

January 12, 2009 BAY COUNCIL MEETING BAY CITY HALL 7:00PM

MAYOR KIRBY CALLED MEETING TO ORDER AT 7:00 PM

PRESIDING AND PRESENT: MAYOR DARRELL KIRBY AND RECORDER SANDI LADD GRIFFIN

ROLL CALL: (ALL PRESENT) DONNIE DAVIS, DONALD GRAY, LARRY HALL, DONNIE STEWART, DAVID MILAM, PHILLIP VANWINKLE

OTHER DEPT ROLL CALL: (ALL PRESENT) W/S SUPT. CRAWFORD HOLMES, POLICE CHIEF DAVID KELLY, & PLANNING/ZONING CHAIRMAN DON McINTIRE

GUESTS: BAY POLICE OFFICER PAUL KEITH, BAY POLICER OFFICER TOMMY COLE, & BAY POLICE RESERVE OFFICER KENNY WILLIAMS, AND ZAC MORRISON.

**WELCOME TO TWO (2) NEW ALDERMAN: PHILLIP VANWINKLE AND DONALD GRAY*

1. APPROVAL OF LAST MONTH MINUTES

MOTION BY DONNIE DAVIS TO ACCEPT THE MINUTES AS PRESENTED

2ND MOTION BY DAVID MILAM

NO DISCUSSION

MOTION CARRIED

2. APPROVAL OF AMENDMENT TO LAST MONTH MINUTES

AMMENDMENT TO DECEMEBER MINUTES BY PHONE POLL TO APPROVE YEARLY EMPLOYEE APPRECIATION PAYMENTS OF \$600.00 PER EMPLOYEE FOR YEAR ENDING 2008, NOT 2009. PHONE POLL:

ALDERMAN HALL: AYE, ALDERMAN DAVE: AYE, ALDERMAN McINTIRE: AYE ALDERMAN STEWART: AYE

ALDERMAN MILAM: AYE, ALDERMAN WALKER: UNABLE TO CONTACT. POLL TAKEN VIA PHONE BY MAYOR KIRBY AND PRESENTED RESULTS TO RECORDER. APPROVALS: 5

MOTION TO ACCEPT THE AMENDMENT TO THE MINUTES BY ALDERMAN MILAM

2ND MOTION BY ALDERMAN HALL

NO DISCUSSION

MOTION CARRIED

3. POLICE REPORT BY CHIEF KELLY

CHIEF KELLY WENT OVER THE POLICE REPORT STATS FOR DECEMBER 08, EACH COUNCILMAN RECEIVED A COPY OF THE REPORT SHOWING ARRESTS FOR THE MONTH OF DECEMBER AND THE YEARLY TOTALS.

CHIEF KELLY ANNOUNCED TWO (2) NEW ADDITIONS TO THE POLICE RESERVE FORCE; DAVID MILAM AND KENNY WILLIAMS. BOTH MEN PAID FOR THEIR OWN SCHOOL, AND PURCHASED THEIR OWN POLICE EQUIPMENT.

IN ADDITION, CHIEF KELLY STATED THAT WITH NEW METH LABS ON THE INCREASE, AND THE NEW METHODS OF PRODUCING THE DRUG, HE WAS IN THE PROCESS OF SENDING EACH OFFICER TO A "FREE" SCHOOL IN MERIDIAN MISSISSIPPI, ADDING THAT THE ONLY COST WOULD BE THE TRAVEL. THE SCHOOL IS TEACHING WAYS TO BE AGGRESSIVE IN COMBATING METH LABS. ALDERMAN GRAY ASKED WHO CURRENTLY HANDLES HAZARDOUS MATERIAL AFTER DISCOVERING A LAB. KELLY STATED THAT JONESBORO/LITTLE ROCK CAME IN TO DISPOSE OF THE HAZZARDOUS CHEMICAL; HE STATED THEY DISPOSE OF ALL OF IT, AND IT DOES NOT COST THE CITY, WHICH WAS WHY THE LOCAL FIRE DEPARTMENT HAD NOT BEEN CALLED ON TO ASSIST IN THESE MATTERS.

