

**REGULAR CALLED MEETING
BOARD OF DIRECTORS**

Boardroom

August 5, 2014

5:30 p.m.

AGENDA

1. Call to Order Mayor Charles Hollingshead
2. Invocation
3. Consider Minutes from the July 15, 2014 Regular Meeting
4. Second Reading of the Ordinance Allowing Local Farmers to Sell Produce on Roadside
5. City Manager's Report
6. Routine Business
7. Adjournment

MEMO

TO: CITY BOARD MEMBERS
FROM: CITY MANAGER JIMMY BOLT
SUBJECT: AGENDA August 5th, 2014

Items 1-3: Self-Explanatory

Item 4: During the last meeting Director Byrd made the motion seconded by Director Rudolph to place this ordinance on its second reading title only at this meeting.

Item 5-7: Self-Explanatory

**REGULAR CALLED MEETING
BOARD OF DIRECTORS**

**Boardroom
MEMBERS:**

July 15, 2014

5:30 P.M.

OTHERS:

Jason Jones, *Ward 1 Director*
Dick Rudolph, *Ward 2 Director*
Scott Byrd, *Ward 3 Director*
Roland Gosey, *Ward 4 Director, Vice Mayor*
Julian Jaeger, *Ward 5 Director*
James Calhoun, *At Large Director*
C. T. Hollingshead, *Mayor*

Jimmy Bolt, *City Manager*
Rendi Currey, *City Clerk*
Jamal Brown, *Press*
Jennifer Story, *City Treasurer*

(see attached list)

CALL TO ORDER

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

INVOCATION

Director Calhoun

APPROVAL OF MINUTES

A motion was made by Director Byrd seconded by Vice Mayor Gosey to approve the minutes from the July 17, 2014 regular called meeting as presented and the motion passed with a roll call vote and the vote was as follows:

Jason Jones	"Aye"	Dick Rudolph	"Aye"
Scott Byrd	"Aye"	Julian Jaeger	"Aye"
James Calhoun	"Aye"	Roland Gosey	"Aye"
Mayor Hollingshead	"Aye"		

CONSIDER BIDS FOR THE 2015 WASTEWATER TRUCK

The Water Utilities advertised for bid a 2014 ¾ ton 4 x 4 truck. The bids were opened and read publicly on July 10, 2014 the results are as follows:

Bidder	Amount	Meets Specs
Gildner Ford – Arkadelphia	\$21,272.00	Yes
State Purchasing Contract	\$21,476.50	Yes

Ms. Gills stated that staff recommendation is to accept the low bid of \$21,272.00 from Gildner Ford of Arkadelphia and proceed with purchasing the 2015 ¾ ton regular cab truck with 4X4 wheel drive. Director Byrd made the motion seconded by Director Jones to accept staff recommendation. **The motion passed unanimously on a roll call vote.**

CONSIDER BIDS FOR THE MINI EXCAVATOR

The Water Utilities advertised for bid for one new Hydraulic Mini-Excavator. The bids were opened and read publicly on July 10, 2014 the results are as follows:

Bidder	Amount	Meets Specs	Model
Ditch Witch of Arkansas Benton, AR	\$36,900.00	No	Yanmar Vi10-35-6A
Henard Utility Products, Inc. Searcy, AR	\$36,840.41	Yes	Kubota KX91R1A52

Hugg & Hall Equipment Little Rock, AR	\$35,656.64	Yes	Bobcat E-35
J. A. Riggs Company Little Rock, AR	\$40,876.58	Yes	Caterpillar 303.5ECR

Ms. Gills stated that staff recommendation is to accept the low bid of \$35,656.64 from Huff & Hall Equipment for the Bobcate E-35 model and proceed with purchasing the Hydraulic Mini-Excavator. Director Rudolph made the motion seconded by Director Byrd to accept staff recommendation. **The motion passed unanimously on a roll call vote.**

