

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
NOVEMBER 26, 2018
6:00 P.M.**

INVOCATION: Henry Yawn

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, Eric Gaither, Billy Retterbush and Alderwoman Mellisa Watson.

STAFF PRESENT: Mandy Luke, Jackie Jordan, Jill Wise, Chief Edwards, John Reynolds, Peter Schultz, Henry Yawn, Mitchell Moore

OTHERS PRESENT: Chris Sullens, Sara Luke, Linda Gray, Darrell Bazin, Patty Bazin O'neal

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

ADOPTION OF FORMAL AGENDA – Billy Retterbush made the motion to adopt the formal agenda. Scott Stalnaker seconded the motion and the motion carried unanimously.

NEW BUSINESS

- 1. Special Exception Request to Approve Storage Buildings/Old Coffee Road/Chris Sullens – Mayor Richbourg/Henry Yawn** – Mr. Sullens presented a sketch of the lot according to its dimensions with the current buildings including the car wash and laundry mat along with the proposed storage buildings if the special exception request is approved. His proposition consists of two (2) storage buildings. One building measuring 20' wide by 140'

long to contain twenty-four (24) – 10’ x 10’ storage sheds and eight (8) – 5’ x 10’ storage sheds. The other building measuring 20’ wide by 65’ long to contain ten (10) – 10’ x 10’ storage sheds and six (6) – 5’ x 10’ storage sheds. He explained there is a six foot privacy fence along the residential property line and if the exception is approved, a six foot fence will completely enclose the storage facilities with gates on each side, one on Giddens Drive and one on Perkins Drive, along with 24-hour video surveillance. After brief discussion of the layout and dimensions and concerns from a neighbor, Council members requested more time to review the information provided at the meeting. No action was taken. The item will be on the next Agenda to give the Mayor and Council time to review the information and lot.

2. Beer, Wine & Liquor License Approvals for 2019 – Mayor Richbourg –

2019 BEER WINE LIQUOR LICENSES				
BUSINESS NAME	APPLICANT NAME	ADDRESS	DESCRIPTION	AMT PAID
Ist Choice	Mukeshkumar R Patel	705 N. Davis St.	Beer & Wine License	\$1,000.00
Discount Corner	Prahladbhai S Patel	302 S. Davis St.	Beer License	\$ 500.00
Dollar General #13929	Donald Paul O'Steen	509 E. McPherson Ave.	Beer & Wine License	\$1,000.00
Flash Foods #22	Stephen J Lattig	519 S. Davis St.	Beer & Wine License	\$1,000.00
Four Guys Shell, LLC	Kevin Ronald McCranie	405 S. Davis St.	Beer License	\$ 500.00
Gaskins Meats & More	Dennis Ray Gaskins Jr	1318 E. Marion Ave.	Beer License	\$ 500.00
Harvey's Supermarket #1602	Jason Scott Doetsch	207 E. McPherson Ave.	Beer & Wine License	\$1,000.00
Mae's Café	Johnnie M Brand	902 E. Marion Ave.	Beer License	\$ 500.00
OM & Aaron Corp DBA Lucky Corner	Shilpaben B Patel	1001 S. Dogwood Dr.	Beer License	\$ 500.00
Pit Stop	Dineshkumar S. Patel	514 S. Davis St.	Beer License	\$ 500.00
Pritam Corporation DBA Pap's III	Hiren H Patel	730 E. Marion Ave.	Beer License	\$ 500.00
Puerta Del Sol Inc.	Alonso Martinez	706 Tifton Rd.	Beer & Wine License	\$1,000.00
Puerta Del Sol Inc.	Alonso Martinez	704 Tifton Rd.	Liquor By The Drink	\$2,000.00
Quick Mart #1	Kaushik P Patel	224 Tifton Road	Beer License	\$ 500.00
Quck Mart #2	Kaushik P Patel	708 Old Coffee Rd.	Beer License	\$ 500.00
Rana Corp d/b/a J Raj Liquors	Vidyakumari J Rana	301 N. Anderson Rd.	Beer, Liquor & Wine License	\$2,000.00
Rana Corp d/b/a J Raj Spirits	Vidyakumari J Rana	720-A Adel Rd.	Liquor & Wine License	\$1,500.00
Rana Corp d/b/a The Log Cabin	Vidyakumari J Rana	720 Adel Rd.	Beer & Wine License	\$1,000.00
Rancho Alegre Mexican Restaurant	Mireya S Solis	100 S. Jefferson St.	Beer & Wine License	\$1,000.00
Rancho Alegre Mexican Restaurant	Mireya S Solis	100 S. Jefferson St.	Liquor By The Drink	\$2,000.00
Stop & Shop	Chetnakumari M Patel	500 E. McPherson Ave.	Beer & Wine License	\$1,000.00
VFW Post 5978	Desso Martin Faulkner	801 Tifton Rd.	Beer License	\$ 500.00
TOTAL (22)				\$20,500.00

