

Minutes of the Regular Farmington City Council Meeting October 12, 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 Captain Wilbanks, Fire Chief Hellard and City Building Inspector Rick Brammall were physically at City Hall and social distancing was observed. The regular meeting of the City Council scheduled for Monday, October 12th, 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, Hunter Carnahan, Keith Lipford, Brenda Cunningham, Diane Bryant, Bobby Morgan and Shelly Parsley. City Attorney Tennant attended via Zoom and Council Member Bell joined the call later in the meeting. Mayor Penn led the Pledge of Allegiance.

Comments from Citizens – None.

Approval of the minutes for the September 14th, 2020 Regular City Council Meeting.

On the motion of Council Member Brenda Cunningham and a second by Council Member Diane Bryant and by the consent of all Council Members after a roll call vote, the minutes were approved as presented by a vote of 7-0.

Council Member Linda Bell joined the call.

Financial Reports – City Clerk Penn

The financials were presented as well as the 2019 Legislative Audit report. There were no reportable items noted for the city for 2019 and the city received a clean audit with no reportable findings. The letter issuing the opinion of Legislative Audit was read to the council by Clerk Penn. A motion was made by Council Member Linda Bell and seconded by Council Member Sherry Mathews to acknowledge the receipt and presentation of the 2019 Legislative Audit. The motion was approved 8-0 by a roll call vote. City Clerk Penn also advised the council that the city was looking into purchasing laptops for them to use to get access to their city email as well as agenda packets. The 2020 budget will be presented at the November City Council meeting.

Entertain a motion to read all Ordinances and Resolutions by title only. – On the motion of Council Member Bobby Morgan and a second by Council Member Brenda Cunningham and by the consent of all Council Members 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 – Mayor Penn advised that the Double Springs Road project would be completed by the end of October.

Committee Reports – There were no committee reports due to the inability to meet because of Covid-19.

Items to be removed from City of Farmington Inventory – NONE

Unfinished Business – NONE

New Business –

Request approval of Fire Department job descriptions and organizational restructuring.

There was no public comment on this agenda item. On the motion of Council Member Linda Bell and a second by Council Member Hunter Carnahan and by the consent of all Council Members after a roll call vote, the motion to approve the Fire Department job descriptions and organizational restructuring was approved 8-0.

Request approval of Inter-Local agreement for 2021 Ambulance Service

There was no public comment on this agenda item. On the motion of Council Member Diane Bryant and a second by Council Member Shelly Parsley and by the consent of all Council Members after a roll call vote, the request to approve the Inter-local agreement for 2021 ambulance service was approved 8-0.

Request approval to appeal Planning Commission on August 24,2020 concerning the payment for \$54,600 to the city of Farmington in lieu of park land in Phase 2 of Farmington Heights.

Mayor Penn opened the floor to Council Members comments.

Council Member Brenda Cunningham - asked if the lots had been sold yet? Mayor Penn said the developed owned all the lots and he was building the homes.

Council Member Diane Bryant - asked how many houses 92 or 125? A park would be a better asset. The information says the cash should go into Parks or trails budget, where is that? Is there a line item for that? City Clerk Penn said that there was not currently a line item, that it would be going to the Parks budget under general cash. The council could ask that the line item be added for future reference, that they could discuss that during the budget discussion at the next meeting.

Council Member Hunter Carnahan – Does the \$54,600 go into the parks budget for maintenance and equipment use?

Council Member Keith Lipford – What is the reasoning for the Planning Commission turning this down, I want to hear their concerns. Walking a young child to a park is a big bonus in neighborhood.

Council Member Linda Bell - wanted to hear from the planning commissioners, she noted that 2 other developers were allowed to do this

Council Member Sherry Mathews – I personally feel like a one-acre park would be a good option even though requirements by developer are minimal, we could add to it. Parks would be back to back.

Council Member Bobby Morgan – I agree with Council Member Mathews, will restrooms be added?

