

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
MARCH 11, 2019
6:00 P.M.**

INVOCATION: Keith Stone

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: Keith Stone, Mark Ladson

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

ADOPTION OF FORMAL AGENDA – Mayor Richbourg asked to add Agenda Item #3-Ball Field at Memorial Park and Item #4-NURA Project/Bids for Demolition. Billy Retterbush made the motion to adopt the formal agenda with the additions. Walt Steward seconded the motion and the motion carried unanimously.

NEW BUSINESS

- 1. Nashville Historic Preservation Commissioners-Terms of Appointments** – **Mayor Michael Richbourg** – The list of Nashville Historic Preservation Commissioners was previously submitted by Bryan Shaw on behalf of the Commission as follows: Jeff Wilson, two (2) year term from March 1, 2019 to March 1, 2021; Gaile Bailey, two (2) year term from March 1, 2019 to March 1, 2021; Skeeter Parker, three (3) year term from March 1, 2019 to March 1, 2022; Bryan Shaw, three (3) year term from March 1, 2019 to March 1, 2022; and, all

subsequent terms will be for three (3) years. Scott Stalnaker made a motion to approve the request as submitted. Antonio Carter seconded the motion and the motion carried unanimously.

2. Qualifications of Elected Officials for City Council – Mayor Michael

Richbourg – Mayor Richbourg asked Billy Retterbush to explain. Mr. Retterbush stated there are currently four (4) requirements in the City’s Charter to qualify to run for Council; and, the State requires all taxes are current in addition to no record of a felony. He said they would like an update to the City’s qualifications to include: proof of residency by a valid driver’s license or State identification; proof that all federal, state, county, city and school taxes are paid; must not be a defaulter for more than thirty (30) days for any utility services furnished by the City of Nashville to such person or his/her household, business or other property; also, if a council member or mayor moves out of the Nashville City limits, then the seat becomes automatically vacant per current Ordinance Section 2-5; and, all requirements be verified by the Nashville City Clerk before the Elections Board can place them on the ballot. Attorney Moore asked if they are requesting a change in the Charter because an amendment to the Charter requires more than passing an Ordinance and questioned one of the current qualifications of having been a freeholder in the City for at least two (2) years and there was brief discussion of whether that may be Constitutional. Mayor Richbourg said they would need the City Attorney, Mitchell Moore, to research that any requested additions or changes would be considered Constitutional. Attorney Moore further explained you can require residency but expressed concerns regarding requirement of being a property holder although both are in the current Charter, which was adopted in 1910. Eric Gaither made a motion to approve the request for the additional qualifications requested for a total of eight (8) qualifications and they go through City Hall to confirm the qualifications. Billy Retterbush seconded the motion. Walt Steward asked about using a driver’s license as proof of residency explaining none of the tenants of his apartment complex would have a driver’s license showing current address and there was a brief discussion of the requirements regarding updating drivers’ licenses upon moving and the requirements are different for those in the military. Walt Steward explained his wife has lived in his house for nine (9) years but she is not listed on a utility bill and is not a freeholder, or property holder, because he owned the house before they met; and, although she has a valid driver’s license with her current address; and, although she has been a resident for nine years, she would not qualify under these rules; and, while he understands where they are headed, they need to be very careful in how they word these qualifications. Mellisa Watson said they are trying to ensure