CONSIDER ORDINANCE ALLOWING LOCAL FARMERS TO SELL PRODUCE ON ROADSIDE

After receiving a complaint about a food vendor selling products in a church parking lot, staff reviewed state statutes to confirm that farmers still had the right to sell locally grown produce. Our research reveals that the statute that protected the rights of farmers to sell along the roadside was repealed in 2011 by passage of Act No 568. Staff is asking the Board of Directors to consider an ordinance to allow our local farmers the opportunity to continue selling farm products on the roadside as they have for decades. Staff recommends placing this ordinance on its first reading. Director Byrd made the motion seconded by Director Rudolph to place the ordinance on its first reading. **The motion passed unanimously on a roll call vote.** The Mayor called for the Clerk to read the ordinance in its entirety and the Clerk read:

AN ORDINANCE EXEMPTING LOCALLY PRODUCED FARM PRODUCTS SOLD FROM ROADSIDE STANDS FROM CERTAIN REGULATIONS OF THE CITY OF ARKADELPHIA, ARKANSAS

Director Byrd made the motion seconded by Director Rudolph to place the ordinance on its second reading title only in the next regular scheduled Board of Directors meeting. **The motion passed unanimously on a roll call vote.**

CONSIDER RESOLUTION OF CONDEMNATION 1209 CUTLER STREET

Officer Free stated and showed pictures of the progress made on the property and recommended tabling the issue indefinitely. Director Jones made the motion seconded by Director Jaeger to table the Resolution of Condemnation of 1209 Cutler Street indefinitely. **The motion passed unanimously on a roll call vote.**

CONSIDER RESOLUTION OF CONDEMNATION 115 S. AUSTIN

Officer Free stated that no progress had been made in attempts to make contact with the owner on record and his recommendation is to adopt the Resolution of Condemnation. Director Jones made the motion seconded by Vice Mayor Gosey to adopt the resolution. **The motion passed unanimously on a roll call vote.**

CONSIDER ANIMAL CONTROL POLICY

The Arkadelphia Animal Control Policies and Procedures Manual – having been duly considered by the City of Arkadelphia Staff, including the relevant (current and former) department head and employees, city attorney, and concerned residents and Board members – is now presented to the City of Arkadelphia Board of Directors in its current version for consideration. Director Byrd made the motion seconded by Vice Mayor Gosey to adopt the policy effective immediately. **The motion passed 6 to 1 with Rudolph voting “Abstain”.**

DISSCUSSION OF THE BOARD OF DIRECTORS PROCEDURAL RULES

No action taken.

CITY MANAGER'S REPORT

- Staff anticipates YSC bid opening in early August.
- Staff is working to prepare for a productive Board Retreat with the addition of items discussed tonight.
- Forest Park, between 26th and Millcreek Drive is the next major pavement project scheduled by the Street Department.
- The Aquatic Park had a pump failure and we lost a day of operations due to an unexpected problem during the scheduled repairs. Due to our talented employees we were able to open the park the next day. Since that time we have made additional repairs. This was an unexpected expense of about \$4,500.
- Walnut Street is scheduled to be overlaid next week through the state aid program. Tack oil will be used so I would encourage everyone to avoid the area if at all possible and to please be patient if you have to travel the area.
- David Johnson of the Arkansas Community Foundation recently presented information from the most recent ASPIRE Arkansas Report and their corresponding actions study to the city's Racial and Cultural Diversity Committee. The report presents data for each county and provides action steps to address poverty and improve quality of life for Arkansans, so we will be looking at the report and available grant opportunities to determine how the city can help to make a difference
- In May I requested the contractor replace the dead plants and non-regrowth of annuals on the last streetscape project. The plants were still under warranty; the contractor has refused to take corrective action. I have instructed staff to remove the dead plants and to replant. Once the repairs are completed staff will bill the contractor for the cost and request payment from the contractor or the contractor's bonding company. The bond company has contacted me regarding this matter.
- The review committee created concerning temporary signage is being formed and I anticipate they will begin working soon.
- Beginning this weekend I will be taking some vacation time and I plan to return to work just before the next board meeting. I've asked Chief Harris to supervise the department heads in my absence.

