

**MINUTES OF THE CITY COUNCIL MEETING OF
THE CITY OF NASHVILLE, ARKANSAS ON
January 28, 2014**

The City Council of the City of Nashville met on Tuesday, January 28th, 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.

Mayor Jones then led in the Pledge of Allegiance to the American flag.

On roll call all 12 members answered as their names were called.

Other persons present were Terry Ray, Josh Tice, Deborah Marshall, Jason Harrison, Arthur Manning, Langford and Mary Moore, Deborah Thompson, Sandra Jones, Code Enforcement Officer David Johnson, Financial Director Jimmy Dale, Park Director Nikki Cherry, Police Officer Ty Basiliare, 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 December 17th, 2013 minutes, Alderwoman Mitchell made a motion to accept the minutes and Alderwoman Kirkpatrick seconded. On roll call vote the motion passed with all yeas and no nays. (12-0)

Next Financial Director gave the financial report for the month of December 2013. He referred to it as “the perfect storm” since expenditure exceeded revenue by \$166,596.85. He then presented this report: Extraordinary Expense December 2013

Revenues were down in almost all funds.

There were 3 payrolls expensed in December which accounted for \$93,335.42 of the overage. That is all associated costs attached to Payroll (Payroll taxes, overtime, Insurance, etc.)

\$12,590.03	Cossatot Builders	River pump	General Fund (Admin)
\$2,236.00	Easton Outdoors	Park Grant	General Fund (Park)
\$5,022.78	Tri-State Asphalt	Park Repair	General Fund (Park)
\$6,314.00	BWI	Ball Fld Fertiz	General Fund (Park)
\$895.00	Fulton Grass	Ball Field Sod	General Fund (Park)
\$9,230.00	Smith Ready Mix	Sidewalk 4 th St	Street Fund

\$4,886.00	Willard Lewis	Sidewalk 4 th S Street Fund
\$10,350.00	Depreciation Fund	Monthly Tfr (ExMo) Water Fund
\$9,561.31	Layne Christensen	Repair River PWater (300)
\$7,851.00	AEP/Swepco	2 nd Elec bill Water (500)
\$13,148.00	TomCo	Wildlife Trl Park (Activity)
\$25,000.00	Tri-State Asphalt	Wildlife Trl Park (Activity)

These Expenses represent \$134,822.89 of the overage. This and the fact that Revenues were down explain the severe overage in the Month of December

After discussion, Alderman Anderson made a motion to accept the financials for December 2013 and Alderwoman Mitchell seconded. On roll call vote the motion passed with all yeas and no nays. (12-0)

Public Works Director Larry Dunaway gave a brief report stating the sewer plant project is moving along on schedule and making progress.

Park Director Nikki Cherry presented the Proposed 2013/2014 Outdoor Recreation Grant Management Plan. After much discussion, Mayor Jones stated he wanted the Plan to be approved. Alderman Smith made a motion to accept the Grant Management Plan and Alderman Brown seconded. On roll call vote the motion passed with all yeas and no nays. (12-0). (The Proposed 2013/2014 Outdoor Recreation Grant Management Plan is attached on the back page of these minutes).

Next, Mayor Jones introduced Becky Thompson with Arkansas Economic Development who was at the Council Meeting to answer any questions pertaining to the transfer of Engineered Products Industries, LLC to Husqvarna. There were no questions for Ms. Thompson. Alderman Brown voiced concern of Jan-Ez not getting the business instead of Husqvarna and Mayor Jones assured him the City of Nashville had no dealings or options in the matter. Then Attorney George Steel read : RESOLUTION NO 2014-03 – A RESOLUTION TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE AN ASSIGNMENT AND ASSUMPTION AGREEMENT AND BILL OF SALE RELATING TO THE LEASE BETWEEN THE CITY AND ENGINEERED PRODUCTS INDUSTRIES, LLC; TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE ANY OTHER REQUIRED DOCUMENTS RELATING TO THE ASSUMPTION OF THE LEASE; AND FOR OTHER PURPOSES.

