

REGULAR CALLED MEETING BOARD OF DIRECTORS

Boardroom

August 4, 2015

5:30 p.m.

AGENDA

1. Call to Order Mayor James Calhoun
2. Invocation
3. Consider Minutes from the July 21, 2015 Regular Board of Directors Meeting and the July 16, 2015 Working Session
4. Consider Ordinance Adopting the Arkadelphia Code of Ordinances
5. Discuss On Call Employee Policies
6. City Manager's Report
7. Future Agenda Items
8. Routine Business
9. Adjournment

MEMO

TO: CITY BOARD MEMBERS
FROM: CITY MANAGER JIMMY BOLT
SUBJECT: AGENDA August 4, 2015

Items 1-3: Self-Explanatory

Item 4: The city staff and the Arkansas Municipal League have been working to codify the city's ordinance into one document. After the "housekeeping" of some ordinances we present for your consideration the final document. There is an ordinance attached for your consideration.

Item 5: During the last meeting it was the consensus of the Board to discuss on call policies as it pertains to the city employees.

Items 6-9: ~~Self-Explanatory~~

**REGULAR CALLED MEETING
BOARD OF DIRECTORS**

**Boardroom
MEMBERS:**

July 21, 2015

5:30 P.M.

OTHERS:

Jason Jones, *Ward 1 Director*
Dick Rudolph, *Ward 2 Director, Vice Mayor*
Scott Byrd, *Ward 3 Director*
Joann Nelson, *Ward 4 Director*
Julian Jaeger, *Ward 5 Director*
Julie Winfrey, *Ward 6, At Large Director*
James Calhoun, *Ward 7, Mayor (Absent)*

Jimmy Bolt, *City Manager*
Rendi Currey, *City Clerk*
Jamal Brown, *Press*
Jennifer Story, *Treasurer*
Nancy Anderson, *Grants/Research*
(see attached list)

CALL TO ORDER

Vice Mayor Rudolph called the meeting to order at 5:30 p.m.

INVOCATION

Director Nelson

APPROVAL OF MINUTES

A motion was made by Director Winfrey seconded by Director Jaeger to approve the minutes from the July 7, 2015 regular called meeting as presented. The motion passed with a roll call vote and the vote was as follows:

Jason Jones	"Yes"	Scott Byrd	"Yes"
Joann Nelson	"Yes"	Julian Jaeger	"Yes"
Julie Winfrey	"Yes"	Dick Rudolph	"Yes"

THIRD READING OF THE ORDINANCE AMENDING B-425, PART A-ZONING: CHAPTER III, USE AND AREA DISTRICTS; AND CHAPTER V GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS

During the last meeting Director Winfrey made the motion seconded by Director Nelson to place this ordinance on its third and final reading title only in the next regular scheduled meeting. The Vice Mayor called for the Clerk to read the ordinance title only. The Clerk read:

AN ORDINANCE AMENDING THE REVISED LAND USE ORDINANCE B-425, PART A – ZONING: CHAPTER III, USE AND AREA DISTRICTS; CHAPTER V, GENERAL PROVISIONS APPLYING TO ALL OR SEVERAL DISTRICTS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

Director Winfrey made the motion seconded by Director Jaeger to adopt the ordinance. **The motion passed unanimously on a roll call vote.**

CONSIDER RESOLUTION FOR A MUTUAL SELF-HLP HOUSING GRANT

Mrs. Anderson stated that during the May 19, 2015 Board of Directors meeting the Board approved applying for a Mutual Self-Help Housing Grant through the USDA Rural Development. This action

requires a Resolution to be submitted in the actual application. Director Byrd made the motion seconded by Director Jaeger to adopt the resolution.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY OF
ARKADELPHIA'S REPRESENTATIVE IN ALL MATTERS RELATED TO THE
CONTINUATION OF A SECTION 523 USDA/RURAL DEVELOPMENT TECHNICAL
ASSISTANCE GRANT APPLICATION**

The motion passed unanimously on a roll call vote.

