

Minutes of the Regular Farmington City Council Meeting September 10th, 2018

Mayor Penn called for a moment of silence to commemorate the anniversary of September 11th, then the regular meeting of the Farmington City Council scheduled for Monday, September 10th, 2018 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: Patsy Pike, Sherry Mathews, Keith Lipford, Linda Bell, Brenda Cunningham, Bobby Morgan, Diane Bryant and Shelly Parsley. Also present was City Business Manager Melissa McCarville and City Attorney Tennant. Mayor Penn led the Pledge of Allegiance.

Comments from Citizens – Ree Oxford, 79 Jeanne Road I want to speak in regards to Waste Management. I feel like my comments were ignored. When I first came to the council 9 years ago my first goal was to have the contracts put out for bid and change the bills due to misleading due dates. The city did place the contracts out for bids but the wording on the bills is still not right. I brought video proof to the council about the yard waste last summer. In July of this year the city did take bids and I was invited to address waste management officials but I was out of town when the meeting was held. I feel lied too, the contract has not been honored. I also have a problem with the wording regarding yard waste being incorrect on waste management bill or on the city web site. City Attorney Tennant addressed Ree's concerns saying the new contract went in to effect September 1st and that the wording regarding her concerns with billing had been addressed, citizens should receive the bill with the new wording in October. Also, the yard waste that is picked up is not taken to the landfill, it is burned by a third-party waste management contracts with, which is in accordance with federal law.

Approval of the minutes for the August 13th, 2018 regular meeting of the City Council

On the motion of Council Member Bryant and seconded by Council Member Cunningham and by the consent of all Council Members present after a roll call vote, the minutes for the meeting were approved as presented 8-0.

Financial Reports

Mayor Penn presented the financial reports and gave the council members the following additional figures. Year to date city sales tax is up 9%, \$22,759 increase over this month last year. The city currently has 4.3 million dollars in reserves and 1.6 million in the city operating fund. City Clerk Penn advised the council they should be receiving their copies of the final 2016 audit report in the next two weeks. The 2017 Legislative Audit has been completed and the findings will be released in the next month and the council members will be very pleased.

Entertain a motion to read all Ordinances and Resolutions by title only. On the motion of Council Member Morgan and seconded by Council Member Lipford 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 3 new business coming to the city in the future. Kentucky Fried Chicken, Waffle House and Braums. The JDRF walk will be held Saturday October 13th in Fayetteville.

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

Items to be removed from City of Farmington Inventory – NONE

New Business

Resolution 2018-05 A resolution establishing a fixed asset management policy for the City of Farmington, Arkansas

City Business Manager McCarville informed the council the city has had a fixed asset management policy but Legislative Audit wanted them to have a written detailed policy and procedure protocol adopted by the city council. Mayor Penn opened the item for comments from the citizens, Citizen Phillip Miley, Riviera Place, asked if there would be one person with control of this? City Business Manager McCarville responded yes, she was in charge. Mayor Penn closed the public comment portion. There were no further questions from the council. On the motion of Council Member Bryant and seconded by Council Member Lipford and by the consent of all Council Members present after a roll call vote, the motion to approve Resolution 2018-05 was approved 8-0. City Attorney Tennant read Resolution 2018-05 by title only.

Resolution 2018-06 - A Resolution approving the salary of the office of the Farmington City Mayor commencing January 1, 2019.

Mayor Penn stated each council member would have a chance to speak without interruption and ask any questions or voice opinion., then the public would be allowed to comment, then we would bring it back to the council to address any issues and then entertain the motion. After much discussion by the city council, Mayor Penn opened the floor for public comment. The following citizens spoke regarding Resolution 2018-06:

Terry Yopp, 309 Orchard Place – I am a former Farmington Planning Commission member, Council Member, Vice Mayor and Mayoral candidate. One of the first things Mayor Penn did was implement a strategic planning process for the city that has resulted in over 4.3 million dollars for the city of Farmington in reserves, folks that's demonstrated leadership in my opinion. During the last legislative audit, we have heard that Farmington has made a commitment that they would establish a fulltime Mayors position. As a city council member, when you took office you took an oath and you also made a commitment. So, I sincerely believe you have a fiduciary commitment to have a full time Mayor in 2019, you should honor that commitment that was made, thank you.