4. YEARLY PROFIT & LOSS STATEMENT/BUDGET FIGURES

MAYOR KIRBY APOLOGIZED FOR DELAY IN GETTING P&L INFORMATION TO THE COUNCIL AT A LATE DATE BUT SAID THAT HE WOULD GET THE ACTUAL BUDGET AT LEAST 3 DAYS BEFORE THE SPECIAL JANUARY 26TH MEETING TO APPROVE THE 2009 GENERAL BUDGET. HE ASKED THE COUNCIL TO LOOK OVER THE INFORMATION ON HAND AND

ASK ANY QUESTIONS NOW TO TRY TO FIND A WAY TO SAVE MONEY AND HANDLE ANY PROBLEMS BEFORE PRESENTING THE BUDGET. HE STRESSED THAT THE CITY MUST BE ASSERTIVE IN FINDING WAYS TO SAVE MONEY.

TREASURER GRIFFIN EXPLAINED THAT THERE WERE A COUPLE OF LINE ITEMS IN "INCOME" THAT CONTAINED REVENUE FROM 2007. THE CORRECT AMOUNTS FOR 2008 WERE WRITTEN BESIDE THE LINE ITEM, AND THAT WOULD BE THE CORRECT AMOUNT FOR 2008 REVENUE FROM THE WATER/SEWER DEPARTMENT. THE LINE ITEMS INCLUDED SANITATION PAYMENTS, MOSQUITO, AND TRASH CANS PAYMENTS. THE NEW 2009 PROPOSED BUDGET AMOUNTS WOULD ONLY SHOW WHAT WAS ACTUALLY RECEIVED FROM 2008 REVENUE. SHE ALSO SAID THAT SHE HAD OBTAINED INFORMATION THAT THE GENERAL BALANCE SHEET SHOULD NOT CONTAIN "FIXED ASSETS" DUE TO THE FACT THAT THE CITY WAS NON-PROFIT. IN LUEI OF "FIXED ASSETS", AN INVENTORY LIST FROM ALL NOT FOR PROFIT DEPARTMENTS SHOULD BE KEPT.

IN ADDITION, THE AMOUNT OF MONIES IN CD SHOWS A LINE ITEM OF \$150K, BUT IT SHOULD BE \$75K. SHE EXPLAINED THAT \$75K HAD BEEN WITHDRAWN FOR THE PURPOSE OF PURCHASING A NEW BACK HOE, AND THE ENTRIES WERE MADE. LATER, AN UP-DATE TO QUICK BOOKS ACCOUNTING SYSTEM WAS INSTALLED, AND MANY ITEMS WERE MISSING AFTERWARDS. ONE OF THOSE MISSING WAS THE CD TRANSACTION. SHE DID NOT WANT TO MAKE ANY ADJUSTMENTS UNTIL SHE SPOKE TO THE AUDITOR ON HOW TO HANDLE THE DISCREPANCY.

GRIFFIN TOLD THE COUNCIL IT WOULD BE THEIR RULING TO DECIDE WHAT WOULD BE LISTED IN EACH DEPARTMENTS INVENTORY LIST. THEY WOULD DETERMINE THE AMOUNT, AND THE TIME LIFE OF ANY ITEM PURCHASED BEFORE PUTTING IT IN INVENTORY. THE WATER/SEWER BALANCE SHEET IS NOT AFFECTED AS IT IS "FOR PROFIT. A SAMPLE OF INVENTORY GUIDE LINES AND THE RESOLUTION FOR IT WOULD BE OBTAINED TO ASSIST IN THIS PROCESS. AFTER THE RESOLUTION, THE BALANCE SHEETS WILL BE ADJUSTED TO REFLECT THE DIFFERENCES. FIXED ASSETS WILL BE REMOVED, AND WILL BE PUT ON AN INVENTORY LIST. GRIFFIN THEN REQUESTED THE COUNCIL MAKE A RULING ON OLD UNUSABLE/BROKEN EQUIPMENT. ITEMS HAD BEEN STORED FOR THE AUDITOR TO REVIEW, BUT SHE HAD BEEN TOLD THE ITEMS COULD BE DESTROYED OR SOLD SO LONG AS THE COUNCIL AGREED TO IT AND IT WAS NOTED IN THE MINUTES. MAYOR KIRBY STATED THAT HE WOULD MAKE A LIST OF THOSE ITEMS, AND THE COUNCIL COULD LOOK IT OVER, SEE THE EQUIPMENT AND MAKE A RULING AND IT WOULD BE RECORDED IN THE MINUTES.

