

**REGULAR MEETING  
CITY COUNCIL OF THE CITY OF NASHVILLE  
COUNTY OF BERRIEN  
MAY 12, 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, Aldermen Antonio Carter, Scott Stalnaker, Eric Gaither, Billy Retterbush, Walter Steward, Alderwoman Mellisa Watson, and Mayor Travis Harper.

**STAFF PRESENT:** Mandy Luke, Tina Ward, Dawn Morrison, Randy Lane, Henry Yawn, John Reynolds, Peter Schultz, Chief Chuck Edwards, Paul Stagner, and Mitchell Moore.

**OTHERS PRESENT:** Stan Bennett, Bryan Shaw, Gary Nelms, Pearlene Daniels, Kyle Pearson, Mandy Young, and Theresa Lovein, Paul Hamilton, Carl White, Charles Wilkerson, Margret Wilkerson, Betty Whitley, Hanson Carter, Beth Carter, Jeff Cox, Dana Watson, Beth Hallman, Johnny Hallman, Eliza Young, Judy Dasher, William Connell, Shirley Giddens, Skeeter Parker, Fonda Young, Jimmy Young, Bob and Pam Ellis, Nicole Hall, Nick Barker, Stan and Cheryl Duncan, Stan and Cathy Bennett, Scott and Danna Kemp, Clem Nesmith, Judge Dane Perkins, Bryan Shaw, Ken Morrison, Mandy Young, and Attorney Joseph Carter.

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

**ADOPTIONS OF FORMAL AGENDA-** Mitchell Moore asked the Council to add an Executive Session to the formal agenda. Alderman Gaither made the motion to adopt the formal agenda with the addition. Alderman Steward seconded the motion and the motion carried unanimously.

**OLD BUSINESS**

- 1. Appointments of two Commissioners to the Housing Authority Board-** Mayor Harper said the appointments were certified by the City Clerk earlier today and the originals were hand delivered to Theresa Lovein at the Housing Authority. Paul Hamilton who is the attorney for Nashville's Housing Authority told the group during his meeting with the

City Attorney Mitchell Moore last week he was unaware these appointments were filed with the City Clerk. The law states that the Mayor has ultimate authority without the advice of Council to make these appointments. At the last meeting in which the Mayor was absent the Council was presented with the appointments from Theresa Lovein and they had some discussion over if the appointments were submitted by the Mayor. Again we were unaware these appointments were filed with the City Clerk so we were going to ask that the Council submit the appointments to the board. Paul pointed out that one of these appointments expired a year and a half ago. Mitchell told Paul the Mayor had Randy Lane submit the appointments at the last meeting but at that time they had not been attested by the City Clerk. Paul said the Council tabled or postponed the item at the last meeting so tonight we would like for the Council to provide some clarification as to how they are going to handle the issue. Mitchell stated the since this item was postponed the Council may exercise their discretion then they may because the statute provides for it but the Mayor has the ultimate say in the appointments. If an appointed members appoint position expires then the Council can appoint after the thirty day period expires in which the Mayor has not made those appointments. Mayor Harper stated those appointments have been made and attested by the City Clerk so there is no need to pursue this issue. Paul Hamilton asked on behalf of his client that the Council overrule what the Mayor has done about these appointments. Alderwoman Watson ask Paul Hamilton when the thirty day period starts. Paul said the law states that the Mayor will appoint within thirty day and if no appointments are made after that thirty day period then the Council can appoint. Mayor Harper stated he appointed a different person to the seat this time and that is why this item is being brought before Council. Alderwoman Watson ask how long this person served on the board. Theresa Lovein said Annett has served for around thirty years. Mayor Harper stated let the record show that the appointments were made and actuated by the City Clerk.

## NEW BUSINESS

- 2. Rezoning Property at 901 South Dogwood-** Alderman Stalnaker made the motion not to rezone the property at 901 Dogwood. . Alderman Retterbush seconded the motion to deny the rezoning at 901 Dogwood. Alderman Stalnaker apologized to the group for not being able to reach all the missed phone calls he had on the subject but appreciates their concern. He also apologized for the time frame each one was given to speak for or against the request tonight in the Public Hearing. He stated this is no doubt a good project but he is here to represent the Citizens of Nashville and what is good for the City may not be good for the people. This is no doubt a good project for the City but not the right place in which to put it. We may not get the project this year but we may get it next year because he believes there are other suitable sites. Aldermen Retterbush, Gaither, Carter concurred with Alderman Stalnaker. Mayor Harper told the group he is for this project and he was voted into office by the Citizens of Nashville to make the right decisions on behalf of its Citizens. This project was to be developed in the middle of the woods on property that has not been developed for years. If the property was put in that spot no one would know that it was there. As a foot note he believes no one's property taxes would be effected. Mayor

