

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, January 26, 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

I.

Councilman Wood made a motion, seconded by Councilman Jackson, to approve the minutes of November 24, 2020, Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: Dianne Sancya, Owner of the Marion Post Office addressed the Council via phone. When the City recently repaved Block Street, the street work exposed the existing curb and gutter that were previously covered with asphalt at the Block Street driveways of the Post Office. The street work and the removal of the asphalt from the street gutter causes vehicles to bottom out and scrape the under bottom of the vehicles. There are two options to alleviate the problem. One option is to

put asphalt in the curb cutter to smooth out the transition. This is a cost-effective short-term repair at the owner's expense. The second option would be to put curb cuts in both Block Street driveways and both Manor driveways on the east side of the Post Office. This would be a permanent repair at the owner's expense. Razorback Construction has provided a proposal of over \$50,000.00 for second repair option. There was discussion as to whether Ms. Sancya and her partners would reimburse the City for putting asphalt in the curb drain. Councilman Spence made a motion, seconded by Councilwoman Hensley, to allow the owners to provide their own contractor at their (the owner's) cost and under the City's supervision to put asphalt in the curb on Block Street and the owner agree to maintain the curb cut. The motion passed with 4 ayes and 3 nays. Mayor Fogleman advised that Ms. Sancya and her partners needed to reply in writing of their acceptance or denial to the proposed motion.

III.

Planning Commission: The Planning Commission met on January 5, 2021. A public hearing was conducted for a Special Use Permit to operate an in-home daycare for children at 346 Toni Drive in Marion. The legal description for this property is Block 5, Lot 21, Casa Terra Subdivision Second Addition. This location is a corner lot at the intersection of Toni Drive and Amy Circle. The petitioner, Ms. Dizer Brown was present and answered various questions asked by the Planning Commission. No one was present at the hearing to speak against the issuance of the Special Use Permit.

By unanimous vote the Planning Commission approved the petition and recommended approval of the same by the Marion City Council, contingent on Ms. Brown obtaining the required licenses and permits from the relevant State agencies to operate the daycare.

This item is on tonight's agenda for the Council's consideration. (Neither Ms. Brown nor a representative was present at the Council meeting. The Council, therefore, declined to hear the matter).

There is an agenda for the February 2, 2021, Planning Commission meeting.

Water and Sewer: The sewer force main at Gammon Road and McNeely Road has been repaired and the work completed.

Parks and Recreation: No Report

Sanitation: No Report

Building Inspector: Jerry Kelley reported 2 new house permits, 1 commercial permit and 12 miscellaneous permits were issued for the month of December. That brings year-to-date totals to 42 new house permits, 5 commercial permits and 443 miscellaneous.

There were 5 new house permits, 1 commercial permit and 13 miscellaneous permits issued for the month of January.

Fire and Police: Chief Hinkle reported that Hardin County Tennessee Sheriff's Department is interested in purchasing the 2013 and 2011 Chevy Tahoes. Both vehicles have in excess of 100,000 miles on them. Hardin County has made an offer of \$8,500.00 each to purchase the Tahoes. Chief Hinkle is requesting authorization from the Council to accept the offer and to sell both Tahoes to Hardin County. The 2004 Crown Victoria will be listed on govdeals. In addition, he would like to scrap some outdated police equipment and put those funds derived from the sale of the outdated equipment into the City fund. Councilman Bigger made a motion, seconded by Councilman Jackson, to authorize Chief Hinkle to accept the offer for purchase of the Tahoes by the Hardin County Sheriff's Department, list the 2004 Crown Victoria on govdeals as well as taking the outdated police equipment to the recycle center. All Council members present voted in favor of the motion.

IV.

Old Business: There is no update on the old service station at SW corner of I-55/Hwy 64 intersection.

The purchase of the Maple and Birch Street property was completed in December. The house trailer and some trees will need to be removed.

The City is awaiting the Federal Highway Administration's (FHA) notice of approval to ArDot in order for the appraiser (Universal Field Services) to go to work on the acquisition of right of way property related to the overpass project.

V.

New Business: Chief Hinkle has made a request to the City to enter into a services agreement with the Alcohol, Tobacco and Firearms (ATF) in Shelby

County Tennessee. This agreement will allow some of our police officers to be trained in ATF enforcement and make ATF related stops. ATF will reimburse the City for police department employee time in training, stops, etc. Chief Hinkle believes that the training, etc. will be an aid to law enforcement by the Marion Police Department. Councilman Bigger made a motion, seconded by Councilwoman Hensley, to authorize Mayor Fogleman to sign the agreement upon City Attorney Hale's approval of the agreement. All Council members present voted in favor of the motion.

The Special Use Permit for Dizer Brown's daycare was tabled until the February Council meeting.

