

City Council Minutes

Tuesday, April 25th, 2023

Call to Order

Mayor Akers called the meeting to order at 6:00 p.m., City Clerk Taryn Wigley called the roll.

Attendees

Clarissa Pace, Cedric Leonard, Michael James, Al Peer, Mark Tiner, Craig McRae, Mike Wigley, and Claudia Hartness were present.

Approval of Minutes

Craig McRae moved to accept the March minutes; Mike Wigley seconded. A yay/nay vote was called, and the motion passed unanimously.

Mayor Aker asked the Council for a motion to modify the agenda to add two resolutions regarding the purchase of a side mount. Mark Tiner moved to accept the modification; Clarissa Pace seconded. A yay/nay vote was called, and the motion passed unanimously.

Unfinished Business

a. Bowser Road Pump Station Bid Opening

Mayor Akers informed the council that there will be a bid opening for the Bowser Road pump station May 10th at 11:30am at City Hall. This will be open to the public.

b. Fire Station 3 update

Mayor Akers stated that a contract has been drafted by City Attorney Whit Barton. Mr. Barton confirmed that the contract is currently being reviewed by the County Attorney and that we will be able to move on with the sale after we hear back from them.

New Business

a. Ordinance- Positive Growth and Pre-Annexation Agreement

Planning Commission Chair, Dan Boice, explained that the City struggles to provide water to its residents when businesses and homeowners outside of city limits request to be on the city water system. Mr. Boice was given a sample ordinance from the City of Bryant that would allow the city to annex property if it was tied into the city water system, and the homeowner would have to sign a pre-annexation agreement. Mayor Akers further explained that our citizens have experienced water pressure loss due to non-city residents being on the same water system. There are currently 890 county residents on the City water, which is creating a strain. However, City residents are paying for

the maintenance, and replacements. Mayor Akers presented the pre-annexation agreement. Michael James requested the term "tie-downs" be replaced with "tie-ons". Clarissa Pace questioned if there was a fee to tie on to the City water. Mayor Akers answered that the rate was established in 1972 and has never been changed. Michael James noted that there was not anything specific in the agreement stating that the homeowner had to use professional services when tapping into the City water. Mayor Akers answered that the homeowner would have to submit plans to the City and it would have to be approved before they were allowed access to City water. County residents would have to go through our permitting system.

Craig McRae moved to suspend the rules and read by title only, Cedric Leonard seconded. City Attorney Whit Barton confirmed that this is the first reading.

Michael James questioned the pre-annexation agreement regarding fees being paid per residential lot and how it would work with apartment complexes. Mayor Akers agreed that the agreement needs to be researched and modified to fit our needs. Michael James also questioned if the payment made to the City for water hook-up services would be a lump sum, or a payment plan, City Attorney Whit Barton answered that it would be a one time payment. Craig McRae and Michael James pointed out that the word "commission" and "city" were both listed in the agreement regarding who would collect payments. City Attorney Whit Barton stated that commission will be taken out and using the word "city" would be a sufficient general term.

b. Ordinance- Food Truck

Mayor Akers introduced the mobile food vendor ordinance and asked the public to stay until the end of the meeting to address any concerns and comments in the allotted public comment time.

Michael James moved to introduce the ordinance for the first reading, Al Peer seconded. A yay/nay vote was called. The aye's had it and council proceeded to discussion. Cedric Leonard stated that he believed that the ordinance is a good idea, but he was concerned about the City trying to regulate private property and how long a vendor can stay on private property. Mayor Akers referenced Ordinance 708, stating that there are guidelines that address private property regulations. He also acknowledged the rule of reading the ordinance three separate times would be beneficial for the City, in order to work out sections that may not be favorable, including modifying how long a business can stay on private property versus public property. Mayor Akers advised that it would be wise to start a small committee that included food truck owners, and possibly a few council members who can open mindedly discuss this ordinance. Michael James made the remark that if we are allowing someone to serve the citizens of Monticello, the City needs to have a safeguard to make sure that mobile vendors are operating safely and abiding by health regulations. Mr. James questioned the section that prohibited dining tables and why they were not allowed. Fire Chief Eric Chisom answered that under state health guidelines and plumbing code, vendors must provide a bathroom and handwashing facility if they are going to have seating for patrons to dine on.

Mark Tiner asked about the sales tax record and how we would know if our sales tax is being collected. Fire Chief Eric Chisom answered that he has been in contact with Lane Hart, who is over the tax department with the state, and Mr. Hart advised that it is mostly an honor system and that it is very difficult to keep track of businesses that operate in mostly cash. Mr. Hart advised Chief Chisom that he would track down as many mobile vendors as he could, to make sure that they are following tax

guidelines set by the state. Mayor Akers stated that setting up rules and making them easily accessible would possibly help remedy this situation.

Clarissa Pace mentioned that she had a few questions that were emailed to her from concerned citizens. One question asked if the \$150 permit has always been a rule, or if it was a new rule. Mayor Akers referenced Ordinance 708, which stated that mobile merchants are to pay \$75 per day to operate in the City. The \$150 would not be in addition to the \$75 per day fee. Mayor Akers advised that it would be a good idea to consider repealing Ordinance 708. City Attorney Whit Barton advised that it would be better to revise Ordinance 708 rather than completely repealing it. Clarissa Pace commented that Monticello has been a free for all as far as rules and regulations, and she is in agreeance that an ordinance is needed and echoed Mayor Akers that a committee is needed to discuss any issues that this new ordinance may present. Ryan Copico, Keith Wallis, Annette Taylor, and Clarissa Pace volunteered to be on the committee.

