

COUNCIL OF THE CITY OF MARION, ARKANSAS

The Council of the City of Marion, Arkansas, met in regular session Tuesday, July 24, 2018, at 7:00 p.m. at Marion City Hall.

Present:	Frank A. Fogleman	Mayor
	Kelly O'Neal	Councilman (1-1)
	Jim Spence	Councilman (2-2)
	Bryan Jackson	Councilman (3-1)
	Don Hanks	Councilman (3-2)
	James Hale III	City Attorney
	David W. Rikard	City Treasurer
	Patty James	City Clerk

Others

Present:	Ed Cain	City Planning Consultant
	Gordon Floyd	Streets and Sanitation
	Jim Shempert	Water Superintendent
	Andy Rawls	Parks Superintendent
	Dennis Burns	Asst. Police Chief
	Woody Wheelless	Fire Chief
	Jerry Kelley	Building Inspector
	Phyllis May	City Bookkeeper

Absent:	David Bigger	Councilman (1-2)
	Cliff Wood	Councilman (2-1)
	Gary Kelley	Police Chief

I.

Councilman Hanks made a motion, seconded by Councilman Spence, to approve the minutes of the June 25, 2018, Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: Mayor Fogleman advised the Council that Mr. Hudson stopped by his office yesterday, and expressed his appreciation to the City, and especially Gordon Floyd, for their assistance with the Community Garden.

III.

Planning Commission: Ed Cain reported that the Planning Commission had no agenda for the July 3, 2018, meeting, therefore, there was no meeting in July. Cain advised there is one agenda item for the August 7, 2018, Planning Commission meeting to be held at 6:30 p.m. at City Hall Annex.

Water and Sewer: The Water and Sewer report was covered under New Business.

Parks and Recreation: Andy Rawls updated the Council on the repairs for the pond at the Sports Complex. The engineers had surveyed the bank to see how much has been lost through erosion and what it is going to take to fix it. As of now there is no target date for repairs and completion.

Streets and Drainage: Councilman Hanks reported that the work on Patriot Drive is complete. Gordon Floyd advised that the project came in right at budget. The project was budgeted for \$166,000.00 and the final cost was \$166,006.65.

Sanitation: Gordon Floyd advised that the new automated garbage truck is in service and working fine. Floyd also reported that the insurance adjuster had offered a payoff of \$225,000.00 for the wrecked garbage truck and offered a buyback option of \$50,000.00. Floyd responded to the insurance adjuster, advising him that the City would go with the payout of \$225,000.00.

Building Inspector: Jerry Kelley reported 1 new house permit, 1 commercial permit, and 46 miscellaneous permits were issued for the month of July. That brings year-to-date totals to 18 new house permits, 6 commercial permits, and 242 miscellaneous permits.

Fire and Police: The Fire and Police report was covered under New Business.

IV.

Old Business: None

V.

New Business: The first item of business was the Comcast agreement renewal. After discussion, the Council was in agreement that the City wants a commitment from Comcast to be more diligent about extending their infrastructure to new subdivisions in a more timely manner. Upon that discussion, Councilman O'Neal made a motion, seconded by Councilman Spence, to authorize all necessary parties to sign to the necessary paperwork for the agreement. All Council members present voted in favor of the motion.

The second item covered was the Council meeting dates that needed to be changed. After discussion, Councilman Jackson made a motion, seconded by Councilman O'Neal, to move the Council dates for August, September, and October. The August Council meeting will be Tuesday, August 21, 2018, the third Tuesday of the month. The September Council meeting will be Monday, September 24, 2018, the fourth Monday of the month. The October Council meeting will be October 29, 2018, the fifth Monday of the month. All Council members present voted in favor of the motion.

The third item covered was the use of the City logo. Developer, Kenny Farrell has made a request to the City to use the City logo on the Angelo Grove sign tower. Attorney Hale advised, if the City wants to go down that road, the guidelines need to be consistent for any other businesses that want to use the logo. The Council all agreed there needs to be conditions met by Mr. Farrell before such an agreement is made. Mayor Fogleman advised he would let Mr. Farrell know that there is no opposition to the request, and that certain conditions would have to be met before an agreement is entered into.

