

Minutes of the Regular Farmington City Council Meeting May 16, 2016

The regular meeting of the Farmington City Council scheduled for Monday May 16, 2016 was called to order at 6:00 pm by Mayor Ernie Penn. City Clerk Kelly Penn called the roll and the following Aldermen answered to their names: Patsy Pike, Sherry Mathews, Keith Lipford, Linda Bell, Brenda Cunningham, Bobby Morgan, Diane Bryant and Shelly Parsley. Also present were City Attorney Tennant and City Business Manager McCarville.

Mayor Penn led the Pledge of Allegiance.

Comments from Citizens – None.

Approval of the minutes for the April 11, 2016 regular meeting of the city council.

On the motion of Alderman Lipford and seconded by Alderman Cunningham and by the consent of all members present, the minutes for the meeting were approved as presented.

Financial Reports – City Clerk Penn advised that city sales tax was up \$5,406.82, county sales tax was up \$13,901.00 a total increase of \$19,307.82.

Entertain a motion to read all Ordinances and Resolutions by title only

On the motion of Alderman Morgan and seconded by Alderman Lipford and by the consent of all members present, the motion was approved.

Proclamations, Special Announcements, Committee/Commission Appointments Mayor Penn announced the Valley View sewer system is in receivership and they are working with Washington Water Authority.

Committee Reports – Written Reports included in agenda packet.

Items to be removed from City of Farmington Inventory – Removal of Items from Library Inventory

A motion was made to remove the following items from the Library inventory: Dell Optiplex 380 serial #CW7XLM1, inventory tag #228, Dell Optiplex, serial #738FDQ1, inventory tag #234, Dell Optiplex 380, serial #8Z0YDPI, inventory tag #227, Dell Optiplex 380, serial #738GDQ1, inventory tag #237, Dell Optiplex 380, serial #738DDQ1, inventory tag #213 by Alderman Bryant and seconded by Alderman Lipford and approved by all members present.

New Business

Request review and approval of bid on police storage building.

On the motion of Alderman Bell and seconded by Alderman Mathews and by the consent of all members present, the motion was approved to accept the bid from Coyle Enterprises in the amount of \$123,099.00.

Request approval to purchase new 2016 Dodge Charger for Police Department. Police Chief Hubbard asked that the council approve the budgeted purchase of a new police unit, 2016 Dodge Charger. On the motion of Alderman Bryant and seconded by Alderman Lipford and by the consent of all members present, the motion was approved.

Request approval to advertise bids – Rheas Mill sidewalks.

A motion was made to place the Rheas Mill Road Sidewalk project out for bids. On the motion of Alderman Bell and seconded by Alderman Lipford and by the consent of all members present, the motion was approved.

Appeal of the planning Commission Decision to deny rezoning of Lots 101. LLC.

Mayor Penn opened the floor for comments from the citizens:

George Duques, Representing Tom Sims and the LLC – He advised they are only developing 8 acres, not the entire 80 acres, just the Garland McKee section. This area is suitable for the zoning request.

Brian Snyder – Asked the council to keep in mind the best use of the land and that people have to live with water damage.

Robert Coster – Asked why they are only developing the 8 acres and not the 80 as purchased.

Tom Sims – They are only developing the 8 because the hillside development would be very difficult. They plan to have cattle on the remaining land.

Russell Pense – My home has flooded in the past and I am concerned about the retention pond, I would like assurance the pond would be built first. Who will monitor pond once it is built, who is responsible?

City Attorney tenant – The POA would be responsible for maintain the detention pond.

Nancy Harris – Mr. Sims is not dependable and has lied to the homeowners of meadowsuite. Please do not vote for this, the flooding caused financial and health problems for residents. There is no way to stop the flooding off the mountain.

Dewayne Lee – Is the dirt farm off the table?

Tom Sims – I bought this subdivision from Keith Marrs and another partner, I did not develop this subdivision

Nancy Harris – They said this was built for 100 year flood, Tom Sims wrote it would not flood but he was out sandbagging days before the rains. Washington County Standards were not good, this has flooded since it was built.

