

REGULAR CALLED MEETING BOARD OF DIRECTORS

Boardroom

September 19, 2023

5:30 p.m.

AGENDA

1. Call to Order Mayor Scott Byrd
2. Invocation
3. Approval of Board Minutes from April 18, 2023 – Mayor Byrd
4. Confirmation of Chama Williams as the new City Clerk – Gary Brinkley
5. Aquatic Park Season Ending Update – Stuart Tapson
6. Third Reading of Ordinance to Rezone 313 S. 10th – Gary Brinkley
7. Board to Approve Mediation Terms for 4 Hills Court – Gary Brinkley
8. Executive Session to Discuss City Managers Annual Review- Mayor Byrd
9. Action Regarding Executive Session on City Managers Annual Review- Mayor Byrd
10. City Manager's Report – Gary Brinkley
11. Routine Business – Mayor Byrd
12. Adjournment – Mayor Byrd

Regular Meeting: Citizens speaking to the Board of Directors shall have a speaking time limit of **10 minutes**. The Board of Directors may ask follow up questions which may extend the time limit.

Open Session Forum: Speaking time limit is **5 minutes** and speaker may not yield his or her time to another speaker.

**REGULAR CALLED MEETING
BOARD OF DIRECTORS**

Board Room

September 5, 2023

5:30 P.M.

MEMBERS:

Taylor Chaney, *Ward 1 Director*
Chris Porter, *Ward 2 Director (absent)*
Keith Crews, *Ward 3 Director*
Reo Cummings, *Ward 4 Director*
Jason Jones, *Ward 5 Director*
Roland Gosey, *Assistant Mayor (absent)*
Scott Byrd, *Mayor*

OTHERS:

Gary Brinkley, *City Manager*
Halle Posey *Acting City Clerk*

CALL TO ORDER

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

INVOCATION

Director Crews

APPROVAL OF BOARD MINUTES FROM AUGUST 15, 2023

APPROVAL OF BOARD MINUTES FROM AUGUST 26, 2023

A motion was made by Director Crews seconded by Director Chaney to approve the minutes from the August 15, 2023, Board Meeting and August 26, 2023 Budget Retreat

The motion passed on a roll call vote and the vote was as follows:

Taylor Chaney	“Aye”	Roland Gosey	“Absent”
Chris Porter	“Absent”	Jason Jones	“Aye”
Reo Cummings	“Absent”	Mayor Byrd	“Aye”
Keith Crews	“Aye”		

Director Cummings joined the meeting at 5:32 pm.

UPDATE FROM ARKADELPHIA HOUSING AUTHORITY

Ms. Bobbi Partain from the Arkadelphia Housing Authority updated the Board on the progress that was made since her last update in the first quarter. The Authority has moved from Troubled to Standard ranking with the Housing and Urban Development agency. This is a major accomplishment for the Authority.

SECOND READING OF ORDINANCE to Rezone 313 S. 10th

Mayor asked City Clerk to read the ordinance, title only.

Motion was made by Director Crews and seconded by Director Chaney to place the ordinance on its third reading, title only, at the next Board Meeting.

The motion passed on a roll call vote and the vote was as follows:

Taylor Chaney	“Aye”	Roland Gosey	“Absent”
Chris Porter	“Aye”	Jason Jones	“Aye”
Reo Cummings	“Absent”	Mayor Byrd	“Aye”
Keith Crews	“Absent”		

THIRD READING OF FIVE MILL TAX ORDINANCE

Mayor asked City Clerk to read the ordinance, title only.

Motion was made by Director Cummings and seconded by Director Crews to adopt the ordinance.

