

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
MARCH 23, 2015
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 Billy Retterbush, Scott Stalnaker, Eric Gaither, Walter Steward and Alderwoman Mellisa Watson.

STAFF PRESENT: Mandy Luke, Jackie Jordan, John Reynolds, Peter Schultz, Chief Edwards, Paul Stagner, and Mitchell Moore

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

ADOPTION OF FORMAL AGENDA- with Executive Session added. Billy Retterbush made the motion to adopt the formal agenda with an Executive Session added, swapping of items three (3-Audio Innovation Noise Issues) and four (4-Basketball Noise Issues) on the agenda and postponing item five (5-Incentive Policy Agreement) until the next council meeting. Scott Stalnaker seconded the motion and the motion carried unanimously.

NEW BUSINESS

1. **Dick Dwozan's introduction as Berrien Campus Hospital Administrator** – Dick Dwozan introduced himself as the Berrien Campus Hospital Administrator to the Council. He gave an overview of improvements made since South Georgia Medical Center acquired. He stated the hospital has received two awards of recognition by the Georgia Hospital Association and that a new physician, Dr. Fred Coler, will soon join the staff. He expressed his appreciation to the City for their help and continued support. Alderman Retterbush stated his wife had recent been a patient and gave his compliments. Alderwoman Watson stated she had heard several compliments from the public.

2. **Cemetery Issues – Chief Edwards** – Chief Edwards brought up the issue of overcrowding of items including coping around some of the cemetery plots causing the parks/cemetery department problems in maintaining the area. Additionally, it is against the ordinance which states items to be allowed are headstones and footstones. Paul Stagner, with Code Enforcement, provided pictures to the Council of a few examples of the overcrowding of personal items to further show how time consuming it is for the City employees to maintain the grounds. Mellisa Watson stated how sensitive this issue may be. Mayor Harper stated since it is already an ordinance we need to advertise it in the paper for three to four months to remove these items. Scott Stalnaker and Mellisa Watson inquired if these people had been contacted and Paul Stagner said there is very little contact information. Billy Retterbush suggested adding a notice in the water billing and on the website. Chief Edwards further stated there are other issues than just the figurines such as unopened alcoholic beverages and food which could be a serious problem. Scott Stalnaker asked if a copy of this ordinance is given at the time of purchase of the plots which Paul Stagner said it is advised and Scott Stalnaker advised to give a copy and have a receipt of said ordinance signed by the purchaser. Walter Steward mentioned the issue of liabilities to the City if damage is brought to the items during the course of maintaining the grounds. Mayor Harper, after suggesting to advertise it in the paper, stated any items not picked up should be stored to be available to family members or loved ones who may later come looking for them. The Council discussed possibly amending the ordinance to allow for benches and coping in addition to the slabs and stones but stated the need to enforce the ordinance to get some of it cleaned up in the interim. It was agreed to further discuss this at a work session to modify the ordinance.
3. **Basketball Noise Issues– Chief Edwards** – Chief Edwards addressed to the Council of complaints received at the Police Department concerning noise from kids playing basketball at the end of drive ways and at the edge of the street through all hours of the evenings and weekends on Sirmans Avenue showing a couple photos of the area. He mentioned it being a violation of the ordinance in reference to disturbing the peace with the constant bouncing of the basketball. He mentioned getting them out of the roadway was not such an issue because of safety. He said that would not resolve the issue because they would most likely just move further up the drive way and still have the same noise issue. Mellisa Watson asked if it is hours late in the night. The Chief said there had been complaints late at night and it was also a nuisance to people who may work at night and sleep in the day. He further addressed the Council on a couple of recent occurrences inquiring on how the Police Department may need to go about handling the situation. There was a mention of the availability of the City Parks but there would be a restriction of some of the children being able to use the parks due to age or other reasons. The possibility of a time limit was discussed to correspond with the hours of the City Parks which is daylight to dark. The Chief questioned as to whether to issue citations. Walt Steward mentioned the possibility of issuing citations to those the PD receives complaints about. The Mayor stated we should not amend the ordinance concerning disturbing the peace in order to deal with these specific situations but rather start issuing citations.

