

Tontitown City Council
Meeting Minutes
November 3, 2009

The Tontitown City Council met in Regular Session at the Tontitown City Hall on November 3, 2009. The meeting was called to order by Mayor Joe Edgmon.

I. Pledge of Allegiance

II. Roll Call by Recorder/Treasurer

Ken Robertson – yes, Arthur Penzo – yes, Bobby Pinalto – yes, Julie Bowling – yes, Henry Piazza – yes, David Bolinger – absent

Also present: City Attorney, JR Carroll.

III. Approval of Agenda – Julie Bowling asked to amend the agenda and add under Section VIII. Old Business, a. Streets, 3. Intersection of Klenc Rd & 412. Motion to approve as amended by Julie Bowling. Second from Henry Piazza. Henry Piazza – yes, Julie Bowling – yes, Bobby Pinalto – yes, Arthur Penzo – yes, Ken Robertson – yes

IV. Approval of Minutes – Regular meeting, October 6, 2009 – Motion to approve as written by Julie Bowling. Second from Arthur Penzo. Ken Robertson – yes, Arthur Penzo – yes, Bobby Pinalto – yes, Julie Bowling – yes, Henry Piazza – yes

V. Comments by Citizens for Future Consideration – Carolyn Reed asked that Taldo Loop be put on the list of Streets for repairs. Said the road is terrible for the school bus she drives and water is deep in some places. A Javello Road resident asked that the road be made wide enough for two cars to pass. Tommy Granata recently bought snowflake lights at an auction at the City of Bentonville and would like to donate them (28 total) to the City. Julie Bowling stated it would be an honor to accept the donation and thanked Mr. Granata. Julie Bowling motioned to accept the donation of Snowflake Christmas lights to the City from Tommy Granata. Second from Henry Piazza. Henry Piazza – yes, Julie Bowling – yes, Bobby Pinalto – yes, Arthur Penzo – yes, Ken Robertson – yes.

VI. Financials & Comments including bills for approval – Recorder/Treasurer – Becky Alston presented the financials from the General and Street funds for the month ending October 31, 2009 including bank reconciliations through September 30, 2009. Alston also presented 3 CDs that were needing renewal. The rates were much lower for renewal – 1.81% for 13 months and 1.51% for 7 months. Asked if the Council desired to place the funds in the Money Market at a rate of 1.5% until CD rates rose or other options could be investigated. Museum CD# 80020309: \$117,694.28, Street Fund CD #18601: \$15,000, and General Fund CD# 807000686: \$200,000. Motion by Ken Robertson to renew the CDs for 13 months at the rate of 1.81%. Second by Julie Bowling. Ken Robertson – yes, Arthur Penzo – yes, Bobby Pinalto – yes, Julie Bowling – yes, Henry Piazza – yes. Alston presented the spreadsheet totaling \$27,510.90 of A/P that had been paid and needed ratification. Motion by Julie Bowling with a second from Ken Robertson to ratify the bills that had been paid. Henry Piazza – yes, Julie Bowling – yes, Bobby Pinalto – yes, Arthur Penzo – yes, Ken Robertson – yes. The spreadsheet for bills that needed to be paid was presented. Motion by Julie Bowling to approve the bills that needed to be paid with a second from Arthur Penzo. Ken Robertson – yes, Arthur Penzo – yes, Bobby Pinalto – yes, Julie Bowling – yes, Henry Piazza – yes.

VII. Committees and Commissions

a. Police – Sgt. Ridenoure stated his report had been sent to the Council. City has been calm.

b. TAFD Chief Report – Chief Wright stated his report had been sent to the Council and reviewed calls for October. Stated a fire hydrant had been donated by Water Products, Inc. that would be used for Training purposes. Department working on GIF grant for Fire Protection. Also looking at other Grant opportunities for the department. Interlocal meeting scheduled for November 10th at 7pm at TAFD.

c. Planning – Vice-Chair Tommy Granata reported the PC had met last Tuesday and had held a public hearing on Revisions to the MSP, Chapter 153-Zoning, Chapter 90-Streets & Sidewalks, and Chapter 152-Subdivision Regs. There were no public comments regarding these revisions. Items on the PC agenda included lot splits and lot-line adjustments that were approved unanimously. There were 2 LSDs – one from WM for their Eco-Vista project which will house the engines that will convert methane gas to electricity, and an addition to the Venezia Piazza development of a 23,000 sq ft structure being built to house 16 spaces for retail. Structure to face HWY 112 with 400 ft of highway frontage. Mr. Granata stated he would be available for questions regarding the revisions to the City code when discussed later on the agenda.

d. Building – Todd Witzigman stated his report had been sent. Had included new residential construction on his report. Stated if anyone had anything more specific they wanted to include on the report to please get with him.

e. Museum – Report sent via email. Mayor reminded everyone of the November 8th date for Polenta Smear to be held from 1pm – 5pm.

f. Water & Sewer – Mick Wagner reported on the progress of the land acquisition that had been previously discussed adjacent to and behind the City Shop building. Survey had discovered areas of encroachment from other property owners. These have been discussed with property owners and a clause will be added to the O&A by JR Carroll reflecting these discussions.

g. Committee of the Whole – November meeting conflicts with Thanksgiving Holiday. Needs meeting date changed. Council decided to change meeting to 3rd Thursday, November 19th at 7pm. Alston to get posted to the web.

