

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, August 23, 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)
Jim Spence Councilman (2-2)
Bryan Jackson Councilman (3-1)
James C. Hale III City Attorney
Patty James City Clerk

Others

Present: Ed Cain Planning Commission Consultant
Brannon Hinkle Police Chief
Jon Millsap Asst. Police Chief
Woody Wheelless Fire Chief
Jerry Kelley Water Superintendent
Gordon Floyd Streets Superintendent
Andy Rawls Parks Superintendent

Absent: Cliff Wood Councilman (2-1)
Sherry Holliman Councilwoman (3-2)
David W. Rikard City Treasurer
Fred Thorne, Jr. Building Inspector

I.

Councilman Bigger made a motion, seconded by Councilman Spence, to approve the minutes of July 26, 2022, regular Council meeting and the minutes of August 8, 2022, Special Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: Mrs. PJ Cox of 835 Blvd Orleans addressed the Council concerning the possibility of the City placing a sign on Blvd Orleans prohibiting big trucks. Mayor Fogleman advised that Gordon Floyd could place a sign on Orleans Blvd. prohibiting big trucks on the street.

Chris Crain introduced himself to the Council and advised, he was running for the position of City Attorney in this fall's election.

III.

Committee Reports:

Planning Commission: Ed Cain reported, the Planning Commission met on August 2, 2022, and took the following actions:

1. A public hearing was conducted for the issuance of a Special Use Permit to Sterigenics U.S. LLC, that would allow construction and operation of a facility at 101 Hino Boulevard. This facility will sterilize medical instruments, medical supplies, and pharmaceuticals using ethylene oxide. At the conclusion of the hearing, the six Planning Commission members that were present unanimously voted to recommend to the Marion City Council that the special use permit be issued to Sterigenics. Per the Marion Zoning Ordinance, a detailed report of the public hearing was transmitted to the City Council on August 7. This item is on tonight's agenda for your consideration.
2. The Planning Commission voted to approve, with contingencies, the site plans, grading and drainage plans, and utility plans for the proposed Sterigenics facility at 101 Hino Boulevard.
3. The Planning Commission approved, with contingencies, the Preliminary Subdivision Plat for Phase VI, of Pleasant Plains Subdivision.

As of today, there are possible but no firm agenda items for the September 6 meeting which is two weeks away.

Water and Sewer: No Report

Parks and Recreation: Andy Rawls reported that Entergy's construction crew was repairing the parking lot at the Sports Complex. The parking lot was damaged while Entergy was storing equipment, transformers, cable, etc. during the power outages this past winter.

Streets and Drainage: Gordon Floyd reported that the streets look good at Marion Lake Estates. Also, the work is moving forward on widening Marion Lake Road.

Sanitation: Gordon Floyd reported that the Sanitation Department needs to order additional blue and black garbage cans. The order needs to be placed before the end of the year to avoid the 15% increase in 2023.

Building Inspector: In Fred Thorne, Jr.'s absence, Mayor Fogleman gave the Building Inspector report. There were 7 new house permits issued at a value of

\$1,700,000.00, 2 commercial permits issued at a value of \$6,500,000.00 and 57 miscellaneous permits issued at a value of \$439,575.00 for the month of August. That brings year-to-date totals to 37 new house permits at a value of \$11,157,795.01, 3 commercial permits at a value of \$7,050,000.00 and 241 miscellaneous permits at a value of \$2,219,332.03. The dollar value of issued permits so far this year is \$20,427,127.04.

Fire and Police: No Report

IV.

Old Business: Military Road Update – No new updates.

Overpass Update – No new updates.

Entergy has advised the City that the cost to do the underground wiring for the Sultana Museum will cost \$76,000.00. Entergy advised the City to apply for a grant with Entergy to cover those costs. Tracy Brick has completed the application and is awaiting word from Entergy.

V.

New Business: Councilman Bigger made a motion, seconded by Councilwoman Hensley, to authorize Gordon Floyd to order replacement garbage cans at a cost of \$39,300.82. All Council members present voted in favor of the motion.

The Board of Trustees (the Board) of the Marion Fire Relief & Pension Fund voted to join Local Police & Fire Retirement System (LOPFI) which is the state-operated retired police and firefighters pension board. In joining LOPFI, the City would relinquish the administrative duties and the investment responsibilities for the Board. The Board will turn their investment portfolio over to LOPFI and the City will contribute approximately \$1,565.00, per month, for 15 years, to the fund. LOPFI will charge a small annual service fee for administering the plan and the City should anticipate a 2%-3% annual increase in the monthly contribution to LOPFI.