credibility. Walt Steward further stated they are really trying to legislate morality and you can't really do that because you are counting on people to do the right thing and people are going to find ways around it. Antonio Carter made a motion for the requested changes in the qualifications with the caveat that the changes are Constitutional and Attorney Moore first investigate the qualifications to make sure they are not unconstitutional. Attorney Moore again mentioned the process of amending the Charter and there would probably not be enough time to get the legislative process through both houses before the election and questioned if they want the changes by amending the Charter or by an Ordinance with two (2) readings, approval and publication. After brief discussion, the Mayor and Council agreed to make the changes by Ordinance rather than amending the Charter. Walt Steward said they need to do more research and questioned the qualification requiring all taxes be paid. Billy Retterbush said when you qualify at the elections office, you sign a State Affidavit that all taxes are paid and you are not a convicted felon. Mayor Richbourg mentioned when a vacancy is created if someone moves outside the City limits. Mr. Retterbush said in the current Ordinance, Section 2-5, the City Council can appoint someone to fill the vacancy if there is only three (3) months or less left in the term but suggests if longer than three (3) months, there would have to be a Special Election. Walt Steward pointed out this would drive the City to have to have a Special Election in those rare instances, whereas now, if the person qualified for the Seat, they can finish the term if they wish. After brief discussion, Mayor Richbourg suggested having the City Attorney to do more research on these requests on what is legal and constitutional before the next meeting and take action at that time. Billy Retterbush seconded the motion made by Antonio Carter to add by Ordinance the requested qualifications, omitting the request regarding taxes since that is on the State affidavit, providing they are constitutional. Mellisa Watson and Eric Gaither voted yes. Scott Stalnaker and Walt Steward voted no. The motion carries four (4) to two (2).

- 3. Ball Field at Memorial Park – Mayor Michael Richbourg** – Mayor Richbourg explained he spoke with County Commissioners Pixie Harrod and Jimmy Parker and the County is willing to take the ball field back under the conditions that the City continues to provide water and sewer; it would fall under recreation department rules; the City would not be charged for a City event, as long as it is available and scheduled with the Recreation Department. He said they want to put a sign up stating the field is run by the Recreation Department. The changes would be for the duration of an Intergovernmental Agreement (IGA). Billy Retterbush asked about insurance and Mayor

Richbourg said the County would have to provide the insurance, which would be included in the IGA and they prefer a four (4) year agreement. Also, the electricity would be the County's responsibility and the County will maintain the field. Antonio Carter asked about non-profit groups. Mayor Richbourg explained that would be under the Recreation Department's discretion and the City cannot manage that but they are in agreement that supporters and donors did not need to be charged. He said they did not mention anything about a City Council member being on their Board and he explained they need to have Attorney Moore or a member of the County draft an IGA for review. He said the County asked about drilling a well to save on water usage and asked about help acquiring a grant. Antonio Carter asked if that was allowed. John Reynolds explained current EPD requirements where the City is required to test and check chlorination of the water. Scott Stalnaker said they only want to use it for irrigation purposes and everything else will still be hooked up to City water and sewer services. Eric Gaither and Billy Retterbush said they thought there was an Ordinance against that in the City limits. Scott Stalnaker said the Ordinance states it is by permit only. Attorney Moore said there is an Ordinance that deals with this and it is mandated by the EPD.

4. **NURA Project Bids for Demolition – Mayor Michael Richbourg** – Mayor Richbourg asked Mrs. Luke to discuss the bids. Mrs. Luke explained she received five (5) bids for the Nashville Urban Redevelopment Agency Demolition and Disposal Project which ranged from \$140,000 to \$640,210. The lowest bid of \$140,000 is from Chaplin & Sons from Augusta and the second lowest bid is \$146,520 is from D & D Dozer which is located here in Nashville. The next was \$192,500. Eric Gaither said the second lowest, D & D, is local and only \$6,520 more and that money would go back into our County if we accept it. Mrs. Luke asked Attorney Moore if we would be able to get reimbursed on this later. Attorney Moore said the City could figure it into the value of the land if somebody is going to develop it under private enterprise but as indicated by previous bidders referring to tax credit developments, but they also indicated that amount may not be offered for the property. Mayor Richbourg said it needs to be known the City may not be able to recoup that money. Walt Steward said the resale value is just not going to reach \$146,000 for the empty lot. Mayor Richbourg further explained once the property is cleaned up and sold, it will go back on the tax digest. Mellisa Watson asked about two (2) houses that front Coffee Road. Mayor Richbourg and Attorney Moore stated those are privately owned and not included in this property. Billy Retterbush asked if the bid included removal of the foundations and Attorney Moore replied the bid is for demolish and removal of all construction,

