

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
FEBRUARY 10, 2014
6:00 P.M.**

INVOCATION: Mayor Travis Harper

PLEDGE: Pledge of Allegiance was led by Mayor Travis Harper

WELCOME: Mayor Travis Harper

ROLL CALL: Members of the City Council present included Mayor Travis Harper, Aldermen Antonio Carter, Scott Stalnaker, Eric Gaither, and Alderwoman Mellisa Watson.

STAFF PRESENT: Mandy Luke, Tina Ward, John Reynolds, Peter Schultz, Dawn Morrison Chief Chuck Edwards, Paul Stagner, Tresa McClusky, and Mitchell Moore.

OTHERS PRESENT: Bryan Shaw, Pearlene Daniels, John Gates, Peggy Gates, Gayle Bailey, Vince Luke, Vinson Luke, Joe Mathews, Skeeter Parker, Beth Hallman, Johnny Hallman, Bobby Watson, Jennifer Vitatoe, Judy Dasher, S.G. Solomon, Brenda Smith, Charles and Margret Wilkinson.

ADOPTION OF THE MINUTES FROM THE PREVIOUS MEETING- Alderman Carter made the motion to adopt the minutes from the previous meeting. Alderman Gaither seconded the motion and the motion carried unanimously.

ADOPTIONS OF FORMAL AGENDA- Alderman Carter made the motion to adopt the formal agenda. Alderwoman Stalnaker seconded the motion and the motion carried unanimously.

NEW BUSINESS

1. Presentation from Toy's for Berrien Kid's- Paul Stagner presented Mr. John Gates who is the regional coordinator of Toys for Tots with a proclamation. Mr. Gates has been the regional coordinator for over twenty years and is one of the founding member's for this area. The City Council wanted to present Mr. Gates with a Proclamation honoring John Gates and his years of service. Whereas John has selflessly served and dedicated his self to providing toys for children of the following counties since 1994, Berrien, Lowndes, Brooks, Lanier, Atkinson, Coffee, Cook, and Clinch. Whereas john has given of himself beyond expectations by sacrificing personal time and commitments to serve those in need; and has exhibited the strongest of work ethics demonstrated in his ability to bring professionalism and compassion to

the children he has served. John has also displayed a professional and commendable demeanor with citizens and is an outstanding example to others. Mr. Gates is appreciated and respected by all in this community. John Gates told the group that Chief Edwards and Chief Clayton were instrumental when the Toys for Tots program started in Berrien County. He also recognized Tresa McCluskey, Dawn Morrison, and Paul Stagner for their hard work and dedication. Mr. Gates said he is stepping down after twenty years as the Coordinator and will be passing the title to Paul Stagner and Tresa McCluskey who will be the Co-Coordinator. Mr. Gates thanked the Council for the Proclamation. Dawn Morrison recognized Mrs. Beth Hallman and presented her with the Commanders award from Toy's for Tot's. Dawn told the group Beth singlehandedly raised four thousand dollars to feed two hundred and ten families a Christmas dinner. Beth made the decision to raise the money on her own because she wanted to help in some way. She was able to raise all of funds in four weeks. Dawn added this was an amazing selfless effort for Beth to do. Dawn also read one of her favorite verses from the book of Mathew to honor John Gates and Beth Hallman for their selflessness.

