

**REGULAR MEETING  
CITY COUNCIL OF THE CITY OF NASHVILLE  
COUNTY OF BERRIEN  
MARCH 25, 2013  
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 Aldermen Eric Gaither, Antonio Carter, Scott Stalnaker, Billy Retterbush, Michael Richbourg, Alderwoman Mellisa Watson, and Mayor Travis Harper.

**STAFF PRESENT:** Tina Ward, Mandy Luke, Randy Lane, John Reynolds, Henry Yawn, Tommy Davis, Chief Clayton, Dawn Morrison, and Mitchell Moore.

**OTHERS PRESENT:** Pearlene Daniels, Mr. Pearson, Bryan Shaw, Walt Turner, Judy Anderson, Wenda Gaile Bailey, Frank Sutton and Mrs. Sutton, and Brenda Thomas.

**ADOPTION OF MINUTES-** Alderman Richbourg made the motion to approve the minutes from the previous meeting. Alderman Retterbush seconded the motion and the motion carried unanimously.

**ADOPTIONS OF FORMAL AGENDA-** Mayor Harper asked the Council to switch item one to item number two and switch item number two to item number one. Alderman Richbourg made the motion to adopt the formal agenda with the changes. The motion was seconded by Alderman Stalnaker and the motion carried unanimously.

**NEW BUSINESS**

**1. & 2. Property deemed as Contributing Property under the Historic District and the First Reading of the New Historical Preservation Ordinance-** Frank Sutton asked that the Council reconsider adding the building at 301 East Marion Street as part of the Historic district. According to the boundaries set forth on the Historic Preservation Ordinance this property will be a part of the Historical District but we would like for the building to be taken off the list of historical buildings. Mayor Harper asked Bryan Shaw what kind of process the Historic Preservation Committee went through to designate this building as historical. Bryan Shaw told the Mayor that the Historic Preservation Commission is a specific charge that we have been given by the City Council to judge those properties based on the criterion that is given by the

Historic Preservation Division out of Atlanta. The Historic Preservation Division governs what we are doing and basically identifies structures that were part of the transitional period and the historic period of the community. A historic structure basically is any structure tells the history of that community. Mr. Sutton building is what is considered as a California Bungalow style and it is also a transitional building because it was built during the transitional period of the 1920's and the 1940's which is considered to be the transitional period of Nashville's development. The street of Marion had at one time Victorian homes up and down the road but since the transitional period those homes have been torn down. Bryan said the structure at 301 East Marion was determined by the development of the community not by the Historical Committee because that type of home was at one time useful to the community and that type of home is within the Historic district. Bryan pointed out that the City only has a few of these types of homes left in the community. Mayor Harper asked Frank Sutton why he does not want the structure listed as part of the Historical district. Frank said when the building was purchased we had thought we would one day expand our business and either tear down the building or move it in order to put in a parking lot. Mr. Sutton added he is in favor of this sort of preservation and what the Historical Committee and the Council is doing to preserve the square and the down town area. He said he was surprised to find out that the building at 301 East Marion was being added as part of the historical district and all he wants is for this building to be taken off so any future plans for that property will not be hindered. Mayor Harper asked Mr. Sutton when he purchased the home. Mr. Sutton told the Mayor that the property was purchased in 2004. Mayor Harper said in 2004 when this Ordinance was first constructed but not completed because of one step, according to the old map of the historical district this property was not part of that district at that point. He also pointed out that in 2004 up until now Mr. Sutton was not aware this property was made a part of the historical district. Alderwoman Watson informed the group that the house next to her family's business is also considered as part of the historical district and the house is to be moved soon because it has been sold. Alderwoman Watson respectfully asked that this house not the property be removed as well from the historical district. Mr. Sutton added that he would like for the structure at 301 East Marion be removed not the property. Bryan Shaw told the group that the boundaries were set because before the property across the street from an historical structure were never considered as being in the district. Bryan also described how they determined the historical district and the properties within the district that were never listed before. If we were to list these properties being discussed tonight as stages of critical with first level of critical being the most critical then Mr. Suttons structure would fall under third level of critical. He added if they want to make improvements across the street from the structure and move the house to put in a parking lot we could look at removing the structure from the historical district. He also told the group the property that Alderwoman Watson is referring to would be considered as a level two because this property is the anchoring part of the historic district. The highest priority level property which would be considered a level one would be the property across from Citizens Bank that Mr. Perry is concerned about. That structure is of the highest priority to keep because it is a brick bungalow. The primary purpose of a preservation commission and district is to preserve the structures not the vacant lots. Bryan added if these structures are not protected and preserved then Nashville will not have a historic district because the Historic Preservation Division will not approve it. Bryan's proposed they keep the structures that have been defined

