

Mayor – Paul Colvin Jr.
City Clerk – Alicia Collins
City Attorney – Slinkard Law Firm
City Engineer - Terry Carpenter



City Council

Ward 1 Position 1 – Joe Edgmon
Ward 1 Position 2 – Henry Piazza
Ward 2 Position 1 – Arthur Penzo
Ward 2 Position 2 – Larry Ardemagni
Ward 3 Position 1 – Rhonda Doudna
Ward 3 Position 2 – Tommy Granata

City Council February 03, 2015 Minutes

The Tontitown City Council is scheduled for Tuesday, February 03, 2015 at 7:00 p.m. at the Tontitown City Hall, located at 235 East Henri De Tonti Boulevard, Tontitown, Arkansas.

The Tontitown Board of Zoning Adjustment (BZA) will meet on Tuesday, February 3rd at 7:00 PM at City Hall, 235 E. Henri De Tonti Blvd., to hear those who wish to be heard regarding a variance request from having recessed garages as required by city code. The property is owned by One Springdale, contains approximately 10.94 acres and is located on Parcel 830-37583-004 0.3 miles north of the intersection of N Maestri Road and E Henri de Tonti Blvd on the east side of N. Maestri.

The City Council will meet on February 3, 2015 at 7:00 p.m. at City Hall located at 235 E. Henri De Tonti Blvd. to hear all those who wish to be heard regarding: 1) proposed rezoning from C-2, General Commercial to R-3, Medium Density Residential of certain properties owned by One Springdale. The property contains approximately 9.94 acres and is located on Parcel 830-37583-004 0.3 miles north of the intersection of N Maestri Road and E Henri de Tonti Blvd. 2.) proposed rezoning from C-2, General Commercial to PRD, Planned Residential Development of certain properties owned by One Springdale. The property contains approximately 10.94 acres and is located on Parcel 830-37583-004 0.3 miles north of the intersection of N Maestri Road and E Henri de Tonti Blvd. Both properties are located on the east side of N. Maestri.

To listen to the public hearing please go to the audio named 2015-02-03 Public Hearing # 1.WMA & 2015-02-03 Public Hearing # 2.WMA located at <http://www.tontitown.com/index.php/city-government/agendas-minutes>

- 1. Meeting Call to Order**
- 2. Roll Call** – All present were Henry Piazza, Joe Edgmon, Rhonda Doudna, Larry Ardemagni, Arthur Penzo, Tommy Granata, Mayor Paul Colvin Jr., Attorney Howard Slinkard & R/T Alicia Collins.
- 3. Pledge of Allegiance**

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- 4. Approval of Agenda** – Mayor Colvin stated that Eddleman Minor Subdivision and Kidd Minor Subdivision need to have ordinances for these line items so they will need to be moved to a special meeting. A motion made by Ardemagni to table to a special meeting and 2nd by Doudna, motion passed unanimously. A motion made by Edgmon & 2nd by Piazza to move to Planning Meeting and then City Council Meeting. Ardemagni would like to add chapter 153 for farm animals. Attorney Slinkard stated that is something that should be put onto the Committee of the Whole Agenda since that is where discussions are made. Granata stated to table the old business A & B to the special meeting and 2nd by Penzo, motion passed unanimously. Attorney Howard Slinkard stated that the Springdale District Court has a contract for cost sharing bases. This needs to be placed on the special agenda. A motion made by Piazza to put on the special meeting and 2nd by Granata, motion passed unanimously. A motion made by Arthur to approve the agenda modified and 2nd by Doudna, motion passed unanimously.
- 5. Approval of Previous Month City Council 2015-01-06 & 2015-01-13 & 2015-01-27** – A motion made by Granata to pass all previous minutes and 2nd by Edgmon, motion passed unanimously.
- 6. Comments from Citizens**

Clint Penzo, 445 Liberty Avenue, stated that under old business Chapter 31.05 is being discussed where we have established a City Fire Department. Not sure what the emergency is but i kind of sounds like the decisions already been made to except the TAFD Contract especially by waiving competitive bidding. Normally the procedure is to except bids and if we looked for bids we could find it cheaper somewhere else. The Mayor was quoted on the 6 o'clock news saying this will save the City \$650,000 which is not true. The current Fire Department has provided an apples to apples contract to compare with TAFD which the same coverage. Penzo discussed more about TAFD and City Fire Department.