2. Resolution on the Nashville Historic Preservation District- Bryan Shaw told the group the Historic Preservation Commission held a Public Hearing on February 6th. The preservation commission made power point presentation explaining the history and development of the City. They also informed the group about the creation of the Historic Preservation District. A small number of property owners were in attendance and expressed their concerns over their specific property. The non-contributing property owners did not want their property included in the historic district, primarily because they did not want to be required to apply for a Certificate of Appropriateness in order to make material changes in their property. Only one contributing property owner Mr. Vinson Luke wanted his property taken off of the district all together. The reason he gave was in the future he may want to have his property rezoned for commercial or he may want to demolish the structure. This structure is one of which the historic commission would like to keep as a contributing property and not change to a non-contributing property. Bryan stated he informed Mr. Luke at the hearing that the guidelines provide a hardship clause which allows for such concerns like Mr. Luke has, and there is a process by which any decision by the preservation commission may be appealed to the City Council. Bryan explained why he wants to keep Mr. Luke's property in the historic district. He added the area in which Mr. Luke's property is located it is a text book area on how Nashville was created by their architecture and historically. If the Council so chooses to take Mr. Luke's property off of the contributing properties and make is non-contributing then the historic commission will support their decision. Bryan also stated the historic commission has around one hundred and eight property owners who are supporters of the district. The commission therefore resolves that the proposed boundaries and all properties within, both contributing and non-contributing, being worthy of inclusion on their own merit, be approved as written in the Designation Ordinance. Mitchell Moore wanted to clarify a few things. The Designation Ordinance defines the geographical boundaries of the historic district. Also it list or characterizes the properties within the district as contributing and non-contributing. He also wanted to clarify the Historic Commissions reservations about taking a property out of the district. If the property is within the designated boundaries then it will always be within those boundaries. If a property is exempted from the Certificate of Appropriateness the property will still remain with those

boundaries. Bryan told Mitchell all properties within the boundaries fall under contributing or non-contributing requirement. The certificate of appropriateness for a non-contributing property is required is so that if someone is changing some adjacent to a historical property the change is not going to affect the value of the historical property. Mitchell also clarified that if a property within those boundaries were taken out of the district and somewhere down the road decided they wanted the property added back then the process would be to start back at square one and do this entire procedure over again. Bryan concurred with Mitchell but if the property is already included as a contributing property then the only procedure to remove the property would be the action of the historic commission and the City Council. Vince Luke the son of Mr. Vinson Luke asked the group what was done in 2004 to make the homeowners aware of the historic district and its boundaries when they were originally completed. Alderman Stalnaker stated they were made aware by public hearings and each one was sent a letter. Vince Luke asked why we are not working off of that pre-established territory without public comment. Alderman Stalnaker stated we are working from the same boundaries. He also asked if his father was made aware of this in 2004. We can't prove all the property owners received their notification letter because they were not sent out as certified mail. Mr. Luke then asked if the boundaries are now legal. Bryan stated yes they are legal or they will be when the Designation Ordinance is passed. Mr. Luke asked the Historic Commission and the Council to exclude his father's property from this territory. He stated anything other than the normal is a hardship for his father who is 91 years of age. He pleaded that this will be a hardship on his father if his property is included in the boundaries. Mayor Harper asked Mr. Luke why this would be a hardship on his father. Mr. Luke explained if his father replaces his roof or paints his house then he would have to receive permission from the commission on the type of shingles he could use or what color he can paint his house. Bryan told Mr. Luke that is not true. Mr. Luke stated the fact he will have to ask permission for anything other than the normal would be a hardship. Bryan explained to Mr. Luke if your father wants to replace the roof of his house he or his contractor will have to get a permit from the City before any work starts. The same for the Certificate of Appropriateness your father or the contractor can receive one of these from the commission. Alderman Stalnaker stated he will have to get a permit regardless of the property being contributing or non-contributing. Mr. Luke said that may be but he will not have to go through the historic commission if his property is taken completely out of the historical boundary. Mayor Harper stated the hardship for Mr. Luke's father would be the normal everyday house improvements. Mr. Luke added the biggest problem he will have is when he sells the house, because it will be labeled historic. There is not a market for historic homes in Nashville. When he puts the home on the market the selling price will have to be reduced in Mr. Luke's opinion because no one will want to purchase a home with a list of what they can and cannot do to the home. Joe Mathews told the group the historic district may be a great idea but why does the City want to restrict the Luke's property and hurt the value of their home. Mayor Harper stated even though this Ordinance is not going to hurt the values of the homes within the boundaries. He added that in the beginning of this process one of the things he did not like is telling someone what they can or can't do to their own property. Bobby Watson asked the Mayor if his property is still within the boundary because he understood it to be excluded from the historical boundary and he had no restrictions because the structure was already sold and Mr. Watson was in the process of moving the structure we excluded the structure from the contributing properties. Bryan told