VIII. Old Business – A. Streets, 1. Javello Road Project

1. a. Javello Road Change Order – Wade Phillips, USI, reported he has prepared the change order as discussed at the Committee of the Whole meeting – changing the width of the road to 20 ft in all locations for the price of \$80,110. Has also worked with the contractor to extend the time of substantial completion an additional 24 days making the substantial completion date- 12/31/09. Pipes under drives will be unusable from areas that will be filled in with rock with no significant ditches. Motion to approve the Javello Road project change order by Ken Robertson. Second from Julie Bowling. Arthur Penzo – no, Bobby Pianalto-yes, Ken Robertson – yes, Julie Bowling –yes, Henry Piazza – no.

2. Arbor Acres Overlay project – Wade Phillips, USI, reported he is still gathering contract information and anticipates having the pre-construction meeting next week after getting contracts over to the Mayor to sign.

3. Intersection of Klenc Rd & 412W – Julie Bowling reported there is a problem with water standing at this intersection and when frozen, makes it difficult to stop. Also says there is a problem turning onto 412 from this intersection and asked for help from the Engineers since Klenc intersects with a State Hwy and wanted find out the possibility of getting a light at the intersection. USI to discuss with Highway department.

B. Piazza Road Repair – Britt Vance, USI reported he had looked into the problem at the South end of Piazza where the pond washes over the road. Estimates \$4800 for repairing the problem. Could possibly be done less than this if City resources or locals are used. Several options were outlined in a letter sent to the Committee of the Whole. Arthur Penzo had previously discussed a bid from Joe Blakemore for the repairs- \$1450 plus an additional \$200 for a “flared out” end on the west side of the road. Motion by Bobby Pianalto to hire Joe Blakemore to fix Piazza Road for \$1670 as per the bid. Second from Arthur Penzo. Henry Piazza – yes, Bobby Pianalto – yes, Julie Bowling – yes, Arthur Penzo – yes, Ken Robertson – yes.

IX. New Business - a. Request for Engineering Estimates for 2010 Street Projects – Britt Vance reported he had prepared estimates and had sent a memo back to the Committee of the Whole outlining the request as USI understood the directive. No changes to memo with the exception of

changing Taldo to City Street standards which would be 28 ft instead of 25 ft. Ken Robertson explained that 25ft should be sufficient and later if development occurs, the street width could be changed to City standards. Britt concurred with Ken's line of thinking. Easements are also in hand for Taldo. Motion to approve the specs per the summary provided by USI with the exception of the one change as noted - by Ken Robertson. Second by Henry Piazza. Ken Robertson – yes, Arthur Penzo – yes, Bobby Pianto – yes, Julie Bowling – yes, Henry Piazza – yes.

b. Approval for needed Police expenditures including cameras for Tasers – Ken Robertson reported that needs were identified in the Interlocal meeting last week. Explained the City had always taken the position to outfit its Police Cars the same as the others in the County. To correct this, there are 2 sets of studded snow tires and wheels that are needed for the new Police Car for \$1276. Motion by Ken Robertson to purchase 2 sets of studded snow tires and wheels to properly outfit the City's Police cars for \$1276 with a second from Arthur Penzo. Ken Robertson – yes, Arthur Penzo – yes, Bobby Pianto – yes, Julie Bowling – yes, Henry Piazza – yes. The County has previously outfitted the deputies' Tasers with Cameras. Tontitown has not purchased cameras yet. The cameras are \$600 each. Motion by Ken Robertson to purchase (4) Taser Cameras at \$600 each with a second from Henry Piazza. Henry Piazza – yes, Julie Bowling – yes, Bobby Pianto –yes, Arthur Penzo – yes, Ken Robertson- yes. Robertson also noted that the funds to purchase these items were available in the Police budget.

c. IT budget, discussion of purchase of server for backup – Bobby Pianto suggested the City purchase the new server if there was money left in the 2009 budget. Mick Wagner stated the costs of the purchases would total approximately \$3500. After reviewing the budget, Ken Robertson clarified there would be money available in Fixed Assets for the server and monies available in the IT budget for the labor and other needed software purchases. Motion by Bobby Pianto to purchase server and needed backup with a second from Julie Bowling. Henry Piazza – yes, Julie Bowling – yes, Bobby Pianto –yes, Arthur Penzo – yes, Ken Robertson – yes.

