

Searcy City Council – Regular Session
Tuesday, May 10, 2016 7:00 p.m.
Minutes

Mayor David Morris called to order the Regular Session of the Searcy City Council. Karl McLarty of the Searcy Ministerial Alliance gave the Invocation, with the Pledge of Allegiance following, led by Searcy Assistant Chief of Police Steve Taylor. City Clerk Jerry Morris called the roll with the following Aldermen answering “present”: Logan Cothorn, Mary Ann Arnett, J. R. Howard, Steve Sterling, Dale English, Don Raney, Dale Brewer, and Mike Chalenburg. Also present was City Attorney Buck Gibson.

Item (3) on the agenda was for a motion to suspend the rules and amend the agenda to add items: (6) update on the construction of the North Main Street bridge over Deener Creek and the Downtown Beautification project, (7) update on the Capital Growth Buchalter request, (16-1-g) budget ordinance appropriation for engineering and concrete testing services on the construction of the North Main Street bridge over Deener Creek, (16-1-h) budget ordinance appropriation for professional services for the Williams Addition Drainage project, (16-1-i) budget ordinance appropriation for the receipt and use of a donation for the Downtown Beautification project, (16-2-a) budget ordinance authorization to expend funds for fuel for all departments, (16-2-l) budget ordinance authorization to expend funds for professional services on the construction of the North Main Street bridge over Deener Creek, and (16-2-m) budget ordinance authorization to expend funds for the professional services for the Williams Addition Drainage project. A motion was made by Mr. Brewer and seconded by Mrs. Arnett to suspend the rules and amend the agenda to add the items. Motion carried with the following voting “yes”: Arnett, Howard Sterling, English, Raney, Brewer, Chalenburg, and Cothorn.

The minutes of the regular April 12, 2016 meeting of the Council were presented for approval. A motion was made by Mr. Raney and seconded by Mr. English to approve the minutes. The following voted to approve: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett.

Clerk/Treasurer Jerry Morris presented and read the Treasurer’s Report which lists the following balances as of 4-30-16: General Fund: \$1,696,922.03; Street Fund \$870,245.31; Capital Equipment Fund \$22,416.78; LOPFI Fund \$157,412.52; Act 833 Fund \$72,026.63; Airport Projects Fund \$3,466.78; Special Highway Connector Route Tax Fund \$4,449,330.72; 2014 Eight Year Plan Fund \$4,617,059.17; Information Technology Projects Fund \$442.77; Special Projects Fund \$121,230.46. He also reported a total of \$2,006,772.90 year-to-date in City and County Sales Tax revenues received, which is down \$50,960.16 from the same time in 2015. The total of all funds (excluding the Special Highway Connector Route Tax Fund, the 2014 Eight Year Plan Fund, the Information Technology Projects Fund, and the Special Projects Fund) is \$2,822,490.05.

Item (6) on the agenda was an update on the construction of the North Main Street bridge over Deener Creek and an update on the Downtown Beautification project. Searcy City

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Engineer Mark Lane gave an update on the projects. He reported that Seagraves construction company, the firm doing the construction on the Main Street bridge, has informed him that with weather permitting the bridge may be opened to traffic by the end of the next weekend (May 15, 2016). He further stated that although it possibly could open to traffic, it will not be completely finished as far as other work needed to be done around the bridge. Mr. Lane also stated that he had spoken to Johnny Brock Excavation and Landscaping, the firm doing the Downtown Beautification project, and that he was told that they still had two areas (an island and a crosswalk) left to be done. They were hoping to have these items completed in the next week and after that the paving could begin, provided that the Council approves and accepts a bid for the paving. Mr. Lane further stated that possibly within about two weeks the roadways would be completed and then the installation of the irrigation and filling in of the islands could be started.

