

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, April 27, 2021, at 7:00 p.m. at Marion City Hall.

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

Others

Present:	Ed Cain	Planning Commission Consultant
	Brannon Hinkle	Police Chief
	Jon Millsap	Assistant Police Chief
	Woody Wheelless	Fire Chief
	Andy Rawls	Parks Superintendent
	Fred Thorne, Jr.	Building Inspector

Absent:	Bryan Jackson	Councilman (3-1)
	David W. Rikard	City Treasurer
	Jerry Kelley	Water Superintendent

I.

Councilwoman Holliman made a motion, seconded by Councilman Bigger, to approve the minutes of March 30, 2021, Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: Jacob Hatchett was on the agenda to discuss the Marion School District mask mandate. He advised he would not be discussing the

mask mandate. He requested that, in the future, we as a community do a better job of resisting mandates set for the community.

Jeremy Thomas addressed the Council requesting approval for a private club liquor license. He represents El Jinete, Inc. that owns Mexican restaurants in Blytheville and Osceola. They would like to open a restaurant in Marion in the old Taco Bell/KFC restaurant building located at 3055 I-55 Service Road. City Attorney Hall advised that as of 2017, any new restaurant requesting a private club liquor license must have City Council approval with an ordinance allowing this. The ordinance will be considered later in the Council meeting.

Patricia Smith of 714 Pin Oak and Kevin Chapman of 715 Pin Oak in the Southern Oaks Subdivision addressed the Council concerning a noise issue and requesting information concerning a noise ordinance in the City. They have a noise issue with a neighbor, Melvin Saddler at 717 Pin Oak. Upon discussion, the neighbors agreed to communicate with each other in the future.

Mr. Chapman and Ms. Smith made a request for a speed bump to be installed on Oakland Drive. Police Chief Hinkle and Gordon Floyd will look into the matter.

III.

Planning Commission: The Planning Commission met on April 6. The Preliminary Subdivision Plat for Hunter's Point Subdivision, which was approved at the March 2 meeting, was revisited and street names for the subdivision were approved. The Final Subdivision Plat, for the initial phase of Hunter's Point Subdivision, consisting of 19 lots, was reviewed and approved, contingent on approval of construction plans by the Arkansas Department of Health and the City's Consulting Engineer. The Planning Commission also approved Final Subdivision Plats for the 6th Addition to Rustling Oaks Subdivision, consisting of 31 lots, and Cypress Point Subdivision, consisting of 10 lots.

Approval was also given for the concept of locating a specialty butcher shop at 1397 Highway 64. It was noted that this location is beyond the Marion City Limits, but within Marion's planning jurisdiction. Additionally, a

a commercial subdivision was also approved. This new commercial lot is a replat of part of Lot 1, Esperanza Place Subdivision located along Highway 77 just south of the USDA Service Center.

There is an agenda for the May 4, 2021, Planning Commission meeting.

Water and Sewer: Councilman Spence reported the sewer line leak on Ross Street has been fixed. Mayor Fogleman advised the waste water line that goes to the river has a leak. This line needs to be repaired as soon as possible. Councilman Wood made a motion, seconded by Councilman Spence, to waive competitive bidding and allow J & R Contractors, Inc. with a bid of \$17,500.00 to complete the project, unless the contractor that installed the waste water line bears the responsibility to fix the problem. All Council members present voted in favor of the motion.

Parks and Recreation: Andy Rawls reported he and Councilwoman Hensley had a conference call with some citizens and a request has been made to have a community work day for all the Marion City parks. Andy will need to order mulch to be laid at all the parks. Councilwoman Hensley will advertise the event once Andy has the mulch purchased.

Esperanza Bonanza will be having a fishing event on June 12th at the Marion Sports Complex. Arkansas Game & Fish Commission will be on hand for the event.

The Marion Chamber of Commerce is hosting a Stronger Together community event on Sunday, May 2, 2021, from 3 p.m. – 6 p.m. at the Courthouse Square. There will be 4 food trucks and a bouncy house at the event.

Streets and Drainage: No Report from Councilwoman Holliman, however, Gordon Floyd advised the need to have a Streets and Drainage Committee meeting. A meeting has been scheduled for Thursday, April 29, 2021, at 4:00 p.m. at the City Annex.

Sanitation: No Report.