Grady Mathews, 1201 N Barrington Road, stated that he is in complete agreement with Clint on the ridiculousness of the Fire Department issue. Mathews discussed is concerns and opinions on this issue.

Holly Childs, 1126 Reed Valley Road, stated that the reason these people are setting here is because the people of this town elected them to put an end to the bickering and fighting and arguing. A month ago she stood out here and referenced the financial mess of the last city council. Childs continued to go over the City Council situation.

Bernard Pianalto, 515 N Pianalto Road, stated he takes his hat off to all of the council for trying to make this thing right. Don't believe everything you read in the paper, go out get your facts straight and if you don't have your facts straight you will make poor decisions.

Ed Roso, 865 Klenc Road, asked the city attorney what is a fiduciary duty and how is it to be filled by the people of this council. Attorney Slinkard stated that a fiduciary duty means you have a responsibility for the office, job or position that you hold for the public. It also applies to non-public responsibilities for a trustee for a trust. Roso stated that he received a copy of a resolution for the mileage to be spent with 1 mil for Tontitown Municipal Police Department and 1 mil for Tontitown Municipal Fire Department. Piazza stated that was brought up to fund the City Fire Department. Does it have to be used just for those departments?

Kasey Todd, Volunteer Fireman, stated that he has been with TAFD and chose to stay with Tontitown Fire Department when it became City owned. Whatever the vote is tonight it has been an honor to serve.



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7. Old Business:

- a) **Ordinance Amending Chapter 31.05, Providing for Alternative Provisions of Operating Fire Protection Services; And Declaring An Emergency – Tabled to Special Meeting**
- b) **Ordinances Waiving Competitive Bidding and Authorizing A Contract with Tontitown Area Volunteer Fire Department, Inc. for Fire Protection Services; And Declaring An Emergency – Granata – Tabled to Special Meeting**
- c) **Resolution to repeal of Handbook passed 12/2/14 – Edgmon** – Edgmon stated that municipal league has not been able to view so he would like to table along with item d, e & f. A motion made by Edgmon to table item c, d, e & f to the next City Council meeting and 2nd by Doudna, motion passed unanimously.
- d) **Resolution to repeal the Police Manual passed 12/2/14 – Edgmon – Tabled to City Council Meeting**
- e) **Resolution to repeal Fire Department Manual passed 12/2/14 – Edgmon - Tabled to City Council Meeting**
- f) **A Resolution repeal EMS Protocol passed – Edgmon – Tabled to City Council Meeting**
- g) **Resolution to discontinue the use of SeeClickFix App and Services – Doudna** – Doudna stated that this is a under contract but we can get out of it. Collins stated that is correct with a 30 days' notice. Doudna stated that this cost the City \$400 for anyone to tell on their neighbor. Clark stated they can use papers for forms. A motion made by Doudna and 2nd by Piazza, motion passed unanimously. Doudna moved to introduce. Attorney Slinkard read the title. A motion made by Doudna to adopt the ordinance and 2nd by Arthur, motion passed unanimously.
- h) **Appointment of Planning Board Members – Doudna** – Attorney stated that it is his understanding that there was an initiative voted on by the voters to take away the commission and make it a board. There is a resolution to approve the board members. Doudna stated that this is a calendar year but we would like to amend that. Attorney Slinkard stated that the resolution is stating the board members. Doudna asked for people to come up and state their name if they want to be part of the Planning Board.
 - Sue Sedberry, Steele Road, stated she has been a resident of Tontitown for 3 years. I have a little back ground in real estate.
 - Dr. Darrell Watts, Brush Creek, stated that he is a retired Educator of Springdale Arkansas and University of Arkansas. He is now a pastor and is happy to be consider for the planning board position.
 - Gene McCartney, Steele Road, stated he has lived in Tontitown for 18 years and would like to nominate his self as a board member.
 - Rocky Clinton, Brush Creek Road, stated that he moved to Tontitown in 2012. Most of his work was retail but has some background in carpentry .

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Tommy Granata stated that Nick Ardemagni would like to acknowledge for the position. Works for the Fire Department in Rogers, lived in Tontitown his whole life and has a small business of his own.

Ed Roso, Klenc Road, stated he knows a little bit about this and that and would like to be considered as a Planning Board Member.

A motion made by Doudna to go into executive session to pick the Planning Board Members and 2nd by Edgmon, motion passed unanimously.