ALDERMAN HALL ASKED IF YOU HAD NON-WORKING EQUIPMENT BUT SOLD IT, WHAT WOULD HAPPEN WITH THE MONEY AND MAYOR KIRBY SAID ANY MONEY PAID FOR ANY ITEMS WOULD BE DEPOSITED IN THE RESPECTIVE ACCOUNTS. TREASURER GRIFFIN ADDED THAT THE COUNCIL WOULD HAVE TO APPROVE THE SALE, OR DISPOSAL OF SAID EQUIPMENT.

ALDERMAN VANWINKLE SAID THAT THE CITY WAS IN DIRE NEED OF A LARGE CITY AUCTION, THAT THE CITY WAS IN POSSESSION OF TOO MANY ITEMS/EQUIPMENT, VEHICLES, ETC. THAT COULD BE SOLD AT AN AUCTION AND THAT IT WAS TIME TO GET IT DONE. HE ALSO ADDED THAT AN AUCTION HAD BEEN DISCUSSED FOR TOO LONG BUT HAD NOT TAKEN PLACE. ALDERMAN HALL SAID THE CITY HAD PLANS TO HAVE AN AUCTION DURING HARVEST FESTIVAL, BUT MAYOR KIRBY STATED THAT AN AUCTION TAKES A TEAM EFFORT AND NEEDS SEVERAL TO WORK, AND THEY WERE NOT AVAILABLE DURING THE FESTIVAL. PREVIOUS DISCUSSION ABOUT THE AUCTION LACKED SUFFICIENT DETAIL TO CARRY OUT THE PROPER PROCESS. ALSO, THERE WAS NO DESIGNATED AREA TO HAVE THE AUCTION WHERE ALL THE EQUIPMENT COULD BE HOUSED AND SOME OF THE EQUIPMENT WOULD HAVE TO BE PULLED IN BECAUSE THEY DID NOT RUN. HE SUGGESTED AN AUCTION WOULD BE MORE SUCCESSFUL DURING SPRING WEATHER THAN IN THE WINTER BUT DID NOT WANT TO SCHEDULE IT DURING THE WORST PART OF THE STORM SEASON. HE SAID MARCH 21ST OR 28TH (ON A SATURDAY) WOULD BE GOOD DATES. ALDERMAN VANWINKLE AGREED AND SAID AN AUCTION NEEDED TO HAPPEN VERY SOON. DISCUSSION ABOUT WHERE AND HOW TO CONDUCT THE AUCTION CONTINUED AND IT WAS AGREED TO USE FIRE STATION #2 TO HOUSE THE ITEMS. ALDERMAN VANWINKLE SUGGESTED COMBINING ALL SMALLER ITEMS, (COMPUTER EQUIPMENT, ETC) ON ONE TRAILER KEPT UNDER THE SHED AND MOVING IT THE DAY BEFORE THE AUCTION. HE STATED THAT THERE MUST BE GREAT EFFORT TO ENSURE ALL ITEMS WOULD ONLY BE MOVED ONE TIME BY DESIGNATING ONE AREA AND KEEPING IT THE SAME SO THAT NEEDLESS TRIPS MOVING ITEMS AROUND COULD BE AVOIDED. HOLMES STATED THAT PEOPLE

HAD ASKED NUMEROUS TIMES TO PURCHASE CERTAIN UNUSED EQUIPMENT BUT DIDN'T KNOW HOW TO INSTRUCT THEM. MAYOR KIRBY STATED THAT THE COUNCIL WOULD DULY NOTE THE APPROVAL OF SALE OF THE ITEM, AND 3 SEALED BIDS MUST BE RECEIVED BEFORE SELLING. ALDERMAN DAVIS SAID THAT THEY COULD BE PURCHASED AT THE AUCTION. ALDERMAN VANWINKLE STATED THAT ALL ITEMS NEEDED TO BE GATHERED, NUMBERED AND LISTED.

