

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
APRIL 22, 2019
6:00 P.M.**

INVOCATION: Bryan Shaw

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, Henry Yawn

OTHERS PRESENT: Janet Studstill, Sara Luke, Linda Gray, Brenda Thomas, Bryan Shaw

ADOPTION OF THE MINUTES FROM THE PREVIOUS MEETINGS – Billy Retterbush made the motion to adopt the minutes from the previous meeting. Antonio Carter seconded the motion and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA – Mayor Michael Richbourg asked to amend the Agenda by moving Item #1-1st Reading of the GMEBS Defined Benefit Retirement Plan - Ordinance and Adoption Agreement to Item #2 and adding the Race Track on Hazel Avenue as Item #1. Antonio Carter made the motion to adopt the formal agenda with the changes. Eric Gaither seconded the motion and the motion carried unanimously.

NEW BUSINESS

1. **Race Track on Hazel Avenue – Mayor Michael Richbourg** – Mayor Richbourg said he had received complaints about the race track again explaining they had a race Saturday night which ran past 12:30 a.m. Sunday morning and also had a race Sunday afternoon, which was Easter Sunday. He

explained the track is leased by Tom Kennedy and they previously agreed the races would end by 10:00 p.m. on Saturday nights. He said he spoke with Mr. Kennedy and Mr. Kennedy's response was that he was not physically there although that is no excuse. Mayor Richbourg said this is the third (3rd) incident and that Mr. Kennedy explained the person running it knew better and they were supposed to stop by 10:00 p.m. Friday night and Saturday night with no Sunday racing and if there were to be special races needing an exception, they were to give the Mayor and Council at least thirty (30) days' notice prior to the event. Mayor Richbourg mentioned Ordinance 17.5-2(b) and possibly issuing tickets if they run past the agreed upon time. Attorney Moore explained the Ordinance is very general and it may be best to formally notify them on the specific nuisance violation and while the Mayor and Council previously looked at a noise Ordinance, they had decided to take a different approach and advised Mr. Moore to cease research and preparation of a more specific noise Ordinance. Mayor Richbourg said he and Bill Perry both spoke with Tom Kennedy before the races and he assured them it would not happen but it did. City Manager, Mandy Luke, asked how they would determine whether or not something is a nuisance. Walt Steward explained it is not up to the officer on the scene to decide if it is a nuisance but to write the citation. Attorney Moore said they previously discussed mufflers for noise reduction and Mayor Richbourg said Mr. Kennedy had explained they would run the louder carts first but they still ran past the agreed upon time and they did not have a sanctioned event scheduled for Sunday and that was people who stayed overnight Saturday night. Attorney Moore advised providing formal notice to Tom Kennedy regarding the continued complaints, excessive noise and hours of operation. After brief discussion, Billy Retterbush made a motion to draft a formal notice to Tom Kennedy regarding complaints of excessive noise and hours of operation to be provided before the weekend. Scott Stalnaker seconded the motion and the motion carried unanimously.

2. **1st Reading of the GMEBS Defined Benefit Retirement Plan – Ordinance and Adoption Agreement – Mitchell Moore, City Attorney** – Mr. Moore explained the 1st reading restating the retirement plan of the Georgia Municipal Employees Benefit System Defined Benefit Retirement Plan which typically runs on a five (5) year period. He further explained this is not a re-adoption of the master plan but is a restated modification and we have until May 19th to finalize and return it and this is an Ordinance. He also explained the last Ordinance was adopted in 2012 with an Amendment in 2013.

REPORTS

3. **City Manager's/Finance Director's Report** – Mrs. Luke reported they are beginning work on the budget for FY 2020.
4. **City Attorney's Report** – Attorney Moore said he revisited the Candidate qualifications, as requested, and the Charter provisions addresses the qualifications, of which there are four (4) but one requirement, to be a freeholder, is unconstitutional. He said he checked with the office of the Secretary of State and our elections are handled by the County Elections Superintendent since the City had entered into an Intergovernmental Agreement (IGA) explaining there would be conflict and redundancy because the Elections Superintendent actually verifies the qualifications and many of the qualifications are in the Notice of Candidacy which is signed at the time of qualifying for a post. He further explained a Doctrine that states if the Charter specifies the candidate qualifications and if those are modified, it must be done through legislative action. He explained problems if the City takes action in the qualifying process when we are under an IGA with the County because we actually turned the election process over to them and the requirement that any person participating in the election process be properly certified. Mrs. Luke said the City does not have anyone certified since it was turned over to them. He further explained these conditions could result in a candidate not having been properly qualified. He said he is continuing research through contact with the Elections Director at the Office of the Secretary of State and GMA. Janet Studstill asked the exact problem they were looking to resolve. Mayor Richbourg replied to make sure the candidate is a resident of Nashville. Mr. Moore replied additional items such as not being in arrears on any taxes or services provided by the City. Billy Retterbush replied proof of residency through a Georgia Driver's License or I.D. indicating the Candidate's address within the City. Attorney Moore said Council also brought up issue of an elected official moving outside the City limits while in office. Additional brief discussion on the topic resulted with Attorney Moore conducting further research to ensure any proposed changes are legal.
5. **Department Head's** – John Reynolds reported they are working on old sewer lines and man holes. John also reported Wes Hand Surveying will start surveying this week on the new CDBG project. Henry Yawn reported they have almost completed two houses under the CHIP Grant Program and they are looking at additional houses which depends on the amount of money available. Jill Wise reminded everyone of the Senior Fishing Rodeo on Friday and the

