

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
JUNE 8, 2020
6:00 P.M.
-VIA TELECONFERENCE-**

WELCOME AND CALL TO ORDER: Mayor Taylor Scarbrough

ROLL CALL: Members of the City Council present included Mayor Taylor Scarbrough, Aldermen Scott Stalnaker, Billy Retterbush, Antonio Carter, John Clayton, Walt Steward and Eric Gaither

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

ADOPTION OF THE MINUTES FROM THE PREVIOUS MEETING(S):
Regular City Council Meeting and Work Session-Water Taps/Meters on March 9, 2020 and Emergency Called Meeting on March 25, 2020: Eric Gaither made a motion to adopt the minutes. John Clayton seconded the motion and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA:

Mayor Scarbrough announced Agenda Items: #1-Approval of GMA Ballot, #2-Online GMA Classes, #3-Fish Population at Tygart Park, #4-Format of Next Regular Meeting. Walt Steward made a motion to adopt the formal agenda adding #5-Rampant Prostitution Inquiries. Antonio Carter seconded the motion and the motion carried unanimously.

NEW BUSINESS:

- 1- **Approval of GMA Ballot – Mayor Scarbrough:** Scott Stalnaker made a motion to designate the Mayor for the Ballot. Walt Steward seconded the motion and the motion carried unanimously.
- 2- **Online GMA Classes – Mayor Scarbrough:** The Mayor asked about the GMA classes offered online in lieu of the cancelled GMA convention in Savannah due to COVID-19. The classes are free. No action was taken.
- 3- **Fish Population at Tygart Park – Mayor Scarbrough:** After a brief discussion of the problem of the overpopulation of fish in the City’s pond due to the cancellation of the City’s annual Fishing Rode due to COVID-19, Scott Stalnaker made a motion to sein and transplant fish to the City’s other pond. Antonio Carter seconded the motion and the motion carried unanimously.
- 4- **Format of June 22, 2020 Regular Council Meeting – Mayor Scarbrough:** After a brief discussion, Scott Stalnaker made a motion to remain with Ring Central teleconference for the June 22nd meeting. Antonio Carter seconded the motion. Walt Steward, Billy Retterbush, Antonio Carter, John Clayton and Scott Stalnaker voted in

favor of the motion. Eric Gaither voted against the motion. The motion passed five (5) to one (1).

- 5- **Rampant Prostitution Inquiries – Alderman Steward:** There was a brief discussion regarding recent Letters to the Editor of The Berrien Press from Alderman Gaither regarding what Alderman Steward considered to be unsubstantiated and possibly false allegations which could result in possible impeachment and removal under section 5-8 of the Charter. No action was taken.

REPORTS:

City Manager's/Finance Director's Report – Mandy Luke:

Mrs. Luke presented two invoices to the Council.

The first invoice for the FY2019 Audit Report in the amount of \$45,700: \$20,850-General Fund; \$13,100-Water and Sewer Fund; \$9,950 Gas Fund; and, \$1,800-DDA (Downtown Development Authority). Scott Stalnaker made a motion to approve payment of the invoice for the FY2019 Audit Report in the amount of \$45,700. Billy Retterbush seconded the motion. Walt Steward, Billy Retterbush, Antonio Carter, John Clayton and Scott Stalnaker voted in favor of the motion. Eric Gaither voted against the motion. The motion passed five (5) to one (1).

The second invoice for the City Attorney for March 2020 in the amount of \$14,970: \$14,040-General Fund and \$930-Water and Sewer Fund. Attorney Moore explained the amount was largely due to the extra time as a result of COVID-19 and he discounted it by \$1,500.

Scott Stalnaker made a motion to approve payment of the invoice for the City Attorney bill for March 2020 in the amount of \$14,970. Antonio Carter seconded the motion. Walt Steward, Billy Retterbush, Antonio Carter, John Clayton and Scott Stalnaker voted in favor of the motion. Eric Gaither voted against the motion. The motion passed five (5) to one (1).

City Attorney's Report – Mitchell Moore, Attorney:

Mr. Moore presented Resolution #R-04-20 to update the Urban Redevelopment plan and explained the Resolution combined the Nashville Residential Urban Redevelopment Plan and the City of Nashville Commercial Redevelopment Plan which are to be collectively known as the Nashville Residential Commercial Urban Redevelopment Plan. Mr. Moore explained the Resolution was not a substantial modification of either plan and therefore did not require a public hearing. Billy Retterbush made a motion to approve the Mayor's execution of the Resolution. Walt Steward seconded the motion and the motion carried unanimously.

Mr. Moore then discussed a resolution and Affidavit regarding the Executive Session that occurred at the March 9, 2020 meeting, which was the last regularly scheduled meeting prior to the declaration of the public health emergency due to COVID-19 pandemic. Attorney Moore presented an Affidavit prepared pursuant to O.C.G.A. § 50-14-4(b) which indicated the Executive Session was called pursuant to O.C.G.A. 50-14-3(b)(2) which addresses meetings to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action, dismissal or periodic evaluation or rating of a public officer or employee as provided in section O.C.G.A. §50-14-3(b)(2). The Resolution confirms that the subject of the Executive Session was compliant with the open meeting statute and is typically signed by the Mayor and Council. An

Affidavit is signed by the presiding officer confirming that the subject matter of the Executive Session fell within the exceptions for which an Executive Session can be held. Historically, the Affidavit has been signed by the Mayor as presiding officer and attested by the City Clerk or a notary public. A discussion occurred and the Mayor advised the Council that GMA had recommended at one of his training sessions that all persons participating in the Executive Session should sign the Affidavit and not just the presiding officer. The Mayor suggested that this would prevent any persons who attended the Executive Session from having selective amnesia regarding what occurred at the Executive Session. Attorney Moore advised the Mayor and Council that the law provided that the presiding officer sign the Affidavit unless the Agency has adopted a policy requiring execution by all parties participating in the Executive Session. A discussion took place whether that will be the City's policy going forward or effective as of the March 9th meeting. There was also some concern about what occurred during the Executive Session which was called for a point of inquiry and a limited discussion occurred in a side bar between the City Attorney and the Mayor whether an Executive Session regarding an employee who was not present could occur. It was determined the Executive Session could not proceed. No discussion took place regarding the employee who was not present and the Executive Session was adjourned and no action was taken. Mayor Scarbrough requested a motion approving execution of the Affidavit by all present. Some Council members were opposed to signing the Affidavit because they were not privy to the side bar conversation. Antonio Carter made a motion to table the item to the next meeting. Walt Steward seconded the motion and the motion carried unanimously.

Due to the time constraint of the RingCentral teleconference meeting, Antonio Carter made a motion to carry over the remaining items. Eric Gaither seconded the motion and the motion carried unanimously.

ADJOURNMENT:

Antonio Carter made a motion to adjourn the meeting at 7:56 p.m. Billy Retterbush seconded the motion and the motion carried unanimously.

Mayor Taylor Scarbrough

Alderman Scott Stalnaker

Alderman Antonio Carter

Alderman Walt Steward

Alderman Billy Retterbush

Alderman Eric Gaither

Alderman John Clayton

ATTEST:

Jackie Jordan, City Clerk