

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, June 27, 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)
	Cliff Wood	Councilman (2-1)
	Jim Spence	Councilman (2-2)
	Don Hanks	Councilman (3-2)
	James Hale III	City Attorney
	David W. Rikard	City Treasurer
Others		
Present:	Ed Cain	City Planning Consultant
	Jim Shempert	Water Superintendent
	Gordon Floyd	Streets and Sanitation
	Jerry Kelley	Building Inspector
	Dennis Burns	Asst. Police Chief
	Woody Wheelless	Fire Chief
	Andy Rawls	Parks Superintendent
	Gary Kelley	Police Chief
	Mike Demster	Marion C of C
	Tracy Brick	Marion C of C
	Cheryl Starling	Marion C of C
	James Hudson	Citizen
	Jack Bond	Bond Consulting Engineers
	Kenneth Farrell	Developer, Angelo's Grove
Absent:	Bryan Jackson	Councilman (3-1)
	Patty James	City Clerk

I.

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

II.

Citizens' Concerns: Gary Phillips, 141 Surry Trace East, and Tom Wall, 123 Surry Trace East, on behalf of others present, spoke to the Council concerning the need to slow the speed of traffic on their street. They also pointed out the need for speed reduction on Meredith Dr. and requested speed bumps on both streets. The use of three way stop signs was also discussed. Fogleman committed to look into the situation and try to do something to slow down the traffic.

Cody Kilpatrick, 134 Surrey Trace East, requested City attention to causing the property behind his house and east of Flowers Trail to be cleaned up. According to Mr. Kilpatrick, it appears that the owner of the property only attends to the property when the City notifies the owner for the need for attention. Fogleman advised that he would look into what could be done.

III.

Planning Commission: Ed Cain reported that the Planning Commission/ Board of Adjustment met on June 6, 2017 with seven members present. Cain announced that due to the regular meeting date of the Planning Commission falling on the Fourth of July holiday, the July meeting date had been changed to July 11th. He further reported that the Commission reviewed a minor subdivision plat for Interstate Body Shop and Auto Sales Subdivision. The 3.18 acre tract is located along the I-55 West Service Road north of the Highway 64 intersection. The subject tract is the vacant parcel located between the Exxon Convenience Store and Motel 6. Three lots are proposed. The Minor Subdivision Plat was approved contingent on confirmation of the availability of adequate fire flows at this location. The Planning Commission also voted to adopt a "Total Street" typical section as the preferred section for the widening of Highway 64 between I-55 and Highway 77. This design consists of one traffic lane in each direction, a raised median, left-turn lanes at cross streets and major driveway openings, bike lanes on each side, and enhanced sidewalks. The Planning Commission also recommended that the City Council adopt this section as its preferred typical section for the pending widening of Highway 64 between I-55 and Highway 77. The Planning Commission believes it important that the City of Marion formally inform AHTD of the City's desires

in this matter, and also be made aware of our opposition to widening to five traffic lanes which would dramatically alter the character of this primary entrance into downtown Marion. Cain also reported that there is not an agenda for the July 11th meeting as of this meeting but there is still time for a request to be placed on the agenda.

Water and Sewer: Councilman Spence announced that the Water and Sewer Committee (W&S) had met on June 6, 2017, and recommends that the City Council accept the bid of B & B Utility Contractors, Inc. for work at the Bayou Vista, Sartini Road and Neely Street pump stations with a change order from the bid specs to not change the pumps at the Bayou Vista station, increase the size of the pumps at the Sartini Road station and to instruct Jack Bond of Bond Consulting Engineers to prepare plans for a force main from the Sartini Road station to the sewer pond, submit the plans to the Health Department for approval and advertise work for bids. Spence noted that the work at the Neely Street station would be carried out as originally intended and that the approximately \$190,000 Arkansas Natural Resources Commission loan balance that remains would be used up in completing these improvements. Spence also reported on a proposed change to the Water Department's billing procedures. It is anticipated that the new procedures will publicized and implemented by January 2018.

Parks and Recreation: Andy Rawls reported on activity within his department and asked for a Parks & Recreation meeting prior to the July Council meeting. The meeting was set for July 11, 2017, at the City Hall Annex at 5:30 PM. Rawls will advise the committee of the meeting.

Streets and Drainage: Gordon Floyd reported on overlay work on Turner St. and plans for overlay work on Walnut and Oak St. Crews had worked on ditch clean out in the Windsong the subdivision. Floyd also advised that the roller the Council had recently approved had been received and put to work. Floyd thanked the Council for the new roller.

Sanitation: No report.

Building Inspector: Jerry Kelley reported 3 new house permits, 0 commercial permits, and 42 miscellaneous permits were issued in June. That brings year to date totals to 15 new house permits, 3 commercial permits, and 107 miscellaneous permits.

