

COUNCIL OF THE CITY OF MARION, ARKANSAS

The Council of the City of Marion, Arkansas, met in regular session Tuesday, April 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)
	Don Hanks	Councilman (3-2)
	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
	Jerry Kelley	Building Inspector
	Phyllis May	City Bookkeeper

Absent:	James Hale III	City Attorney
	Bryan Jackson	Councilman (3-1)
	Woody Wheelless	Fire Chief

I.

Councilman Hanks made a motion, seconded by Councilman Wood, to approve the minutes of the March 27, 2018, Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: Citizen and Quorum Court member, Lisa O'Neal addressed the Council concerning K & R Park. O'Neal wanted to know if the City would consider opening up the batting cages and installing some basketball goals at the park. She would like the area youth to be able to

have a recreation opportunity within the park. She has also had some requests from local coaches concerning the use of the park. Mayor Fogleman advised that in the past the gates were left unlocked but, due to vandalism, the gates had to be locked. Councilman Bigger suggested that the issue be brought to the Parks Commission for discussion.

III,

Planning Commission: Ed Cain reported that the Planning Commission met on April 3, 2018. The primary item of business was the review of the Preliminary Plat for Phase III Riverwest Estates Subdivision. The original Preliminary Plat which included all three phases of Riverwest Estates Subdivision was approved by the Planning Commission on February 7, 2006. During the ensuing years, Phases I and II have been developed, but Phase III remains undeveloped. The property is zoned R-1 Single-Family Residential.

The Preliminary Plat submitted for the April 3 meeting, proposed 44 lots, 34 of which were designated for residents 55 years of age and older. Single-family residences with a minimum of 1700 sq. ft. would be constructed on these 34 lots. The remaining 10 lots were designated as oversized lots and would have single-family residences of minimum 2500 sq. ft. constructed thereon. All 44 lots as proposed contained the minimum lot area required for R-1 zoning which is 12,000 sq. ft. The developer understands that the age restrictions will have to be invoked by protective covenants and will have to be enforced by a property owners association.

The lots designated for 55-and-older residents were proposed as a gated community with public access to this part of the S/D limited. The streets are proposed as publicly-dedicated streets. This raised issues of access for emergency service vehicles as well as other public service traffic. It also raised questions of limiting public access to publicly-dedicated streets.

A motion to approve the preliminary plat as presented was approved subject to two contingencies; (1) approval of the Marion Fire Chief, and (2) resolution of the question regarding limiting public access to publicly dedicated streets.

As a postscript, it was brought to Ed Cain's attention after the meeting that even though the lots designated for 55-and-older met the minimum area requirement for R-1 zoning, many of them do not meet the minimum width

requirement for R-1 zoning. This was not addressed in the PC meeting. The developer was notified of this oversight on April 4th.

There is no agenda for the May 1, 2018, meeting.

Water and Sewer: Councilman Spence reported that the Water and Sewer Committee met on April 3, 2018, concerning filter plant three. There were representatives from B&B Utility Contractors at the meeting as well. Jerome Alford of Bond Engineering suggested that the City hire a forensic engineer to get to the bottom of the issue. Per Jim Shempert, the City is going to dig up the filter media on May 3, 2018, with the supervision of the forensic engineer.

Parks and Recreation: Councilman Wood reported that the Parks and Recreation Committee met at 5:30 p.m. this evening. Two items of importance were discussed at the meeting.

The first item was the need to amend the budget from \$19,000.00 to \$20,187.00 for the purchase of a new pickup truck for the Parks Department. Councilman Wood made a motion, seconded by Councilman Spence, to amend the budget to provide an additional \$1,287.00 to purchase a pickup truck for the Parks Department. All Council members present voted in favor of the motion.

The second item discussed, was the City entering into an agreement with the Girls and Boys Club of America. Councilman Wood and Andy Rawls have met with Darin McCollum, Executive Director of Crittenden County Girls and Boys Club, and Robin Schmidt, Regional Director of Girls and Boys Club of America. There is a list of things that need to be completed by the City to get the summer program up and running. Councilman Wood made a motion, seconded by Councilman O'Neal, for the City to enter into an agreement with Darin McCollum and Robin Schmidt of the Girls and Boys Club of America, and for the Council to approve up to \$15,000.00, for the necessities to get the summer program up and running, provided all conditions can be met for this program. All Council members present voted in favor of the motion.