Norm Tarring, 306 Claybrook – My question is really city council, you did this in 2014, why wasn't it acted in 2015, 2016 or 2017 The timing of this, from the outsider looking in, stinks. There is a lot of people who would say I want to be a fulltime Mayor but we don't have a full-time mayor position. why isn't this happening in 2015,2016 or 2017. You want to retire from your job now? From the outside this does not look right guys. I'm sorry that's not the way to address it. Thank you very much.

Abigail Spinks, 135 Alberta – I'm going to make this short and sweet, all of this based on the Mayor going to a fulltime position, I did some research to see how this salary compares to other top officials in Farmington, some of these positions make more money than the Mayor, I don't think it's right the Mayor is paid less when he shoulders the responsibility. He deserves to be paid for his performance. Thanks.

John Spinks, 135 Alberta – For most of my life I have cared nothing about what has gone on in this building until I had a dog problem, I went to Ernie Penn's office at the bank and complained to him. I had a problem again and complained, I emailed him one evening and got a response at 6:00 am the next day that I am sure was not from this building. He's done a great job. I went to school at this high school over here, graduated in 2003 and am probably one of the youngest in this room. I bled on this football field and have a 10-0 ring for conference championship, I work for the company that built the new high school. My class was one of the first in the new/old high school building. If we ask this council, what do you make, \$200.00 a meeting, if we asked you to do 2 meetings, but we are still going to only pay you \$200.00 for 2 meetings a month, you would be like, no, I'm not doing it. You would say no I am not doing it. We are asking a Mayor to go from part time salary to full time salary. He's already been doing the job, and to answer your question, what am I getting, you have been getting the milk for free, buy the cow. That's as plain and simple as I can be on the subject. I could have cared less about what went on in this room until I had my dog problem, when I went to his office at the bank and started my complaining about it, it got fixed, that's all I have to say. Thanks.

Phillip Miley, 12043 Rivera Place - Phillip Miley again, I do live at 12043 Rivera Place, forgot to say that earlier. I want to thank Ernie Penn for helping the Valley View POA settle a property matter with one of our residents. Make a long story short there was some abandoned property and the grass did not get mowed and was about as tall as I am and that's pretty tall and he helped us get this taken care of and I want to thank you for that. After hearing all the comments tonight, they have all been very helpful, I definitely don't want to be in the hot seat and be Mayor. A lot of my comments and questions have been answered by Miss Linda Bell, which I appreciate that and your research, and also by Diane Bryant and Bobby Morgan, from looking at my business experience of 40 years or more, I have no doubt you have the qualifications to be in the upper tier of the salary range., there is no question about that, the real question tonight that I didn't learn until tonight from Miss Bell is do we need 2 full time managers, that's for the council to decide, I really do not have an opinion on that. What I would really like to know is how was the salary range in the resolution, and maybe Miss Bell can do some research, established? No doubt someone with your qualifications deserves on the higher end. My question is that salary range applicable to towns our size, throughout Arkansas for a fulltime Mayors position, I don't know if you have that data Miss Bell, if there are towns out there our

size that are paying \$72,000 per year then I think Mayor Penn would deserve a salary in that range but I do not know what that range is, and that was really my main question, how was the range established, and then uh that's the uh only thing I have.

Brandy Moore, 49 Bellwood – My name is Brandy Moore and I do live next door to the Mayor. I just want to say I work for EMS , I want to give you some numbers, yes our population is not high but our school is the school of choice for many parents, so there are many kids here during the day not reflected in population, we are the 3rd highest call volume in the county for fire and police calls in the service area and that opens the city up to liability, the Mayor's liability is massive, it's not 6000 people massive, its more than that. Thank you.

