

**Searcy City Council – Regular Session**  
**Tuesday, November 12, 2013 7:00 p.m.**  
**Minutes**

Mayor David Morris called to order the Regular Session of the Searcy City Council. Reverend Carl Medley, River of Life Church, gave the Invocation, with the pledge following, led by Searcy Police Chief Jeremy Clark. City Clerk Jerry Morris called the roll with the following Aldermen answering “present”: Logan Cothorn, Mary Ann Arnett, JR Howard, Steve Sterling, Dale English, Don Raney, Dale Brewer and Mike Chalenburg. Also present was City Attorney Buck Gibson.

The minutes of the regular October 8, 2013 meeting of the Council were presented for approval. A motion was made by Mr. Cothorn and seconded by Mr. Howard to approve the minutes. The following voted to approve: Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn.

Clerk/Treasurer Jerry Morris presented and read the Treasurer’s Report which lists the following balances as of 10-31-13: General Fund: \$1,538,751.25; Street Fund \$1,323,970.40; Capital Equipment Fund \$195,348.90; LOPFI Fund \$174,133.31; Parks & Recreation Capital Fund \$0.00; Act 833 Fund \$18,697.36; Airport Projects Fund \$1,158.87; Special Highway Tax Fund \$8,053,887.66. He also reported a total of \$5,566,332.84 year-to-date in City and County Sales Tax revenues received, which is up \$176,745.06 from the same time in 2012. The total of all funds (excluding special highway tax fund) is \$3,252,060.09.

Item (5) on the agenda was for the presentation and approval of the 2012 annual audit report for the Searcy Board of Public Utilities. The audit report had been supplied to the Council members previously to provide ample time for examination. Searcy Public Utilities manager Dan Dawson and Certified Public Accountant David Spradlin were present to answer any questions the Council may have. No questions or additional information was requested by the Council. It was noted by Mayor Morris that there were no audit exceptions reported and asked for a motion to approve the audit report presented. Mr. Sterling made a motion, seconded by Mr. Chalenburg, to approve and accept the 2012 audit report for the Searcy Board of Public Utilities. Motion carried with the following voting “yes”: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett.

Item (6) on the agenda was for the re-appointment of Mr. David Wood to the Searcy Board of Zoning Adjustment for a three (3) year term to expire on October 31, 2016. A motion was made by Mr. Raney, seconded by Mr. Cothorn, to re-appoint Mr. David Wood to a three (3) year term on the Searcy Board of Zoning Adjustment. Motion carried with the following voting “yes”: Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard.

Item (7) was for the re-appointment of Ms. Rhinda Hall to the Searcy Parks and Recreation Advisory Board for a five (5) year term to expire on November 03, 2018. A motion was made by Mr. English and seconded by Mr. Sterling to approve the re-appointment of Ms. Rhinda Hall to a five (5) year term on the Searcy Parks and Recreation Advisory Board. Motion carried with the following voting “yes”: English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and Sterling.

Item (8) was for the approval of a bid for a knuckle-boom brush truck for the Sanitation Department. After properly conducted advertising asking for submissions of bids for the brush truck, a single bid was received from Henard Utility Products in the amount of \$119,906.84. The bid submitted was for a truck that met the specifications required, which was confirmed by Sanitation Department manager Terry Rutherford and Searcy City Engineer Mark Lane. Motion was made by Mr. Raney and seconded by Mr. Chalenburg to accept the bid from Henard Utility Products. Motion carried with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English.

Item (9) on the agenda was the continued proposed home solicitation ordinance amending the Code of Ordinances of the City of Searcy, Arkansas, for the regulation/prohibition of certain door-to-door solicitation. From discussion, it had been decided by the Council that the ordinance would be tabled until a future council meeting. The Council was informed that the ordinance was still in the process of being worked on by City Attorney Gibson. A motion was made by Mr. Brewer, seconded by Mr. Howard to continue the tabling of the ordinance indefinitely, with the issue to be revisited in the first quarter of calendar year 2014. Motion carried with the following voting “yes”: Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney.

