

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
JANUARY 9, 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 and Mitchell Moore

OTHERS PRESENT: Hope Hodges, Keith Stone, Brenda Herring, Jessica Steward, Larry Osheim, Kyle Pearson, Joe Watts, Kim Jordan, Cody Vining

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

ADOPTION OF FORMAL AGENDA – Billy Retterbush made the motion to adopt the formal agenda with the addition of tree removal at tennis courts on Hazel Avenue by Scott Stalnaker. Antonio Carter seconded the motion and the motion carried unanimously.

NEW BUSINESS

1. **Parental Accountability Court – Hope Hodges** – Ms. Hodges, a parental accountability court coordinator, explained she works with non-custodian parents who are chronic non-payers of child support. She explained the new program helps them overcome barriers to getting jobs to help avoid them being

in jail so they can pay child support. She extended an invitation to the kickoff on February 1st at 2:30 at Berrien County Court House.

2. **Berrien County Board of Health Member Appointment for term of Consumer or Licensed Nurse – Mayor Richbourg** – The Mayor explained Cassandra McCoy's term on Board of Health expired December 31, 2016 and she agreed to serve another six-year term if reappointed by the City Council. Scott Stalnaker made a motion to appoint Cassandra McCoy for another six-year term of Consumer or Licensed Nurse position. Eric Gaither seconded the motion and the motion carried unanimously.

3. **Rest EZ Transfer Station – Brenda Herring** – Brenda Herring asked the outcome of determining whether there would be a conflict of interest with the City's Advanced Disposal contract regarding her application for a transfer station. Mitchell Moore, City Attorney, explained the only thing he heard from them (Advanced Disposal) is that they consider it to be a violation of our contract. Brenda said she is not open to the public, not taking anything away from Advanced Disposal and is just having a site to park her vehicles to transfer to a larger trash truck. Mitchell explained he spoke with the E.P.D. and their position is they just lay the guidelines as to what fits a transfer station but the City's standpoint is we have been advised it would be a violation of our contract with Advanced Disposal to allow anyone else to handle municipal waste. He further explained we are not contesting her request but it makes no sense for the City of Nashville to incur any unnecessary expense, or become involved in litigation and incur legal fees, in order to issue her a license for Rest EZ to relocate its Transfer Station from the County into the City in light of other problems with the proposed site. Brenda said the trash is contained and there would be minimal leakage that could be handled with absorbents. She said she also spoke with Greg Waltz, the manager with Advanced Disposal on Pecan Road in Valdosta. She said this would not take away from their business at all. She said E.P.D. does not have to do a site visit that they only come to the site if there is a complaint. She said E.P.D. in Albany is compliance and will come if there is a problem or complaint and the guy in Atlanta (E.P.D.) is an engineer who advises of the guidelines to operate the transfer site. Mayor asked how they monitor it and do they license her for the transfer station. She said you have to send them a geographic of the area and they do license the transfer station and collections which is two separate items. She had one on county farm road but it does not transfer to a different location. Mr. Yawn said as of last Thursday afternoon they (E.P.D.) still had not made an opinion of it yet and he thinks it will come down to the site. Mitchell explained just because they are not

required to make a site inspection does not mean they can't or won't if there is a question about the site. Mitchell asked if he had inspected it and Mr. Yawn said when he went out there, it was grown up and it was wet. Mitchell explained again the concern with the runoff and had contacted John Hunkele, an engineer. Mayor Richbourg asked if the E.P.D. will permit her, do they have to have contact with the property owner and she said she explained to them that she would be leasing the property. Mitchell once again explained his concern of possible litigation about an exclusive contract and has not received notification that they have no objection to it and until then, it may be that his recommendation is going to be an indemnification to hold harmless. Mayor Richbourg said he has never spoken with Greg Waltz of Advanced Disposal and has only spoken with Steve and asked if she would meet with him at his office tomorrow and they would call them. Antonio asked about the treatment plant and John said it would not affect the waste water treatment plant. Scott said in the emails he read, the E.P.D. said there would be different ways to handle the run off but their recommendation would be hooked to the City and John said she would have to have a lift station.

4. **Beer, Wine & Liquor License Approvals on Pizza Hut and Off the Hook – Mayor Richbourg** – The Mayor presented the two applications. Antonio Carter made a motion to approve the application for Pizza Hut. Eric Gaither seconded the motion and the motion carried unanimously. The Chief explained there may be a disqualifying issue on the application for Off the Hook. He spoke privately with the applicant for Off the Hook and afterward, said she would provide further information to him later. Therefore, the application was tabled until that time.
5. **Surveillance for City Parks – Mayor Richbourg** – The Mayor explained he had witnessed three hand to hand drug sales at Beetree Park while picking up an employee nearby. He said they briefly spoke about it previously and he wants to find out the costs and more details to provide surveillance in all the parks. The Mayor, Council, Attorney and Chief of Police briefly discussed the possible requirements and decided to look into this project.
6. **Tree Removal at Tennis Courts on Hazel Avenue – Scott Stalnaker** – Scott said he was contacted by Jarrett Luke about three or four trees next to the tennis courts on Hazel that are putting a lot of debris on the courts and wanted to know if they could be removed to prevent damaging the new work done. Mayor Richbourg mentioned the City is a Tree City USA and we need to abide by

those guide lines. Scott Stalnaker made a motion to get bids to remove them. Walt Steward seconded the motion and the motion carried unanimously.

