

**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF NASHVILLE, ARKANSAS ON
TUESDAY, March 22, 2011**

The City Council of the City of Nashville met in regular session on Tuesday, March 22, 2011 at 6:00 p.m. in the City Hall Council Chambers.

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

Jimmy Dale led the Council in prayer.

Following the Pledge of Allegiance to the flag led by Mayor Jones, roll call of the Council Members was completed with 10 members answering as their names were called: Alderman Mike Milum, Alderman Andy Anderson, Alderwoman Carol Mitchell, Alderman James Parker, Alderwoman Kay Gathright, Alderwoman Vivian Wright, Alderman Nick Davis, Alderwoman Jackie Harwell, Alderman Matt Smith and Alderman Freddy Brown. Alderwoman Monica Clark arrived later. Alderwoman Kirkpatrick was absent.

Other persons present at the meeting were, City Attorney George Steel, Police Officer Ty Basiliere, City Clerk/Treasurer Elizabeth McDaniel, Finance Director Jimmy Dale, Tony and Lisa Young, Code Enforcement Officer David Johnson, Animal Control Officer Seborn Gregory, Adm. Asst. Mary Woodruff, Fire Chief Jerry Harwell, Barbara Yates, Kay McClure, Louie Graves w/ Nashville Leader, Charles Goodin w/ Nashville News, and Jonathan Canady w/ Southwest Arkansas Radio.

Minutes of the February 22, 2011 and March 8 Special Called Meeting 2011, were reviewed. Mayor Jones asks if there was any discussion regarding the minutes and there was none. Motion was made by Alderwoman Wright to approve the minutes and it was seconded by Alderwoman Mitchell. On roll call vote the minutes were approved with all yeas and no nays. (10-0)...Alderwoman Clark wasn't present yet).

Financial Director Jimmy Dale gave the financial report for the month of February, 2011. He stated that most departments are under budget and it's beginning to even out a bit. He went over some expenditure associated with the Park, also the engineering consultant who came regarding the Sewer Plant project, a new printer for the finance department, and general expenses like utilities. He noted that the City and County sales tax is up 5% and that things are looking good. He said the State turn back is based on population and since our census shows we have over 400 less people, we will probably have to address it later because our turn back will be less.

Mayor Jones said we will eventually have to transfer funds into Sanitation and also the Street department. "We don't have enough income from either one of those departments and we are going to have to subsidize it". He then spoke on the possibility of redoing our

Census in this area even if it cost the City, because according to Senator Teague, there is a big advantage for us to get our population above 5,000. The funding for towns fewer than 5,000 is less and it makes our State turn back money less. In helping our situation, it is now to our advantage to take in more areas into the City limits. He stated we will be talking about it more in the future. No questions or remarks were made by the City Council.

Alderman Parker made the motion that we accept the Financials for February, 2011 and the motion was seconded by Alderwoman Wright. On roll call vote, the financials passed with 11 yeas and no nays.

OLD BUSINESS: Public Works Director Larry Dunaway had to be out of town so Mayor Jones gave his report. He said the meeting in Little Rock regarding obtaining funds for the Little Missouri pumps and upgrades to the water system went very well. Renee Dicus, Dunaway, Mayor Jones, County Judge Smith, and Jeremy Stone met with Economical Development including Becky Thompson, Joe Bailey, and others. Dunaway went back several days later to the Arkansas Department of Health, the regulatory for the Water System, and found that our plan to install a new water line to the upper lake wouldn't work. This project would cost us approximately \$400,000 to \$500,000 and we would seek funds from other places for the rest. ADH required 2 new pumps and we can't install the pumps until we can fill up the Upper City Lake so we can turn off the old pumps at Little Missouri River. Mayor Jones talked to Becky Thompson and she said that this would change things and that she would get back with him. He said she called him today (the day of the City Council meeting March 22, 2011), and that she had the paperwork for the Mayor to sign off on \$1,170,000 for the whole project. He didn't know if it was all grant money or partial grant and partial loan but that he thinks it looks very good. He will let the Council know when he hears back exactly how the monies will be appropriated. He said he does know it was for the whole project, the 2 pumps, the water line, and the building. Mayor Jones stated that the paperwork was signed and sent today so they could get the study from Jeremy Stone, our consulting engineer.

The Mayor said the paving job went very well and they extended a 10 ft. area behind Western Auto without additional charge. He said that he had received a lot of phone calls from property owners thanking the City for what was done regarding the paving. He then said that regarding the Sewer Plant Project, all our paperwork is done and Rural Development has called and they have everything they need so we will be hearing something about the loan next week. Mayor Jones stated that we have now done all we need to do and we will wait for Congress and Rural Development to get everything together.

