

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 Monday, October 26, 2020, 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 C. Hale III	City Attorney
	David W. Rikard	City Treasurer
	Patty James	City Clerk

Others Present:	Ed Cain	Planning Commission Consultant
	Andy Rawls	Parks Superintendent
	Jerry Kelley	Building Inspector

I.

Councilman O'Neal made a motion, seconded by Councilman Bigger, to approve the minutes of the September 21, 2020, Council meeting and the September 22, 2020, Special Council meeting. All Council member present voted in favor of the motion.

II.

Citizens' Concerns: Mary Lynn Lee of 159 Boston Cove addressed the Council concerning two issues in Delta Acres. Her first concern is the lack of tornado sirens in Delta Acres. Mayor Fogleman advised he would have the Fire Department check into this issue. Secondly, Mrs. Lee advised the Council of the continued water drainage issue after a heavy rain. Gordon Floyd, Streets and Sanitation Superintendent, reported that the City will do a small drainage swale in the backyards of 12 residents to alleviate the drainage issue. City Attorney Hale advised that the City must have a drainage easement before Floyd's department can do any of this work.

Keith Dickey of 151 Brandon Cove addressed and advised the Council that he is representing residents of Delta Acres concerning the fire flow (water pressure) issue in Delta Acres. Councilman O'Neal made a request to have a Special Council meeting after the bids are opened for the water line extension project in Delta Acres. The water line extension is to create a water line loop that will improve the water flow for fire-fighting purposes. A Special Council meeting has been scheduled for Thursday, November 12, 2020, at 5:00 p.m.

### III.

Planning Commission: Ed Cain reported the Planning Commission met on October 6, 2020, and because of the national election, voted to reschedule the November meeting from November 3, 2020 to November 10, 2020, at 6:30 p.m. at City Hall.

A public hearing was conducted for the annexation of a 147-acre tract of land located north of and contiguous to Delta Acres Subdivision. Owners of the property are proposing to develop a 211-lot residential subdivision on the tract proposed for annexation. Proposed zoning for the tract is R-1 Single Family Residential. A committee of the Delta Acres community formed in opposition of the proposed annexation and subdivision, as presently proposed, was at the hearing. The committee's concerns included access issues, incompatibility with surrounding residential development, potential adverse impact on existing property values in the Delta Acres community, water pressure issues and stormwater drainages concerns. A petition in opposition to the annexation and subdivision as presently proposed and signed by 143 residents of the north Marion area was presented to the Planning Commission.

The Planning Commission voted to continue the public hearing to the November 10, 2020, Planning Commission meeting.

Water and Sewer: Councilman Spence reported that the Water and Sewer Committee met and discussed the water pressure issues in Delta Acres. The City will install a 12-inch line from Gammon Road to the northern boundary of and along the eastern boundary of Delta Acres. The bids for the proposed water line will open Thursday, November 12, 2020.

Parks and Recreation: Andy Rawls reported Martin Smith has given the City a quote of \$29,250.00 to provide a master park plan which will include the new-acquired property the City purchased from Connie Hale, as well as consider an update to the Brunetti Park plan.

A Parks and Recreation Committee meeting has been scheduled for Tuesday, November 10, 2020, at 5:00 pm. at the City Annex.

Councilman O'Neal made a motion, seconded by Councilman Bigger, to approve up to \$15,000.00 for Mr. Parker to remove the house, a concrete slab and numerous trees on the two parcels purchased from Connie Hale. All Council members present voted in favor of the motion.

Streets and Drainage: No Report.

Sanitation: No Report.

Building Inspector: Jerry Kelley reported 5 new house permits, 0 commercial permits and 53 miscellaneous permits were issued for the month of October. That brings year-to-date totals to 40 new house permits, 4 commercial permits and 405 miscellaneous permits.

Fire and Police: Councilman O'Neal reported the City sold two police cruisers on govdeals.com. Chief Wheelless has gone to Florida to look at the new rescue truck. The City should be taking possession of the truck in the next few weeks.

