

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, February 28, 2023, at 7:00 p.m. at Marion City Hall.

Present:	Tracy Brick	Mayor
	Kelsey Hensley	Councilwoman (1-1)
	Adam Cupples	Councilman (1-2)
	Cliff Wood	Councilman (2-1)
	Taylor Guy	Councilman (2-2)
	Bryan Jackson	Councilman (3-1)
	Ray Nassar	Councilman (3-2)
	Chris Crain	City Attorney
	Patty James	City Clerk

Others

Present:	Fred Thorne, Jr.	Planning Commission & Building Inspector
	Brannon Hinkle	Police Chief
	Jon Millsap	Asst. Police Chief
	Jerry Kelley	Water Superintendent
	Andy Rawls	Parks Superintendent
	Steve Johnson	Streets and Sanitation Superintendent
	Woody Wheelless	Fire Chief

I.

Councilwoman Hensley made a motion, seconded by Councilman Jackson, to approve the minutes of the January 24, 2023, regular Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: Anthony Taylor, Sr., of 520 Woodland Drive addressed the Council concerning a drainage problem on his property. Mayor Brick and Steve Johnson are aware of the issue and the City is going to take care of the problem. The City will most likely have to dig up one of the culverts to fix the issue.

James Hudson of 152 Morningside Drive, in Windsong Subdivision, addressed the Council concerning a large ditch between his property and a farmer on the east side of his property that is filling up. There is also a ditch that runs east and west that fills up and causes Stockley Street to stand in water. Mayor Brick advised prior to the Council Meeting the Streets and Drainage Committee held a meeting and discussed the issue of drainage ditches and doing some drain assessment throughout the City. In the meantime, Steve Johnson will get with Mr. Hudson to see what can be done.

III.

Committee Reports:

Planning Commission: Fred Thorne, Jr. reported the Planning Commission approved a Replat of Milio Brunetti Property in Section 27, T-7-N, R-8-E Crittenden County, Arkansas, as recorded in Plat Book 4, Page 187.

The Planning Commission held votes for a New Chairman and Vice Chairman as well as selecting three year and four year terms for Planning Commission members.

The Planning Commission approved a change of time of the monthly meeting from 6:30 p.m. to 6:00 p.m.

There is an agenda for the March 7, 2023, Planning Commission Meeting.

Water and Sewer: Jerry Kelley reported the Water and Sewer Committee met on February 21, 2023. He is getting quotes for repairs for the sewer repairs.

Parks and Recreation: Councilman Wood reported the Parks and Recreation Committee met on February 21, 2023. Andy Rawls is getting more information on the bleachers for Brunetti Field.

Streets and Drainage: Steve Johnson reported things are going well. They have a truck in the shop and another truck broke down today. Councilman Jackson advised the Streets and Drainage Committee met prior to the Council meeting and once they have some quotes they will give a report to the Council.

Building Inspector: Fred Thorne, Jr. reported 2 new house permits, 0 commercial permits and 28 miscellaneous permits were issued for the month of February. That brings year-to-date totals to 8 new house permits, 0 commercial permits and 39 miscellaneous for a grand total of \$3,748,778.32 in construction.

Fire and Police: Councilwoman Hensley reported the Police and Fire Committee met on February 2, 2023. Several things were discussed and items tabled needing additional information. She will reach out to Committee members and schedule a March meeting.

IV.

Old Business: Military Road Update – Mayor Brick has met with several ArDot officials in Little Rock and a local meeting is scheduled for next Friday, March 10, 2023, with ArDot officials to get to the bottom of the water and sewer relocation costs and who bears the responsibility of those costs. Jerome Alford of Bond Engineering has a plan with costs and will be in this meeting as well. The bid date for the project is still February 2024.

Overpass Update - Mayor Brick has met with the Marconi family and their attorney. She advised them that the property must be purchased before the project can be put out to bid. They are considering allowing a regular appraisal to appraise the property and the City buying the property out right.