Geoff Bates, Blue Sky Drive – I wasn't going to speak but I thought I would, I own Bates & Associates and live in Farmington. And I work with every one of the cities in the county all the time, and almost all the cities have two positions, what Melissa does and what Ernie do are 2 different things. I can't tell you how many times we have been in meetings with Melissa and we need to ask the Mayor things and he's busy and can't come, there have been several times and she does a great job with the planning and all of that. That's what most cities do, you have a head planner and a Mayor, it hurt us as engineers not having them both together, because it always delays everything and as you know, time is money and that seems to be what everyone is talking about is money. Most of the other cities with our growth has 2 council meetings a month, because you don't it puts another 30-day delay on projects, I wish you all would go to every 2-week meetings but that's another issue. I support this I think it would be great to have a full-time mayor. Thanks.

Jay Moore, 49 Bellwood – Council I appreciate your approval of my position a couple of months ago. What's funny about this is since I have come on board, I am up here quite a bit during the day, it might be for 30 minutes, a couple of hours while I work on the docket or all day but one thing I notice there are a lot of people who come thru the doors , whether it's a complaint or to all kinds of things, I think , I've only been here 10 years, I don't know what the statistics are that Miss Linda looked up, or Diane looked up to determine if a town our size needs a full time two people like that, but what I would like to say is that it would probably be nice for Melissa, if Ernie was in an office here to take a lot of the things that come in because she gets tied up, or Rick gets tied up and really it's an issue that Ernie could probably take care of . I'm not a politician , but he could probably politic and make that person walk away happy instead of ill or mad and lodging a complaint against someone with the police, the money thing I don't want speak on that, but I think having him here every day, would really benefit the city and then the other thing is the good will he put in, at least since I have been here in 2008, , I think you have been the Mayor way before then, all the times, I live on the same street so I see him at 6 or 6:30, I don t think that will change with him retiring from the bank, . I think he will be here at 6 or 6:30, every day and work, that's not going to change. I think the city could benefit from that for all the goodwill he's put in trying to get the city where it is now and then if he did come on full time bringing it up to the next level because our locations is so great that it would benefit the city, like somebody said the money extra money that would be paid to him would be made up somewhere else in savings in some other avenue, I don't know what that would be but I believe could be done, throughout the year. Thanks all.

Toni Brown, 243 Briarhill –This is my first meeting and I am older than you. I went to school in Farmington and lived here practically my whole life. I'm not going to tell you how long that's been but there were dirt roads, Double Springs, Broyles and all that. Uhm, I heard some others mention mayors in Lincoln and Prairie Grove. What I want to say about all that is, we know what Lincoln looks like and what Prairie Grove looks like compared to what Farmington is. We don't want to look like that, we don't want to become what they are known for. Uhm I think Ernie has done an exceptional job in this town. I know I have been in the bank many times asking him things that aren't bank related. I'm one of those, he's good to my parents, I had questions and he was always good to answer those. He just named 3 new business that are coming here, they will bring more revenue into this town. Farmington is going to continue to grow, everyone wants to move here, people are continually asking me to sell my house. There is no room here. It's just going to continue to grow, it's not going to stagnate at 8,000 or 10,000 people, it's going to grow until we run out of land. Anyway, I think the Mayor is worth it.

Christy Watson, Briarhill – I know most of you on the board from the ballfields, I worked on the ballfields to get them done on Southwinds and I still go by them today and can't thank you enough for all of that because that is so awesome and I can't thank you enough for our kids. Uhm I just wanted to speak and I wasn't going to but I'm not going to lie, I know I hate politics, politics stink, they stink on Facebook and social media, it just stinks. I do respect everyone's opinions, and it is good to listen but I will say one thing, I wasn't going to speak but one thing really bothered me, is that you are a city council member and you did not know he had an office in this building. Do you know what's going on in the city? So that's one of my questions, if you didn't even know he had an office in this building, you are a city council member, I had a problem with that. You work in this building. I'm sorry you are a city council member and that's the problem that I have. I also think that Melissa, I have to agree with Jay, that just doing things within in the city and the ballfields she does her job faboulsly but there is so much more that Ernie does for this community. And I get that you all agree that he works hard and stuff, and some comments I have disagreed with, because if you don't even know he has an office here, how can you know how much time he spends and puts into this community over and over, and to the children of this community, and the grandchildren that will be coming here, which I hope to have one day way down the road, I have to agree with Jay, it takes a lot to run this city and we are growing and I thank you for all your service.