c. Ordinance- Property Maintenance

Mayor Akers introduced the Ordinance. Michael James moved to suspend the rules of three readings and for the ordinance to be read aloud, Craig McRae seconded. Cedric Leonard asked Mayor Akers what reason brought this ordinance before the council. Mayor Akers answered that part of the infrastructure problems that the City is facing is due to clogged gutters. When one property owner does not clean out their gutters or culverts, it causes flooding issues on citizens personal property and washing out roads. This issue is happening all over the City. Mayor Akers presented the council with a picture of a TV set that was thrown into a drainage ditch that was causing water to back up to Jackson St. Mike Wigley asked Mayor Akers who would be responsible for enforcing the ordinance. City Attorney Whit Barton answered that the police department would oversee issuing the citation, but the fine would depend on Judge Anderson in circuit court. City Attorney Whit Barton read the ordinance aloud. Mark Tiner moved to accept the ordinance, Craig McRae seconded. An aye/nay vote was called, they aye's had it. City Clerk Taryn Wigley called roll and the ordinance passes unanimously.

d. Ordinance- Trash Dumping in City Limits

Mayor Akers introduced the ordinance. Mark Tiner moved to suspend the rules of three readings and read the ordinance aloud, Mike Wigley seconded. Mayor Akers explained that the difference between this ordinance and the property maintenance ordinance is the trash that is being dumped into City streams and City property. City Attorney Whit Barton read the ordinance aloud. Mark Tiner moved to accept the ordinance, Michael James seconded. An aye/nay vote was called, the aye's had it and City Clerk Taryn Wigley called roll. The ordinance passed unanimously.

e. Resolution- Writ and Summons Fund Budget

Mayor Akers introduced the resolution. Finance Director Vickie Norris explained that there was a resolution passed in February to open a checking account for the writ and summons money. This resolution is to approve the budget for expenditures of the money that is collected. Mark Tiner moved to suspend the rules and read by title only, Craig McRae seconded. An aye/nay vote was called. The aye's had it and City Attorney Whit Barton read. Craig McRae moved to accept the resolution, Michael James seconded. An aye/nay vote was called. The aye's had it and the resolution passed unanimously.

f. Resolution- 364 East College

Mayor Akers introduced the resolution. City Inspector Brian Rodgers advised that he has been in contact with the homeowner, and they have been cooperative with taking the mobile home down to the frame. Craig McRae asked Mr. Rodgers how long he thought it would take to remove the rest of the

mobile home. Mr. Rodgers advises that 30 days would be adequate time to take the rest of the mobile home apart. Mike Wigley moved to table this resolution to next month's meeting, Mark Tiner seconded. An aye/nay vote was called. The aye's had it and the resolution was tabled.

g. Resolution- 366 East College

Mayor Akers introduced the resolution. City Inspector Brian Rodgers explained that the house is overrun by trees and the certified mail was returned. The letter was posted on the property, and no one has stepped forward to claim the property. Cedric Leonard advised that he believed that the property owner was deceased. Craig McRae moved to suspend the rules and read by title only, Clarissa Pace seconded. An aye/nay vote was called. The aye's had it and City Attorney Whit Barton read. Craig McRae moved to accept the resolution, Mark Tiner seconded. An aye/nay vote was called. The aye's had it and the resolution passed unanimously.

h. Resolution- Purchase of Side Mount

Mayor Akers introduced the resolution. Finance Director Vickie Norris explained that this resolution is to purchase a new side mount garbage truck and the sale of the two non-operating trucks. The proceeds from the sale will go into one cent sales tax. Michael James moved to accept the resolution, Al Peer seconded. An aye/nay vote was called, the aye's had it and City Attorney Whit Barton read. Michael James moved to accept the resolution, Al Peer seconded. An aye/nay vote was called. The aye's had it and the resolution passed unanimously.

i. Resolution- Amend One Cent Sales Tax

Mayor Akers introduced the resolution. Michael James moved to suspend the rules and read by title only, Mark Tiner seconded. An aye/nay vote was called, the aye's had it and City Attorney Whit Barton read. Mark Tiner moved to accept the resolution, Michael James seconded. An aye/nay vote was called, the aye's had it and the resolution passed unanimously.

Public Comments

Keith Wallis commented that he appreciated the Mayor and the council for the careful consideration of the food truck ordinance.

Thomas Minga, who is helping spearhead the summer festival, asked for donations to help fund the festival. Craig McRae asked if there was a date for the festival yet. Mr. Minga answered that it would be the first weekend in August. Mayor Akers asked if an amount of money has been determined, Mr. Minga did not have a set amount. Mike Wigley asked how much money was raised last year and how many people helped put the festival together last year. Mr. Minga answered that \$13,000.00 was raised and there were several volunteers who organized and worked the festival last year.

Alex Hunnicutt, who is also helping plan the summer festival, advised that there were around 8 people last year who helped plan last year's festival. Mrs. Hunnicutt asked if the festival would count as a special event for food trucks to attend. Mike Wigley and Mayor Akers answered that it would be a special event, and it should not be a problem. Michael James asked if they had an official organization and Mr. Minga answered that they are a 501c3 organization. Mayor Akers asked that the organization paperwork be submitted to City Hall, and that they would have to ask their auditors if they would be able to legally donate to the cause but are excited to see what the festival brings to Monticello this year.

Jeff Newton and Doug Osbourne with Lakewood Trails gave a presentation on the ongoing Lake Monticello trails Phase 1 projects. He provided pictures of the completed and near completed

trails, which included walking and biking trails. Mr. Newton announced that the grand opening for Phase 1 will be on May 6th. The funding for the trail comes from the TAP and RTP grants that the City has been awarded the past few years. Much of the wood for the pump tracks and bridges was donated by Entergy and Interfor.

Meeting Adjourned

Cedric Leonard moved to adjourn the meeting, Clarissa Pace seconded.

Clarissa Pace

Cedric Leonard
5/25/2027