

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, March 30, 2021, 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
	Jerry Kelley	Building Inspector
	Brannon Hinkle	Police Chief
	Jon Millsap	Assistant Police Chief
	Woody Wheelless	Fire Chief
	Jim Shempert	Water Superintendent
	Andy Rawls	Parks Superintendent

I.

Councilman Spence made a motion, seconded by Councilwoman Hensley, to approve the minutes of February 23, 2021, Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: None

III.

Planning Commission: The Planning Commission met on March 2 and approved the Preliminary Subdivision Plat for Hunters Point Subdivision

which as proposed, will have 210 lots when complete. The entire subdivision is zoned R-1 Single-Family Residential. The Planning Commission also approved with contingencies the Final Subdivision Plat for the Sixth Addition to Rustling Oaks Subdivision. The Sixth Addition contains 31 lots all of which are zoned R-1 Single-Family Residential.

Also, at the March 2 meeting, the Planning Commission approved the Preliminary Subdivision Plat for Cypress Point Subdivision which is a proposed ten-lot subdivision located beyond the Marion City Limits but within its planning jurisdiction. This proposed subdivision is located along the east side of McNeely Road north of Cypress Avenue. All ten lots will be accessed from McNeely Road. Each of the ten lots is approximately three acres in area to accommodate septic tank systems. Water service to the subdivision will be provided by the eight-inch City of Marion water main located along McNeely Road.

There is an agenda for the April 6 Planning Commission meeting.

Water and Sewer: Councilman Spence reported that Jim Shempert will be retiring April 28, 2021, and advised that Jim has done a great job over the years and will be greatly missed. There will be a Retirement Open House on Wednesday, April 7, 2021, from 11:30 – 1:30 in his honor.

The Water and Sewer Committee met on March 11, 2021, concerning a sewer line leak on Ross Street. Councilman Spence made a motion, seconded by Councilman Bigger, to waive competitive bidding and allow J & R Contractors, Inc., low estimate of \$35,000.00 to replace the sewer line. All Council members present voted in favor of the motion.

Parks and Recreation: Andy Rawls reported that the weekend of April 10, 2021, there will be a tournament played in West Memphis and Marion with 28 teams participating. Rawls also advised because of all the rain that the City has received, he does not have a timetable as to when work will begin on the new field.

Streets and Drainage: Mayor Fogleman reported that Gordon and his crews are doing patch work throughout the City.

Sanitation: No Report

Building Inspector: Jerry Kelley reported 4 new house permits, 1 commercial permit and 27 miscellaneous permits were issued for the month

of March. That brings year-to-date totals to 13 new house permits, 2 commercial permits and 61 miscellaneous.

Jerry introduced Fred Thorne who will be doing the majority of the City inspections along with assisting the Fire Department with inspections and calls. Jerry will be taking over as the Water Department Superintendent upon Jim Shempert's retirement.

Mayor Fogleman reported there had been a request from Johnny Coleman, a home builder, that the City reconsider its position concerning monolithic foundations for residential houses. Mr. Coleman contends that this could be a \$4,000.00 - \$5,000.00 savings to home buyers. Fogleman advised that this has to be proven it can be done safely. The process of considering the monolithic foundations to be approved in the City of Marion is still in the preliminary stages. This subject will be discussed and considered at future Council meetings.

Fire and Police: Chief Wheelless reported that there are some issues at Fire Station No. 2 that need to be addressed. Jerry Kelley will address the issue.

#### IV.

Old Business: Attorney Donaldson and his client Mr. Shaw came before the Council with an update on Mr. Shaw's property located at Highway 64 and the I-55 Service Road. They have received the survey from Jim Smith and awaiting a proposal to stabilize the ditch bank. Mr. Shaw has signed a contract with World Fuel Services. Mr. Shaw's plans are for the facility to be a gas station/mini mart. It will be either a BP Gas Station or an Amoco Station. Mr. Shaw has spoken to several vendors about installing a new tank, pumps and a new awning. The exterior work has begun but has been stalled because of the weather. Once the exterior work is completed the interior work will begin. Attorney Donaldson and Mr. Shaw will attend the May Council meeting and provide an update on the progress of the property.

Mayor Fogleman gave an update on the 188 Hwy 77 purchase. Both parties are still negotiating the sale and purchase of the property. The City specifically wants an environmental survey completed on the property. Mayor Fogleman will keep the Council informed on the purchase.

The Military Road project is still at a standstill. ArDot wants the City to move their water and sewer lines. The cost for doing this is estimated to be \$300,000.00. Mayor Fogleman expects that cost to be far exceeded. Mayor Fogleman and Attorney Hale are requesting proof of ownership from ArDot;

at this juncture, that information has not been provided. Fogleman contends that, if that information cannot be provided, the City should not be responsible for the cost of moving the water and sewer lines. There is a possibility the issue will end up in court before ownership is resolved.

Mayor Fogleman advised that there was little progress to report on the Overpass project. The Notices of Intent (NOI) have been mailed to the Williford and Marconi families, who are the property owners. This NOI will give permission for Mr. Jim Smith of Sorrell-Smith Engineering Consultants, LLC the ability to enter the property to survey and put stakes on their properties to show the route to the proposed road bed.

#### V.

New Business: During the January 26, 2021, Council meeting, Dianne Sancya, Owner of the Marion Post Office addressed the Council via phone regarding the Block Street repaving and the issue of vehicles bottoming out. The Council authorized the owner to put asphalt in the curb and maintain the curb cut. Ms. Sancya made a request that the wording of the January 26, 2021, Council minutes be changed from "curb cut" to "asphalt work" where references are made to proposed solutions for improving the access to the Post Office when traveling over the street curbs. Councilwoman Hensley made a motion, seconded by Councilman Spence, to make the word change from curb cut to asphalt work. The motion passed on a 4 to 3 vote with Mayor Fogleman breaking the tie vote.

The City Insurance policy for property and vehicles expires April 1, 2021. Councilman Jackson made a motion, seconded by Councilman Wood, to accept the low bid from the Municipal League of \$121,000.00 and additional earthquake coverage from Pearson Insurance. All Council members present voted in favor of the motion.

#### VI.

Resolutions and Ordinances: Mayor Fogleman brought to the floor and read the title of a resolution titled **A RESOLUTION AMENDING THE 2020 BUDGET** which amends the 2020 budget to reflect the total budget positive change of \$339,000.00 in the 2020 budget. Councilman Jackson made a motion, seconded by Councilwoman Hensley, that the resolution be adopted. All Council members present voted in favor of the motion. The resolution was numbered 2020-06.

#### VII.

Financial Report: Treasurer Rikard noted that the Revised December financials were distributed at the beginning of the Council meeting. He also informed the Council that the January and February financials are still not complete. He is hopeful to have them by the next Council meeting. Rikard noted that the March sales tax numbers were posted today. Sales tax collections for February were better than budget for the City portion 6.4% and the County portion by 5.3%. March sales tax continued the trend and are better than budget by 11.9% for the City portion and 19.4% for the County portion. The year-to-date amounts are better than budget by 11.7% for the City portion and 9.5% for the County portion. Rikard also informed the Council that the annual audit will begin later this week and must be completed by the end of April. Rikard then opened the floor for questions.

VIII.

Departmental Reports:

Ed Cain had nothing further to report.

Fred Thorne had nothing further to report.

Andy Rawls had nothing further to report.

Jerry Kelley had nothing further to report.

Brannon Hinkle had nothing further to report.

Jim Shempert thanked the Mayor and the City Council for their support.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 8:12 p.m.

---

Mayor

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