The Mayor presented the twenty-two (22) applications for Beer, Wine & Liquor license applications as listed in the preceding table. Having nothing to prevent the approval of any of them, Billy Retterbush made a motion to approve the license applications presented. Scott Stalnaker seconded the motion and the motion carried unanimously.

3. **1st Reading Ordinance #O-06-18/Amend Motorized Wheelchairs Ordinance – City Attorney Mitchell Moore** – Attorney Moore explained the amendment as requested by the Chief of Police, Mayor and Council which constitutes the first reading of the amendment to the Ordinance under Section 28-76.1.
4. **1st Reading Ordinance #O-07-18/Amend Motorized Carts Ordinance – City Attorney Mitchell Moore** – Attorney Moore explained the amendment as requested by the Chief of Police, Mayor and Council which constitutes the first reading of the amendment to the Ordinance under Section 28-78.

REPORTS

5. **City Manager's/Finance Director's Report** – Mrs. Luke explained the application for the yearly LMIG and the preliminary application for the 2019 LMIG is approximately \$85,800 with the request including Melba, Chism and parts of Washington and McPherson. She explained the report for the expenditures that the City was awarded \$75,480 for the 2018 LMIG and approximately \$70,000 for the 2017 LMIG. Mrs. Luke explained a delay by QS/1 in mailing the tax bills so they will be due December 31st instead of December 20th. She mentioned she is preparing for the auditors for the FY 2018 Audit. Mrs. Luke also mentioned she has requested information from other city managers and municipalities to aid in determining an appropriate fee schedule for the mobile food vendors and cargo containers.
6. **City Attorney's Report** – Attorney Moore mentioned the NURA project, Phase I, regarding demolition under possibility of hazardous materials such as lead paint and asbestos and explained he contacted engineers John Hunkele and Watkins for suggestions along with TTL and Jimmy Drawdy who have previously done work for the City. He also explained receipt of the two bids which are TTL for \$3,642 and Jimmy Drawdy for \$2,700, with all certifications and requirements having been met. Scott Stalnaker made a motion to accept the

low bidder from Jimmy Drawdy for \$2,700. Eric Gaither seconded the motion and the motion passed unanimously. Mr. Moore next mentioned previous discussions regarding shopping cart thefts from local businesses and, upon discussions with Dollar General and Harvey's, he has drafted a Memorandum of Understanding addressing concerns for Nashville Police Department to issue citations for theft further explaining the executed Memorandum of Understanding would remain in full force and effect until written request to terminate by either party. Mr. Moore briefed the Mayor and Council regarding lack of a sewer easement off of Melba Street behind Fred's and the building previously known as Melba's. He further explained there are currently no City sewer services to the building (formerly known as Melba's) and the new purchaser has requested sewer services but the City must have an easement. The Mayor and Council authorized him to proceed with the request. Attorney Moore mentioned the ongoing issue of complaints of panhandling and briefly explained the reasons for the lack of ordinances regarding panhandling asking the Mayor and Council how they want to proceed. Mayor Richbourg explained the need to educate the public for business or property owners to contact the Police Department when someone is approached or there are unwanted individuals on the property, as discussed in previous meetings. Chief Edwards explained, in regards to larger areas with problems of panhandling, not even the City of Atlanta has an anti-panhandling ordinance except within the public right of ways. He explained various circuit courts around the United States have ruled ordinances prohibiting pan handling or monetary solicitation are frequently held unconstitutional because there is no difference between an individual approaching another individual in a parking lot and seeking donations versus a church. He further explained ordinances in Atlanta pertain more to harassment but the ordinances prohibit solicitation within so many feet of certain areas such as an ATM, a parking lot, pay box, an entrance/exit of a building or a line for entry at an event or venue, business or other building emphasizing the ordinances prohibit solicitations within certain areas or a given distance and further prohibit solicitation which prevents passage of the person, or harassing or using profane or abusive language or bothering an individual after they have declined or refused a solicitation. Chief Edwards explained since this is what they have in the metropolitan areas with greater problems that Nashville should be fine using existing Criminal Trespass Ordinances which are sufficient if the owners of the premises or the party being harassed will contact the Police and provide the contact information for the offender providing a description, name, etc. Mayor Richbourg agreed stating if property owners will place a call for criminal trespassing, it will take care of it since they will be taken into custody if it happens again.