***MOTION TO HOLD AN AUCTION AT FIRE STATION #2 ON MARCH 21ST MADE BY ALDERMAN VANWINKLE
2ND BY DONNIE STEWART***

DISCUSSION: DISCUSSION CONTINUED ON WHO TO CONTACT TO HOST THE AUCTION, ADVERTISING, AND ALL AGREED FIRE STATION #2 WOULD BE THE BEST LOCATION. MAYOR KIRBY AGREED TO GATHER A LIST OF ALL ITEMS BY THE NEXT REGULAR MEETING FOR APPROVAL, THEN TO ADVERTISE THE ITEMS ADDING THAT WOULD GIVE A MORE THAN A MONTH TO GET THE ITEMS TOGETHER. ALDERMAN DAVIS ASKED IF THERE WERE ANY OBJECTIONS TO AUCTIONING THE OLD FIRE TRUCK. ALL AGREED IT WAS TIME TO SELL IT.

NO FURTHER DISCUSSION

ALL AYES, MOTION CARRIED.

5. BAY RECEIVES AWARD FOR VOLUNTEER COMMUNITY OF THE YEAR

MAYOR KIRBY ANNOUNCED THAT NEW SIGNS HAD BEEN PUT UP IN SEVERAL AREAS, PROCLAIMING BAY AS "VOLUNTEER COMMUNITY OF THE YEAR". THE AWARD WILL BE GIVEN TO THE CITY DURING THE ARKANSAS MUNICIPAL LEAGUE CONVENTION THIS THURSDAY AT THE LUNCHEON. HE REQUESTED ALL ATTENDING THE CONVENTION TO BE AT THE LUNCHEON FOR THE PRESENTATION.

6. BUILDING PERMITS

MAYOR KIRBY ANNOUNCED THAT CODE ENFORCEMENT/POLICE OFFICER PAUL KEITH WOULD BE RESPONSIBLE FOR ISSUING ALL BUILDING PERMITS. (THEY WERE PREVIOUSLY WRITTEN UP BY THE CLERK, AND THE APPLICANT, THUS PREVENTING ACCURATE REPORTING AND FOLLOWING GUIDES, WERE NOT OFFERING PERTINENT INFORMATION). THE CLERK WILL GIVE THE APPLICANT AN APPLICATION FOR THE PERMIT, AND THE REQUESTOR WILL FILL IT OUT, BRING IT BACK TO OFFICER KEITH, AND HE WILL HAVE 3 BUSINESS DAYS TO GRANT OR DENY THE PERMIT. IN THE EVENT OF OFFICER KEITH'S ABSENCE, CODE ENFORCEMENT OFFICER TOMMY COLE WILL ISSUE THE PERMITS, AND ALSO MAYOR KIRBY WOULD BE AVAILABLE.

7. FRANCHISE FEE

MAYOR KIRBY INFORMED THE COUNCIL THAT FRANCHISE FEE'S FROM SUDDENLINK DOES NOT PAY THE CITY FOR MONIES COLLECTED FOR THE INTERNET OR THEIR NEW INTERNET PHONE SERVICE. SUDDENLINK PAYS 3% ON CABLE TELEVISION, BUT NOT ON SOME OF THE OTHER SERVICES BEING UTILIZED BY CITY RESIDENTS. MANY RESIDENTS HAVE DROPPED THEIR CENTURYTEL SERVICE AND HAVE GONE TO CELL PHONES, SO REVENUE FROM CENTURYTEL HAS DECREASED. MAYOR KIRBY STATES THAT AN EXCLUSIVE TELEPHONE CONTRACT WITH CENTURYTEL IS IN FORCE THROUGH 2010.

