

**REGULAR MEETING  
CITY COUNCIL OF THE CITY OF NASHVILLE  
COUNTY OF BERRIEN  
May 23, 2022  
6:00 P.M.**

**INVOCATION:** Keith Stone

**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, Councilmen Antonio Carter, Eric Gaither, Rodrick Smith, Shane Willis and Councilwoman Amy Garner

**STAFF PRESENT:** Peter Schultz, Brandon Rice, John Reynolds, Police Chief Edwards, Tina Ward, Rudolph Smith, and City Attorney Tim Tanner

**ADOPTION OF THE MINUTES FROM THE PREVIOUS MEETING(s):** Alderman Gaither made the motion to adopt the minutes from the previous meetings and Executive Sessions. Alderman Willis seconded the motion and the motion carried unanimously.

**ADOPTION OF FORMAL AGENDA:**

Interim City Manager Rudolph Smith asked that the Council add a time sensitive matter to the agenda. Tony Lanier has something for the Council to discuss and make a decision tonight if at all possible. Alderman Willis made the motion to add Tony Lanier to the Formal Agenda. Alderman Carter seconded the motion to add Tony Lanier to the Formal Agenda. City Attorney Tim Tanner asked the Council to remove item number two because it is not ready for discussion. They IGA is almost ready so if Council would carry the item over to the next agenda it may be ready at that time. Alderman Gaither made the motion to carry item two over to the next agenda. The motion was seconded by Alderman Carter. Alderman Willis made the motion to adopt the amended agenda. Alderman Carter seconded the motion to adopt the formal agenda with the change and the motion carried unanimously.

**NEW BUSINESS:**

- 1. O'Neal Restaurant and Food Trucks-** Mr. Joel Bailey the owner of O'Neal's Restaurant for the passed eighteen years. Mr. Bailey wanted to express his concerns about the mobile food trucks that frequent Nashville. He stated that this is not wanting the citizens of Nashville to have variety of choses for food in the City. What is beneficial to the Citizens of Nashville is beneficial to the City of Nashville he is not trying to tear down the food trucks. Having diversity in the food industry or any other industry is

beneficial for the consumers. However, the impact these food trucks have on established restaurants in Nashville is not beneficial. Mr. Bailey told the group these food trucks only benefit the consumer and the people on the truck. Established businesses benefit the consumers, employees and the Municipality. Most all established Restaurants in Nashville pay Franchising fees, Taxes and they also pay for their utilities. The Food Trucks do not pay any of these fees. Mr. Bailey pointed out the loss the City and the established businesses or restaurants have when one of these food trucks set up shop. Mr. Bailey said he hopes that he shed some light on the negative impact the food trucks have on local restaurants. He suggested the Council look into preventing these trucks from setting up shop next to established businesses. He suggested the Council look into other City's that have had the same problem with food trucks setting up shop on a daily basis. Most of the City's have adopted an Ordinance which prevents these trucks from setting up shop on a daily basis. These trucks do not benefit the City's except to give a different variety of food to the consumer. They pack up and go to their town to pay taxes. Alderman Gaither told the group the Council needs to look into an ordinance which will level the playing field for these food trucks. Alderman Carter suggested the Council set up a time and date to have a work session on the matter. He also suggested they look at what other City's have done about the food trucks setting up shop in their City's and what sort of rules were given to prevent this from becoming a problem. The Council decided to set up a work shop for June 13<sup>th</sup> at 5:30. Mayor Pro-Tem Clayton suggest some of the other restaurant owners can come and give us their take on the food trucks as well.

- 2. Property located East of Hwy 128: Tony Lanier:** Mr. Lanier told the Council he is building a football field on the property located East of Highway 128. The field will be for the five- to twelve-year-old football teams and every child is from in Berrien County. Mr. Lanier asked the Council for some help with getting a water and sewer tap which will cost five to six thousand. John Reynolds confirmed the tap is out their but it is located in the highway. Alderman Gaither told Mr. Lanier the Council will need a couple of weeks to discuss the situation and Mr. Lanier stated they will need to know something quick because the turf will need to watered by the first to the middle of June. Alderman Gaither told him the City may have some incentives but need to look at it first.