Brian Snyder – Just a reminder that we had a huge turnout at the planning commission meeting from residents that opposed this that could not be here tonight.

Mr. Harris – The draining work the city did to try and help ease this problem worked well, but did not help the December flood down the street from him. This causes resident many sleepless nights.

Diane Lee – Will there be no dirt removal? What is the concept for the development? What will keep them from changing their mind?

George Duques – We are not using the entire site, only 10%. The detention pond will release the water slowly and should reduce the flooding issues, will be built for 100 year flood.

City Attorney Tennant – The development will have to come before the planning commission and the engineers will be responsible. The project engineer will submit design but the city’s engineers will hold this project accountable to the current building codes and standards, the engineers have insurance in response to your question about who would be held responsible if something was done incorrectly. Please come to the meetings where the design concepts presented to the planning commission. We encourage your input.

Planning Commissioner Bobby Wilson - I voted against this because I thought the plan was half baked and they were unprepared at the meeting. The red dirt issue was a major concern for flooding. That is why I voted no.

Planning Commissioner Jay Moore - The planning commission did not discuss this prior to the meeting and I was unprepared. I think this issue coming up will improve engineering with the flooding issue. As a planning commissioner I will not let anything go by that is not built to standards we have.

Planning Commission Gerry Harris - We were only supposed to vote for the zoning request at the meeting. We do not allow something that will be built to harm your property. The red dirt farm was a deterrent, this project will be heavily scrutinized when it is presented to the planning commission. I promise it will not go past us without being closely looked at. Our engineers and the planning commission will do the right thing.

Planning Commissioner Judy Horne – Please trust the steps that will be done throughout the process. My home has flooded and I understand your concerns. We will scrutinize this project. Have faith in our engineers and we care about your concerns. We will not approve if it’s not done correctly.

City Clerk Penn – Citizen Vickie Norvell asked tht an email she sent be read into the minutes of the meeting (see attached). All council members were sent the email previously. Mrs. Norvell was opposed to the rezoning and also had issues with the landscape ordinance. As a courtesy this was mentioned during the public comment section but will not be done in the future. If citizens have issues but can’t attend they can email them to all public officials concerned and they can be included in the minutes if requested.

Mayor Penn closed the comment section of the meeting.

A motion was made to overturn the planning commission’s decision to deny rezoning of Lots 101, LLC. On the motion of Alderman Bell and seconded by Alderman Pike. The vote was as follows; voting yes to overturn the planning commissions denial of rezoning request were Aldermen Pike, Mathews, Bell and Cunningham. Voting no were Aldermen Morgan, Bryant, Parsley, Lipford. This resulted in a 4-4 tie and Mayor Penn voted yes to break the tie, resulting in the overturning of the planning commission’s denial of rezoning.

Ordinance 2016-01 amending the Landscape Ordinance

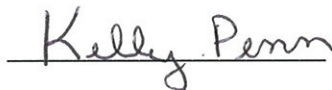
A motion was made by Alderman Cunningham and seconded by Alderman Mathews to suspend the rule requiring the reading of an ordinance in full on 3 different dates be suspended and that ordinance 2016-01 is to be read by title only one time. It was approved by all those present. City Attorney Tennant read Ordinance 2016-01 by title only. Mayor Penn asked shall the Ordinance Pass? It was approved by all those present.

There being no further business to come before the council and on the motion of Alderman Bryant and seconded by Alderman Lipford and by the consent of all members present, the meeting adjourned at 7:37 pm until the next regularly scheduled meeting to be held Monday June 13, 2016 at 6:00 pm, in the City Council Chambers in City Hall, located at 354 West Main Street, Farmington, Arkansas.

Approved;

A handwritten signature in blue ink, appearing to read "Ernie Penn", written over a horizontal line.

Mayor Ernie Penn

A handwritten signature in blue ink, appearing to read "Kelly Penn", written over a horizontal line.

City Clerk Kelly Penn