

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, October 25, 2022, 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)
	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
	Woody Wheelless	Fire Chief
	Brannon Hinkle	Police Chief
	Jon Millsap	Asst. Police Chief
	Jerry Kelley	Water Superintendent
	Gordon Floyd	Streets Superintendent
	Andy Rawls	Parks Superintendent

Absent:	Fred Thorne, Jr.	Building Inspector
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I.

Councilwoman Holliman made a motion, seconded by Councilwoman Hensley, to approve the minutes of September 27, 2022, regular Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: None

III.

Committee Reports:

Planning Commission: Ed Cain reported the Planning Commission met on October 4, 2022, with five members present. A Preliminary Site Plan for a 100-room extended-stay Towneplace Suites Hotel was approved. The Marriott brand hotel is proposed to be constructed directly west of the existing Hampton Inn in Angelo's Grove Subdivision.

There is an agenda for the November 1, 2022, meeting.

Water and Sewer: The water meter antennas were covered later in the meeting under New Business. A Water and Sewer Committee meeting was scheduled for Thursday, November 3, 2022, at 4:00 p.m. at the City Annex.

Parks and Recreation: Andy Rawls reported the new playground equipment (slides) will be delivered in February or March 2023.

Streets and Drainage: No Report.

Sanitation: Gordon Floyd reported the knuckleboom trucks will be delivered in a few weeks.

Building Inspector: In Fred Thorne, Jr.'s absence, Patty James gave the report. There was 1 new house permit, 0 commercial permits and 19 miscellaneous permits issued in October. The new house permit indicates a value of \$101,250.00 in new construction, and other permits reflect \$513,150.00 for a total construction value of \$614,400.00. That brings year-to-date totals to 44 new house permits, 3 commercial permits and 281 miscellaneous permits, for a grand total of \$22,931,418.83 in construction.

Fire and Police: No Report. A Fire and Police Committee meeting was scheduled for Thursday, November 3, 2022, at 4:45 p.m. at the City Annex.

IV.

Old Business: Military Road Update – No new updates.

Overpass Update – No new updates or progress. Mayor Fogleman advised the City will have to own the right-of-way in order to use the funds the

federal government has given to the City of Marion whether the city moves forward with the project or not.

There will be a groundbreaking ceremony for the Sultana Disaster Museum on Friday, November 11, 2022, at 10:00 a.m. at the Old Marion Gymnasium.

On Sunday, November 20, 2022, from 2:00 p.m. – 5:00 p.m. there will be an opportunity to view the Old Marion Gymnasium for the last time before work begins on the Sultana Disaster Museum.

Crittenden County Sheriff's Office dispatch services – Fire & Police – City Attorney Hale is still awaiting word for further details before the city enters into the agreement with the county.

Property at SW corner of intersection at I-55 & Hwy 64 – The property owner will be bringing site plans to the Planning Commission meeting on November 1, 2022.

V.

New Business: Councilman Jackson made a motion, seconded by Councilman Bigger, to approve and authorize the signing of the Shared Agreement for 2023, for the District Judge's salary for the City of Marion in the amount of \$11,290.13. All Council members present voted in favor of the motion.

Councilman Jackson made a motion, seconded by Councilman Bigger, to authorize the renewal of the Arkansas Municipal League Service Charge and the Arkansas Municipal Legal Defense Program in the amount of \$27,406.48. All Council member present voted in favor of the motion.

Councilman Bigger made a motion, seconded by Councilwoman Hensley, to authorize up to \$40,000.00 for Gordon Floyd to order two replacement vehicles, \$44,250.00 for a track hoe and \$68,000.00 for a 2018 Backhoe and to do a budget amendment for 2022. In addition, place an order for a leaf vac in the amount of \$93,175.45 to come out of the 2023 budget. All Council members present voted in favor of the motion.

Councilwoman Hensley made a motion, seconded by Councilman Bigger, to renew the agreement with Caton Consulting with one change, under

paragraph 9, change Pulaski County to Crittenden County. The motion passed with 5 ayes and 1 nay.

Councilman Bigger made a motion, seconded by Councilwoman Hensley, to authorize the purchase of 200 Badger water meter antennas. All Council members present voted in favor of the motion.

Councilman Bigger made a motion, seconded by Councilwoman Holliman, to authorize the signing of the modified agreement between the City and the Sultana Historical Preservation Society upon City Attorney Hale's approval. All Council members present voted in favor of the motion.

The City received a notice of nonrenewal for their worker's compensation insurance policy. The mayor is trying to get more information concerning the notice. He is also checking with the Arkansas Municipal League regarding coverage.