**City Managers Report;** Rudolph Smith provided the Council with the financial statements through March 2022. Each binder has a list of everything financially. A list of accounts, bank reconciliations for all three banks, also the binder has a list of CD's the City owns from two banks located in Nashville. Rudolph suggested the

Council consolidated some of these CDs since the balance on some of them is very low. He also asked the Council to look at the budget for the different departments provided. Rudolph also, told the Council the City has an open position in Code Enforcement and we are hoping to turn that into a City Marshall position. The Council will have to vote on this position as soon as I get the job description to you. We also have two positions the Council has given the ok on and those positions are for the Administration Department. Human Resources and Financial Director . The Administration really needs these two positions so I will work on the job descriptions for these and the we need to work on the salary range for all three positions. We are interviewing for the Main Street position and still have not found any candidates. The County is getting ready to negotiate the LOST. He said they only want two from each City to attend the negotiation. Rudolph told the Council he emailed a copy of the LOST to them and all they need to do is look at it and see what can be up dated. The Budget hearing will be posted and will be open to the public. The budget will then be posted on line and in the front office for the public to look at. He told the group that April Copland and her crew have collect a good portion of the past due taxes. These past due taxes started in 2013 and out of the \$208,000.00 they collected 60,000.00. These remaining taxes the County will not collect. They will start collection in 2022. We are waiting on the IGA with the County for the taxes. We are going to speak with Jason Nugent about the delinquent taxes so they are paid first before the County collects 2022 taxes. Rudolph told the group that during the Budget workshop we worked on a five-year capital plan with every department. This includes the police cars and we are going to try and get USDA to help fund one of the vehicles. We also are trying to budget for boots and shirts for the Street and the Police department. The Audits have been caught up. He stated while he is with the City, he will make sure the Auditor have everything they need for the 2022 Audit. Also, Peter Shultz sent out a copy of the contract to Advance Disposal for the Councils approval. This item will need to be on the next agenda and the Council need to either agree on going with Advance Disposal or take bids. Rudolph cautioned the Council on bidding out the contract because all waste management companies are raising prices. Rudolph advised the City will need to wait on the certification of the election before the new Mayor is sworn into office. The group had some discussion about the swearing in ceremony. They decided the swearing in ceremony will be next week. Alderman Gaither made the motion to swear in the new Mayor on May 31<sup>st</sup>. at 6:00pm. The motion was seconded by Alderwoman Garner and the motion carried unanimously.

**City Attorney Report:** Tim Tanner had nothing to discuss with Council at this time.

**Department Head's Report:** None.

**.Public Comments:** Mrs. Barbara May commented that tax payer paid for the microphones for the Council Chambers and they need to work. Tina Ward took the blame because she could not remember the correct button to push for the microphones and apologized to Mrs. May. Mrs. May asked about the back taxes. She wanted to know who is responsible for collecting the City taxes. Rudolph Smith told her the City Manager is responsible, but we are turning the taxes over to the County for the collection of 2022. She then asked will the County be responsible for the back taxes. Rudolph Smith told he no the City is working with the County to make sure the back taxes are paid before 2022 taxes are collected.

Keith Stone commented he noticed the Council likes to set up work sessions and in the Mr. Lanier case time is of the essence. Rudolph told Mr. Stone that since he has been on board the City does not have some things in writing. So, we to investigate the situation and get something in writing especially when it comes to the water system. No one stated anything about a work session on this item. Keith Stone told the Council that time is of the essence for Mr. Lanier so please make a decision. Mayor Pro-Tem Clayton told Mr. Stone we want to make sure we get everything correct because it is private property. The Council had some discussion about the issue. Tim Tanner told them he will look into the matter and see what can be done. Skeeter Parker asked about the updating of the City Charter and when we could find something out about where we are on it. Tim Tanner told the group he is was working with Muni-code before the last Clerk left and he will check into where they are on it.

Rudolph Smith asked the Council how they were going to handle Mr. Lanier's case. Tim Tanner told them it can be handled a number of ways. We can get with the Rec. Department and find out the lease agreement between them and Mr. Lanier. The County may can work something out on the tap fee. If we pass an Ordinance it needs to be the same across the board. So, he will work on it. And let Mr. Smith and Mr. Lanier know something as soon as possible. May Pro-Temp said once Mr. Tanner has an answer the Council is in agreeance with going ahead with the tap.

**Council Comments:** Alderman Gaither asked Rudolph Smith to look at the BILO building lease agreement and report back to Council.

**Executive Session** Alderman Gaither made the motion to go into executive Session at 7:05pm. The motion was seconded by Alderman Willis and the motion carried unanimously.

Alderman Carter made the motion to come out of executive session at 7:37 pm. The motion was seconded by Alderman Willis and the motion carried unanimously.

#### **ADJOURNMENT:**

Mayor Pro-Tem Clayton called the group to order after the executive session Alderman Gaither made the motion to make the swearing in Ceremony of the new Mayor on the 31<sup>th</sup> at 6:00pm The motion was seconded by Alderman Willis and the motion carried unanimously. Alderman Carter made the motion to adjourn the meeting at 7:40 p.m. Alderman Smith seconded the motion and the motion carried unanimously.

*May 23, 2022.*

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Mayor Travis Brown

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Mayor Pro-Tem John Clayton

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Councilman Eric Gaither

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Councilman Rodrick Smith

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Councilman Antonio Carter

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Councilwoman Amy Garner

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Councilman Shane Willis

**ATTEST:**

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Tina Ward, City Clerk