

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, April 26, 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)
	Bryan Jackson	Councilman (3-1)
	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
	Jerry Kelley	Water Superintendent
	Fred Thorne, Jr.	Building Inspector
	Andy Rawls	Parks Superintendent
	Gordon Floyd	Streets Superintendent

Absent:	Sherry Holliman	Councilwoman (3-2)
	Woody Wheelless	Fire Chief
	Jon Millsap	Asst. Police Chief

I.

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

II.

Citizens' Concerns: Lisa O'Neal reported that approximately 200 people attended the Annual Woolfolk Library Easter Egg Hunt held on Saturday, April 9, 2022. She also reported that the Color Run event held on April 23, 2022, was a great success with approximately 300 people in attendance.

Local Realtor, Dana Green addressed the Council concerning six wooden street signs at Delta Acres that are on the corner of homeowner lots. The developer supplied these signs and now they are getting worn and looking undesirable. The Council advised Dana Green that the city does not own the signs and are not responsible for the upkeep nor responsible for taking them down.

Dana Green also expressed concern about the new emergency notification system, CodeRed being implemented by the City. She had concerns for her mother. Mrs. Green was advised that anyone can opt into or out of the system, and the system can send text messages to cellular phones or call a land line with notices. CodeRed will cover many situations both emergency and non-emergency situations. For example, CodeRed will cover storms and tornadoes with any needed warnings triggered by NOA. CodeRed can also provide information of a general nature, such as street closings, neighborhood utility repairs, park & recreation activities and things of similar nature. The City website will provide the information for those interested in signing up for the CodeRed notification system. Additionally, information as to how to participate in the messaging service will be printed on the next water bill that is issued to customers.

Another citizen advised there were cars speeding down Brougham Avenue. It is the main street going into Hardin Village. Mayor Fogleman advised some police presence and writing some tickets should help the situation.

Mike Morgan of 202 N. George addressed the Council concerning Hunters Point, the new subdivision adjacent to Delta Acres, and his perception of ongoing flooding and the road maintenance. Mayor Fogleman advised that there are plans to have a bigger culvert installed and the ditches cleaned out. Meanwhile, he will contact the developer's engineer concerning some of these issues.

III.

Committee Reports:

Planning Commission: The Planning Commission met on April 5, 2022, and took the following actions:

1. Pertaining to the proposed Home 2 Motel in Angelo's Grove, approved a revised site plan and approved a Re-Plat of the Re-Plat of Parcel 25, Angelo's Grove Subdivision, the proposed tract on which the motel will be constructed. These revisions were necessary due to the owner adding an additional nine rooms to the proposed motel.

2. Approved a Final Subdivision Plat for a proposed subdivision located in the Fractional SW ¼ of Section 11 and Fractional NW ¼ of Section 14 T7N, R9E, Crittenden County, Arkansas. This location is beyond the Marion City Limits but within the City's planning jurisdiction. Potable water for the proposed subdivision will be provided by an existing Clarkdale-Jericho Water Association water line located along Gammon Road. Domestic sewage disposal will be by individual septic tanks as approved by the Arkansas Department of Health.

3. Approved a Final Subdivision Plat for the initial phase of North Wind Estates Subdivision which is also located beyond Marion's City Limits but is within the City's planning jurisdiction. Potable water will be provided by the Clarkdale-Jericho Water Association. The Arkansas Department of Health has approved individual septic tanks for domestic sewage disposal for this subdivision.

There is an agenda for the May 3 meeting.

Water and Sewer: Jerry Kelley reported all the mechanical work on the sewer line project at River Trace Drive and Riverwind Drive is completed. Robert Thorne will be doing the dirt and sod work to complete the project.

Parks and Recreation: Councilman Wood reported the Parks Committee had met with the Marion School District and the contractor that was working on the ballfield. They have a proposal for approximately \$33,000.00 to repair the road. A request was made that the contractor get the road in shape for the Arkansas Game and Fish Commission event being held on May 21, 2022. The contractor will come back in July and August to fix the road once everything is dry. The city requested a 12-month warranty on the road work.

Andy Rawls reported that David Denton will be repairing the pier that was damaged during the fire at the complex. The cost of the repair will be \$3,700.00.

During the ice storm, Entergy used the Complex parking lot as a staging and distribution area. There was some damage done to the parking lot by

Entergy's equipment and vehicles. Entergy representatives will be here on May 3, 2022, to assess the damages to the parking lot, and will get a local contractor to do the repairs.

Streets and Drainage: No Report

Sanitation: Gordon Floyd reported it will be 6 to 8 months before the garbage trucks will be delivered.

Building Inspector: Fred Thorne, Jr. reported 2 new house permits, 0 commercial permits and 26 miscellaneous permits were issued for April. The new house permits indicate a value of \$3,052,795.00 in new construction and other permits reflect \$811,038.83 for a total construction value of \$3,863,833.83 for the month of April. That brings year-to-date totals to 10 new house permits, 0 commercial permits and 60 miscellaneous.

