

**BAY CITY COUNCIL MEETING
BAY CITY HALL CONFERENCE ROOM
AUGUST 12, 2019 7:00 pm**

Mayor Kirby called the meeting to order at 7:03pm

Invocation: Larry Hall

Roll Call: All Councilmembers present-Philip Vanwinkle, David Milam, Curtis Hogan, Larry Hall, Lori Robertson, and Donnie Davis. Other Departments: Police Chief Paul Keith, Street Supervisor Bobby Robertson

Guests: Volunteer Fireman Kevin McMasters, SRO Eddie Weems, Police Sgt TJ Burns, Volunteer fireman Wes Mitchell

Minutes from July 22 2019: Motion to suspend reading of the minutes by Vanwinkle/Seconded by Hall/ No further discussion/All Ayes/Motion passed 6/0. Motion to approve minutes as presented by Milam/Seconded by Vanwinkle/No further discussion/All Ayes/Motion passed 6/0.

Police Report/911: Chief Keith presented copies of the reports to members. Discussion: The Justice Network Lawsuit was included in the report. Chief stated, "We won. It's over". There is a resolution and it will be in our minute book. *They did not get any money in damages.

New SRO Contract: 2019/2020 SRO contract is for 178 school days. Chief Keith keeps a record on the days. Contract remains the same as last year. Only the date has changed. A Copy of the contract will be in the Minute book, one copy to Bay School Superintendent Bobby Hutchison, and one copy to City Clerk Griffin. Motion to accept the contract for 2019/2020 Bay SRO Officer by Vanwinkle/Discussion: Chief was asked about other Bay Officers taking turns in the school so everyone would be familiar with the surroundings. Chief answered that the department was only going to do that if the Bay Police Department ran the whole SRO program at the school; but the school only wants Weems (Bay SRO) in the elementary building. Vanwinkle: Do we have a lay out (diagram) of the school property? Chief: They (the school) has a book but it is not updated. Their information is outdated. It was decided that communication with the superintendent should be made to get an updated lay out and emergency info. Vanwinkle would like each officer to have a copy of the school information kept in each unit. (Mayor said for the record the city IS up to date on their crisis information.) The safety of the school depends on this updated info, especially considering any danger resulting from the railroad and trying to get an escape plan. Chief said the city has offered to go over the crisis information page by page, but have never received a response from the school. Mayor said he would get with Bay School Superintendent B. Hutchison right away to get the info updated and passed out. Vanwinkle stated that if necessary, he would go to a school board meeting to discuss the importance of up dated plans. No further discussion/motion to accept the contract made earlier by Vanwinkle/Seconded by Donnie Davis/No further discussion/all ayes/motion passed 6/0.

2020 Budget: Hall asked about having a committee to work on the 2020 budget. He asked to pull this project together to meet in October 2019 so that the city could be budget ready in November/December 2019. Hall asked if a committee could meet at least one (1) week prior to the regularly scheduled meeting in October. It was decided that the entire council with the Mayor and Department heads should work on the 2020 budget, and all agreed to meet the first Monday in October at 6pm. It will be a public meeting. It was decided that the committee would all work together on all three (3) budgets. Motion to accept all councilmembers, Mayor and Department Heads to work on the budget and have the first meeting on October 7th, Monday evening at 6:00pm, in a public meeting made by Hall/Seconded by Milam/No further discussion/all ayes/motion passed 6/0.

2020 Census: Committee on Census (2020) needs a committee. Mayor Kirby stated this census would not pressure people to fill out long forms, The Census Bureau will send forms and if they do not get a response, will send out three (3) more with the final notice more stern. After the fourth (4th) form, if someone does not respond, someone from the committee will go to the residence to find/get information requested. Last census only 78% of the households returned the forms. This time, the bureau wants to be sure ALL are accounted for. Submitted representative will go to the homes. Reported representative at this time are: Police Chief Paul Keith, Mayor Darrell Kirby, City Clerk Sandi Griffin, and Water clerk & Police Sec. Holly Colbert. The city is obligated to form a committee, and needs to respond to the bureau by the next council meeting who will be on the committee. The committee members are not limited to how many can serve.