in the historic district and submit them to Atlanta have them review the district and make the recommendations and suggestions to give us a guideline. He pointed out that we don't know what suggestions or recommendation they will have but if the Council so chooses they can ignore the recommendations. Mayor Harper told Bryan that his concern was being a part of the board that will have to come back and take off property that has already been set up as historical. He explained that he wants all these concerns cleared up before the Ordinance is passed. Bryan Shaw told Mayor Harper the Ordinance that is being presented tonight does not have the historical district outlined. Mitchell spoke with the Historical District in Atlanta about the previous Ordinance. The one from 2004 that has been add too and they said that Ordinance would be a difficult Ordinance to pass, because it would have to go through their legal department and would require changes. So, they provided a standard Historic District Ordinance which they guarantee to be approved. This Ordinance has no definition of boundaries and without identifying any structures. After this Ordinance is approved we can construct a separate Ordinance which will identify historical boundaries and structures which are considered to be historically relevant. Mayor Harper clarified that the Ordinance presented today for a first reading has no boundaries nor does it have any structures listed. He said we want to take care of all the problems with the boundaries and the structures before we set any of these items bound by the Ordinance. Bryan told the group the Historic Division in Atlanta would rather keep the Ordinance which identifies boundaries and structures separate because they must review the boundaries and the structures so they can have some input into what is considered historic. Alderman Richbourg added after Atlanta has completed all their suggestions the Council will have the final word and can overrule anything suggested by the Historical division in Atlanta. Mayor Harper said we want to make sure these boundaries and structures are correct before we send the second Ordinance to Atlanta. Bryan agreed and said they would also like have everything listed correct before it is sent to Atlanta because they spend a lot of time identifying the structure, the architectural style of the structure, take two different pictures of the structures from two different angles, and bring in any historical photos if they exists. We have to compile all this information and send it to Atlanta and they have to reply or give us their suggestions within thirty days. Bryan added we the Historical Preservation Committee do not want to go through all that work because we know that people that have certain spheres of influence within the community will have to be adhering to it where certain people were excluded. That's what we don't want to be put in the middle of, because if we have those properties excluded then we are out there trying to enforce something through the Commission and expecting people who are not included in those deferments to be adhering to the guidelines. Mayor Harper told the group that the Ordinance will be submitted without the map because right now we are unsure of what is historically significant. Randy Lane wanted the minutes to reflect the fact that all the properties that were spoken about here tonight were purchased before January 2004 which is the date of the first Ordinance. Mayor Harper told the group we will consider this the first reading of this Historical Preservation Ordinance at this time. Alderman Richbourg said we will allow this to be the first reading as long as no boundaries have been set. Mayor Harper suggested a work session be held between the Historical Preservation Committee and the property owners before these boundaries are set and sent to the Historic Preservation Division in Atlanta. Bryan Shaw requested the Council include in their motion that "the Commission who have been given the charge to submit these properties to Atlanta because we will put this packet together and we

are still going to get feedback from Atlanta” He stated they would like to have this in the motion so they can go ahead and proceed with the submission. Mayor Harper told Bryan that this is just the first reading and no motion is necessary at this time.

**3. ACCG Defined Contribution Program Plan Document-** Tina Ward told the Council that the Council adopted a Resolution to amend and restate the ACCG (457)b deferred compensation Plan on October 22, 2012. Mr. Israel Benear from GEBCorp has sent the City the documents to back up this Resolution. The purpose of updating these documents is to keep the Plan in compliance with Federal law changes affecting retirement plans. The Plan needs to be adopted and the Mayor needs to sign. Alderman Gaither made the motion to adopt the ACCG Defined Contribution Program Plan Documents. The motion was seconded by Alderman Carter and the motion passed unanimously.