Further discussion provided to answer each complaint issuing a warning along with a copy of the ordinance initially and then start issuing citations if continued with the acceptable hours being daylight to dark or sunrise to sunset.

- 4. Audio Innovation Noise Issues – Chief Edwards** – Chief Edwards brought up the issue of noise complaints from the car audio business owned by Travis Boyd located at the old McCranie-Griner dealership building. He said the complaints are primarily from residents of the Meadowbrook subdivision area of not only loud noises but vibrations. The Chief stated he has spoken with Mr. Boyd on several occasions at which times he has been cooperative in reducing the noise levels at those times. In the first week of February, after so many complaints and the times of the complaints consistently being in the evenings, he spoke with him again asking for a cut off of this noise at 6:00 which they agreed upon. Then again on Friday, March 13th, there was another complaint at which Mr. Boyd's response was the 6:00 time limit was no longer acceptable to him because of the nature of his business and the time convenience of his customers. Chief Edwards invited Mr. Boyd to this evening's council meeting due to discussing this matter but Mr. Boyd was not present. The Chief asked the council for their input on how to handle this. Alderman Steward mentioned that he just happened to be riding along with an officer Youngblood Friday, March 13th, when this happened and was with him at the time of the call. He said he could not believe how loud it was in Meadowbrook when he answered the call. The Chief stated that Mr. Boyd's contention is his hours need to be more flexible to best suit his customers' schedules. Alderman Steward further stated Mr. Boyd must have known opening this type of business so close to residential areas might be a problem. The Council further discussed this deciding to present to the business owner to limit the loud noises and vibrations to business hours which would best be suited to Monday through Saturday from 8:00 to 6:00.

The Council revisited this issue later in the meeting debating to allow Sunday. Council members decided to disallow Sunday. Mayor Harper and Scott Stalnaker wanted the record to reflect they were against the restriction of the entire day of Sunday. This restriction was not referring to his business in its entirety but was only referring to the loud noises and vibrations being complained about so often. Mellisa Watson said something that had not been mentioned when discussing the Sunday restriction is that The Bridge Church is to soon move in the building next to Audio Innovations. There was further discussion again of what the days and hours should be. Eric Gaither made a motion for the days and hours concerning the noise to be Monday thru Saturday from 8:00 to 6:00. Mellisa Watson seconded the motion and the motion was supported by the remaining councilman with the exception of Scott Stalnaker who was opposed to restricting Sunday. The Mayor wanted the record to show he was also opposed to the restriction of the entire day of Sunday.

- 5. Loft Ordinance – Mitchell Moore** – City Attorney Mitchell Moore gave a first reading of a Loft Ordinance to allow for apartments in the central business district around the square in the upper floors and rear areas only. They would not be allowed in store front on the lower level, keeping that area for commercial use. Mitchell mentioned it would

allow up to a three bedroom dwelling and gave other square footage and number of room requirement. He further stated some of the requirements regarding things such as trash disposal, access from the rear and two exits for code compliance. He has spoken with Code Enforcement concerning this and asked the Council if they wanted to get feedback from the planning commission. The Mayor suggests, at this point, to get with the planning commission on a case by case scenario. Walt Steward asked the Attorney about the Ordinance addressing parking which Mitchell Moore stated it does.

6. **Resolution of Mayor and Council Authorizing Application, Receipt and Administration of USDA/RD Community Facilities Grant for Vehicle for City Marshal – Mitchell Moore** – Mitchell presented the Resolution and gave an overview of the special called meeting on March 17, 2015 attended by Councilmen Eric Gaither and Antonio Carter in person at City Hall and also by Mayor Pro-Tem Billy Retterbush and Councilman Walt Steward via phone conference. Eric Gaither made a motion to approve the Ratification. The motion was seconded by Billy Retterbush and the motion carried unanimously.
7. **Beer & Wine License Approval for Lisa M. Tolley DBA Tolley Enterprises LLC – Mandy Luke** – Billy Retterbush made a motion to approve the license for Tolley Enterprises LLC. The motion was seconded by Scott Stalnaker and the motion carried unanimously.