Fire and Police: Councilwoman Hensley reported the Police and Fire Committee met and there are three new policy changes the committee is recommending for approval. This will be covered later under New Business. She also advised that a bid notice for quotes on new body cameras for police officers had been placed in the local newspaper. Chief Hinkle reported that one of the police vehicles that had been ordered has been cancelled. A replacement vehicle has been located at a cost of \$47,041.26. Councilman Wood made a motion, seconded by Councilman Jackson, to amend the budget by \$47,041.26, and to authorize the purchase of this police vehicle. All Council members present voted in favor of the motion.

IV.

Old Business: Military Road Updates - Mayor Fogleman reported that ArDot has sent some road plans but has not answered the question of ownership West of Cherry Street. Until this is answered, the city does not have a cost for relocation of water and sewer lines.

Overpass Update - Mayor Fogleman has made contact with the owner that rejected their appraisal and the owner will make contact with Larry Jackson.

Entergy right-of-way - Councilwoman Hensley made a motion, seconded by Councilman Jackson, to authorize Mayor Fogleman to sign the right-of-way, agreement with Entergy and to keep the overhead wiring. The motion passed with 4 ayes and 1 nay.

Monolithic Slabs in Marion – was covered under Resolutions and Ordinances.

V.

New Business: Consideration of MPD Policy Changes – Councilwoman Hensley made a motion, seconded by Councilman Wood, to approve the following three policy changes: Seat Belt Policy, Transportation & Restraint of Prisoners Policy, and Identification Process Policy. All Council members present voted in favor of the motion.

VI.

Resolutions and Ordinances:

City Attorney Hale brought to the floor, for a first consideration an ordinance to allow monolithic slabs in Marion, Arkansas. Councilman Wood made a motion, seconded by Councilman Spence, 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 NO. 438 WHICH PROHIBITED MONOLITHIC CONCRETE SLAB FOUNDATIONS FOR RESIDENTIAL CONSTRUCTION.

Councilman Spence made a motion, seconded by Councilman Wood, 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 Jackson-aye.

Councilman Jackson made a motion, seconded by Councilman Spence, 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 by title only:

AN ORDINANCE TO AMEND ORDINANCE NO. 438 WHICH PROHIBITED MONOLITHIC CONCRETE SLAB FOUNDATIONS FOR RESIDENTIAL CONSTRUCTION.

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

Councilwoman Hensley made a motion, seconded by Councilman Jackson, that the proposed ordinance be read a third time 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 NO. 438 WHICH PROHIBITED MONOLITHIC CONCRETE SLAB FOUNDATIONS FOR RESIDENTIAL CONSTRUCTION.

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

Councilwoman Hensley made a motion, seconded by Councilman Wood, that the proposed ordinance be adopted on the emergency clause. All Council members present voted in favor of the motion.

The Ordinance was numbered 597.

Mayor Fogleman brought to the floor for a second 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 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 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 second reading. On roll call, the following votes were recorded: Hensley-aye, Bigger-aye, Spence-aye, Wood-aye and Jackson-aye.

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

VII.

Financial Report:

Treasurer Rikard noted that the March financials were included in tonight's packet. March sales tax collections were better than budget by 6.3% for the City portion and better than budget by 8.0% for the County portion. April amounts were released yesterday, and they were better than budget by 21.6% for the City portion and 27.0% for the County portion. That results in year-to-date collections through April better than budget by 8.6% for the city portion and 21.9% for the county portion. Rikard pointed out that overall general fund revenue collections (excluding grant income) through March were better than budget by approximately \$239,000 and general fund expenditures (excluding capital items) are better than budget by approximately \$6,000. 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.

Gordon Floyd had nothing further to report.

Fred Thorne reported that on the day the CodeRed system launched, the City had a 45% response.

Councilman Spence made a motion, seconded by Councilman Wood, to suspend the meeting at 8:48 p.m. All Council members present voted in favor of the motion.

Following the Executive session, Councilwoman Hensley made a motion, seconded by Councilman Wood, to reconvene the Council Meeting. All Council members present voted in favor of the motion.

Councilman Spence made a motion, seconded by Councilman Jackson, to authorize Mayor Fogleman to proceed with granting raises to City employees as soon as possible. Each Department Head would be provided an amount of funds to be used to fund the raises. All Council members present voted in favor of the motion.

David Rikard requested that the City Treasurer position be considered for eligibility for a city retirement pension similar to that of the Mayor's and City Attorney's position. He reported that the Arkansas Municipal League had provided information confirming the possibility of the adoption of an ordinance providing for a retirement pension for the Marion City Treasurer position. He also provided background information concerning the eligibility of city retirement pension of the Clerk/Treasurer office prior to 2014 Council action to separate the two offices. Had he continued as Clerk/Treasurer, he would have qualified for the retirement pension. The Council was agreeable to providing a retirement pension for the office of Treasurer. Mayor Fogleman agreed to speak to the City Attorney in order to have a draft ordinance, providing for the pension, for the Council's review.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 9:40 p.m.