2018 General and Street Audit: Mayor Kirby said the "Exit interview" is done. Councilmembers should be getting a report soon. They will be mailed to your home address.

Resolution 2019-G

"PURPOSE OF THIS RESOLUTION: to establish policy for payment of Health Insurance Coverage for the Administrative Assistant for the City of Bay"

This resolution is for insurance for Sandi and Jack Griffin. She was on a family plan with the city, but is now eligible for Medicare and other supplemental insurance that will save the city money if she dropped the Municipal Health Insurance and went to private. Keeping ARML health and other benefits would become a secondary insurance. Even if the employee does not sign up for Medicare and supplements, the League insurance would pay claims as a secondary insurance and deduct what would have been paid for by Medicare and other supplements. Attached to the resolution is a copy of the new cost for health and supplemental policy care for Griffin and her spouse. It is still considerably lower than Municipal League, and will save the city somewhere about \$350/per month. W. Dupwe wrote the resolution, and the Mayor spoke with the Municipal League to be sure this is okay to do. They said it was. Resolution states that the amount for coverage should never exceed the amount paid for other employees. This is what we voted on last month but did not have the resolution ready. Motion to read the resolution out loud by Vanwinkle/Seconded by Milam/Mayor read in full. Motion to accept reading and pass the resolution by Milam/seconded by Hall/no further discussion/all ayes/motion passed 6/0. Hall requested the resolution be re-typed to get rid of the "typos". Mayor Kirby said it would be done.

Ordinance 2019-7: "AN ORDINANCE PROHIBITING THE KEEPING, STORING, OR ALLOWING TO EXIST UNSIGHTLY AND UNSANITARY ITEMS OR CONDITIONS UPON THE PRIVATE PROPERTY WITHIN THE CORPORATE LIMITS; PROVIDING THE MANNER FOR REMOVAL AND DISPOSAL OF SAME, FIXING THE PENALTY THEREFOR; DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES. "

Mayor Kirby told the members that once Ordinance 2019-7 was accepted and passed it would make Ordinance 2001-1 null and void. The new ordinance helps with back yards with privacy fences to be kept within city code. Short discussion about the new ordinance over riding older ordinance 2001-1, and more information on the subject would be found in the City's zoning ordinance. Time frame for violations are also in the zoning ordinance, including the seven (7) day time frame. This can be found in the zoning by-laws. A copy of this ordinance will be kept in the zoning book. Discussion about the time given to violators, but it was agreed to leave as is. Hall asked who would enforce the ordinance, and Chief Keith answered said police department would. Motion to adopt the emergency clause in Ordinance 2019-7 Section eight (8) by Vanwinkle/Seconded by Milam/No further discussion/all ayes/Motion on emergency clause passed 6/0. Mayor read out loud section five (5) **"Any violation of this ordinance shall be deemed a misdemeanor and upon conviction shall be punishable with a fine of one hundred dollars, and each day such violation occurs shall be considered a separate offence."** All ayes to accept section five as presented.

Motion to suspend rules and waive full reading requirements by Vanwinkle/Seconded by Davis/no further discussion/all ayes/motion passed 6/0. Motion to read title only by Vanwinkle/seconded by Davis/no further discussion/all ayes/motion passed 6/0. Mayor Kirby read the title of Ordinance 2019-7. Motion to accept first (1st) reading by Hall/Seconded by Vanwinkle/no discussion/motion passed 6/0. Motion for second reading of title only by Davis/Seconded by Hogan/no discussion/all ayes 6/0. Mayor read title only for second reading. Motion to accept second reading by Hogan/seconded by Robertson/no discussion/all ayes/6/0. Motion for third and final reading of title only by Milam/seconded by Vanwinkle/no discussion/all ayes 6/0. Mayor Kirby read title only for third reading/motion to accept third and final reading by Davis/Seconded by Milam/no discussion/motion passed 6/0. Motion made for final vote to accept and adopt Ordinance 2019-7 by Vanwinkle/Seconded by Milam/all ayes/motion passed 6/0.

