

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
JANUARY 11, 2021
6:00 P.M.**

*~Limited Access to City Hall, RingCentral (RC) Teleconference and Facebook Live Stream on
The Berrien Press~*

INVOCATION: Mayor Taylor Scarbrough

PLEDGE: Mayor Taylor Scarbrough

WELCOME AND CALL TO ORDER: Mayor Taylor Scarbrough

ROLL CALL: Members of the City Council present included Mayor Taylor Scarbrough, Aldermen John Clayton (RC-initially), Scott Stalnaker (RC), Billy Retterbush, Antonio Carter, Walt Steward, Eric Gaither.

STAFF PRESENT: Peter Schultz, Jackie Jordan, Nancy Pesce, Winnie Preston, Police Chief Edwards (RC), John Reynolds, Henry Yawn (RC), Fire Chief Clay Davis, Richard Varn, Mitchell Moore

ADOPTION OF THE MINUTES FROM THE PREVIOUS MEETING(s):

Public Hearing, Regular City Council meeting and Executive Session on December 14, 2020: Eric Gaither made a motion to adopt the minutes. Billy Retterbush seconded the motion and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA:

Walt Steward made a motion to adopt the formal agenda. Scott Stalnaker seconded the motion and the motion carried unanimously.

NEW BUSINESS:

- 1- NURA Project/1st Amendment to Contract/2021 LIHTC Competition – Mandy Young, Affordable Equity Partners Inc:** Mrs. Young explained Affordable Equity Partners applied for funding through the 2020 LIHTC (Low-Income Housing Tax Credits) annual funding round competition but was one (1) point shy and requested an amendment to the contract for a continuation to allow them to resubmit the application for consideration in the 2021 competition round. Billy Retterbush made a motion to execute the First Amendment to Real Property Purchase and Sale Agreement between The Nashville Urban Redevelopment Agency and Havenwood Nashville, LP. John Clayton seconded the motion and the motion carried unanimously. Attorney Moore added it is not unusual to not be awarded on the initial application and the application was very competitive scoring well. He also included the application submissions are due in May 2021 with results expected in November 2021.

- 2- Railroad Project – Chris Parrott, CaterParrott Railnet:** There was a discussion regarding the GDOT (Georgia Department of Transportation) proposal provided by Mr. Parrott at the December 14th meeting which would include upgrades and/or additions of bells, lights and gates for safety improvements of the railroad crossings located on East Dennis Avenue, East McPherson Avenue and East Marion Avenue and closures of Clark Drive and East Washington Avenue at the railroad crossings. This project would be a \$1,000,000 investment by GDOT requiring no matching funds by the City. Aldermen Scott Stalnaker, Antonio Carter and Billy Retterbush expressed concerns against the road closures of Clark and East Washington. Walt Steward made a motion to accept the offer as indicated by Georgia Department of Transportation (GDOT) involving the crossing locations on Clark Drive, East Dennis Avenue, East McPherson Avenue, East Washington Avenue and East Marion Avenue. Eric Gaither seconded the motion. After discussion of possible emergency situations, Walt Steward modified the motion to include a bypass road at the Clark Drive closing. Eric Gaither seconded the motion. Roll Call: Walt Steward, John Clayton and Eric Gaither voted yes. Scott Stalnaker, Antonio Carter and Billy Retterbush voted no. Mayor Scarbrough voted yes and the motion carried four (4) to three (3). Walt Steward made a motion for Mr. Moore, City Attorney, to prepare a Resolution to accept the offer by GDOT as discussed. Eric Gaither seconded the motion. Roll Call: Walt Steward, John Clayton and Eric Gaither voted yes. Scott Stalnaker, Antonio Carter and Billy Retterbush voted no. Mayor Scarbrough voted yes and the motion carried four (4) to three (3).
- 3- Georgia Municipal Association (GMA) Interim Update – Terrell Jacobs and Emily Davenport, GMA:** Mr. Jacobs and Mrs. Davenport discussed several aspects of the roles of a City Manager and a Finance Director stressing the need for a finance person as soon as possible due to several reports due to the State and Department of Revenue which would affect many things such as availability of grants. They also urged the need to allow interim City Manager Peter Schultz to send out requests for qualifications (RFQ) to pursue a new auditing firm immediately. Mr. Jacobs and Mrs. Davenport also explained many of the critical tasks and had spoken to some individuals and other municipalities who may be able to provide assistance in the financials and references in the finance and auditing roles. They also explained these are considered professional services which do not require requests for bids of proposals (RFP's) and are under the realm of the City Manager. They also mentioned discussions from the Retreat regarding the verbiage of the City Charter.
- 4- Vacant Lot in Historic District-Davis Street/Dennis Avenue – Mike Singhani:** Mr. Singhani was unable to attend so his business partner, Trevor Carter, and real estate agent, DoraLee Smith, attended on his behalf. There was another lengthy discussion regarding the location in the Historic District and his desire to purchase the lot for the purposes of a liquor store establishment and his due diligence research regarding licensing requirements and application of Certificate of Appropriateness (COA) through the Historic Preservation Commission. Walt Steward made a motion to pass a Resolution he presented regarding the vacant lot in the Historic District located at Davis Street and Dennis Avenue and the development thereof, relating to certificates of appropriateness, permits and licensing. Billy Retterbush seconded the motion. Roll Call: John Clayton,