The motion passed on a roll call vote and the vote was as follows:

Taylor Chaney	“Aye”	Roland Gosey	“Absent”
Chris Porter	“Absent”	Jason Jones	“Aye”
Reo Cummings	“Aye”	Mayor Byrd	“Aye”
Keith Crews	“Aye”		

APPROVAL OF CONTRACT WITH TYLER TECHNOLOGIES FOR CONTENT MANAGEMENT SOFTWARE SUITE

City Treasurer Wilson update the Board on the need and benefits of adding the content management suite to the accounting software package the city has purchased from Tyler Technologies. The software will allow for the digitizing of documents thus making retrieval and storage easier for the staff and public to access. This is the next step in the city eventually going paperless.

Mr. Brinkley reminded the Board they have approved the funds for this in the Mid-year Budget Reconciliation Resolution, this is the approval of the actual contract.

A motion was made by Director Jones, seconded by Director Crews approving the contract with Tyler Technologies for the Content Management Suite modules and approving the city manager to sign.

The motion passed on a roll call vote and the vote was as follows:

Taylor Chaney	“Aye”	Roland Gosey	“Absent”
Chris Porter	“Absent”	Jason Jones	“Aye”
Reo Cummings	“Aye”	Mayor Byrd	“Aye”
Keith Crews	“Aye”		

APPROVAL OF PURCHASE AGREEMENT WITH MUSCO LIGHTING FOR I-30 RETROFIT

Mr. Brinkley presented the Board with a purchase agreement from Musco Lighting for the retrofit of the lights in the 4 high light standards at I-30 and Pine. Musco Lighting is a Sourcewell vendor thus the bidding process has been vetted. The work will be done in the 4th quarter of this year for budget purposes.

Mr. Brinkley reminded the Board they have approved the funds for this in the Mid-year Budget Reconciliation Resolution, this is the approval of the actual contract.

A motion was made by Director Jones, seconded by Director Crews approving the agreement, and approving the city manager to sign.

The motion passed on a roll call vote and the vote was as follows:

Taylor Chaney	“Aye”	Roland Gosey	“Absent”
Chris Porter	“Absent”	Jason Jones	“Aye”
Reo Cummings	“Aye”	Mayor Byrd	“Aye”
Keith Crews	“Aye”		

RESOLUTION TO PURCHASE SANITATION ROLL-OFF TRUCK

Mr. Brinkley presented the Board a resolution to purchase a used Mack Roll-off truck from Union County, Arkansas. Staff had visited Union County, driven the truck and found it to meet all their needs. Staff has been looking for a replacement truck for nearly two years.

Due to the timing of the expenses, staff recommended we use Emergency Reserve Funds and replace the funding once we receive our outstanding grant reimbursements. Currently approximately \$800,000 is out for reimbursements.

A motion was made by Director Crews, seconded by Director Jones approving the Resolution and using the Emergency Reserve Funds as requested.

The motion passed on a roll call vote and the vote was as follows:

Taylor Chaney	“Aye”	Roland Gosey	“Absent”
Chris Porter	“Absent”	Jason Jones	“Aye”
Reo Cummings	“Aye”	Mayor Byrd	“Aye”
Keith Crews	“Aye”		

RESOLUTION OF OFFICAL INTENT TO ISSUE WATER & SEWER BONDS

Mr. Brinkley presented the Board a resolution to stating the official intent of the city to issue Water & Sewer Revenue bonds for capital improvement projects. The resolution was prepared by our bond counselor for consideration.

A motion was made by Director Jones, seconded by Director Crews approving the Resolution and using the Emergency Reserve Funds as requested.

The motion passed on a roll call vote and the vote was as follows:

Taylor Chaney	“Aye”	Roland Gosey	“Absent”
Chris Porter	“Absent”	Jason Jones	“Aye”
Reo Cummings	“Aye”	Mayor Byrd	“Aye”
Keith Crews	“Aye”		

CITY MANAGER’S REPORT

September 5, 2023

- Thank the Board and staff for your attendance and attention at the 2023 Budget Board Retreat. We were able to get a lot of topics discussed and the 2024 budget will reflect a lot of the positive directions from the meeting.
- The new roof on Fire Station 2 has been installed as part of the insurance settlement due to wind damage.
- On 8.16 the Street Dept with help from other depts were able to get the overlay on Lynnwood completed. They completed the overlay on Mockingbird on the 23rd.
- Our thanks to Patterson Federal Credit Union who is providing breakfast for each department as an appreciation for their public service.
- We are **only 5 Weeks** away from Arkadelphia Festival of the Arts!!

