

## **Minutes of the Regular Farmington City Council Meeting July 13th, 2020**

Due to the Covid 19 pandemic, a state of emergency was declared by Arkansas Governor Asa Hutchinson, in order to comply to social distancing requirements this meeting was held virtually using the Zoom Meeting system. Mayor Penn, City Clerk Penn, City Business Manager McCarville, Police Chief Hubbard and Fire Chief Hellard were physically at City Hall. Police Chief Hubbard took everyone's temperature before they entered the meeting and social distancing was observed. We had no citizens come to city hall to attend the meeting. The regular meeting of the City Council scheduled for Monday, July 13th, 2020 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 via Zoom: Sherry Mathews, Abby Spinks, Keith Lipford, Linda Bell, Bobby Morgan, Diane Bryant and Shelly Parsley. City Attorney Tennant attended via Zoom also. Council Member Cunningham was logged in at the beginning of roll call but her connection failed. Mayor Penn led the Pledge of Allegiance.

**Comments from Citizens** – None.

**Approval of the minutes for the June 8th, 2020 Regular City Council Meeting.** On the motion of Council Member Bryant and a second by Council Member Morgan and by the consent of all Council Members present after a roll call vote, the minutes were approved as presented by a vote of 7-0.

**Financial Reports** – Financials were presented by Mayor Penn. Mayor Penn advised that the city was still in a surplus for the 2020 tax year in spite of Covid 19.

**Entertain a motion to read all Ordinances and Resolutions by title only.** On the motion of Council Member Spinks and a second by Council Member Bryant 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 7-0.

**Proclamations, Special Announcements, Committee/Commission Appointments. Committee Reports** - Mayor Penn announced that this would be Ward 1 Position 2 Council Member Abby Spinks last meeting as she is moving out of the city limits. The city will accept applications of interest from citizens in Ward 1 who are interested in filling the position. Mayor Penn announced the planning commissioners had selected Keith Macedo to fill Planning Commissioner Toni Lindsey's open position. A motion was made by Council Member Bell and seconded by Council Member Mathews to confirm the appointment of Keith Macedo to the Planning Commission and by the consent of all council members present after a roll call vote it was approved 7-0.

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

### **Items to be removed from City of Farmington Inventory – Remove Dell Latitude 7275 Laptop**

Mayor Penn advised that the Dell Latitude 7275 Laptop, Serial number #CMLLSC2, inventory tag #725 needed to be removed from city inventory. The laptop was destroyed in an accident and budget impact to replace will be \$1184.53. On the motion of Council Member Bryant and a second by Council Member Mathews and by the consent of all Council Members present after a roll call vote, the motion to remove from inventory and destruction of Dell Latitude 7275 Laptop, serial number #CMLLAC2, inventory tag #725 was approved 7-0.

Council Member Cunningham logged back in to the Zoom meeting but her audio was not working, she could hear the meeting but could not get her audio response to work so she called City Clerk Penn's cell phone and was placed on speaker phone to be able to record her vote going forward.

### **Unfinished Business – NONE**

### **New Business**

#### **Ordinance No. 2020-07 An ordinance by the City of Farmington regarding the use of masks in relation to the Covid -19 pandemic.**

Mayor Penn gave the council a brief overview of the ordinance. Council Member Mathews commented that if we are supporting our business with this, what happens if people have breathing and respiratory issues and can't wear a mask. She has had people from Fayetteville comment that that's why they are coming here to shop because we don't require masks. Mayor Penn said that would be up to individual businesses to allow someone in without a mask. City Attorney Tennant said that the state ordinance isn't saying the city is requiring a mask but the business has the option of requiring one. Council Member Spinks said her question was would it be required or business specific, and her other questions had already been answered. Mayor Penn said he had spoken to Farmington School Superintendent and they were developing their own mask policy. The city would not govern their policy, it would be handled by the school. Council Member Lipford said most of the comments he had heard was that they were against mandating wearing a mask everywhere but that business specific was acceptable. Council Members Bell and Cunningham had their questions answered by previous comments. Council Member Morgan asked what happens when a business has the ordinance requiring a mask be worn posted as requirement but the employees inside don't have masks on. City Attorney Tennant said that was a grey area and that would be up to the business owner. Council Member Bryant said she hopes that children and those with breathing issues could be handled by the business. Mayor Penn opened the floor to public comment. Citizen Amy Helms, 12334 Jim DeVault Road commented that she supported wearing masks. Mayor Penn closed the floor to public comment. Council Member Bryant made a motion to suspend the rule requiring the reading of an ordinance in full on 3 different dates be suspended and for Ordinance 2020-07 be read 1 time by title only, it was seconded by Council Member Lipford 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 2020-07 by title only. Mayor Penn asked shall the ordinance pass? After a roll call vote it was approved 8-0. Council Member Morgan made a motion to approve an Emergency Clause for Ordinance 2020-07, it was seconded by Council Member Bryant, after a roll call vote, it was approved by all those present 8-0.

