

**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF NASHVILLE, ARKANSAS ON
Thursday, April 28, 2011**

The City Council of the City of Nashville met on Thursday, April 28th, 2011 at 6:00 p.m. in the City Hall Council Chambers.

Presiding Officer, Mayor Billy Ray Jones called the meeting to order.

The Council was led in prayer by Financial Director Jimmy Dale.

Following the Pledge of Allegiance to the flag led by Mayor Jones, roll call of the Council Members was completed with 8 members answering as their names were called: ALDERMAN MILUM, ALDERMAN ANDERSON, ALDERWOMAN MITCHELL, ALDERMAN PARKER, ALDERWOMAN KIRKPATRICK, ALDERWOMAN WRIGHT, ALDERMAN DAVIS, AND ALDERWOMAN HARWELL. Alderman Smith, Alderman Brown, Alderwoman Clark and Alderwoman Gathright were absent.

Other persons present at the meeting were, City Attorney George Steel , Public Works Director Larry Dunaway, Nikki Cherry Park Director, City Clerk/Treasurer Elizabeth McDaniel, Finance Director Jimmy Dale, Sanitation Supervisor Tony and Lisa Young, Code Enforcement Officer David Johnson, Fire Chief Jerry Harwell, Joe Scoggins, Charles Goodin w/ Nashville News, and Jonathan Canady w/ Southwest Arkansas Radio.

Minutes of the March 22, 2011 were reviewed. Motion was made by Alderwoman Mitchell to accept the minutes. Motion was seconded by Alderwoman Wright. On roll call vote the minutes were approved with all yeas and no nays. (8-0)

The Financial Statement for March, 2011 was presented by Financial Director Jimmy Dale and reviewed. Alderwoman Mitchell made the motion to accept March, 2011 financials. Motion was seconded by Alderwoman Wright. By roll call vote the motion received eight (8) yeas and no nays and the motion passed.

OLD BUSINESS:

Larry Dunaway gave his report on the Water and Sewer projects. He reported that since the last meeting our funding from Economical Development is going to be less than what we thought it was going to be. We were going to focus on the piping end of the project but since the tsunami in Japan, pipe prices have gone up tremendously so we will change the focus to the river pump part of the project until the price of pipe goes down. "When we first presented the project to Economical Development, they were talking like they were going to fund the whole project. Now, they have cut the figures in half from \$500,000 to approximately \$250,000". Mayor Jones stated that this is a grant and not a loan.

Also, Tyson's has agreed to allow an increase of .10 cents per 1,000 gallons of water they use. It's estimated that increase will be around \$2,500 to \$3,000 a month. So, if this part of the project costs around \$300,000, they agreed to go with the extra charge for as long as 10 years to help pay the cost of the project. We will finance the project up front but the money from Tyson's will pay the cost back to us.

The Water Project is in two parts; the line to the Upper Lake and the River pumps themselves. Originally, we were talking about putting in two new pumps at the River, now we plan on leaving the two pumps we have in place and adding a third 6 MGD pump. It will tie into the existing water lines already in place. The estimated cost is around \$250,000. We can then run the new pump in conjunction with one of the older pumps and the pipes in place and still have 8 MGD capacity."

Dunaway then stated that he has talked with people at the State level regarding the \$6 million Sewer project and Mayor Jones said it will have to go to the Federal level. We are basically at the mercy of them and it hasn't been funded yet.

Nikki Cherry, Park Director gave her report next. She reported that in the month of March the Park had approximately 9,075 visitors. Also these events in March:

- March for Parks
- Tri-County Softball Tournament
- 4H Rabies Clinic
- Baseball Jamboree
- Rock "n" the Southwest Concert
- City Employee Appreciation Lunch
- Gospel Concert
- 32nd Annual Easter Egg Hunt
- Easter Sunrise Service

Upcoming Events:

- Cross Fest
- NSA Softball Tournament on 8U and 12U
- NHS Softball Tournament
- NSA Softball Tournament
- Baseball Tournament
- Chamber Coffee to promote the Dinosaur Festival on May 24th

FY08 Grant Update

- Have lien releases on all but S&S Electric, still negotiating with contractor
- Spoke to Grant Office about possible extension to October 31st
- Work remaining includes 5 handicap spaces and chip and seal the parking area
- Phone call from another vendor that has not been paid

Mayor Jones then told the Council that Deb Bolding with Growing Healthy Communities had applied for a grant and got it. We need to pass a resolution to set up a pass-through account so we can write it back out to Farmers Market and GHC. Clerk McDaniel then read:

RESOLUTION NO. 2011-03 RESOLUTION DESIGNATING NON-PROFIT AGENCY AS GROWING HEALTHY COMMUNITIES GRANT

ADMINISTRATOR. Alderman Anderson made the motion to pass Resolution 2011-03. Motion was seconded by Alderman Parker. By roll call vote the motion received eight (8) yeas and no nays, so RESOLUTION NO. 2011-03 passed.