Item (10) on the agenda was an ordinance for the re-zoning of real property, as described in the legal description included in the ordinance as Exhibit A and also known as the Krisha Commercial Addition, from C-4 (Commercial) to PD (Planned Development). Concerns had been raised by the Council regarding the amount and location of proposed vehicle parking and the loading dock on the east side of the planned furniture store; specifically being the plan for departing vehicles having to back out of the adjacent parking area onto the existing private Gary Patel Drive and the possibility of blockage of said Gary Patel Drive when using the proposed loading dock for deliveries. Also, there was concern with the possibility of the future desire of the city to make the private drive a public through street from Race Avenue to Park Avenue, which, according to city ordinance, does not allow for this type of proposed parking. An amended plan for the development was presented by Adam Whitlow of Whitlow Engineering Services, Inc. with the removal of the vehicle parking on the east side of the planned store and only using the loading dock as a customer pick-up point. Discussion was raised as to whether to accept the plan as amended or to send this issue back to the Planning Commission. City Attorney Buck Gibson pointed out that the question at hand was a policy decision of the Council as to whether there was enough information presented to make a decision on the re-zone request or, if not, to send it back to the Planning Commission. City Engineer

Mark Lane stated that this amended plan was shown to him on this very day and that he would like more time to study the amended plan and his recommendation would be to send it back to the Planning Commission with amended specifications to be considered. Mr. Gibson recommended that if the Council wished to move forward with the adoption of the ordinance that the Council amends the current ordinance as it is presented to include the modified site plan. At this point, Mr. Terry Hays (furniture store business owner) was recognized by Mayor Morris to speak to the Council. Mr. Hays stated that he was confused by the Council's actions and that he withdraws the amended plan (elimination of parking on the east side). Following more Council discussion, Mr. Whitlow was recognized to speak by Mayor Morris and he stated, following instructions from Mr. Hays, that in the spirit of compromise they would concede to reconfiguring the parking on the east side to include parallel parking spaces. There was confusion as to the proposed location of the parallel parking spaces (next to the building or next to the street), therefore, Mayor Morris proposed that Mr. Whitlow and Mr. Hays be excused to discuss clarifications and in the meantime the Council would continue with the next items on the agenda. After items (11) and (12) on the agenda were taken care of, the Hays/Whitlow party returned to the Council chambers and presented the Council with a drawing of the proposal that includes parallel parking configurations. The drawing was passed around to all Council members and City Engineer Mark Lane for perusal. Mr. Lane stated that he needs and would like to have more time to study the proposed revised plan and asked the Council to table the ordinance in order to give him more time for this study. He pointed out that since a special council meeting has already been set (see item 12), this would give him time to further study the plan and allow him to make a recommendation. A motion was made by Mr. Raney, seconded by Mr. Brewer, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting "yes": Chalenburg, Cothorn, Arnett, Howard, Sterling, English, Raney, and Brewer. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Raney, seconded by Mr. Cothorn to amend the ordinance to approve this rezoning with the amendments of parallel parking, with a curb next to the street, and that the street is going to have public access under an easement of restriction and that the city and the developers can work out the loading dock revision and that a revised plan drawing showing the revisions be attached to the ordinance. Motion carried with the following voting "yes": Cothorn, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg. A motion was then made by Mr. Howard, seconded by Mrs. Arnett, to adopt the amended ordinance. The ordinance passed with the following voting "yes": Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Brewer, seconded by Mr. English, to adopt the emergency clause, with the following voting "yes": Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett. **Ordinance 2013-34**

Item (11) on the agenda was for discussion and consideration for a one-time bonus for full-time and part-time employees of the City of Searcy. Recommendation had been made that the current cash-flow position of the city would allow for the awarding of a bonus to city employees in the amount of \$400.00 for full-time employees and \$200.00 for part-time employees. A motion was made by Mr. Sterling, seconded by Mr. Howard,

to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howard, Sterling, English, Raney, and Brewer. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Chalenburg, seconded by Mr. Howard, to adopt the ordinance to award a one-time bonus of \$400.00/\$200.00 to full-time/part-time employees of the City of Searcy. The ordinance passed with the following voting “yes”: Cothorn, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothorn, seconded by Mr. Sterling, to adopt the emergency clause, with the following voting “yes”: Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn. **Ordinance 2013-32**