REPORTS

7. **City Manager's/Finance Director's Report** – Mandy had given the Council a bank balance by account report and explained the revenues from Utility Billing goes into the Water/Sewer Fund and when we get a large amount in that fund, we have to transfer money to the Sinking Fund. She said the USDA loan is coming due February first so she needs permission to transfer \$425,000 from Water Operating to the Water and Sewer Sinking Fund. Mayor Richbourg asked how often it happens and she said money is transferred monthly but once it starts dwindling down because of the payments, we have to put more money in it to keep 110% of the payment amount in it. Mellisa Brown made a motion to transfer the money. Billy Retterbush seconded the motion and the motion carried unanimously. Mandy mentioned she and the auditors are still working together trying to finish up with the FY 2016 audit. She also said she has a LMIG agreement, for the 2016 Local Maintenance and Improvement Grant, for resurfacing improvements to Scruggs Street, South Jefferson Street, Decatur Street and East Avera which the Mayor has already signed and she needs to give it to Mitchell for him to review and certify it. Next, she said she received an invitation for the Chamber Banquet which is Tuesday, January 31st, at 6:00 at Camp Tygart and needs to know who from the Council plans to attend so she can decide whether to get a table or tickets because the cost is \$40 per person or \$300 for a table that seats eight.
8. **City Attorney's Report** – Mitchell said he has a draft letter of credit on the REDLG from Guardian Bank. He said he and the City Manager are still working on finalizing the figures on the reimbursable expenses for the REDLG because the loan amount has been maintained at \$550,000. He said he needs a resolution authorizing approval up to \$550,000 through the REDLG program through Adel which will be payable over ten years. Scott Stalnaker made a motion for the approval. Mellisa Brown seconded the motion and the motion carried unanimously. Mitchell said he will specify in the resolution that it is to be signed by the Mayor and/or the City Manager.
9. **Department Head's** – John Reynolds said John Hunkele is getting an approval ready on the WINFAB project because it is a little over budget. Jill Wise said the Chili Cook-off will take place down town on Saturday,

February 25th.

Chief Edwards said he has received a letter from the parents in action group for a second annual Martin Luther King Jr celebration parade to take place at 4:00, Sunday, January 15th, starting on Hazel Avenue, turning right on Davis Street and continuing north to the County annex building so the Police Department will have to do full traffic control for safety.

Mayor Richbourg thanked Corporal Carter for putting out cones at Smith and Edgewood due to a big washout from the rain.

PUBLIC COMMENTS

Larry Osheim addressed the group saying the American Legion has partnered with Anytime Fitness to have a charity run on January 28th and they have already received a lot of support from the local community which will be used in this County for the veterans here and offered his thanks to all who could help. He also mentioned the Doughboy memorial and they are forming a committee on January 18th and offered an invitation to any of the Council who would like to join. He said they are looking into a grant to clean monuments because there are special ways to do it and special cleaning items that have to be used on the granite.

COUNCIL COMMENTS

None.

Billy Retterbush made a motion to go into Executive Session @ 6:55 pm. The motion was seconded by Eric Gaither and the motion carried unanimously.

EXECUTIVE SESSION 6:55 P.M. – 7:30 P.M.

RESUME REGULAR MEETING

At 7:30 p.m. a motion was made by Scott Stalnaker to come out of Executive Session. Antonio Carter seconded the motion and the motion carried unanimously.

Chief Edwards spoke with the applicant for the Off the Hook earlier in the meeting and explained to her that he needed some type of documentation showing the disposition or dismissal of a pending indictment charge to keep it from disqualifying her application. Scott Stalnaker made a motion to approve the application subject to this proof to the Chief. Walt Steward seconded the motion and the motion carried

unanimously. Mitchell said it would be based upon proving that the indictment had been dismissed or nolle prossed.

Mayor Richbourg said he spoke with the Sheriff and the District Attorney today about a joint drug task force between the Sheriff's Office and the Nashville Police Department and asked if the Chief, and anyone else who would like to join, would meet with him, the Sheriff and the District Attorney regarding details of same. The Chief said he would and mentioned it would require an increase in staff. Antonio Carter mentioned it would be good to get the other towns and cities in the County to participate.

ADJOURNMENT

There being no further business to conduct, Antonio Carter made a motion to adjourn the meeting at 7:37 p.m. Mellisa Brown seconded the motion and the motion carried unanimously.

Mayor Michael Richbourg

Alderman Eric Gaither

Alderwoman Mellisa W. Brown

Alderman Antonio Carter

Alderman Billy Retterbush

Alderman Scott Stalnaker

Alderman Walter Steward

ATTEST:

Jackie Jordan, City Clerk