

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 22, 2022, at 7:00 p.m. at Marion City Hall.

Present:	Frank A. Fogleman	Mayor
	David Bigger	Councilman (1-2)
	Cliff Wood	Councilman (2-1)
	Jim Spence	Councilman (2-2)
	Bryan Jackson	Councilman (3-1)
	Sherry Holliman	Councilwoman (3-2)
	James C. Hale III	City Attorney
	David W. Rikard	City Treasurer
	Patty James	City Clerk

Others

Present:	Ed Cain	Planning Commission Consultant
	Brannon Hinkle	Police Chief
	Jon Millsap	Asst. Police Chief
	Jerry Kelley	Water Superintendent
	Gordon Floyd	Streets Superintendent
	Andy Rawls	Parks Superintendent
	Fred Thorne, Jr.	Building Inspector

Absent:	Kelsey Hensley	Councilwoman (1-1)
	Woody Wheelless	Fire Chief

I.

Councilman Spence made a motion, seconded by Councilwoman Holliman, to approve the minutes of the October 25, 2022, regular Council meeting and the November 1, 2022, Special Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: Councilman Spence and Mayor Fogleman thanked the Chamber of Commerce for the Retirement Reception held on their behalf at the Marion Performing Arts Center on November 17, 2022.

Gordon Floyd thanked the Council for their support with the “Bikes for Tykes”. Gordon Floyd and Jerry Kelley have ordered 150 bikes to be given away this year. They would appreciate any donations given for the giveaway. There will be a Pancake Breakfast with Santa on December 10, 2022, at Fire Station No. 1. The community is invited.

Councilman Bigger thanked Mayor Fogleman, City Attorney Hale, and Councilman Spence for all of their years of service to the City.

III.

Committee Reports:

Planning Commission: The Planning Commission met on November 1, 2022, with six members present, and approved a preliminary site plan for a proposed gymnasium at the Dominion World Outreach Ministries Church located at 3700 East I-55 Service Road in Marion.

The Planning Commission also approved a site plan for expansion and upgrading of the unoccupied convenience store located at 3361 West I-55 Service Road. This location is in the southwest quadrant of the Highway 64 West I-55 Service Road. The proposed plans submitted showed an addition of two suites of approximately 800 square feet each on the north end of the existing building. Mr. Fasil Kebede who presented himself as contractor/part owner for the project said that one of the suites will be rented out for retail /office space and the second suite will be utilized as an office for the convenience store. Additionally, other additions to the existing building are proposed that include additional restrooms and additional cooler and utility areas.

The Planning Commission approved the Final Subdivision Plat for Parcel 26, Angelo's Grove Subdivision which is the proposed location for a TownePlace Suites Hotel.

At present, there is no agenda for the December 6 Planning Commission meeting, but Ed Cain said he anticipated there would be an agenda.

Water and Sewer: Covered under New Business.

Parks and Recreation: Andy Rawls reported he is in the process of replacing the walking trail lights at Brunetti Field. He will replace them with LED lights, because in the long run, these lights will be more cost efficient. This should be completed within the next two weeks.

Streets and Drainage: No Report. Councilman Jackson made a request that Rica Road get repaired properly. Andy Rawls advised that Rica Road has been completed today. Mayor Fogleman will follow up with the Marion School District concerning the repairs for LH Polk and the Complex.

Sanitation: Gordon Floyd reported that two of the City's garbage trucks are down for repairs at this time. He is using three flatbed trucks for garbage pickup until those trucks are repaired.

Building Inspector: Fred Thorne, Jr. reported there were 0 new house permits, 0 commercial permits and 7 miscellaneous permits issued in November. That brings year-to-date totals to 44 new house permits, 3 commercial permits and 288 miscellaneous permits, for a grand total of \$22,963,648.83 in construction.

Fire and Police: Chief Hinkle advised his night-shift officers are checking street lights throughout the City that are not functioning, getting the pole numbers and reporting the non-functioning street lights to Entergy to get them working properly.

Fred Thorne, Jr. reported the Fire Department's ladder truck is back and is fully operational.

IV.

Old Business: Military Road Update – Mayor Fogleman reported ArDot has changed the bid date for the Military Road widening project to January 2024. Also, the water and sewer lines relocation and cost share still has to be negotiated with ArDot.

Overpass Update - Mayor Fogleman texted Larry Jackson, the attorney for the Marconi family. There is currently no progress.

V.