CONSIDER ENGINEERING SERVICES FOR FLOOD REDUCTION

Mr. Bolt stated that during flash flooding events of 2104 - 2015 two problem areas have been identified and staff believes the Board of Directors would like them addressed. Staff has utilized its talents and needs assistance to properly address the issues. The Garver proposed scope of services is broken into 2 sections. No1 --what we refer to as the Hills Court area and No.2. the area on the north side of Walnut Street just west of Hartford Street.

No. 1

After reviewing with Garver the conclusion is that this can be addressed. It is more economically feasible to attempt flood reduction, by removing two houses where the water wants to over flow the drainage system. The recommendation is to not enter into a contract for service No. 1. The recommendation is to purchase the two homes and allow the over flow during a flash flooding event in as safe of a manner as possible. This priority will need to be established during the summer retreat as we work toward setting up our 2016 budget. I believe the purchase price could possibly be financed with a five year loan.

No. 2

After reviewing with Garver it seems to be reasonable that this problem could be addressed with engineering assistance if the cost of purchasing a house and if the construction cost are low. This would allow us to build a drainage pond to meter out water to help reduce flash flooding downstream. The final construction project and house purchase would require the Board establishing it as a funding priority in 2016. I believe the purchase price could possibly be financed with a five year loan.

Staff recommends allowing the City Manager to enter in to a contract for engineering service based on the scope of services as described in the Unnamed Tributary of Maddox Branch No. 2 Detention Analysis.

Director Byrd made the motion seconded by Director Jaeger to allow the City Manager to enter into a contract for engineering with Garver for engineering services in the amount of \$13,000. **The motion passed unanimously on a roll call vote.**

CONSIDER ORDINANCE CREATING A BUDGET COMMITTEE

The Board voted to place this item on the agenda for discussion. Director Byrd presented an ordinance and Director Jaeger presented guidelines to follow. Discussion was had and Director Winfrey made the motion seconded by Director Jones to table the issue for 6 months.

The motion passed unanimously on a roll call vote.

CITY MANAGER'S REPORT

- I have been working with our economic development team to secure a large job creation project.
- Staff continues to try and keep pace with our work load. We do have one of our staff out due to illness. We are doing our best to keep up and we are asking for patience as we work to process the requests of the public.
- The Financial statements for May and June are at your desk.
- Staff is continuing our efforts to finish construction of the new Arkadelphia Code of Ordinance. We have sent our final comments back to the Municipal League. I hope we can place this item on the agenda for its first reading at our next meeting.
- Important dates to remember; on July 23rd at noon is the FOIA training and on August 22nd our annual Board retreat is scheduled.

- Our grounds crews are still behind. Now that the rain has stopped we have dangerous heat for our workers to contend with. I continue to ask for the public's patience as we work through the summer weather. Our staff did work overtime this past weekend in an effort to catch up.
- We are starting our Energy Audit this week. It will be performed by 360 Energy Engineering.
- The Airport construction projects are scheduled to start promptly.
- There is an Airport Committee meeting scheduled this Thursday evening from 5 to 7 pm.
- Staff is working to prepare our next sales tax meeting based on the information gathered to this point.
- Employees are being offered enrollment into Flexible Spending Accounts this week. FSA have been established to assist employees to access healthcare by reducing out of pocket expenses and by helping the employees save funds for health care cost through a payroll deduction program. The City is offering a dollar for dollar match, up \$250, to encourage the use of this program.
- Staff is also in the beginning stages of preparing for our summer retreat.

FUTURE AGENDA ITEMS

Director Winfrey would like to address on call employees. It was the consensus of the Board to place on the next agenda.

ROUTINE BUSINESS

Jason Jones, Ward 1-No report.

Scott Byrd, Ward 3-He would like to see the speed limit on the Caddo River Bridge going into Caddo Valley reduced from 55 to 45. Mr. Bolt stated that he will put in a request to the Highway Department however they do not always honor requests.

Joann Nelson, Ward 4- She invited everyone to the Second of August picnic at Gum Springs that will be on August 1st.

Julian Jaeger, Ward 5-No report.

