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AGENDA

PARAGOULD CITY COUNCIL

February 28, 2022 @ 6:00 P.M.

Meeting(s): Ordinance Committee 5:15 p.m.

Finance Committee – 5:30 p.m.

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- I. Call To Order – Roll Call
 - II. Reading of Minutes of Previous Meeting
 - III. Reports from Boards and Standing Committees
 - IV. Unfinished Business
 - V. New Business
 1. An Ordinance Amending Chapter 10 of the City of Paragould, Arkansas; To Amend the Fuel Gas Code and the Plumbing Code; To Provide for the Rehabilitation of Condemned Buildings; And For Other Purposes
 2. Appointment of Teresa Branch to PLWC Cable Television Selection Committee
 3. 2021 Amended Budget
 4. State of the City Address

VI. Announcements

VII. Adjournment

COUNCIL MEETING

February 14, 2022

Paragould City Council met in regular session on Monday, February 14, 2022, at 6:00 p.m. in the Council Room of City Hall with Mayor Agee presiding.

Invocation was led by Councilmember Susan Williams.

The meeting was called to order followed by the Pledge of Allegiance

Those present were Susan Williams, Neal Adams, Randy Aden, Brad Baine, Jeremy Biggs, Lindsey Boggs, Aaron Camp and Mark Rowland.

City Attorney Robert Thompson and City Clerk Andrea Williams were present.

Councilmember Williams moved minutes from previous council meeting of January 24, 2022, be approved as transcribed; seconded by Councilmember Biggs. All in favor.

REPORTS FROM BOARDS AND STANDING COMMITTEES:

- Public Service - None
- Finance - Councilmember Rowland called for a finance committee meeting February 28, 2022 at 5:30 p.m.
- Parks and Recreation - None
- Police - None
- Public Health and Ordinances - Councilmember Biggs stated the committee met at 5:30 this evening to discuss changes to the plumbing and gas code and amendments to the condemnation ordinance. These items will be brought back to the council at a later date. Also, Councilmember Biggs called for a committee meeting February 28, 2022 at 5:15 p.m.
- Fire - None
- Sanitation - None
- Street/Cemetery - None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

ITEM #1

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF PARAGOULD, ARKANSAS – APPLICATION OF HALSEY LAND COMPANY, LLC

Motion made that the ordinance be offered by Councilmember Rowland; seconded by Councilmember Adams.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; Camp, yes; and Rowland, yes.

Attorney Roger Colbert was present representing Halsey Land Company, LLC. Mr. Colbert stated that this is 0.34 acres located on Linwood Drive. They are requesting a rezone from AG-C3. This rezone was presented to the planning commission on February 10, 2022. Six members were present and all six voted in favor of this rezone. No one appeared in opposition.

Motion made to place the ordinance on the first reading by Councilmember Rowland; seconded by Councilmember Baine.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; Camp, yes; and Rowland, yes.

Motion made to suspend the rules and place the ordinance on the second reading by Councilmember Adams; seconded by Councilmember Boggs.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; Camp, yes; and Rowland, yes.

Motion to suspend the rules and place the ordinance on the third and final reading made by Councilmember Williams; seconded by Councilmember Aden.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; Camp, yes; and Rowland, yes.

Motion that the ordinance be adopted made by Councilmember Biggs; seconded by Councilmember Camp.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; Camp, yes; and Rowland, yes. Motion carried eight to zero. Ordinance adopted. (Ordinance No. 2022-04)

ITEM #2

AN ORDINANCE AUTHORIZING 1812 PARAGOULD DOWNTOWN, INC. TO APPLY FOR A PRIVATE CLUB LIQUOR LICENSE PERMIT WITH THE ARKANSAS BEVERAGE CONTROL DIVISION FOR THE OPERATION OF A RESTAURANT LOCATED WITHIN THE CITY LIMIT OF PARAGOULD, ARKANSAS; AND FOR OTHER PURPOSES

Motion made that the ordinance be offered by Councilmember Biggs; seconded by Councilmember Adams.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; Camp, yes; and Rowland, yes.

Matt Davis, owner of 1812 Pizza, was present to address the council. City Attorney Robert Thompson explained to the council that the law changed in 2017 and now requires the council's approval before a private club liquor license will be issued by the Arkansas Beverage Control Commission.

Motion made to place the ordinance on the first reading by Councilmember Biggs; seconded by Councilmember Camp.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; Camp, yes; and Rowland, yes.

Motion made to suspend the rules and place the ordinance on the second reading by Councilmember Adams; seconded by Councilmember Boggs.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; Camp, yes; and Rowland, yes.

Motion made to suspend the rules and place the ordinance on the third and final reading by Councilmember Aden; seconded by Councilmember Biggs.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; Camp, yes; and Rowland, yes.

Motion made that the ordinance be adopted by Councilmember Biggs; seconded by Councilmember Adams.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; Camp, yes; and Rowland, yes. Motion carried eight to zero. Ordinance adopted. (Ordinance No. 2022-05)

ITEM #3

PERMISSION FOR TWO HOUSES ON A PRIVATE DRIVE – PURCELL ROAD – SHAWN NEWMAN AND CHARLI SIMPSON

Shawn Newman and Charli Simpson were present to address the council. Mr. Newman stated that they have purchased two 10 acre tracts on Purcell Road and the only access to this land is an easement granted on a private drive that already has one house located on it. He is requesting to place another residence on this private drive.

