

## COUNCIL OF THE CITY OF MARION, ARKANSAS

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

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

### Others

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

### I.

Councilman Hanks made a motion, seconded by Councilman Spence, to approve the minutes of the August 27, 2018, Council meeting and the minutes of the September 6, 2018, Special Council meeting. All Council members present voted in favor of the motion.

### II.

Citizens' Concerns: Residents of Riverwest Subdivision packed City Hall to express their opposition to the Final Subdivision Plat for the Reserve Subdivision that was on the agenda for approval by the City Council. At noon on the day of the Council meeting the agents for the developer asked that the proposal be pulled from the agenda for approval. Residents were

extremely upset upon learning that the proposal had been pulled from the agenda and that the agents and/or the developer were not present to address their (residents) concerns.

Fredrick Seitz of 39 Flamingo Cove addressed the Council concerning a resident residing at 43 Flamingo Cove. He advised that the property was an eyesore for the whole street. He provided pictures and a letter signed by all of the residents on Flamingo Cove requesting that the owner be forced to clean up the property. City Attorney Hall advised Mr. Seitz to go to the Police Department and file a written complaint.

### III.

Planning Commission: Ed Cain reported that the Planning Commission met on September 11, 2018. A public hearing was conducted for a requested Special Use Permit (SUP) to operate an in-home day care center for children at 101 Vistaview Cove in Marion. The legal description for said location is Lot 11, Block 3, Skyline View Subdivision, Marion, Arkansas. The petition for the Special Use Permit (SUP) was filed by Chaquita Harris and her daughter, Tona Heard whom reside at 101 Vistaview Cove in Marion, Arkansas. Approximately five residents from the neighborhood were present and expressed opposition to the petition. Primary concerns were additional traffic in the neighborhood, and on-street parking during drop-off and pick-up times. A motion was made and seconded to recommend to City Council approval of the requested Special Use Permit (SUP). On a roll-call vote, there were 3 yeas and 3 nays. The Marion Zoning Ordinance stipulates that SUPs are issued by the City Council. The Planning Commission's responsibilities are to conduct the public hearing and report the results of the hearing to the City Clerk and request the matter to be placed on a subsequent City Council Agenda. The report was transmitted to the City Clerk on September 12, 2018, and the matter is on the agenda tonight.

The review/approval of the final plat for The Reserve Subdivision was also on the September 11, 2018 agenda. The preliminary plat for this subdivision was considered and approved at the August 7, 2018, Planning Commission meeting. Both the preliminary and final plats proposed 44 lots, one of which was designated private park. All lots met the minimum area and width requirements for the R-1 zoning district. Approximately 17 residents of Riverwest Estates were present to express their concerns and to oppose the final plat. The main concerns were that the smaller lots and perceived smaller house sizes would adversely affect the values of their homes and

quality of Riverwest Estates. Citing additional traffic through Riverwest Estates and safety concerns, some residents also expressed opposition to a connecting street between the two subdivisions. The Planning Commission requested a note on the plat be revised to better identify the green space areas for which The Reserve Home Owner's (HOA) will be responsible for maintaining. A motion was made and seconded to recommend to the City Council approval of the final plat subject to two conditions: (1) approval by the City's consulting engineer of plans and related calculations for public improvements, and (2) approval by all relevant state agencies such as the Arkansas Health Department. On a roll-call vote the motion was defeated by a 2 to 4 vote. The matter was placed on tonight's agenda; however, a request was received earlier today from the petitioners to pull this item from the agenda.

There is an agenda for the October Planning Commission meeting which will be held on Tuesday, October 2, 2018.

Water and Sewer: No report

Parks and Recreation: No report – Councilman Wood advised of the need for the Parks and Recreation Committee to meet after the conclusion of the Council meeting.

Streets and Drainage: Councilman Hanks reported that Trigg Drive would be closed October 8, 2018, and that the closure would last for two weeks to repair the culvert under Trigg Drive at Marion Lake Road.

Fire and Police: Councilman O'Neal asked about the status on the new Fire and Police Stations. Mayor Fogleman advised that currently the focus was to get the costs down on both projects.

Building Inspector: Jerry Kelley reported 2 new house permits, 0 commercial permits, and 10 miscellaneous permits were issued for the month of September. That brings year-to-date totals to 23 new house permits, 7 commercial permits, and 272 miscellaneous permits. Kelley reported the total dollar value for permits for the month of September was \$557,000.00 and total dollar value for the year is \$22,117,000.00.

#### IV.

Old Business: There were no new updates on the Comcast Agreement Renewal.

V.

New Business: Chaquita Harris of 101 Vistaview Cove in Marion, requested a Special Use Permit to operate an in-home day care center. Per Ed Cain, the Planning Commission Consultant advised that only the City Council can approve and issue the Special Use Permit. Councilman Wood made a motion, seconded by Councilman Spence, to authorize the Special Use Permit for Chaquita Harris at 101 Vistaview Cove, Lot 11, Block 3, Skyline View Subdivision, Marion, Arkansas. All Council members present voted in favor of the motion.

Final Subdivision Plat for the Reserve Subdivision was addressed under Citizens' Concerns.

Mayor Fogleman advised the Council that he has had a preliminary conversation with the owner of 81 Cedar Street. This is a piece of property located behind the Police Department. The owner will sell the property for \$8,500.00. Mayor Fogleman would like to get the owner to enter into a contract with the City for the purchase of this property. If the City pays closing costs and the proration of taxes the total cost would be approximately \$9,000.00 - \$9,300.00. Mayor Fogleman has spoken with City Attorney Hale in regards to creating a contract for this property.

VI.

Resolutions and Ordinances: Councilman O'Neal made a motion, seconded by Councilman Wood, to approve the City's portion of the district judge's salary for 2019. The City's portion of the salary would be \$58,650.00. All Council members present voted in favor of the motion.

VII.

Financial Report: In Treasurer Rikard's absence, Mayor Fogleman went over the Financial Report that had been previously distributed. Fogleman advised if anyone had any questions or concerns regarding the Financial Report to contact David Rikard, and he would answer any questions and/or concerns.

VIII.

Department 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.

Chief Kelley had nothing further to report.

Jerry Kelley had nothing further to report.

Councilman Jackson advised he had two requests for an update on the Overpass Project. Jackson made a request to have an update put in the newspaper to update citizens on the project. Mayor Fogleman reported that a 60% design plan has been submitted to the Highway Department. The design is still being reviewed and there is no revised timeline as of now.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 9:05 p.m.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk