

## Minutes of the Regular Farmington City Council Meeting August 14, 2017

The regular meeting of the Farmington City Council scheduled for Monday, August 14th, 2017 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, Linda Bell, Brenda Cunningham, Bobby Morgan, Diane Bryant and Shelly Parsley. Alderman Lipford was absent. Also present were City Business Manager Melissa McCarville. Mayor Penn led the Pledge of Allegiance.

**Comments from Citizens** – There were no speakers but Mayor Penn made the announcement that the property of Double Springs road had an August 31<sup>st</sup>, 2017 foreclosure date.

Police Chief Brian Hubbard introduced new officer Taylor Talley to the council, He places Officer Redfern who left the force to go to Law School.

City Attorney Tennant arrived at 6:05 pm.

### **Approval of the minutes for the July 10th, 2017 regular meeting of the city council.**

On the motion of Alderman Cunningham and seconded by Alderman Morgan and by the consent of all members present after a roll call vote, the minutes for the meeting were approved as presented.

**Financial Reports** – City Clerk Penn advised that city sales tax was up \$12,455.36, state sales tax was up \$8,296.09 for a total increase of \$20,751.45.

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

On the motion of Alderman Bryant and seconded by Alderman Bell and by the consent of all members present after a roll call vote, the motion to read all Ordinances and Resolutions by title only was approved.

**Proclamations, Special Announcements, Committee/Commission Appointments. Committee Reports** – Mayor Penn announced that at the Economic Development Committee meeting would be August 24<sup>th</sup> at noon and they would be having a speaker from Illinois River Watershed.

### **Items to be removed from City of Farmington Inventory**

#### **Requesting the removal of the Massey Ferguson Side Mowing Tractor from Public Works Inventory, Serial # H16085, tag # 807**

A motion was made by Alderman Bryant and seconded by Alderman Morgan to approve removal of the Massey Ferguson Side Mowing Tractor from Public Works Inventory, Serial # H16085, tag # 807, it was approved by all those present after a roll call vote.

#### **Requesting the removal of the Polaris Ranger 570 from Parks Inventory, serial #4XARH50A0CE289224.**

A motion was made by Alderman Bell and seconded by Alderman Cunningham to approve removal of Polaris Ranger 570 from Parks Inventory, serial #4XARH50A0CE289224. It was approved by all those present after a roll call vote.

Old Business – NONE

New Business

**Ozark Regional Transit** – Periodic Report – Jeff Hadley from ORT gave a brief report to the council. He announced that all veterans now ride free on OTR. They will be adding a 16 seat bus to the Farmington Route. He reported ridership was down 12% but attributes the down turn to economic conditions being better in the region. The fire where they incurred the loss of most of their fleet did not influence this downturn, he cited this to be a normal trend during current economic times.

#### **Request Approval of new 2018 Dodge Ram truck for Police Department**

A motion was made by Alderman Bryant and seconded by Alderman Parsley to approve purchase of a new police unit, 2018 Dodge Ram truck, not to exceed budgeted amount of \$40,000.00. It was approved by all those present after a roll call vote.

#### **Request approval to add Aaron Spahn as a volunteer firefighter**

Mayor Penn informed the council that Fire Chief Cunningham did not have to bring this before the council but did so as a courtesy. A motion was made by Alderman Bell and seconded by Alderman Mathews to approve Aaron Spahn as a new volunteer firefighter. It was approved by all those present after a roll call vote.

### **Request approval of contract for Oral History project**

Scott Davis made a presentation to the council about his proposed oral history project. He noted a change to the proposed contract be a December 31, 2017 completion date and that the city would own the finished product. A motion was made by Alderman Bryant and seconded by Alderman Cunningham to approve entering into a contract with Scott F. Davis for a Farmington Oral History Project not to exceed \$8000.00. It was approved by all those present after a rollcall vote.

### **Ordinance No. 2017-10 An Ordinance rezoning property at 295/297 Kelli Avenue from R-2, residential single family to C-2, highway commercial as requested by Stewart Ong.**

A motion was made by Alderman Bryant and seconded by Alderman Parsley to suspend the rule requiring the reading of an ordinance in full on 3 different dates be suspended and that ordinance 2017-10 is to be read by title only one time. It was approved by all those present after a roll call vote. City Attorney Tennant read Ordinance 2017-10 by title only. Mayor Penn asked shall the Ordinance Pass? It was approved by all those present after a roll call vote.

A motion was made by Alderman Bryant and seconded by Alderman Parsley to approve Ordinance 2017-10 with an emergency clause. It was approved by all those present after a roll call vote.

### **Ordinance No. 2017-11 an ordinance to amend ordinance no 7.1, zoning regulations adopted in 2015, section 14.04.05 to provide for an R-3 zero lot line single family residential zoning district for the City of Farmington.**

Mayor Penn asked for comments from the citizens.