Building Inspector: Fred Thorne reported 3 new house permits, 0 commercial permits and 51 miscellaneous permits were issued for the month of April. That brings year-to-date totals to 16 new house permits, 2 commercial permits and 106 miscellaneous.

Fire and Police: Councilwoman Hensley reported she, Chief Hinkle and Assistant Chief Millsap had met the previous week. They discussed gradually updating the Standard Operating Procedures for the Police Department. The first item would be a standard policy for taking home police vehicles. Police vehicles must be garaged within a 25-mile radius of the city limits, and within the State of Arkansas.

IV.

Old Business: Continuation of the status of the old service station at the SW corner of I-55/64 intersection will be on the agenda for the May Council meeting with an update from Mr. Shaw and Attorney Tom Donaldson.

The purchase of the property located at 188 Highway 77 has not been completed yet. Both parties are negotiating closing costs and the requirement from the City for the environmental study to be completed on the property.

There is no update on the Military Road project.

Survey stakes have been put in place on the Marconi and Williford properties showing the owners the route of the proposed road bed for the Overpass project through their properties.

V.

New Business: No Report.

VI.

Resolutions and Ordinances: Mayor Fogleman brought to the floor an ordinance granting a petition for a private club liquor license for 3055 I-55 Service Road. Councilwoman Hensley made a motion, seconded by

Councilman Spence, to read the ordinance by title only. The motion passed with a 4-1 vote, with Holliman abstaining.

City Attorney Hale read the following Ordinance by title only:

AN ORDINANCE AUTHORIZING EL JINETE, INC. TO RELOCATE A PRIVATE CLUB LIQUOR LICENSE PERMIT WITH THE ARKANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION FOR THE OPERATION OF A RESTAURANT LOCATED WITHIN THE CITY LIMITS OF MARION, ARKANSAS AND FOR OTHER PURPOSES.

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

Councilman Spence made a motion, seconded by Councilwoman Hensley, that the rules be suspended and the ordinance be read by title only a second time. The motion passed with a 4-1 vote, with Holliman abstaining.

City Attorney Hale read the following Ordinance by title only:

AN ORDINANCE AUTHORIZING EL JINETE, INC. TO RELOCATE A PRIVATE CLUB LIQUOR LICENSE PERMIT WITH THE ARKANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION FOR THE OPERATION OF A RESTAURANT LOCATED WITHIN THE CITY LIMITS OF MARION, ARKANSAS AND FOR OTHER PURPOSES.

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

Councilwoman Hensley made a motion, seconded by Councilman Spence, that the proposed ordinance be read by title only a third time. The motion passed with a 4-2 vote, with Mayor Fogleman breaking the tie vote.

City Attorney Hale read the following Ordinance by title only:

AN ORDINANCE AUTHORIZING EL JINETE, INC. TO RELOCATE A PRIVATE CLUB LIQUOR LICENSE PERMIT WITH THE ARKANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION FOR THE OPERATION OF A RESTAURANT LOCATED WITHIN THE CITY LIMITS OF MARION, ARKANSAS AND FOR OTHER PURPOSES.

Councilman Spence made a motion, seconded by Councilwoman Hensley, that the proposed ordinance be adopted on the third reading. The motion did not pass with Wood and Holliman voting nay and Bigger abstaining.

The proposed Ordinance will be put on the May Council meeting agenda for consideration.

VII.

Financial Report: No Report

VIII.

Departmental Reports:

Ed Cain had nothing further to report.

Fred Thorne, Jr. had nothing further to report.

Andy Rawls had nothing further to report.

Chief Hinkle had nothing further to report.

Chief Wheelless thanked Gordon Floyd and his department for repairing the potholes at Fire Station One.

Mayor Fogleman reported he had received a email from Logan Williams of MYSA, complimenting the Parks and Recreation Department.

Councilman Spence made a motion, seconded by Councilman Wood, to suspend the meeting at 8:22 p.m. All Council members present voted in favor of the motion.

At 9:33 p.m. Councilman Spence made a motion, seconded by Councilwoman Hensley, to end the Executive Session. All Council members present voted in favor of the motion. Councilman Spence made a motion, seconded by Councilman Bigger, to reconvene the Council meeting. There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 9:36 p.m.

Mayor

Attest: _____
City Clerk