d. Drainage of Fantinel Medical Plaza – Britt Vance, USI, reported they had been tasked to offer solutions to repair drainage issues at an empty lot in the Fantinel Business Plaza. USI had looked at the area and sent recommendations for improvements to JR Carroll. The options could be addressed to the Property owners. The City is not responsible for making repairs for drainage. JR Carroll clarified the recommendations can be given to the three property owners to fix the drainage problem if so directed by the Council. The property owners can do the repairs or City can, and then bill back the repairs to the property owners. Motion by Julie Bowling to direct JR Carroll to handle this and a second by Bobby Pianto. Ken Robertson – yes, Arthur Penzo – yes, Bobby Pianto –yes, Julie Bowling – yes, Henry Piazza – yes.

e. Revisions to the Master Street Plan – JR Carroll pointed out that the PC had gone through not only the MSP but also Chapters 153, 90 and 152 line by line with the guidance of Britt Vance to review and update the codes to make more applicant and citizen friendly. Ken Robertson acknowledged the hard work and improvements made to the revised MSP being presented to the Council by the PC but had one issue with the category of "Proposed-Local" as it deals with private drives/lanes. Feels the City is stepping into risky territory and would like to see a set of rules developed that details what improvements must be done to the Private drives/lanes prior to becoming City property. He specifically mentioned Stella, Theresa and Countrywood as they had previously been maintained by the County, and private lanes in the City that had never been maintained: Pozza Ln plus two others named off of Arbor Acres due to multiple addressing off of them. JR Carroll said the MSP could be approved with the removal of the category "Proposed-Local." After further discussion, Ken Robertson motioned to approve the Master Street Plan with the removal of the "Proposed-Local" category. Second from Arthur Penzo. Ken Robertson – yes, Arthur Penzo – yes, Bobby Pianto- yes, Julie Bowling – yes, Henry Piazza –yes. An Ordinance Amending the City of Tontitown Master Street Plan read by Ken Robertson.

Motion to waive second and third readings by Ken Robertson. Second from Arthur Penzo. Ken Robertson – yes, Arthur Penzo – yes, Bobby Pianalto –yes, Julie Bowling – yes, Henry Piazza – yes.

f. Revisions to Chapter 153 on Zoning Ordinances – primary zoning changes pertain to the Landfill that was “grandfathered” in when annexed. Changed to Permitted-use by right in the zoning code. Motion to read by title only, one time by Ken Robertson with a second by Henry Piazza. Henry Piazza –yes, Julie Bowling – yes, Bobby Pianalto –yes, Arthur Penzo – yes, Ken Robertson – yes. Ordinance read by title only, one time by Mayor Edgmon. Motion to approve as read by Ken Robertson with a second from Arthur Penzo. Ken Robertson –yes, Arthur Penzo – yes, Bobby Pianalto –yes, Julie Bowling – yes, Henry Piazza – yes.

g. Revisions to Chapter 90 on Streets & Sidewalk Ordinances – JR Carroll reported the PC overviewed all municipalities surrounding Tontitown. Felt Bentonville’s regulations were most user-friendly. Took those and fit to Tontitown’s needs for Chapters 90 and 152. Motion to suspend the rules and read by title only, one time by Ken Robertson. Second from Arthur Penzo. Ken Robertson – yes, Arthur Penzo – yes, Bobby Pianalto –yes, Julie Bowling – yes, Henry Piazza – yes. Ordinance read by Title only, one time by Mayor Edgmon. Motion to accept as read by Arthur Penzo. Second by Henry Piazza. Henry Piazza – yes, Julie Bowling –yes, Bobby Pianalto –yes, Arthur Penzo – yes, Ken Robertson –yes.

h. Revisions to Chapter 152 on Subdivision Regulations – Revisions explained by Britt Vance. Motion to suspend the rules and read by title only, one time by Ken Robertson. Second by Julie Bowling. Bobby Pianalto – yes, Arthur Penzo –yes, Julie Bowling –yes, Ken Robertson –yes, Henry Piazza – yes. Ordinance read by Title only, one time by Mayor Edgmon. Motion to approve as read by Ken Robertson. Second by Arthur Penzo. Ken Robertson –yes, Arthur Penzo –yes, Bobby Pianalto –yes, Julie Bowling – yes, Henry Piazza –yes.

X. Comments from City Council Members –Henry Piazza complimented the PC on their hard work on updating the codes. Felt they had done a good job. Bobby Pianalto stated the City should consider mowing the streets between now and Christmas and clean up overhanging limbs, etc. Should be done before Spring. Arthur Penzo had brought up the need for purchasing a curtain for the Bocce Court. Said Riley Tessaro had already taken care of this. Park bathrooms are locked up for the year.

XI. Comments from the City Attorney – no comment

XII. Comments from the Mayor – establishing volunteerism for those who want to volunteer their time for the City.

XIII. Adjournment – Motion to adjourn from Henry Piazza. Second from Julie Bowling. All in favor.