**Ordinance No. 2020-08 An Ordinance waiving bidding requirements of competitive bidding for the purchase of evidence lockers, personnel lockers, furniture and furnishings for the Farmington Police Department pursuant to A.C. 14-58-303(b)(2)(B)**

Chief Hubbard gave a brief overview to the Council Members regarding waiving the bidding requirements for the companies he was purchasing from. City Attorney Tennant said that the vendors are highly specialized for police equipment. Council Member Lipford said he understood the FASCO company was but what about the office furniture? Is it under state bid? Police Chief Hubbard said it was. City Attorney Tennant said it is the same process we use when we purchase the state bid police cars, these are rock bottom prices Council Member Morgan said that his question was the same, was it state bid. Council Member Bryant said that there was a lot of expense in this, how many lockers were being purchased. Chief Hubbard said there were 15 evidence lockers and they are different than regular lockers. They will help keep the chain of custody secure. City Attorney Tennant said these are needed to preserve the chain of custody so in court cases there can be no question about evidence tampering by defense attorneys. It protects our police department and prosecutors. Council Member Lipford said these are not Huntsville gym lockers. Council Member Bryant asked when do the lockers come out? Chief Hubbard said when they evidence was needed for court. Council Members Lipford & Morgan both wanted to know if they were fireproof. Chief Hubbard they were fire proof to a certain degree. Mayor Penn opened the floor to public comment, there was none. Council Member Spinks made a motion to suspend the rule requiring the reading of an ordinance in full on 3 different dates be suspended and for Ordinance 2020-08 be read 1 time by title only, it was seconded by Council Member Cunningham and by the consent of the Council Members present after a roll call vote, the motion was approved by all those present 8-0. City Attorney Tennant read Ordinance 2020-08 by title only. Mayor Penn asked shall the ordinance pass? After a roll call vote it was approved by a vote of 7-1, with Council Member Bryant voting no. Council Member Bell made a motion to approve an Emergency Clause for Ordinance 2020-08, it was seconded by Council Member Morgan after a roll call vote, it was approved by a vote of 7-1, with Council Member Bryant voting no.

**Resolution 2020-10 City of Farmington is essential: in support of fair, direct federal emergency support to reopen and rebuild local American economies.**

There were no questions by the council or comments from the public regarding this resolution. 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 motion to approve Resolution 2020-10 was approved 8-0. City Attorney Tennant read the resolution by title only.

**Request approval to enter into a contract to purchase property located at 11155 Rosebay Lane.**

Mayor Penn and City Attorney Tennant both gave brief overviews of all the steps that had been taken in the past 2 years to fix drainage issues for the residents of Meadowsuite subdivision and the Barnes family refusal to grant the easement needed to make the changes. The Barnes family had been offered \$45,000 for the small piece of property that was needed and they refused., This has been a very frustrating project. Mayor Penn opened the floor for discussion by the council members. Council Member Bell asked if the price was fair market value? She had looked at the comp prices and they seemed to be about \$225,000. Mayor Penn advised that the price was at a premium to help with moving expenses. Council Member Cunningham asked if the house could be sold or physically relocated? Mayor Penn advised

there was certain things that could possibly be salvaged from the structure before it was torn down. He wasn't sure if the structure could be physical moved because it was a slab-built home. Mayor Penn opened the floor for public comment, there was none. City Attorney Tennant said that the city had exhausted every possible avenue to deal with the Barnes property owners and that their refusal to sign at closing made him mad enough to pound salt. There was always an issue with water being on his field he claims was caused by development, that argument does not stand, the flooding is only caused when we have a major flood event and that causes inadequate draining to the Barnes family property. They are the least impacted property owners in that area. Mayor Penn said that any work that we are doing is not creating additional problems, the water has been in that area for 100 years. Any work done would not adversely impact the remaining property owners. On the motion of Council Member Bell and a second by Council Member Parsley and by the consent of all Council Members present after a roll call vote, the motion to approve entering into a contract to purchase the property of 11155 Rosebay Lane, owned by Robert & Sara McCoy, in the amount of \$275,000.00 and associated closing costs was approved 8-0.

There being no further business to come before the council and on the motion of Council Member Morgan and seconded by Council Member Lipford and by the consent of all members present, the meeting adjourned at 7:11 pm until the next regularly scheduled meeting to be held Monday August 10<sup>th</sup>, 2020 in the City Council Chambers at City Hall, located at 354 West Main Street, Farmington, Arkansas.

Approved;



City Clerk Kelly Penn



Mayor Ernie Penn