

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, September 23, 2021, at 7:00 p.m. at Marion City Hall.

Present: Frank A. Fogleman Mayor
Kelsey Hensley Councilwoman (1-1)
Cliff Wood Councilman (2-1)
Jim Spence Councilman (2-2)
Bryan Jackson Councilman (3-1)
Sherry Holliman Councilwoman (3-2)
David W. Rikard City Treasurer

Others

Present: Ed Cain Planning Commission Consultant
John Millsap Asst. Police Chief
Andy Rawls Parks Superintendent
Fred Thorne, Jr. Building Inspector
Jerry Kelley Water Superintendent
Gordon Floyd Streets Superintendent
Woody Wheelless Fire Chief

Absent: David Bigger Councilman (1-2)
James C. Hale III City Attorney
Patty James City Clerk

I.

Councilwoman Hensley made a motion, seconded by Councilman Jackson, to approve the minutes of August 24, 2021, Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: There were no Citizens' Concerns.

III.

Committee Reports:

Planning Commission: The Planning Commission met on September 7. At this meeting, the Planning Commission approved the final subdivision for Interstate 55 Body Shop and Auto Sales. The Planning Commission also gave tentative approval to a site plan for development of the former site of Fords Restaurant at the intersection of Walnut Street and I-55 East Service Road.

There is an agenda for the October 5 meeting.

Water and Sewer: Councilman Spence reported that the Water & Sewer Committee met at 6:15 P.M. on September 23, 2021, to review and consider the bids for the repair of the sewer pond levee. The Water & Sewer Committee recommends, and puts in the form of a motion, the acceptance of the B & B Utility Contractors, Inc. bid of \$135,000 for the repair work. Additionally, the committee recommended that B & B Utility Contractors, Inc. be paid \$15.00 per linear foot to install any remaining stone of the city's present inventory of stone around the interior perimeter of the sewer pond levees. Councilman Wood seconded the motion. All present voted aye. Spence further reported that the Water & Sewer Committee recommended that the Council waive competitive bidding on the purchase from ECS House Industries, Inc. of Cherry Valley, Arkansas, of two new aerators for the sewer pond at a total cost not to exceed \$75,000.00. The Council considered an ordinance to waive competitive bidding on these aerators later in this meeting.

Parks and Recreation: Andy Rawls reported that Martin Smith, of EDG, Inc., Wynne, Arkansas, has nearly completed his draft of park proposals for the city.

Streets and Drainage: No Report

Sanitation: No Report

Building Inspector: Fred Thorne, Jr. reported 2 new house permits, 1 commercial permit and 44 miscellaneous permits were issued for the month of August. That brings year-to-date totals to 30 new house permits, 4 commercial permits and 369 miscellaneous permits. The new house permits

indicate a value \$9.2M in new construction and the new commercial permits reflect \$15.9M in new construction value.

Fire and Police: Councilwoman Hensley reported that the roof replacement for Fire Station #2 was scheduled to begin within the next two weeks. Jonesboro Roofing will install the new roof. Hensley scheduled a Fire & Police Committee meeting for October 14, 2021, at 4:00 P. M. at the City Hall Annex to consider Chief Hinkley's proposals on policy change(s) concerning nepotism and vehicle use.

IV.

Old Business: Fogleman reported that the phase 1 environmental assessment by Moring Environmental Services had been completed and there were no concerning findings. City Attorney Hale is scheduled to meet with the Scruggs family's attorney to finalize the purchase of their property at 188 Hwy 77, Marion.

Fogleman reported that he was awaiting Jerome Alford's, Bond Engineering, estimate for water and sewer line replacement cost for the Military Road project. Upon receipt of the estimate, it will be forwarded to ArDOT for their review.

Fogleman reported that an offer letter to purchase the Marconi property had been signed by him and the letter would be presented to the Marconi family by Universal Field Services, Inc.

October 4, 2021, at 10:00 a.m. is the date set for the unveiling of the renaming of Maple Street as Chief Gary R. Kelley Street. Charlene and Daniel Kelley will attend and the public is invited.

Fogleman brought to the floor the HR services proposal from Glenda Caton of Caton Consulting, LLC. Ms. Caton was present to answer questions and noted that she would correct the spelling of Crittenden County in the agreement. She responded to several questions from the Council. Following discussion, Councilman Jackson moved, with Councilman Wood seconding, to authorize the Mayor to sign the agreement. All present voted aye.

V.

