

MINUTES OF A MEETING OF THE  
COUNCIL OF THE CITY OF MARION, ARKANSAS

The Council of the City of Marion, Arkansas, met in regular session Tuesday, November 28, 2017, 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)
	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
	Gary Kelley	Police Chief
	Woody Wheelless	Fire Chief
	Jerry Kelley	Building Inspector
	Mark Randall	Evening Times

Absent:	Cliff Wood	Councilman (2-1)
	Jim Spence	Councilman (2-2)
	Phyllis Mays	City Bookkeeper

I.

Councilman Jackson made a motion, seconded by Councilman Hanks, to approve the minutes of the October 23, 2017, Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: Mr. James Hudson of 152 Morningside Drive, addressed the Council concerning a community garden. He wanted to know if the City had any vacant property to have a community garden. Mayor Fogleman

advised that there were some vacant lots behind the Police Station and possibly some other lots in the City. Gordon Floyd advised he would show Mr. Hudson some of the vacant lots. Mayor Fogleman thanked Mr. Hudson and stated that a community garden would be a great idea.

### III.

Planning Commission: Ed Cain reported that the Planning Commission met on November 7, 2017. A public hearing was conducted on a zoning ordinance amendment that would allow and regulate the construction and use of accessory dwelling units. After discussion and comments, a motion to recommend approval of the proposed amendment to the City Council failed to pass by a 2 to 6 vote.

Site plans for an O'Reilly Auto Parts Store and a Wendy's restaurant were reviewed. Both site plans were approved contingent on final approval of the City's consulting engineer.

There is an agenda for the December 5, 2017.

Water and Sewer: No report

Parks and Recreation: Andy Rawls reported that the work on the ballfield upgrades are ahead of schedule. All the block work on the backstops and dugouts were complete and the painting has started on the block walls. Next week the netting should be finished and the work will begin on the roofs.

Streets and Drainage: Councilman Hanks reported that Gordon's people will re-pave Bill Grills Road tomorrow. Floyd advised his department had finished up all the projects at the schools. They have completed all the asphalt work for the year, but will continue to do drainage work.

Sanitation: Councilman Jackson reported that once there is more information on the recycling issues there may be some changes coming with the recycling program.

Building Inspector: Jerry Kelley reported 3 new house permits, 0 commercial permits, and 29 miscellaneous permits were issued for November. That brings year to date totals to 35 new house permits, 5 commercial permits, and 244 miscellaneous permits.

Police and Fire: No report

IV.

Old Business: None

V.

New Business: The first item under New Business was the 2018 Municipal Officials AD&D Plan. Council members were not interested in pursuing the plan.

The second item under New Business was the 2018 Workman's Compensation Policy Renewal. Councilman O'Neal made a motion, seconded by Councilman Bigger, to renew the Workman's Compensation Policy for the 2018 year. All Council members present voted in favor of the motion.

Next under New Business was the proposal for the Police and Fire Departments renovations. Mayor Fogleman advised that the proposal from F&F Construction covered the approximate 2,000 square feet renovations to the existing Marion Police Department and the Fire Station No. 2. The total for the Police Department is \$47,250.00 and the Fire Department is \$48,000.00, for a total sum of \$95,250.00. Councilman Jackson made a motion, seconded by Councilman Hanks, to authorize the Mayor enter into an agreement with F&F Construction, as well as Urban Arch, and sign any necessary paperwork. All Council members present voted in favor of the motion.

There were a few late items added to the agenda for New Business. One of those items was the purchase of a Flush Machine for the Water Department. Councilman O'Neal made a motion, seconded by Councilman Hanks, to authorize the purchase of a Flush Machine in the amount of \$57,582.00, and for this item to be paid out of the 2017 budget. All Council members present voted in favor of the motion.

Mayor Fogleman advised that the City had been offered a bid of \$250.00 for the Aerator and \$100.00 per filter pot. Councilman O'Neal made a motion,

seconded by Councilman Bigger, for the Mayor to accept the bid. All Council members present voted in favor of the motion.

Mayor Fogleman advised that the City had received a bid of \$200,114,00 from F&F Construction to build a 25 foot by 50 foot addition to the east side of the Woolfolk Library with approved bond money. Councilman Jackson made a motion, seconded by Councilman Hanks, to authorize the Mayor to enter into an agreement with F&F Construction and to sign all necessary paperwork. All Council members present voted in favor of the motion.

Mayor Fogleman advised that the three year contract with Watkins Uiberall is up. They have given the City a proposal for another three year contract to do the City's Legislative Audit. Councilman O'Neal requested that the City request Arkansas Legislative Audit to do a free audit. Treasurer Rikard advised that it may not be done in a timely manner. Councilman O'Neal wants to see if the City can be put on the list. Councilman Bigger made a motion, seconded by Councilman Jackson, if Legislative Audit can not do the audit for 2017 to do a one year contract with Watkins Uiberall to do the 2017 Legislative Audit in April of 2018 with the plan to get on the Legislative Audit schedule. All Council members present voted in favor of the motion.

## VI.

Resolutions and Ordinances: Treasurer Rikard brought A Resolution Amending the 2017 Budget to the floor for discussion. This is to primarily add \$36,000.00 to the general department expenditures and to move \$200,000.00 to capital improvement expenditures. The second part is to put the bond proceeds in the budget to be utilized. Councilman Jackson moved, that the resolution be adopted. Councilman Bigger seconded. All Council members present voted in favor of the resolution. The resolution was numbered 2017-05.

## VII.

Financial Report: Treasurer Rikard reported that the October financials have been previously distributed to the Council. Rikard noted that sales tax revenue collections for October were better than budget by 5.4% for the City and by 1.2% for the county. The year-to-date sales tax collections through October are better than budget by 7.8% for the City portion and worse than budget by 0.6% for the County portion. Year-to-date general revenues are worse than budgeted revenues by approximately \$3,000 and year-to-date

general expenditures are worse than budget by approximately \$90,000. Rikard then opened the floor for questions.

Next, Rikard informed the Council that the City held its first employee benefit fair this fall and as a result, had several questions about the employee retirement plans offered by the city. Rikard indicated that he and the mayor met with Paul McCutchen of Edward Jones to discuss the City's plans and entertain Mr. McCutchen's suggestions. McCutchen suggested that the City convert its existing Simple IRA plan to a 457 plan. McCutchen suggested that this type plan would not cost the City any additional money but would allow more options for the employees. Rikard requested the Council grant he and the Mayor the authority to research McCutchen's suggestion and switch to the 457 plan if indeed it does not cost the City any additional money and provides better benefits for the employees.

Rikard then distributed the proposed 2018 budget to the Council and indicated that meetings would be set up if any of the Council members wanted to go over the budget or ask questions. He also indicated that questions could be directed to he or the Mayor individually.

Councilman Bigger made a motion, seconded by Councilman Hanks, to authorize the Mayor and Treasurer Rikard to research the options of the 457 Plan and make any decisions necessary as long as it doesn't cost the City additional funds. All Council members present voted in favor of the motion.

Mayor Fogleman advised the fourth Tuesday of December is December 26<sup>th</sup>. Councilman Jackson made a motion, seconded by Councilman Hanks to cancel the December Council meeting and have a special meeting if it is necessary. All Council members present voted in favor of the motion.

## VIII.

### Departmental Reports:

Ed Cain had nothing further to report.

Gordon Floyd had nothing further to report.

Jim Shempert 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.

Chief Wheelless advised Mayor Fogleman he had received a call from a gentleman concerning the controlling of stop lights during fire calls. He is going to email Woody two proposals concerning this issue.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 7:54 p.m.