He then talked about the Clean Up project and that we are cleaning up and hauling a lot of trash and lawn clippings. It is costing money and Dunaway is concerned about his budget. The Mayor is working with him on the extra cost.

NEW BUSINESS:

Next, Animal Control Officer Seborn Gregory read **ORDINANCE NO. 906 – AN ORDINANCE TO PROVIDE FOR THE CONTROL OF ANIMALS IN THE CITY OF NASHVILLE, ARKANSAS.**

Gregory addressed issues that were being added or changed including:

- Dogs must be leashed at all times if out of the fence
- No roosters are allowed and a person may only have 10 hens or chicks in the City limits
- Two acres per horse, cow or mule are required
- Animals that make disturbing noises will be declared to be public nuisance animals. Originally, the Ordinance said this would apply from 9 p.m. to 7 a.m. and the Council and Mayor decided to change it to mean 24 hours a day or anytime, since a lot of people work at night and sleep during the day.

Alderman Brown made a motion to pass Ordinance 906. The motion was seconded by Alderman Smith. On roll call vote, the Ordinance passed with all yeas and no nays. Alderman Smith made a motion to suspend the rules and put the Ordinance on 3rd and final reading. Seborn Gregory read the Ordinance title. Alderman Brown made a motion to pass the Ordinance and Alderman Smith seconded the motion. On roll call vote, the Ordinance passed with all yeas and no nays.

Code Enforcement Officer David Johnson then introduced the recommendation by the Planning and Zoning Commission to deny a permit to Michale Kuntz to put a Daycare Center at 521 N. 3rd Street. Mayor Jones asks for questions then asks the attendances who are property owners on 3rd Street if they wanted to add anything. Kay McClure, who lives on the street, said she thought it was a good recommendation. Alderwoman Harwell made a motion to accept P & Z's recommendation to deny the request. Alderman Davis seconded the motion. There was some discussion regarding traffic; plus the fact that the Planning and Zoning regulation states the owner/operator of the Daycare facility must be a permanent resident and Mrs. Kuntz did not plan on living there. On roll call vote, the Council voted to uphold the P & Z recommendation to deny the permit request, with all yeas and no nays.

Johnson then brought up **ORDINANCE 743 – AN ORDINANCE REQUIRING PREMISES TO BE KEPT FREE FROM 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.**

He said that this Ordinance states “unsightly articles” and an issue that has become a problem in Nashville is “graffiti”, especially the number “13” or “MS13” which is a gang symbol. Mayor Jones added that shops or sheds behind houses have graffiti other than “13” and he wants to consult the Council as to whether we should amend Ordinance 743 to deal with graffiti, also colors of houses, the number of persons living in a residence, and stoppage of ditches. After a lengthy discussion with everyone

talking, City Attorney George Steel stated that Ordinance 743 was passed in 1999 and as it is, it's so vague that eventually a Judge would have to interpret it anyway. "It says if you keep unsightly or unsanitary articles in your yard", Attorney Steel asks, what's that? What's unsightly? He also added that it had to be somewhat vague in order to give the law enforcement officers some leeway and the court some leeway. Alderman Anderson stated that as a business owner with graffiti on his building, if caught, would the responsible people be held responsible for clean-up? Regarding the color of buildings, Attorney Steel stated that you must have some "public purpose" like stagnant pools of water where mosquitoes breed, in order to constitute a public nuisance. He added that he isn't sure if the Council can control what color someone paints their house.

The next item was stopping up ditches in front of ones home. The idea is to include "beside the home or behind it" as the ditch so runs.

Mayor Jones then stated that the consensus he is getting is that the only amendments to Ordinance 743 the Council wants to move forward on was graffiti and the stoppage of ditches. Regarding "occupancy load and the color of houses or businesses are not topics the Council wants to act upon. They all gave verbal agreement that he was correct with that assumption.

Mayor Jones then brought up the topic of placing the City under a "burn ban" or creating an Ordinance dealing with burning leaves, limbs, brush, or lawn clippings in your yard. After much discussion, by a show of hands, the Council voted down developing an Ordinance to ban burning with a show of 3 hands for the Ordinance and 7 against it.

Alderman Anderson made a motion to adjourn and the motion was seconded by Alderman Parker. The meeting adjourned at 7:50 p.m.

APPROVED: _____
MAYOR BILLY RAY JONES

ATTEST:

Liz McDaniel, City Clerk-Treasurer