Alderwoman Mitchell made a motion to pass Resolution No 2014-03 and Alderman Smith seconded the motion. On roll call vote the motion passed with all yeas and no nays. (12-0)

Next Mayor Jones swore in 3 Park Commissioners, Jason Harrison whose term expired, and Josh Tice and Deborah Marshall who were replacing 2 commissioners who resigned.

Next Terry Ray, of Ray Realtors, came before the Council regarding a bid made by Mr. James Eudy for the Old Regions Drive-In Bank which is owned by the City of Nashville.

His original bid of \$35,000 held because the Bank was put out for bid and no one else made a bid. Alderman Smith made a motion to sell the Bank building to Mr. Eudy for \$35,000 and Alderman Davis seconded. On roll call vote the motion passed with all yeas and no nays. (12-0)

Next is: RESOLUTION NO 2014-01 – A RESOLUTION TO AMEND RESOLUTION 2012-26 THE CITY OF NASHVILLE OPERATING BUDGET FOR 2013

After Clerk McDaniel read the resolution, Alderwoman Clark made a motion to pass the resolution and Alderwoman Wright seconded. On roll call vote the motion passed with all yeas and no nays (12-0).

Next Mayor Jones read a letter from the Mayor Terry Oliver of Prescott stating they would no longer need our Animal Control services as of the end of February. Mayor Jones informed the Council this would change the budget for 2014 and it would also mean that Suzanne Gathright, Animal Control assistant, would have to go to part-time at Animal Control. After working it out with the Public Works Director, Mayor Jones said she would work half a day at the Street Department and half a day at Animal Control with her salary coming out of Street and AC. After much discussion and a speech by Sebourm Gregory, AC Officer, the Council decided that Suzanne is needed at Animal Control full-time. Alderman Parker made a motion to leave her there full-time and Alderman Smith seconded the motion. On roll call vote the motion passed with 11 yeas and 1 nay. Alderwoman Clark was the nay vote. The amended budget will be presented at next month's Council meeting.

Next, Code Enforcement Officer David Johnson addressed the Council regarding an alley the City closed for Greg Furr by Ordinance No 921- AN ORDINANCE ABANDONING AND CLOSING PORTIONS OF BLOCK 2 OF HANCOCK ADDITION TO THE CITY OF NASHVILLE.

Johnson reported the City didn't close the alley correctly. Some of the homeowners questioned the closing of the alley and after researching, Johnson and Mayor Jones found statutes stating that all the property owners adjacent to the alley should have been notified and weren't. Some of the property owners were at the Council meeting and voiced their opinion. Johnson stated that according to the statutes, when an alley is closed, half of the alley goes to one property owner and the other half goes to the other property owner. After lengthy discussion, Alderwoman Mitchell made a motion to repeal Ordinance No 921 and Alderwoman Gathright seconded. On roll call vote the motion passed with all yeas and no nays. (12-0)

Next there was discussion regarding annexing 59 parcels of land around Nashville. Johnson gave a slideshow presentation of a map of the City limits and showed the Council the areas of interest to be annexed. Chief Pierce said it would make it easier for the policemen when they make a stop in these areas knowing it is legally in the City limits. Mayor Jones said most of the people in these areas are already on City services anyway. Jimmy Dale said if we take in 58 families in it would amount to around \$1400.00 a month. Attorney Steel discussed the legal aspects of annexing land into the

City. After lengthy discussion Mayor Jones asks for a motion to proceed with annexing the property.

Alderman Brown made a motion to proceed with annexing those properties and Alderman Parker seconded. Alderwoman Clark requested something in hand to see what they were actually voting on. She requested not doing anything yet. Mayor Jones then said to wait until next council meeting and he would provide them with a detailed map of every place we're taking into the projected city limits.

Alderwoman Mitchell made a motion to table the motion until next month. (February, 2014). Alderman Parker seconded.

