

**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF NASHVILLE, ARKANSAS ON
March 25, 2014**

The City Council of the City of Nashville met on Tuesday, March 25th, 2014 at 6:00 p.m. in the City Hall Council Chambers.

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

Financial Director Jimmy Dale led the Council in prayer.

Boy Scout Troop 61 led in the Pledge of Allegiance to the American flag.

On roll call 10 members answered as their names were called. Alderman Freddy Brown and Alderwoman Jimmie Lou Kirkpatrick were absent.

Other persons present were Robert Nanneman and Boy Scout Troop 61, Angela, Sherrill, and Ross Allen, Tim Freel, Sr. Mrs. Dean Jones and son Jerrod, Della Jean Byers, John and Laura Grey, Brian Bowman, Charlie Roberts, Billy Bennett, Derrick and Stacy Prejean, Rev. Langford Moore, Donna Akers, Sandra Jones, Code Enforcement Officer David Johnson, Financial Director Jimmy Dale, Park Director Nikki Cherry, Police Officer Ty Basiliare, Police Officer Jackie Thomas, Police Chief Dale Pierce, PWD Larry Dunaway, and former City Attorney George Steel sitting in for City Attorney Nate Steel, Jonathan Canady with SWARadio, Louie Graves with Nashville Leader, Charles Goodin with Nashville News, some other attendees who were unidentified, Mayor Jones, and City Clerk Treasurer McDaniel.

After a review of the February 18, 2014 minutes, Alderwoman Clark made a motion to accept the minutes and Alderwoman Wright seconded. On roll call vote the motion passed with all yeas and no nays. (10-0)

Next Financial Director gave this financial report for the month of February 2014. "All Departments paid their share of the Property Insurance which is being paid in 3 installments.

There was a pass through expense on the Wastewater plant of \$216,596.00. Deposit comes from USDA before the check is written.

\$10,000.00 to Sanitation to cover expenses from Franchise Fund.

Other than the above, there were no extraordinary expenses. Things seemed to be normal."

Alderwoman Mitchell made a motion to accept the financial report and Alderman Parker seconded the motion. On roll call vote the motion passed with 10 yeas and no nays. (10-0).

Next, PWD Larry Dunaway gave a brief report on the Wastewater Plant and Rehab projects. He stated there were no major problems although there is one issue with the second clarifier but they had a meeting and got it worked out. Regarding the Rehab project, they made a big difference in our flow on the South end by Mack's Upholstery and behind Pilgrim's Feed Mill when they pulled the new line in and discovered major root growth which was removed. They haven't started rehab on the manholes yet but as soon as they get some creek crossings worked they will start on the manholes.

Next Nikki Cherry, Park Director gave updates of past and upcoming events at the park.

Next, Charlie Roberts with Raymond James Company addresses the Council on the 2005 Bond Issue regarding the 2005 Bond refunding. Last week the bond was refunded because of low rates and it saved the City \$113,000 total which annually amounts to right under \$9,000. He stated they did a "mirror refunding" which only replaces the rates. Mayor Jones stated that when he was informed of the lower rates, he consulted with Larry and Jimmy and they decided to go for it.

Next, Ryan Bowman with Friday, Eldridge, and Clark Law Firm in Little Rock, whose firm is serving as bond counsel for the City in connection with the bond issues, informed the Council his firm does all the legal work associated with the bond issue. He stated they prepared Ordinance No 929 which he then went through with the Council. He stated the Bonds were offered to investors yesterday morning (Monday, March 24, 2014). The principal amount of the bond issue is \$1,760,000 outstanding with respect to the 2005 Bond. Raymond James is paying at closing on May 6, 2014, \$1,744.28 which is the principal amount less their fee of \$15,752.00. The bond issue is scheduled for payoff in 2030, which wasn't extended and US Bank will continue as trustee on the new Bond Issue.

Mr. Roberts stated he could read the entire Bond or give a summary of the relevant provisions of the Ordinance, suspend the rules and read it by title only on its first, second, and third readings. He then referred the wish to the Council. Alderwoman Mitchell makes a motion to suspend the rules and read Ordinance 929 by title only and Alderwoman Wright seconded the motion. On roll call vote the motion passed with all yeas and no nays (10-0). Mr. Roberts then read: Ordinance No 929 – AN ORDINANCE

AUTHORIZING THE ISSUANCE OF SALES AND USE TAX REFUNDING BONDS FOR THE PURPOSE OF REFINANCING THE COST OF CAPITAL IMPROVEMENTS; PLEDGING COLLECTIONS OF A 1% SALES AND USE TAX TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

Mr. Roberts gave a summary of the Ordinance, going from page to page then offered the Council the opportunity to ask any questions they might have. No questions were asked. Alderman Anderson made a motion to read the title only and Alderwoman Mitchell seconded. On roll call vote the motion passed with all yeas and on nays. (10-0)

Mr. Roberts then read Ordinance No 929 by title only for the second time.