Item (7) was an update on the proposal to the City of Searcy by the Capital Growth Buchalter group regarding a proposed shopping center to be located in the City. Capital Growth Buchalter group had presented a request for some concessions from the City. Upon review of the requests by City Attorney Buck Gibson, Mayor Morris and Mr. Ryan Bowman of the Friday, Eldridge, and Clark Law Firm it was determined that these requests were not consistent authorizations within state law. The Buchalter group was informed of these determinations and was invited to come back with another proposal. Another meeting was held at City Hall that included three representatives of Buchalter group, Mayor Morris, City Attorney Buck Gibson, City Engineer Mark Lane, Buck Layne of the Searcy Regional Chamber of Commerce, City Clerk Jerry Morris, and City Code Enforcement Director Mike Cleveland. The Buchalter group also asked if they could have the Mayor of Conway, AR, Tab Townsell come for the meeting also. The meeting was held on April 27, 2016. Mayor Townsell explained some of the things that the City of Conway had done to help establish a shopping center and a business in their city. The Buchalter group did not present any new proposal at this meeting other than expressing the desire for some help in developing this proposed shopping center. The group left with a commitment that they would be in touch with the City of Searcy with a new written proposal, but to date nothing has been received. City Attorney Gibson explained that under Arkansas state law the incentives that a city can provide are basically limited to such that provide a benefit to the general public, such as infrastructure construction/improvement (i.e. road construction, drainage work).

Item (8) on the agenda was for the appointment of members to the 'Pollinator Friendly Community' committee. Fifteen (15) names of prospective members were presented to the Council for appointment as called for by the adoption of Ordinance 2016-10 (adopted on March 15, 2016). The prospective members presented to the Council were as follows:

1. Bobbie Sandlin
2. Mary Gentry
3. Michelle Keese
4. Tom Miller
5. Peggy Alton
6. Marilyn Sims
7. Jake Wilf

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8. Lita Garrison
9. Kathryn McClure
10. Ashley Veatch
11. Liz Howell
12. Mike Parsons
13. Allan Isom
14. Nathan Lincoln
15. Sherri Sanders

A motion was made by Mr. Brewer and seconded by Mr. Raney to appoint the above listed persons as members of the 'Pollinator Friendly Community' committee. Motion carried with the following voting "yes": Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard. Mr. Cothorn asked if there were any term limits associated with the appointment of these persons. Mayor Morris stated that at this time there were no terms stated. Mayor Morris stated that now that the committee members have been appointed, this committee would need to specify various term limits for the members in order that the members would have varying expiration dates for a rotational basis.

Item (9) on the agenda was for the review and approval of a bid for the paving needed for the 2016 Downtown paving program. One (1) bid was received for the paving needed for the 2016 Downtown paving program. That bid was from Cox Paving of Bald Knob, AR in the amount of \$69,550.00. Searcy City Engineer Mark Lane stated that he thought this was a good bid and that it would be his recommendation that this bid be accepted for the paving. A motion was made by Mr. Raney, seconded by Mr. Brewer, to accept and approve the bid from Cox Paving in the amount of \$69,550.00 for the paving needed for the 2016 Downtown paving program. Motion carried with the following voting "yes": English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and Sterling.

Item (10) was for the authorization to solicit bids for the short-term financing for the costs of the construction of the new Searcy Municipal Pool Complex. Mayor Morris stated that he thought this should be authorized at this time in order to have it in place should the Council approve a bid for the construction of the new pool complex. A motion was made by Mr. Howard and seconded by Mr. Cothorn to authorize the solicitation of bids for the short-term financing for the costs of the construction of the Searcy Pool Complex. Motion carried with the following voting "yes": Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English.

Item (11) was a resolution for the authorization to enter an agreement with Cox Paving for the paving needed for the 2016 Downtown paving program. Mr. Gibson read the resolution in full. A motion was made by Mr. Sterling and seconded by Mrs. Arnett to approve the resolution for the authorization to enter an agreement with Cox Paving for the paving needed for the 2016 Downtown paving program. Motion carried with the following voting "yes": Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney. **Resolution 2016-09**

Item (12) on the agenda was an ordinance for the adoption of the updated official zoning map for lands within the City of Searcy. A motion was made by Mr. Raney, seconded by

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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. Cothorn, seconded by Mr. Sterling, to adopt the ordinance. 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. Chalenburg, seconded by Mr. Cothorn, to adopt the emergency clause, with the following voting “yes”: Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn.