Lori Sisemore, 11815 Clyde Carnes Road – I wasn't going to speak but no one will be sadder than I am to see Ernie leave Arvest Bank, he's been such a wonderful blessing there to everyone. When I first started dating my husband at the high school here, it used to be what is the jr. high building now. And I used to say you know who would want to go to school here, most people think I went to school here but I went to Fayetteville, I've had kids graduate from here and some still in the school system. But they flourished in this town, this town is like a family, it has grown and now I look and say who would want to send their child to Fayetteville. Ernie has done an amazing job at being Mayor and for us to have to ask him to work 2 jobs to make this town what it is today, I know others help, but it's just wrong. I would not do that, I know what it's like to have someone on the phone or on call 24/7 and who is taken away from their family. It's just not right for us to ask him to do that, I think he should get paid to be Mayor

of this town what he deserves and what is being asked is not too much. He's doing the work now and we are ok to let him do that? That's not right.

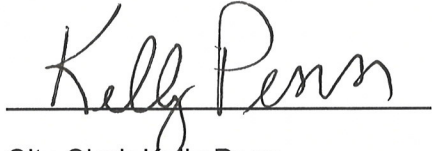
Diane Gaudern, 11181 Bear Drive - I just want to address the – thank you Linda, Bobby and Diane – for the statistics because ultimately at the end of the day numbers talk and the statistics are there and the one thing that's really bothered me is that council woman Brenda brought up is that the Mayors job is 24/7, 365 and she is aware, she's had someone in her family that worked that, people do volunteer, its been insinuated by other people that, in the audience, that uh, if you got paid less you wouldn't be on the council cause that's not necessarily true. I know from being on the Valley View POA board, at Valley View previously and there is other people in this room that have dedicated for free and that that's not a city but there are volunteers out there and I think that comparing that to saying someone who is working 365 and they are going to work another 365 is doubling their salary just isn't there. Thank you.

The following city staff spoke in support of the need to have Mayor Penn at city hall fulltime: Public Works Director Floyd Shelly, Police Chief Brian Hubbard, Fire Chief Mark Cunningham, City Business Manager Melissa McCarville, Court Clerk Kim Bentley and City Attorney Steve Tennant. Mayor Penn closed the discussion to the public. After a brief discussion by the council, City Attorney Tennant explained the resolution is not meant to include job description. The resolution is to amend and change the salary. A Mayors job duty is defined by state statute, he recited some of the duties and said he had several more paragraphs he could cite. Mayor Penn addressed the council and the public to answer some of the questions raised. On the motion of Council Member Cunningham and seconded by Council Member Parsley and after a roll call vote, the motion to approve Resolution 2018-06 was approved by a vote of 6-2, with Council Members Bell and Bryant voting no. City Attorney Tennant read Resolution 2018-06.

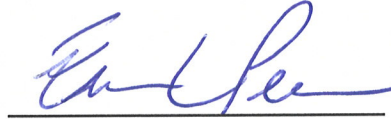
Request approval of contractor to build the Public Works Building per Key Architecture recommendations. Jim Key addressed the council and said he was pleased they had so many good bids and that the actual dollar amount between the winning bid and the lowest was very competitive. He recommended accepting the bid from Southern Building Services in the amount of \$973,700.00. If this bid is accepted they are ready to start work immediately with a 150-day completion range. On the motion of Council Member Lipford and seconded by Council Member Mathews and by the consent of all Council Members present after a roll call vote, the motion to approve the bid from Southern Building Services in the amount of \$973,700.00 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 8:06 pm until the next regularly scheduled meeting to be held Monday October 8th, 2018 at in the City Council Chambers in City Hall, located at 354 West Main Street, Farmington, Arkansas.

Approved;

Handwritten signature of Kelly Penn in blue ink, written over a horizontal line.

City Clerk Kelly Penn

Handwritten signature of Ernie Penn in blue ink, written over a horizontal line.

Mayor Ernie Penn