

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, March 22, 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)
	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
	Woody Wheelless	Fire Chief
	Fred Thorne, Jr.	Building Inspector
	Andy Rawls	Parks Superintendent
	Gordon Floyd	Streets Superintendent

Absent:	Bryan Jackson	Councilman (3-1)
	Jerry Kelley	Water Superintendent
	Jon Millsap	Asst. Police Chief

I.

Councilman Bigger made a motion, seconded by Councilwoman Hensley, to approve the minutes of February 22, 2022, regular Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: Lisa O' Neal thanked Gordon Floyd and his department for their hard work in the community during the ice storm.

Lisa O'Neal advised it is time for the annual Woolfolk Library Easter Egg Hunt. The Easter Egg Hunt will be Saturday, April 9, 2022, from 10:00 a.m. to 11:30 a.m. She has spoken with Chief Hinkle, and his department will make sure North Currie Avenue is closed for the Easter Egg Hunt.

"Moms for Marion" is hosting a Color Run for the community on Saturday, April 23, 2022, from 4:00 p.m. to 7:00 p.m. The Advertising and Promotions Committee is sponsoring the event. Lisa O'Neal has spoken with Chief Hinkle and his department will make sure a section of Cypress Street is closed from 3:00 p.m. to 7:30 p.m. for this event. Councilman Wood made a motion, seconded by Councilman Spence, to authorize the closure of North Currie Avenue for Easter Egg Hunt on April 9, 2022, and the closure of Cypress Street for the Color Run event on April 23, 2022. All Council members present voted in favor of the motion.

### III.

#### Committee Reports:

Planning Commission: The Planning Commission met on March 1, 2022. At this meeting, a permitted-use question for property at 200 East Military Road was discussed. This property is currently zoned C-1 Neighborhood and Quiet Business District. A prospective buyer of this property plans to remodel the ground floor into three short-term residential rental units. Each of these units will have a separate outdoor entry and could also be used as long-term residential rental units. The second floor would be used for short-term or long-term residential rental units. The Marion Zoning Ordinance was amended in January, 2008 by City Ordinance No. 501, which limits residential use in in the C-1 Zoning District to that which is located above commercial use. A discussion ensued as to whether short-term rental use should be considered commercial use or residential use; no vote was taken. Having the property rezoned to R-3 was suggested to the petitioner as a possible remedy. No action was taken. The re-zoning process was explained to the petitioner, and a summary of the process was emailed to the petitioner after the meeting by Ed Cain. The petitioner indicated he will rethink his options for use of the property. Ed Cain said he had not heard from the petitioner since the March 1, 2022, meeting.

The Planning Commission approved a Preliminary Site Plan for a RV Park proposed along the I-55 West Service Road, south of and contiguous to the golf course apartments.

There is an agenda for the April 5 meeting.

Water and Sewer: Councilman Spence reported the sewer line project at River Trace Drive and Riverwind Drive is nearing completion. Weather permitting and dry ground, B & B Utility should have the project completed in 2 to 3 more days.

Parks and Recreation: Andy Rawls reported that Martin Smith of Ecological Design Group, has given him some estimates on the Parks Masterplan. A Parks and Recreation meeting has been scheduled for Tuesday, April 5, 2022, at 5:30 p.m. at the City Annex. During this meeting, the Parks Masterplan will be discussed along with grant prospects and bond money possibilities for this project.

Streets and Drainage: No Report.

Sanitation: Gordon Floyd reported that his department has picked up 275 loads of storm debris. He estimates they are at 75% completion for storm debris clean up. He has placed the orders for the garbage trucks, and the new mower came in yesterday. He also thanked Chief Hinkle and his department for the citation the Police Department issued to Gordon's department for their hard work in the community.

Building Inspector: Fred Thorne, Jr. reported 3 new house permits, 0 commercial permits and 15 miscellaneous permits were issued for March. The new house permits indicate a value of \$927,795.00 in new construction and other permits reflect \$149,479.00 for a total construction value of \$1,077,274.00 for the month of March. That brings year-to-date totals to 5 new house permits, 0 commercial permits and 34 miscellaneous.

Fire and Police: This report was covered later in the meeting under New Business.

#### IV.

Old Business: Military Road Update – Mayor Fogleman has not heard from ArDot concerning the right-of-way West of Cherry Street. Plans have been turned in and it will cost approximately \$500,000.00 to relocate water and sewer lines. Mayor Fogleman advised drawings were included in Council packets concerning the added poles needed to accommodate underground wiring for the easement for Entergy.

