

**MINUTES OF THE REGULAR MEETING  
FORREST CITY CITY COUNCIL  
FORREST CITY, ARKANSAS  
March 5, 2019**

The City Council of Forrest City, Arkansas met in regular session on March 5, 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 Oswalt. The following answered roll call: Mayor Williams, Clerk Cochran, Attorney Wright, and City Council members: Williams, Fields, Reeves, Evansingston, Metcalf, Capps, Poteat, and Oswalt.

Alderman Capps made a motion to approve the February 19, 2019 special called meeting minutes. The motion was second by Alderman Evansingston. Roll Call: All Ayes.

Alderman Poteat made the motion to approve the February 19, 2019 regular meeting minutes. The motion was second by Alderman Capps. Roll Call: All Ayes.

**REPORT OF COMMITTEES**

Alderman Oswalt stated the personnel committee meet last week to discuss a couple of items that were on the agenda. It was discussed and passed by the committee allowing public works department to receive certificate pay but needs to be sent to the budget committee to be finalized. The second item discussed, when the city water utility commission was abolished, the city water employees were put under the city's umbrella. The employees received the sick pay days but never received the longevity and education pay; which all city employees are entitle to. He stated after the discussion in the personnel committee meeting, there were two motions dealing with the longevity and education pay.

First motion is to allow the water department employees to receive longevity and education pay as they are entitled by the city personal policy manuel starting on Mach 15, 2019 payroll.

Second motion, Alderman Fields made a motion to make longevity and education pay for water department employees retroactive to March 18, 2015 for employees that quality; this includes employees that were working at that time but no longer employed.

Alderman Oswalt stated he spoked with Mayor Williams after the personnel committee meeting, Mayor Williams requested that the questions concerning retro pay be sent to Attorney Wright.

Attorney Wright stated he did receive the questions, but he was out of town and did not have time to go over them. He said he would get with Alderman Oswalt and go over the questions.

Alderman Oswalt stated committee members present were Alderman Fields and Capps.

Alderman Williams was absent.

The question was asked, if the city did not retroactive the employees' pay, could there be legal problems.

And another question was asked, if the employees are entitled to the longevity at the date of hire or would it be the date that the city water went under the umbrella of the city.

Alderman Oswalt stated he would like to table these issues until the city attorney has time to do some investigation.

Attorney Wright stated he did not think it would be a problem, but he thought it should have been affective when the city water came under the umbrella of the city.

Alderman Oswalt made the motion to allow the water department employees to receive longevity and education pay as they are entitled by the city's personnel policy manuel starting on the March 15, 2019 payroll. The motion was second by Alderman Capps.

Alderman Metcalf asked where this came from. Mayor Williams stated human resource and in reviewing the personnel policy there were some discrepancies with the water department. It was then referred to the personnel committee for review. Alderman Poteat asked what kind of degrees and how many employees this will affect. Alderman Oswalt stated Associate, Bachelor, and Vo-Tech certificate and the employee would be responsible for presenting proper paperwork to prove their education. Roll Call: Alderman Williams, Metcalf, Evansingston, Reeves, Capps, Poteat, and Oswalt. All Ayes. Alderman Fields said Nay.

Alderman Oswalt stated the second motion, which was made Alderman Fields; a motion to make longevity and education pay for water department employees retroactive to March 18, 2015. It would be for employees that qualifies; this would include employees working on that date, still employed or not.

## **March 5, 2019 Minutes cont.**

The motion was second by Alderman Fields. After some discussion, Alderman Reeves asked Attorney Wright if it was his recommendation not to retroactive back to March 2015. Attorney Wright said yes it would be a logistical and legal nightmare.

Alderman Metcalf stated he thought it would be the right thing to do. Alderman Williams asked if it would be in the council's best interest to table the motion until the council can decide.

Alderman Poteat stated she agreed with Alderman Williams to table the decision until more investigation is done.

Alderman Oswalt asked Alderman Fields if she wanted to table the motion since it was her motion in the committee meeting. Alderman Fields stated it was discussed, in the personnel committee meeting, that the committee felt like the employees should have received their pay when the water department went under the city's umbrella. She then asked what is stopping the employee from receiving their money now. Alderman Oswalt stated legally it should have been done then.

Attorney Wright stated when the city starts going backward (retroactive), then you might start creating legal issues. What happens when you go back to a certain date and what happens when a person was there the day before. He stated it is not a problem to move forward but going backward would create a big problem for the city.

Alderman Oswalt withdrew his motion and said the water employees will start receiving the longevity and education pay on the March 15, 2019 payroll.

## **PUBLIC COMMENTS**

None

## **UNFINISHED BUSINESS**

### **Library Board Replacement**

Mayor Williams stated there is a recommendation for library board replacement for Ward 2 Jeanette Jenkins. Mrs. Jenkins was in the audience and she accepted the appointment. Alderman Reeves made the motion to accept Mrs. Jenkins as library board Ward 2 replacement. The motion was second by Alderman Poteat. Alderman Oswalt asked if this position is replacing A.O. Byles. Mayor Williams stated it is. Roll Call: All Ayes.