Fire and Police: Councilman O'Neal reported that only one Statement of Qualifications for services had been received in response to an advertisement requesting the qualifications. Fogleman added that the

advertisement had not been clearly worded and he was aware of one other party that had expressed interest in the project(s) but didn't submit qualifications due the unclear wording of the ad. Fogleman stated his plans to again advertise for services and more clearly express the request for qualifications.

IV.

Old Business: Following discussion of the W&S Committee's recommendation, O'Neal moved, with Spence seconding, that the City Council accept the bid of B & B Utility Contractors, Inc. for work at the Bayou Vista, Sartini Road and Neely Street pump stations with a change order from the bid specs to not change out the pumps at the Bayou Vista station, increase the size of the pumps at the Sartini Road station and leave Neely St. as originally bid. Also to instruct Jack Bond of Bond Consulting Engineers to prepare plans for a force main from the Sartini Road station to the sewer pond, submit the plans to the Health Department for approval and advertise work for bids. All present voted aye. Also under old business, Fogleman reported on his findings pertaining to the March 14th, voter approved bond issue and recommended that the City move forward with the issue and issue all of the bonds as tax exempt bonds. Following discussion, Wood moved, with Spence seconding, to issue the bonds as tax exempt bonds. All present voted aye. Additionally, the current bond sales schedule anticipates a Special Council Meeting on August 1, 2017, for the consideration of the adoption of an Ordinance in support of the bond sale and authorization to sign the bond purchase agreement. The funds are expected to be delivered to the City accounts around September 6th. The Council members indicated their ability to attend the Special Council Meeting on August 1st at 5:30 PM at City Hall.

V.

New Business: Fogleman advised that he wished to nominate Mary Singer, Funkee's restaurant owner, to fill the remaining term of A & P Committee member Scott Seldon who had recently moved to Florida. Following discussion, O'Neal moved, with Wood seconding, to affirm the nomination. All present voted aye. Floyd reported on a grant applicant that he would submit to the Arkansas Department of Emergency Services to place a pipe under the BNSF spur railroad at its intersection with L. H. Polk Street. The pipe would be on the north side of L. H. Polk and the estimated cost would be \$70,000.00. The project would be studied to be sure that flooding would not increase on the east side of the BNSF tracks prior to the installation of the new pipe. Next, Fogleman brought up the Downtown Redevelopment

Plan – Phase One topic. Following discussion, O’Neal moved, with Hanks seconding, to adopt the “Total Street” section depicted as Option 3 on page 17 of the Downtown Marion Masterplan Study prepared by Ecological Design Consultants as its preferred typical section for the pending widening of Military Road between I-55 and Highway 77. This is also the same section adopted by the Downtown Masterplan Study Steering / Stakeholders Committee on May 26, 2017, and by the Marion Planning Commission On June 6, 2017. This preferred section includes one traffic lane in each direction, a raised median, left-turn lanes at cross street intersections and major driveways, a bike lane on each side of the roadway, and enhanced sidewalks. With Wood voting Nay, all others present voted aye. Next, Fogleman yielded the floor to O’Neal who reported that the Insurance Committee had received a city group health insurance renewal offer from Aetna, the current insurance provider. The renewal offer includes a 9.9% increase in rates effective September 1, 2017. Upon review of the renewal offer, the Committee recommends that the City accept the renewal offer and renew the group health insurance with Aetna. This will be dealt with under the Resolutions & Ordinances portion of the Council meeting.

VI.

Resolutions and Ordinances: Mayor Fogleman brought A RESOLUTION BY THE CITY OF MARION SUPPORTING FEDERAL AND STATE LEGISLATION TO ENSURE THE PROPER ASSESSMENT AND COLLECTION OF SALES TAX FROM ALL INTERNET/ONLINE SALES, THEREBY CREATING A FAIR AND FREE MARKET FOR ALL BUSINESSES AND CONSUMERS, REGARDLESS OF THE LOCATION OF THE BUSINESS FROM WHICH THE PURCHASE WAS MADE. Councilman O’Neal moved, with Wood seconding, to approve the resolution. All Council members present voted in favor of the resolution. The resolution was numbered 2017-04.

Mayor Fogleman brought to the floor an ordinance to amend Ordinance 309 to allow certain signs visible from scenic roadways; declaring an emergency; and for other purposes. Councilman Wood moved that the ordinance be read by title only. Councilman O’Neal seconded. All Council members present voted in favor of the motion.