Doudna stated that she had another person to add to the list of considered board members, his name is Carl Gail on Harmon Road has worked as an Engineer for 50 years.

Jim Miller, Harmon Road, retired assistant chief with TAFD stated he would like to be considered as a planning board member.

A motion made by Doudna to go back into executive session to pick the Planning Board Members and 2nd by Edgmon, motion passed unanimously.

Called the meeting back to order by Mayor Colvin Jr. and the City Council has made their decision for Planning Board Members:

Susan Sedberry
Dr. Darrell Watts
Gene McCartney
Rocky Clinton
James Miller

A motion made by Piazza to approve Planning Board Members and 2nd by Edgmon, motion passed unanimously.

8. New Business:

- a) **Eddleman Minor Subdivision – Planning – Tabled to Special Meeting**
- b) **Kidd Minor Subdivision – Planning – Tabled to Special Meeting**
- c) **One Springdale Rezoning – Tabled to Planning Meeting then City Council Meeting**
- d) **Townhomes at Tuscany Planned Residential Development – Tabled to Planning Meeting then City Council Meeting**
- e) **Tuscany Subdivision Preliminary Plat – Tabled to Planning Meeting then City Council Meeting**
- f) **Ordinance for 2015 Revised Budget – City Council** – Ardemagni moved to introduce the ordinance. Attorney Slinkard read the title. Granata stated that there is a number thrown in for the fire department making it \$157,000. Doudna stated that none of Joey McCormicks income is put in the budget. A motion made by Granata to table until the Committee of the Whole and 2nd by Penzo, motion passed unanimously.



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- g) Accepting Museum Board Members to renew their term – City Council** – A motion made by Granata to approve the board member and 2nd by Arthur, motion passed unanimously.
- h) Organizational Chart – Edgmon** – Edgmon stated that this has been recommended by Jeff Hawkins to look at this Organizational Chart. Jeff Hawkins stated that Edgmon had a proposal for to repeal the Organizational Chart. Hawkins best advice would be to have something to replace it. Attorney Slinkard that in December the council approved an amended one and he would suggest it be done the same way if needing amended. A motion made by Edgmon to move to the Committee of the Whole and 2nd by Doudna, motion passed unanimously.
- i) Appoint Chairman for COW – City Council** – A motion made by Doudna to nominate Tommy Granata and 2nd by Piazza, motion passed unanimously.
- j) Ordinance for Water Rate Increase** – A motion made by Doudna to approve the Ordinance and 2nd by Piazza. Mayor Colvin Jr. went of the increase. Motion passed unanimously. Mayor Colvin Jr. asked Attorney Slinkard to introduce the ordinance. Attorney Slinkard read the title. A motion made by Piazza to read by title one time only and 2nd by Arthur, motion passed unanimously. A motion made by Doudna to approve the ordinance and 2nd by Arthur, motion passed unanimously. Attorney Slinkard read the Emergency Clause. A motion made by Arthur to except the Emergency Clause and 2nd by Doudna
- k) Ordinance for Solid Waste Rate Increase** – Mayor Colvin Jr. went over the rate increase. Attorney Slinkard read the Ordinance. A motion made by Arthur to accept and 2nd by Doudna, motion passed unanimously. A motion made by Piazza and 2nd by Edgmon to suspend the rules and read by title, motion passed unanimously.

9. Comments from Alderman

Piazza stated that we had a good turn out tonight

Edgmon stated that maybe we ought to let competitive bidding occur because that is fair.

Doudna stated the TAFD has been ran raged but they are good men. They worked 2 ½ months without pay. They put a building together and raised \$60,000. The old building was the Cities responsibility to put on the roof and do the maintenance to the building. She has no problem with people FOling our city that’s what it is there for, I did it. She went over a letter received a about TAFD when they left the City Building.

Ardemagni – NONE

Penzo – NONE

Granata – NONE

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10. Comments from Mayor

Mayor Colvin Jr. stated that he asked Chief Secor to give what the City Fire Department could lower their budget to so that the Council could see what the numbers are. He asked for a break down. He presented the Bank Accounts up to today amounts.

11. Comments from City Attorney

Attorney Slinkard thanked Collins for the Ordinances and Agenda preparation. The only thing he would like to recommend is the Ordinances/Resolutions be pre numbered.

12. Adjournment – A motion made by Arthur to adjourn and 2nd by Ardemagni, motion passed unanimously.