

City of Malvern

Minutes of the Malvern City Council

Monday, March 13, 2023

6:30 PM

City Council Chambers
Malvern Police Department

The Malvern City Council met for its regular monthly meeting on Monday, March 13, 2023, at 6:30 in the council chambers located in Malvern Police Department at 110 North Main Street.

I. CALL TO ORDER BY MAYOR BRENDA WELDON AT 6:30 P.M.

Mayor Weldon called the meeting to order.

II. PLEDGE OF ALLEGIANCE AND INVOCATION

Alderman Matthew Keenan led the invocation.

III. ROLL CALL BY CLERK/TREASURER KIM TABER

Council Members Present 8 - Sam Bryant; William Wilson; Lynn Davis;
Wayne Reynolds; Peggy Lusinger; Matthew Keenan;
Michael Smith; David Cross

Council Members Absent 0 -

Also present was City Treasurer/Clerk Kim Taber, City Attorney Ashcraft was absent.

IV. APPROVAL OF MINUTES OF THE PREVIOUS MEETING

A motion was made by Council Member Davis, seconded by Council Member Cross, to Approve the minutes of the regular meeting held on February 13, 2023. The motion passed minutes were approved with the following vote.

Aye: 8 - Sam Bryant; William Wilson; Lynn Davis; Wayne Reynolds;
Peggy Lusinger; Matthew Keenan; Michael Smith; David Cross

Absent: 0 -

V. APPROVAL OF DEPARTMENT REPORTS

A motion was made by Council Member Smith, seconded by Council Member Keenan, to Accept the Departmental Reports as posted. The motion passed and reports were accepted with the following vote.

Aye: 8 - Sam Bryant; William Wilson; Lynn Davis; Wayne Reynolds;
Peggy Lusinger; Matthew Keenan; Michael Smith; David Cross

Absent: 0 -

Council Member Cross stated he didn't see anything in the monthly reports but wanted to acknowledge whoever was cleaning all the sidewalks that it was nice to see that being done.

Mayor Weldon stated that it was the street department and that ADC was doing the ditches, but the ones on Moline Street were being done by the Street Department. Council Member Cross stated that all the way up North Main that the sidewalks had been done and he didn't recall seeing those sidewalks in thirty years. Mayor Weldon stated that she would let them know the council appreciated the work that was being done.

VI. OLD BUSINESS

A. Amending Ordinance NO. 1135 Adopting 2014 16.64.010 AR Energy Code

Council Member Reynolds introduced the ordinance, Clerk Taber read the ordinance for its second reading by title only.

B. Amending Ordinance 2018-04 Adopting 2021 16.68.010 Property Maintenance Code

Council Member Keenan introduced the ordinance, Clerk Taber read the ordinance for its second reading by title only.

VII. NEW BUSINESS

C. Ordinance to Amend 2018 Personnel Rules and Regulations (Emergency Clause)

Mayor Weldon stated under new business the for the emergency clause to update the personnel handbook was due to FMLA and a few current situations regarding.

Council Member Davis introduced the ordinance; Clerk Taber read the ordinance for its first reading.

A motion was made by Council member Keenan, seconded by Council Member Davis to suspend the rules, and place the ordinance on its second reading by title only. The motion passed with the following vote and Clerk Taber read by title only its second reading.

Aye: 8 - Sam Bryant; William Wilson; Lynn Davis; Wayne Reynolds;
Peggy Lusinger; Matthew Keenan; Michael Smith; David Cross

Absent: 0 -

A motion was made by Council member Davis, seconded by Council Member Reynolds to suspend the rules, and place the ordinance on its third reading by title only. The motion passed with the following vote and Clerk Taber read by title only its third reading.

Aye: 8 - Sam Bryant; William Wilson; Lynn Davis; Wayne Reynolds;
Peggy Lusinger; Matthew Keenan; Michael Smith; David Cross

Absent: 0 -

A motion was made by Council Member Reynolds, seconded by Council Member Smith to adopt the ordinance. The motion passed with the following vote and assigned Ordinance NO. 2023-05

Aye: 8 - Sam Bryant; William Wilson; Lynn Davis; Wayne Reynolds;
Peggy Lusinger; Matthew Keenan; Michael Smith; David Cross

Absent: 0 -

**ORDINANCE NO. 2023-05
A ORDINANCE AMENDING THE CITY OF MALVERN PERSONNEL RULES AND REGULATIONS
(2018); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSE**

A motion was made by Council Member Keenan, seconded by Council Member Smith to adopt the emergency clause. The motion passed and the emergency clause adopted with the following vote.