The fourth item covered was the Fire and Police Departments' radios. The Fire and Police Committee met on July 10, 2018, with Ronnie Sturch, Director of 911 Communications for Crittenden County, regarding the radios that the City would be purchasing for the Fire and Police Departments. There were two proposals submitted to the City from Motorola. The Committee's recommendation was the proposal for 80 portable units for \$158,672.96. Councilman O'Neal made a motion, seconded by Councilman Jackson, to authorize the placing of the order for 80 portable units in the amount of \$158,672.96 and to hold payment of the radios until they are in use. All Council members voted in favor of the motion.

The fifth item covered was the health insurance coverage. Effective September 1, 2018, the health insurance coverage for the City will be

provided by Cigna. The City will cover the cost at 100% for employees. The policy features will be a \$5,000.00 deductible with an option to buy down the deductible by employees. There will be a co-pay and prescription card. There will also be a network hospital change. The Insurance Committee recommends in the form of a motion, seconded by Councilman Jackson, to change insurance providers from Aetna to Cigna, effective September 1, 2018. All Council members present voted in favor of the motion.

The sixth item covered was the approval for the purchase of a Vac-con Combo Truck. The Water Department has a sewer Vac-con truck that is broken down. The City has the opportunity to purchase a used Vac-con Truck from Henard Utility in the amount of \$16,000.00. Councilman O'Neal made a motion, seconded by Councilman Spence, to authorize Jim Shempert to purchase the Vac-con Truck from Henard Utility in the amount of \$16,000.00. All Council members voted in favor of the motion.

The last item covered was the Informational letter to Arkansas Cities. Mayor Fogleman received a letter from two law firms in Little Rock regarding unpaid gross receipts taxes from Online Travel Companies. The City may be able to recover unpaid gross receipts taxes from Online Travel Companies that have booked hotel reservations in our city. The City can participate in the lawsuit with no cost to the City. Councilman O'Neal made a motion, seconded by Councilman Spence, to have City Attorney Hale get more details about the lawsuit. All Council members voted in favor of the motion.

VI.

Resolutions and Ordinances: Mayor Fogleman brought to the floor A Resolution To Support A County-Wide Economic Development Effort And The Crittenden County I-40 Mega Site For Economic Growth And Development Purposes. Councilman O'Neal made a motion, seconded by Councilman Jackson, to approve the Resolution. All Council members present voted in favor of the motion. The Resolution was numbered 2018-05.

VII.

Financial Report: Treasurer Rikard reported that the June financials have been previously distributed to the Council. Rikard pointed out that the sales tax revenue collections for June for the City portion were better than budget by 13.4% and the County portion was better than budget by 4.9%. The July numbers were just released today and the City portion was better than

budget by 1.8% and the County portion was better than budget by 2.6%. Through July, the City sales tax collections are better than budget by 1.0% and the county portion of the collections are better than budget by 0.6%. Rikard noted that year-to-date revenue for the general fund is better than budget by \$175,000 and general fund expenditures were better than budget by \$49,000. Rikard then opened the floor for questions.

VIII.

Departmental Reports:

Ed Cain had nothing further to report.

Jim Shempert had nothing further to report.

Gordon Floyd had nothing further to report.

Andy Rawls had nothing further to report.

Asst. Chief Burns had nothing further to report.

Chief Wheelless had nothing further to report.

Jerry Kelley had nothing further to report.

In closing, citizen Yvette Williams of 325 Jerrel Lackey Cove addressed the Council concerning an issue with neighbors regarding their dog. City Attorney Hale advised Ms. Williams it was a trespass issue and to come file an affidavit and he will look into it. She also had another issue about a transformer in her area, and the power going out. The Council advised Ms. Williams to contact Entergy. She also asked about an ordinance regarding fireworks. The Council informed Ms. Williams, that there is an ordinance prohibiting fireworks in the City limits.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 8:26 p.m

Mayor

Attest: _____

City Clerk

DRAFT