Ordinance 2016-12

Item (13) on the agenda was an ordinance amending the Searcy Code of Ordinances, establishing rules for the governance of meetings of the Searcy City Council. This ordinance changes the starting time for both the pre-council agenda meeting and the regular monthly City Council meeting to 6:00 p.m. beginning in June of 2016. A motion was made by Mr. Raney, seconded by Mr. Howard, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Howard, seconded by Mrs. Arnett, to adopt the ordinance. The ordinance passed with the following voting “yes”: Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothorn, seconded by Mrs. Arnett, to adopt the emergency clause, with the following voting “yes”: English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and Sterling. **Ordinance 2016-13**

Item (14) on the agenda was an ordinance amending the Searcy Code of Ordinances, restating Chapter 9 concerning the maintenance of property within the City of Searcy. A motion was made by Mr. Brewer, seconded by Mr. Sterling, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Raney, seconded by Mr. Howard, to adopt the ordinance. The ordinance passed with the following voting “yes”: Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Brewer, seconded by Mr. Chalenburg, to adopt the emergency clause, with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howard, Sterling, English, Raney, and Brewer. **Ordinance 2016-14**

Item (15) on the agenda was an ordinance amending Chapter 19 of the Searcy Code of Ordinances, prohibiting tobacco and related uses on and in City of Searcy property. A motion was made by Mr. Raney, seconded by Mr. Chalenburg, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Cothorn, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg. Mr. Gibson read the ordinance by title only. Mr. Gibson noted that the copy of the ordinance that was presented to the Council had a copying error. He advised the Council to strike

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the first four paragraphs of the body of the ordinance and to amend the ordinance. The first four paragraphs were mistakenly copied from Ordinance 2016-14 and read as follows:

“Whereas, the Code Enforcement Department of the City of Searcy has proposed modifications to Chapter 9 of the Searcy Code of Ordinances concerning the maintenance of property within the corporate limits of the City of Searcy; and

Whereas, City staff and elected officials have reviewed the proposed modifications, which will serve to protect and preserve property values and public health, safety and welfare; and

Whereas, the Searcy City Council desires to foster the progress of the City of Searcy as a community cognizant of the need to protect the real property values of its citizens and to protect residents and visitors to the City of Searcy; and

Whereas, in light of the need to address these issues and the modifications to the said Chapter 9 being necessary as summer growing months approach, the Searcy City Council recognizes that the modifications to Chapter 9 are sufficiently important to require their adoption and declare that an emergency exists”.

Mr. Gibson advised the Council to amend the ordinance and replace the four paragraphs to read as follows:

“Whereas, the Searcy City Council wishes to amend Section 19-28 of the Searcy Code of Ordinances to address smokeless tobacco, vapor pens, electronic smoking devices and other similar product’s use on and in City property”.

A motion was made by Mr. Cothorn and seconded by Mr. Howard to amend the ordinance as advised by Mr. Gibson. Motion carried with the following voting “yes”: Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn. A motion was then made by Mr. Chalenburg, seconded by Mrs. Arnett, to adopt the ordinance as amended. The ordinance passed as amended with the following voting “yes”: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Howard, seconded by Mrs. Arnett, to adopt the emergency clause, with the following voting “yes”: Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard. **Ordinance 2016-15**

Item (16) 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 \$36,000.00 from 2014 Eight Year Plan Fund unappropriated reserves to ‘COUNTRY CLUB ROAD IMPROVEMENTS’ expenditure account (#14 5-900-54-01) for planning and design services for the Country Club Road improvements project;
- b. \$93,600.00 from 2014 Eight Year Plan Fund unappropriated reserves to ‘SWIMMING POOL FACILITY’ expenditure account (#14 5-085-54-02) for planning and design services for the new municipal pool complex;

