

**REGULAR MEETING  
CITY COUNCIL OF THE CITY OF NASHVILLE  
COUNTY OF BERRIEN  
JULY 11, 2016  
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 Billy Retterbush, Scott Stalnaker, Eric Gaither, Walt Steward and Alderwoman Mellisa W. Brown.

**STAFF PRESENT:** Jackie Jordan, Jill Wise, Chief Edwards, John Reynolds, Peter Schultz and Mitchell Moore.

**OTHERS PRESENT:** Allen Davis, Brenda Thomas, Kyle Pearson, Sarah Surratt, Margaret Price Miller, Pearlene Daniels

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

**ADOPTION OF FORMAL AGENDA** –Scott Stalnaker made the motion to adopt the formal agenda with the addition of Pixie Harrod introducing himself to the Council and speaking to Council in regards to running for County Commissioner. Mellisa Brown seconded the motion and the motion carried unanimously.

**NEW BUSINESS**

- 1. Introduction to City Council – Running for County Commissioner – Pixie Harrod** – Pixie Harrod introduced himself to the Council and Mayor stating he is running for County Commissioner. He asked if they had any questions for him and told the Council he would appreciate their support. He

also told them he looks forward to working with the City on behalf of the County if he is elected.

2. **Intergovernmental Agreement for the Purchase of Scoreboards for the Berrien County Recreation Department – Mitchell Moore** – Mitchell explained he submitted the agreement to the County Clerk but it is being revised. It will cover the purchase by the County for one at the County field along with the purchase and installation of two by the City with one installed at the County field and one installed at the City field. Additionally, the County will maintain all of the scoreboards and both Jill Wise and Crissy Staley will be able to use the scoreboards for advertising. He asked the Council approve the execution of the document by the Mayor and City Clerk once completed. Scott Stalnaker made a motion for the execution of the document. Mellisa Brown seconded the motion and the motion carried unanimously.
3. **Beer, Wine Application for Jay Shree Mahalaxmi LLC d/b/a 1<sup>st</sup> Choice – Mayor Richbourg** – The Mayor presented the application. Eric Gaither made a motion to approve the application. Billy Retterbush seconded the motion and the motion carried unanimously.
4. **Tax Return Garnishment – Chief Edwards** – Chief Edwards explained the City is about to participate in the Tax Refund Intercept Program (TRIP) which garnishes state tax refunds when fines or fees are owed to any Georgia court for those who have already had their day in court and failed to pay the fines or fees as ordered by a judge. Chief stated this program is authorized by House Bill 1000 which amended Title 48 of the Georgia code. It was signed by the governor and became effective January 1, 2015. It is endorsed by the GMA as well as the Association of County Commissioners. Chief explained it was originally tested by eleven municipal courts ranging in size from about 1,400 residents up to the Atlanta court system. The main advantage is with a typical probated sentence, the offender is given a maximum of 12 months to complete all the conditions of the sentencing to include the payment of fines and fees. He explained probation can no longer be put on hold because of non-payment of funds and after it expires, the fines cannot be collected by a probation staff and the judge can no longer incarcerate someone for not paying. While the fines and fees are still due the City, we do not have a means of collecting but with this program, under House Bill 1000, our municipal court judge can order an intercept request to be made to the State Department of Revenue which becomes a judgement

which is enforceable for seven years after approval by the revenue department. Within that seven year period, if the person applies for a state tax refund, the department of revenue will deduct the amount due the City and submit to the appropriate court. He further explained this program is managed and monitored by a government collection software company named Revenue Results which is contracted thru the department of revenue and does not cost the City anything to participate. As of now, the test period was eighteen months and the collection rate was 5.70% so this is some avenue to collect some of the money due the City. We do not have to do anything except complete the paperwork for each request other than once the order is approved by the department of revenue, a letter has to be mailed to the last known address to give them one last chance to pay out prior to collection from their tax refund.