Highway 77 traffic signal update – Mayor Brick spoke with ArDot concerning the traffic signal at Highway 77. There is a intersection improvement program where the city could get a grant. It is typically an 80% federally, 10% state, and 10% local match. ArDot is aware of this intersection. In 2018, ArDot did a safety study at the urging of Parsons Transportation who is the company that did the plan for the overpass. ArDot advised at that time, the City did not meet the traffic count warrants to justify a traffic signal. In November 2022, Mayor Fogleman and Tracy Brick requested a safety study. ArDot did a safety study again, and their recommendation was to lower the speed limit. A request made by Mayor Fogleman to put up flashing lights and dangerous intersection. This request was approved by ArDot. Mayor Brick was also referred to a manual that has a section on traffic signals that are warranted by crash occurrences. Mayor Brick will

follow up with Chief Hinkle and Asst. Chief Millsap on accidents that have occurred at that location that involve personal injury and property damage to see if the City might qualify for a traffic signal for crash occurrences instead of traffic counts.

Mayor Brick is in the process of getting the City Building Department moved over to the City Annex Building. Once the Water Department vacated the building, this allowed more space to move other city personnel to this location. This will include moving Gail Tankersley, Patsy House and Fred Thorne, Jr. over to the City Annex. Once the phones are transferred over the move can take place. This should happen in the next couple of weeks. Mayor Brick would like to make it easier on our citizens when they need to take care of business with the City.

V.

New Business: Scott and Pam Gray has had an issue with a vicious dog. City Attorney Crain advised if a resident is in violation of the City ordinance for a vicious dog they can be cited for it. Judge Thorne advised there will be a hearing on March 9, 2023. He advised the owner is aware of what must be followed and if in contempt the dog can be removed or put down. He also advised, the City can amend the ordinance if so deemed necessary. He must comply by the City Ordinance.

Stipend for City Attorney was tabled.

VI.

Resolutions and Ordinances:

An ordinance to increase A & P tax had been discussed to allocate more funds for Parks and Recreation. The Council was prepared to vote on one of two options but because the State Legislation passed through the House this week with an emergency clause an A & P tax, this no longer made it an option for the City of Marion to do so at this time. This has been pulled off the agenda and the A & P tax will stay at one percent. If action is taken in the future, it will be by vote of the citizens of Marion, Arkansas.

Mayor Brick brought before the Council an ordinance to allow a City Official to temporarily do business with the City of Marion. In her previous position she was Chamber of Commerce President and in charge of Economic

Development. This ordinance will allow Mayor Brick to fulfill this position and be compensated either until June 30, 2023, or until the position can be filled. Councilman Wood made a motion, seconded by Councilwoman Hensley, that the proposed ordinance be read by title only. All Council members present voted in favor of the motion.

City Attorney Crain read the following ordinance by title only:

AN ORDINANCE ALLOWING CITY OFFICIAL TO TEMPORARILY DO BUSINESS WITH THE CITY OF MARION.

Councilman Wood 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, Cupples-aye, Wood-aye, Guy-aye, Jackson-aye and Nassar -aye.

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

City Attorney Crain read the following ordinance by title only:

AN ORDINANCE ALLOWING CITY OFFICIAL TO TEMPORARILY DO BUSINESS WITH THE CITY OF MARION.

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

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

City Attorney Crain read the following ordinance by title only:

AN ORDINANCE ALLOWING CITY OFFICIAL TO TEMPORARILY DO BUSINESS WITH THE CITY OF MARION.

Councilwoman Hensley made a motion, seconded by Councilman Cupples, that the proposed ordinance be adopted on the third reading. On roll call,

the following votes were recorded: Wood-aye, Guy-aye, Jackson-aye, Nassar-aye, Hensley-aye and Cupples-aye.

The Ordinance was numbered 606.

Mayor Brick brought before the Council an ordinance to amend Ordinance 602 for inattentive driving. The ordinance will amend the fines. Councilwoman Hensley made a motion, seconded by Councilman Cupples, that the proposed ordinance be read by title only. All Council members present voted in favor of the motion. City Attorney Crain read the proposed ordinance by title only:

AN ORDINANCE AMENDING ORDINANCE NO. 602 ESTABLISHING THE OFFENSE OF INATTENTIVE DRIVING.