ROUTINE BUSINESS

Jason Jones, Ward 1-He commended Officer Free for the excellent job he has been doing. He believes Free goes above and beyond. He appreciates Deborah and all involved for their work on the Animal Control Policy.

Dick Rudolph, Ward 2- He questioned Mr. Bolt on the progress made between the Sheppard land and the CCIC. Bolt stated they were in negotiations. Rudolph asked when the lights would be installed at the YSC. Bolt stated it will be bid out in August.

Scott Byrd, Ward 3-He questioned when the Board Retreat was scheduled. August 16. He spoke directly to Mr. Jackson in the audience hoping he could see the progress on 1209 Cutler Street and hopes Mr. Warner will follow through with the repairs.

Julian Jaeger, Ward 5- Director Jaeger had emailed the following questions earlier and these were read at this time:

- What is the status on the sign ordinance? Have you asked a few retailers to come and speak with you about the sign ordinance?

I was given my directions by the Board during the June 14th Board of Directors meeting. The Board made the following motion:

“After a brief discussion Director Jaeger made the motion seconded by Director Byrd to send the current sign ordinance back to the Planning

Commission for review specifically the temporary sign section and the material section. Also request three merchants and the Chamber Director be involved in the reviewing process. **The motion passed 5 to 1 with Rudolph voting "abstain".**

Planning staff now has the Chamber Director and Arkadelphia business owners assigned to the subcommittee, included are: 2 restaurant owners and a medical clinic owner. Ms. Wiley will be asking at least two Planning Commissioners to sit on the subcommittee.

Now that the committee has been formed, Ms. Wiley will be calling a subcommittee meeting after the Planning Commissioners appoint three members. This will occur during the August Planning Commission meeting. Next step will be to call a meeting or meetings. I would anticipate that this could last through the end of the year (including the Board's final action).

Officer Free is not taking action regarding temporary signs at this time.

- Since this is summer, why not have the farmers market open every day for those wishing to sell their produce?

The Farmers Market Board of Directors is independent of the City and they set their own hours and days of operation. The building is available for use every day. Anyone wishing to use it for a nominal fee of \$35 can reserve or rent the facility when the Farmers Market is not operating.

- Inform citizens that Arkadelphia has a safe room at Peake Elementary School. There should be a key in the police station and sheriff department marked accordingly in the event of an emergency, either the principal Angela Garner, police or sheriff can open the safe room in an emergency. The room holds approximately 500 hundred people.

**This is not an accurate statement. This FEMA mitigation grant provided funding to primarily protect our school children attending Peake. During non-school hours this facility is open to those within 3 to 5 minutes walking distance and there is a Protocol dated September 2004. Attached is supporting information. Arkadelphia Safe Room Protocol
September 2004**

The Arkadelphia Public Schools/Community Safe Room was completed in September, 2004. The following are procedures for the Safe Room use by the school district and the community in times of inclement weather:

1. The safe room will only be utilized by Arkadelphia Public School students and personnel between 7:00 a.m. and 4:00 p.m. and at other times when school functions are scheduled at the Peake elementary school. Community use of the safe room will be permitted only during non-school hours and activities.
2. The safe room may be utilized by the community during inclement weather only when the community sirens have been activated or when the Office of Emergency Services has determined that hazardous weather conditions exist. (During non-school use time periods)
3. The school district will issue keys to appropriate city and government officials for the opening of the safe room during non-school hours.
4. The person who opens the safe room will be in charge of the activities within the safe room and will not leave the site of the safe room until all citizens have evacuated the premises. The person who opened the safe room will then lock and secure the safe room.
5. The superintendent's office will be notified the following working day after an activation of the safe room. Any damage to the buildings or contents will also be

reported at that time.

- When are the signs coming down on 6th street and no parking signs going up next to Southern Bancorp? Who is responsible; the State or city to remove and replace with no parking signs?