Ordinance 2019 8 "An ordinance establishing that the office of the city attorney will be appointed, the appointment of Warren E. Dupwe as city attorney for Bay, Arkansas, and setting the compensation for city attorney and employment of other legal representation; declaring an emergency and for other purposes"

Mayor read title, pointing out that Section 3 is what is being changed. This ordinance allows us to go outside of the city attorney for a prosecutor. The Mayor and Treasurer must have legal representation, so Dupwe will be doing that along with writing ordinances/resolution, he will also serve as legal counsel. This is a three (3) year contract. Motion by Milam to read the emergency clause/seconded by Hogan/all ayes/motion passed 6/0. Motion to read Section 8 by Milam/seconded by Davis/all ayes motion passed 6/0. Chief Keith read section 8. Motion to accept the reading by Milam/seconded by Davis/no further discussion/all ayes/motion passed 6/0. Motion to suspend rules and waive the reading except by title only by Vanwinkle/seconded by Hogan/no further discussion/all ayes/motion passed 6/0. Motion to read by title only by Hall/seconded by Robertson/no further discussion/all ayes/motion passed 6/0. Chief Keith read by title only. Motion to accept first reading by Milam/Seconded by Davis/all ayes/motion passed 6/0. Motion for the second reading by Hogan/Seconded by Robertson/all ayes/motion passed 6/0. Motion to accept second reading by Robertson/seconded by Davis/no further discussion/all ayes/motion passed 6/0. Motion for third and final reading by title only by Hogan/seconded by Robertson/all ayes/motion passed 6/0. Third and final reading by Chief Keith/motion to accept third and final reading by Milam/seconded by Hogan/no further discussion/all ayes/motion passed 6/0. Motion to accept and adopt Ordinance 2019-8 by Hogan/seconded by Vanwinkle/no further discussion/all ayes/motion passed 6/0.

Contract for City Prosecutor for Police Dept.- District Court

Mayor Kirby stated that since the ordinance passed we can now do a contract for a prosecutor. Chief Keith has 3 resumes for the position. He recommended Jessica Thomason. Keith said she represents Egypt, and Cash and does a good job. She has offered to serve Bay for \$400/month with no additional fees. She will be in court every Tuesday. If this is voted on, the contract will be drawn up at the next council meeting, but it can be approved at tonight's meeting. Vanwinkle also recommended her. Keith said she would be available 24/7, but that she would be off on maternity leave soon and back to work 4 weeks after. She will have a backup while she is off work. Motion by Vanwinkle to accept Chief Keith's recommendation to hire Jessica Thomason as city prosecutor and to pay a \$400 retainer per month to Jessica Thomason on a three (3) year contract /Seconded by Hall/Discussion: Chief Keith said he was okay with the three (3) year contract, but as for the amount, it may go up if the case load increases/Vanwinkle changed his motion to Accept Chief Keith's recommendation to hire Jessica Thomason as city prosecutor with a retainer of \$400/month, with the option of reviewing the monthly amount on an annual or as needed basis/Seconded by Hall /Discussion: Hall-when would it take effect? Mayor: as soon as the council votes, it will be in effect, but the contract will be signed tomorrow with the Mayor and Clerk signing for the council/no further discussion/ all ayes/motion passed 6/0. Jessica Thomason

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Mayor Updates

ADEQ PERMIT for treatment plant- discharge to # 6 ditch they don't like the chlorine level. We cannot turn our regulator down to point 02 like they want us too so we may have to de-chlorinate it; but we have to have a plan on it. It won't take effect for 4 years when the license is renewed but we have to put in a plan, and we will have to stay with the plan. Jason, (the engineer) is working on the plan. Milam: what about UV lights? Jason the engineer doesn't know about that with our system. He is working on a plan in the event we have to expand. He is not sure how our system would work with uv lights. Dechlorinating will slow things down for now. Mayor said ADEQ also put down some rules on the water tanks and he will be going over all those rules with James Robertson.