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

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

City Attorney Crain read the following ordinance by title only:

AN ORDINANCE AMENDING ORDINANCE NO. 602 ESTABLISHING THE OFFENSE OF INATTENTIVE DRIVING.

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

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

City Attorney Crain read the following ordinance by title only:

AN ORDINANCE AMENDING ORDINANCE NO. 602 ESTABLISHING THE OFFENSE OF INATTENTIVE DRIVING.

Councilwoman Hensley made a motion that the proposed ordinance be adopted on the third reading. On roll call, the following votes were recorded: Wood-aye, Guy-aye, Jackson-aye, Nassar-aye, Hensley-aye and Cupples-aye.

The Ordinance was numbered 607.

VII.

Financial Report: Mayor Brick gave the Financial Report in Treasurer Rikard's absence.

The January financials were distributed tonight. The 2023 budget has not yet been loaded into the financial statement program, but it will be by the next Council meeting. January sales tax collections were better than budget by 8.3% for the City portion and better than budget by 1.6% for the County portion. The February results have already been released and they were better than budget by 7.3% for the City portion and better than budget by 7.3% for the County portion. That results in year-to-date collections through February better than budget by 7.8% for the City portion and 4.6% for the County portion. In dollars that amounts to approximately \$39,000 of collections in excess of budget. The overall general fund revenue collections (excluding grant income) through January were better than budget by approximately \$236,000 and general fund expenditures (excluding capital items and grant expenditures) are worse than budget by approximately \$33,000.

Mayor Brick advised, in November 2022, one of the garbage trucks was damaged from diesel fume cleaner being put in it. The original cost approved by the Council to repair this truck was \$41,029.03. It actually cost \$57,518.26 to repair this truck. There needs to be an amendment to the budget to cover this repair. Councilman Guy made a motion, seconded by Councilman Cupples, to amend the budget by \$16,489.23, to cover the cost of the garbage truck repair. All Council members present voted in favor of the motion. Councilman Nassar advised there needs to be personnel and job requirements in place to keep things like this from reoccurring. Mayor Brick agreed and advised that the employee and supervisor overseeing this employee have been terminated. Brenda Catron our Human Resources employee is currently working on job descriptions for all City employees.

Mayor Brick advised the new rear load garbage truck will be in soon and so will the automated garbage truck. Mayor Brick and Treasurer Rikard need approval from the Council to handle financing on both vehicles. Councilwoman Hensley made a motion, seconded by Councilman Guy, to authorize Mayor Brick and Treasurer Rikard to select the best financing and sign the necessary paperwork for the two new garbage trucks. All Council members present voted in favor of the motion.

VIII.

Departmental Reports:

Andy Rawls had nothing further to report.

Brannon Hinkle had nothing further to report.

Jerry Kelley had nothing further to report.

Fred Thorne, Jr. had nothing further to report.

Woody Wheelless had nothing further to report.

Steve Johnson had nothing further to report.

Councilman Nassar advised the Council needs to visit the Animal Shelter. A lot of work needs to be done. He recommended the Council look at the budget to see if there are funds to assist with the Animal Shelter. The Animal Shelter falls under the Police Department budget. Mayor Brick advised when the Police and Fire Committee is held, the Animal Shelter will be placed on the agenda. Mayor Brick requested that Councilman Nassar work with the Animal Shelter personnel and provide all information needed at the Police and Fire Committee meeting.

Upon proper motion, the Council meeting was suspended at 8:17 p.m.

Following the Executive Session, Councilman Wood made a motion, seconded by Councilman Jackson, to reconvene the Council meeting. All Council members present voted in favor of the motion.

Upon reconvening the meeting, Councilwoman Hensley made a motion, seconded by Councilman Guy, to approve the Mayor's recommendation made in the Executive Session. The motion passed with 5-ayes and 1-nay.

There being no further business to come before the Council, Councilman Wood made a motion, seconded by Councilman Jackson to adjourn. The meeting was adjourned at 9:02 p.m.

Mayor

Attest: _____
City Clerk

DRAFT