Motion made to approve placing another residence on a private drive made by Councilmember Rowland; seconded by Councilmember Aden.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, no; Boggs, yes; Camp, yes; and Rowland, yes. Motion carried seven to one. Permission granted.

ITEM #4

VARIANCE – PARAGOULD TINY BLESSINGS DAYCARE – DANNY BAKER

Paragould Tiny Blessings Daycare owners, Danny and Kimberly Baker, appeared to address the council. Mr. Baker stated they were requesting a ten-foot variance to add a tornado safe room to their daycare located at 200 Linwood Drive. Mr. Baker stated this variance was presented to the planning commission on February 10, 2022 and no action was taken. All of the surrounding property owners were contacted and no one appeared in opposition.

Motion made to grant a ten-foot variance by Councilmember Biggs; seconded by Councilmember Rowland.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; Camp, yes; and Rowland, yes. Motion carried eight to zero. Variance granted.

ITEM #5

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY WITHIN THE CITY LIMITS OF PARAGOULD, ARKANSAS, AUTHORIZING THE MAYOR AND THE CITY CLERK TO TAKE SUCH ACTION AS NECESSARY TO ACCOMPLISH SAME; AND FOR OTHER PURPOSES

Motion to amend the agenda and add a resolution authorizing the purchase of real property within the city limits of Paragould, Arkansas, authorizing the Mayor and City Clerk to take such action as necessary to accomplish same; and for other purposes made by Councilmember Rowland; seconded by Councilmember Williams. All in favor.

Motion made that the resolution be offered by Councilmember Rowland; seconded by Councilmember Adams.

Roll Call: Rowland, yes; Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; and Camp, yes.

Mayor Agee stated this resolution was needed to purchase the property at 110 North 3 ½ Street. A resolution was previously passed to offer \$5,500 for the property but according to tax records \$7,000 is the fair market value of the property.

Motion made that the resolution be adopted by Councilmember Biggs; seconded by Councilmember Camp.

Roll call: Williams, yes; Adams, yes; Aden, yes; Baine, yes; Biggs, yes; Boggs, yes; Camp, yes; and Rowland, yes. Motion carried eight to zero. Resolution adopted. (Resolution No. 2022-12)

ITEM #6

PRESENTATION OF 2020 ARKANSAS LEGISLATIVE AUDIT

Mayor Agee stated: To the members of the Paragould City Council, media and general public, On November 10, 2021 the city met with the State of Arkansas Legislative Audit Department to hold its final exit interview. For the first time in recent history the City of Paragould had a finding. The following is the finding exactly as it reads...

“On March 11, 2021 the City discovered a bank account opened by a City employee and held outside of the Treasurer’s control since March 22, 2018. The employee used this account to manage softball park operations on behalf of the Paragould Youth Softball Association, although the Association was inactive during this period. Upon Discovery of the account, City officials analyzed the account activity and determined that, although supporting documentation was not maintained, the funds appeared to be accounted for and spent properly. The account was closed on June 23, 2021, and the remaining funds deposited into the General Fund.”

I want to clarify a few things and make sure everyone is aware of what this means and what action was taken.

1. As soon as the City was made aware of the bank account, we contacted Legislative Audit and asked for guidance. Legislative Audit asked that we contact the bank where the account was held and have those funds be frozen until the audit process was complete.
2. The City has worked, from day one, alongside Legislative Audit to make sure any and all needs of the Legislative Audit Department were met in a timely manner.
3. The City has been and will continue to be, fully transparent throughout this process and will keep the Council and general public aware of any additional findings.
4. This account was held by a former city department head who is no longer employed by the City.
5. This activity does not reflect negatively on the Treasurer Teresa Stormes, the current Mayor Josh Agee, or his Staff. As soon as this issue was presented to Paragould

Administration, Legislative Audit was contacted immediately by the Treasurer and Mayor Agee's staff.

6. The City has taken over both the Paragould Youth Baseball and Paragould Youth Softball programs so any future revenue will be handled by city employees and deposited into city controlled accounts ensuring all proper legislative laws are adhered to.

After the finding Legislative Audit made the following recommendation...

“City officials discovered the unauthorized account and took immediate action to correct the issue. The City should remain alert to ensure other unauthorized accounts are not opened.”

Teresa Stormes took immediate action by contacting the bank and making sure they were aware of the issue and devised a plan to make sure this did not happen in the future, she sent emails to all city Department Heads reminding them this practice is against Legislative protocol and furthermore contacted Legislative Audit to let them know what actions were taken to remedy the situation.

Finally, I want every one of you to know that we worked hand in hand with Legislative Audit from day one to make sure the yearly audit went smooth. Also, let me remind you as was stated in the finding, once the audit was complete the funds in the account in question were deposited into the city of Paragould's General fund.