Barbara O'Brien, 336 Ridge Drive addressed the council for several residents from her street. She received a certified letter in the mail and had been out of town with regards to a R-3 zero lot line proposal going before the Planning commission at their August meeting. She quoted an article in the Enterprise Leader by Lynn Kutter that quoted City Business Manager McCarville saying the change was being proposed for Tom Sims. Speaking on behalf of all the residents they are vehemently opposed to this. She asked why they got a letter for something that has not even been approved yet. That this is misleading and she does not feel that the city is being transparent. She asked why they did not receive more notice about this. City Attorney Tennant responded that the city has followed every legal step that they are required to do with notifications in the Newspaper as well as information being available in the city website. City Business Manager McCarville explained this has to go out to residents in the affected areas before the planning commission meeting which only meets once a month so the notice went out before the council voted. If the council does not approve then it is no longer an issue and

the project dies. Mayor Penn asked if she was against R-3 development for the city of Farmington or for the project. Barbara responded that R-3 was appropriate in some areas but not for spot zoning.

Paulette Begrer, resident across the street from Barbara O'Neil asked how can a developer request something that does not yet exist. She is in favor of R-3 zoning just not sure this how this process can work if it's not in place. City Attorney explained that the developers are taking a gamble that the rezoning that is being requested would be in place by the time the proposal came before the planning commission.

Lydina Mulinax, Wolf Lane, stated many years ago she had approached the council to buy the old Campbell soup building and put a pool and other amenities there and she was told that Double Springs road could not handle that type of traffic. No improvements have been made to the road since so how could it support R-3?

Doug Faulkner spoke of his problem with the notification time and it seemed the city was being inappropriate with the time frame of the notification process for this. The April request was done and turned down and now this was being proposed. City Attorney Tennant outlined the time frame process for this and noted the dates the special hearings were held and the subsequent planning commission meetings that were held. He added that the residents had ample opportunity for input and they would with this also and that the city had followed all the proper steps for this request from the developer. He invited all of them to attend the planning commission meeting .Doug expressed his objection to it coming thru his neighborhood.

Mayor Penn asked those in attendance if that was their feelings also and they agreed. Mayor Penn reminded those in attendance this Ordinance was not project specific, this was a change for the zoning for the entire city. Each specific project requesting R-3 would go before the planning commission.

Mayor Penn the closed the public comment and brought the issue back to the council for discussion. After much discussion and questions Alderman Bell made a motion to table Ordinance 2017-11, Mayor Penn advised they did not have to table the Ordinance they could place it on its first reading to allow more time for public comment. Alderman Bell rescinded her motion to table.

A motion was made by Alderman Bell and seconded by Alderman Mathews to place Ordinance 2017-11 on its first reading by title only. It was approved by a vote of 5- 2 with Alderman Morgan and Bryant voting no. City Attorney Tennant read Ordinance 2017-11 by title only.

**Ordinance No. 2017-12 an ordinance authorizing the issuance of sales and use tax bonds for the purpose of financing all or a portion of the cost of capital improvements: pledging a 1% sales and use tax to pay the principal of and interest on the bonds: prescribing other matters relating thereto: and declaring an emergency.**

Ryan Bowman from Friday Eldridge & Clark presented the council with the bond ordinance with the sale of the bond figures inserted.

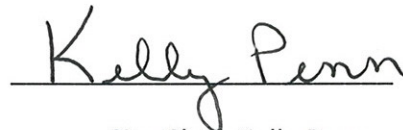
A motion was made by Alderman Cunningham and seconded by Alderman Parsley to suspend the rule requiring the reading of an ordinance in full on 3 different dates be suspended and that ordinance 2017-02 is to be read by title only one time. It was approved by all those present after a roll call vote. City Attorney Tennant read Ordinance 2017-12 by title only. Mayor Penn asked shall the Ordinance Pass? Ryan Bowman from Friday Eldridge & Clark asked that a motion be made to adopt the ordinance. A motion was made by Alderman Bell and seconded by Alderman Bryant to adopt the ordinance, it was approved by all those present after a roll call vote. A motion was made by Alderman Bell and seconded by Alderman Morgan to approve the emergency clause. It was approved by all those present after a roll call vote.

There being no further business to come before the council and on the motion of Alderman Bell and seconded by Alderman Mathews and by the consent of all members present, the meeting adjourned at 7:37pm until the next regularly scheduled meeting to be held Monday September 11th, 2017 at in the City Council Chambers in City Hall, located at 354 West Main Street, Farmington, Arkansas.

Approved;



Mayor Ernie Penn



City Clerk Kelly Penn