Kids Fishing Rodeo on Saturday, both 8:00 a.m. – noon. Peter Schultz reported they have worked on the City entrances and are waiting on the pine straw. Mayor Richbourg commented how nice the entrances to Westview looked and asked who did them. Janet Studstill answered Jo Lovein and Martha Parrish stating Mrs. Lovein raised \$2,400 and the City donated \$1,000.

PUBLIC COMMENTS

Sara Luke expressed concerns of her neighborhood due to the appearance and ongoing problems with Cypresswood Apartments. She said they started work on the roof but it has not been completed although it has been months. She said no one with any respect would want to live there commenting on unkempt window coverings and general appearance. She said there are shopping carts sitting on the grounds that have been there for months and the men mowing the grounds just mow around them and do not mow everything. She said she called Henry Yawn about this recently and he went over there and asked them if they would come back to finish mowing if he moved the carts in the way. She said they told him they would but never came back and it still has not been done. She said the pond behind it is covered in lily pads, has snakes and an alligator in the pond that needs to be removed. She said she is concerned and it needs to be cleaned up. Mayor Richbourg asked Henry Yawn to contact the game warden to see if they can remove the alligator. {At the end of the meeting, Mrs. Luke said she suspects drug activity at the apartments.} Mrs. Luke's neighbor, Linda Gray, addressed the same concerns especially the pond and the alligator. Mellisa Watson said she would contact the game warden, Morty Wood, to see if they could take care of it.

Brenda Thomas complained about an issue with a contractor she hired to make repairs to her roof that he has not completed the job and did not get the proper permits. Mayor Richbourg explained that is an issue that has to be handled through Magistrate Court. Bryan Shaw asked who is responsible for taking care of the pile of dirt around the grease trap at Jacob's Well. Mayor Richbourg and John Reynolds said it is the responsibility of Jacob's Well and John said he would get with them about it.

COUNCIL COMMENTS

Mellisa Watson asked about the littering signs discussed in the previous meeting and asked Peter Schultz if they had been ordered. Peter said he needs to know the fine information they want on the signs. Mayor Richbourg asked Attorney Moore and said the fine is \$500 with a maximum amount of \$1,000. Ms. Watson said they discussed

ordering six (6) signs to start with. She asked Henry Yawn about the cargo storage container behind the Shell station and he said he needs direction from Attorney Moore because they do not want to move it. They also mentioned one near the Farmers Market and asked Mr. Yawn and Mr. Moore to look into the issue. She said Hayley's was taking care of their grease trap installation and asked John Reynolds who he had spoken with at the Shell station. John said he had spoken with Hiram about four (4) to six (6) weeks ago and he said they would take care of it so they asked John to make contact with him again. Ms. Watson asked Chief Edwards about the process when someone has a break-in or burglary and finger prints have been obtained, if they notify the victim when they have a match on the finger prints or if the victim has to contact the Police Department to find out. Chief Edwards explained the process involving the collection of evidence, processing of evidence by the crime lab, receipt of information from the crime lab, such as if there is a match on finger prints, for example, and they do notify the victim if there is a match or not, once the information is received and also mentioned how lengthy the whole process can be. Ms. Watson extended invitation to Watson's Pools on May 4, 2019 for a customer appreciation day with hamburgers, hot dogs and bouncy houses.

Billy Retterbush said he had a constituent request to put Talley Alley on the paving list. Peter Schultz said it is a dirt road and said they would look at it to see if they could scrape it.

Eric Gaither said the Rec department has expressed interest in installing sewer at the Rec department. He said John Reynolds is working on figures for them and asked John to include installation of a grease trap in those figures.

ADJOURNMENT

There being no further business to conduct, Eric Gaither made a motion to adjourn the meeting at 7:18 p.m. Antonio Carter 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