

**MINUTES OF THE REGULAR MEETING
FORREST CITY CITY COUNCIL
FORREST CITY, ARKANSAS
May 21, 2019**

The City Council of Forrest City, Arkansas met in regular session on May 21, 2019. Mayor Williams called the meeting to order at 6:00 p.m. Alderman Williams offered prayer after which the Pledge of Allegiance was led by Alderman Evansingston. The following answered roll call: Mayor Williams, Clerk Cochran, Attorney Wright and City Council members: Williams, Evansingston, Reeves, Poteat, Metcalf, Fields, and Capps. Alderman Oswalt was absent.

Alderman Reeves made the motion to approve the May 7, 2019 regular meeting minutes. The motion was second by Alderman Capps. Roll Call: Alderman Williams, Metcalf, Fields, Reeves, Capps, and Poteat All Ayes. Alderman Evansingston said Nay.

REPORT OF COMMITTEES

None

PUBLIC COMMENTS

None

UNFINISHED BUSINESS

Ordinance Repealing Ordinance #1928; Providing for /the Emergency Clause Alderman Evansingston

Mayor Williams stated, he has made a statement before, there is an ordinance in place and the ordinance was recommended and required by the Arkansas Municipal League. It states that the ordinance is needed for Alderman Evansingston to keep his job as public works director and also to hold an elected position; documents have been provided from the municipal league and given to each council member to review. Mayor Williams stated this issue has been discussed at three or four council meetings. In an effort to resolve this matter tonight, Mayor Williams allowed Alderman Evansingston to have the floor.

Alderman Evansingston stated on this motion, he would like to move to table the ordinance that he sponsored to repeals ordinance #1928. He received information from the Arkansas Municipal League that the ordinance is invalid because proper procedures were not used when voted on.

Mayor Williams restated the motion, "It has been moved by Alderman Evansingston to table the ordinance to repeal ordinance #1928." The motion was second by Alderman Metcalf.

Alderman Metcalf asked Alderman Evansingston if he has more information from the Municipal League that needs to be taken into consideration. Alderman Evansingston stated yes. Alderman Fields asked Alderman Evansingston if he is tabling his ordinance. Alderman Evansingston stated yes.

Alderman Metcalf stated this is something that needs to be worked out with the Municipal League. He asked why was Alderman Evansingston eligible to run for office when he was already an employee of the city and now it seems that he is ineligible to be a councilman.

Mayor Williams stated the written opinion from the Municipal League was put in the council's prior packets. It references two things, why is the ordinance needed, does it apply to Jason Evansingston since he was an employee prior to being elected councilman. Ark Code 14-42-107b prohibits any official or employee from having an interest direct or indirect in a contract with the city; the Arkansas Supreme Court has ruled which includes employment. (Thompson vs. Roberts)

The other question, since the Election Commission cleared Jason Evansingston to seek office why an ordinance is needed. Municipal League attorney stated, to his knowledge, the commission does not perform a check for these conflicts. They are usually discovered by Legislative Audit doing their routine audits, as in the case Thompson vs. Roberts. These are the questions that Municipal League was specifically asked, and to which they gave a written response.

The key for this is, if this ordinance is not in place, what potential exposé is created as it relates to the City of Forrest City and Alderman Jason Evansingston.

Alderman Fields read, without the ordinance in place, Mr. Evansingston cannot hold both, the elected and the employed positions with the city. The ordinance in this perspective is a benefit for Mr. Evansingston because it allows him to continue to hold employment and the position on the council.

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Alderman Capps stated with all that being said, he cannot vote to table an ordinance that has been determined not valid by the Arkansas Municipal League.

Alderman Evansingston stated, he does understand that an ordinance needs to be in place. He said the one issue he has with ordinance #1928, the emergency clause. He said he spoke with the Municipal League on today, it was said, the emergency clause is misleading and untrue. The information that he just received from the Municipal League the other day, says this ordinance #1928 is invalid and dead because of how the procedures was done when voting on the ordinance. Alderman Evansingston then told Alderman Capps that is why he wants to table his ordinance until further information is received.

Alderman Capps asked Alderman Evansingston if he was in favor of the ordinance that was passed to protect the council from lawsuits, just not adopting the emergency clause to put the ordinance into effect quicker. Was that wrong?

Alderman Evansingston stated no, it was not wrong. The emergency clause, for it to be valid it has to be voted on separately it was not done. That was one of many things that made the ordinance invalid; that came from the Municipal League.

Alderman Williams stated, what disturbs him more than anything else, "We are trying to protect an individual and the city, why are you against something trying to keep you in both places."

Alderman Evansingston stated it's not so much that it is protecting him, the ordinance opens him up for challenges.

