

Minutes of the Regular Farmington City Council Meeting May 13th, 2019

The regular meeting of the Farmington City Council scheduled for Monday, May 13th, 2019 was called to order at 6:00 pm by Mayor Ernie Penn. City Clerk Kelly Penn called the roll and the following Council Members answered to their names: Sherry Mathews, Abigail Spinks, Keith Lipford, Linda Bell, Brenda Cunningham, Bobby Morgan, Diane Bryant and Shelly Parsley. Also present were City Business Manager Melissa McCarville and City Attorney Steve Tennant. Mayor Penn led the Pledge of Allegiance.

Comments from Citizens –

Henry Pierce, 270 Pine Meadow – I want the city to establish a noise/sound ordinance. One is needed to deal with the noise from the church, it's a nuisance.

Brian Johnson, 241 Pine Meadow – I am annoyed by the noise made by Brand New Church. The helicopter and the loud music are a nuisance.

Kathy Simmons, 266 Pine Meadow – Brand New Church jars her awake at 7:30 am with loud music, also behind the location there is a large pond of water in the old IGA loading dock area that is a hazard to animals. Helicopter noise is disturbing. They are practicing music too loudly. The bible says love thy neighbor, not love thy neighbor's noise.

Melissa Branch, 278 Pine Meadow – The noise from Brand New Church is too loud, thank you Mayor Penn for your letter outlining the plan for dealing with the issue. I have called the Police Department to complain 12 times since the April City Council Meeting as well as emailing Council Members Bell and Lipford. I call the police but they get no fines. I want a noise ordinance and offenders to be penalized.

Andrea Jenkins, Washington County Quorum court JP for District 10 – She read the article in the paper last week that Farmington is not going to participate in the Trap, Spay, Vaccinate & Neuter program due to the expense of the program. There are grants available to assist with the cost. She would like to see Farmington participate.

Approval of the minutes for the April 8th, 2019, Regular City Council Meeting. On the motion of Council Member Bryant and a second by Council Member Parsley and by the consent of all Council Members present after a roll call vote, the minutes were approved as presented 8-0.

Financial Reports – Mayor Penn presented the financial reports.

Entertain a motion to read all Ordinances and Resolutions by title only. On the motion of Council Member Cunningham and a second by Council Member Parsley and by the consent of all Council Members present after a roll call vote, the motion to read all Ordinances and Resolutions by title only was approved 8-0.

Proclamations, Special Announcements, Committee/Commission Appointments. Committee Reports - None

Committee Reports – All committee reports were included in the council packets.

Items to be removed from City of Farmington Inventory - None

Old Business – NONE

Public Hearing – Animal Control Regulations, Ordinance 2019-04 An Ordinance to Adopt Animal Control Regulations for the City of Farmington, Arkansas

Mayor Penn opened the Public Hearing at 6:11 pm for public comment.

Andrea Jenkins – Had questions regarding page six, the number of animals is limited. Will there be special provisions for animal foster programs? She is happy we have a 24 hour hold provision but would like to see a 3-5-day hold, its financially feasible for the city. The city can pass the fee to the owner to offset some of the fees, current fees are to high. The transition for animal control would very easy. On page 2, the habitual animal offender, 5 violations in a 12-month time span is too many for animal cruelty, it should be set much lower, possibly 3 to be assigned the habitual offender label. Can Animal Control officers write tickets?

City Attorney Tennant said he will look into the fostering provision and make some changes. The Police Department issues all citations for people, the animal control officers cannot because they are not officers of the law. We have 3 people who do animal control, they call the police a to assist when a violation has occurred.

Helen and Hal Dry, 484 Aster Avenue. Microchipping is the way to go with animals, not tags, just scan it and find the owners, but owners have to keep things current. If you currently have more than 5 animals, will you be grandfathered in?

Mayor Penn advised you would be grandfathered in, you wouldn't have to get rid of any existing animals. City Attorney Tennant said that however, if you are grandfathered and one of them dies, you can not replace the animal to have in excess of the number of allowed animals. Mayor Penn advised that this was not an area the city would ever try to make a profit in, it's a dead expense. The fees passed to the citizens are to recoup what we have to pay Washington County.

Scott Harper, 11152 North Hwy 170 – He agrees with most of the ordinance. Will citizens be grandfathered with their current number of pets? They have had 56 pets on their Facebook page to help pet owners locate their animals, Brenda has put a few from the city but not the same number. He would like the city to put all its animals on his Facebook page and take pictures of them to help pet owners find them. The city needs training to identify feral cats. The city should monitor and put animal information online, on their Facebook page, a new website something to get info out to the people. We need a 3-day hold, that's his main concern, if a citizen goes to the lake for 3 days over a weekend and their dog gets out and he has no tag info, we should hold it over the weekend. He would be happy to see some of his tax dollars to go towards this happening. The Public Hearing was closed at 6:44 pm.

