

**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF NASHVILLE, ARKANSAS ON
April 24, 2012**

The City Council of the City of Nashville met on Tuesday, April 24th 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 10 answering as their name was called. Alderman Matt Smith and Alderwoman Gathright were absent. (Alderman Smith arrived after roll call was given)

Other persons present were, Attorney Nate Steel, Public Works Director Larry Dunaway, Finance Director Jimmy Dale, Parks Director Nikki Cherry, Gynder Benson, Charles Goodin w/ Nashville News, Jonathan Canady w/ Southwest Arkansas Radio, and Louie Graves w/Nashville Leader.

After a review of the March 27, 2012 minutes, a motion was made by Alderman Brown and seconded by Alderwoman Wright to accept the minutes. On roll call vote, the motion passed with all yeas and no yeas. (11-0).

Financial Director Dale gave this report: "The Extraordinary expense for March, 2012 is \$54,815.62 including a Police car, Water Dept. truck, and a mower for the Park.

Materials and supplies total is \$6,428.00 which includes pipe, fittings, etc. for the Golf Links Ext.

The YTD Revenue over Expense shows that the 1st quarter ended well. Expenses are down in most every department and most major expenses have been paid in full for the year.

Sales Tax for the 1st Qtr. is up overall, both County and City, by about \$15,000.00" Alderwoman Clark made a motion to accept the financial report for March, 2012 and it was seconded by Alderwoman Kirkpatrick. On roll call vote the motion carried with all yeas and no nays (11-0).

Next to speak was Public Works Director Larry Dunaway. He stated that Tyson's had donated a generator to us and that one of the old pumps at the River will run off it. The generator will have to be disassembled to remove and it will be reassembled at the River. He stated that he has a bid sheet to take bids on the job. Tyson agreed to help with the expense. "This way, we won't have to run a pipeline from the River to the Upper Lake.

We can save the water at the Upper Lake and in the case of a disaster we could still pump water from the Little Missouri River for 3 or 4 days.”

Next on the Agenda is Nikki Cherry, Park Director. Nikki stated that we had approximately 23,607 people at the park which is almost double this time last year. She stated that on March 30-31 we hosted the Nashville Baseball Jamboree and had 35 teams. On April 7th we had the Annual Easter Egg Hunt, April 8th the Easter Sunrise Service, and on April 13-14th the Tri-County Softball Tournament with 40 teams in town. She stated that in May we will host the Nashville Softball Assoc. Tourna. and 29 teams are already registered. She then stated various other events planned for the month of May.

She informed the Council that we had received the Wildlife grant from Arkansas Game and Fish and Ark. Parks and Tourism. “We ask for \$98,000 and received \$88,000 and representatives from both will come to the park on May 15th at 2:00 pm to review the project and talk about the first disbursement check”.

She then stated that last week the Arkansas Parks and Recreation Commission had voted unanimously to enact a NO SMOKING policy in the park for all parks in Arkansas.

Several other topics were discussed in an open question and answer session with the Council, Mayor Jones, and Director Cherry.

NEW BUSINESS:

Next is Code Enforcement Officer David Johnson.

There are 3 resolutions in the agenda packet that were cancelled before the meeting. The owners showed an interest in taking care of the property before a lien is placed and the property is condemned. Mayor Jones elaborated on these properties and the discussions he had with the owners. They all contacted him and made arrangements to get the properties in order so as to avoid condemnation.

Next is ORDINANCE NO. 919 – AN ORDINANCE TO REZONE CERTAIN TRACTS IN NASHVILLE TO HIGHWAY COMMERCIAL.

After a meeting of the Planning and Zoning Commission, they voted to rezone the property from residential to highway commercial.

Alderman Davis made a motion to approve Ordinance No. 916 as written. Clerk McDaniel read Ordinance No. 916. Alderman Davis made another motion to approve the Ordinance. The motion was seconded by Alderwoman Mitchell. On roll call vote, the Ordinance passed with 10 yeas and no nays. Alderman Smith abstained because the property being rezoned belongs to him.

Next, Mayor Jones asks the Council to confirm his appointment of Shelia Pinson to the Planning and Zoning Commission. Alderwoman Clark made a motion to confirm. The motion was seconded by Alderwoman Wright. By a show of hands, the confirmation passed with all 11 council members raising their hands. Mayor Jones then swore in Mrs. Pinson as a Planning and Zoning Commissioner.

City Attorney Nate Steel then spoke on the Main Street fire lawsuit. He stated that Ralph Ohm, Attorney for APERMA, did an excellent job arguing the brief. “The judge granted Attorney Ohm’s motion to dismiss; or recommends a granting of the motion to dismiss,

from Federal Court. This means that the plaintiff still has an opportunity to show cause to the Judge why that shouldn't be the case. But all things considered, it looks like the lawsuit is being dismissed from Federal Court". "The lawsuit should be dismissed 14 days from this report, added Attorney Steel." Although the Plaintiff can file in State Court, Attorney Steel states he doesn't believe that would be an option the plaintiff would want to pursue. Alderman Anderson asks Attorney Steel how long he would have to file in State Court and Steel states that the statute of limitations is probably 2 or 3 years from the date it happened.

Mayor Jones stated that Mr. Thomas Boozer, the man who was called on to use his track hoe the evening of the fire, may want the City to help him pay Attorney fees. At some point, we may have to decide if the City is liable for and will take care of it. Mayor Jones stated that he had talked with Attorney Ohm and he said that he had some discretionary funds available to him from APERMA that he could probably use to help with the cost. Attorney Steel stated that the claim against Mr. Boozer was dismissed before the lawsuit went to court.....actually the morning of. The plaintiff "non-suited", which basically means they had the opportunity to dismiss it outright. At which point, Mr. Boozer's attorney ask for some time to respond because they wanted a "dismissal with prejudice", meaning it can never be filed again. "They were also probably going to make some claim for attorney's fees". Attorney Steel states that he doesn't know if they briefed the court on that, but there is a good chance they will ask that the dismissal be with prejudice and that he be compensated for the cost of "being dragged into this."

After some discussion regarding highway verses commercial zoning and the properties that were in the cancelled resolutions, a motion was made by Alderman Anderson to adjourn and seconded by Alderman Parker. The meeting adjourned at approximately 8:15 p.m.

Passed and Approved this _____ day of _____, 2012

Mayor Billy Ray Jones

ATTEST:

Liz McDaniel, City Clerk/Treasurer