Overpass Update - Mayor Fogleman is still awaiting word from ArDot concerning the legality of purchasing options for the right-of-way across the properties of the two ownership families that were given appraisals for their land for the overpass project.

Fire Station #2 Vestibule Quote - The City has received one bid, and it was from A & R Construction for \$22,750.00 to install a glass and metal vestibule around the north door of Fire Station No. 2. Councilwoman Hensley made a motion, seconded by Councilwoman Holliman, to accept the bid from A & R Construction for the installation of a glass and metal vestibule around Fire Station No. 2. All Council members present voted in favor of the motion.

Entergy Easement Change Update – Mayor Fogleman will get additional information before the Council moves forward on this item.

Johnny Coleman re: monolithic slabs in Marion – This will be put on the agenda for the April Council meeting.

Sherry Holliman re: Community Center – Councilwoman Holliman is still doing research on this.

## V.

New Business: Consideration of MPD Policy Changes - Councilwoman Hensley made a motion, seconded by Councilman Wood, to approve the following three policy changes: Vehicle Inspection, Recording/Filming of Law Enforcement Activity and Special Weapons and Tactics Team. All Council members present voted in favor of the motion.

## VI.

### Resolutions and Ordinances:

Mayor Fogleman brought to the floor, for a third consideration, an ordinance amending water rates annually in the City of Marion. Councilman Wood made a motion, seconded by Councilman Bigger to read the proposed ordinance 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 AMEND ORDINANCE NOS. 204, 571 AND 573 OF THE CITY OF MARION, ARKANSAS IN ORDER TO FIX RATES WITHIN**

**THE CITY LIMITS OF MARION, ARKANSAS, TO BE CHARGED FOR WATER SERVICES.**

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

The Ordinance was numbered 595.

Mayor Fogleman brought to the floor, for the first consideration, an ordinance to define and regulate secondary dwelling units (granny flats), in the City of Marion. Councilman Wood made a motion, seconded by Councilman Spence, 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 AMEND THE CITY OF MARION ZONING ORDINANCE (ORDINANCE 124) TO DEFINE AND REGULATE SECONDARY DWELLING UNITS.**

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

The proposed ordinance will be put on the April Council meeting agenda for consideration.

Mayor Fogleman brought to the floor an ordinance to approve the Venue Restaurant for a private club license. Councilwoman Hensley made a motion, seconded by Councilman Bigger, to read the proposed ordinance 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 ADOPTED PURSUANT TO ACT 1112 OF 2017, APPROVING THE APPLICATION OF WATTENSAW SOCIAL CLUB, INC. DBA VENUE RESTAURANT FOR A PRIVATE CLUB TO BE LOCATED AT 304 BANCARIO ROAD, MARION, CRITTENDEN COUNTY, ARKANSAS.**

Councilman Bigger 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-aye.

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

City Attorney Hale read the following Ordinance by title only:

**AN ORDINANCE ADOPTED PURSUANT TO ACT 1112 OF 2017, APPROVING THE APPLICATION OF WATTENSAW SOCIAL CLUB, INC. DBA VENUE RESTAURANT FOR A PRIVATE CLUB TO BE LOCATED AT 304 BANCARIO ROAD, MARION, CRITTENDEN COUNTY, ARKANSAS.**

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

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

City Attorney Hale read the following Ordinance by title only:

**AN ORDINANCE ADOPTED PURSUANT TO ACT 1112 OF 2017, APPROVING THE APPLICATION OF WATTENSAW SOCIAL CLUB, INC. DBA VENUE RESTAURANT FOR A PRIVATE CLUB TO BE LOCATED AT 304 BANCARIO ROAD, MARION, CRITTENDEN COUNTY, ARKANSAS.**

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

The Ordinance was numbered 596.

## VII.

Financial Report: Treasurer Rikard noted that the February financials were included in tonight's packet. He also pointed out that the budget has been loaded into the financial software, but there are some issues. We are waiting on tech support to get them corrected. February sales tax

collections were better than budget by 10.3% for the City portion and better than budget by 24.9% for the County portion. That results in year-to-date collections better than budget by 4.2% for the city portion and 26.4% for the county portion. Rikard pointed out that overall general fund revenue collections (excluding grant income) through February were worse than budget by approximately \$13,000 and general fund expenditures (excluding capital items) are better than budget by approximately \$41,000. Rikard then opened the floor for questions.

VIII.

Departmental Reports:

Chief Hinkle had nothing further to report.

Andy Rawls had nothing further to report.

Ed Cain had nothing further to report.

Chief Wheelless had nothing further to report.

Fred Thorne, Jr. had nothing further to report.

Gordon Floyd had nothing further to report.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 8:19 p.m.

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Mayor

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