After much discussion by the council, Mayor Penn advised the council that they could set a work session date to go over changes to the ordinance if they wished or they could give the city attorney the changes or amendments before the next meeting so he could research and or make said changes and present the revisions to the council at the next meeting. After much discussion by the Council Members, a motion was made by Council Member Morgan and seconded by Council Member Bryant to place Ordinance 2019-04 on its first reading by title only, after a roll call vote it was approved by a vote of 8-0.

New Business

Set the 4th of July Fireworks Display Date. After some discussion Council Member Bell made a motion to set July 4th as the date for the city of Farmington fireworks display, it was seconded by Council Member Morgan. After a roll call vote the motion was approved 7-1 with Council Member Cunningham voting no.

Request approval to amend Garland McKee drainage improvements contract with Olsson Associates, Inc. Engineer Chris Brackett informed the council that due to the fact that the Barnes Family has refused to accept any offers made by the city for an easement, a new design plan has been presented and we need an additional \$37,250.00 to finish the project. Mayor Penn & City Attorney Tennant both expressed their frustration that a year has been wasted dealing with the Barnes family, who were offered 4 times the property value for an easement. On the motion of Council Member Bryant and a second by Council Member Bell and by the consent of all Council Members present after a roll call vote, the motion to amend the Garland McKee drainage improvements contract with Olsson and Associates in the amount of \$37,250.00 was approved 8-0.

Request Approval to accept bid on Sports Complex Parking and Sidewalk and Rheas Mill Road Sidewalk.

On the motion of Council Member Bell and a second by Council Member Cunningham and by the consent of all Council Members present after a roll call vote, the motion to approve the bid from Southern Building Services, Inc. in the amount of \$138,654.76 was approved 8-0.

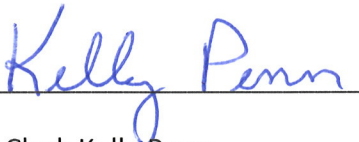
Ordinance 2019-03 An Ordinance setting forth certain regulations for the sale of alcohol beer and wine for on-premise consumption in the city limits of Farmington, Arkansas. City Attorney Tennant gave a brief overview of the issue to the citizens and Council Members. When the city voted and approved to become wet in the 2016 election the ABC did not inform the city that they needed to pass the above mentioned ordinance to keep business owners from having to purchase a private club license in order to serve certain alcohol drinks. Many cities across the state are having to go back and do this. He expressed frustration for the regulations of the ABC being so convoluted. This is simply a housekeeping item so as not to provide a financial disadvantage to new business owners who wish to apply for a license, rather than incurring the expense of a private club license. Council Member Lipford said that he understood that this was to make sure no business had an unfair advantage over another business but not everyone in the city is in support of the sale of liquor. Even though it was approved by a vote of the citizens, there are still citizens not for it. On the motion of Council Member Bryant and a second by Council Member Morgan and by the consent of 6 Council Members after a roll call vote, the motion to suspend the rule requiring the reading of an ordinance in full on 3 different dates be suspended and that Ordinance 2019-03 is to be read one time by title only was approved 6-2, with Council Members Lipford and Cunningham voting no. City Attorney Tennant read Ordinance 2019-03. Mayor Penn asked Shall the Ordinance pass? After a roll call vote Ordinance 2019-03 passed 6-2 with Council Members Lipford and Cunningham voting no. A motion to approve the Emergency Clause for Ordinance 2019-03 was made by Council Member Spinks and seconded by Council Member Parsley, after a roll call vote, it was approved by 6-2 with Council Members Lipford and Cunningham voting no.

Ordinance 2019-05 An ordinance waiving the requirements of competitive bidding for the improvements to the traffic signal at Broyles & East Main Street for the city of Farmington Pursuant to Ark. Code Ann 14-58-303(b)(2)(b)

Council Member Lipford made a motion to suspend the rule requiring the reading of an ordinance in full on 3 different dates and for Ordinance 2019-05 be read 1 time by title only. It was seconded by Council Member Bryant, and by the consent of all Council Members present after a roll call vote, the motion was approved 8-0. City Attorney Tennant read Ordinance 2019-05 by title only. Mayor Penn asked shall the Ordinance pass? After a roll call vote it was approved 8-0. City Attorney Tennant read Ordinance 2019-05 by title only. Council Member Bell made a motion to approve an Emergency Clause for Ordinance 2018-12, it was seconded by council Member Lipford. After a roll call vote, it was approved by all those present by a vote of 8-0.

There being no further business to come before the council and on the motion of Council Member Lipford and seconded by Council Member Cunningham and by the consent of all members present, the meeting adjourned at 7:28 pm until the next regularly scheduled meeting to be held Monday June 10th, 2019 in the City Council Chambers at City Hall, located at 354 West Main Street, Farmington, Arkansas.

Approved;



City Clerk Kelly Penn



Mayor Ernie Penn