Next Mayor Jones tells the Council if there are any changes to elected positions they need to do it now before filing time. Alderwoman Clark asks when filing time opens. Mayor Jones says, "the 28th of next month). Clark then asks if there will be another meeting before then and Mayor Jones said he doesn't know. Mayor Jones said that these people need to know and Alderwoman Wright asks, "What people are we talking about?" Mayor Jones said, "Anybody that wants to run, the Mayor, the City Clerk Treasurer, or the Attorney". Mayor Jones said when they talked before there were some things they might want to change and if they want to change anything they need to do it before somebody starts signing up to run for any of these offices. Alderman Davis asks if the present Clerk is not running and Mayor said he didn't know. Alderman Davis asks Clerk McDaniel if she is running and she stated she wasn't ready to announce that yet. Mayor Jones said he plans on running. Alderwoman Clark said she isn't ready to make any changes at this time that she needs to think about it. Alderman Anderson said he still thinks the City Clerk doesn't need a cell phone. Mayor Jones then states that back when they hired a City Financial Director they cut a lot of duties out of what that City clerk did. When you hired a finance director the City Clerk Treasurer should have gone to being just the City Clerk. Clerk McDaniel asks, " why should it? Because the Treasurer does not do what the Financial Director does. The Treasurer is entirely different from the Financial Director." She stated the financial director is responsible for expenditures and the treasurer is responsible for the revenue that comes into the City. Jimmy Dale said, that's not true. Clerk McDaniel then stated that it's in the best interest of the City of Nashville to have an elected official and not an employee doing those type things. Alderman Brown asks if you separate who would do the Treasurer's work? Mayor Jones said, "Based on the discussion we had before, the Treasurer part right now is in the Water Department. They put the deposits together and somebody takes it to the bank. Mostly everything that comes in on the other side (City Clerk Treasurers office) are coming in on big check items and a lot of it is already put in the bank and doesn't even come to us. When we took on a Finance Director a lot of the Treasurers duties were changed. He stated, "when we talked about this before you instructed me to go find out what other towns did that went to a Finance Director and just City Clerk. (these discussions He is referring to were not in open council meetings and there is no record of it). He stated he called Arkadelphia and another one and ask how they handled that and what their job description is. He said then he also called Don Zimmerman at Municipal League and there's a part in the municipal code book that says what that position is called. He then said he called Kelly, with Wilf and Henderson who conducts the City of Nashville water audits and she said it's fine to have a City Clerk that just goes to make the deposits and not the Treasurer part. He said

the City Clerk in the code book is the keeper of records. The one in Arkadelphia was a real short description. He said the keeper of record keeps the records and minutes and he thinks the City Clerk should be responsible for the City website. That would be another thing the City Clerk would be responsible for. Clerk McDaniel said that she had never designed a website in her life. Mayor Jones then states it doesn't make him any difference that he's just doing what they requested. Alderwoman Wright asks if he remembers who brought that up. He said he didn't remember that we were talking about it in here. Alderwoman Clark asks what the average salaries were. Mayor states he didn't ask that. He said it's different in all places and that's something you would have to set, if you want to make the change. Alderwoman Clark then says it seems like if you are checking duties you would check salaries. Mayor Jones said he did not ask that. Alderwoman Mitchell asks who actually balances the check book when the bank statement is reconciled, who does it? Jimmy Dale said all financial duties are through my office. Mitchell then asks if they make sure every deposit gets credited to the account and there's no mistakes made. Dale says, right, I post everything. I post all the deposits, all receipts. Kay and I do the checks, Accounts Payable and we do the payroll. All the financial duties are done through the financial directors' office, that's what it was set up for. Clerk McDaniel inserts, "the money that goes out". Mitchell then asks McDaniel if she verifies the money when it comes in and she states, "I receipt checks and Jimmy enters it into the system. Whether it's inner office or an outside source. I open bank accounts, I renew the CD's when they come up for renewal, and take care of all the monies and see to it that it's taken to the bank." Dale then says but there are no financial responsibilities of accounting coming out of that office. (City Clerk Treasurer). Alderman Brown asks if we split that what would Liz not be doing that she is doing right now? Mayor Jones said the only problem he has had with anything and it hasn't come up in a while is when any elected official comes in whether it is her or whoever; they have to learn certain parts of their job. One of the job responsibilities the City Clerk has now is dealing with the insurance and Workers Comp. I think that's one area that needs to be run through the Finance Department because they don't come and go. They're always here and when you elect a new person and a guy is waiting on a workmen's comp claim and he's depending on that check and something doesn't get in just right, and he doesn't get his money. When you have people in the finance department and it's not an elected position and they are having to deal with that regardless of who comes and goes it would stop that from being an issue. Alderman Brown asks, so that's classified as Treasurer? Mayor Jones then says that's part of the job description that's under that now. And far as the Treasurer duties I've always been told by Jimmy (financial director) there's no need for the Treasurer because we split those duties when we got the finance department. Clerk McDaniel then states, "you need to have a firewall. You can't have the person that writes the checks be able to call the bank and move money and do all of those things." Dale then says, I can't do all that now, I don't have that responsibility. Clerk McDaniel asks are you going to hire somebody to do it. Dale states we already have people in place to do it. Dale says, I cannot move a penny. Mayor Jones then says, the only people who can do that are the people on the checking accounts and right now there are 4 people. Dale, Pierce, Larry Dunaway, Liz, and myself. They are the only ones who can move money or have anything to do with it. Alderwoman Mitchell said the Clerk could still do that and Mayor Jones said yes, she could. Alderman Anderson says that it shouldn't be the financial director who does that. Clerk McDaniel