**4. Resolution Reinstating the Delegates Position on the Municipal Gas Authority Election Committee-** Randy Lane told the group that the Municipal Gas Authority will hold its annual election on Friday May 17<sup>th</sup>, 2013 at St. Simons Island. Presently the representatives for the City of Nashville are Peter Schultz who is the primary voting delegate and Mayor Harper who is the secondary voting delegate. Council needs to confirm the two will continue to represent The City of Nashville on this committee for 2013. Alderman Richbourg made the motion to allow Peter Schultz and Mayor Harper to represent the City of Nashville on the Municipal Gas Authority for 2013. Alderman Retterbush seconded the motion and the motion carried unanimously.

**5. Watershed Protection Plan Annual Implementation & Environmental Engineering Analysis-** Randy Lane told the group the since the City completed upgrading the Waste Water Treatment Plant and disposal system, The NPDES permit issued to the City requires the implementation of a Watershed Protection Plan which was approved on January 25<sup>th</sup>, 2013. He presented the Council with the service agreement between the City and Applied Technology and Management. Randy also presented the documents that describe the scope of work required to annually implement the Watershed Protection Plan and maintain compliance with the City’s NPDES permit. Council needs to approve the agreement and allow the Mayor to sign so ATM can get started. Alderman Retterbush asked Randy if the agreement is good for one year. Randy said yes it is a 12 month contract. Alderman Retterbush also asked Randy if the agreement includes the lab fees as well as ATM fees. Randy pointed out that John Hunkele saved the City around thirty thousand by talking with EPD and cutting out several test. Alderman Richbourg made the motion to approve the agreement. Alderman Stalnaker seconded the motion and the motion carried unanimously.

## **REPORTS**

- 6. City Manager's/Finance Director's Report-** Mandy Luke presented the Council with the updated bank balances and the updated revenues and expense reports. She said the reports are not broken down into departments but if the Council would like a copy she will supply them with a copy.
- 7. City Attorney's Report-** Mitchell spoke with the School Board Superintendent and she agreed something needs to be done about the tennis court issue. He will submit something to Mandy Luke.
- 8. Department Head's Report-** None.

## **PUBLIC COMMENTS FROM PUBLIC/COUNCIL**

Alderman Stalnaker suggested that the Work Session for the Historical Preservation Ordinance be scheduled before the Council has the second reading and before we designate any property as historic. His concern is that the Ordinance will incorporate people's property that were not under the preexisting zoning and before anything is sent off to Atlanta we need to make sure everything is fair for everyone. Alderman Stalnaker complemented Bryan Shaw and the Historical committee for all the hard work they do, but before anything is final we need to speak to the individual property owners one by one. Bryan Shaw told the group the City Council must approve the list of Historical properties before we can send it off to Atlanta for approval. He also stated that it would be a waste of the Historical Committee's time if they do an entire synopsis on all the properties and have three properties excluded because the Council does not deem it as a contributing property.

Alderman Retterbush asked John Reynolds if everyone has been notified about the Grease traps. John said yes everyone has been notified.

Dawn Morrison wanted to clarify what will happen once the list of properties is submitted to Atlanta. Once the list is submitted to Atlanta they will send back their recommendations and that's the Historical Committee's guide to help our commission, for instance if Atlanta said no on a property we recommended then we need to review this property again. She also reminded the Council that they have the authority to ignore any or all of Atlanta's recommendations.

## **ADJOURNMENT**

There being no further business to conduct, Alderman Richbourg made a motion to adjourn the meeting at 6:35p.m. Alderman Stalnaker seconded the motion and the motion carried unanimously.

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Mayor Travis Harper

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Alderman Eric Gaither

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Alderman Antonio Carter

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Alderman Scott Stalnaker

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Alderman Mellisa Watson

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Alderman Billy Retterbush

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Alderman Michael Richbourg

**ATTEST**

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Tina Ward, City Clerk