

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
MAY 13, 2019
6:00 P.M.**

INVOCATION: Mitchell Moore

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, Captain Ronald Knowles, John Reynolds, Mitchell Moore

OTHERS PRESENT: Ariel Godwin, Bill Perry, Janet Studstill

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

ADOPTION OF FORMAL AGENDA – Mayor Michael Richbourg asked to amend the Agenda by adding Race Track/Bill Perry as Item #2, moving original Item #2- Community Watch Program to #3, moving original Item #3- TSPLOST to #4, moving original Item #4- 2nd Reading of the GMEBS Defined Benefit Retirement Plan - Ordinance and Adoption Agreement to Item #5, adding Item #6- Stacey Griffin Contract/Mellisa Watson and adding Item #7- Ordinance-Proposed Qualifications/Billy Retterbush. Antonio Carter made the motion to adopt the formal agenda with the changes. Scott Stalnaker seconded the motion and the motion carried unanimously.

NEW BUSINESS

- 1. Proposed Bike Plan – Ariel Godwin, Southern Georgia Regional Commission (SGRC)** – Mr. Godwin, a Senior Planner with SGRC, presented a

draft of a proposed bicycle plan explaining SGRC has an annual contract with the Georgia Department of Transportation (GDOT) which allows SGRC to provide pedestrian and bicycle plans for cities within the region at no cost to the community. The plan includes plans from other communities in the region as well as recommendations for Nashville based on field visits. He explained it is at a point of needing input from the Mayor and Council of what they prefer. He further explained the GDOT funding is only for the plan, not infrastructure but there are grant opportunities such as CDBG (Community Development Block Grants), LMIG (Local Maintenance and Improvement Grants), Georgia DNR (Department of Natural Resources) and GDOT. He explained GDOT must be involved on State roads and the City's Public Works can do some of the work on local streets. He explained recommendations for Dogwood Drive from State Route 125 to State Route 76 and Smith Avenue from State Route 125 to North Coffee Road asking the Mayor and Council for feedback by June 7th.

2. **Race Track/Hazel Avenue – Bill Perry** – Mr. Perry commended the Mayor and Council for the efforts in dealing with the go cart race track from a public nuisance stand point stating the track operators proved Saturday they can operate the track in a manner which is not a public nuisance. He said he had been told this was to be one of two of the largest races planned this year and expected a big blowout but he did not hear anything so he actually went to the track between 4:00 and 5:00 p.m. to see if the event was being held and after returning home, he went outside later and could not hear noise from the track. Mr. Perry expressed concern of a public safety issue if they begin to race larger vehicles without protective barriers around the track urging the Mayor and Council to pass a simple one-line ordinance, motorized racing is not permitted in Nashville, that would be simple to enforce to address the issue now in order to avoid being blamed later if an accident occurs. He further explained exceptions could be added to the Ordinance such as go-cart racing, limited size engines and placing age limits on racers.
3. **Community Watch Program – Mayor Michael Richbourg** – Mayor Richbourg brought up a recent home break-in and mentioned the Police Department has been understaffed for six to seven years. He said he spoke with Police Chief Chuck Edwards and Sherriff Ray Paulk about the creation of a Community Watch program explaining it would be made up of unarmed volunteers with strict guidelines as to who could be a volunteer and volunteers would be required to undergo an extensive background check and would be under the supervision of the Nashville Police Department and Chief Edwards. He further explained volunteers would use their own vehicles and gas, go

through training as deemed necessary by Chief Edwards and be in constant communication with the police department. He said the City would be actively recruiting volunteers and hopefully meet within the next three weeks. He further explained volunteers would not be allowed to engage anyone committing a criminal act but would serve only in a surveillance role by riding around the City limits of Nashville which would take place at night probably between the hours of 11:00 p.m. and 5:00-6:00 a.m. Mayor Richbourg said this is in the preliminary planning stages and would inform the Council and City Attorney when and where the meeting would be.

4. **TSPLOST – Eric Gaither** – Mr. Gaither stated a local business owner contacted him inquiring if negotiations on TSPLOST Special Projects could be revisited. Mayor Richbourg stated he missed the meetings but no projects with TSPLOST could be submitted and when he found out about submitting projects, it was past the deadline including the extended deadline. He explained he spoke with Corey Hull, SGRC Transportation and Environment Director, and additional projects could not be submitted but the City would continue to receive the 25% discretionary funds which could be used for infrastructure such as side-walks, capital equipment, signage and such along with the benefit of LMIG dropping from 30% to 10% in matching funds stating the drop in the LMIG plus the 25% TSPLOST discretionary funds should give the City approximately \$900,000 over the TSPLOST ten year period. He said Hull also stated not all cities in the region submitted projects and each town in the County was responsible for submitting their own projects. Antonio Carter asked if the Mayor could designate someone else to attend the meetings if unable to attend. The Mayor said he could but it will be nine years before the next time.

