

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 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)
	James C. Hale III	City Attorney
	David W. Rikard	City Treasurer

Others

Present:	Ed Cain	Planning Commission Consultant
	Jerry Kelley	Building Inspector
	Brannon Hinkle	Police Chief
	Jon Millsap	Assistant Police Chief
	Woody Wheelless	Fire Chief

Absent:	David Bigger	Councilman (1-2)
	Patty James	City Clerk

I.

Councilman Jackson made a motion, seconded by Councilwoman Holliman, to approve the minutes of January 26, 2021, Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: There were no Citizens' Concerns

III.

Planning Commission: The planning Commission met on February 2, 2021. A public hearing was conducted for a proposed amendment to the Marion Zoning Ordinance. The purpose of

this proposed amendment was to clarify the use of accessory buildings and residential additions as secondary dwelling units. A notice for the public notice was published in the January 13, 2021, edition of the *Times*. There were no attendees present who expressed opposition to the proposed amendment. Copies of a draft amending ordinance were distributed to Planning Commission members prior to the meeting. The draft amending ordinance was discussed by Planning Commission members. This resulted in various minor revisions to the draft ordinance. The Planning Commission voted to approve the draft amending ordinance, as revised, and to recommend approval of the same to the Marion City Council. The Secretary was instructed to submit the draft amending ordinance to the City Attorney for review prior to its consideration by the City Council. The Planning Commission was also briefed by Dr. Louis Intres on a potential Marion Downtown Historic District. There is an agenda for the March 2, 2021, Planning Commission meeting.

Water and Sewer: No Report

Parks and Recreation: No Report

Sanitation: No Report

Building Inspector: Jerry Kelley reported 4 new house permits, no commercial permits and 15 miscellaneous permits were issued for the month of February. That brings year-to-date totals to 9 new house permits, 1 commercial permit and 34 miscellaneous. Kelley and Fogleman advised of a request by Johnny Coleman, a home builder, that the City reconsider its ban on monolithic foundation and slab construction (mono pours) for residential houses. Discussion followed concerning reconsideration of the prohibition. As requested, Kelley agreed to contact cities in Shelby County, Tennessee, DeSoto County, Mississippi and Arkansas cities that allow mono pours and ask for copies of their ordinances that deal with this topic. He also agreed to contact Michael Smith, a local structural engineer, to discuss the idea of Smith providing the City with recommendations for footing, stem wall, etc. design for mono pours. This subject is to be considered at future Council meetings.

Fire and Police: No Report

IV.

Old Business: There is no update on the old service station at SW corner of I-55/Hwy 64 intersection. Fogleman, Hale and Kelley were asked to invite the owner and his representatives, if any, to attend the March Council meeting in order to bring this subject up to date.

Hale reported that he had presented the Scruggs Family with a contract to purchase 188 Hwy 77, Marion, for \$100,000. Mrs. Scruggs advised that she had forwarded the purchase agreement to her attorney for review. We are awaiting the results of her attorney's review.

Fogleman reported that the right-of-way contractor, United Field Services, Inc. (UFSI), had been permitted, by The Federal Highway Administration and ArDOT, to proceed with negotiations with the property owners for property acquisition for the overpass project. USFI has contacted Fogleman about having a preliminary meeting between city representatives and USFI representatives.

V.

New Business: No New Business

VI.

Resolutions and Ordinances:

Mayor Fogleman brought to the floor and read the title of a resolution titled **A RESOLUTION AUTHORIZING THE CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS** which allows the mayor to sign the application to apply for the CDBG grant. Councilman Wood made a motion, seconded by Councilman Jackson, that the resolution be adopted. All Council members present voted in favor of the motion. The resolution was numbered 2021-04.

Mayor Fogleman brought to the floor and read the title of a resolution titled **A RESOLUTION OF THE CITY OF MARION ARKANSAS, TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE AN ADMINISTRATIVE CONTRACT WITH THE EAST ARKANSAS PLANNING & DEVELOPMENT DISTRICT, AND WILL BE FOR THE ADMINISTRATION OF THE AEDC BLOCK GRANT PROGRAM FOR A COMMUNITY DEVELOPMENT PROJECT: *SULTANA DISASTER MUSEUM*** which permits the mayor and clerk to sign the necessary paperwork to enter into a contract with the East Arkansas Planning & Development District for grant administration services. Councilman Wood made a motion, seconded by Councilman Jackson, that the resolution be adopted. All Council members present voted in favor of the motion. The resolution was numbered 2021-05.

Mayor Fogleman brought to the floor and read the title of a resolution titled **A RESOLUTION TO ENSURE FURTHERANCE OF FAIR HOUSING PRACTICES IN MARION, AR**, which establishes that housing units offered for sale or rent through public advertising media must be made equally available to all persons. Councilman Wood made a motion, seconded by Councilman Jackson, that the resolution be adopted. All Council members present voted in favor of the motion. The resolution was numbered 2021-06.

Mayor Fogleman brought to the floor and read the title of a resolution titled **A RESOLUTION ESTABLISHING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES WITHIN THE APPLICANT’S JURISDICTION AGAINST INDIVIDUALS ENGAGED IN NON-CIVIL RIGHTS DEMONSTRATIONS**. Councilman Wood made a motion, seconded by Councilman Jackson, that the resolution be adopted. All Council members present voted in favor of the motion. The resolution was numbered 2021-07.

VII.

Financial Report: Treasurer Rikard noted that the January financials have not yet been distributed. He also informed the Council that due to a number of various things including conversion of the payroll system, snow and ice storm, difficulty hiring replacement employees, etc., the accounting department is still behind on reconciling all the accounts. As a result, we still do not have final financials for 2020, nor January, 2021, financials. Rikard pointed out that January sales tax revenue collections were discussed at the last council meeting and the February numbers have not yet been released. Rikard then opened the floor for questions. Councilman Wood asked when December financials should be finalized and Rikard indicated they should be ready by the next council meeting.

VIII.

Departmental Reports: None

Councilman Spence made a motion, seconded by Councilman Jackson, to suspend the meeting at 8:15 p.m. All Council members present voted in favor of the motion.

Mayor

Attest: _____
City Clerk