Councilman Wood made a motion, seconded by Councilman Bigger, to authorize City Attorney Hale to prepare the necessary paperwork and Mayor Fogleman sign the necessary paperwork to purchase the parcel of land located at 188 State Highway 77 belonging to the Scruggs family. The motion passed with 4 ayes, 1 nay, and 1 abstention.

VI.

Resolutions and Ordinances: Mayor Fogleman brought to the floor an ordinance granting petition and accepting the annexation of certain real property to the City of Marion, Arkansas. Councilman Wood made a motion, seconded by Councilman Spence, to read the ordinance by title only. All Council members present voted in favor of the motion.

City Attorney Hall read the following Ordinance by title only:

AN ORDINANCE GRANTING PETITION AND ACCEPTING THE ANNEXATION OF CERTAIN REAL PROPERTY TO THE CITY OF MARION, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF MARION, ARKANSAS, AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

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

Councilman Wood made a motion, seconded by Councilman Spence, that the rules be suspended and the ordinance be read by title only a second time. All Council members present voted in favor of the motion.

City Attorney Hall read the following Ordinance:

AN ORDINANCE GRANTING PETITION AND ACCEPTING THE ANNEXATION OF CERTAIN REAL PROPERTY TO THE CITY OF MARION, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF MARION, ARKANSAS, AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

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

Councilman Spence made a motion, seconded by Councilwoman Holliman, that the rules be suspended and the ordinance be read by title only a third time. All Council members present voted in favor of the motion.

City Attorney Hal read the following Ordinance:

AN ORDINANCE GRANTING PETITION AND ACCEPTING THE ANNEXATION OF CERTAIN REAL PROPERTY TO THE CITY OF MARION, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF MARION, ARKANSAS, AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

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

The Ordinance was numbered 589.

Mayor Fogleman brought to the floor and read the title of a resolution titled **A RESOLUTION ESTABLISHING RULES FOR THE GOVERNANCE OF MEETINGS OF THE MARION CITY COUNCIL, AND FOR OTHER PURPOSES** which establishes the rules of operation for Marion City Council meetings. Councilman Wood made a motion, seconded by Councilman

Spence, that the resolution be adopted. All Council members present voted in favor of the motion. The resolution was numbered 2021-01.

Mayor Fogleman brought to the floor and read the title of a resolution titled **A RESOLUTION TO AUTHORIZE ESTABLISHING NEW BANK ACCOUNTS AND ESTABLISHING SECURITY AND PLEDGE AGREEMENTS BETWEEN THE CITY OF MARION AND BANKING INSTITUTIONS DURING THE CALENDAR YEAR ENDING DECEMBER 31, 2021** which permits the mayor and treasurer to open any needed new bank accounts and sign related paperwork and to sign any needed paperwork to secure pledge agreements for city deposits. Councilman Wood 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 2021-02.

Mayor Fogleman brought to the floor and read the title of a resolution titled **A RESOLUTION PROVIDING FOR AND ADOPTING THE BUDGET FOR THE CITY OF MARION, ARKANSAS, FOR THE TWELVE (12) MONTH PERIOD BEGINNING JANUARY 1, 2021, AND ENDING DECEMBER 31, 2021, AND APPROPRIATING MONEY FOR EACH AND EVERY ITEM OF EXPENDITURE THEREIN** which established the budget for calendar year 2021. Councilman Jackson made a motion, seconded by Councilman Bigger, that the resolution be adopted. All Council members present voted in favor of the motion. The resolution was numbered 2021-03.

VII.

Financial Report: Treasurer Rikard noted that the November and December financials were included in tonight's Council packet. He also informed the Council that the accounting department is behind and some of the accounts have not yet been reconciled, so there will likely be changes before we finalize the 2020 numbers. Rikard pointed out that sales tax revenue collections for December were better than budgeted by 19.6% for the City portion and 13.1% for the county portions. The January sales tax numbers came out Friday and were better than budget by 17.3% for the City portion and 4.9% for the county portion. Total sales tax collections for 2020 were better than budget by 10.5% for the City portion and better by 12.2% for the county portion. The combined additional sales tax revenue for the year was \$286,000. Rikard pointed out that overall general fund revenue collections through December were better than budget by approximately \$697,000, but the property tax collections are worse than budget by

approximately \$106,000. The revenue includes the COVID grant of approximately \$489,000. General fund expenditures were worse than budget by approximately \$22,000. Rikard then opened the floor for questions.

VIII.

Departmental Reports: None

Councilman Spence made a motion, seconded by Councilman Jackson, to suspend the meeting at 8:19 p.m. All Council members present voted in favor of the motion.

At 8:29 p.m. following the Executive Session, Councilman Jackson made a motion, seconded by Councilwoman Hensley, to reconvene the Council meeting. There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 8:30 p.m.

Mayor

Attest: _____
City Clerk