Item (12) on the agenda was an ordinance(s) for consideration for a proposed sales and use tax levy within the City of Searcy. Mayor Morris noted that the Council has been provided with copies of two (2) different ordinances (one for a permanent sales tax and one for a sales tax for a certain period of time). Mayor Morris opened the floor for Council discussion regarding this issue. A desire was expressed that more time was needed to study the issue. A motion was made by Mr. Cothorn, seconded by Mr. Howard, to have a called special council meeting on November 19, 2013 for further discussion/consideration of a sales and use tax levy proposal and to table the proposed ordinances. Motion carried with the following voting “yes”: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett.

Item (13) on the agenda was a budget ordinance to:

**Section 1.** The budget for the City of Searcy, Arkansas, is amended in the following manner:

- a. Appropriate \$13,020.00 to ‘E-WASTE BUILDING GRANT’ revenue account (#01 4-000-98-94), [for receipt of recycling grant reimbursement from White River Regional Solid Waste Management District for E-Waste building expenditures];
- b. Appropriate \$141,000.00 to ‘SIGNAL BEEBE CAPPS @ SOWELL STREET’ revenue account (02 4-000-80-05), [received from Wal-Mart Inc. for funding of traffic signal to be located at the intersection of Beebe Capps and Sowell Street];
- c. Appropriate \$35,114.94 to ‘MUNICIPAL 4-LANE HWY CONSTRUCTION DISTRIBUTION’ revenue account (02 4-000-10-05), [for October receipt of 4-Lane Projects Turnback];
- d. Appropriate \$2,144.55 to ‘CITY SMART PROGRAM SUPPLIES’ expenditure account (#01 5-120-04-10), [for additional invoices received];
- e. Appropriate \$5,000.00 to ‘LIGHTLE CENTER REPAIRS’ expenditure account (01 5-010-02-13), [for replacement of water heater and bathroom faucet repairs];

**Section 2.** The Mayor and City Clerk are authorized to expend the following sums:

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- a. \$20,000.00 to the Searcy Regional Economic Development Corporation (SREDC) for the final one-half of annual payment agreement remittance;
- b. \$61,507.63 to Stephenson Oil Company for fuel for all departments and other miscellaneous expenditures;
- c. Up to \$30,000.00 for purchase of Core Router for IT Department; appropriation for this item was made in the Capital Equipment Fund ('CORE ROUTER' 04 5-960-53-01) and does come under state contract pricing making formal bidding unnecessary;

A motion was made by Mr. Raney, seconded by Mr. English, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting "yes": Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothorn, seconded by Mr. Howard, to adopt the ordinance. The ordinance passed with the following voting "yes": English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and Sterling. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Sterling, seconded by Mr. Chalenburg, to adopt the emergency clause, with the following voting "yes": Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English. **Ordinance 2013-33**

Item (14) on the agenda was the presentation of a proposed budget for the City of Searcy for the calendar year 2014. The budget was presented in the form of the current 2013 budget and that, as instructed, the administration will continue the process of establishing a proposed finalized budget which will then be presented for Council approval.

Item (15) was a request for the rescheduling of the December pre-council agenda meeting from December 5, 2013 to December 2, 2013 at 5:00 p.m. due to some scheduling conflicts. A motion was made by Mr. Raney and seconded by Mr. Chalenburg to reschedule the December pre-council agenda meeting for December 2, 2013 at 5:00 p.m. Motion carried with the following voting "yes": Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney.

The Mayor announced that the accreditation team for the Center for Public Safety Excellence has been on site performing an examination for issuing re-accreditation credentials for the City of Searcy Fire Department. Their findings will be presented on November 14, 2013 at 8:00 a.m. at the Central Fire Station.

A motion was made and seconded to adjourn.

Minutes Approved: December 10, 2013

/s/ David Morris  
MAYOR

ATTEST:

/s/ Jerry Morris  
CITY CLERK

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