Councilwoman Hensley made a motion, seconded by Councilman Bigger, for the City to enter into the Administrative Services Agreement with LOPFI and authorize Mayor Fogleman to sign the necessary paperwork. All Council members present voted in favor of the motion.

Special Use Permit for Sterigenics – Ken Wagner of Sterigenics, advised that the new facility, to be located at 101 Hino Boulevard, will be a state-of-the-art facility, and one of the most advanced sterilization facilities. There will be greater than 99.9% removal of ethylene oxide (EO) from all emissions leaving

the facility. The facility is monitored by the EPA and OSHA. After discussion, Councilman Bigger made a motion, seconded by Councilman Spence, to approve and issue a Special Use Permit for Sterigenics. The motion was approved with Fogleman being the fourth vote to approve, and Councilwoman Hensley abstaining.

VI.

Resolutions and Ordinances: Mayor Fogleman brought to the floor an ordinance for the City to join LOPFI. Councilman Spence made a motion, seconded by Councilman Bigger, to read the proposed ordinance by title only. All Council members present voted in favor of the motion.

Mayor Fogleman read the following ordinance by title only:

AN ORDINANCE TRANSFERRING ADMINISTRATION OF RETIREMENT COVERAGE FOR ELIGIBLE MEMBERS OF THE MARION FIRE RELIEF AND PENSION FUND TO THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM (LOPFI) AND AUTHORIZING THE MAYOR TO ENTER INTO AN IRREVOCALBE AGREEMENT WITH LOPFI.

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

Councilman Spence 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.

Mayor Fogleman read the following ordinance by title only:

AN ORDINANCE TRANSFERRING ADMINISTRATION OF RETIREMENT COVERAGE FOR ELIGIBLE MEMBERS OF THE MARION FIRE RELIEF AND PENSION FUND TO THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM (LOPFI) AND AUTHORIZING THE MAYOR TO ENTER INTO AN IRREVOCALBE AGREEMENT WITH LOPFI.

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

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

Mayor Fogleman read the following ordinance by title only:

AN ORDINANCE TRANSFERRING ADMINISTRATION OF RETIREMENT COVERAGE FOR ELIGIBLE MEMBERS OF THE MARION FIRE RELIEF AND PENSION FUND TO THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM (LOPFI) AND AUTHORIZING THE MAYOR TO ENTER INTO AN IRREVOCALBE AGREEMENT WITH LOPFI.

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

Councilman Spence 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, Hensley-aye, Bigger-aye and Spence-aye.

The Ordinance was numbered 601.

The Resolution of Diversity and Inclusion was tabled and will be put on the September Council Agenda for consideration.

Tracy Brick brought before the Council a Resolution for Outdoor Recreation, to be used for K & R Park. This resolution is required to be passed by the City for Marion Parks Department to be eligible for the matching grant with a maximum of \$250,000.00. Councilman Bigger made a motion, seconded by Councilwoman Hensley, to approve the Resolution for Outdoor Recreation. All Council members present voted in favor of the motion.

The Resolution was numbered 2022-07.

Mayor Fogleman brought before the Council a proposed ordinance to establish a retirement plan for the City Treasurer. This will be put on the September Council Agenda for consideration.

VII.

Financial Report: Treasurer Rikard was absent, but provided this report to be shared with the Council by Mayor Fogleman. The July financials were distributed in tonight's packet. August sales tax collections have not yet been released so year-to-date collections through July remain better than budget by 5.3% for the city portion and 19.1% for the county portion. In dollars, that amounts to approximately \$202,000 of collections in excess of budget. Overall general fund revenue collections (excluding grant income), through July, were better than

budget by approximately \$295,000 and general fund expenditures (excluding capital items) are worse than budget approximately \$110,000.

VIII.

Departmental Reports:

Chief Hinkle advised that he has a list of obsolete equipment from 1980 – 2000 that needs to be destroyed. Mayor Fogleman gave Chief Hinkle authorization to have equipment destroyed, but to provide a list of that equipment to the City.

Ed Cain had nothing further to report.

Jerry Kelley had nothing further to report.

Andy Rawls had nothing further to report.

Gordon Floyd reported that two of the core samples for the street in the new subdivision, Hunters Point Subdivision, had an asphalt thickness that were under the three inches as required by ordinance, but met the required structural strength for city street construction. One core sample was under by 1/8 of an inch and the other one was 1/4 of an inch under the three inches. Floyd wanted Council's permission to approve the street. Councilman Spence made a motion, seconded by Councilwoman Hensley, for Gordon Floyd to approve the street. 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 8:07 p.m.

Mayor

Attest: _____
City Clerk