Antonio Carter, Walt Steward, Billy Retterbush and Scott Stalnaker voted yes. Eric Gaither voted no. The motion carried five (5) to one (1). Mayor Scarbrough stated for the record that he disagrees and stands against this action by the Council and refuses to sign the document.

- 5- Council Assignment to Mayor Pro-Tem and Departments – Mayor Taylor Scarbrough:** Mayor Scarbrough expressed concerns of the practice of assigning Council to the individual departments of the City asking for the elimination of this practice since the public can contact any Council member and the Council can have discussions with all department heads and the City Manager. Eric Gaither made a motion to eliminate Section 3-6 under Article III of the Charter which reads, “At the first regular meeting in December of each year the Mayor shall appoint standing committees of the City Council whose duties shall be as provided by the Council.” Walt Steward seconded the motion and the motion carried unanimously.
- 6- Beer, Wine and Liquor License Approvals for 2021 – Mayor Taylor Scarbrough:** Billy Retterbush made a motion to approve the license applications presented: Food Lion LLC (Beer and Wine) due to the purchase of Harvey’s and Pit Stop (Wine). Antonio Carter seconded the motion and the motion carried unanimously.
- 7- Ratify Resolution #R-15-20 – Mitchell Moore, City Attorney:** Mr. Moore explained the Resolution/Order drafted as approved in the December 14th meeting which declared 506 South College Street to be an Unsafe Building (Sec. 5-86) and Public Nuisance (Sec. 5-88) and allowed proper action to be taken. John Clayton made a motion to ratify Resolution #R-15-20. Antonio Carter seconded the motion and the motion carried unanimously.
- 8- Affidavit and Resolution of December 14, 2020 Executive Session – Mitchell Moore, City Attorney:** John Clayton made a motion to adopt the Resolution {#R-01-21}. Billy Retterbush seconded the motion and the motion carried unanimously.
- 9- Nashville Historic Preservation Commission Ordinance/Second Reading – Mitchell Moore, City Attorney:** There was a discussion of the verbiage of the historic Preservation Commission Ordinance which constituted as a second reading for the Ordinance with the following amendments:

 - *Antonio Carter made a motion for the members of the Commission to be appointed by the Mayor and Council instead of appointed by the Mayor and ratified by the Council. Billy Retterbush seconded the motion and the motion carried unanimously.
 - *Walt Steward made a motion for the first paragraph of Sec. 5-153 (c) to read as follows, “The Commission shall consist of five (5) members appointed by the Mayor and Council. All members should be residents of the City of Nashville or own or operate a business in the City of Nashville. However, in the event the Commission cannot be filled by qualified residents of the City of Nashville, within sixty (60) days, residents of the non-incorporated areas of Berrien County who own commercial property within the City/corporate limits of the City of Nashville, and operate a valid business on that property, shall be eligible to serve on the Preservation Commission. To the extent available, not less than three (3) of the members shall be residents of the City of

Nashville, who have demonstrated special interest in the preservation of historic resources or have experience, training or education in architecture, history, architectural history, planning, archaeology or related professions.” Eric Gaither seconded the motion and the motion carried unanimously.

*Antonio Carter made a motion for the beginning of the second paragraph of Sec. 5-153 (c) to read as follows, “All members of the Preservation Commission shall serve one (1) three-year term and may serve a second consecutive three-year term with approval of the Mayor and Council. Walt Steward seconded the motion and the motion carried unanimously.

*Billy Retterbush made a motion for the second paragraph to continue as follows, “In the event a seat is vacated by a member of the Preservation Commission at any time, the Mayor and Council shall seek a qualified replacement to serve the unexpired term. No member of the Preservation Commission shall be allowed to serve more than six (6) consecutive years for any reason without amending this Ordinance.” John Clayton seconded the motion and the motion carried unanimously.

