 for demo and removal of asphalt for installation of sewer line and item #3 for \$9,267.50 for additional VF manhole installation as per field measurements. These charges did not go through a change order process and were submitted after the project had been finalized. He further explained John Hunkele of Coastal Engineering reviewed the request and his analysis and summary had been sent to the Council. Mr. Hunkele indicated if the City were to consider a change order at this time, a fair compensation for item #1 would be \$10,593.10 rather than the \$12,376.50 requested but the requests for item #2 and item #3 would not be appropriate. Mr. Moore further explained the claim was submitted after the liquidated damages of \$67,800 were invoked as a result of the delayed completion of the 2018 CDBG project and there has been no threat of litigation at this time. After brief discussion, Scott Stalnaker made a motion to approve Mr. Hunkele's proposal of \$10,593.10 for item #1, nothing on item #2 or item #3 and this would be a one-time final offer with no negotiation. Antonio Carter seconded the motion and the motion carried unanimously.

4- Executive Session (Personnel Matters) – Peter Schultz, Interim City Manager .

City Manager Report:

Mr. Schultz inquired from the Council whether to apply for the State Fiscal Recovery Funds grant for sanitary sewer and water rehabilitation with a total project cost of \$2,690,354 requiring 20% matching funds of \$538,071 from the City. Billy Retterbush made a motion to proceed with the application process contingent upon availability of \$538,071 in matching funds. Scott Stalnaker seconded the motion and the motion carried unanimously.

City Attorney Report:

Mr. Moore commented on the success of the Harvest Festival. He reported continued progress to finalize the façade easement thru the DCA for a mural to be painted on the north facing wall of the Brown Bag. Mr. Moore also reported now that the Downtown Development Authority (DDA) is in place, they can proceed with the closing of the Quality Cargo building and the memorandum for the use of the Bi-Lo building by Toys for Tots had been taken care of.

Department Head's Report:

Nancy Pesce also commented on the mural to be painted on the Brown Bag building. Mrs. Pesce mentioned the Harvest Festival success and reported the next event is the Chili Cookoff in February which she has already gotten started on.

Chief Edwards reported successfully obtaining the 50/50 grant from the Department of Justice for body armor.

Public Comments:

Launna Walker asked about the raised cross walks on the north side of the old Court House not being painted to be easily noticed. It was determined that is on the State highway which is handled by Department of Transportation (DOT) and Mr. Schultz said he would report the issue to DOT. She complained that school buses are routinely speeding on Gary Avenue. She also asked about Sheppard Avenue and the Council replied it is on the list to be repaved. Sue Whidden asked for them to consider something larger for the cats at the animal shelter and Mr. Schultz replied they have been looking into that and are working on a solution.

Council Comments:

Billy Retterbush asked Mr. Schultz about getting the ditch in Meadowbrook cut and cleaned. Nancy Pesce commended Mr. Schultz and his employees for all their help with preparation for the Harvest Festival. The Council commended Mrs. Pesce and everyone involved on the success of the Harvest Festival.

At 6:38 p.m., Antonio Carter made a motion to enter into Executive Session. Scott Stalnaker seconded the motion and the motion carried unanimously.

EXECUTIVE SESSION 6:38 P.M. – 7:12 P.M.

At 7:12 p.m., Antonio Carter made a motion to come out of Executive Session. Billy Retterbush seconded the motion and the motion carried unanimously.

REGULAR MEETING RESUMED

Mayor Pro-tem John Clayton stated no action was taken.

ADJOURNMENT:

Scott Stalnaker made a motion to adjourn the meeting at 7:15 p.m. Walt Steward seconded the motion and the motion carried unanimously.
October 25, 2021.

Mayor Pro-Tem John Clayton

Alderman Billy Retterbush

Alderman Scott Stalnaker

Alderman Walt Steward

Alderman Antonio Carter

Alderman Eric Gaither

ATTEST:

Jackie Jordan, City Clerk