REPORTS

8. **City Manager's/Finance Director's Report** – Mandy Luke updated the Council on two grants. She received the money for the Community Facility Grant thru USDA for the Tahoes and closed it out. She also received \$25,000 for the Lucy Ross/Beetree Park Grant thru DNR and closed it out. She stated Brenda Swain reported Ray City had not paid their portion for the Okefenokee Occasion and that they were not going to pay for it and Enigma had not paid either. The Mayor said he would talk with them about it. Mandy asked the Council about planning a Work Session to discuss budget items such as yard trash fees, personnel issues, credit card fees, debt service fees, and any items we are currently not charging for. A Work Session was scheduled for Wednesday, April 1st, at 6:30 p.m.
9. **City Attorney's Report**– Mitchell Moore presented the subject of a taxi cab statute with one he has prepared of which this constitutes the first reading of it. He further stated one provision has the City Manager pulling the permit upon a violation but another would have the Police Chief overseeing the day to day operation and pulling the permit upon violations asking the Council which would be preferred. The Council answered the Chief of Police would be more appropriate as he would most likely become aware of any

violations. Mitchell brought up the subject of an inert land field and said he had received information which needs to be responded to by July 15th. He stated a need to address whether or not to apply for and operate an inert land field for recovered items and looking at other municipalities and how they are handling this issue. He further stated it requires an engineer to do the application. Billy Retterbush and Travis Harper brought up looking at other options such as taking the debris somewhere else such as nearby mulch businesses or having someone come onsite to grind and take the debris. Mitchell next mentioned needing to submit the Code of Ethics certification and presented the Resolution to Adopt, Affirm and Subscribe to the Ethics Principles as Approved by The GMA Board for review and signatures. Mandy told them if it was done by April 1st, they would be recognized at the GMA conference taking place in June. A motion was made by Scott Stalnaker to approve the Resolution. The motion was seconded by Walt Steward and the motion carried unanimously. Mitchell stated the release was received and the Chaparral Boat project to start April 1st. He also mentioned the need to have a contract in place for charges for the Dupont Pine project. He said he had spoken with Peter Schultz about competitive charges and they had discussed at \$6 the charge is equivalent to propane, at \$4.50 the charge is 80-85% of propane and 90% is what we are giving the north Berrien Ag users. That way it is consistent with the first ones that we did with Ag users.

10. Department Head's – None

PUBLIC COMMENTS

Rick Carter addressed the Council concerning the City's recent bids to lease a backhoe and the vote by the Council to go with a bid obtained for a John Deere from Albany. He complained about the bid process and the City not giving him another opportunity to keep the business local when the difference was minimal further discussing the details of what the City was looking for and the details of the bids received. Billy Retterbush reassured Mr. Carter the city supports local businesses as often as possible. The Mayor added he thought there may have been a miscommunication in how the process was worded and they would work to resolve it.

COUNCIL COMMENTS

Mayor Harper stated he received a call from Wiregrass recently and said we need to possibly look at renegotiating the rent agreement. Walt Steward briefly spoke of his recently ride along with Officer Youngblood. Walt also stated he had been given some caution signs to leave with the Police Department for residents with electric powered chairs to use as a result of some recent comments on the Citizens for Berrien County page.

Eric Gaither made a motion to go into Executive Session @ 8:05 pm. The motion was seconded by Scott Stalnaker and the motion carried unanimously.

EXECUTIVE SESSION 8:05 P.M. – 8:20 P.M.

RESUME REGULAR MEETING

At 8:20 p.m. a motion was made by Alderman Stalnaker to come out of Executive Session. Alderman Steward seconded the motion and the motion carried unanimously. There was an additional brief discussion concerning details of the backhoe lease, prices and the difference of the equipment being compared.

ADJOURNMENT

There being no further business to conduct, Billy Retterbush made a motion to adjourn the meeting at 8:35 p.m. Mellisa Watson 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:

Jackie Jordan, City Clerk