5. **Perkins Subdivision 18-Unit Property off Old Coffee Road – Mayor Richbourg** – The Mayor asked City Attorney, Mitchell Moore, what would be the next step in doing something with this property and the eighteen (18) dilapidated units located thereon. Mitchell explained that with the Council serving as the Nashville Urban Redevelopment Agency one option is to encourage development by a private enterprise if feasible versus public use thru state and federal funds. Mr. Moore and the Council discussed advertising for bids for private development with the understanding the City still explore other uses thru public means. Mr. Moore and the Council discussed him contacting John Hunkele of Coastal Engineering to solicit bids for a detailed description of the proposed use of the property and a comprehensive timeline schedule for development of the property in the event the Nashville Urban Redevelopment Agency chooses to proceed with private enterprise development rather than a public use which will be dependent upon the availability of state and/or federal funds for public use. The bid solicitation would notify anyone bidding that the bid selected will be based not only on the purchase price submitted but also the proposed use, development and timeline. Additionally, the bid solicitation must make it clear that the selected bidder is not guaranteed to receive the property but the selected bidder will eliminate consideration of any other private development. They discussed possibly publishing the solicitation of bids in August or early September with a proposed bid opening to occur the first week of November possibly Friday, November 4<sup>th</sup>. The Council gave unanimous affirmation for Mr. Moore to proceed as discussed.

## REPORTS

6. **City Manager's/Finance Director's Report** – None.
7. **City Attorney's Report** – Mitchell mentioned the lease between the City and the School Board concerning the tennis court as to who will take the lead on repairs along how costs will be split for the long term. The Mayor asked Mitchell to get the lease to him and he will contact Lil Drawdy with the School Board to set up a meeting with Mayor Richbourg, Scott Stalnaker and Lil Drawdy to finalize it.  
Mr. Moore next brought up the REDLG loan stating we have an extension due to requests submitted for the letter of credit to be used as collateral. Mr. Moore updated the Council on the drums that were previous discussed stating TTL Associates, Inc. has agreed to collect the samples at no charge but the cost of the TCLP sampling will be \$524 per sample for a total of \$1,048 plus shipping costs because that was not included in the original quote and the only complication that might occur is if the sampling reveals the materials are hazardous which would entail additional disposal costs.
8. **Department Head's** – Jill Wise extended her appreciation to the Fire Department and City for the events of the July 4<sup>th</sup> fireworks.  
Peter explained the limb truck needs the transmission rebuilt which will be approximately \$3,800 and take about five (5) days. With Mrs. Luke being absent, Billy Retterbush made a motion to allow Peter to go with the best price to repair the transmission in the limb truck. Scott Stalnaker seconded the motion and the motion carried unanimously.

## PUBLIC COMMENTS

Pearlene Daniels asked the Council why the events that took place at Beetree Park used water when she was told it was not available when she previously asked and was told no. Mayor Richbourg explained Brenda Thomas called asking about it and the Council was polled which the majority vote allowed it. Walt Steward explained this was about the third request so in the future they would need to ask Mandy and while in the process of devising an exact plan a deposit would be required along with a key from the City to access the water. Scott Stalnaker

mentioned there needs to be a plan to meter and bill for the water usage as the City has to pay for it and explain the usage to the State.

Brenda Thomas extended her appreciation to the Council for allowing the water access for the July 4<sup>th</sup> events held at the Beetree Park. She said she would be willing to pay for the water usage because she would like to use it again on July 31<sup>st</sup>. She asked if there would be a plan in place by July 31<sup>st</sup> stating she will check back before then.

Margaret Price Miller addressed the Council stating she has been attending the Council meetings since her son was shot and killed on March 15, 2014 at the Blue Flame Club. She said she thought the club was closed down but there was an incident that took place there on July 2, 2016. She said it had been explained to her this is now a private property treated the same as if she had a party at her personal residence so if law enforcement is called they have to operate on the basis of being called to a private residence. She said out of curiosity she obtained a CD of the two 911 calls that mentioned a fight and the involvement of a gun and it appears the same thing is taking place again and the place is a nuisance.