#### IV.

Old Business: Attorney Tom Donaldson and his client Mr. Shaw came before the Council with an update on Mr. Shaw's property. Mr. Donaldson reported on October 16, 2020, Mr. Chad Stewart, a structural engineer did review the property and concurred the only structural issue is due to the proximity of the drainage ditch on the southwest corner of the building. His recommendation was to have piers installed on that end of the building to stabilize the building. Mr. Shaw will proceed with that recommendation to install the piers. Mr. Donaldson is awaiting more information from Jim Smith before the work on stabilization of the drainage ditch can be completed. Mr. Shaw has completed the cleanup of the inside of the building. The completion of the roof work will not be done until the structural issues are completed. Councilman Wood made a motion, seconded by Councilman Jackson, to continue the hearing to the next Council meeting, November 24, 2020, and for Mr. Donaldson and/or Mr. Shaw to give a specific timeframe of when this property can be deemed safe and no longer unsightly. All Council members present voted in favor of the motion.

Mayor Fogleman advised that Jack Bond of Bond Engineering, has made a request for conditional acceptance of Robinson Street in the Rustling Oaks Subdivision. Gordon Floyd reported that some shoulder and ditch work needs to be completed for final acceptance. Councilman O'Neal made a motion, seconded by Councilman Jackson, to accept the street upon Gordon Floyd's approval. All Council members present voted in favor of the motion.

#### V.

New Business: Councilman O'Neal made a motion, seconded by Councilman Jackson, to approve the renewal of the Arkansas Municipal Legal Defense Insurance cost of \$25,100.35 for 2021. All Council members present voted in favor of the motion.

Mayor Fogleman reported after acquiring a survey of the Connie Hale property and reviewing the survey; City Attorney Hale and he came to the realization that the Highway Department (ArDot) had moved Highway 77 east during the last widening of Hwy. 77 and thus creating what appears to be an abandoned portion of the old highway bed approximately .26 acres in land mass. Mayor Fogleman and City Attorney Hale would like to proceed in acquiring this piece of land that appears to have been abandoned by ArDot. Councilman Wood made a motion, seconded by Councilman O'Neal, to authorize City Attorney Hale to proceed with the process of acquiring this piece of land. All Council members present voted in favor of the motion.

Mayor Fogleman reported that a piece of property near the Police Department has been offered to the City for a purchase price of \$150,000.00. This piece of property is approximately one acre in size. The purchase of this property could enable the City to move the Water Department or another City office to this location. Councilman Bigger made a motion, seconded by Councilman Spence, to authorize the purchase of the property from Mr. Sims for \$150,000.00 and necessary parties to sign the necessary paperwork and leave the financing and funding to David Rikard and Mayor Fogleman's discretion. The motion passed with 4 ayes and 1 nay.

Mayor Fogleman reported that there has been discussion of private ambulance services coming to Crittenden County that could possibly include the City of Marion and at no cost to the City.

VI.

Resolutions and Ordinances: None

VII.

Financial Report: Treasurer Rikard noted that the September financials have been previously distributed to the Council. Rikard pointed out that sales tax revenue collections for September were better than budgeted by 1.9% for the City portion and 9.6% for the county portions. The October sales tax numbers came out Friday and were better than budget by 2.7% for the City portion and 23.0% for the county portion. Year-to-date collections through October are better than budget by 8.0% for the City portion and better by 11.5% for the county portion. The combined additional revenue through October is \$201,000. Rikard pointed out that overall

general fund revenue collections through September were better than budget by approximately \$194,000, but the property tax collections are worse than budget by approximately \$69,000. General fund expenditures were better than budget by approximately \$12,000. Rikard then opened the floor for questions.

VIII.

Departmental Reports: None

Councilman O'Neal made a motion, seconded by Councilman Bigger, to suspend the meeting at 8:32 p.m. All Council members present voted in favor of the motion.

At 8:58 p.m. following the Executive Session, Councilman Bigger made a motion, seconded by Councilman Jackson, to reconvene the Council meeting. Mayor Fogleman announced that no decision had been made concerning raises.

As there was no other business to come before the Council and upon proper motion, the meeting was adjourned at 8:59 p.m.

\_\_\_\_\_  
Mayor

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