then stated that pertaining to the insurance and workers comp, because of HIPPA laws, the Health privacy laws, social security numbers, beneficiaries, and all matters pertaining to personal matters of the employees which is kept under lock and key....the City Clerk is an elected official not an employee and that is why the City Clerk has those responsibilities because of privacy acts and you can't turn that information over to employees. Jimmy Dale says, that's the keeper of records. Mayor Jones asks, whose trying to turn those things over to employees? Clerk McDaniel says, "you said that.... insurance and workmen's comp and Mayor Jones said, no, I said workers comp. Clerk McDaniel said "it goes hand in hand." Alderwoman Clark says, anyone who becomes City Clerk or City Clerk Treasurer is going to have to learn something, so as far as using that as an avenue to put it off on someone else, I don't know if that's sustainable. Alderman Brown states that as far as HIPPA laws, you have people who work for doctors and they aren't elected officials and you don't have to be an elected official to have HIPPA laws you've just got to abide by it. Alderwoman Clark says, "with that said it doesn't sound like we need a City Clerk at all". Mayor Jones said that by law you have to have one. Clark says, I know so why not give them some duties and see if they can perform them. Alderwoman Mitchell said that she researched it a year ago and the only duties of a city clerk are to take care of council meetings. Jimmy Dale says, and to keep the records. Mitchell said, keep the records and ordinances. Clark says, that's just City clerk. Alderwoman Wright asks then why do you have to be elected, why can't you hire somebody off the street to be City Clerk if that's all the duties they have, you are misinterpreting that. She said they have more duties than that. "A City Clerk is very important and a City Clerk Treasurer is even more important because you have to have somebody to keep people accountable". Alderwoman Wright then asks Mayor Jones if you have to hire someone to be Treasurer and Mayor Jones said no, it can be given to the finance department. Mayor Jones said you don't have to have a City Treasurer; you have to have a City Clerk. He said the salary would have to be set for City Clerk and that's the reason this came up. When you talked about it, if you want to make some changes you have to do it before the 28th of next month. Whatever you do you need to do it. If you wait until the 28th it will have to stay the way it is. Alderwoman Gathright asks, why change it? It's been like this a long time. Mayor Jones said what caused the change is because when you created a financial department you took the duties away from the City Clerk. Clerk McDaniel states , "you gave the City Clerk a Deputy, a part time deputy to do the same responsibilities that I'm doing by myself". Clerk McDaniel then says, "I just don't know why this is an issue. Is it about the money? Is it about delegating duties to an employee other than the elected official"? Alderwoman Clark asks what the salary is. Mayor Jones says its \$35,000 (City Clerk Treasurer). Jimmy can look up adding the 2% if need be.

Clerk McDaniel then asks, "can you not decide tonight? I would like to know before I make my decision as to what I'm going to do".