I am unable to answer the first part of that question. The AHTD District Engineer told me he would remove the parking spaces and install the appropriate signage.

- Our Streets appear to have more trash on them lately. Will you ask the Sheriff to have inmates clean along Country Club?

Yes I will ask the Sheriff.

- Are citizens allowed to place trash bags in a plastic trash container that has a lid, and in some cases not lid out on the street for pick up?

No, although the crews do make exceptions for people with disabilities, and on occasion retrieve bags from their porches. Please see attached ordinance 0-11-09 section 4.3a-c

- There is a potential sanitation issue at Millcreek and 26th Street next to the Good's home-kids play in the creek water. Mr. Good has found needles and bicycles in this pond area. He also mentioned the creek side next to his home is getting undermined where there is rock and concrete.

The site was inspected this morning by the Street Department manager, Utility Manager, Code Enforcement officer, Utility Department Field Supervisor, and myself. I also spoke with Chief Harris. While staff inspected the site we found no sanitation issues. It is true that there is erosion, but it did not give concern to anyone that inspected the site.

- One of my constituents in Ward 5 mentioned the house at 222 22nd. Street has a building fallen down behind the house with numerous other building materials. He mentioned, they have also noticed a copperhead around the debris. Please inform the code enforcement officer.

Officer Free has given Mr. Bell 30 days to tear down the back of his home or repair the home.

James Calhoun, At Large Director-He extended sympathy to the Warner family for the death of Bill Warner today. He commended all the baseball teams in Clark County for all their great games. He commended the teams, kids and coaches.

Roland Gosey, Vice Mayor, Ward 4-No report.

Mayor Hollingshead, Mayor-No report.

ADJOURNMENT

There being no more business to discuss, Director Byrd made the motion seconded by Director Jones to adjourn. **The motion passed unanimously and the meeting adjourned at 6:54 p.m.**

C. T. Hollingshead, Mayor

Rendi Currey, City Clerk

**REGULAR CALLED MEETING
BOARD OF DIRECTORS**

Boardroom

July 15, 2014

5:30 p.m.

Deborah Sesser
David Sesser
Aaron Bopp
Heather Bopp
Julie Winfrey
Brenda Gills
Harley Martinelli
Debbie Sorrels
Ron Daniell
Donny Manning
Chuck Fittsimmons
Gerald Browning
Charles Williams
Kelvin Hanaey
Dennis Williams
Anita Williams
Henry Wilson

ORDINANCE NO O-14-

AN ORDINANCE EXEMPTING LOCALLY PRODUCED FARM PRODUCTS SOLD FROM ROADSIDE STANDS FROM CERTAIN REGULATIONS OF THE CITY OF ARKADELPHIA, ARKANSAS

Whereas, the City of Arkadelphia governs the conduct of transient merchants, Ordinance 0-11-10, within the city:

Whereas, locally produced food tastes better, is more nutritious, promotes energy conservation, supports local farmers, and builds community.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY ARKADELPHIA, ARKANSAS, THAT:

Section 1. Locally produced agricultural products may be sold in all commercial zones with the property owners' permission.

Section 2. **Definitions:**

Agricultural products: Horticultural and dairy products, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof.

Locally Produced: Regionally produced agricultural products produced less than 100 miles from farm to market.

Paved Surface: A sealed surface pavement maintained in such a manner that no dust will result from the continued use.

Roadside Stand: A direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and is limited to locally produced agricultural products.

Section 3. Paved surface required for parking.

Section 4. Ordinance 0-97-22 and all ordinances or parts of ordinances or amendments thereto, in conflict with this Ordinance as hereby repealed as it relates to locally produced agricultural products sold at road side stands.

Section 5: **Severability:** If any section of this ordinance shall be declared unconstitutional or unlawful, only that section shall be affected and all other provisions of the ordinance shall remain in full force and effect.

PASSED THIS ___ day of __August, 2014

APPROVED:

By: _____
Mayor

ATTEST:

By: _____
____ City Clerk

(SEAL)