

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 January 06, 2015 Minutes**

**The Tontitown City Council is scheduled for Tuesday, January 06, 2015 at 6:00 p.m. at the Tontitown City Hall, located at 235 East Henri De Tonti Boulevard, Tontitown, Arkansas.**

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1. **New City Council Sworn In** – Jeff Harper came in and swore the remaining Alderman in all at one time.
2. **Call to Order**
3. **Roll Call** – All were present Henry Piazza, Joe Edgmon, Rhonda Doudna, Larry Ardemagni, Arthur Penzo, Tommy Granata, Mayor Paul Colvin, City Attorney Howard Slinkard and R/T Alicia Collins
4. **Pledge of Allegiance**
5. **Approval of Agenda** – A motion made by Penzo to approve and 2<sup>nd</sup> by Ardemagni, motion passed unanimously.
6. **Approval of Previous Month City Council 2014-12-05** – A motion made by Granata to approve and 2<sup>nd</sup> by Piazza, motion passed unanimously.
7. **Comments from Citizens** -  
Holly Childs, 926 Reed Valley, congratulated Sunny's Team.
8. **Old Business:**
  - a)
9. **New Business:**
  - a) **An Ordinance Amending Title III, Sections 30.01-30.06 and Sections 30.26-30.29 of the Municipal Code for the City of Tontitown, Arkansas; Declaring an Emergency; And for other purposes.** – Rhonda Doudna – Mayor Colvin introduced the Ordinance by title. Doudna stated that it is basically the same with a few changes including changing the meeting time from 6:00 pm to 7:00 pm. A motion made by Doudna to approve and 2<sup>nd</sup> by Piazza. Edgmon stated that with the Ordinances and Resolutions shouldn't they be tabled until they go through the COW Meeting. Doudna stated she is just following what they did last time. Granata stated that this should be done the first time each year. Attorney Slinkard stated this item and the other Ordinances are required to go to the COW before City Council but the City Council can waive those requirements to proceed. Doudna made a motion to waive the requirements that it be passed on by the COW first and 2<sup>nd</sup> by Granata, motion passed with 5 for and 1 against. Attorney Slinkard stated that he provided an information page for voting on Ordinances and Resolutions. A motion made by Granata to suspend the rules and read by Title only and a 2<sup>nd</sup> by Doudna. No vote. A motion made by Penzo to approve what was read and 2<sup>nd</sup> by Granata, motion passed unanimously.

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- b) **A Resolution to Discontinue the use or Purchase of any GPS Tracking System Services on Any City Vehicles for the City of Tontitown, Arkansas. – Rhonda Doudna** – Doudna stated that wasn't hers, she believes it was Granatas, but for some reason her name got put on there. Granata stated that in the past tracking devices were put on the City Vehicles and he believes it was a waste of money. A motion made by Granata to approve and 2<sup>nd</sup> by Doudna. Collins stated that she wasn't sure if there was a contract in place for these. Doudna asked about paying out the contract and how long the contract is for. Granata stated maybe we should visit the budget before voting. Granata retracted his motion and 2<sup>nd</sup> by Edgmon, voted on by all and passed.
- c) **A Resolution to Remove the Phone Time Card Clock-In and Out Program for the City of Tontitown, Arkansas, and Implementing A Hard Copy Sign-In Sheet System. – Rhonda Doudna** – This last year we have had up time comp time hours. We have never done comp time. This clock system if you clock in min early it adds up to over time or comp time. We had this one employee that had 150 comp time hours in the office. A motion made by Doudna to get rid of it and 2<sup>nd</sup> by Granata. Ardemagni asked Chief Arthur his opinion. Chief Arthur stated that for the department heads it holds a lot of accountability so they can't clock in from home and say they were at work because of the GPS Coordinates. Edgmon asked how many people use this system. Collins stated there are about 8 people. You shouldn't be writing in time or having your supervisor writing it in for you because you can't make it to the office, which has been done in the past. Also, if someone writes down that they were here 2 hours before the employer will have to prove that they weren't here or pay the overtime. So no matter what the Comp Time/Over Time can still be earned but it is harder for the employer when employees are writing in their time. Hawkins last year was paid around \$2,000 for time he had record of on paper and didn't get paid for until he was let go. Doudna has a problem with paying out 150 hours of comp time. A motion made by Doudna and 2<sup>nd</sup> by Granata. Penzo stated that he pushed a time clock for 30 some years with Jones Truck Line, sometimes he forgot and his supervisor would initial the change. When you punch in on the time card at 8 am then that is your time. The time clock doesn't lie. Collins stated that this is getting rid of the time clock. Motion passed with 4 for and 2 against.
- d) **A Resolution to discontinue the use of the SeeClickFix Application and Services on Tontitown.com for the City of Tontitown, Arkansas. – Rhonda Doudna** – Mayor Colvin introduced the Resolution by title. Doudna stated that click and fix it came out about 2 years and allowed anyone to come in and tell on their neighbor. I call it the rat on your neighbor. When you go into it anonymously anyone can do it. I would rather you just come in and talk to us. There is paperwork that goes with it. Clark stated that he can respond to it and to be honest there aren't that many issues. Building Inspections are what we mainly use it for. Mayor Colvin stated that he has an issue and wants to know how they know you took care of it. Clark stated that they can look at the responses and comments made for each one. A motion made by Doudna to approve and 2<sup>nd</sup> by Granata. Slinkard stated he would recommend it to be tabled until a contract is produced. A motion made by Doudna to table this item and 2<sup>nd</sup> by Piazza, motion passed unanimously.