City Attorney read the following Ordinance by title only:

AN ORDINANCE TO AMEND ORDINANCE NO. 309 TO ALLOW CERTAIN SIGNS VISIBLE FROM SCENIC ROADWAYS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

Councilman Wood made a motion, seconded by Councilman Spence that the ordinance be adopted on the first reading. On roll call the following votes were recorded: Hanks-aye, Bigger-aye, O'Neal-aye, Spence-aye and Wood-aye.

Councilman Wood made a motion, seconded by Councilman O'Neal, that the rules be suspended and the ordinance be read by title only a second time. All Council members present voted in favor of the motion.

City Attorney Hale read the following Ordinance:

AN ORDINANCE TO AMEND ORDINANCE NO. 309 TO ALLOW CERTAIN SIGNS VISIBLE FROM SCENIC ROADWAYS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

Councilman O'Neal made a motion, seconded by Councilman Hanks, that the ordinance be adopted on the second reading. On roll call the following votes were recorded: Bigger-aye, O'Neal-aye, Spence-aye, Wood-aye and Hank - aye.

Councilman Spence made a motion, seconded by Councilman O'Neal, that rules be suspended and the ordinance be read a third time by title only. All Council members present voted in favor of the motion.

City Attorney Hale read the following Ordinance:

AN ORDINANCE TO AMEND ORDINANCE NO. 309 TO ALLOW CERTAIN SIGNS VISIBLE FROM SCENIC ROADWAYS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

Councilman O'Neal made a motion, seconded by Councilman Hanks, that the ordinance be adopted on the third reading. On roll call the following votes were recorded: O'Neal-aye, Spence-aye, Wood-aye, Hanks-aye and Bigger-aye.

Councilman O'Neal made a motion, seconded by Councilman Hanks that the ordinance be adopted on the emergency clause. On roll call the following votes were recorded: Spence-aye, Wood-aye, Hanks-aye, Bigger-nay, O'Neal-aye and O'Neal-aye.

The Ordinance was numbered 579.

Mayor Fogleman brought to the floor an ordinance to waive competitive bidding for the purchase of a health insurance plan for the City of Marion. Councilman Wood moved, with O'Neal seconding, that the ordinance be read by title only. All Council members present voted in favor of the motion.

City Attorney Hale read the following Ordinance:

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF HEALTH INSURANCE PLAN FOR THE CITY OF MARION.

Councilman Wood made a motion, seconded by Councilman O'Neal that the ordinance be adopted on the first reading. On roll call the following votes were recorded: Wood-aye, Hanks-aye, Bigger-aye, O'Neal-aye and Spence-aye.

Councilman Spence made a motion, seconded by Councilman Wood, that the rules be suspended and the ordinance be read by title only a second time. All Council members present voted in favor of the motion.

City Attorney Hale read the following Ordinance:

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF HEALTH INSURANCE PLAN FOR THE CITY OF MARION.

Councilman Wood made a motion, seconded by Councilman O'Neal, that the ordinance be adopted on the second reading. On roll call the following votes were recorded: Hanks-aye, Bigger-aye, O'Neal-aye, Spence-aye and Wood-aye.

Councilman Wood made a motion, seconded by Councilman O'Neal, that rules be suspended and the ordinance be read a third time by title only. All Council members present voted in favor of the motion.

City Attorney Hale read the following Ordinance:

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF HEALTH INSURANCE PLAN FOR THE CITY OF MARION.

Councilman Wood made a motion, seconded by Councilman O'Neal, that the ordinance be adopted on the third reading. On roll call the following votes were recorded: Bigger-aye, O'Neal-aye, Spence-aye, Wood-aye and Hank – aye.

The Ordinance was numbered 580.

VII.

Financial Report: Treasurer Rikard reported that the audit for 2016 has been completed and filed with both Legislative Audit and ANRC. Copies have been provided to the council tonight. Rikard also reported the May financials have been previously distributed to the Council. Rikard noted that sales tax revenue collections for May are better than budget by 9.7% for the City and 5.0% for the county. Rikard also noted that the June numbers just came out and the actual collections for June were better than budget for the City by 11.1%, but worse than budget for the County by 3.5%. The year-to-date sales tax collections through June are better than budget by 10.7% for the City portion and worse than budget by 0.3% for the County portion. Year-to-date general revenues are worse than budgeted revenues by approximately \$2,000 and year-to-date general expenditures are worse than budget by approximately \$146,000. Rikard then opened the floor for questions.

VIII.

Departmental Reports:

Ed Cain had nothing further to report.

Gordon Floyd had nothing further to report.

Jim Shempert had nothing further to report.

Jerry Kelley had nothing further to report.

Gary Kelley had nothing further to report.

Andy Rawls had nothing further to report.

Woody Wheelless had nothing further to report.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 8:12 p.m.

Mayor

Attest: _____
City Clerk

DRAFT