5. **2nd Reading of the GMEBS Defined Benefit Retirement Plan – Ordinance and Adoption Agreement – Mitchell Moore, City Attorney** – Mr. Moore presented the 2nd reading of the Ordinance to amend and restate the retirement plan for the employees of the City of Nashville in accordance with and subject to the terms and conditions set forth in the Adoption Agreement, Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Master Plan Document and the GMEBS Trust Agreement. Mr. Moore explained it is periodically modified as required by the IRS, the last Ordinance was adopted in 2012 with an Amendment in 2013 and this Ordinance would go into effect after publication as provided by the City Charter upon being approved and adopted by the Council tonight. Antonio Carter made a motion to approve and adopt the Ordinance {#O-02-19}. Walt Steward seconded the motion and the motion passed unanimously.

6. **Stacey Griffin Contract – Mellisa Watson** – Ms. Watson mentioned the contract between the City and Stacey Griffin to maintain the downtown planters and trees. She said originally it included maintenance of shrubs and pine straw but they decided to hire two (2) additional employees in the Street department to assist with other maintenance but that has not worked because those that were hired quit. Mayor Richbourg asked if the contract could be amended. Attorney Moore explained it is a two (2) year contract through 2020 and asked if they want to add additional items to what he is already doing. Walt Steward said he recalled the reason they decided to hire more employees was because it was cheaper. Ms. Watson suggested amending the contract to allow Mr. Griffin to extend the duties to include the other maintenance. Following a brief discussion, they decided for Mainstreet Director Jill Wise to get with Peter Schultz and prepare a list of things needed, then present the additional requests to Mr. Griffin to see if he would be interested.
7. **Proposed Ordinance for Additional Qualifications – Billy Retterbush** – Mr. Retterbush provided a list for a proposed Ordinance regarding two (2) additional items to qualify to run for Mayor or Council. Those items are: #1 – In order to show proof of residency, a driver's license or Georgia issued state photo identification indicating the candidate's address within the City must be presented to Berrien County Elections Superintendent; and, #2 – Must not be a defaulter for more than thirty (30) days in the payment for any utility services furnished by the City of Nashville to such person or his or her household, business or other property, until such time as such default is paid in full. Attorney Moore again mentioned the IGA between the City and the Board of Elections Office and explained under the hierarchy of law, if there is a conflict or inconsistency between a Charter and an Ordinance, the Charter prevails and stated the Charter could not be altered until the next legislative session. He further explained if it is legislative in that sense or to the extent of altering the requirements as specified by the Charter, if they are to be altered, it must be done by altering the Charter. Billy Retterbush and Eric Gaither said they do not want to alter the Charter but want to add an Ordinance. Mr. Moore explained these items are covered in the Notice of Candidacy and they are asking to add an Ordinance on what has already been addressed by the Charter which is prohibited under provisions of the Constitution of the State of Georgia and Title 36. Mr. Moore further explained details of his research including confirmation by legal counsel of Georgia Municipal Association but he understands their desire to strengthen the requirements and will conduct further research. Mayor

Richbourg asked for the item to be placed on the Agenda for the next Council meeting.

