

**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF NASHVILLE, ARKANSAS ON
September 25, 2012**

The City Council of the City of Nashville met on September 25th, 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 11 answering as their names were called. Alderwoman Gathright was absent.

Other persons present were, Elizabeth Faucet with Wilf and Henderson P.C., City Attorney Nate Steel, Public Works Director Larry Dunaway, Finance Director Jimmy Dale, Park Director Nikki Cherry, Police Chief Dale Pierce, Code Enforcement Officer David Johnson, Joe Scoggins, Minuen May, Charles Goodin w/ Nashville News, Jonathan Canady w/ Southwest Arkansas Radio, and Louie Graves w/ Nashville Leader.

After a review of the August 28, 2012 minutes, a motion was made by Alderwoman Clark and seconded by Alderman Parker 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:

“Extraordinary Expense – August, 2012

Payment of Cossatot Builders for \$54,641.78 for work on the River Pump project. This is still grant money paid by Southwest Planning and Development.

03-5-000-5650-000 Capital Outlay \$2900.00 – Sandblasting and painting on Howard Street bridge.

Alderwoman Mitchell made a motion to accept the financials and it was seconded by Alderwoman Clark. On roll call vote, the motion carried with all yeas and no nays. (11-0)

Next, Elizabeth Faucet presented the Water Audit findings to the City Council. (NEW BUSINESS) She stated this audit was only for the Water and Sewer fund and was not for the entire City.

She went through the “Management’s Discussion and Analysis of the City of Nashville Water and Sewer System financial performance overview of the System’s financial activities for the years ended December 31, 2011 and 2010.”

This discussion is as follows:

Next is Larry Dunaway, Public Works Director. Larry stated that regarding the River Pump Project, the variable frequency drive arrived in Memphis “yesterday”, which is one of the three main components we were waiting on, and it will be shipped to DeQueen today (9-25-12). The pump is still being worked on in Texarkana because of the column pipe being too short. But since the new pipe they received was too long, they have to redo it.

The control panel, which is the third part of the project, has arrived in DeQueen and by the end of next week all of the components should be here. (at the River)

The Main Street project is still in review in Little Rock by the Arkansas Highway Department.

The Rip-Rap project bid has been rewarded to RBIS, a company based in Texarkana, and they should be done by the end of October.

The Wastewater Treatment Plant project bidding has been set for October 12th, which was originally set for the 26th of September but several things have extended the bidding process. “After October 12th, the dominoes will start falling”. Dunaway stated he is excited that we have a concrete date on the bidding process and we are looking at this project getting started.

There was discussion regarding the bridge repair because of a Highway inspection of the boxcar bridge on Howard Street. The bridge is going to have to be either blocked or major repair. There is concern by Mayor Jones that the bridge may fall because of the big trucks going over the bridge.

Next on the agenda is David Johnson, Code Enforcement Officer. Johnson stated that in June, 2011, a resolution was present to the Council regarding the condemnation of a residence belonging to Mr. Minuen May. At that time, Mr. May spoke to the Council and it was decided to table the resolution and give Mr. May 90 days to bring the structure up to code. Nothing has been done and the time is up tonight. No changes have been made to the house and it is still the opinion of Officer Johnson to go forward with the condemnation resolution. Alderman Davis made a motion to pass Resolution No. 2012-13- A RESOLUTION OF THE CITY COUNCIL OF NASHVILLE, ARKANSAS DECLARING THE EXISTENCE OF A NUISANCE UPON CERTAIN PROPERTY WITHIN THE CORPORAGE LIMITS FOR THE PURPOSES OF PROVIDING FOR CONDENMATION AND REMOVAL OF THE NUISANCE. Alderman Parker seconded the motion. Alderwoman Clark asks if there could be a lien on the property. Mayor Jones asks Mr. May if there was a lien on the property. He stated that “he had rather not answer at this time”. Mr. May ask if he would have 30 days after the passing of the resolution to tear down the house. Johnson said that he would, and he added that a copy of the resolution would be posted on the house and also a notice that the building has been condemned and is unsafe to occupy and would be against the resolution for anyone to live in it. Roll call vote was given by Clerk McDaniel and passed with all yeas and no nays. (11-0).

Next of the agenda is Park Director Nikki Cherry. Nikki gave her report to the Council regarding the past, current and upcoming projects. It went as follows:

Next, City Attorney Nate Steel discussed the lawsuit filed by Carl Johnson and Justin Johnson v. City of Nashville, Mike Reese, Mayor Billy Ray Jones, Jerry Harwell, Fire Marshall, and each City Council member. The Court declined to adopt Judge Bryant's Report and Recommendation and denied our Motion to Dismiss and will go forward in Federal Court. Also the Council reviewed the letter of Separate Defendants' Answer to Plaintiff's Second Amended and Substituted Complaint and Demand for Jury Trial. Attorney Ralph C Ohm will represent the City of Nashville and its defendants.

Next is ORDINANCE NO. 920- AN ORDINANCE PROHIBITING THE PRACTICE KNOWN AS "J-TURNING" (U-TURN AND PARTIAL U-TURNING)

After Clerk McDaniel read the ordinance, there was much discussion regarding the wording of the ordinance. After the wording was slightly changed, Clerk McDaniel read the ordinance with the new wording. Alderwoman Mitchell made a motion to put the ordinance on 3rd and final reading by title only. Alderman Anderson seconded the motion. On roll call vote, the motion passed with all yeas and no nays (11-0). Clerk McDaniel read Ordinance No. 920 by title only. Alderwoman Kirkpatrick made a motion to accept ordinance and it was seconded by Alderwoman Wright. On roll call vote, the motion passed with all yeas and no nays (11-0).

Alderman Parker made a motion to adjourn and it was seconded by Alderwoman Kirkpatrick. Mayor Jones declared the meeting adjourned at 7:20 pm.

Passed and approved this _____ day of _____, 2012

Mayor Billy Ray Jones

ATTEST:

Liz McDaniel, City Clerk/Treasurer