Chief Edwards explained what caught everyone's attention was the article in The Berrien Press which was entitled "Weekend Fight At Blue Flame Lounge" giving the impression that the "lounge" was still in operation when in fact it is not. Once council voted to rescind the business license, it became strictly private property with no business enterprise allowed to take place there and although it is commercially zoned, it is still private property which has to be approached the same as a residence. Chief Edwards further explained if you decide to have a party at your home, the Police Department has no authority to enter the premises as they would a business premise. In this case, they had a visit from a gentleman whom is the son of the business owner asking about a permit for a party. He was informed it was private property and there is no permit needed but inquired what his intent was to which he said it would be about 200 people with bring your own booze, with a DJ and his own security staff. He was told it was his property which he could do whatever he wanted as long as it was in the limits of the law. Sergeant Varn went by to speak to some of the staff to see how it was going and he did notice they were handing out armbands at the door but nothing to indicate monetary exchange. He was told the armbands were just to indicate who was of age to consume alcoholic beverages and there was no indication of beverages being sold. Therefore there was no business in progress and there was no reason to suspect there was business being conducted without a license. Once the consensual contact was terminated, they had no further right to be on the property. Then, about 30-45 minutes later, they received the initial call of a fight in progress with possibly a gun involved. Once the officers arrived, there was a large number of people around the building and roadway. As officers tried to make their way thru the crowd,

someone within the crowd yelled the fight is inside, somebody has a gun and they are cutting people up. The officers made their way to the back door which was locked. Another officer went to the other door which was locked so they both began beating on the doors announcing themselves as police officer because they had reason to believe someone was being hurt inside and continued beating on the doors for about 4-5 minutes before the doors were unlocked. Once inside, they saw broken glass everywhere, one man had been hit over the head with a bottle, another man had a large laceration on his forearm which was bleeding profusely and a female with a bloody shirt wrapped around her arm where she had sustained some type of laceration. Despite attempts to gather information, no one would respond or cooperate and were told by both of the individuals with the lacerations they were injured elsewhere and just happened upon at the time of the fight and it had nothing to do with the fight. At that time, they had assistance responding from GSP and the Sheriff's office and when they arrived, the crowd dispersed. The end result being it was a fight that had taken place on private property and with no one to cooperate, there was no probable cause to bring charges against anyone. Mayor Richbourg asked if the property owner could be charged with anything in the sense of disturbing the peace or inciting a riot and mentioned he may contact the solicitor or someone else. The Chief there may be some potential of disorderly house or something of that nature and said it would have to be researched and taken before the Magistrate. Billy Retterbush stated the place has been nothing but trouble and wanted to know if there is any way to stop them from having parties there. Chief Edwards asked if the City Attorney might know but that based on his experience with it being private property, the Police Department would have to have reasonable suspicion to enter the property. City Attorney Mitchell Moore stated although it is in a commercial zoned area, it does not have a business license and it is private property which has not been declared a nuisance although it is an aggravation. Walt Steward asked if it could be declared a nuisance & Mr. Moore replied it does not have a business or alcohol license so it is not in operation. Brenda Thomas mentioned the young man's name that had the party is Shenard Harris who is in the Army and was having a party because he is going to Iraq for nine months and the people causing trouble were not the people from Nashville.

### **COUNCIL COMMENTS**

Scott Stalnaker, Billy Retterbush and Mellisa Brown commended the City employees, Council and Fire Department on the July 4<sup>th</sup> events.

Mellisa Brown commended Jill Wise for what a great job she has been doing. She also gave her thanks to the Police Department for all they do in light of the events that have been going on against law enforcement.

**ADJOURNMENT**

There being no further business to conduct, Billy Retterbush made a motion to adjourn the meeting at 7:05 p.m. Scott Stalnaker seconded the motion and the motion carried unanimously.

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Mayor Michael Richbourg

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Alderman Eric Gaither

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Alderwoman Mellisa W. Brown

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Alderman Antonio Carter

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Alderman Billy Retterbush

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Alderman Scott Stalnaker

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Alderman Walter Steward

**ATTEST:**

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Jackie Jordan, City Clerk