

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

The City of Marion, Arkansas met in special session on Tuesday, September 22, 2020, 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)
	Jim Spence	Councilman (2-2)
	Sherry Holliman	Councilwoman (3-2)
	James C. Hale III	City Attorney
	Patty James	City Clerk
Absent:	Cliff Wood	Councilman (2-1)
	Bryan Jackson	Councilman (3-1)
	David W. Rikard	City Treasurer

I.

Councilman O'Neal made a motion, seconded by Councilman Spence, to suspend the reading and approval of the minutes from the previous Council meeting. All Council members present voted in favor of the motion.

II.

New Business: Mayor Fogleman advised the purpose of the meeting was for the Council to act on the condemnation of the property on the Southwest corner of I-55 and Highway 64. He further advised that the meeting will be conducted as a Public Hearing and at the conclusion of the Public Hearing, the Council can decide whether to take appropriate action.

City Attorney Hale advised that this is not a condemnation hearing but rather a hearing to determine if the property located at 3361 I-55 Overpass is unsightly and/or dilapidated. City Attorney Hale then requested that the Council hear remarks from the attorney, Tom Donaldson, who is representing the property owner, Mr. Shaw. Mr. Shaw owns the LLC that owns the property. Donaldson stated that Mr. Shaw has been working on the property the past few weeks. There are some issues as to where the property line crosses at the southwest corner of the building, as well as that

corner is very close to the ditch. He advised that Mr. Shaw is anxious and motivated to take care of the property and bring it up to par. Mr. Donaldson's request is to give the owner (Mr. Shaw) 90 days or whatever timetable is suitable to the Council to bring the building to a stabilized condition and get it completely cleaned up. Mr. Shaw's ultimate goal is to rent the property to a tenant, possibly a convenience store.

Councilwoman Holliman and Councilman Bigger expressed concerns as to why this has not been taken care of before it reached this hearing. Councilman O'Neal echoed the same sentiments.

Developer, Kenny Farrell expressed his concerns about the property. He advised that the property has not been a functional property in ten years and has structural issues. Building Inspector, Jerry Kelley reported there are footing and structural issues on the southwest corner of the property. Donaldson advised, Mr. Shaw has no issue with a structural engineer inspecting the property and giving an evaluation of the property.

After much discussion, Councilman O'Neal made a motion, seconded by Councilman Bigger, to declare the property at 3361 I-55 Overpass as unsightly, unsanitary, dilapidated and detrimental to public welfare. The motion was approved with 4 ayes.

Councilman O'Neal made a motion, seconded by Councilman Spence, by the next Council meeting, October 26, 2020, Mr. Shaw must provide creditable evidence, a letter from the structural engineer, costs/quotes and a timeline on the said property, showing that he can accomplish these things to restore this property. If Mr. Shaw can present this information at that time, terms will be negotiated by the Council. If not, the twenty-day period will have passed and the City can take action to demolish the property. The motion was approved with 4 ayes.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 8:00 p.m.

Mayor

Attest: _____
City Clerk