

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 28, 2019, at 7:00 p.m. at Marion City Hall.

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| Present: | Frank A. Fogleman | Mayor |
| | Kelly O’Neal | Councilman (1-1) |
| | David Bigger | Councilman (1-2) |
| | Cliff Wood | Councilman (2-1) |
| | Sherry Holliman | Councilwoman (3-2) |
| | James Hale III | City Attorney |
| | David W. Rikard | City Treasurer |
| | Patty James | City Clerk |
| Other | | |
| Present: | Ed Cain | City Planning Consultant |
| | Gordon Floyd | Streets and Sanitation |
| | Jim Shempert | Water Superintendent |
| | Gary Kelley | Police Chief |
| | Andy Rawls | Parks Superintendent |
| | Jerry Kelley | Building Inspector |
| Absent | Jim Spence | Councilman (2-2) |
| | Bryan Jackson | Councilman (3-1) |
| | Woody Wheelless | Fire Chief |
| | Phyllis May | City Bookkeeper |

I.

Councilwoman Holliman made a motion, seconded by Councilman O’Neal, to approve the minutes of the April 23, 2019, Council meeting. All Council members present voted in favor of the motion.

II.

Citizens’ Concerns: Billy Houston came before the Council again this month, informing the Council that Mr. King has not discontinued the AirBNB at his residence at 285 Rivertrace Drive. Another neighbor, Neal Jackson who resides at 289 Rivertrace Drive, advised the Council that neighbors do not want an AirBNB in their neighborhood. City Attorney Hale advised Mr.

Houston and Mr. Jackson that a complaint needed to be filed with the Marion Police Department so the situation could be handled through the courts.

Ray Nassar addressed the Council stating a sewer line that's located between his property and the hotel has collapsed. This is a storm sewer drain. Gordon Floyd advised he will look at it again. He believes that the Arkansas Highway department will be responsible for repairing the sewer line.

III.

Planning Commission: Ed Cain reported there was no Planning Commission meeting in May. Cain advised there is an agenda for the June 4, 2019, Planning Commission meeting to be held at 6:30 p.m. at the City Hall.

Water and Sewer: Mayor Fogleman reported the Water and Sewer Committee met and is making a recommendation to the Council that an advertisement be placed for competitive bids to replace a water line along Elm and Oak Streets, part of Military Road and to loop the line on Lincoln Street. This project was previously approved in the 2019 budget. Mayor Fogleman presented this in the form of a motion from the Water and Sewer Committee, with Councilman Wood seconding the motion, to place the advertisement for competitive bids to replace the water line and to receive those bids prior to the June Council meeting. All Council members present voted in favor of the motion.

Mayor Fogleman advised that the Water Department will proceed with the improvements to the Sunset water system. The Sunset City Council has approved the funds for the improvements.

Parks and Recreation: No Report

Street and Drainage: No Report

Sanitation: No Report

Building Inspector: Jerry Kelley reported 5 new house permits, 2 commercial permits and 34 miscellaneous permits were issued for the month of May. That brings year-to-date totals to 13 new house permits, 2 commercial permits and 103 miscellaneous permits.

Fire and Police: Councilman O'Neal reported that the Fire and Police Committee held a meeting. The Police Station addition is going well. The Committee also discussed the addition to Fire Station #2. Councilman O'Neal made a motion, seconded by Councilman Bigger, to authorize construction of a 60' x 48' x 18' metal building to include four 14' x 14' bays; to make modifications to the day room, kitchen, rest rooms and to add sleeping quarters. The cost will be approximately \$250,000.00. Upon voting there were 3 ayes and 1 nay. The motion was approved, with Mayor Fogleman voting aye.

IV.

Old Business: Jerry Kelley reported that the Police station addition has been wired and is ready for sheet rock and the bricking has begun.

V.

New Business: None

VI.

Resolutions and Ordinances: Mayor Fogleman brought a draft ordinance to the floor to amend the City of Marion ordinance (Ordinance No. 124) to revise the definition and requirements for a home occupation.

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:

AN ORDINANCE TO AMEND THE CITY OF MARION ZONING ORDINANCE (ORDINANCE NO. 124) TO REVISE THE DEFINITION AND REQUIREMENTS FOR A HOME OCCUPATION

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

The Ordinance will be put on the agenda for the June Council Meeting.

Mayor Fogleman brought to the floor and read the title of a resolution titled **A RESOLUTION EXPRESSING THE WILLINGNESS OF CITY OF MARION TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS**. Councilman Bigger made a motion, seconded by Councilman Wood, to adopt the resolution. All Council members present voted in favor of the motion. The resolution is numbered 2019-04.

As a point of information, Mayor Fogleman reported that he has received a proposal from West Memphis Fire Chief Dennis Brewer, that the City of West Memphis and the City of Marion enter into a mutual aid agreement. Fogleman advised this may come before the Council in the future.

VII.

Financial Report: Treasurer Rikard reported the 2018 audit has been completed and a copy of the audit report has been distributed tonight to each of the Council members. Rikard further noted the April financials have been previously distributed to the Council. Rikard pointed out that sales tax revenue collections for April for the City portion were worse than budget by 0.2% and the County portion was worse than budget by 4.2%. The May numbers have just been released and the City portion was worse than budget by 4.9% and the County portion was worse than budget by 7.9%. That results in the year-to-date collections through May better than budget by 5.3% for the City portion and worse by 0.9% for the County portion. Rikard further pointed out that the general fund revenue collections through April are worse than budget by approximately \$28,000.00 while the general fund expenditures are better than budget by \$181,000.00.

Rikard then opened the floor for questions.

VIII.

Departmental Reports:

Ed Cain had nothing further to report.

Jim Shempert had nothing further to report.

Chief Kelley had nothing further to report.

Gordon Floyd reported that Shiloh Drive at Meadowbrook will be closed May 29th, while a culvert under Shiloh Drive is replaced.

Jerry Kelley reported that he will be meeting with the same people with whom Chief Kelley met regarding energy efficiency. They may be able to offer some financial assistance with the addition to Fire Station #2.

Andy Rawls advised that the grounds around the lake have been cleaned up. One of the local Boy Scout troops will pick up rocks at the lake as a service project. Andy will open the lake back up for fishing.

A representative from Willowbend Nursing Home has contacted Mayor Fogleman to see if the City would be interested in the old facility.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 7:50 p.m.

Mayor

Attest: _____
City Clerk