Alderman Anderson made a motion to suspend the rules and place the Ordinance on third reading. Alderwoman Mitchell seconded the motion. On roll call vote the motion passed with all yeas and no nays (10-0). Mr. Roberts then read title only of Ordinance 929.

Alderwoman Clark made a motion to pass Ordinance No 929 and Alderwoman Wright seconded. On roll call vote the Ordinance passed with all yeas and no nays. (10-0) Alderwoman Mitchell then made a motion to evoke the emergency clause of Ordinance No 929 and Alderwoman Clark seconded. On roll call vote the motion passed with all yeas and no nays (10-0).

Next, John Gray came before the Council asking to renew his 5 year contract with the City of Nashville for his business, Howard County Ambulance Service. Alderman Parker made a motion to renew the 5 year contract and Alderwoman Wright seconded. Alderman Smith then asks if we can do more than 5 years. Alderman Anderson asks if 10 years would be a good idea. Alderman Smith stated John and Laura have children here in school and we would like to keep them here. Alderman Smith made a motion to amend the motion to a 10 year contract. Alderwoman Wright seconded. On roll call vote the motion to amend the motion to 10 years passed with all yeas and no nays. (10-0). Next roll call was given on the motion to extend the contract to 10 years. On roll call vote the motion passed with all yeas and no nays. (10-0)

Next Mayor Jones brings up the annexation issue stating that at the February 2014 meeting the Council wanted to wait and see what direction they want to go. "Since there are a lot of people here tonight who don't know what was discussed, I'm going to bring you up to speed on it before we get started". Mayor Jones stated the issue was first brought up 2 years ago and the reason it is coming up now is because of advice from the Municipal League to wait until an election year to get it on the general ballot. "The reason for annexing different parts of town was brought up by our Police Department, our Code Enforcement, our Animal Control, and the State turn back money". Mayor Jones stated these are the four major reasons this was brought up. He stated that for these reasons he feels this is in the best interest of the City (annexation). He then said that in saying that, he's leaving it up to the City Council to decide what to do. He then introduced the three people who requested to be put on the Agenda to speak. He informed the 3 that by ordinance they have 10 minutes to speak.

First to speak is Tim Freel then Ross Allen and lastly Angela Allen. They all plead with the Council to not annex them into the City limits stating all the reasons why they do not feel it is a fair and just demand. They all stated their rights as land owners and the fact they live outside the City limits by choice and that it is not their desire to live within the City limits. Mr. Freel offered to pay the \$140.00 per year the City would make by annexing he and his wife into the City limits. Mr. Ross referred to the United States Constitution stating that it guarantees us representation if we are to be regulated. He stated that since he wasn't able to vote for any of the people on the Council since he lives outside the City limits, and since he didn't elect the board (Council), how does this board (Council) have the authority and power to impact the way he lives his life in property he bought outside the City limits?.

Mrs. Allen handed out a sheet entitled "Proper Ways to Pass Ordinances and Resolutions". (Derived from the Arkansas Municipal League Guidebook, Chapter III) The handout has 6 rules to remember about passing an ordinance.

- 1) Ordinances must be reasonable.
- 2) They must not be oppressive.

- 3) They must not be discriminating or partial.
- 4) They must not unduly restrain lawful trade.
- 5) They must not violate civil rights.
- 6) They must not be ambiguous.

Mrs. Allen referred to number 3. "They must not be discriminating or partial". She stated that her objective was not to get anyone else annexed" then proceeded to discuss different places in and around Nashville which are outside the City limits and have City services. There was applause by the observers after each person spoke.

Mayor Jones then opened up discussion with the Council members regarding the annexation. Alderwoman Clark stated she feels the Council should adhere to what the landowners are asking. She stated the places of concern to the police department should be looked at but the landowners should not be forced to be brought into the City limits. Alderwoman Mitchell added that if they aren't interested in coming into the City that they shouldn't be forced to. She recommended forming a committee to discuss what parts of the annexation map to bring in. Attorney Steel added that if the Council decides to annex, you have to give 60 days' notice prior to the general election.

Alderman Anderson stated that he understands the concerns of the ones who spoke regarding not being annexed into the City but why not annex the other places?. Alderman Smith reminded him of the three petitions that were filed with the City Clerk and County Clerk by landowners objecting annexation and they are from all areas of the map.

