

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
OCTOBER 28, 2019
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, Billy Retterbush, Eric Gaither, Antonio Carter and Alderwoman Mellisa Watson.

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

OTHERS: Paul Newbern, Scott Newbern, Harriette Sutton, Terry Danforth, Bryan Shaw

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

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

NEW BUSINESS

1. **5:30 Public Hearing – Rezoning Request by Paul Newbern of Hazel Avenue Property – Henry Yawn** – Mayor Richbourg said a Public Hearing took place prior to the Council meeting regarding Mr. Newbern’s rezoning request. Mr. Yawn explained there are two (2) parcels of land on Hazel Avenue, where the existing race track is located, of which the northern portion is zoned WLI (Wholesale-light industrial) and the southern portion is zoned R6 (Residential).

Mr. Newbern's request is for the portion currently zoned R6 to be rezoned to WLI. Mr. Yawn said there was no opposition to it as long as it was for light industrial. The Greater Berrien Planning Commission approved the item at a Public Hearing held on October 17, 2019. Mellisa Watson made a motion to approve the rezone from R6 to WLI. Scott Stalnaker seconded the motion and the motion carried unanimously.

- 2. Our Place Hotel Appeal – Terry Danforth** – Harriette Sutton spoke on behalf of Terry and Lisa Danforth appealing the requirement by the Historic Preservation Commission for frosting of the exterior windows on the west side of the 10 West Marion Avenue structure. She explained they originally did not think it as a problem but after speaking with hotel guests and many others, they find people want to be able to look out of the window and think it would negatively affect profitability and desirability for the hotel. She said historically the exterior windows were not frosted and they can find no City ordinance requiring it. She said Hannah's Hope Park is a public place that is open on both ends. She said they very much appreciate the work of the Historic Commission but they have to be profitable and feel frosting of the windows will negatively affect that. She said one of the requirements is the windows look like the ones on the original hotel facing Marion Avenue which are clear glass and they will. Bryan Shaw said he was in receipt of the letter of appeal of one of the conditions of the Certificate of Appropriateness (COA) #1903 regarding frosting windows requirement but the Historic Preservation Commission is not the proper venue of an appeal of this condition. He explained the Nashville Historic Preservation Ordinance requires any person adversely affected by any determination by the Commission to make appeal to the Nashville City Council within fifteen (15) days after the issuance of the determination. He further explained the issuance of determination was July 19, 2019 as stated on COA #1903 which was mailed on July 19, 2019 under the same cover of the denial of COA application #1904 which they have acknowledged receipt of both and the appeal should have been filed by August 5, 2019 which was not done. Mr. Shaw explained COA #1903 was brought before the Council on August 26, 2019 to receive approval of the Council to cut openings for windows on the west side of the building and it was not addressed at that time. He said the Commission did not feel comfortable about cutting the windows in the wall of the memory park reducing the secluded, quiet and reflective voices in downtown exposed to a view of an unmonitored atmosphere of possible obnoxious or inappropriate acts of guests inside the hotel; however, the commission felt they were making a good faith compromise allowing the frosted window openings so each room would have translucent daylight yet

preserve the secluded atmosphere intended with the memory park's creation; and, the Commission even suggested adding transom windows above the main windows so natural daylight could be introduced into the rooms. Mr. Shaw further explained it is the position of the Commission this appeal at this time is not appropriate because the appeal date has passed and they have lost the opportunity. He also explained frosted windows may not be the most advantageous but they are also trying to preserve the conditions for which the original memory park was created. He said they talked about windows at that time on the old building but they wanted the walls to be part of the sanctity of that particular space which has now been changed. After further discussion of the concerns already mentioned including other items such as whether the requirement is based on historical or aesthetic value and no other windows in the historic district are frosted, Mellisa Watson made a motion to allow them to continue with installation of the windows with blinds based on extraordinary circumstance and undue hardship on the owner. Eric Gaither seconded the motion. Scott Stalnaker and Antonio voted in favor of the motion. Billy Retterbush voted against the motion. The motion carried four (4) to one (1).

