

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, May 25, 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)
	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
	Andy Rawls	Parks Superintendent
	Jerry Kelley	Water Superintendent

Absent:	Cliff Wood	Councilman (2-1)
	Woody Wheelless	Fire Chief
	Fred Thorne, Jr.	Building Inspector

I.

Councilman Jackson made a motion, seconded by Councilman Bigger, to approve the minutes of April 27, 2021, Council meeting along with the following amendments to the February and March minutes. Under the Building Inspector report, for the month of February, the year-to-date miscellaneous total should be 28 instead of 34. Under the Building Inspector report for the month of March, the year-to-date miscellaneous total should be 55 instead of 61. All Council members present voted in favor of the motion to approve the minutes with the noted corrections.

II.

Citizens' Concerns: There were no Citizens' Concerns at this Council meeting.

### III.

Planning Commission: Ed Cain reported the Planning Commission met on May 4. At this meeting, the Planning Commission approved a re-plat of Block 1 of the Elite Lamp Subdivision. The Planning Commission also entertained a request to allow monolithic foundations on residential construction. The Planning Commission voted to recommend to City Council that it consider an amendment to the City Building Code that allows residential monolithic foundations.

There is an agenda for the June 1 Planning Commission meeting.

Water and Sewer: Mayor Fogleman reported Ten Carver provided a quote of \$29,232.00 to replace the two sewer pumps at the K & R Pump Station. The replacement pumps have been previously budgeted in the 2020-2021 budget. Councilman Jackson made a motion, seconded by Councilman Spence, to approve the installation of the two sewer pumps at the K & R Pump Station at the above quoted price. All Council members present voted in favor of the motion.

A Water and Sewer Committee meeting has been scheduled for Tuesday, June 2, 2021, at the City Annex at 5:30 p.m.

Parks and Recreation: Andy reported the fountain at Bayou Vista Park has stopped working. Gordon Floyd is getting quotes for parts to repair the fountain.

Andy also reported Homer Laster has made a request to purchase the John Deere 4430 Tractor that the Parks Department no longer uses for \$2,000.00. Councilwoman Hensley made a motion, seconded by Councilman Bigger, to approve the sale of the John Deere tractor to Mr. Laster for \$2,000.00. All Council members present voted in favor of the motion.

Streets and Drainage: No Report.

Sanitation: No Report.

Building Inspector: Jerry Kelley reported 2 new house permits, 0 commercial permits and 35 miscellaneous permits were issued for the month

of May. That brings year-to-date totals to 18 new house permits, 2 commercial permits and 141 miscellaneous.

Fire and Police: Chief Hinkle reported his department has served 30 grass ordinances, 12 disabled vehicle ordinances and 6 fence ordinances. His department started at the south end of Highway 77 and is working toward Delta Acres passing out ordinances to residents that have not complied with City ordinances.

#### IV.

Old Business: 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.

Current information from ArDot is that the Military Road improvement project will be opened January 2022. There has been no response from ArDot concerning ownership of the right-of-way to determine if the City will have to move their water and sewer lines for ArDot to complete the project.

Mayor Fogleman reported he is beginning the process of moving the water department office to 21 Maple Street which is south of the police department. There is a house on the property that will have to be removed so a building can be built to accommodate the water department.

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. The assessment group, United Field Services, has made contact with the property owners to appraise their properties and negotiate the offers of purchase for the right-of-way through their properties.

In his absence, Attorney Tom Donaldson sent Mayor Fogleman an email concerning the update on the old service station at the SW corner of I-55/64 intersection. Copies of the email from Donaldson to Fogleman were distributed to the Council. Jack Bond has communicated with the drainage district and they have no objection to the proposed work in the ditch. Work is going on to complete the final design for the stabilization work. A contract with a fuel supplier, World Fuel Services, has been signed. The installation of the new tanks, pumps, canopy, etc. will be performed by The Southern Co., Inc., however, there is no estimated start date.

V.

New Business: The sale of the John Deere 4430 Tractor was covered under the Parks and Recreation report.

An item added to the agenda under New Business is the temporary closing of Cherry Street. This temporary closing has been requested by the School District for completion of the new gymnasium for the Herbert Carter Global Community School. There is an estimated timeframe of 14 months for this closure with a start date of June or July 2021. Mayor Fogleman advised Mr. Duncan that the Council would not be receptive to this closure because residents have voiced opposition to this in the past. Mayor Fogleman also advised that the City owns a vacant lot on Pine Street that might be an alternative location for the storage of construction equipment and building materials, during the construction of the new gymnasium in order to avoid the closure of Cherry Street. Other concerns with the project are the truck traffic, big heavy equipment, and the possible damage to our city streets. After much discussion, it was decided, Mayor Fogleman will contact Mr. Duncan to set up a meeting with Mr. Duncan, the contractor and Council members. Pending agreement by all parties, the meeting will be held Monday, June 7, 2021, at 5:30 p.m. either at City Hall or the School District offices.

VI.

Resolutions and Ordinances: The ordinance to authorize the private club license for the third reading and approval has been tabled until the June Council meeting because Mr. Thomas was not in attendance.

Mayor Fogleman brought to the floor a resolution titled **A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF MARION TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS**. Councilman Bigger made a motion, seconded by Councilwoman Hensley, that the resolution be adopted. All Council members present voted in favor of the motion. The resolution was numbered 2021-08.

VII.

Financial Report: Treasurer Rikard informed the Council that the 2021 financials are still not complete. He indicated he has added a temporary

employee to get the reconciliations caught up and hopes to have them issued by the next Council meeting. Sales tax collections for April were worse than budget for the city portion by 4.1% and the county portion was better than budget by 9.0%. Rikard noted, the May sales tax numbers were posted today and the sales tax rebounded and are better than budget by 16.2% for the city portion and 24.1% for the county portion. The year-to-date amounts are better than budget by 9.6% for the city portion and 12.4% for the county portion. Rikard then opened the floor for questions.

VIII.

Departmental Reports:

Ed Cain had nothing further to report.

Jerry Kelley had nothing further to report.

Andy Rawls had nothing further to report.

Chief Hinkle had nothing further to report.

Councilman Spence made a motion, seconded by Councilman Bigger, to suspend the meeting at 8:10 p.m. All Council members present voted in favor of the motion.

At 8:26 p.m. Councilman Bigger made a motion, seconded by Councilwoman Hensley, to end the Executive Session. All Council members present voted in favor of the motion. Councilwoman Holliman 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 8:27 p.m.

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Mayor

Attest: \_\_\_\_\_  
City Clerk