Mayor Williams stated, after discussion, there is a motion on the floor to table the ordinance to repeal ordinance #1928. Roll Call: Alderman Metcalf and Evansingston All Ayes. Alderman Capps, Fields, Poteat, Reeves, and Williams All Nays.

NEW BUSINESS

The Ordinance Approving Contract with Edward Gregory for It Services

Mayor Williams stated the ordinance approving contract with Edward Gregory will be prepared for the next meeting.

Gaming Ordinance Review

Mayor Williams stated the council asked for the current gaming ordinance on the books for review. Chief Lee stated he was present to answer questions concerning the ordinance and the state statue regarding the gaming laws. He said he looked at the city ordinance, written in 2015, it is written similar to the state statue.

Alderman Capps asked Chief if he had contact with state gaming commission. Chief Lee said he had. Alderman Capps stated to his understanding it is two places that allow gambling in the State of Arkansas Hot Springs and West Memphis. Chief Lee said he spoke with the gaming commission and Attorney General's office gaming statue 26-57-402 still stands.

Attorney Wright stated the law is unclear, different cities and counties are handling the law in different ways, some allow it, and some don't. "We are not going to know until someone takes it to Supreme Court."

Resolution Expressing the Wiliness of the City of Forrest City

Mayor Williams stated the resolution expressing the City of Forrest City to utilize Federal-Aid Transportation Alternatives program funds. Attorney Wright read **Resolution Expressing the Wiliness of the City of Forrest City** Alderman Williams made a motion to adopt the resolution. The motion was second by Alderman Poteat. Roll Call: All Ayes.

GENERAL FUND BILLS

Alderman Fields made a motion to approve and pay the General Fund bills in the amount of \$20,628.36. The motion was second by Alderman Williams. Roll Call: All Ayes.

STREET FUND BILLS

Alderman Williams made a motion to approve and pay the Street Fund bills in the amount of \$7,477.87. The motion was second by Alderman Reeves. Roll Call: All Ayes

SOLID WASTE FUND BILLS

Alderman Reeves made a motion to approve and pay the Solid Waste Fund bills in the amount of \$14,510.73. The motion was second by Alderman Capps. Roll Call: All Ayes.

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FORREST CITY WATER UTILITY

Alderman Capps made a motion to approve and pay the Forrest City Water Utility bills in the amount of \$189,457.46. The motion was second by Alderman Poteat. Alderman Reeves questioned the ETC Engineers' invoice for \$45,411.50. Mayor Williams stated that is part of the mapping system; they are mapping all the sewer system, fire hydrants, and all water lines, the project is about 68 percent complete. Roll Call: All Ayes.

ANNOUNCEMENTS and Updates

Mayor Williams announced that he received a letter from Department of Arkansas Heritage stating the staff of Arkansas Historic Preservation program reviewed the above reference draft cultural resources report for the proposed Stuart Springs nature trail in Forrest City, St. Francis County. The HPP concurs that the site documented by the present investigation is a contributing component to the national register of historic places listed Stuart Springs Park. The HPP recommends the site is eligible for listing in the NRHP individual archradical site.

The city is in the final stages, working on approval of the right-a-way once that is done, the city will be ready to move forward on the natural trail at Stuart Springs Park.

Mayor Williams announced that Christina with the Run for The Wall group came by the office. She was very complimentary on Forrest City and the hospitality, especially the police and fire departments. The group said Forrest City was their best stop. The group gave recognition to Councilman Fields for being a good representative for Forrest City; there were over 200 motorcycles with that group.

Mayor Williams stated there were certificates for the people that helped with the Keep Forrest City Beautiful Campaign. He again thanked the council for taking the lead in each of their Wards.

Alderman Williams thanked the city workers for doing a good job on clearing Broadway near the under path. Mayor Williams stated he has had several conversations with Brandon Morris from the railroad. He gave the city permission to do whatever we could with the over path but do not touch the railroad itself.

Alderman Capps asked how many more SWAT analysis will there be and when will the council receive them. Mayor Williams stated all the SWAT analysis have been conducted for the different departments. He said they are in the process of doing the follow-up action plans for each department. The SWAT analysis that was done on the water department, parks & recreation and public works department, those action plans are handled in house. The action plans that were done on the police and fire departments are going to be a little more strategic oriented; Sommers & Associates may possibly be employed to do more strategic guidelines from one, two, five-year plans.

Mayor Williams stated Gaskill and Associates did the analysis on the park, public works, and water departments; a written report of the analysis was presented to the council.

Alderman Poteat asked Mayor Williams about putting a dumpster in the parking lot across from the fire station. She thought it was discussed in a prior meeting.

For additional context, reference the May 21, 2019 tape.

Alderman Fields made a motion to adjourn at 6:35 p.m. The motion was second by Alderman Evansingston.

Cedric Williams, Mayor

Derene Cochran, City Clerk-Treasurer