Alderwoman Clark says, I don't feel comfortable tonight about it. I need to look at some things. Alderwoman Kirkpatrick asks, are we trying to give the City Clerk less duties because we have the finance department or are we trying to give the City Clerk more duties. What are we trying to do? Mayor Jones said it will be up to ya'll, the only thing I've always said since I came here is anybody that's being elected that's dealing with Workers Comp needs to know. Clerk McDaniel says, "the only reason I didn't know is

because I wasn't allowed in the office by our former City Clerk. The Mayor's office was turned over to you by the former mayor after election and you basically took over as Mayor. I was not allowed in this building until after we got sworn in on January 3rd (2011). When I came in, everything was deleted from my computer, the files were gone, I had nothing to go by and I had to figure things out". Alderman Anderson asks, so you went to schools to catch back up? McDaniel said, "I had enough office experience that I didn't need to go to school, it's just basic office work". Anderson says, we've been giving you money every year to go to schools. Mayor Jones says it doesn't matter who comes in here, it's a critical time and those people need to know those things. I had some complaints but that has not happened lately. But that's the issue, the only thing I would like to see done by somebody that's already here that's not coming and going.

Alderwoman Wright said, if she already knows (Liz) then you don't have to train anyone else. Alderwoman Kirkpatrick said someone that's here. Alderman Brown said I made a motion to separate the two offices. Several aldermen simultaneously said, separate what? McDaniel said, "change the job description"? Mayor Jones said, "you want to make the motion to separate the City Clerk Treasurer to just City Clerk?" Alderman Brown said that's correct.

Alderwoman Clark asks what pay goes along with that Alderman Davis says," that's what I was going to ask. Will the present office holder lose anything monetary? Mayor Jones says, that's up to ya'll to set that or leave it alone. Alderman Davis says, "I have never been one to like to see anyone lose any benefits or anyPublic Works Dunaway says, "the present office holder will not lose salary. If ya'll change the salary tonight that would only apply to the incoming person". Alderwoman Wright and Clark said, what if she (McDaniel) wants to run though? Dunaway said, if she runs, it will apply to her because you're changing the job. But while she is holding office you can't change it. Alderwoman Wright says, we knew that. Alderman Davis asks Mayor Jones if he is ok with that? Jones says, he's on the election committee, they make the rules, yes I agree with that. Alderman Davis asks Clerk McDaniel; "would it not make it easier for you to have those duties separated during the time that you're here? Would you not want to have it easier? Would that help you any? Because you don't have any help in the office." McDaniel said, "as far as Workers Comp goes, there might be 3 or 4 claims a year but based on the conversation and the way the conversation is going, I can not seek re-election and make as much money as I'm making right now so if that's what ya'll want to do then go ahead. Don't base your decision on me." Alderman Davis says, "that wasn't the basis of my question". Financial Director Jimmy Dale says, the Mayor is in charge of Kay Smith and he can assign her to where there is help needed. McDaniel says, she is busy all day helping you in Finance. Dale says, the Mayor assigns her where she needs to be. Alderman Davis says that she (Clerk McDaniel) has said that she doesn't have the help she needs in the office on several occasions here at the council chambers so that's the reason I was asking that question."

McDaniel says, "What I would like to have is my position and a Deputy Clerk that works for me the way it was when I took office. But she was taken away and given to Administration full-time, I mean, I don't have problems doing my job because Kay is there if I need some help and if she isn't busy she can help me." Alderman Davis says he is asking the questions to base his decision on it; should he make one. He asks Clerk McDaniel if she wouldn't want to have fewer duties, or make it easier. McDaniel says, "I