Street and Drainage: Gordon Floyd reported that the project on Patriot Drive will start once school is out at the end of May. The street crews are patching potholes right now. Also, there is a project to be done on Elm Street behind Marion Elementary School.

Sanitation: In Councilman Jackson's absence, Mayor Fogleman gave the report for the Sanitation Department. The Sanitation Committee met on April 19, 2018. The Committee has a proposal for \$142,034.00 each, for two knuckleboom trucks. The City has a firm bid from BanCorp South for \$2,683.32 per month for 24 months and a buy-back offer on the existing two knuckleboom trucks. There was an additional bid from First National Bank of Eastern Arkansas, but some of the figures were not accurate. Treasurer Rikard has done a rebid for the knuckleboom trucks.

There was discussion on the proper bagging of trash to cut down on litter. Several things were discussed, such as stickers being put on garbage cans, and a reminder on the water bills to help educate residents on the need to properly bag their garbage.

Building Inspector: Jerry Kelley reported 4 new house permits with a total value of \$891,000.00, 0 commercial permits, and 59 miscellaneous permits with a total value of \$528,000.00, were issued for April. That brings year-to-date totals to 13 new house permits, 4 commercial permits, and 119 miscellaneous permits.

Fire and Police: No Report.

IV.

Old Business: The City has an order to start the condemnation of the 206 Shiloh Drive property. Attorney Steven Lohman from Little Rock, on behalf of the lender was present. Mr. Lohman advised that the lender had sent out a property inspector to see what it would cost to rehab the property. Additionally, the lender sent out another property inspector to see what it would cost to demolish the property. The lender is requesting additional time, because the bids have not come back yet to decide whether to rehab or demolish the property. Mayor Fogleman advised that if the Council goes ahead and proceeds with the order to start the condemnation, there is a twenty-day waiting period before the City can proceed. Councilman O'Neal made a motion, seconded by Councilman Bigger, to proceed with the order to start the condemnation of the 206 Shiloh Drive property. All Council members present voted in favor of the motion.

Next, under Old Business, was the update on the filter plant. Mayor Fogleman reported the City has paid a fee of \$3,000.00 to have a forensic

engineer to supervise the digging of the filter media. B&B Utility Contractors wants to be present as well.

Lastly, under Old Business, was the update on the Military Road improvements with Arkansas Department of Transportation. Ed Cain reported that there was a letter received from Scott Bennett, Director of the Arkansas Department of Transportation. The City submitted a proposed cross section representing what the City would like to have. The Arkansas Department of Transportation advised they would do that, but because this is not a typical plan, the City would have to contribute \$825,000.00 to the project. Councilman Bigger made a motion, seconded by Councilman O'Neal, that the Council accepts the Arkansas Department of Transportation's proposal. All Council members present voted in favor of the motion.

V.

New Business: The School has approached Mayor Fogleman concerning the need for more lighting along Patriot Drive. The City will cover the cost of adding three lights to Patriot Drive. It will require some trenching for the lighting. The new lights will cost the City approximately \$65.00 per month. Councilman O'Neal made a motion, seconded by Councilman Bigger, to approve the three new lights on Patriot Drive and the monthly rental cost. All Council members present voted in favor of the motion.

VI.

Resolutions and Ordinances: Councilman O'Neal made a motion, seconded by Councilman Wood, to approve the Historic Resolution Proclamation. All Council members present voted in favor of the motion.

VII.

Financial Report: Treasurer Rikard reported that the March financials have been previously distributed to the Council. Rikard also noted that a summary of bond expenditures through March and a summary budget-to-actual comparison was distributed to the Council before the meeting. Rikard pointed out that sales tax revenue collections for March were worse than budget by 6.0% for the City and better than budget by 2.9% for the county. Rikard also noted that the April sales tax numbers have already been issued and the City portion was better than budget by 5.2% while the county portion was worse than budget by 3.3%. Through April, the City sales tax collections are worse than budget by 4.8% and the county portion of the

collections are worse than budget by 2.6%. Rikard noted that year-to-date revenue for the general fund is better than budget by \$111,000.00 and general fund department expenditures were better than budget by \$53,000.00. Rikard then opened the floor for questions.

VIII.

Departmental Reports:

Gordon Floyd had nothing further to report.

Chief Kelley had nothing further to report.

Ed Cain had nothing further to report.

Jim Shempert had nothing further to report.

Andy Rawls had nothing further to report.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 8:05 p.m.

Mayor

Attest: _____
City Clerk