

AGENDA

MALVERN CITY COUNCIL
Monday, September 12, 2016
CITY HALL COURTROOM, 7:00 P.M.

I. CALL THE MEETING TO ORDER

II. INVOCATION

III. ROLL CALL

IV. APPROVE MINUTES OF PREVIOUS MEETING

A. August 8, 2016

V. ACKNOWLEDGE RECEIPT OF DEPARTMENTAL REPORTS

- A. Financial Statement*
- B. Street Department Report*
- C. CEO/Fire Department Reports*
- D. Police Report*
- E. Water Department Report*
- F. LifeNet Report*

VI. OLD BUSINESS

A. Second Reading - Ordinance Levying Taxes for 2017

VII. NEW BUSINESS

- A. Approve Taking of Bids for Drainage Issues - East Page Avenue*
- B. Ordinance Amending Violation Minimum for Nuisance Ordinance*
- C. Ordinance Rezoning Property on Sulphur Springs Road to PUD from R-1*
- D. Approval of Cleaning of Intake Structure for Water Works*

VIII. CITIZENS WISHING TO APPEAR

IX. MAYOR REPORTS

X. ADJOURNMENT

**MINUTES OF THE MALVERN CITY COUNCIL
MONDAY, SEPTEMBER 12, 2016
HELD IN THE MALVERN CITY HALL COURTROOM 7 P.M.**

The Malvern City Council met for its regular monthly meeting on Monday, September 12, 2016 at 7: 00 p.m. in the City Hall Courtroom. Mayor Brenda Weldon called the meeting to order and welcomed everyone to the meeting. Present for the meeting were Council members Mary Fraction, William Wilson, Lynn Davis, J. Wayne Reynolds, Peggy Lusinger, Robin Halbert, Larry Stiles and David Cross. Also present was City Attorney Cecilia Ashcraft and City Clerk/Treasurer Dial. Mayor Weldon declared a quorum present and led the Invocation and Pledge of Allegiance.

A motion was made by Council Member Cross, seconded by Fraction to approve the minutes of the regular meeting held on August 8, 2016. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried and the minutes were adopted.

A motion was made by Council Member Reynolds, seconded by Fraction to accept the Departmental Reports as posted. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried.

Alderman Fraction introduced for its second reading by title only and ordinance levying the city taxes for the year 2017. City Attorney Ashcraft read the ordinance for its second reading by title only. The ordinance will be heard for its third reading at the October city council meeting.

Mayor Weldon advised the Council that she had spoken with Husky Bridge Builders about an estimate for the drainage project on East Page Avenue. Mr. Hedges estimated that a turn-key job would run about \$38,000 but if the city provided the equipment and did a lot of the hauling and some of the work, he could do the remainder of the job for under \$15,000.00. She stated that the estimate on culvert costs for the project was about \$7500 for the 48" culverts and \$6200 for 36" culverts required for the project. The project includes covering the hole and re-routing the culverts. Mayor Weldon stated that the highway department has told the city that the project has to be done because it is damaging the highway, but has refused to contribute any money to the project. Alderman Reynolds, seconded by Fraction made a motion to put the project out for formal bid. After some discussion, the Council agreed that it would be most cost efficient to buy the materials and do as much of the work as possible with the Street Department. Council Member Fraction withdrew her second, and Alderman Reynolds his motion. Mayor Weldon stated that she would see about getting the highway department's engineers down here to advise on the project and research if the professional fees can be kept below the \$15,000.00 if the city buys the materials and does as much of the work as possible. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried.

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Alderman Reynolds introduced an ordinance amending a portion of Ordinance No. 1051 (Municipal Code 9.52.050), setting the fines for violation of the nuisance ordinance. The Clerk read the ordinance for its first reading. Mayor Weldon explained that the fines for violations now are between \$50 and \$500.00 as determined by the Judge. This would raise the fines from a minimum of \$250 to a maximum of \$1,000.00 and perhaps make them substantial enough to encourage people to keep their lots cleaned up. A motion was made by Stiles, seconded by Cross to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried and the Clerk read the ordinance for its second reading by title only. A motion was made by Stiles, seconded by Cross to suspend the rules and read the ordinance for its third and final reading by title only. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried and the Clerk read the ordinance for its third and final reading by title only. A motion was made by Stiles, seconded by Fraction to adopt the ordinance. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried and the ordinance was adopted and assigned No. 2016-15. A motion was made by Davis, seconded by Lusinger to adopt the emergency clause of the ordinance. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried and the emergency clause was adopted.

ORDINANCE NO. 2016-15

AMENDMENT OF ORDINANCE 1051 § 2 OF 1991 (MALVERN MUNICIPAL CODE 9.52.050); AND DECLARING AN EMERGENCY

Alderman Stiles introduced for its first reading an ordinance rezoning property located on Sulphur Springs Road from R-1 to PUD. The clerk read the ordinance for its first reading. Mayor Weldon stated that this rezoning is for a gated community of rental properties that are not subsidized units. There are homes placed on small garden sized lots and geared mainly to senior citizens. The developers would like to break ground in about two weeks and the project will be constructed in three phases. Alderman Reynolds noted that they will maintain their own streets, but that the City will maintain the water and sewer lines. Mayor Weldon stated that is correct, but noted that the water and sewer lines will all be installed up to the city's specifications. A motion was made by Fraction, seconded by Lusinger to suspend the rules and place the ordinance on its second reading by title only. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried and the Clerk read the ordinance for its second reading by title only. A motion was made by Lusinger, 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 Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried and

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the Clerk read the ordinance for its third and final reading by title only. A motion was made by Reynolds, seconded by Fraction to adopt the ordinance. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried and the ordinance was declared adopted and assigned No. 2016-16. A motion was made by Davis, seconded by Lusinger to adopt the emergency clause of the ordinance. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried and the emergency clause was declared adopted.

ORDINANCE NO. 2016-16

**AN ORDINANCE TO REZONE PARCEL NUMBER 700-02479-000 FROM R-1 TO PUD, AND
TO AMEND THE ZONING MAP TO REFLECT SUCH CHANGE; AND DECLARING AN
EMERGENCY**

A motion was made by Council Member Davis, seconded by Cross to approve the cleaning of the intake structure for the Malvern Water Works. Mayor Weldon noted that the money for this will be appropriated later in the year when we amend the budget to cover the repair of the brackets for the water and sewer lines across the interstate bridge. Voting for the motion were Council Members Fraction, Wilson, Davis, Reynolds, Lusinger, Halbert, Stiles and Cross. All voting for, motion carried.

There were no citizens wishing to appear before the Council. Under Mayor Reports, Mayor Weldon noted that the scheduled October meeting for the council falls on the Columbus Day holiday. She asked the Council if they would prefer to meet on the holiday or reschedule the meeting for Tuesday evening. The majority of the Council expressed a desire to meet on the evening of the holiday.

There being no further business to come before the Council, and upon a motion by Reynolds, and a second by Fraction, the meeting was adjourned.



Phyllis Dial, City Clerk/Treasurer



Brenda J. Weldon, Mayor