Dates to Remember:

- Clark County Fair is the week of the 11th.
- Mary & Martha’s Florist Ribbon Cutting is Friday September 15th at 11 a.
- The Game & Fish Your Archery program will begin on Sept 19th at 5:00 pm at the Sports Complex

ROUTINE BUSINESS

Taylor Chaney, Ward 1 – Nothing.

Chris Porter, Ward 2 – Absent.

Keith Crews, Ward 3 – Nothing.

Reo Cummings, Ward 4 – Nothing.

Jason Jones, Ward 5 – Mentioned LSU loss to Florida State.

Roland Gosey, Assistant Mayor – Absent.

Scott Byrd, Mayor – Asked about the Road Map of completed work from the Board Retreat being uploaded for public view. He was advised that project is in the cue to be published.

ADJOURNMENT

There being no further business to discuss, Director Chaney made the motion, seconded by Director Cummings to adjourn. **The motion passed unanimously, and the meeting adjourned at 5:58 p.m.**

Scott Byrd, Mayor

Halle Posey, Acting City Clerk

ADDITIONAL ATTENDEES

Shelley Short

Ms. Bobbi Partain, Housing Authority

Daymond House

David Green

Dr. Lewis Sheperd, Jr.

DeAnna Graves



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager
Date: September 8, 2023
Re: Confirmation of New City Clerk

A handwritten signature in blue ink, appearing to read 'Gary Brinkley', is written over the 'From:' line of the memorandum.

It is my privilege to seek your confirmation on the appointment of Ms. Chama Williams as the new City Clerk.

Ms. Williams has served the City of Arkadelphia for over 10 years in numerous capacities recently serving at the Payroll/Accounts Payable. Her "other duties as assigned" should be her title.

Ms. Williams holds a BA in Criminal Justice and is currently working on her MBA in Human Resource Generalist with Strayer University.


If approve, Judge Hill will be here to swear Ms. Williams into office.

It is my honor to request you confirm Ms. Chama Williams as the City Clerk of Arkadelphia.

Thank you.



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager 
Date: September 14, 2023
Re: Aquatic Park Season Ending Update

Parks & Rec Director, Stuart Tapson, will be here to update you on the ending numbers for the Aquatic Park this season.

Thank you.



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager
Date: September 11, 2023
Re: Ordinance to Rezone 313 S. 10th

A handwritten signature in blue ink, appearing to read 'G. Brinkley', is written over the 'From:' line of the memorandum.

Following the third reading, title only, staff recommends adopt the ordinance.

Thank you.

ORDINANCE NO. 0-23-

AN ORDINANCE TO REZONE CERTAIN PROPERTY IN THE CITY OF ARKADELPHIA, ARKANSAS KNOWN AS 313 S. 10TH STREET AND MORE ACCURATELY DESCRIBED AS PART OF BLOCK FORTY-ONE (41) OF BROWNING SURVEY OF ARKADELPHIA, ARKANSAS AND PART OF LOT ONE (1), BLOCK EIGHTEEN (18) OF THE MADDOX ADDITION OF ARKADELPHIA, CLARK COUNTY, ARKANSAS; AMENDING THE ZONING MAP OF THE CITY OF ARKADELPHIA, ARKANSAS; AND FOR OTHER PURPOSES.

WHEREAS, Darren L. Ayres and Patricia M. Ayres wish to rezone property described below affecting the use of the property; and

WHEREAS, the Planning Commission held a public hearing on August 10, 2023 and voted to recommend that the Arkadelphia Board of Directors rezone property known as 313 S. 10th Street from the present Multi-Family Residential Use District (R-3) to Office Commercial District (C-4).