Mr. Watson, the property has no restrictions but the property is still within the boundary and listed as a non-contributing property. Alderman Gaither stated the only thing we are doing tonight is defining the area. Bryan added the Council also needs to address the contributing and non-contributing properties. Alderman Stalnaker stated that Mr. Luke's property and Mr. Watson's property need to list as non-contributing property's rather than a contributing property's. Mitchell Moore told the group the first reading of the Designation Ordinance is the next item on the agenda and this will define the geographical lines of the historic district and within this Ordinance there is a classification of contributing and non-contributing properties. So the boundaries are defined and every property is listed as being contributing or non-contributing properties. Mayor Harper had some reservations about moving forward on the Historic District. Bryan told Mayor Harper that is why we had the hearings and advertised it in the paper. If the property is historic it has one set of guide lines and if it is not historic or non-contributing it does not have the same guide lines. If it is a non-contributing property all we are trying to do is protected the historic structure or structures adjacent to the property. Mayor Harper told Bryan normally if we had to start over and did not have the outline established in 2004 we would first take this before the planning commission. Alderwoman Watson argued that most people who own a home do not want to be told what to do with their property. Some of these people may not be able to afford to purchase some of the upgrades the historic commission will be requiring them to do. Bryan stressed the purpose of a historic preservation district is to preserve historic homes not to police them or make them upgrade their property. Bryan stated of the historic preservation commission staff was asked to do this we did not go out and champion this project. We worked hundreds of hours on this project and we work for free. Mayor Harper asked Bryan if an upgrade of a contributing or non-contributing structure will need to go before the planning board before they upgrade. Bryan stated zoning has no bearing on a historical structure. Mayor Harper stated usually the Planning Board considers any property adjacent to the property they are considering whether it be an upgrade or whatever. Bryan stated if the zoning is changed the status of the historic district does not change. S.G. Solomon told the group improvements have already been made to the buildings around the square and that started ten years ago when the Council passed Historic Preservation Ordinance and most historic property owners thought it was complete. Mayor Harper asked Bryan once the Resolution for the Historic Preservation Commission is adopted will this Resolution set the boundaries. Bryan stated yes and once this Resolution is adopted then the Ordinance will identify the property within the boundaries and list them as contributing and non-contributing. If the Council chooses to change the status of a property now is the time to change the status of it. Alderwoman Watson made a motion to change Mr. Luke's property to a non-contributing property. The group discussed spot zoning and where the geographical boundaries for the Historical Preservation District. Alderman Gaither seconded the motion to keep the boundary lines and change Mr. Luke's property to a non-contributing property per Mayor Harper. The motion carried unanimously.

3. First Reading of the Designated Properties & Boundaries Ordinance for the Historic District- Mitchell Moore told the group this will constitute the first reading of the Designation Ordinance with two revisions. Changing Mr. Luke's property to a non-contributing property and under paragraph three of the Ordinance it states: The Commission's recommendation to the

Mayor and Council for such number of historic districts comes after the Commission's conducting of a survey of local historic resources and a study of historic characteristics of the area recommended for designation. This should read: (to provide for the geographic boundaries of the historic district and the designation of the contributing/non-contributing properties located thereof.) Mitchell also stated that the Ordinance will provide a list of contributing and non-contributing properties in which contributing properties will be designated by an asterisk.

4. Jennifer Vitatoc with Daydream Auction- Mitchell Moore told the group he spoke with Ms. Vitatoc earlier and she stated she will be happy to cooperate with the City. Ms. Vitatoc also stated that the City, County and the Chamber have been very pro-business and she understands what the City is trying to do. She also indicated she will cooperate fully and try to relocate her Daydream Auction business. Mitchell commended Ms. Vitatoc for her cooperation.

