

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
JUNE 28, 2021
6:00 P.M.**

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, Billy Retterbush, Antonio Carter, Walt Steward, Eric Gaither.

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

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

June 14, 2021: Regular City Council, Work Session and Executive Session: 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 deleting Item #7-City Representative/Southern Georgia Regional Commission. Antonio Carter seconded the motion and the motion carried unanimously.

NEW BUSINESS:

- 1- Local Government Consulting Services FY2020 Report – Elaine Kent:** Elaine Kent and her business associate, Brenda Norton, were hired by the City to make the necessary financial preparations for the Fiscal Year 2020 audit to be done and Ms. Kent reported her findings and recommendations. She explained the City has thirty-two (32) bank accounts between three (3) banks of which only five (5) had been fully recorded in the General Ledger so they entered the remaining twenty-seven (27) accounts in the system. She said they found, the auditors had been doing a lot of this work in previous years which is why they were on site for so long but that is not the way it should be and everything should be ready for them when they arrive. She said they had a total of 327 journal entries to record in the General Ledger along with 35 closing entries which are standard closing entries that had been done by the auditors in the past. She said she expected Mauldin and Jenkins to be on site four (4) to five (5) days for the FY2020 audit but their fieldwork was done in three (3) and a half days and some findings from this audit are to be expected. Valenti, Rackley & Associates of Valdosta is handling the financial work for FY2021 and she expects fewer findings when the FY2021 audit is done compared to the FY2020 audit. She also explained several system features of the software that would make certain processes such as accounts payable and reconciliations simpler were not being utilized along with a fixed assets program that is not being used

and recommended getting the system up to date and training staff on how to use the various features that are not currently being used. She recommended removing 'Interim' from Peter Schultz's current job title commending Mr. Schultz and explaining how hands' on and helpful he had been through this process. She explained there is a lot going on with the City's including twelve (12) funds, thirty-two (32) bank accounts, multiple CD's, long-term debt and grants and recommended the hiring of a Financial Director on-site with possibly an additional person in the Finance office. She commended the staff at City Hall explaining they could use additional help because they are overloaded and people are entitled to use vacation and sick leave and there is no back up for payroll or utility billing and they do not have time to cross train because of how time-consuming things are due to current requirements as compared to years ago. She recommended outsourcing payroll due to how labor intensive and time consuming it is along with all the requirements pertaining to it. She also recommended outsourcing property tax collection to the County Tax Commissioner because of everything involved because that is what the Tax office does and they already do it for the School Board and other agencies. Walt Steward asked about the twenty-seven (27) bank accounts she mentioned that were not in the system and Ms. Kent explained they were being audited and while this is not unusual, it is not best practice. Attorney Moore asked about the software and Ms. Kent explained the software could do more than it was being utilized for. Ms. Kent stated she and Ms. Norton would be happy to assist the City in implementing any of their recommendations.

- 2- **City Manager Resumes – Mayor Pro-Tem John Clayton:** Mayor Pro-Tem Clayton stated the position for City Manager had been advertised in the paper, the City's website and Facebook page along with the Georgia Municipal Association's (GMA) website and asked how the Council would like to proceed with the resumes received. A work session was scheduled for July 19, 2021 at 5:30 p.m.
- 3- **Resolution {#R-12-21} on Hours of Race Track on Hazel Avenue – Mitchell Moore, City Attorney:** Attorney Moore presented Resolution {#R-12-21} to formalize motion that was made and passed at the June 14, 2021 meeting concerning the hours and days of operation of the race track. Eric Gaither made a motion to adopt the Resolution. Billy Retterbush seconded the motion. Roll Call: Eric Gaither and Billy Retterbush voted yes. Antonio Carter and Walt Steward voted no. Mayor Pro-Tem John Clayton voted yes. The motion carries three (3) to two (2).
- 4- **Affidavit and Resolution of June 14, 2021 Executive Session – Mitchell Moore, City Attorney:** Antonio Carter made a motion to approve and adopt the Resolution {#R-13-21} and Affidavit. Walt Steward seconded the motion and the motion carried unanimously.
- 5- **Alcohol License Application/Georgia Smokehouse – Mayor Pro-Tem Clayton:** Eric Gaither made a motion to approve the alcohol license application presented for Georgia Smokehouse. Billy Retterbush seconded the motion and the motion carried unanimously.
- 6- **Charter and Code Revisions – Mitchell Moore, City Attorney:** Mr. Moore explained that during the retreat with GMA in November 2020, there were discussions regarding inconsistencies between the Charter and Code and how to best address these and he

needed clarification from the Council specifically how they wish to address the inconsistencies between the Charter and Code. Mr. Moore discussed one inconsistency regarding provisions on the Police Committee which was in the Charter under the Strong Mayor form of government prior to the Strong Council with a City Manager under the revised charter. The City Manager is accountable to the Council to oversee the operation of the various departments which is inconsistent with the existence of a Police Committee to oversee operation of the Police Department. Chief Edwards was asked when the last Police Committee occurred and he said it was under Chief John Clayton which would have been sometime in 2013. Councilmen Steward noted there were a number of inconsistencies in the statutory provisions and City Attorney, Mitchell Moore, noted Code Enforcement Officer had recently contacted him about inconsistencies in the Animal Control Statutes and the Trucking Ordinances which need to be reconciled. Mr. Moore also explained how under the rules of statutory interpretation guidelines subsequent ordinances typically superseded prior inconsistent statutes but the process to locate, reconcile and clarify these inconsistencies or conflicts would be very lengthy and time consuming so he had contacted Municode who currently maintains the City's charter and code and inquired whether they offer a service to locate inconsistencies and contradiction and the costs of the services if so. He indicated when he receives the information, he will provide this to the Council and City Manager so they can review and advise him which route to take. Mr. Moore also mentioned there were discussions regarding the hiring of the City Attorney by the City Manager under the Charter. Mr. Moore indicated that if Council wished to revise the Charter to provide that the City Attorney is hired by the Council, this could be done without local legislation since it does not change the form of the government but rather limits some of the appointment power of the City Manager which can be amended without introducing local legislation as required to change the form of government.