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

SECTION 1: That the following property, to wit:

A PARCEL OF LAND BEING A PART OF LOT 1 OF BLOCK 18 OF MADDOX ADDITION AND ALL OF LOTS 4, 5, 6 AND PART OF LOTS 1, 2, 3 OF BLOCK 41 OF BROWNING'S SURVEY IN THE CITY OF ARKADELPHIA, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 6 OF BLOCK 41 OF BROWNING'S SURVEY, THE POINT OF BEGINNING; THENCE NORTH 02°32'13" EAST ALONG THE EAST LINE OF SAID BLOCK 41, A DISTANCE OF 105.00 FEET; THENCE NORTH 88°22'47" WEST, A DISTANCE OF 126.00 FEET TO THE EAST LINE OF LOT 1 BLOCK 18 OF MADDOX ADDITION; THENCE NORTH 88°22'47" WEST, A DISTANCE OF 25.50 FEET; THENCE SOUTH 02°32'13" WEST, A DISTANCE OF 109.00 FEET; THENCE SOUTH 88°22'47" EAST, A DISTANCE OF 25.50 FEET TO THE WEST LINE OF BROWNING'S SURVEY; THENCE NORTH 02°32'13" EAST A DISTANCE OF 4.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4 OF BLOCK 41 OF BROWNING'S SURVEY; THENCE SOUTH 88°22'47" EAST, A DISTANCE OF 126.00 FEET TO THE POINT OF BEGINNING. CONTAINING 16,000 SQUARE FEET, MORE OR LESS.

Should be and is hereby rezoned from Multi-Family Residential Use District (R-3) to Office Commercial District (C-4) and the zoning map of the City of Arkadelphia, Arkansas is hereby amended to show said classification.

SECTION 2: Severability – If any section of this ordinance shall be declared unconstitutional or unlawful, only that section of the ordinance shall be affected and all other provisions of the ordinance shall remain in full force and effect.

SECTION 3: Any ordinance or parts of ordinances in conflict herewith are hereby repealed and this ordinance shall be in full force and effect from and after its passage and publication.


PASSED AND APPROVED this ____ day of _____ 2023.

APPROVED: _____
Scott Byrd, Mayor

ATTEST: _____
Acting City Clerk



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager 
Date: September 12, 2023
Re: Approval of Court Ordered Mediation
4 Hills Court

Earlier this year, a case was filed by Stanley W. Powell for the alleged flooding of his home at 4 Hills Court caused by actions of the city.

Our attorney team (Municipal League and Ed McCorkle) were confident we had a good chance to win on the merits of the case should it go to trial.

On Friday, September 8th we entered into court ordered mediation. Early on we understood, the case might be settled at a price for the home not for alleged damages. Mr. Powell no longer wanted to inhabit the facility and we desired to own the property and remove it to improve drainage in the neighborhood.

Mr. Powell's initial offer to settle was \$110,000. After negotiating back and forth, we bo the terms below:


- (1) Stanley W. Powell will sell his home to the City of Arkadelphia in fee simple absolute with no liens, encumbrances or debt by way of a Warranty Deed for \$75,000. Any debt or liens against the property will be paid by Mr. Powell prior to transfer of the property so as to create a clear/ clean title for the City.
- (2) This monetary settlement and sale of the property is a complete accord and satisfaction of all claims and causes of action by Plaintiff against the Defendants including all claims for attorney's fees and costs.
- (3) Plaintiff will execute a Release of All Claims.
- (4) Order of Dismissal With Prejudice.

Staff recommends you accept the mediated agreement terms, which includes purchase the house at 4 Hill Court for \$75,000 and half the closing costs.

Thank you.



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager 
Date: September 12, 2023
Re: Executive Session – City Managers Annual Review

Mayor requested the Executive Session to discuss the City Managers Annual Review.

Following the Session, there will be an action item if one is required.

Thank you.