7. **Department Head's** – Henry Yawn mentioned construction has started at the old District of Attorney's office. Jill Wise reminded everyone of the lighting of the tree and snow beginning at 6:00 this Friday night. She also mentioned the new awnings Stacie Lush installed at her business, Cotton Creek Salon & Market. Mayor Richbourg asked her to remind everyone of the process regarding these type changes or improvements. She said the correct process is to submit an application for a COA (Certificate of Appropriateness) from the Historic Preservation Committee which Mrs. Lush did and the COA was issued with no problem. She also mentioned the progress of delivery of the Downtown Guidelines to the current owners and renters of the Historic District. She also reminded everyone this Saturday, December 1st, they will have the Christmas parade at 6:00, breakfast with Santa at the Brown Bag from 9:00 – 11:00 and Mrs. Claus and the Disney Princesses reading at the library from 10:30 – 11:30. The Mayor asked Peter about the signs for the areas where golf carts are allowed to cross on State highways and Peter said he has ordered them. Chief Edwards briefed the Mayor and Council of House Bill 513, known as the "Safe Place for Newborns Act," that passed during the 2018 legislative session which created Georgia Code section 19-10A which became law effective November 1st. He explained the basic purpose of the new law is to prevent newborns from being abandoned and provides that all medical facilities, fire stations and police stations are now charged with accepting physical custody of a newborn child that is less than 30 days old from its mother without the mother fearing prosecution for abandoning the baby. Chief Edwards briefly explained the signage and training requirements along with the procedures to be implemented regarding the new law. Chief Edwards provided the Mayor and Council with his 1st, 2nd and 3rd quarter report of statistics and there was a brief discussion on the number of items with the current staff and the issue of the numerous calls for assistance in unlocking vehicles. Chief Edwards commended Mrs. Janet Studstill for the article in the Berrien Press on recent burglaries and break-ins asking the public to be mindful not to leave packages visible in vehicles while shopping and to use caution displaying gifts under the tree.

PUBLIC COMMENTS

Linda Gray and Sara Luke (Diane Avenue) complained about the condition of Cypresswood Apartments including the pond. Mayor Richbourg said he and Henry Yawn have spoken to one of the new owners about the concerns and they have a list of items they plan to address. Brenda Thomas mentioned suspicious activity at one of

the abandoned houses on Perkins Drive. Mayor Richbourg asked her to contact the Police Department at the time they see something taking place and Chief Edwards asked about speaking with him afterwards regarding the details.

COUNCIL COMMENTS

Mellisa Watson mentioned Chris Sullens' request thanking him for his patience in the process.

Eric Gaither made a motion to go into Executive Session at 7:28 p.m. Scott Stalnaker seconded the motion and the motion carried unanimously.

EXECUTIVE SESSION 7:28 P.M. – 7:48 P.M.

At 7:48 p.m., Antonio Carter made a motion to come out of Executive Session. Scott Stalnaker seconded the motion and the motion carried unanimously.

REGULAR MEETING RESUMED

There was a brief discussion regarding the location of one of the lift stations on the property adjacent to the property of Nashville Investments Properties (formerly Nashville Mills) and Antonio Carter made a motion for City Attorney Mitchell Moore to negotiate purchase of the property the lift station is located on and obtain the necessary easement. Billy Retterbush seconded the motion and the motion carried unanimously.

Mayor Richbourg said he spoke with Brenda Ferrell and is on the Agenda of the County Commission meeting next week in reference to the softball field and the possibility of the County (Recreation Department) taking the field back and the details of a proposed lease were discussed.

ADJOURNMENT

There being no further business to conduct, Antonio Carter made a motion to adjourn the meeting at 7:50 p.m. Scott Stalnaker seconded the motion and the motion carried unanimously.

Mayor Michael Richbourg

Alderman Eric Gaither

Alderwoman Mellisa Watson

Alderman Antonio Carter

Alderman Billy Retterbush

Alderman Scott Stalnaker

Alderman Walter Steward

ATTEST:

Jackie Jordan, City Clerk