## **NEW BUSINESS**

### **Ordinance**

Attorney Wright read **An Ordinance Permitting Alderman Jason Evansingston to Hold Employment With The City of Forrest city** sponsored by Alderman Oswalt.

Alderman Oswalt made a motion to suspend the rules and read the ordinance by title only for the second reading. The motion was second by Alderman Capps

Attorney Wright read the ordinance for the second reading by title only.

Alderman Oswalt made a motion to suspend the rules and read the ordinance for the third reading by title only. The motion was second by Alderman Poteat. Attorney Wright read the ordinance by title only for the third reading.

Alderman Oswalt made the motion to adopt the ordinance. The motion was second by Alderman Poteat. Alderman Metcalf asked what the law states concerning this ordinance. Attorney Wright stated, sometimes the statute is not quite clear. Municipal League suggested, it is okay to pass the ordinance. He stated he spoke with the mayor and Mr. Evansingston that the ordinance clarifies that the city council is okay with the understanding that someone being employed is also a member of the city council. He stated statute 14-42-107 explains really well how it is not clear, but the code suggests that the council pass the ordinance.

Alderman Evansingston expressed his concerns. He stated he had spoken with Mayor Williams and Attorney Wright and he did not think that the statute applies to him because Arkansas Code 21-1-207 gives the employees the right to run for an elected office without the stipulations to resign as a public employee; after they take office. Alderman Evansingston then read statute 14-42-107 which speaks of contracting with the city. He stated he was not a contractor or a council member before being hired as the public works director; in his opinion this ordinance does not need to be enacted as it does not apply to his circumstances.

## **March 5, 2019 Minutes cont.**

Attorney Wright stated he suggested passing the ordinance. The ordinance does not have much effect at all, just the city saying we approve and ratify in case there are potential problems later.

Alderman Poteat stated by passing the ordinance it is a protection for Alderman Evansingston in case something comes up.

Alderman Metcalf stated Annotated code 21-1-207 gives the person the right to hold the position; it is in the law. He also stated, "We don't want any council member to feel that they owe anybody anything because of passing the ordinance." Attorney Wright stated he understood what the council members were saying, but the ordinance is a covering in case the state auditor needs something in place.

Alderman Poteat asked Alderman Evansingston if he had a problem with the council passing the ordinance.

Alderman Evansingston stated he does not have a problem with passing the ordinance because he supports whatever the council decides but he feels that the ordinance does not apply to him; if an ordinance needs to be passed then it should be dealing with statute 21-1-207.

Alderman Oswalt restated the motion to accept the ordinance Roll Call: Alderman Capps, Oswalt, Williams, and Poteat All Ayes. Alderman Metcalf, Fields, and Reeves All Nays. Alderman Evansingston Abstained. Motion passes 4 to 3.

### **Website Video**

Mayor Williams stated there is work in progress on the city's website and video. He then asked his Administrative Assistant, Kinyuana Smith to do the presentation of the city's new website and show a video that is being released to promote Forrest City. Mayor Williams stated the website will be set where citizens can report concerns and sign up for recreational activities on line.

Alderman Oswalt asked if a citizen reports a concern will they get the answer back on the website. Mayor Williams stated he is not sure if the conformation can be sent back through the website, but the conformation will be routed to the right department.

### **GENERAL FUND BILLS**

Alderman Poteat made a motion to approve and pay the General Fund bills in the amount of \$26,669.53. The motion was second by Alderman Capps. Roll Call: All Ayes.

### **STREET FUND BILLS**

Alderman Metcalf made a motion to approve and pay the Street Fund in the amount of \$13,416.78. The motion was second by Alderman Oswalt. Roll Call: All Ayes

### **SOLID WASTE FUND BILLS**

Alderman Oswalt made a motion to approve and pay the Solid Waste Fund bills in the amount of \$18,070.83. The motion was second by Alderman Evansingston. Roll Call: All Ayes.

### **FORREST CITY WATER UTILITY**

Alderman Fields made a motion to approve and pay the Forrest City Water Utility bills in the amount of \$106,964.29. The motion was second by Alderman Evansingston. Roll Call: All Ayes.

### **ANNOUNCEMENTS and Updates**

Mayor Williams thanked the public for being patience while the city worked on the tornado sirens. As of today, all six of the sirens are working; the sirens will continue to be tested on Saturdays.

Mayor Williams explained the SWOT analysis handout. He stated overall the analysis yielded a good report thus far.

Mayor Williams commended the city employees for job well done during all the rain.

For additional context, reference the March 5, 2019 tape.

**March 5, 2019 Minutes cont.**

Alderman Williams made a motion to adjourn at 7:10 p.m. The motion was second by Alderman Fields.

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Cedric Williams, Mayor

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Derene Cochran, City Clerk-Treasurer