

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
APRIL 26, 2021
6:00 P.M.**

~Limited Access to City Hall ~ Facebook Live Stream on The Berrien Press~

INVOCATION: Mitchell Moore

PLEDGE: Mayor Pro-Tem John Clayton

WELCOME AND CALL TO ORDER: Mayor Pro-Tem John Clayton

ROLL CALL: Members of the City Council present included Mayor Pro-Tem John Clayton, Scott Stalnaker, Billy Retterbush, Antonio Carter, Walt Steward, Eric Gaither.

STAFF PRESENT: Peter Schultz, Jackie Jordan, Nancy Pesce, Police Chief Edwards, Fire Chief Clay Davis, John Reynolds, Mitchell Moore

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

Regular City Council and Executive Session-April 12, 2021; Called Meeting and Executive Session-April 19, 2021: Eric Gaither made a motion to adopt the minutes. Billy Retterbush seconded the motion and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA:

Scott Stalnaker made a motion to adopt the formal agenda adding Jane Knight to speak about an event on Saturday. Billy Retterbush seconded the motion and the motion carried unanimously.

NEW BUSINESS:

- 1- Event-Doughboy Historical Marker – Jane Knight:** Mrs. Knight reminded everyone of the Berrien Historical Foundation event of the unveiling of the Spirit of the American Doughboy Historical Marker on May 1, 2021 at 11:00 a.m. She explained it took three (3) years to get approved for the sign and it commemorates the loss of the soldiers on the HMS Otranto which sank with five hundred (500) people on it that included twenty-one (21) from Berrien County.
- 2- Affidavit and Resolution/April 12, 2021 Executive Session – Mitchell Moore, City Attorney:** Eric Gaither made a motion to adopt the Resolution {#R-08-21}. Antonio Carter seconded the motion and the motion carried unanimously.
- 3- Affidavit and Resolution/April 19, 2021 Executive Session – Mitchell Moore, City Attorney:** Eric Gaither made a motion to adopt the Resolution {#R-09-21}. Antonio Carter seconded the motion and the motion carried unanimously.
- 4- Schedule Work Session – John Clayton, Mayor Pro-Tem:** Scott Stalnaker made a motion to schedule a work session for Monday, May 3, 2021 at 5:30 for the purposes of discussing a job description for the City Manager. Billy Seconded the motion and the

motion carried unanimously. Later in the meeting under the City Attorney Report, it was clarified the work session would also include the policy on an Interim City Manager and establishing a policy whereby the City Manager, Interim or full-time, can reward employees accepting more responsibilities or duties on a temporary basis in addition to the job description of the City manager.

- 5- IRLOC Renewal – Mitchell Moore, City Attorney:** Mr. Moore explained the IRLOC (irrevocable letter of credit) the City has with Guardian Bank of Valdosta which secures the REDLG 0% loan through the City of Adel is due for annual renewal. It requires a payment of a one percent (1%) renewal fee. Mr. Moore has been working with Will Moore with Guardian Bank and needs authorization for the renewal and for the Mayor Pro-Tem, City Manager and City Clerk to execute the Promissory note and security agreement. Billy Retterbush made a motion to approve the Mayor Pro-Tem, City Manager and City Clerk to execute the documents for renewal. Scott Stalnaker seconded the motion and the motion carried unanimously.
- 6- First Commerce Loan Renewal – Mitchell Moore, City Attorney:** Mr. Moore explained the loan for the Police Department building is due for renewal. The loan is with First Commerce Credit Union, previously known as the Citizens Bank. It was acquired in 2012 with a nine (9) year payout, initially, which has been done three (3) years at the time with a balloon payment refinanced in 2015 and 2018. First Commerce will allow the City to refinance the balloon payment on a six (6) year amortized loan so there would not be a need for another renewal in three (3) years. However, Mr. Moore said he will need to review the loan terms and check debt limitations to determine whether six (6) year versus three (3) years would be allowable. Scott Stalnaker made a motion for the renewal based upon Mr. Moore's finding of six (6) years or three (3) years and to allow execution by the Mayor Pro-Tem, City Manager and City clerk. Walt seconded the motion and the motion carried unanimously.

City Manager/Finance Director Report:

Peter Schultz presented the Deep South Regional Municipal Solid Waste semi-annual royalty payment agreement in the amount of \$16,227.40 dated April 22, 2021. Billy Retterbush made a motion to approve Mayor Pro-Tem John Clayton to execute the document to enter into an agreement to receive the check. Antonio Carter seconded the motion and the motion carried unanimously.