Mayor Jones then explained the need to amend Ordinance 743 to add “no graffiti”. Clerk McDaniel read in full **ORDINANCE NO 907 – AN ORDINANCE TO REPEAL ORDINANCE NO 743, AND REQUIRING PREMISES TO BE KEPT FREE FROM GRAFFITI, WEEDS, RANK GRASS, GARBAGE, RUBBISH, MOTOR VEHICLES, AND OTHER UNSIGHTLY AND UNSANITARY ARTICLES; REQUIRING PROPERTY OWNERS TO ELIMINATE, FILL UP OR REMOVE STAGNANT POOLS OF WATER OR ANY OTHER UNSANITARY THING, PLACE OR CONDITION WHICH MIGHT BECOME A BREEDING PLACE FOR MOSQUITOES, FLIES AND GERMS HARMFUL TO THE HEALTH OF THE COMMUNITY; PRESCRIBING A PROCEDURE TO BE FOLLOWED IN SUCH CASES; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.** Alderwoman Mitchell made a motion to suspend the rules and place Ordinance No 907 on second reading. On roll call vote the motion received eight (8) yeas and no nays. The Ordinance was read for the second reading. Alderwoman Wright made a motion to pass Ordinance 907. Alderman Parker seconded the motion. On roll call vote the motion received eight (8) yeas, no nays. **ORDINANCE NO 907** was approved.

Mayor Jones then explained the need to amend the Municipal Code to deal with ditches that run in front of a residence and doesn't include the side or back. Clerk McDaniel then read in full **ORDINANCE NO 908 – AN ORDINANCE TO AMEND TITLE 9, CHAPTER 9.04, SECTION 9.04.02, ARKANSAS MUNICIPAL CODE, ENTITLED “GUTTERS OR DITCHES”.** Alderwoman Kirkpatrick made a motion to put **ORDINANCE 908** on final reading. The motion was seconded by Alderwoman Wright. It was then noted that rules have to be suspended and put the Ordinance on final reading. Alderwoman Wright made a motion to put the ordinance on final reading. The motion was seconded by Alderwoman Kirkpatrick. **Ordinance No 908** was read again and on roll call vote the Ordinance passed with eight (8) yeas and no nays.

Next, Code Enforcement Officer David Johnson and Fire Marshall Jerry Harwell spoke on old properties that need to be torn down. They stated that the citizens who own the property were in agreement they couldn't tear the property down and ask for help from the City. The Fire Marshall inspected some of the properties and decided we could burn the properties rather than condemn and place liens against them, which is a lengthy process and we may or may not get the money for them.” The property owners had rather have the properties burned. With the City helping, it would give our 6 new firemen experience in dealing with a house fire”. The Mayor then asks for permission to hire someone to push the houses down for a small sum. After a lengthy discussion by a show of hands the vote to allow the City to assist in burning houses were seven (7) yeas and one (1) nay. Alderwoman Kirkpatrick voted no.

In other matters brought before the Council, City Attorney George Steel spoke on the lawsuit filed by Carl Johnson and Justin Johnson v. City of Nashville. He stated that he has talked with Ralph Ohm, the lawyer for APERMA, the cities insurance company, who handles a lot of these type cases. The first thing Attorney Ohm plans on doing is file a “motion to dismiss” based on the grounds that it’s not a proper 1983 Civil Rights violation or issue. Attorney Steel said that if the Federal Judge feels it is not a Civil Rights issue, he will kick it out of Federal Court and Johnson will have to re-file in State Court. If the “motion to dismiss” is not successful, then an answer will be filed in Federal Court and it will proceed forth, maybe even to trial. Steel then informed the Council that since the lawsuit is for 1.2 million dollars and the insurance with APERMA pays \$350,000 maximum, it isn’t enough to cover the 1.2 million dollars. He stated that we have always had backup insurance through the Municipal League and they are debating whether or not this is the kind of case that is covered under their policy. In other words, they may not cover the case. If they don’t provide coverage, there is the unlikely possibility that a judgment could be placed against the individual Council members and the others who are named in the lawsuit for the remainder of the suit. Attorney Steel informed the Council they have a right to get an attorney and defend themselves although the City will provide a defense. Steel added that the Municipal League claims they will only cover acts of negligence such as a vehicle accident and this is not a negligence or recklessness case. It is more like a taking of property or condemnation and they don’t insure against that. Mayor Jones stated that they haven’t decided yet so we will see what their decision is.

The next item on the Agenda deals with hiring part-time help at the Animal Control Shelter. After a meeting with some of the Mayors from the other Cities that we service, Mayor Jones said they would take the matter before their City Councils to consider raising the fees that the City of Nashville charges. This would help pay for the extra help and give Seborn more time to spend in those Cities. After discussion, a motion was made by Alderman Parker to hire part-time help. The motion was seconded by Alderwoman Wright. On roll call vote, the motion passed with eight (8) yeas and no nays. Item 7 a. – Personnel Policy changes on the Agenda, was postponed until a later date.

Alderman Parker made a motion to adjourn. The motion was seconded by Alderwoman Kirkpatrick and the meeting adjourned at 8:10 p.m.

APPROVED: _____
Mayor Billy Ray Jones

ATTEST:

Liz McDaniel, City Clerk-Treasurer