REPORTS

8. **City Manager's/Finance Director's Report** – Mrs. Luke reported she is in receipt of the semi-annual royalty check from Deep South Solid Waste for \$19,642.65 for July through December 2018. Mrs. Luke said she was contacted by Amanda with the Planning and Zoning Commission to let her know Hanson Carter resigned from the Board and they need a replacement. She explained there is already one Council member, Antonio Carter, on the Board so they need to recommend someone other than a Councilman who lives within the City limits. Attorney Moore mentioned Mr. Carter was also on the Board for the Development Authority so they may need to look for someone to replace him on that Board as well.
9. **City Attorney's Report** – Attorney Moore reported he sent the proposed lease to Bi-Lo last week which is a one year lease with no termination provisions and has not received a response at this time but expects they will want a monthly lease. Mayor Richbourg and Mr. Moore explained when Bi-Lo moved in, the City renovated the building according to their specifications, and they were obligated to pay for the renovations at a set amount over a five (5) year period through rent, which they did. Mayor Richbourg mentioned when they filed bankruptcy, they were on a month to month agreement.
10. **Department Head's** – John Reynolds reported Wes Hand Surveying has started surveying for the new CDBG project and expects work to begin in November. He said it is for eight (8) streets including MLK, John and Short further stating Old Coffee Road will be repaved from Avera to Mathis. He reported the water meter replacement project is almost complete. Jill Wise reported Southern Landmark plans to open June 1st and the vendors have changed again. She also mentioned the visit from Governor Brian Kemp on May 11th. Attorney Moore reported information from Captain Knowles that there were no citations issued Saturday night at the race track but contact was made with them and they have acknowledged receipt of the letters mailed to them regarding the hours.

PUBLIC COMMENTS

Randall Milton commented on the Community Watch subject suggesting people ride along with officers. Mayor Richbourg said they did that in the past but had to stop due to liability. He also suggested curfews and cameras. Mayor Richbourg said they are already working on installation of cameras but cannot give further information on the subject.

Ben Murray commented on how nice the entrances to the City look and said he attended the County Commissioners meeting asking them to participate with littering signs previously discussed. He also mentioned OCGA § 16-7-43 that provides for appointing people to issue littering citations which could be used in conjunction with a community watch program.

Donna Kent, North Jackson Street, complained of dirty water and said her pipes have been replaced. John Reynolds said he would look into it.

Janet Studstill inquired of the Mayor's attendance to the regional commission (SGRC) meetings explaining he could appoint someone else to take his place as long as it is a City elected official in order to vote. Mayor Richbourg said the meetings are once a month on Thursday at 11:00 a.m. in Pearson. Mrs. Studstill asked if an arrest had been made on the River Road break-in and Mayor Richbourg replied no. Mrs. Studstill said she gets a report on the TIA/TSPLOST stating it concerns her if the City has not received anything yet. Mrs. Luke asked if she knew when it started and Mrs. Studstill said November 1st. Mrs. Luke said the form had been sent in but she will have to look to see if we have received a direct deposit. Mrs. Studstill also mentioned we also had a visit from Secretary of State Brad Raffensperger, in addition to Governor Brian Kemp, as he is on a tour of all the Counties in Georgia.

Daniel Kent, North Jackson Street, complained of a commode beside the street on Futch Street and the lawn and trash across the street from his residence. Mayor Richbourg explained the City is trying to get a full time code enforcement officer from the Police Department but they first have to fill his place. Eric Gaither said he mentioned the lawn issue to Mr. Yawn and they have since taken care of it. Mayor Richbourg explained sometimes it just takes a phone call because he recently rode by Cypresswood Apartments due to complaints and there were numerous grocery carts located there and Mr. Yawn called the property owner and they took care of it.

Janet Studstill asked if anyone had removed the gator from the pond at Cypresswood previously discussed. Mellisa Watson said she spoke to them and they asked if someone would take a picture because they would not go back. Mrs. Studstill said she recently went over there because someone said there was a sink hole. She said she found an area where the bank of the pond has been eroded which has washed out an area under the fence and the drainage ditch could use some work. She said with all the

lily pads in the pond, it is hard to see the gator. She also mentioned the two gates to the fence in the back are open and the fence does not go all the way around the pond. Mayor Richbourg said there is no law requiring a fence around the pond but the liability would be on the property owner if anything were to happen.

COUNCIL COMMENTS

Mellisa Watson asked about the grease trap at the Shell Station. John said he has not been there recently but they still have time according to the deadline they were given and Scott Stalnaker said he saw a crew there measuring for the placement of the grease trap. John also mentioned Haley's has installed a grease trap. Mrs. Watson brought up the subject of a full time code enforcement officer and the concern of filling the positions at the Police Department to allow for a full time code enforcement officer. Mayor Richbourg said he and Chief Edwards have been discussing the staffing issue. Antonio Carter mentioned the problem regarding salaries. Eric Gaither mentioned a hole on West Avera. Scott Stalnaker commended the Fishing Rodeo and everyone who helped with it along with extra booths and help this year which was very successful.

ADJOURNMENT

There being no further business to conduct, Scott Stalnaker made a motion to adjourn the meeting at 7:22 p.m. Billy Retterbush 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