

**REGULAR MEETING
CITY COUNCIL OF THE CITY OF NASHVILLE
COUNTY OF BERRIEN
JULY 26, 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, John Reynolds, Police Chief Edwards, Fire Chief Davis, Henry Yawn, Loren Williams, Mitchell Moore

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

Regular City Council-July 12, 2021; Budget Work Session-July 12, 2021; Work Session City Manager Resumes-July 19, 2021; Budget Workshop-July 22, 2021: Eric Gaither made a motion to adopt the minutes. Walt Steward seconded the motion and the motion carried unanimously.

ADOPTION OF FORMAL AGENDA:

Billy Retterbush made a motion to adopt the formal agenda. Antonio Carter seconded the motion and the motion carried unanimously.

OLD BUSINESS:

- 1- Race Track on Hazel Avenue/High Rev Speedway – Eric Gaither:** The Council held a work session on May 25, 2021 due to noise complaints regarding the race track located on Hazel Avenue and the item was placed on the Agenda of the regular Council meeting held June 14, 2021 at which time a motion was made by Billy Retterbush and seconded by Eric Gaither for the hours of operation of the race track of 8:00 a.m. to 11:00 p.m. on Friday and Saturday with no Sunday racing unless rained out and only three (3) Sunday races per calendar year. Billy Retterbush, Eric Gaither and Scott Stalnaker voted in favor of the motion while Antonio Carter and Walt Steward voted against it so the motion carried three (3) to two (2). City Attorney Moore presented Resolution #R-12-21 to the Council at the June 28, 2021 regular Council meeting to formalize the action taken at the June 14 meeting at which time a motion was made by Eric Gaither and seconded by Billy Retterbush to adopt the Resolution. Eric Gaither and Billy Retterbush voted in favor of it while Antonio Carter and Walt Steward voted against it. Mayor Pro-tem John Clayton voted in favor of it so the motion carried three (3) to two (2). Mr. Gaither questioned the Resolution and the action taken explaining he thought the action taken was for an Ordinance rather than a Resolution. After a brief discussion, Walt Steward made a motion to table the item until the next meeting when Alderman Stalnaker is present. Antonio Carter seconded the motion and the motion carried unanimously.

NEW BUSINESS:

- 2- Race Track on Hazel Avenue – Paul Newbern:** Mr. Newbern owns the property on Hazel Avenue where the race track is located. Mr. Newbern said he purchased this property from Bill Perry and spoke to the Mayor and Council before the development of the race track which was about seventeen (17) years ago. He explained the race track is a family-oriented business and they have not broken any laws. Mr. Newbern explained information he had researched regarding the decibel levels of noise in connection to the distance of the track from neighboring residents and business along with decibel readings he took the previous Saturday night during a race using a digital sound level meter. Mr. Newbern addressed the Council further on the race track's hours of operation, attendance record and how far participants travel along with his comparison to other activities and events in Nashville. Mr. Newbern also explained his purchase of this and other property along with development of the race track were his investments toward his retirement. The Council also heard comments from the track operators, Mr. and Mrs. Brumbley. No action was taken.
- 3- Unsafe Building Ordinance: (a) 104 North Davis Street and (b) 103 East Washington Avenue – Loren Williams, Code Enforcement:** Miss Williams explained the two (2) properties are currently active cases in municipal court but once they are ruled on, further action can be taken if not brought up to code and the court date is scheduled for September 15, 2021. No action was taken.
- 4- Work Session City Manager Resumes Evaluation of Protocols/Procedure – Mitchell Moore, City Attorney:** Mr. Moore requested further guidance from the Council regarding the discussion that took place on July 19, 2021 regarding the City Manager resumes. He said it was his understanding that the Council would rate the resumes on a scale of one (1) to five (5) to select the top five (5) they wished to consider. Additionally, the Council requested and authorized the City Attorney to contact Georgia Municipal Association's (GMA) to inquire about the fees for GMA's participation, although it would be limited involvement, to render aid in rating the nine (9) resumes by supplying a list of ten (10) questions to be used by the Council and rate the resumes from one (1) to nine (9). Mr. Moore said there was some discussion regarding GMA's involvement in the process regarding verifying the information provided on the resumes and he needed clarification if they wanted this done on all the resumes or after the number of resumes had been narrowed down to possibly the top five (5) or if the Council wanted verification on any of the resumes. The reply by Councilmen Steward, Retterbush and Gaither was to verify the information once the number of resumes were narrowed down to three (3) along with background and credit checks. Mr. Gaither questioned the format or documentation to be used in the grading system the Council would use to individually rate the resumes to reduce the number to five (5). Mr. Moore said he understood the Council would rate them one (1) to five (5) based on the criteria including education, work experience, supervisory experience and longevity. Mr. Retterbush said he could get together some type of document to use for this procedure. Mr. Moore said he would reach out to GMA as advised and will provide the information from GMA once received.