Julie Winfrey, Ward 6 Director at Large- She stated that Rosehill Cemetery needs to be mowed. She asked about the status of the drainage art project. Mr. Bolt stated that it will not start until school starts due to the school involvement. Mr. Bolt stated that the mowing crews are behind and working overtime to catch up. She asked when the YSC will be complete. Mr. Bolt stated that it is near completion however a ribbon cutting/grand opening will not occur until the first ballgame is played. She announced another celebration across from Peake School on August 2nd to coincide with the Second of August picnic.

Dick Rudolph, Ward 2 Vice Mayor-He reported that the Ouachita River bridge project is moving along very well and that the end result will be very impressive.

James Calhoun, Mayor-Absent.

ADJOURNMENT

There being no more business to discuss, Director Byrd made the motion seconded by Director Winfrey to adjourn. **The motion passed unanimously and the meeting adjourned at 7:08 p.m.**

James Calhoun, Mayor

Rendi Currey, City Clerk

**REGULAR CALLED MEETING
BOARD OF DIRECTORS**

Boardroom

July 21, 2015

5:30 p.m.

Jason Jackson
Chuck Fitzsimmons
Nancy Anderson
Brenda Gills
Tyler Freeman
Al Harris
Lydia Gooding
Harley Martinelli
Henry Wilson
James Langley
Diana Langley

**WORKING SESSION MEETING
BOARD OF DIRECTORS**

Conference Room 1

July 16, 2015

5:30 P.M.

MEMBERS:

Jason Jones, *Ward 1 Director*
Dick Rudolph, *Ward 2 Director, Vice Mayor*
Scott Byrd, *Ward 3 Director (Absent)*
Joann Nelson, *Ward 4 Director*
Julian Jaeger, *Ward 5 Director*
Julie Winfrey, *Ward 6, At Large Director*
James Calhoun, *Ward 7, Mayor (Absent)*

OTHERS:

Jimmy Bolt, *City Manager*
Rendi Currey, *City Clerk*
Nancy Anderson, *Grants/Research*

CALL TO ORDER

Vice Mayor Rudolph called the meeting to order at 5:30 p.m.

INVOCATION

Vice Mayor Rudolph

DISCUSSION OF SALES TAX BUNDLING INITIATIVE

- a. **Review** - Mr. Bolt reviewed and stated from the previous working session there was a consensus to move forward with a 1¢ sales tax to improve streets (curbs, gutters, and sidewalks) and drainage. Also that bundling with Community Development and the Boys and Girls Club. Mr. Bolt mentioned that since the Highway Department wants a commitment from the City that the Board could possibly consider including in the bundle. The question of long term or short term still remains. The election could take place during the primary.
- b. **Identify Key Groups** – Mr. Bolt did an exercise to show that they will have non supportive groups or individuals and asked the Board to think of some key points to discuss with those non supporters.

ADJOURNMENT

There being no more business to discuss, Vice Mayor Rudolph made the motion seconded by Director Jaeger to adjourn. **The motion passed unanimously and the meeting adjourned at 6:25 p.m.**

James Calhoun, Mayor

Rendi Currey, City Clerk



Office of the City Manager
700 Clay Street, Arkadelphia, Arkansas 71923
Phone: (870) 246-9864

To: Arkadelphia Board of Directors
cc: Ed McCorkle
From: Jimmy Bolt, City Manager
Date: 7-24-15
Re: Consider First Reading of Ordinance Creating the Arkadelphia
Municipal Code
Attachments: Arkadelphia Municipal Code

City staff has been working with the Arkansas Municipal League staff to develop the code. While we have worked to clean up the legal team concerns with the ordinances there are still a few code sections that will catch your eye, they are a matter of policy. I do believe this is a good time to adopt while we continue to work to perfect the code as the Board of Directors desires.

Staff recommends placing the ordinance adopting the Arkadelphia Municipal Code on its first reading.

ORDINANCE NO. O-15-

AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE OF ORDINANCES OF THE CITY OF ARKADELPHIA, ARKANSAS, ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE EFFECTIVE DATE OF SUCH CODE AND A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY BOARD OF THE CITY OF ARKADELPHIA, ARKANSAS:

Section 1. That the Code of Ordinances is hereby adopted and enacted as the "Arkadelphia Municipal Code". Such code shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the City Board on or before October 1, 2015, to the extent provided in Section 2 hereof.

