

Minutes of the Malvern City Council

1

Held in the City Hall Courtroom

Monday, January 11, 2016

The Malvern City Council met for its regular monthly meeting on Monday, January 11, 2016 at 7:00 p.m. in the City Hall Courtroom. Mayor Brenda Weldon called the meeting to order and introduced Bro. Jimmy Bailey, Youth Pastor at the Church of Faith, 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. Mayor Weldon declared a quorum present and welcomed everyone to the meeting. She stated that Alderman Wilson was absent due to a case of the flu.

A motion was made by Davis, seconded by Fraction to adopt the minutes of the previous regular meeting held on December 14, 2015. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried.

Monthly departmental reports were considered. Mayor Weldon noted that December 2015 report were available for review on the tablets. A motion was made by Fraction, seconded by Reynolds to accept departmental reports as posted. Alderman Reynolds noted that he did not see a neighborhood code enforcement report in the police department report and Chief Taber noted that he would check on that. Also, Alderman Stiles noted that the fire department report was not in the proper location, and Mayor Weldon noted that we would check on that also. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried.

Under old business, Alderman Reynolds introduced the ordinance adopting the 2016 city budget for its second reading by title only. A motion was made by Reynolds, seconded by Fraction to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, 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 Reynolds, seconded by Stiles to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried and the ordinance was declared adopted and assigned No. 2016-01. A motion was made by Fraction, seconded by Reynolds to adopt the emergency clause of the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried and the emergency clause was declared adopted.

Minutes of the Malvern City Council

2

Held in the City Hall Courtroom

Monday, January 11, 2016

ORDINANCE NO. 2016-01

AN ORDINANCE PROVIDING FOR THE APPROPRIATION OF FUNDS FOR THE OPERATION OF THE CITY OF MALVERN, ARKANSAS PROVIDING FOR THE BUDGET FOR THE YEAR 2016, DECLARING AN EMERGENCY

Also under old business, Alderman Stiles introduced the ordinance adopting the 2016 water and sewer department budget for its second reading by title only. A motion was made by Davis, seconded by Reynolds to suspend the rules and place the ordinance on its third and final reading by title only. Voting for the motion were Aldermen Fraction, Wilson, 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 Fraction, seconded by Reynolds to adopt the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried and the ordinance was declared adopted and assigned No. 2016-02. A motion was made by Reynolds, seconded by Fraction to adopt the emergency clause of the ordinance. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried and the emergency clause was declared adopted.

ORDINANCE NO. 2016-02

AN ORDINANCE PROVIDING FOR THE APPROPRIATION OF FUNDS FOR THE OPERATION OF THE CITY OF MALVERN, ARKANSAS WATER AND SEWER DEPARTMENT, PROVIDING FOR THE BUDGET FOR THE YEAR 2016, DECLARING AN EMERGENCY

Under new business, Alderman Stiles made a motion, seconded by Cross to accept the low bid as submitted by T&T Backhoe in the amount of \$14,208.00 per year for the contract position of cemetery caretaker, as recommended by the Malvern Cemetery Committee. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried. A motion was made by Fraction, seconded by Reynolds to authorize the Mayor to sign the contract for the service. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried.

A motion was made by Council Member Fraction, seconded by Reynolds to authorize the Mayor to sign a contract renewing the agreement between the

Minutes of the Malvern City Council

3

Held in the City Hall Courtroom

Monday, January 11, 2016

Malvern Airport Commission and Ricci Davis for the operation of the Malvern Municipal Airport. Voting for the motion were Aldermen Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles, and Cross with Wilson absent. All present voting for motion carried.

Under Citizens Wishing to Appear, Mayor Weldon recognized Mr. Rocky Stitt who had asked to be on the agenda. Mr. Stitt said that he would yield his time to anyone else who wanted to speak to the Council. Mayor Weldon stated that was not the way things worked, and that if Mr. Stitt did not want to speak at the meeting, things would move on. Mr. Stitt stated that he felt he should be able to yield his time to anyone who wanted it, and Mayor Weldon noted that the procedural rules for city council meetings did not accommodate that, and that the City's agenda committee had allotted the time to him and that is the way the process worked.

Under Mayor Reports, Mayor Weldon noted that the Aldermen were aware of the problems that had surfaced in the Code Enforcement Office, and that office has now been placed under the jurisdiction of the fire department and the Fire Chief. Chris Brewster, who is currently the fire marshal, will also serve as inspector and code enforcement officer.

