

Minutes of the Malvern City Council

1

Held in the City Hall Courtroom

Monday, February 9, 2015

The Malvern City Council met for its regular monthly meeting on Monday, February 9, 2015 at 7:00 p.m. in the City Hall Courtroom. Mayor Brenda J. Weldon opened the meeting and introduced Bro. Wade Overturf, Youth Pastor at Ouachita River Fellowship, who led the invocation and pledge of allegiance. Present for the meeting were Council members Mary Fraction, Lynn Davis, J. Wayne Reynolds, Peggy Lusinger, Robin Halbert, Larry Stiles and David Cross with William Wilson absent. Also present were City Clerk/Treasurer Phyllis Dial and City Attorney Cecilia Ashcraft. Following the roll call, Mayor Weldon declared a quorum present.

A motion was made by Fraction, seconded by Reynolds to adopt the minutes of the previous regular meeting held on January 12, 2015. Voting for the motion were Aldermen Fraction, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried.

Departmental reports were presented for approval. A motion was made by Reynolds, seconded by Fraction to accept departmental reports as mailed. Voting for the motion were Aldermen Fraction, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried.

Under old business, Mayor Weldon announced that the proposed animal ordinance was scheduled to be heard for its second reading by title only, but after a review from the new City Attorney it was being requested that the item be tabled in order to give her time to research other cities' animal control laws. A motion was made by Reynolds, seconded by Cross to table the proposed animal control ordinance. Voting for the motion were Aldermen Fraction, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried and the motion was carried.

Under new business, a motion was made by Council Member Fraction, seconded by Reynolds to accept the 2013 Audit Report for the City from the Arkansas Department of Legislative Audit. Alderman Reynolds noted that the letter states every year that the Department of Legislative Audit notes a lack of internal control in the audit. He stated that this is something that was also noted in the water works audits and that Council members need to remain aware of that. Voting for the motion were Aldermen Fraction, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried and the motion was approved.

Council Member Lusinger introduced an ordinance authorizing David Cross to do business with the City of Malvern. The Clerk read the ordinance for its first reading. Mayor Weldon told the Council that she had obtained quotes for some remodeling work to be done in her office and that Mr. Cross had submitted a quote that was substantially lower than any of the others she had received for the proposed work. A motion was made by Stiles, seconded by Halbert to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Aldermen Fraction, Davis, Reynolds,

Minutes of the Malvern City Council

2

Held in the City Hall Courtroom

Monday, February 9, 2015

Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried and the ordinance was read for its second reading by title only. A motion was made by Stiles, seconded by Lusinger to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried and the ordinance was read for the third and final reading by title only. A motion was made by Lusinger, seconded by Fraction to adopt the ordinance. Voting for the motion were Aldermen Fraction, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried and the ordinance was adopted and assigned No. 2015-05. A motion was made by Stiles, seconded by Reynolds to adopt the emergency clause of the ordinance. Voting for the motion were Aldermen Fraction, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried and the emergency clause was adopted.

ORDINANCE NO. 2015-05

AN ORDINANCE ALLOWING DAVID CROSS TO DO BUSINESS WITH THE CITY OF MALVERN, ARKANSAS

Council Member Fraction introduced a resolution condemning certain properties within the City of Malvern. The clerk read the proposed. A motion was made by Stiles, seconded by Fraction to adopt the resolution. Voting for the motion were Aldermen Fraction, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. The resolution was declared adopted and assigned No. 02-2015.

RESOLUTION NO. 02-2015

A RESOLUTION DECLARING CERTAIN PROPERTIES IN THE CITY OF MALVERN, ARKANSAS AS UNFIT AND UNSAFE STRUCTURES

Council Member Fraction introduced a resolution amending the City's Police Department Policy Manual to include a section governing the use of body worn video recording equipment by city police officers. The Clerk read the resolution. A motion was made by Fraction, seconded by Stiles to adopt the resolution. Council Member Fraction asked Chief of Police Taber to explain in a little more detail what the resolution is for. Chief Taber stated that our police officers are already utilizing body worn video recording devices, but this document will set a policy for when and how the equipment can and should be utilized. He said that the policy also sets how the footage obtained can and should be used. For example, if there is anything obtained on the recordings that can exonerate a defendant, then the department is required to turn it over to the defense. The policy governs how the equipment and recordings can be used and how long they must be kept. Alderman Stiles asked how the policy was obtained, and Taber responded that he obtained it from the Association of Chiefs of Police and this policy has already been tried

Minutes of the Malvern City Council

Held in the City Hall Courtroom

Monday, February 9, 2015

3

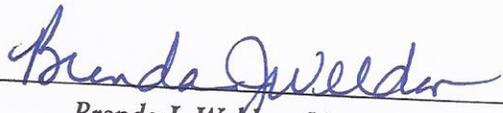
and tested. Voting for the motion were Aldermen Fraction, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried and the resolution was declared adopted and assigned No. 03-2015.

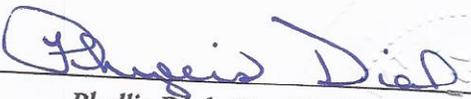
RESOLUTION NO 03-2015

A RESOLUTION AMENDING THE 2007 EDITION OF THE MALVERN POLICE DEPARTMENT POLICY MANUAL TO INCLUDE THE SECTION ENTITLED 'BODY WORN VIDEO RECORDING (BWV)'

Mayor Weldon presented her State of the City Address (see attached), and cited her concerns and desires for improvements in streets, drainage and parks and her diligence toward obtaining grant monies to aid in accomplishing stated goals. She praised department heads and city employees for their dedication and willingness to improve our City.

There being no further business, and upon a motion by Reynolds, seconded by Fraction, Mayor Weldon declared the meeting adjourned.


Brenda J. Weldon, Mayor


Phyllis Dial, City Clerk/Treasurer