LOPFI MEETING IN JONESBORO There will be a meeting Wednesday at St Bernard's auditorium. Chief Keith and Mayor Kirby are planning to attend.

SENIOR CITIZENS VAN The van needed repairs. It has been fixed and the cost was approximately \$1,200. (Air went out and vacuum had problems). It wouldn't take gas. They also fixed all the wheels. Brian said when he drove it back, the air was going in and out. Mayor asked Midge to let him know if that continued. She didn't call so it should be ok.

Mayor: here is what I will have ready for the next regular meeting:

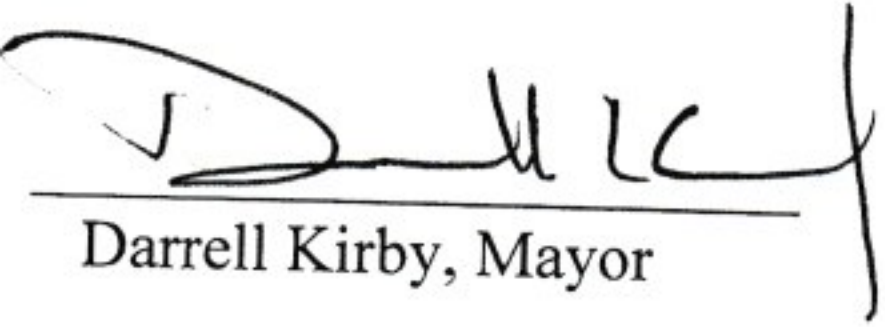
1. The ordinance with the penalties
2. The signed contract with the school (SRO)
3. City Prosecutor contract
4. Ordinance for fees and amount of days to give

Mayor Kirby updated on the condition of his wife who has a brain aneurism. Depending on her test the doctors will decide what to do. If they have to go back into her brain he is not sure if he will be available at the September meeting.

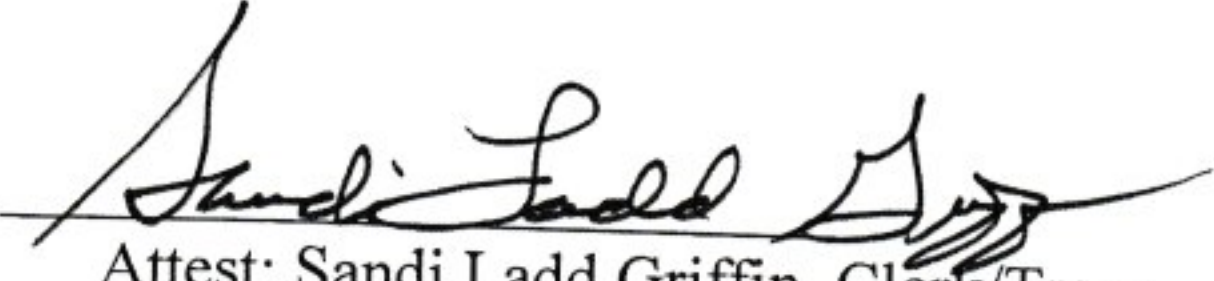
FIRE HOSE: Davis said new fire hoses were needed to be purchased. Kevin McMasters got a call from a vendor that has some hoses for 40% off the regular price due to discoloration, etc. The purchase would still come with a five (5) year warranty and the vendor will pay the shipping. The cost will be approximately \$7,500, and states it could be purchased with Act 833 funds. Vendor is "NAFECO". This sale would save the city close to \$100k if it were regular price. It was agreed to put the sale under "equipment fund" and if need be we can make an amendment to the budget.

Kevin McMasters gave an update on grants applied for. No confirmation yet.

There being no further business/Vanwinkle made a motion to adjourn/seconded by Robertson/no further discussion/all ayes 6/0 Meeting adjourned.



Darrell Kirby, Mayor



Attest: Sandi Ladd Griffin, Clerk/Treas.