Councilwoman Hensley made a motion, seconded by Councilman Wood, to authorize the mayor to sign the Consent Agreement to give equipment back to Hino. All Council members present voted in favor of the motion.

Councilwoman Hensley made a motion, seconded by Councilman Bigger, to authorize the mayor to sign the proposal from the Brick Family LLC for the City Annex with \$10 a square foot for year one, \$11 a square foot for year two, and \$12 a square foot for year three. All Council members present voted in favor of the motion.

The Council opted to take no action on the 2023 Municipal Officials Accidental Death and Dismemberment Plan for elected officials and department heads.

VI.

Resolutions and Ordinances: Mayor Fogleman brought to the floor an ordinance establishing the offense of inattentive driving.

Councilman Wood made a motion, seconded by Councilman Jackson, that the proposed ordinance be read by title only. All Council members present voted in favor of the motion.

City Attorney Hale read the following ordinance by title only:

AN ORDINANCE ESTABLISHING THE OFFENSE OF INATTENTIVE DRIVING

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

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

City Attorney Hale read the following ordinance by title only:

AN ORDINANCE ESTABLISHING THE OFFENSE OF INATTENTIVE DRIVING

Councilman Wood 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, Wood-aye, Spence-aye, Jackson-aye, Holliman-aye, and Hensley-aye.

Councilman Spence made a motion, seconded by Councilman Bigger, that the proposed 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 by title only:

AN ORDINANCE ESTABLISHING THE OFFENSE OF INATTENTIVE DRIVING

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

Councilman Spence made a motion, seconded by Councilman Bigger, that the proposed ordinance be adopted on the emergency clause. All Council members present voted in favor of the motion.

The Ordinance was numbered 602.

Mayor Fogleman brought to the floor an ordinance to reduce incidents of false alarms which cause the Marion Police and Fire Departments to be dispatched.

Councilman Wood made a motion, seconded by Councilman Bigger, that the proposed ordinance be read by title only. All Council members present voted in favor of the motion.

City Attorney Hale read the following ordinance by title only:

AN ORDINANCE TO REDUCE INCIDENTS OF FALSE ALARMS WHICH CAUSE THE MARION POLICE AND FIRE DEPARTMENTS TO BE DISPATCHED

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

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

City Attorney Hale read the following ordinance by title only:

AN ORDINANCE TO REDUCE INCIDENTS OF FALSE ALARMS WHICH CAUSE THE MARION POLICE AND FIRE DEPARTMENTS TO BE DISPATCHED

Councilwoman Hensley 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, Wood-aye, Spence-aye, Jackson-aye, Holliman-aye, and Hensley-aye.

Councilman Wood made a motion, seconded by Councilman Bigger, that the proposed 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 by title only:

AN ORDINANCE TO REDUCE INCIDENTS OF FALSE ALARMS WHICH CAUSE THE MARION POLICE AND FIRE DEPARTMENTS TO BE DISPATCHED

Councilwoman Hensley 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: Wood-aye, Spence-aye, Jackson-aye, Holliman-aye, Hensley-aye, and Bigger-aye.

The Ordinance was numbered 603.

Mayor Fogleman brought to the floor an ordinance to establish a retirement plan for the City Treasurer of the City of Marion, Arkansas.

Councilwoman Hensley made a motion, seconded by Councilman Jackson, that the proposed ordinance be read by title only.

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, ARKANSAS

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

The proposed ordinance will be put on the November agenda for consideration.

VII.

Financial Report: Treasurer Rikard noted that the September financials were distributed tonight. September sales tax collections were better than budget by 10.8% for the City portion, and better than budget by 22.1% for the County portion. October sales tax collections were recently released, and they were worse than budget by 10.6% for the City portion and better than budget by 1.9% for the County portion. That results in year-to-date collections through October better than budget by 4.2% for the city portion and 16.5% for the county portion. In dollars that amounts to approximately \$250,000 of collections in excess of budget. Rikard pointed out that overall

general fund revenue collections (excluding grant income) through September were better than budget by approximately \$381,000 and general fund expenditures (excluding capital items) are worse than budget by approximately \$197,000. Rikard then opened the floor for questions.

VIII.

Department Reports:

Gordon Floyd had nothing further to report.

Andy Rawls had nothing further to report.

Brannon Hinkle had nothing further to report.

Woody Wheelless had nothing further to report.

Ed Cain had nothing further to report.

Jerry Kelley had nothing further to report.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 8:53 p.m.

Mayor

Attest: _____
City Clerk