

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, May 24, 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)
	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
	Jon Millsap	Asst. Police Chief
	Jerry Kelley	Water Superintendent
	Fred Thorne, Jr.	Building Inspector
	Andy Rawls	Parks Superintendent
	Gordon Floyd	Streets Superintendent

Absent:	Woody Wheelless	Fire Chief
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I.

Councilman Bigger made a motion, seconded by Councilwoman Holliman, to approve the minutes of April 26, 2022, regular Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: Mrs. P.J. Cox of 835 Blvd Orleans addressed the Council with a compliment to Chief Hinkle and the Police Department. She thanked him for the quick response to the speeders in her neighborhood. She also

thanked Gordon Floyd and the Streets Department for the fine work done on her street.

### III.

#### Committee Reports:

Planning Commission: Ed Cain reported that the Planning Commission met on May 3, 2022, and took the following action:

Conducted a public hearing for the rezoning of Lot 4, Block 12, Marion Addition as platted in Plat Book 1, Page 164 of the Crittenden County Records. This property is more commonly known as 161 Ross Street, Marion, Arkansas. The proposed rezoning was from the property's current zoning of R-2-S Single-Family Only to C-1 Neighborhood and Quiet Business District. The current owners and petitioners for the proposed rezoning plan to use the property for their private office space.

No one was present at the meeting to speak against the proposed rezoning. Nor were any comments received by mail or email expressing opposition to the proposed rezoning.

At conclusion of the hearing, the Planning Commission voted unanimously (seven members present) to approve the requested rezoning and recommend its adoption by the City Council, contingent on submittal and approval of a site plan for the property.

There is an agenda for the June 7 meeting.

Water and Sewer: Councilman Spence reported that the Water and Sewer Committee met concerning the amendment to our current ordinance that will allow the installation of plastic, as well as metal, meter boxes. All new construction will use the plastic meter boxes and, as the old metal meter boxes wear out, they will be replaced with plastic meter boxes. The amendment of the current ordinance was covered later in the meeting.

Parks and Recreation: Councilman Wood reported that the work on the pier at the complex has been completed. He also reported that the contractor has patched the road. No other progress has been made with Marion Schools or the contractor concerning the road costs.

The Fishing Rodeo held on May 21,2022, was very successful. The Arkansas Game and Fish Commission did a great job. They stocked the pond with 800 lbs. of fish the day before the event. Esperanza Bonanza and Bass Pro helped sponsor the event.

Andy Rawls reported that the show "Relative Race" is going to be filming at the complex, Wednesday, May 25, 2022. It will air on television in September.

Street and Drainage: No Report

Sanitation: During the February Council Meeting, the Council authorized Gordon Floyd to order two knuckle-boom trucks, an automated garbage truck and a small rear-loading garbage truck from RiverCity Hydraulics. The sales representative, David Schweitzer, has now advised Mayor Fogleman that an additional \$15,200.00, (\$3,800.00 per vehicle), will be added to the original bid totals. He is stating that Freightliner has increased their pricing and RiverCity Hydraulics is passing that increase onto the City. After much discussion, Councilwoman Hensley made a motion, seconded by Councilman Bigger, to authorize City Attorney Hale to try and negotiate the price with David Schweitzer. If the negotiations are unsuccessful, for the Council to authorize the mayor to accept the price increase and purchase the four vehicles from RiverCity Hydraulics. All Council members present in favor of the motion.

Building Inspector: Fred Thorne, Jr. reported 4 new house permits, 1 commercial permit and 44 miscellaneous permits were issued in May. The new house permits indicate a value of \$1,400.00.00 in new construction, new commercial permits indicate a value of \$550,000.00, and other permits reflect \$355,099.99 for a total construction value of \$2,305,099.99 for the month of May. That brings year-to-date totals to 14 new house permits, 1 commercial permit and 104 miscellaneous.

Fire and Police: No Report

#### IV.

Old Business: Military Road Updates – Mayor Fogleman advised there has been no progress. There has been no answer on the overpass right-of-way subject. Mayor Fogleman is trying to get ArDot to pay all the costs of

relocating the water and sewer lines on Military Road. It will cost approximately \$500,000.00 to relocate all the water and sewer lines. Overpass Update – Mayor Fogleman advised the City may have to buy the right-of-way from the property owner whether the overpass is completed or not. There has been no progress from the property owner. The right-of-way will consist of between 4 and 5 acres of land to allow for expanding the overpass from two lanes to four lanes later.

Sewer Line at River Wind & River Trace Drive – Jerry Kelley reported that the work has been completed and Mr. Cates is happy with the work that was done.

Fred Thorne, Jr. met with Ladd Garey with ETFC (Evans Taylor Foster Childress) Architects of Memphis, and his partner. They took measurements of Fire Station No. 1 for the project, in order to do the architectural drawings for the addition to and remodeling of Fire Station No. 1.

V.

New Business: The update on the sanitation vehicles was covered under the sanitation report.

VI.

Resolutions and Ordinances:

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

Councilman Spence made a motion, seconded by Councilman Bigger, 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, Jackson-aye and Holliman-aye. Mayor Fogleman declared the proposed ordinance approved.

The Ordinance was numbered 598.

Mayor Fogleman brought to the floor, for a first consideration an ordinance to amend the water and sewer ordinance for water meter boxes. Councilwoman Hensley made a motion, seconded by Councilman Jackson, 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. 330 THE CITY OF MARION'S STANDARDS AND SPECIFICATIONS FOR WATER AND SEWER WASTERWATER FACILITY CONSTRUCTION.**

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

Councilman Wood 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. 330 THE CITY OF MARION'S STANDARDS AND SPECIFICATIONS FOR WATER AND SEWER WASTERWATER FACILITY CONSTRUCTION.**

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

Councilman Spence made a motion, seconded by Councilwoman Holliman, 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. 330 THE CITY OF MARION'S STANDARDS AND SPECIFICATIONS FOR WATER AND SEWER WASTERWATER FACILITY CONSTRUCTION.**

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

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

The Ordinance was numbered 599.

Mayor Fogleman brought to the floor and read the title of a resolution titled: **A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF MARION TO UTILIZE FEDERAL-AID TRANSPORTATION ALTERNATIVES PROGRAM FUNDS** which allows Mayor Fogleman to sign the necessary paperwork for the 20% match to develop or improve the Sultana Disaster Museum. Councilman Bigger 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 2022-04.

VII.

Financial Report:

Treasurer Rikard noted that the April financials were included in tonight's packet. May sales tax collections were released today, and they were better than budget by 5.1% for the City portion and 18.7% for the County portion. That results in year-to-date collections through May, better than budget by

7.8% for the City portion, and 21.2% for the County portion. Rikard pointed out that overall general fund revenue collections (excluding grant income) through April were better than budget by approximately \$246,000 and general fund expenditures (excluding capital items) are better than budget by approximately \$28,000. 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.

Jerry Kelley had nothing further to report.

Fred Thorne, Jr. had nothing further to report.

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

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

Following discussion, Councilman Jackson made a motion, seconded by Councilman Bigger, to approve the raises for employees as discussed. All Council members present voted in favor of the motion.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 8:30 p.m.

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Mayor

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

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