REPORTS

5. City Manager's/Finance Director's Report- Mandy Luke handed out the bank statement balances and she also has the digital copy of the audit which will have to be submitted to the State by February 28th. Mandy also told the group she is working on the adjusted entries which will alter this year's budget because things that were paid this year that were put in last year's budget so those entries will alter this year's budget. Once all these entries are completed the Council will receive a printed copy and Mike Sirmans one of the City auditors will come and present the City audit.

6. City Attorney's Report- Mitchell Moore updated the group on DuPont. He stated they will be using the natural gas and right now we are waiting to hear from the grant. He also updated the group on the project for BiLo. We have received some documents from the architect. We are working on fast tract and try to get a bid package together and get it sent out as soon as possible.

7. Department Head's Report- Alderman Stalnaker presented the request for Peter Schultz on a proposal for a limb truck. The limb truck that we use has started costing the City around \$1000.00 per month for upkeep. The truck is a 2000 model and it has 150,000 miles on it not to mention all the hours on the motor. This truck runs for nine and one half hours a day four days a week. When the truck is put into the shop we fall behind on the routes and two men must help with a dump truck and a backhoe in order to catch everything back up. The cost of using the two extra men plus the extra equipment is around \$250.00 a day plus fuel. Right now the truck is down and in need of more repairs. The cost to repair will be around \$4000.00. Peter has been looking for a new or used limb truck to replace the one we have and he has found a used one at DT Equipment in Jacksonville Florida. It is a 2004 with 75,530 miles on it and the asking price is \$42,000.00. Peter spoke to the owner and he will give us a trade in price of \$12,000.00 for the City's limb truck. Alderman Stalnaker made the motion to purchase the limb truck presented to the Council in the handout and trade in the City's old limb truck. Alderman Gaither asked Peter if the limb truck presented has been checked out. Peter said he wants to go to Jacksonville and look at the limb truck before the City spends any money on it or repairs on the old truck. Alderman Gaither seconded the motion provided Peter checks out the newer truck. Mayor

Harper asked Mandy if the City can put the money it receives from Deep South Solid Waste toward the purchase of a limb truck. Mandy told the group the City receives twelve to thirteen thousand a year from Deep South Solid Waste and the funds can be used toward the purchase of any equipment for solid waste. The motion carried unanimously. Peter also updated the group on the fence located at middle school circle. He said they are working on the fence and should have it repaired soon. Alderman Stalnaker stated although the City has never charged for the pickup of yard debris he asked that the City look into charging fifty cent per utility bill for the pickup of yard trash. This will help with the maintenance of the equipment. He added the City does not have to do this right away but we need to be thinking about it because other Cities are now charging for the curbside service or pickup of yard debris to help with the maintenance of their equipment.

PUBLIC COMMENTS FROM PUBLIC/COUNCIL

Pearlene Daniels asked Mayor Harper for an update on Beetree Park. Mayor Harper told her the contractor has been let go and the City will finish the Park with in-house labor.

Bryan Shaw asked the Council to present a motion allowing him moratorium on buildings for the next two weeks or before the second reading of the Designation Ordinance. The Mayor and Council did not feel the need to address this request.

Mr. John Gates thanked the Mayor and Council for their support on Toys for Tots and asked them to continue their support with Paul, Tresa and Dawn in the upcoming year.

Alderman Stalnaker wanted to thank the Historic Commission for all the hard work and all the people who contributed. He also stated that a lot of hard work, dedication, and time went into creating the Historic Preservation District presentation and the Mayor and Council appreciates all the Historic Commissions hard work. Mayor Harper concurred and added that he would also like to thank Mr. John Gates for all his hard work with Toys for Tots.

ADJOURNMENT

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

Mayor Travis Harper

Alderman Eric Gaither

Alderwoman Mellisa Watson

Alderman Antonio Carter

Alderman Billy Retterbush

Alderman Scott Stalnaker

Alderman Walter Steward

ATTEST

Tina Ward, City Clerk