Mayor Penn opened comments to the public regarding this agenda item:

Maureen Dawson 358 Otoe Street- We were told there would be a park, 1 acre with no amenities, no 2-acre park? Mayor Penn advised that the city could add amenities. She said they are excited about a park and there are tons of kids in the area and they are pro park.

Jason Dawson – 358 Otoe Street – I'm Maureen's husband, we are for parks, there are lots of families, young people wanting kids and would like to be able to walk them to the park. Will the money only be spent for the one-acre park? It's not that big, we want it safe for kids to go to the park. It's a big value. I don't know if minimal will be okay, 2-acre park is what I would like to see.

Council Member Keith Lipford – What are we deciding cash or 1.05 acre?

Planning Commissioner Judy Horne – we have been dealing with this since 2018, we approved a final plat. The park design has been given a wide berth, they always want to make changes and we make concessions. I want the parks should be together end to end. It seems from the comments from residents they want a larger park for their kids and it makes sense to keep it a 2-acre park. I will share information later on the number of parks cities have. It seems to me the city council needs to add more employees to the Parks department and take a look at the budget. Judy read the requirements that the developer has to adhere to if a park is put into place. She then quoted several statistics about the number of parks the city of Maumelle, city of Fayetteville has, as well as other cities. She then advised that some Planning Commissioners could not attend the meeting but wanted her to pass their comments along. Planning Commissioner Gerry Harris supported neighborhood pocket parks and Planning Commissioner Chad Ball supported more parks.

Leon Smith – 375 Otoe Street – what are the minimum park requirements?

Planning Commissioner Judy Horne answered by reading the entire Planning Commissions requirements that the developer has to adhere to if a park is put into place and it all has to be ADA compliant.

Mrs. Smith – 375 Otoe Street – The 1 acre park will not be big enough, there are lots of kids, if they take the other park out it will not be good.

Mayor Penn replied that if the 1-acre option is chosen the city would add to the amenities once the developer finished his requirements.

Daniel Lewis – 91 West Chickasaw Road – my daughter moved here for the parks, this 1 acre would not be big enough, it would not accommodate everyone with 1 park. Trademark should put money into the park. If you choose 1 park, I have no faith in amenities going into this park or any other.

Josh Young – 381 Otoe Street – There are large families in the neighborhood, the 1st space should be bigger, I think the \$54,600 should be invested in this park and we need more greenspace.

Planning Commissioner Jay Moore - The reason I voted no was because we didn't know the money would be directed into the parks, that would have changed my vote if I had known that. The proximity to Creekside park and those amenities was a consideration also. I think having 1 central park is important, not have things all spread out.

Maureen Dawson – 358 Otoe Street - at the park the HOA would contribute to keep it clean. There are so many kids, we need 2 acres.

Mayor Penn advised that the ordinance does not address HOA's or POA's in consideration to parks.

There being no more questions Mayor Penn closed the Public comment section on this agenda item. Mayor Penn opened the floor to Council Members comments and questions.

Council Member Brenda Cunningham – we had lots of good comments by the citizens, will other people be able to use this park? Will there be enough parking? I think we need large areas; 2 acres isn't that much. I would hate to see us inundated with parking issues. Would the police patrol it?

Council Member Diane Bryant – I have done some calculations for the HOA and they could add \$21,000 to the park. It would be wonderful, kids in strollers or 4th of July celebrations, a community hub. I visited the parks in Savannah Georgia and they were wonderful. I just love parks.

Council Member Hunter Carnahan – I have some concerns about the park but only can see certain consent \$54,600 vs 1 or 2 acres. I think we should double the size use the HOA to help utilize it. Can we earmark the money go to a certain park, so there is no budget confusion?

City Clerk Kelly Penn replied that currently all the money goes into the park general cash unless it is bond money ear marked for a certain project. The council or parks chairman can certainly ask that a line item be added under the parks department budget. That will be a good discussion item for the council when the do budget considerations next month.

Council Member Keith Lipford - I think we are looking small minded at this. My yard is bigger than this. If we keep 1 acre we can never expand, there are over 200 homes, these people are shopping and paying taxes in this town, we have lots on money to add to this. Our current financial report said we had over \$275,00.00 surplus.