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- e) **A Resolution Repealing the Information Technology Administrator Consultant Position for the City of Tontitown, Arkansas. – Rhonda Doudna** – Doudna stated that there is an IT Company and doesn't feel that this position is needed. Doudna believes that Mick Wagner holds that position and it needs to be removed. A motion made by Doudna to approve and 2<sup>nd</sup> by Piazza, motion passed unanimously.
- f) **A Resolution to Establish a Protocol for contacting the City Attorney. – Rhonda Doudna** – Doudna stated she sponsored this for the Mayor. Mayor Colvin stated that after talking with the City Attorney he was notified that the Attorney has been bombarded by several different people and it confussed him on which one he needed to respond to. Attorney Slinkard stated that he has found over the years it is more efficient to have the information channeled through Mayor, City Clerk or a City Manager. One we will know what is authorized to be done and two we have a clear direction on what to do. Alicia has been real good at responding to emails and corresponding with us. We would like to contact the sponsor of an item to get clarifications but that doesn't happen very often. A motion made by Doudna to approve it and 2<sup>nd</sup> by Penzo. Edgmon stated that this shouldn't be able to prohibit contact from anyone but establishing a format is okay. Attorney Slinkard stated that this is just on receiving instructions but asking questions and getting information is different. Colvin stated that the Mayor's office does not have the intention of keeping anyone from contacting the Attorney. Motion passed unanimously.
- g) **A Resolution to Discontinue the use and purchase of the Global Relay Software and Services for the City of Tontitown, Arkansas; To Establish an Email Retention and Disposal Schedule: And for other purposes. – Rhonda Doudna** – Mayor Colvin introduced the Resolution by title. Doudna stated that about 2 years ago we have been FOIA to death. I started calling around to different cities and no one has heard of Global Relay. A motion made by Doudna to approve this resolution and 2<sup>nd</sup> by Penzo. I've been asking how much this costs us. What this does is it takes every email of the City's and keeps it forever where they can go back to it at any time. I don't have a problem with that but I do have a problem with an over load of un-necessity. I think it should go back to the way it was where every 60 to 90 days the emails knock off. If is important enough save it. If anyone wants to FOIA they can go look back at all City emails. I finally received an answer this year for a total cost of \$635, \$20 per person. Ronny Thompson stated that is with email hosting. Doudna asked if it is able to knock them off in 60 days. Ronny stated that you can with Global Relay. Doudna stated that the purpose is to save costs. Alicia is going to give me grief, I know it but I look at it this way if it's important enough you save it back. Collins stated that not to be disrespectful to anyway but this issue isn't with the City Council. If anyone FOI's our office and even if I have 30 days of emails for 10 or more people I'm going to have to go through each and every one of them manually and redact them. This saves us time and makes it a lot easier on us. If there is an email that I need to go back and get its easy. If someone says I said something but I have it in an email I can go back and show them that isn't what I said. FOI's are the worst. I had 39 FOI's this year and over half of them were for emails. If I didn't have this I wouldn't have been able to make this happen. This is an employee issue and I think the employees need to be considered in this because they are the ones handling it not the council. Granata asked if Springdale or Fayetteville has this. Ronny stated that Global Relay is an Archiving System for emails and is cheaper than having an in house server. Springdale and Fayetteville keep theirs in house. Mayor Colvin asked how long does it archive for. Collins stated that there are a 1,000 emails to go through a week and with me manually having to go through each and every one of