demolition and debris. Mayor Richbourg and Attorney Moore explained the City can choose the second lowest bid if the difference is within ten percent (10%) and the difference in the two lowest bids is less than five percent (5%). Scott Stalnaker made a motion to select the second lowest bid, D & D Dozer of Nashville, subject to funding. Mellisa Watson seconded the motion and the motion carried unanimously. Mayor Richbourg asked the City Manager if the only place the funds would be available from at this time is savings and Mrs. Luke replied it would be from savings and the General Fund.

REPORTS

5. **City Manager's/Finance Director's Report** – None.

6. **City Attorney's Report** – Attorney Mitchell Moore reported the contract for Hay Harvest has been executed and the annual rent has been paid. Mr. Moore also mentioned the Blight/Derelict Property Ordinance which was adopted the 24th day of October, 2016. Mr. Moore also generally discussed the terms under the ordinance which entail a complaint in rem which means against the property which could be filed in Municipal Court of the City of Nashville. The procedure is spelled out under the Ordinance and does provide for due process, but after an extended process if the property is not improved the property can be classified as Blighted property or Derelict property and a tax levied on the designated property. Mr. Moore added this is an additional tool for the City Code Enforcement Officers to use in cleaning up the dilapidated and blighted properties in the City of Nashville. There has been some discussion about the fact that citations alone did not always appear to be effective and this would be in addition to the remedies available under the existing Nuisance ordinances under Chapter 17.5 the city code.

7. **Department Head's** – John Reynolds reported they had found some inflow coming in the sewer lines to the treatment plant and are making corrections on that and they are nearing completion of the water meters. Peter Schultz reported they are working on storm drains and replacements on street signs where needed. Chief Edwards mentioned he received notification of severe weather expected within the hour. Eric Gaither asked Chief Edwards if he had a date of when the full time code enforcer would start. Chief Edwards and Mrs. Luke explained it would be when the second person graduates from the police academy and both finish field training barring no complications.

PUBLIC COMMENTS

Mark Ladson, Zimmerman Street, asked about speed bumps on Zimmerman Street. Mayor Richbourg asked him to get with Peter Schultz and he would help him with that.

Mayor Richbourg said he spoke with Homerville's Mayor, Tom Kennedy, who also promotes the go cart race track here about the hours and noise complaints. He said Mr. Kennedy has put out to the group that they will attempt to end races at 10:00 p.m. on Saturday nights and be out by 11:30 p.m., providing there are no rain delays, but asked that they be allowed later hours twice per year for large races and Mayor Richbourg asked him to notify the Mayor and Council ahead of time. Billy Retterbush and Scott Stalnaker said they would need more than a couple of weeks' notice, possibly a couple of months' notice. Walt Steward mentioned, with advance notice, it would be good to promote it in town as well and that way it would be better accepted. Mayor Richbourg also explained we do not need to change or add an Ordinance at this time and give them that opportunity. Attorney Moore mentioned he had already been working on a noise Ordinance and Mayor Richbourg said that could be put on the back burner for now and give them the chance to correct the situation. Walt Steward said the more he looks at noise Ordinances, the more he is against it. Elder Thomas mentioned the noise and equipment they could use to lessen the engine noise. He also said if they would advertise it in town, it would be better accepted too.

COUNCIL COMMENTS

Mellisa Watson asked Jill if she could get the dates on the races maybe the Main Street and the Chamber could help advertise it. Ms. Watson also said there is a 4H livestock show tonight which will continue tomorrow night. She also mentioned the Rodeo on March 22nd and March 23rd and the Color Run on March 23rd. Scott Stalnaker said there was a place on the shoulder at Smith and Old Coffee where the buses turn wide and asked Peter if he could look at extending the shoulder there.

ADJOURNMENT

There being no further business to conduct, Billy Retterbush made a motion to adjourn the meeting at 7:03 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