Aye: 8 - Sam Bryant; William Wilson; Lynn Davis; Wayne Reynolds;
Peggy Lusinger; Matthew Keenan; Michael Smith; David Cross

Absent: 0 -

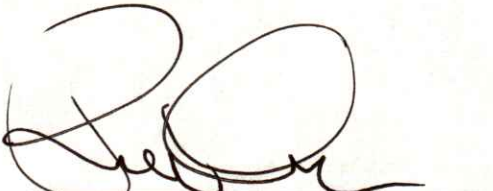
VIII. Citizens Wishing to Appear – Mr. Donahue

Mayor Weldon presented Mr. Donahue to the council and stated he had five (5) minutes to address the council. Mr. Donahue stated he wanted to speak to the council mainly because there were new council members. He stated that for the last two years, he had been working with the Mayor in trying to get some projects done at his home regarding an issue with flooding on his property due to the new construction of the Fire Department located next to his home on Moline Street. He stated that his home was between the new Fire Department and Wilson Intermediate School. He stated that he was upset when he called the Mayor the week prior because he could not reach or get a return call from Street Superintendent Jacob Wright to finish some work he had started. He stated he then tried to reach out to Fire Chief Harper, but he could not reach him either. He then stated he reached out to the Mayor, who told him she had fired the fire chief and street superintendent. Mayor Weldon corrected Mr. Donahue stating that is not what she had told him; she had told him neither Chief Harper nor Superintendent Wright worked for the city any longer. Mr. Donahue stated that the Mayor arranged for an independent contractor to look at his property to see how to fix the flooding issue. He stated that he had 'checked out' the contractor, Mr. Dennis Hedges, and he felt he was very competent. He was "very happy and very satisfied" with him doing the work after he had come to his home and had they discussed what could be done. Mayor Weldon stated that although she could not be there when they met, she did get reports on what was discussed. Mayor Weldon then stated she wanted to clarify to Mr. Donahue that Street Superintendent Wright did try to take care of the problem; he had been confident it would work, but unfortunately, it had not and for that, she apologized; she stated that resulted in her decision to get an outside contractor. Mayor Weldon stated to Mr. Donahue that as soon as the weather permitted and the ground was completely dry to allow Mr. Hedges to get his equipment in, which could be two or so months, they would get it fixed. Mayor Weldon also stated she was going to speak with Mr. Hedges about the possibility of working in front of CADC and in front of Farmers Coop; she stated she felt if the city could increase the size of the culverts, that would elevate a lot of his water and make the flow better in that area. Mr. Donahue stated that his primary reason for speaking to the council was to thank the Mayor for the 'fine job' she had done in finding a qualified contractor to fix his flooding issue; he had checked with several people, and he felt Mr. Hedges was one of the best around. Mr. Donahue thanked the council for understanding and acknowledged Council Member Cross and Council Member Smith for coming to his home; they both recognized the problem. Mayor Weldon stated the city would get some bids out on doing the work as mentioned along Moline St. and would start working on that as soon as it dries up. Mr. Donahue stated that the drainpipes under the driveway at the fire department were 21 inches in size, and he felt there were enough drains to handle the water flow. Council Member Keenan asked Mr. Donahue if Mr. Hedges had addressed all of Mr. Donahue's concerns, to which Mr. Donahue stated he had to get back with Mr. Hedges, he had a concern with some of his landscaping that is messed up which Mr. Hedges does not do. Council Member Keenan clarified with Mr. Donahue if all his concerns as far as the drainage issue had been addressed to which he stated yes, Mr. Hedges had covered that very well.

IX. Mayor Reports

X. Adjournment

A motion was made by Council Member Keenan, seconded by Council Member Cross to adjourn. With no further business to come before the Council, the meeting was adjourned.



Kim Taber, City Clerk/Treasurer



Brenda J. Weldon, Mayor