Harper added there was a lot of negative speculation going on before this meeting. He also stated that during the hearing a few people stated some negative remarks about “low income people” or “those people” and he said he grew up in the projects and has no problem with living next to low income people. He also added some folks tonight stated something about what’s going to happen to the property twenty years from now. Meadowbrook subdivision was built twenty years ago and now he resides there and so does the Sheriff, so what does that say about a subdivision. Mayor Harper also stated that some were saying the Public Hearing was not long enough but if the group was given a year to discuss the matter no one would still be on board with the project. Mayor Harper ended with this is a good project and it will be good for the Citizens of Nashville so I will vote in favor of the project. Mayor Harper then called for a roll call vote on the motion. The motion carried unanimously on not rezoning the property at 901 Dogwood.

3. **Resolution Approving Executive Session on April 28<sup>th</sup> 2014-** Alderman Stalnaker made the motion to adopt the Resolution approving the Executive Session on April 28<sup>th</sup>. Alderman Gaither seconded the motion and the motion carried unanimously.
4. **Appoint a Representative to the Board of Health-** Mayor Harper stated at the last Board of Health meeting Regina Hughes advised that Ms. Brenda Deloach was resigning her position on the board. This position was designated for a consumer or licensed nurse who lives in Berrien County and is interested in promoting public health. Mayor Harper asked the Council to think about a good candidate that would be interested and let him know.
5. **Resolution Adopting the PDM Plan-** Mayor Harper told the Council FEMA has approved pending adoption the Berrien County and Cities of Alapaha, Enigma, Ray City and Nashville’s Pre Disaster Mitigation Plan update. The County will hold the required public hearing on May 13<sup>th</sup> and place on their regular meeting agenda to adopt the PDM. Council needs to give the authority to sign the adoption resolution after the Public Hearing. Alderman Stalnaker made the motion to give the authority to Mayor Harper to sign the adopted Resolution after the Public Hearing. Alderman Gaither seconded the motion and the motion carried unanimously.

## **REPORTS**

6. **City Manager’s/Finance Director’s Report-** None
7. **City Attorney’s Report-** Mitchell told the group he is working on the request contract for an employee for Randy Lane. He will discuss the rest of his agenda during the executive session.
8. **Department Head’s-** Randy Lane told the group he has a Resolution that needs to be adopted to submit an application to obtain employment incentive program grant funds for public infrastructure improvements to assist Chaparral Boats. Alderman Stalnaker made the motion to adopt the Resolution. The motion was seconded by Alderman Carter and the motion carried unanimously.

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

Stan Bennett who lives at 603 Memorial Drive told the group about the trash around the structure behind his house. He said this house burned several months ago but the trash and debris is piling up, so can Council get someone to clean that up. Paul Stagner told the group he is working on this matter and is waiting on the approval from the land owner to be able to enter the premises. Mayor Harper welcomed back Alderman Walt Steward and thanked him for his service. Mayor Harper also stated that he does not feel hard at any of the Council or the Citizens for their opinions on the AEP project and hopes the company will come back in the future so that Nashville will have the opportunity to house one of their projects. Alderman Carter thanked all the employees who helped at the fishing rodeo. We had three hundred kids come out and fish and they had a good time. He added that the employees would like to some day in the future have an employee fishing day. Alderwoman Watson added that maybe next year we can divide the kids in different age groups because everyone fishing were getting tangled in others fishing lines. Alderwoman Watson also stated the AEP project is a good project but not the right location. Paul Stagner commented that the fish in the pond for the fishing rodeo need to be feed more throughout the year.

## **EXECUTIVE SESSION**

Alderman Carter made the motion to go into Executive Session at 6:30 p.m. Alderman Retterbush seconded the motion and the motion carried unanimously. Alderman Carter made the motion to come out of Executive Session at 7:25 p.m. Alderman Carter seconded the motion and the motion carried unanimously.

## **REGULAR SESSION RECONVENED**

Alderman Carter made the motion to approve the Addendum 01 to agreement for negotiation of LOST division of proceeds. Alderman Retterbush seconded the motion and the motion carried unanimously. Mayor Harper announced that Steve Sumner called him to inform the Council about the meeting which will be held Friday morning at 9:00. This meeting is about the future economic development department for Berrien County. Mayor Harper also wanted the Council to revisit an item discussed at the last Council meeting. Cherry Drive in Meadowbrook subdivision, he was under the impression the City could handle this cheaper than \$75,000.00. The group discussed the matter and decided the past motion will stand.

## **ADJOURNMENT**

There being no further business to conduct, Alderman Gaither made a motion to adjourn the meeting at 7:30p.m. Alderman Carter 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 Mellisa Watson

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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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Tina Ward, City Clerk