New Business: Councilman Bigger made a motion, seconded by Councilman Jackson, to change the Worker's Compensation Insurance coverage to the Arkansas Municipal League at a yearly cost of \$64,668.00. All Council members present voted in favor of the motion.

The recommendation to raise water rates for wholesale customers was tabled. There must be an amended ordinance passed to raise the rates.

Mayor Fogleman will place an advertisement in the paper for a civil engineer for the Fire Station No. 1 project. This topic will be addressed at a later Council meeting once the bid qualifications are advertised.

Mayor Fogleman reminded Council members to turn in their Financial Interest Form after January 1, 2023, to Patsy House or Gail Tankersley at City Hall for filing per state requirements.

Councilman Spence made a motion, seconded by Councilwoman Holliman, authorizing Mayor Fogleman to sign the plat for the Angelo's Grove Parcel 26, subject to Attorney Hale's approval of the bond letter and letter of credit on file. This parcel will be for a 100-room extended-stay TownePlace Suites Hotel. All Council members present voted in favor of the motion.

Councilman Wood made a motion, seconded by Councilman Jackson, to authorize the purchase of three 2022 Dodge Ram 1500 pickup trucks for a total cost of \$100,038.00, and if necessary, amend the 2022 budget. All Council members present voted in favor of the motion.

Councilman Bigger made a motion, seconded by Councilwoman Holliman, to authorize Bill Bius to put a 60-foot wide fence at the North end of Cherry Street, across the City right-of-way. All Council members present voted in favor of the motion.

The Council will have a Special Council meeting on Thursday, December 15, 2023, at 5:00 p.m. at the City Annex. The 2023 Budget will be discussed at this meeting and a draft ordinance to increase the water rates for wholesale water customers will be discussed.

VI.

Resolutions and Ordinances: Mayor Fogleman brought to the floor, for a second consideration, an ordinance to establish a retirement plan for the City Treasurer of the City of Marion, Arkansas.

Councilman Wood made a motion, seconded by Councilman Bigger, that the proposed ordinance be read by title only, a second time.

City Attorney Hale read the proposed ordinance by title only:

AN ORDINANCE TO ESTABLISH A RETIREMENT PLAN FOR THE CITY TREASURER OF THE CITY OF MARION, ARKASAS

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

Councilman Spence made a motion, seconded by Councilman Bigger, that the proposed ordinance be read a third time by title only.

City Attorney Hale read the following ordinance by title only:

AN ORDINANCE TO ESTABLISH A RETIREMENT PLAN FOR THE CITY TREASURER OF THE CITY OF MARION, ARKANSAS

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

The Ordinance was numbered 604.

Mayor Fogleman brought before the Council a Resolution for a Tax Back Program endorsement of Sterigenics. Councilman Spence made a motion, seconded by Councilwoman Holliman, to approve the Resolution for a Tax Back Program endorsement of Sterigenics. All Council members present voted in favor of the motion.

The Resolution was numbered 2022-08.

VII.

Financial Report: Treasurer Rikard noted that the October financials were in the Council packets tonight. October sales tax collections were worse than budget by 10.6% for the City portion and better than budget by 1.9% for the County portion. November sales tax collections were recently released and they were better than budget by 14.1% for the City portion and better than budget by 31.3% for the County portion. That results in year-to-date collections through November better than budget by 5.1% for the City portion and 17.8% for the County portion. In dollars, that amounts to approximately \$308,000 of collections in excess of budget. Rikard pointed out that overall general fund revenue collections (excluding grant income) through October were better than budget by approximately \$295,000 and general fund expenditures (excluding capital items and grant expenditures) are better than budget by approximately \$2,000. Rikard then opened the floor for questions.

VIII.

Departmental Reports:

Gordon Floyd had nothing further to report.

Andy Rawls had nothing further to report.

Brannon Hinkle had nothing further to report.

Ed Cain had nothing further to report.

Jerry Kelley had nothing further to report.

Fred Thorne, Jr. had nothing further to report.

City Attorney Hale advised the Council he has been in communication with E. Ritter Communications concerning some fiber optics that they are going to be installing throughout the City. E. Ritter Communications will pay the City of Marion 5% of their gross revenue. Councilman Wood made a motion, seconded by Councilman Bigger, to authorize the Mayor and any necessary parties to sign any paperwork/agreement as necessary. All Council members present voted in favor of the motion.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 8:15 p.m.

Mayor

Attest: _____
City Clerk

DRAFT