

**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF NASHVILLE, ARKANSAS ON
October 23, 2012**

The City Council of the City of Nashville met on October 23, 2012 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, roll call was given with 9 answering as there names were called. Alderwoman Kirkpatrick arrived later and Alderwoman Clark and Alderman Brown were absent.

Other persons present were, City Attorney Nate Steel, Public Works Director Larry Dunaway, Finance Director Jimmy Dale, Code Enforcement Officer David Johnson, Joe Scoggins, Sandra Jones, Charles Goodin w/ Nashville News, Jonathan Canady w/ Southwest Arkansas Radio, and Louie Graves w/Nashville Leader.

After a review of the September 25, 2012 minutes, a motion was made by Alderman Anderson and seconded by Alderwoman Mitchell to accept the minutes. On roll call vote, the motion passed with all yeas and no yeas. (9-0).

Financial Director Dale gave his report:

Dale stated that there wasn't much to report and nothing out of the ordinary occurred in the month of September.

Alderwoman Wright made a motion to accept the financials and it was seconded by Alderwoman Mitchell. On roll call vote the motion carried with all yeas and no nays.(9-0)

Next is Larry Dunaway, Public Works Director. Larry stated that we had the bids on the Wastewater Plant and 2 companies, Heritage Construction and 4-13 Inc., we're the only bidders. Their bids were over the 25% project appropriation and we had to reject the bids. By law, we have to rebid because of the projected cost. Heritage bid 5.9 million and 4-13 bid 6.7 million. We had appropriated 4.1 million so the project will go back to bid. He stated that he and Mayor Jones had looked at the project with Jeremy Stone, the engineer for the City, and changed the scope of the project. "We scaled it back and looked at bidding it in separate phases. This should get it well within the range but it will all have to be approved by USDA first. Once this is done, we will go back to bid."

The second thing Dunaway spoke on is Waste Management. He stated they presented a letter to he and Mayor Jones stating there will be an increase on their rate (Sept. is the end of their 2 year contract with the City) based on the consumer price index and the fuel

index. There will be a 2.7 % increase which amounts to .31 cents per account which will cover both residential and commercial.

Alderman Anderson asks about the River Pump project and Dunaway states the pump was sent back to Memphis to the manufacturer to be worked on and it should be back soon.

Next Attorney Steel speaks regarding Resolution 2012-23-A Resolution Of The City Council Of Nashville, Arkansas Declaring The Existence Of A Nuisance Upon Certain Property Within The Corporate Limits For The Purposes Of Providing For Condemnation and Removal of the Nuisance. (After this Resolution was passed on Sept. 25th, 2012 by the City Council, it was determined the State has a lien on the property. During the Council meeting before the Council voted on the Resolution, Mayor Jones asked Mr. May if there was a lien on the property and he stated that "he had rather not answer at this time". Mr. May then ask if he would have 30 days after the passing of the resolution to tear down the house. Enforcement Officer Johnson told him that he would. Roll call vote was then given and the Resolution passed with all yeas and no nays).

Attorney Steel stated that after talking with the Land Commissioner at length, the property was certified to the State on Aug. 17, 2011 and the total amount owned is \$417.97. He was told that we have two options: 1. We can continue to go forward with removing the building or the State can, after the time passes for Mr. May to redeem the property on Aug. 13, 2013, deed the property to the City but we would have to use it for public use and couldn't bulldoze and sell it to pay for the clean-up. Attorney Steel stated that other eyes were on the City other than Mr. May; the Land Commissioners Office is involved and we need to make sure we do it right. Johnson added that Mr. May has a history of the State placing a lien on the property then he redeems it back. He stated it had happened 3 or 4 times and if it holds true with his past record that sometime between now and Aug. 13, 2013, he will redeem it again. If May redeems the property before this date, we can go forward with the action but we will lose our opportunity to own the property. Alderman Anderson adds that the only way we will get our money back either way is if the property sells. Attorney Steel stated he can see no financial gain for the City either way. The cost to foreclose on a lien is \$2,000 to \$3,000 dollars. Mayor Jones stated that Tony Fatheree said he would clean up the property for \$2,500. Attorney Steel stated that because of May's past history of redeeming the property from the State, if the City cleans up the lot and beautifies it, May will redeem it. Alderman Smith stated he felt we would be donating \$2,500 to Minuen May and increasing the value of his property. Enforcement Johnson stated that the main reason for the condemnation and razing of the building is a health issue, the welfare and safety of the citizens. He stated the house is full of pigeons and is a health issue. Mayor Jones added that other people who need to clean up their property will look at Mays property and use it as an example for not having to clean up theirs and that is also a problem.

Alderman Parker at this point makes a motion to push the building down and clean up the property. Alderman Davis seconds the motion. Mayor Jones adds that he has a motion to pay the bid of \$2,500 and have the property cleaned up. Alderwoman Wright ask why is the City in such a hurry to do this when he said (Mr. May) that he would tear it down. Johnson said that in order for May to tear the building down he would first have to redeem it. Alderwoman Wright said she felt like Mr. May would redeem the house.

Attorney Steel said he would be remiss not to warn the Council there is a little bit of liability here because there is a Federal law that states a City can only tear down one house a year so that a whole neighborhood can't be torn down. He then stated the reason he mentioned this is because he has a lawsuit regarding this type issue going right now. On roll call vote, the motion passed with 8 yeas and 2 nays. Alderwoman Wright and Alderwoman Mitchell voted "no".

Under new business is: Resolution 2012-25- A Resolution to Levy the City Millage for 2012 to be Collected in 2013. After Clerk McDaniel read the resolution Alderman Anderson made a motion to pass the resolution and Alderman Smith seconded. On roll call vote, the motion passed with all yeas and no nays. (10-2)

Mayor Jones then informs the Council that on Nov. 1, for the next 3 Thursday nights at 6 pm, there will be budget meeting and each department head will present their budget. Next Mayor Jones states that after talking with Att. Mark Hays with AML regarding sick leave that we have been doing it wrong. By the end of this year for all new hires, we need to do away with cashing out option on sick leave completely and have a policy we want in place for 60 or 90 days. He stated that for police it's required by law. The City Council will have to decide whether we give 60 or 90 days sick leave pay and Mayor Jones recommends that it be the same for everybody not just the police when they do decide. Mayor Jones said for the Council to be thinking about this. He adds that the people who already work and have 90 days sick leave will be able to keep it. Financial Officer Dale spoke at length on the subject along with Mayor Jones. Public Works Director Dunaway also had input in the conversation.

After much discussion Alderman Parker made a motion to adjourn and Alderwoman Kirkpatrick seconded it. The meeting was declared adjourned at 6:55 pm.

Passed and approved this _____ day of _____, 2012

Mayor Billy Ray Jones

ATTEST:

Liz McDaniel, City Clerk/Treasurer