ALDERMAN DAVIS SAID THAT WHEN SUDDENLINK CAME TO BAY SEEKING THE CITY FRANCHISE, THEY SAID THEY WOULD GIVE SERVICE TO EVERYONE; HOWEVER THERE ARE MANY RESIDENTS WITHIN CITY LIMITS THAT HAVE BEEN DENIED ACCESS. MAYOR KIRBY STATED THAT McMASTERS SUBDIVISION HAD TO DIG, LAY, AND BURY THE CABLE THEMSELVES TO OFFER HOMEOWNERS THE SERVICE. ALDERMAN GRAY SUGGESTED INVITING A REPRESENTATIVE FROM SUDDENLINK TO ATTEND A COUNCIL MEETING TO EXPLAIN THEIR SERVICE AND FRANCHISE FEES PAID TO THE CITY. OTHERS AGREED THAT THEY (SUDDENLINK) SHOULD KNOW THAT IF SERVICES ARE NOT EXTENDED TO ALL CITY LIMITS, THE CITY WILL BE LOOKING FOR OTHER SUPPLIERS.

8. FIRE DEPARTMENT 911 DISPATCH

ALDERMAN DAVIS SAID THAT A NEW PROGRAM SHOULD BE IN PLACE SOON THAT WOULD ENABLE EACH FIREMAN/FIRST RESPONDER TO RECEIVE A PAGE/TEXT OF 911 CALLS DETAILING THE CALL, THE TIME, DATE, AND THE

LOCATION. CURRENTLY THEY ARE ONLY RECEIVING A TEXT OF A CALL WITH TIME AND DATE, BUT NO OTHER INFORMATION. TREASURER GRIFFIN ASKED IF THIS DETAIL INFORMATION WOULD BE A COST TO THE CITY, AND ALDERMAN MILAM SAID "NO". DISCUSSION OF HOW THE SYSTEM WORKED CONTINUED, STATING THAT THE INFORMATION WOULD ASSIST IN A QUICKER RESPONSE TIME, AND THAT ANY INFORMATION THE 911 DISPATCHER TYPED INTO THE SYSTEM WOULD APPEAR ON EACH PHONE AS A TEXT. ALDERMAN DAVIS CONTINUED TO SAY IT WAS A COUNTY WIDE PROGRAM AND FROM THE BEGINNING IT WAS AN "ALL OR NONE" PROGRAM. (MEANING EVERYONE IN THE COUNTY WOULD BE INCLUDED IN THE PROGRAM.

MAYOR KIRBY ASKED IF ANYONE HAD ANYTHING ELSE THEY WOULD LIKE TO DISCUSS, GUEST ZAC MORRISON ASKED IF HE COULD SPEAK:

ZAC MORRISON SAID HE WOULD LIKE TO INTRODUCE A NEW PROGRAM FOUNDED BY SKIP MOONEY JR, ATTORNY IN AUGUST OF THIS YEAR; CALLED "OUT OF THE DARK". MORRISON EXPLAINED THAT THE PROGRAM IS A REGIONAL PROGRAM THAT HELPS TO PROMOTE A DRUG FREE COMMUNITY AND WOULD LIKE BAY TO BE PART OF IT. THE GOAL OF THE ORGANIZAION IS TO BE STATE WIDE WITH A STATE DIRECTOR. THE ORGANIZATION IS HOSTING THE FIRST ANNUAL CELEBRATION ON JANUARY 31, 2009 5:30PM AT ASU CONVOCATION CENTER. TICKETS FOR THE EVENT ARE \$10 IN ADVANCE, OR \$15 AT THE DOOR. MORRISON SAID THAT THE COUNTY SHERRIF, COUNTY JUDGE AND MAYOR OF JONESBORO ARE ALL VERY MUCH IN FAVOR OF THE ORGANIZATION. MORRISON WAS INVITED TO PUT HIS POSTERS UP IN CITY HALL.

THERE BEING NO FURTHER BUSINESS

MOTION MADE BY DONNIE DAVIS TO ADJOURN

2ND MOTION MADE BY DAVID MILAM

NO DISCUSSION

MOTION CARRIED

MEETING ADJOURNED

MAYOR DARRELL KIRBY

ATTEST: RECORDER SANDI LADD GRIFFIN