Mr. Schultz explained the contract with Advanced Disposal Waste Management is coming up for renewal asking if they want to renew the contract or put it out for bids. He said we have had some problems but he has been speaking with Steve Edwards about it and they are working on the issues. He explained the fees for the rebels would remain the same with a three percent (3%) increase on dumpsters annually but if we put it out for bids, the increase in fees would be more. Billy Retterbush made a motion to stay with Advanced Disposal and renew the contract on an annual basis. Eric Gaither seconded the motion and the motion carried unanimously.

Mr. Schultz reported he spoke with James Warren on the CDBG project. He said Scruggs brought materials in today to start on Beetree tomorrow or Wednesday and will begin mixing the concrete for the bed of the road. Then, they will let that set about a week and asphalt over all the project roads hoping to be done within two (2) weeks. The pipe material should be on site tomorrow so Wednesday or Thursday they should be started with the pipe bursting.

City Attorney Report:

Mr. Moore explained the Council met on April 19th to discuss personnel and ended up determining the better procedure was to adopt a policy and he had been asked by the Council to summarize the discussion concerning the policy to govern the hiring of an Interim City Manager. Currently the City of Nashville does not have a policy that addresses compensation levels for employees on temporary assignment at a higher classification on a temporary, incidental or emergency basis. The Council determined that under the City's Charter, if a policy is adopted for an Interim City Manager, the Interim City Manager would be authorized to address temporary, incidental or emergency assignment of employees to other positions. The Council determined that an Interim City Manager could be hired on a temporary, incidental, or emergency basis for a probationary period of ninety days at a salary to be determined within a pay range set by the Council based upon the prospective Interim City Manager's qualifications considering the education employment background, work experience and other factors to be established under the job description of the City Manager approved by the Council. The salary will be based upon a pay range of \$50,000.00 to \$90,000.00 annually based upon the criteria set forth in the City Manager job description. The Interim City Manager's temporary employment will be for an initial probationary period not to exceed ninety (90) days which could be extended for three additional terms at the discretion of Council. If the Interim City Manager is already a City employee, the compensation for the initial thirty (30) days will be at the discretion of the Council unless at the time of hiring the Council sets the salary within the \$50,000.00 to \$90,000.00 pay range and declares same to be effective immediately. In accordance with the City of Nashville's Charter, the Interim City Manager is authorized to establish a rate of pay for any other employees required to work in a higher classification on a temporary, incidental or emergency basis. If the Interim City Manager is a current City employee hired or appointed by the Council on an interim basis only, upon completion of the temporary assignment, the employees pay will revert to his or her regular pay prior to appointment as Interim City Manager. Upon questions regarding some of the terms, Mr. Moore explained that could be discussed further at the work session as it has not been adopted at this time. It was clarified the work session called for May 3, 2021 would include the policy on an Interim City Manager and establish a policy whereby the City Manager, Interim or full-time, can reward employees accepting more responsibilities or duties on a temporary basis in addition to the job description of the City manager.

Mr. Moore reported questions had arisen again regarding the race track hours on Hazel Avenue and Police Chief Edwards would address the issue in his report. A discussion ensued stemming from a resident stating a race the previous weekend ran late Saturday night past midnight and again Sunday afternoon. The subject had been discussed by the Council several times in 2019, agreements were made between the track operator at that time and the City in 2019 and Chief Edwards discussed same with the new track operator in November 2020. The Council heard comments from Margaret Perry and Scott Newbern on the subject and decided it would be necessary to review all the information from 2019 and add it to the next Agenda.

Department Head's Report:

Nancy Pesce, Main Street Director, reported on upcoming local events: Danforth Farms has an event Saturday, May 1st to include free samples of their pork 10:00 a.m. – 2:00 p.m. with 10% off pork products all day along with samples from Great American Cobbler Company and Dirty Dozen Coffee. D Christi Tattoos and Art Studio has their grand opening Saturday, May 1st at

11:00 a.m. The Spirit of the American Doughboy historical marker unveiling at the Courthouse Square Saturday, May 1st at 11:00 a.m.

Public Comments:

None.

Council Comments:

Scott Stalnaker mentioned some of the City's staff are dealing with many difficulties (COVID) asking everyone to keep the City and staff in their prayers.

Walt Steward reported he has initiated a memorandum of agreement with the Air Force Base for the Police Chief to access their explosive sniffing dog.

Maria Hardman with the Berrien Press questioned the motion from the meeting held April 19th. Attorney Moore explained there was a motion to adopt a policy for which the City Attorney would summarize but the policy has not been finalized at this time.

ADJOURNMENT:

Billy Retterbush made a motion to adjourn the meeting at 7:10 p.m. Scott Stalnaker seconded the motion and the motion carried unanimously.

April 26, 2021.

Mayor Pro-Tem John Clayton

Alderman Billy Retterbush

Alderman Scott Stalnaker

Alderman Walt Steward

Alderman Antonio Carter

Alderman Eric Gaither

ATTEST:

Jackie Jordan, City Clerk