ANNOUNCEMENTS:

None

ADJOURNMENT:

There being no further business to come before the council, Councilmember Williams moved the meeting be adjourned; seconded by Councilmember Adams. All in favor. Meeting adjourned 6:30 p.m.

Josh Agee, Mayor

ATTEST:

Andrea Williams, City Clerk

ORDINANCE NO. 2022-_____

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF THE CITY OF PARAGOULD, ARKANSAS; TO AMEND THE FUEL GAS CODE AND THE PLUMBING CODE; TO PROVIDE FOR THE REHABILITATION OF CONDEMNED BUILDINGS; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 10 of the Code of the City of Paragould, Arkansas (hereinafter the “City Code”) includes ordinances adopting the Arkansas Fuel Gas Code and the Arkansas State Plumbing Code; and

WHEREAS, the State of Arkansas adopted a new plumbing code and a new fuel gas code in 2021; and

WHEREAS, the City Council has determined that it should provide a procedure of the rehabilitation of a building or structure previously condemned by the City of Paragould.

THEREFORE, be it ordained by the City Council of the City of Paragould, Arkansas as follows:

1. Section 10-197(a) of the City Code is hereby amended to read as follows:
 - (a) **The provisions and regulations of the Arkansas State Plumbing Code, 2018 edition, and amendments thereto, adopted by the State Board of Health of Arkansas are made a part of this section by reference, three certified copies of which shall be on file in the office of the city clerk, and shall extend over and govern the installation of all plumbing installed, altered or repaired within or without the city, wherever water and/or sewage service originating from the municipal water and/or sewage system is furnished.**
2. Section 10-198 of the City Code is hereby amended to read as follows:

Employees of the Office of Planning and Development licensed by the State of Arkansas as plumbing inspectors shall act as plumbing inspectors of the city.
3. Section 10-205 of the City Code is hereby amended to read as follows:

Only those persons legally authorized to do plumbing may be issued permits under this article; however, a permit may be issued to a homeowner to install or alter plumbing in a single-family residence in which the homeowner resides or a single-family rental residence owned by the homeowner if the homeowner does his or her own work. All such work shall meet the requirements of this article and the plumbing code adopted by this article.
4. Section 10-178(a) of the City Code is hereby amended to read as follows:
 - (a) **Adoption. There is hereby adopted by the city provisions and regulations of the Arkansas Fuel Gas Code, being particularly the 2018 edition thereof. These rules and regulations are adopted in an attempt to ensure safe gas installations including**

alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto, so as to safeguard life, health, and the public welfare.

5. The City Council hereby adopts Section 10-250, to read as follows:

Sec. 10-250. - Rehabilitation of a building or structure previously condemned.

- (a) **Permit required:** Every person desiring to rehabilitate real property containing a building or structure previously condemned by the City Council shall submit a written request to rehabilitate to the director of the Planning and Development Department. The request to rehabilitate shall include a list of the improvements and deadlines to which the applicant and the Planning and Development Department agree for accomplishing such improvements and shall be signed by the applicant and the director of the City of Paragould Planning and Development Department. A rehabilitation permit fee \$250.00, for title search and related fees, shall be payable at time of application. Approved applicants must then purchase any other permits required and pass the required inspections for the work to be completed, and must receive a Certificate of Occupancy. The request to rehabilitate must include the following language:

I understand by affixing my signature hereto that I agree to post a surety bond or other security, acceptable to the City of Paragould, with the City Clerk, in the amount of \$5,000.00 or actual known costs of raising structure, whichever is less. Said bond, letter of credit, or other form of security is remedial in nature and is posted with purpose of providing the City of Paragould with a source of funds to cover the City's costs in the event I fail to comply with the terms as stated above and applicable regulations of the City of Paragould. I understand and agree that, in the event I fail to comply with the terms of the request to rehabilitate as stated herein, within 180 days my submission of the request to rehabilitate, the City of Paragould will proceed with destruction or removal of the building or structure and will deduct their costs of such destruction or removal from the security posted by me. Any funds remaining after the deduction of costs shall be returned to me. Any funds used toward rehabilitation of the property shall not be returned to me but shall be paid to the City of Paragould.

The person submitting the request to rehabilitate shall affix his or her signature to the request.

- (b) **Persons qualified to apply for permit:** Only a person who was not the owner of said property at the time of condemnation may apply for this permit.
- (c) **Rehabilitation:** In the event the building or structure is rehabilitated to the satisfaction of the director of the Planning and Development Department, and in compliance with the City Code, the matter may be submitted to the City Council for the purpose of considering the repeal of the condemnation of the property.

(d) Failure to rehabilitate: In the event the building or structure is not rehabilitated to the satisfaction of the director of Planning and Development Department, the director may remove the structure from the rehabilitation schedule, proceed with condemnation, and take steps to recover costs expended in accordance with this provision.

6. All other provisions of Chapter 10 of the Code of Ordinances of the City Code shall remain in full force and effect.

ADOPTED, this 28th day of February, 2022.

CITY OF PARAGOULD, ARKANSAS

Mayor Josh Agee

ATTEST:

Andrea Williams, City Clerk