*Walt Steward made a motion for the second paragraph to continue and conclude as follows, “In order to achieve staggered terms, initial appointments shall be; one (1) member for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years beginning Tuesday January 12, 2021. Members shall not receive a salary, however they may be reimbursed for out-of-pocket expenses by the approval of the Mayor and Council.” Antonio Carter seconded the motion and the motion carried unanimously.

*Walt Steward made a motion for Sec. 5-153 (e) (1) to read as follows, “The Preservation Commission shall adopt rules and standards for the transaction of its business and for consideration of application for issuance of certificates of appropriateness, such as by-laws, removal of membership provision, and design guidelines and criteria. The Preservation Commission shall have the flexibility to adopt rules and standards but any proposed changes to the rules and standards to the preservation ordinances or guidelines must be submitted to, and approved by, the Mayor and Council prior to taking effect. The Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.” Eric Gaither seconded the motion and the motion carried unanimously.

*Antonio Carter made a motion for Sec. 5-155 (n) to read as follows, “Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the Nashville City Council. Any such appeal must be filed with the City of Nashville City Council within one hundred eighty (180) calendar days after the issuance of the determination pursuant to subsection 5-155 (h) (2).” Billy Retterbush seconded the motion and the motion carried unanimously.

- 10- Format of Next Regular Council Meeting (January 25, 2021) – Mayor Taylor Scarbrough:** Walt Steward made a motion to continue with the same format of strongly encouraging face masks and social distancing, RingCentral teleconference, if available, and Facebook live stream via The Berrien Press, if they wish to do so. Eric Gaither seconded the motion. Roll Call: John Clayton, Walt Steward, Billy Retterbush, Scott

Stalnaker and Eric Gaither voted yes. Antonio Carter voted no, stating he wants face masks to be required rather than encouraged. The motion carried five (5) to one (1).

City Manager/Finance Director Report:

Peter Schultz explained the information he previously presented regarding the FY2021 LMIG application stating he would need the Council to take action in order for Statewide Engineering to proceed with the FY 2021 LMIG application process on behalf of the City. Antonio Carter made a motion to proceed with the 2021 LMIG application process. Billy Retterbush seconded the motion and the motion carried unanimously.

Mr. Schultz gave an update on the CDBG 2018 project explaining James Warren and Associates had performed two (2) pressure tests of which one (1) passed and one (1) failed but corrections were being made. John Hunkele of Coastal Engineers also explained most of the issues had already been corrected and they were continuing to make corrections and recommended releasing the funds for payment. Billy Retterbush made a motion to submit the 2nd payment request of \$203,481.34 to James Warren and Associates on the current CDBG project. Antonio Carter seconded the motion and the motion carried unanimously.

Mr. Schultz also mentioned he received a call from Brenda Thomas that the MLK parade had been cancelled due to the rise in COVID cases.

City Attorney Report:

Mr. Moore reported he expected to have the necessary architectural plans regarding the violations after the inspection of the Wiregrass facility and planned to have them sent to the State Fire Marshal's office the next day.

Department Head's Report:

Fire Chief Clay Davis explained the need for six (6) sets of turnout gear for the Fire Department and presented cost estimates from FireLine (\$12,573), Municipal Emergency Services (17,016) and Nafeco (\$12,726). Eric Gaither made a motion for the City to purchase the six (6) sets of turnout gear from NAFECO in the amount of \$12,726. Billy Retterbush seconded the motion and the motion carried unanimously.

Police Chief Edwards reported he had three (3) cadets start the Police Academy last week and they should graduate in March which will make the Police Department fully staffed.

Nancy Pesce, Main Street Director, reported the next event is the Chili Cook-off which will take place February 27 from 1:00 pm – 6:00 pm. She also reported having a meeting with the owners of the old Dinner Bell building and they are exploring options on uses for the empty building.

Public Comments:

The Mayor and Council heard comments from: Mellisa Watson concerning buildings purchased in the Historic District that owners began renovations on initially but had halted for lengthy times and the condition of many awnings on the business buildings around the square; Edith Ray concerning the condition of North Mathis {current CDBG project location}; Angela and Darrell Bazin regarding a sewer issue at their residence on Perkins Drive; and, DoraLee Smith and Trevor Carter regarding Mr. Singhani and his successful businesses.

Council Comments:

Mayor Scarbrough said he would like to look into the Ordinance regarding mobile food trucks.

ADJOURNMENT:

John Clayton made a motion to adjourn the meeting at 9:41 p.m. Antonio Carter seconded the motion and the motion carried unanimously.

January 11, 2021.

Mayor Taylor Scarbrough

Alderman John Clayton

Alderman Antonio Carter

Alderman Walt Steward

Alderman Scott Stalnaker

Alderman Billy Retterbush

Alderman Eric Gaither

ATTEST:

Jackie Jordan, City Clerk

DRAFT