City Manager Report:

Mr. Schultz reported on problems at Beetree Park including broken playground equipment and the ongoing issue of broken glass and large amounts of trash. He said he is in the process of obtaining prices on equipment for repairs and replacement parts. He said he had reached out to Councilman Carter inquiring of any help or assistance the D.A.D.S. group could offer. Mr. Carter said he spoke with Rodrick Smith and they are going to see what they can do but are not sure what to do other than possibly locking it up because it is mostly adults at the park causing the problems and they do not want children to get hurt as a result and the City had invested a lot of money in the park.

City Attorney Report:

Regarding prior discussion of race track hours, Mr. Moore referred to a copy of Adel's new Ordinance #21-02, adopted on June 7, 2021, that was provided to him this evening explaining it does set hours of operation specifically addressing commercial race tracks. Regarding the noise, it states, "It shall be a violation of this ordinance for owner or operator of the commercial racetrack to conduct any other operation at a commercial race track outside the hours of operation where such activity generates noise that is plainly audible at a distance of 1000 feet outside the property boundary property of the commercial race track." Mr. Moore explained the City has something very similar under the existing nuisance Ordinance which can be used to address the issue but Adel's new Ordinance specifically addresses the race track and there was previous concern by the Council of the ramifications of targeting a specific business but that does not mean it cannot be attempted and inquired as to whether the hours that were specified in the recent Resolution was working or had there been complaints. Mrs. Brumbley stated they had followed the hours that were agreed upon and was not aware of any complaints. Mr. Steward asked about complaints and Chief Edwards said he was not aware of any recent complaints. Mr. Moore said he would draft an Ordinance if advised. Aldermen Steward and Carter stated there had been no motion to draft an Ordinance and earlier in the meeting, the item had been tabled until the next meeting including Mr. Stalnaker. Mr. Moore stated he would wait until further instruction from the Council.

Department Head's Report:

None.

Public Comments:

The Council heard comments from Bill Perry regarding the race track and other ordinances in surrounding areas on racing. The Council also heard comments from Sam Thomas and Mary Brumbley on race track noise and other noises. The Council heard comments from Janet Studstill about the community around Beetree park and the Council's presence in the community.

Council Comments:

Antonio Carter explained he is available to the community and has spent a lot of time in and around the Beetree park area as well. He also explained if anyone witnesses illegal activity, they need to contact 911 but no one wants to get involved and commented on the negativity constantly reported against the City. He also stated he has been on the Council for ten years and wants to leave it better than he found it and everyone needs to move on and concentrate on making things better.

ADJOURNMENT:

Eric Gaither made a motion to adjourn the meeting at 7:27 p.m. Antonio Carter seconded the motion and the motion carried unanimously.
July 26, 2021.

Mayor Pro-Tem John Clayton

Alderman Scott Stalnaker

Alderman Antonio Carter

ATTEST:

Jackie Jordan, City Clerk

Alderman Billy Retterbush

Alderman Walt Steward

Alderman Eric Gaither

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