Alderwoman Clark made a motion that we do not pursue annexation on the areas that were represented tonight as well as the other areas on the map with the exception of the bypass area, Cassidy Road area, and the street next to REA. There was then so much discussion a second was never made. Mayor Jones then states that since they can't come to a decision, he is going to appoint a few of the Council members after the meeting and after they meet, he will present at the next meeting what they come up with. Clerk McDaniel asks how part of the Council can be appointed and not all of them. Mayor Jones says if the whole Council wants to be a part of it they can.

It was decided to call a workshop for the following Tuesday, April 1, 2014.

All the landowners expressed they want to know if their property is considered for annexation again and when. Mayor Jones said that Mr. Johnson will notify all the property owners that are involved.

Next is the closing of alleys. The alley that was discussed is on Peachtree Street where Van Elders mother lived. Roy Conrad bought all the property and it has an old alley on it which he wants closed. Alderman Parker makes a motion to close the alley on Peachtree Street and Alderman Anderson seconds. On roll call vote the motion passed with all yeas and no nays. (10-0).

The other alley was already closed and was done incorrectly. There must be a public hearing and all property owners notified. Due to the Public Hearing before the council meeting today, several owners wanted it open. Attorney Steel said he should get a description of the alley and get all the landowners to agree to it and sign off on it. Alderwoman Clark asks if the Council is being asked to vote on something that hasn't been petitioned. "We are jumping the gun because they haven't gotten their petition", she

stated. It was decided that Greg Furr should get a petition together and we will have an Ordinance at the next meeting for the Council to vote on.

Next is Ordinance No 927 – AN ORDINANCE AMENDING ORDINANCE NO 763
Clerk Treasurer McDaniel read Ordinance No 927. Alderwoman Mitchell makes a motion to suspend the rules and put the Ordinance on 3rd and final reading and Alderman Anderson seconds the motion. On roll call vote the motion passed with all yeas and no nays. (10-0) Clerk McDaniel reads Ordinance No 927 by title only. Alderwoman Clark makes a motion to pass Ordinance 927 and Alderman Anderson seconds. On roll call vote the motion passed with 8 yeas and 2 nays. Wright and Milum voted no.

Next is Ordinance No 928 – AN ORDINANCE AMENDING THE TITLE AND SALARY OF THE CITY CLERK-TREASURER OF THE CITY OF NASHVILLE, ARKANSAS

After Clerk Treasurer McDaniel read the ordinance, Alderwoman Clark made a motion to put Ordinance 928 on the second and final reading and Alderwoman Mitchell seconded. On roll call vote the motion failed with four yeas and six nays. (4-6). Since this motion to read failed, Ordinance 928 will be presented at the next Council meeting.

Next Mayor Jones discussed the building behind Tollette's Gifts belonging to Melinda and Dale Bennett. Part of the roof collapsed and fell into the alley. Right now it's roped off and "it is definitely a hazard". Mayor Jones stated" it is something we are going to have to do something with. The property owner called taking bids and nobody wants to take the job because of the danger of it falling". Mayor Jones stated he contacted APERMA and they told him that we could condemn it and tear it down by a licensed person. Mayor said he got a bid from Thomas Boozer for \$7,800.00 and he is insured in case something happens. "Furr" offered to give \$3,000.00 for the brick. Mayor Jones then states that our best situation is to condemn the building, get \$3000 for the brick, let Tomco tear it down (Thomas Boozer) for \$7800 then we take a lien on the property. He stated he had put it off as far as he can and this is his best case scenario. Several Council members ask who owns the building and were told the Bennetts own it. Jones stated they didn't have the money to tear it down. Alderwoman Clark asks how we will get paid after we place the lien. Jones states we probably won't get the money. Attorney Steel said if we tear it down and place a lien, we could foreclose our lien and go to court, sell the property and use the money to cover the expense of tearing down the building. Alderman Anderson stated that the City should stay off private property. Attorney Steel asks if they are agreeable with the idea since the bricks are their bricks. Mayor Jones said, "They are agreeing for us to do this". Alderman Milum asks if the Bennetts are liable if anything falls and Mayor says yes they are. Alderwoman Wright asks why we (The City) are so worried about it. Jones says it is a safety hazard right now to the people of Nashville. Chief Pierce states that when the roof fell, it broke a gas line and created a hazard. Alderwoman Wright asks why we don't ask them to give it to the City. Mayor Jones asks the Council if that is what they want him to do. They all agreed and he said he would contact her and see if it's agreeable.

Last, it was decided to have a workshop regarding annexation on the following Tuesday, April 1, 2014 at 6:00 p.m.

Alderman Parker made a motion to adjourn at 8:23 p.m. Alderwoman Mitchell seconded. Mayor Jones called the meeting adjourned.

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Passed and approved this _____ day of _____, 2014.

ATTEST:

Liz McDaniel, City Clerk

Billy Ray Jones, Mayor