just hate to see the position minimized and the duties turned over to the Mayor or employees, when they are duties that the people elect who they want to perform". Alderman Davis says that is politics and let's get out of that. McDaniel says "ok, I'll just say, if it's less work well of course it would be easier." Alderman Davis says "ok, I'm looking at the human side of it. I would like to see your job and career simpler and I would like to see a more congruent working relationship with the Administration while you're here. I really would". Mayor Jones, said, "well I have no trouble". Alderman Davis says, "no personal problem but I'm talking about the workings with that office, with Jimmy's office, with your office, would it not make it simpler for everybody? McDaniel says, "then I would have to say no because Kay is bogged down with all the work she can handle right now and if it's given to a present employee, everyone that I know, and I've been down here, this is my 4th year, has a day full of work and someone would probably have to be hired to do it". Mayor Jones says, that's not correct, Kay has plenty of time to help her. Alderman Davis then says, "we don't have time to get into all that, if it was a simple job change I could understand that but there's politics involved here Elizabeth and Mayor". McDaniel says, "yes, very much so". Alderman Brown says, "we aren't talking about changing the position until after the election and that will solve that. I'm not trying to hurt Liz, I've know her forever. But \$35,000 a year is way too much for that position. I'm not trying to change it while she's there but it needs to be changed. It needs to be dropped." Mayor Jones says, ya'll have to do that, I don't do that. Alderwoman Clark says, so when we change the job description from City Clerk Treasurer to City Clerk what do you want that to entail and how are you willing to pay a person to do that? Alderman Brown says that the salary we set will be determined by who wants to file and run for that position. Alderwoman Clark says, so are you going to base the salary on the person? Brown says, no. I'm just saying if you set the salary, if 15 people want to run they can run. Alderwoman Clark then says, "I know, but what salary are we looking at? Alderman Parker then asks, what are we trying to do? What are we trying to accomplish? Alderwoman Kirkpatrick then says, we are trying to do like Mayor Jones says, set some new duties and we need to do it before the other people come in. We aren't cutting anybody's salary or taking anything away. If she stays or somebody else comes in, on the next election this is what the duties and salary are going to be." Alderwoman Wright says, what if she runs again, are you going to take it way? Alderwoman Clark says, that's what I need to know. I need a list of what she's doing now so we can cut it if we want to for the new person. Mayor Jones says we have a job description. Mayor Jones says the Workers Comp is the only thing I had concerns about with the new person coming in. Alderwoman Clark says, based on us having a financial director, what do you expect of a City Clerk, no Treasurer? Alderwoman Mitchell says the title needs to be more reflective of the job. Alderwoman Clark then says, nowhere in City Clerk or City Clerk Treasurer is there anything that says that that position is responsible for updating the Council on the financial status of the City? All that falls under him (Jimmy Dale, Financial Director)? Dale says, no under the old title City Clerk Treasurer, the Treasurer is supposed to do what I do up here by bringing the monthly report. Alderman Clark says so why then has that not happened? Dale says, because they did away with it when they hired Pam McLaughlin. Alderwoman Clark says, "but when they did that, whoever they were, why did they not replace it at the time? Why has it been going on and on and on? Alderwoman Clark (and others) said the duties had been

changed back and forth. Clark continues, “And it seems like it depends on who that person is as to what they pay them and what they want them to do. And we need to get away from that.” Mayor Jones says, “we need to do something before they sign up to run”. Alderman Parker makes a motion we leave it alone and leave it like it is.(City Clerk Treasurer position). Alderwoman Gathright and Alderwoman Wright simultaneously second the motion. Alderman Brown stated that he made a motion but Mayor Jones said, “it never got a second. Is there any discussion?” Alderwoman Clark made a motion to table it. Alderwoman Wright said you can’t do that. Mayor Jones said, “at the present time, there isn’t an agreement.” Alderwoman Mitchell says “we need to second the motion to table”. Alderwoman Wright made a motion to not table it. Alderwoman Gathright seconded. Attorney Steel says the motion to table it would need to be voted on. Alderwoman Wright asks to say something. She said she wants to make a statement. She says, “this is not being fair to the present City Clerk. It’s coming time for election and she doesn’t know which way to go. She asked us to make a decision and she is going to have to worry about whether she wants to run again or give it up. I think we have been unfair to her because she asked us to make a decision tonight but we did not. It’s not being fair”. Mayor Jones says he does wish they would make a decision but right now you made a motion to leave the job alone and you seconded. And you made a motion to table it, now I need to ask Carol who seems to know more about what to do, Alderwoman Wright says, “that’s not true, it died. The motion was made to table it and it took too long to second it”. Mayor Jones says we are making a roll call on whether to table or not. Roll call was then given on whether to table the vote to separate the Treasurer from the City Clerk. The vote was 11 yeas and one nay. (11-1)
Alderwoman Clark then requested a job description at the next meeting and some salaries.

Alderman Parker made a motion to adjourn and Alderwoman Mitchell seconded. Mayor Jones called the meeting adjourned at 9:15 pm.

Passed and approved this _____ day of _____, 2014.

ATTEST:

Liz McDaniel, City Clerk

Billy Ray Jones, Mayor