New Business: Fogleman brought to the floor a request from the developers of The Reserve that the Council accept the infrastructure improvement to the 40-lot subdivision. Jim Smith of Sorrell-Smith Engineering Consultants, LLC was present to answer questions on behalf of the developer. During the discussing, Gordon Floyd noted that the street improvements met city ordinance requirements and that he was awaiting the "break test" results on a couple of core samples. Several core samples had previously passed the "break test". Water & Sewer Department Superintendent Jerry Kelley reported that the water and sewer line infrastructure of the subdivision met city ordinance requirements. Following discussion, Councilman Spence moved, with Councilwoman Hensley seconding to accept the infrastructure improvements in The Reserve, conditioned upon the receipt of satisfactory "break test" results on the remaining core samples. All present voted aye.

Fogleman brought to the floor a request from Matt Hale, developer of Rustling Oaks Subdivision, that the Council accept the infrastructure improvements to the 31 lots of Rustling Oaks 6th Addition to the City of Marion. Jerry Kelley and Gordon Floyd reported that the improvements had been installed to required city standards. Floyd noted that he was awaiting the results of the core "break test" results on the streets of this addition. Following discussion, Councilman Spence moved, with Councilwoman Hensley seconding, to accept the infrastructure improvements in the Rustling Oaks 6th Addition to the City of Marion conditioned upon the receipt of satisfactory "break test" results on the remaining core samples. All present voted aye.

VI.

Resolutions and Ordinances: Mayor Fogleman presented a draft ordinance granting a petition for a private club liquor license for 304 Bancario Road.

Councilman Wood made a motion, seconded by Councilman Spence, to read the proposed ordinance by title only, without the emergency clause, a third and final reading. All Council members present voted in favor of the motion.

Mayor Fogleman read the proposed ordinance by title only:

**AN ORDINANCE ADOPTED PURSUANT TO ACT 1112 OF 2017,
APPROVING THE APPLICATION OF SEAFOOD ENTERPRISES DBA THE**

VENUE RESTAURANT FOR A PRIVATE CLUB TO BE LOCATED AT 304 BANCARIO ROAD, MARION, CRITTENDEN COUNTY, ARKANSAS.

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

The Ordinance was numbered 593.

Mayor Fogleman presented a draft ordinance to waive competitive bidding on the purchase of two aerators from ECS House Industries, Inc. of Cherry Valley, Arkansas.

Councilman Spence made a motion, seconded by Councilman Wood, to read the proposed ordinance by title only, with an emergency clause. All Council members present voted in favor of the motion.

Mayor Fogleman read the proposed ordinance by title only:

ORDINANCE WAIVING COMPETITIVE BIDDING FOR TWO FLOATING BRUSH AREATORS FOR THE CITY OF MARION.

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: Hensley-aye, Spence-aye, Wood-aye and Jackson-aye.

Councilman Wood made a motion, seconded Councilman Spence, to suspend the rules and read the proposed ordinance by title only, with an emergency clause, a second time. All Council members present voted in favor of the motion.

Mayor Fogleman read the proposed ordinance by title only:

ORDINANCE WAIVING COMPETITIVE BIDDING FOR TWO FLOATING BRUSH AREATORS FOR THE CITY OF MARION.

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

Councilman Wood made a motion, seconded Councilman Spence, to suspend the rules and read the proposed ordinance by title only, with an emergency clause, a third and final time. All Council members present voted in favor of the motion.

Mayor Fogleman read the proposed ordinance by title only:

ORDINANCE WAIVING COMPETITIVE BIDDING FOR TWO FLOATING BRUSH AREATORS FOR THE CITY OF MARION.

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

Councilman Wood noted the draft ordinance included an emergency clause and moved, with Councilman Jackson seconding, to adopt the proposed ordinance with an emergency clause. On roll call the following votes were recorded: Jackson-aye, Hensley-aye, Spence-aye and Wood aye.

The Ordinance was numbered 594.

VII.

Financial Report:

Treasurer Rikard noted that the August financials were included in the Council packet. Rikard pointed out that sales tax numbers for September were released September 22, 2021, and they were better than budget by 5.6% for the City portion and 8.2% for the county portion. Total sales tax collections through September 2021 were better than budget by 10.2% for the city portion and better by 11.8% for the county portion. Rikard pointed out that overall general fund revenue collections (excluding grant income) through August were better than budget by approximately \$400,000 and

general fund expenditures (excluding capital items) are better than budget by approximately \$338,000.

Rikard then opened the floor for questions.

VIII.

Departmental Reports:

Jerry Kelley had nothing further to report.

Chief Hinkley had nothing further to report.

Gordon Floyd 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.

There being no further business to come before the Council and upon proper motion, the meeting adjourned at 8:11 P. M.

Mayor

Attest: _____
City Clerk