

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 23, 2019, at 7:00 p.m. at Marion City Hall.

Present:	Frank A. Fogleman	Mayor
	Kelly O'Neal	Councilman (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 Hale III	City Attorney
	David W. Rikard	City Treasurer
	Patty James	City Clerk

Others

Present:	Ed Cain	City Planning Consultant
	Gordon Floyd	Streets and Sanitation
	Jim Shempert	Water Superintendent
	Gary Kelley	Police Chief
	Woody Wheelless	Fire Chief
	Jerry Kelley	Building Inspector

Absent:	Andy Rawls	Parks Superintendent
	Phyllis May	City Bookkeeper

I.

Councilman Wood made a motion, seconded by Councilman Spence, to approve the minutes of the March 26, 2019, Council meeting with one addition, under Old Business, the minutes be changed, at Councilman O'Neal's request, to state that there has been a total of \$95,250.00 paid to F & F Construction; \$48,000.00 for the Fire Station Addition and \$47,250.00 for the Police Station Addition. All Council members present voted in favor of the motion with the change so noted.

II.

Citizens' Concerns: James Hudson addressed the Council with an update on the Community Garden and displayed the signs for the garden. There is one garden in the Forest Park area and plans to have a second garden in the Harvard Yard area.

III.

Planning Commission: Ed Cain reported that the Planning Commission met on April 2, 2019. A public hearing was conducted for a proposed amendment to the Marion Zoning Ordinance which pertained to the definition and requirements for a home occupation. At the conclusion of the public hearing, the Planning Commission approved the proposed draft of the amending ordinance and recommended its adoption by the City Council. This proposed ordinance was on the agenda for consideration.

The Planning Commission also approved plans for a market garden and produce stand on the vacant lot at the southwest corner of Medal Marconi Drive and Military Road. This site is not within the Marion City Limits but is within the planning jurisdiction.

At present, there are no agenda items for the May 7, 2019, Planning Commission meeting.

Water and Sewer: Councilman Spence advised the report would be covered under Old Business. Mayor Fogleman expressed the need to have a Water and Sewer Committee meeting before the next Council meeting to discuss some things concerning the City of Sunset's water meters.

Parks and Recreation: No Report.

Streets and Drainage: This report was covered under New Business.

Sanitation: No Report.

Fire and Police: This report was covered under the Executive Session.

Building Inspector: Jerry Kelley reported 1 new house permit, 0 commercial permits and 28 miscellaneous permits were issued for the month of April. That brings year-to-date totals to 8 new house permits, 0 commercial permits and 69 miscellaneous permits.

IV.

Old Business: Councilman Spence reported that the Water and Sewer Committee met on April 9, 2019. The Committee's recommendation is to not pay the invoice of \$2,280.00 to B & B Utility Construction for the twelve extra days of renting the bypass pump used on the Sartini Road Station during renovations to the station.

Jerry Kelley reported that the Police station addition is going well. The slab will be poured tomorrow morning, April 24, 2019. He is going to take care of the building permit for the addition. He is still awaiting some information for Fire Station Two.

Mayor Fogleman reported that Mr. Mike Forbis from F & F Construction is going to waive the \$18,000.00 fee for the development of construction plans for the Police and Fire Station #2 additions. Mr. Forbis also advised the mayor he would assist our Contractor (Jerry Kelley) if needed.

V.

New Business: Councilman Jackson made a motion, seconded by Councilman O'Neal, to authorize the purchase of the Ditch Runner DR-325HT, Asphalt Tack Distributor in the amount of \$15,660.00 for the Streets and Drainage Department. All Council members present voted in favor of the motion.

Gordon Floyd is awaiting a quote from Razorback Concrete to finalize the cost and plan of action to take care of the sinkhole at Charleston Cove and Trigg Drive.

Another item discussed was the need to cite the resident at 317 Trigg Drive for their illegal tap into the storm drain. City Attorney Hale will take care of the issue.

Councilman Wood made a motion, seconded by Councilman O'Neal, for the City to accept the water, sewer and storm drain infrastructure improvements for the final plat fifth addition of the Bella Terra Subdivision. All Council members present voted in favor of the motion.

VI.

Resolutions and Ordinances: Mayor Fogleman brought a draft ordinance to the floor to amend the City of Marion ordinance (Ordinance No. 124) to revise the definition and requirements for a home occupation.

Councilman Wood made a motion, seconded by Councilman O'Neal, that the proposed ordinance be read by title only. All Council members present voted in favor of the motion.

City Attorney Hale read the following Ordinance:

AN ORDINANCE TO AMEND THE CITY OF MARION ZONING ORDINANCE (ORDINANCE NO. 124) TO REVISE THE DEFINITION AND REQUIREMENTS FOR A HOME OCCUPATION

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

The Ordinance will be put on the agenda for the May Council Meeting.

Brenden King residing at 285 Rivertrace Dr. addressed the Council concerning this ordinance. He feels that an AirBNB does not meet the City's definition of a bed and breakfast. Mayor Fogleman advised Mr. King that the City is merely clarifying businesses that are not deemed home occupations. Mayor Fogleman advised he would be willing to discuss this in further detail with Mr. King.

VII.

Financial Report: Treasurer Rikard reported the March financials have been previously distributed to the Council. Rikard pointed out that the sales tax revenue collections for March for the City portion were better than budget by 9.0% and the County portion was worse than budget by 1.7%. The April numbers have not been released yet. That results in the year-to-date collections through March better than budget by 11.5% for the City portion and 2.9% for the County portion. Rikard further pointed out that general fund revenue collections through March are worse than budget by \$88,000.00 while the general fund expenditures are better than budget by \$125,000.00.

Rikard then opened the floor for questions.

VIII.

Departmental Reports:

Ed Cain had nothing further to report.

Jerry Kelley had nothing further to report.

Gordon Floyd reported that his department is laying asphalt at the Sports & Recreation Complex.

Chief Kelley had nothing further to report

Chief Wheelless had nothing further to report.

Jim Shempert reported that a local business had a leak and the City offered a compromise to the business and they declined. Their water may be turned off in the next few days.

Councilman Wood made a motion, seconded by Councilman Bigger, to suspend the meeting at 8:07 p.m. All Council members present voted in favor of the motion.

Following the Executive Committee meeting, Councilman Wood made a motion, seconded by Councilman Spence, to reconvene the Council meeting. All Council members present voted in favor of the motion. Mayor Fogleman called the meeting to order and asked if there was any other business to come before the Council.

Councilman O'Neal made a motion, seconded by Councilman Bigger, to accept the raises as presented, and to authorize Mayor Fogleman to enter into an agreement with the Johanson Group for possible assistance in developing position titles for the City of Marion at a cost of \$12,000.00, as well as authorizing a \$1.00 an hour raise for Dana Bentley effective next pay period. 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 9:35 p.m.

Mayor

Attest: _____
City Clerk

DRAFT