3. **Engineer Request for Proposals for 2020 CDBG – Mandy Luke, City Manager** – Mrs. Luke explained there were seven (7) submittals for engineer for the 2020 CDBG which were scored by the City Manager, City Clerk and Water/Sewer Superintendent based on suggested questions which she provided to the Mayor and Council stating Coastal Engineering received the highest score. Antonio Carter made a motion to select Coastal Engineering for the 2020 CDBG. Scott Stalnaker seconded the motion and the motion carried unanimously.
4. **Speed Display Signs – Chief Edwards** – Chief Edwards explained one of the criticisms the Police Department has faced especially over the past year is the amount of time officers spend monitoring speeding and the goal is speed violation reduction toward safe driving behavior, not traffic stops, citations or revenue; yet, despite their best efforts we still have an abundance especially on Dogwood, Adel Highway and Davis Street. He said he has long wanted a speed detection trailer to move around the City to help as a driver reminder. He said Mayor Richbourg recently observed one in action in Adel and they investigated costs, styles and so forth and found a solar powered, portable version which the Mayor was able to negotiate a price of \$7,500 for three (3) versus \$10,000 for three (3). Chief Edwards said his budget cannot accommodate the purchase so it would have to come from the general fund. Mayor Richbourg asked if SPLOST fund could be used for the purchase and the City Manager replied she did not

think that would qualify for SPLOST funds. Scott Stalnaker said he spoke with the City Manager prior to the meeting and since the budget is so tight right now and with everything else they have been working on, he suggested the item be tabled for now. The Council was in agreement and the item was tabled.

5. **City of Ethics Resolution for Recertification – Mitchell Moore, City Attorney** – Mr. Moore explained it is time to recertify the City of Nashville as a City of Ethics by adopting the prepared Resolution and remitting a letter to GMA. This is done periodically with the last one in 2015. Billy Retterbush made a motion to adopt the Resolution. Scott Stalnaker seconded the motion and the motion carried unanimously.

REPORTS

6. **City Manager's/Finance Director's Report** – Mrs. Luke reported the property tax bills had gone out and there is a slight increase in the tax digest due to added properties or value reassessments and the increase from 2018 to 2019 is \$163,350.
7. **City Attorney's Report** – Attorney Mitchell Moore said a question had come up about leasing a vacant lot on the north east corner of the square with the possibility of purchase. He explained the one-year lease with option to purchase provides for a payment of nine hundred dollars (\$900.00) for the year (\$75.00/month) and provides for use of the lot for parking. He said it will need to be added to the City's liability insurance adding the owner as additional insured. He further explained the purchase option gives the City first right of refusal and optional purchase would be at a value to be determined. Billy Retterbush made a motion to enter into the lease. Mellisa Watson seconded the motion and the motion carried unanimously. Attorney Moore also mentioned he inquired with Kimberly Hobbs of grant money for down town parking and she is exploring the option for the City. He also mentioned she provided an updated link for the tax credit housing development projects.
8. **Department Head's** – Henry Yawn said there have been questions of the old Genesis school. He said he was told it was to be used as a school for boys and they planned to install a couple of swimming pools. He said he explained to them they need to prepare a plan due to Federal and State laws. John Reynolds reported new equipment has been received for the radio read meters to be reported daily. Jill Wise reported the Harvest Festival was a great success and thanked everyone who helped. She also reported on the success of the next

event which was a movie in the park and today the Moody wives toured the town which resulted in \$390 in sales in the Farmers Market in less than an hour and about \$400 in sales in the Tin Roof. She mentioned expenses at the Farmers Market have gone down slightly and gross sales for September 2018 were \$2,773 while gross sales for September 2019 were \$6,120. She also reminded everyone of Trick or Treat around the square on Thursday. Chief Edwards reported he has hired a replacement for Officer Gibbons for Officer Gibbons to begin Code Enforcement but keep the learning process in mind and that he will be shadowing Henry Yawn and beginning State training and the whole process takes approximately three (3) years.

PUBLIC COMMENTS

None.

COUNCIL COMMENTS

Mellisa Watson reminded everyone about the costume contest at Watson's Pools starting at 5:00 prior to Trick or Treat around the square. Mayor Richbourg mentioned the next scheduled meeting is November 11th which is a holiday and City Hall is closed. Antonio Carter made a motion to cancel the November 11th meeting. Eric Gaither seconded the motion and the motion carried unanimously. The next scheduled meeting will be November 25, 2019.

ADJOURNMENT

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