Mayor Penn replied that once built, the city is responsible for maintaining the park, the cash would be better used with our resources.

Council Member Linda Bell – I think it would be money well spent, if you give them the second acre it sounds like it will have only a few amenities. Everyone promises a park, we need to look at requiring definite specific amenities. We don't need to worry about parking, this is a neighborhood park.

Council Member Sherry Mathews - I am pro parks, I am proud of our parks. We spent 2 million dollars on upgrading our park and I personally would like to see quality over quantity. What if the developer puts rocks or berms? I would prefer playground equipment. The builder is not required to put a park, we give them a choice. We can put money into it, there are only 2 phases to this project.

City Attorney Steve Tennant - This Ordinance was put in place in 2016 and its comprehensive and has to address issues for every development but this is the first time for 2 acres in 2 phases. Maumelle can tax hotel motel for park funds, Fayetteville has a designated tax that pays for 40 parks that way. The park land was purchased, not just given to the city. Farmington can not raise that type of money to fund parks, we have no hotel motel tax to pass on. In the ordinance it specifies developers have to put 4 benches, 10 trees, greenspace (grass), 2 active use enhancements. We as a city need to go back and look at the requirements and specifically address it. We could have the HOA or POA's be responsible. The cash payment is required and you can't redo phase 1. We do not have a finalized plat. It is the builders right to do that. The amenities are short sighted. Look at the ordinance folks, the park will get few amenities, the payment is only for phase 2. Phase 2 is the only thing being considered.

Council Member Linda Bell – Then why are we talking about this?

City Attorney Steve Tennant – The Planning Commission didn't want to discuss this thru, the builder has this option, it's in the ordinance, I love parks and children having a place to play, Other towns are size do not have pocket parks and we are not Fayetteville or Maumelle with a six million dollar budget to fund them.

Mayor Penn – The phase 1 park will go in as required by our ordinance at the builder's choice. The only issue to consider is the request from the builder to accept the cash in lieu of park land.

Mayor Penn thanked the council for their good discussion and closed the floor to comment. Mayor Penn called for the vote.

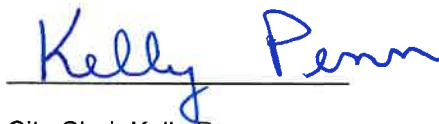
Council Member Mathews made a motion to approve the appeal of the planning commission's decision and accept the \$54,000.00 from the developer in lieu of park land in the Farmington Heights Phase 2 development, it was seconded by Council Member Parsley. After a roll call vote the motion passed with a 5-3 vote. The 5 council members voting yes were: Mathews, Bell, Cunningham, Morgan, and Parsley. The 3 Council Members voting no were: Carnahan, Lipford, Bryant.

Ordinance 2020-09 An Ordinance levying a tax on the real and personal property within the city of Farmington, Arkansas, for the tax year 2021 fixing the rate thereof at 5.0 mils and certifying the same to the County Clerk of Washington County, Arkansas.

Council Member Carnahan made a motion to suspend the rule requiring the reading of an ordinance in full on 3 different dates be suspended and for Ordinance 2020-09 be read 1 time by title only, it was seconded by Council Member Parsley and by the consent of all Council Members present after a roll call vote, the motion was approved 8-0. Mayor Penn read Ordinance 2020-09 by title only. Mayor Penn asked shall the ordinance pass? After a roll call vote it 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 Mathews and by the consent of all members present, the meeting adjourned at 7:28pm until the next regularly scheduled meeting to be held Monday November 9th, 2020 in the City Council Chambers at City Hall, located at 354 West Main Street, Farmington, Arkansas.

Attest & Approved;

A handwritten signature in blue ink that reads "Kelly Penn". The signature is written in a cursive style and is positioned above a horizontal line.

City Clerk Kelly Penn

A handwritten signature in blue ink that reads "Ernie Penn". The signature is written in a cursive style and is positioned above a horizontal line.

Mayor Ernie Penn