City Manager Report:

Peter Schultz provided the Council with the 2020 Annual Water Monitoring Progress Report prepared by Four Waters Engineering. John Reynolds explained it is the City's regular, annual study of creek sampling of stormwater runoff which is satisfactory per the report and there were no issues or concerns found. Mr. Schultz presented an invoice from Mauldin & Jenkins for \$19,000 for the FY2020 audit. Billy Retterbush made a motion to pay the invoice. Eric Gaither seconded the motion and the motion carried unanimously.

City Attorney Report:

The City Attorney, Mitchell Moore, provided the council a historical background of the acquisition of the warehouse being purchased by Quality Cargo. Questions had arisen concerning where the proceeds from the sale would go and whether it would be used for economic development. Mr. Moore confirmed a deed of gift was received from Guy Tittle and Andy Morrison to the Nashville Downtown Development Authority (DDA) in October 2015 with the understanding that the proceeds received from the property would be used for economic development. The proceeds previously generated by the warehouse have been deposited into the DDA and used by the Better Home Town/Mainstreet programs for economic development. He had mentioned the possibility of using the Nashville Urban Redevelopment Agency (NURA) to complete the transaction since the Nashville Downtown Development Authority has been inactive. However, there are different statutory and constitutional restrictions imposed upon the

disposition of property by the Downtown Development Authorities versus the NURA. Council was advised by Mr. Moore that the NURA is governed by the Mayor Council and is a combination of prior urban redevelopment entities for residential and commercial areas which were combined under Resolution 06-15. The Nashville Downtown Development Authority has not been active for some time due to difficulty keeping and maintaining the required number of qualified directors required by O.C.G.A. § 36-42-7. Directors must be (1) taxpayers residing in the city, (2) owners or operators of businesses located within the downtown area who are residents of the county; or (3) persons having a combination of the qualifications in (1) and (2). The statute also provides that one director of the authority can be a council member. O.C.G.A. § 36-42-7 (b) provides not less than four (4) of the directors qualifying under (a) either have or represent a party who has an economic interest in the redevelopment and revitalization of the downtown area. However, the DDA became somewhat inactive in 2014 and 2015 and the last 2 projects that the DDA were involved in, were managed by Assistant City Manager Randy Lane who oversaw the renovations of the BiLo Building, the Wiregrass and Downtown Center. Mr. Moore advised Council that the Nashville DDA would have to have new members appointed by the Council and new officers elected to approve the sale of the warehouse to Quality Cargo, LLC. Nashville Downtown Development Authority is not strictly bound by the competitive bidding process required of the NURA but the property must be sold for fair market value. Council was advised that Nancy Pesce, Mainstreet Director, will contact prospective directors and will submit them to the Council for appointment. The new members will have to attend the training during the first year of their appointment. The City Attorney provided the Council the historical background and update because questions had arisen concerning use of the proceeds and hopefully the update clarifies these matters.

Department Head's Report:

Nancy Pesce reported First Thursday to take place downtown this Thursday, July 1, 2021; Downtown Flea & Makers Market on Saturday, July 17, 2021; and, Harvest Festival on Saturday, October 23, 2021.

Fire Chief Clay Davis reminded everyone of the Independence Day celebration taking place Saturday, July 3rd with free waterpark and fireworks.

Public Comments:

Ken Morrison addressed the Council and said he wants to make sure people with the City now, who may not have been with the City at the time, understand the intention of the donation of the building by his father, Andy Morrison, and Guy Tittle. He explained the intention of the donation of the 'Quality Cargo' building and any proceeds from it were to the Downtown Development Authority so the money could be used for economic development in the downtown area, to support activities of the downtown area and to help it to continue to operate.

Theodore Herrera mentioned his concerns of posts on a Facebook site entitled Citizens of Nashville, Ga *{this site is not affiliated with the City in any way}* which shows photos of Council members' properties stating it is wrong and creepy. He said he did not know if it is legal or not but he felt it was a form of harassment and they should not be subjected to it. Walt Steward said he believes the implication is to make it look as if Code Enforcement is not enforcing Code against people that work for the City which he stated is untrue as he had received a citation recently on one of his properties.

Council Comments:

None.

ADJOURNMENT:

Billy Retterbush made a motion to adjourn the meeting at 7:12 p.m. Eric Gaither seconded the motion and the motion carried unanimously.

June 28, 2021.

Mayor Pro-Tem John Clayton

Alderman Scott Stalnaker

Alderman Antonio Carter

Alderman Billy Retterbush

Alderman Walt Steward

Alderman Eric Gaither

ATTEST:

Jackie Jordan, City Clerk