Mayor Weldon noted that the papers were signed last week for the purchase of the building across the street, and it has been purchased. She also noted that she and the budget committee met with Judge Sherry Burnett to begin work on the transition to a full time court as mandated by the state for 2017, and a budget for that department.

Mayor Weldon stated that she will be meeting on Thursday with Jay Fountain of American Eagle about upgrading train depots around the country. She also stated that she will be meeting with the state Parks and Tourism department to discuss possible grant monies that might be able to be used to upgrade facilities in the parks. She also reminded city officials about the MLK activities that will be held this week and the Chamber Banquet to be held on January 21.

Mr. James Newell asked to speak to the Council about an issue at the property located at 1206 Sherwood. A motion was made by Stiles, seconded by Lusinger to open the agenda to allow Mr. Newell to speak. Mr. Newell said that he was representing his son and daughter and their children who had previously lived at 1206 Sherwood until their house burned. He stated that they had decided to replace it with a modular home and spoke to the code enforcement office where they were told that they could do that under certain circumstances. He stated that they had done what the CEO had told them to do such as digging a footer and preparing a foundation. They purchased a manufactured home and were in the process of moving the home and were then told that it was not

Minutes of the Malvern City Council

4

Held in the City Hall Courtroom

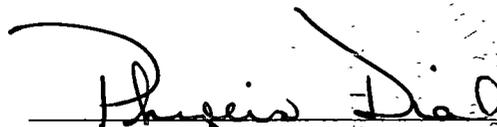
Monday, January 11, 2016

allowed in that area because of the zoning. He stated that this has been going on since September 1. He stated that they had paid over \$95,000 for the manufactured home and with the land work were out well over \$100,000. Mr. Newell said because they had done everything they were told by an agent of the city to do, they were asking the City to grant them a variance to allow the manufactured home on the lot because of a hardship.

A motion was made by Stiles, seconded by Reynolds to adjourn. There being no further business to come before the Council, the meeting was declared adjourned.



Brenda J. Weldon, Mayor



Phyllis Dial, City Clerk/Treasurer

BID SUMMARY

The City of Malvern opened sealed bids on Tuesday, December 1, 2015 at 10 o'clock a.m. in the Clerk/Treasurer's Office for the maintenance and upkeep of the Oak Ridge Cemetery. Present for the opening were City Clerk/Treasurer Phyllis Dial, Street Superintendent Mike Smith, and Kim Pierce of the Treasurer's Office. The Clerk/Treasurer opened the bids beginning at 10:11 a.m. Five bids were received with the results as follows:

Clifford Morrison
575 Post Oak Road
Arkadelphia, Arkansas 71923

\$1299.00 per month
(**\$15,588.00 annually**)

Booth Lawn Care
1340 S. Anderson Road
Hazen, Arkansas 72064

\$34,500.00 per year
Bid included list of equipment, and proof of liability & workers' comp insurance.

Anthony Grass & Leaves LLC
121 Cabe Street
Malvern, Arkansas 72104

\$33,500.00 per year

Larry Tatum d/b/a Enviro Services
213 Glen Rose Road
Malvern, AR 72104

\$28,750.00 per year
Liability Ins. Certificate & Workers Comp. Certificate to be presented at award of contract. References included.

T&T Backhoe Service Inc.
PO Box 198
Rison, Arkansas 71665

\$14,208.00 per year
To be paid in monthly installments of \$1,184.00 monthly. Cert. of Liability and Workers' Comp insurance, and references included.

Malvern City Cemetery Committee
Malvern, Arkansas 72104

January 4, 2016

The Honorable Brenda Weldon, Mayor
City of Malvern

Dear Mayor,

The City Cemetery Committee, in a reversal from our decision regarding a review of bids for caretaker of Oak Ridge Cemetery, which was submitted to your office on December 14, 2015, now recommends that the City Council consider the low bid of \$14,208.00 per year, given by T & T Backhoe Service.

The reason for this reversal is purely economic, in light of funding available at this time for the cemetery's upkeep. We strongly suggest that diligent oversight be in place to ensure that there is no breach of the contract, for over the past 19 years, every time the low bid was accepted, we "got what we paid for", which was subpar results.

Our committee wants nothing more than for the final resting place of this city's forebears to be shown honor and respect by keeping the cemetery immaculately clean, year round.

Sincerely,



John Allan Funk, Chair
Malvern City Cemetery Committee

Cc: Elizabeth Ball
Sharon Wilson
Stephen Bowdle
Michael Smith