

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
FEBRUARY 25, 2019
6:00 P.M.**

INVOCATION: Elder Sam Thomas

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 Walt Steward, Scott Stalnaker, Eric Gaither, Antonio Carter, Billy Retterbush and Alderwoman Mellisa Watson.

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

OTHERS PRESENT: Elder Sam Thomas, Paul Newbern, Randal Milton, Nikki Wilson

ADOPTION OF THE MINUTES FROM THE PREVIOUS MEETINGS – Eric Gaither made the motion to adopt the minutes from the previous meeting. Scott Stalnaker seconded the motion and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA – Antonio Carter made the motion to adopt the formal agenda. Walt Steward seconded the motion and the motion carried unanimously.

NEW BUSINESS

1. **2nd Reading – Amendment to Historic Preservation Ordinance – Mitchell Moore, Attorney** – Attorney Moore presented the second reading of the Ordinance to amend the current Nashville Historic Preservation Ordinance to delete the provision preventing commission members from serving more than two (2) consecutive terms and to allow members' terms to be automatically renewed absent resignation by the commission member or notice of nonrenewal by the Mayor and Council. Billy Retterbush made a motion to approve and

adopt the Ordinance. Mellisa Watson seconded the motion and the motion carried unanimously.

2. **City Council Member Eligibility and Filling Vacant Council Seats – Mayor Michael Richbourg** – Mayor Richbourg mentioned qualifications to run for a Council seat, including residing within the City limits, but not for remaining on the Council. He said when Mellisa Watson moved outside the City limits to the County, they wanted her to remain through the end of her term, but they need to address those terms. The Mayor asked the process if there are more than twelve (12) months left in the term. Attorney Moore explained that according to the Charter if the remaining term is less than three (3) months, a replacement can be appointed, but in the absence of a specific Charter provision that provides otherwise, it would fall under general election law of the State which he thinks is six (6) months but would have to verify that information. Attorney Moore further explained the person can step down if so desired but there is a distinction between continuing residency and residency at the time of qualifying and there is currently no requirement of the continuance of residency. The Mayor also asked about the absence of a Council member due to deployment and if the appointment process would apply in an absence of three (3) months or more. Attorney Moore explained an appointment would not apply in that situation and the Charter's reference to failure of eight (8) consecutive meetings but the Councilman can be considered present via telecommunication twice in a calendar year. Attorney Moore explained Charters can be modified but it requires a legislative process. After further discussion, the Mayor stated the topic would be put on the next Agenda.

REPORTS

3. **City Manager's/Finance Director's Report** – Mrs. Luke said 2:00 pm today was the deadline for bids for the Perkins Subdivision demolition project and she received five (5) bids. She said she is currently going through them and will provide the data when she finishes checking and verifying the information.
4. **City Attorney's Report** – Attorney Mitchell Moore mentioned proof of insurance of the bidder, Quality Hay, LLC regarding the Hay Field Spay Field contract. He said he has not received it yet but spoke with the insurance agent and they have General Liability but do not have workman's comp because it is an agriculture policy but they have a \$500,000 employee liability and medical

payment which covers employees comparably to workers' compensation. He also said the City will be listed as an Additional Insured. Next, attorney Moore said he is continuing work on the noise ordinance and has found an example of a statute. He said they previously discussed the testing of the decibel level of the noise would be at the point of the complaining party but according to what he has found, it would be at the property line of the alleged offending party. He further explained the draft covers commercial, industrial, mechanical and manufacturing activities, is not targeted to any one specific type of activity, and if the noise generated exceeds a certain level, it is subject to be cited as a nuisance. He explained the statute is very detailed and a lot of these are drafted in connection with entertainment districts defining the parameters of the area producing the problem and we do not have a specific area designated as such and needs input from the Mayor and Council as far as geographical guidelines and targets to establish the level it will be deemed to be a nuisance and in violation of the Ordinance. He said the noise would also be subject to other outside influences such as weather, moisture, traffic, or any number of other variables and the decision needs to be made if it is going to be measured at the property line of where the activity is being conducted or at the point of where the complaint stems from. Jill Wise asked about functions, such as concerts, put on by City or County. They also discussed a limit of hours or specific times and exclusions of City functions and school activities. Mayor Richbourg said the City already has laws in effect for disturbing the peace and this may be so much overkill that it is going to encompass so many other things and suggested going directly to the business or property owner to determine something reasonable for both but it definitely needs to be addressed. Attorney Moore and Chief Edwards mentioned the expense and requirements of the necessary equipment to measure the noise. Attorney Moore further explained options on the limitations and said he will forward examples to the Mayor and Council for review. Next, Attorney Moore said he contacted Deep South Regional Solid Waste Management Authority personnel and they remitted a copy of the Charter and Bylaws and he has reviewed those but he has not yet found a specific requirement that all solid waste has to go to that authority. Billy Retterbush said it behooves the City to do so since the City gets a percentage based on the tonnage. Mayor Richbourg said he spoke with members at Advanced Disposal and Chaparral stating they are getting the problem satisfied further stating the City does not bill for roll off containers at that industry and they understand they are to haul the waste to Lowndes County but that industry is the number one employer in the City and the City is willing to help them and work with them. Attorney Moore explained more about the terms of the

contract stating it is the responsibility of Advanced Disposal to satisfy the customer.

5. **Department Head's** – John Reynolds reported more meters were received. He also reported The Brown Bag has a contract for the installation of a grease trap and there was another very brief discussion about grease trap requirements. Jill Wise reported the Chili Cook Off was very successful and thanked everyone who helped or participated. Peter Schultz reported they are still working on storm drains. Chief Edwards explained he and Captain Knowles have been searching for a solution to the ongoing challenge of a shortage of officers versus increasing call volumes. He gave statistics of excess call volumes for unlocking vehicles explaining one reason the Police Department had continued to do so was because they did not think there was a business providing this service but has found at least three vehicle towing and/or maintenance businesses to provide the service. He suggested, after speaking with the City Manager, unless the Mayor and Council objects, running an article in the Berrien Press in the March 6th and 13th editions indicating effective March 15th, the Police Department will no longer unlock vehicles except for emergency or extenuating circumstances. The Mayor and Council agreed with this proposed solution. Mellisa Watson asked who are the businesses and Chief Edwards answered Buck's Auto, Southern Body and Fender's Towing Service.

PUBLIC COMMENTS

Paul Newbern, owner of the go cart track, addressed the Mayor and Council regarding the noise complaints. He said he came to the Council and building inspectors for approval before building it and explained the race track brings a large number of people to Nashville who end up spending money on gas, food and possible lodging in Nashville. Mayor Richbourg explained he spoke with Mr. Kennedy, the promotor of the track, again today and they have been in discussion on options to satisfy everyone as the City, Mayor and Council are pro-business.

Randal Milton thanked the City, Mayor and Council for the speed bumps that have been installed on Avera Avenue stating it has not eliminated the problem but it has certainly helped.

Nikki Wilson of West Dennis Avenue spoke on behalf of the go cart race track stating from her home she hears as much noise from the VFW each weekend as she does from the race track encouraging everyone to embrace and support our small town and local business instead of complaining about the noise.

COUNCIL COMMENTS

The Mayor and Council commended the Chili Cook Off event.

ADJOURNMENT

There being no further business to conduct, Billy Retterbush made a motion to adjourn the meeting at 7:10 p.m. Eric Gaither 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