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them I can't respond to the FOI's in a timely manner. I don't see how it is benefitting the emails to get rid of it. Granata asked what Springdale and Fayetteville do. Ronny stated that they have in house servers and Tontitown doesn't. They do the same thing with their in house server where they are archived and it's just not called Global Relay. Doudna stated that they knock theirs off after 60 days. Ronny stated that it can be done with Global Relay also. Chief Arthur stated that with the Police what Alicia sees is ACIC, BOLOs, crime information, etc. This information cannot be released and will be very time consuming. Doudna stated asked if his was on a different system. Collins stated that it wasn't. Doudna asked about redacting. Collins stated that with a request made she can go through 1,000 emails within minutes and respond to that request. Then I can go back and do the redactions. Doudna stated that she doesn't mean to be mean but she made an FOI request and received social securities on my stuff. Collins stated that people make mistakes and I corrected it. Doudna stated this is a waste of money. Collins stated that her social security number was given out to but people make mistakes, that's just what happens. I corrected those. Doudna stated that if it is only kept for 30 days it should help. Collins stated that it won't because there are still 1,000 emails a week to go through. Granata stated that maybe the council needs to review the procedure and see what we options we have. A motion made by Doudna to table this item and Piazza 2<sup>nd</sup>, motion passed unanimously.

- h) An Ordinance to repeal the W & S Committee to W & S Department – Rhonda Doudna** – Colvin stated that about 2 years ago the Water & Sewer Commission was abolished. The Water & Sewer Committee hasn't really acted as a Committee. Having a Water & Sewer Committee as the City Council members really didn't make since. A motion made by Doudna to waive the requirements that this ordinance has been considered by the COW and 2<sup>nd</sup> by Piazza. Attorney Slinkard introduced the ordinance by title. Motion passed unanimously. A motion made by Penzo to adopt the emergency clause and 2<sup>nd</sup> by Piazza, motion passed unanimously. Several repeals and Ordinances that were not repaired so we will be skipping them.
- i) Ordinance for Budget – Rhonda Doudna** – Howard stated that he doesn't know how the Council can act on this Ordinance because there isn't an Exhibit A or a new budget to review. Granata stated that maybe we should plan a special meeting to review the budget. Is Tuesday January 13<sup>th</sup>, 2015 okay with everyone at 7 pm?
- j) Discussion of Franchise Fees – Joe Edgmon** – Edgmon stated that we have a power plant here and they should be paying Franchise Fees. Granata stated that he met with them when they first came in. They said there was no money for the City of Tontitown. Franchise fees are paid from utilities that service the citizens. The Power Plant in question services another state not Tontitown.
- k) Discussion of Zip Code Issue – Joe Edgmon** – Edgmon stated that the online businesses will be charging sales tax to where they deliver and since they are delivering to a Springdale, AR zip code and the Sales Tax is going to Springdale. Collins stated that it isn't just Online Businesses but in town businesses as well. If a business coming in doesn't know that they need to use 72770 our businesses are sending the Sales Tax to Springdale.

Doudna stated that we need to do a special meeting for the items removed off of this agenda. Attorney Slinkard stated that they worked as much magic as possible with 18

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ordinances/resolutions in as little time as they were given. Attorney Slinkard stated that the items will be a special meeting and a special COW for the Budget. A motion made by Granata to call a special meeting for Tuesday January 13<sup>th</sup>, 2015 at 6:30 pm. Collins asked Granata to send her an email with each item he was sponsoring. Granata and Doudna stated the ones that were left off of the current agenda that needed to be added. Motion passed unanimously.

#### **10. Comments from Alderman**

Piazza – None

Edgmon stated that the Municipal League has a format online to look at. Collins stated that the Mayor is the one that decides how the Budget is represented.

Doudna stated that there is a good crowd. I'm happy to see Ms. Floppy Hat and Mrs. Hinshaw more than ever. It is such a great honor to be up here. I miss your daughter Sunny tremendously and I'm going to dedicate my next two years of working hard for her.

Ardemagni stated great crowd, thanks for coming out and like Doudna stated if you have any problems or anything you want resolved, call her.

Penzo stated that Sunny Hinshaw would have been here tonight and she can't be here in body but maybe she can in spirit and I look forward to working with her. She would have done the Council good and he is sorry she couldn't be here. Like what Doudna said I'm going to do what is right by this town. I wouldn't hurt this time for nothing.

Granata thanked everyone for coming and my memories will always be with Sunny

#### **11. Comments from Mayor**

Mayor Colvin stated without Sunny Hinshaw he probably wouldn't be here. I hate having to end with bad news but I have found out that the City was setting at \$65,000 but the bills to be paid were \$115,000. A transfer has been made in the amount \$83,000. He went on to explain the issues. Colvin went over the Ambulance Service and Budget that will be discussed next week.

#### **12. Comments from City Attorney**

None

**13. Adjournment** – A motion made by Penzo to Adjourn and 2<sup>nd</sup> by Granata, all in favor.