Section 2. That all provisions of such code shall be in full force and effect from and after the first day of October, 2015. All previously enacted ordinances, whether or not included in this code, shall remain in full force and effect until specifically repealed, amended, or otherwise affected by action of the governing body.

Section 3. That whenever in such code an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of such code shall be punishable as provided by Section 1.32.01 of such code.

Section 4. That any and all additions and amendments to such code, when passed in such form as to indicate the intention of the City Board to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the Arkadelphia Municipal Code shall be understood and intended to include such additions and amendments.

Section 5. That in case of the amendment of any section of such code for which a penalty is not provided, the general penalty as provided in Section 1.32.01 of such code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 6. That three copies of such code shall be kept on file in the office of the Clerk preserved in loose-leaf form or in such other form as the City Board may consider most expedient. It shall be the express duty of the Clerk, or someone authorized by the Clerk, to insert in their designated places all amendments or ordinances which indicate the intention of the City Board to make the same a part of such code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may be from time to time repealed by the City Board. These copies of such code shall be available for all persons desiring to examine the same.

Section 7. That it shall be unlawful for any person to change or amend by additions or deletions any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city of Arkadelphia to be misinterpreted thereby. Any person violating this section shall be punished as provided in Section 4 of this ordinance.

Section 8. That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Approved and passed this _____ day of _____.

Mayor

ATTEST:

City Clerk



Office of the City Manager
700 Clay Street, Arkadelphia, Arkansas 71923
Phone: (870) 246-9864

To: Arkadelphia Board of Directors
cc: Ed McCorkle
From: Jimmy Bolt, City Manager
Date: 7-24-15
Re: **On call policy**

Attachments:

This item was added to the agenda after the subject was brought up at the last meeting.

The concern is that an employee believes their freedom to enjoy time off and his ability to moonlight is restricted to a point that is unacceptable to him.

The AC officer has been advised of the grievance procedures as outlined on page 27 of the Personnel Policy Handbook and his on call duties were reviewed with him. The on call duties require no restriction of persons while off duty. It does however require one to answer the telephone and respond if available.

The call outs average for animal control is 1.25 times per week.

The fair labor standard states: Whether employees must be compensated for the time they are on call is a question of fact that depends upon whether the conditions are so restrictive or the calls are so frequent that the employees cannot effectively use the time for personal purposes.

The AML publication Understanding Municipal Personnel Law and Suggestions for Avoiding Lawsuits states: Employees do not have to be paid for "on-call" time unless their activities are "overly restricted." On-call time should not be counted as compensable unless the employee is required to remain at or near the employer's premises or otherwise cannot use his or her time freely (29 CFR § 785.17).

The city departments behave differently based on need. I asked each department head to provide me with how each department handles being on "on call". The responses were unique for each

department but two departments stand out due to a higher frequency of call outs. The two that stand out are the Water/Waste Water Utility which receives calls on almost a daily basis and then the Animal Control which varies from 0 calls for two weeks to 3-4 calls per week.

To clarify this issue I would suggest the addition to the Arkadelphia Personnel Policy Handbook. The change would be an addition to **Section III, Matters Affecting The Status of Employees:**

Add New Heading:

On Call:

The City of Arkadelphia provides a full range of health and safety services on an ongoing basis. Some department's employees are required to be on call during certain hours to provide such services. An Employee's immediate supervisor will advise and schedule on call personnel as needed to fulfill the city's commitment to the public. Some positions require an on call status as a condition of employment and other positions will be required to be on call as needed and assigned by the department head.

Employees do not have to be paid for "on-call" time unless their activities are "overly restricted." On-call time should not be counted as compensable unless the employee is required to remain at or near the employer's premises or otherwise cannot use his or her time freely.

Some employees may be assigned on call duties that require no restriction of person while off duty. However the employee assigned is required to answer the telephone and respond if available.

Employees required to be on call and with travel is restricted shall be compensated. Employees called out shall also be paid for actual time to respond to emergencies. Compensatory Time is allowed if chosen by the employee in advance.