- c. Appropriate \$4,311.13 to Special Projects Fund 'PROJECT DONATIONS' revenue account (#16 4-000-90-01) and appropriate \$4,311.13 to Special Projects Fund 'DOWNTOWN BEAUTIFICATION PROJECT' expenditure account for additional crosswalk work in the downtown area;
- d. Appropriate \$18,450.00 from 2014 Eight Year Plan Fund unappropriated reserves to 'COMPREHENSIVE DRAINAGE STUDY' expenditure account (#14 5-130-66-01) for drainage studies (Gin Creek, Deener Creek, and Key Branch drainage basins);
- e. Appropriate \$2,750.43 from 2014 Eight Year Plan Fund unappropriated reserves to 'FIRE STATION 2 RELOCATION' expenditure account (#14 5-070-54-01) for architectural design services for the Fire Station 2 relocation project;
- f. Appropriate \$222,222.00 from 2014 Eight Year Plan Fund unappropriated reserves to 'ADA 3523-16 SEALCOAT TAXIWAY/APRON' expenditure account (#14 5-040-56-06) for the 2016 Arkansas Department of Aeronautics 90/10 grant;
- g. Appropriate \$4,191.38 from Special 1% Connector Route Fund unappropriated reserves to 'MAIN STREET DEENER CREEK BRIDGE' expenditure account (#13 5-900-54-01) for engineering services and concrete testing services on the construction of the Main Street Deener Creek Bridge;
- h. Appropriate \$4,117.00 from 2014 Eight Year Plan Fund unappropriated reserves to 'WILLIAMS ADDITION DRAINAGE' expenditure account (#14 5-130-05-01) for professional services for the Williams Addition Drainage improvement project;
- i. Appropriate \$2,000.00 to Special Projects Fund 'PROJECT DONATIONS' revenue account (#16 4-000-90-01) and appropriate \$2,000.00 to 'DOWNTOWN BEAUTIFICATION PROJECT' expenditure account (#16 5-190-05-01) for receipt and use of a donation from Main Street Searcy for the Downtown Beautification Project;

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

- a. \$27,116.42 to Stephenson Oil Company for fuel for all departments;
- b. \$69,550.00 to Cox Paving for 2016 Downtown Paving program per bid selection (budgeted item in Street Department – ‘PAVING’ 02 5-900-05-07);
- c. \$25,945.00 to SHI, for the City of Searcy annual Microsoft licensing agreement invoice (budgeted item in IT ‘SOFTWARE SUPPORT’ expenditure account 01 5-160-05-01);
- d. \$38,712.50 to Johnny Brock Excavating & Landscaping, Inc. for construction work performed on the Downtown Beautification project;
- e. \$22,000.00 to GMM Investco, LLC for repayment of loan on Downtown Beautification project;
- f. \$36,000.00 to ETC Engineers & Architects, Inc. for planning and design services for the Country Club Road improvements project;
- g. \$93,600.00 to ETC Engineers & Architects, Inc. for planning and design services for the new swimming pool facility construction project;
- h. \$4,311.13 to Johnny Brock Excavating & Landscaping, Inc. for additional crosswalk construction work performed on the Downtown Beautification project;
- i. \$18,450.00 to Thomas F. Black, PE for drainage studies services (Gin Creek, Deener Creek, and Key Branch);
- j. \$2,750.43 to Hoffmann Architectural Inc. for design services for the Fire Station 2 relocation project;
- k. \$192,382.95 to Redstone Construction Group for sealcoat work at the Searcy Municipal Airport (ADA 90/10 grant 3523-16 #14 5-040-56-06);
- l. \$1,174.38 to Morrison-ShIPLEY Engineers for engineering services on the construction of the Main Street Deener Bridge;
- m. \$4,117.00 to Morrison-ShIPLEY Engineers, Inc. for professional services for the Williams Addition Drainage improvement project;

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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”: English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and Sterling. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothorn, seconded by Mr. Brewer, to adopt the ordinance. The ordinance passed with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Raney, seconded by Mr. Chalenburg, to adopt the emergency clause, with the following voting “yes”: Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney. **Ordinance 2016-16**

The Mayor announced:

- The dedication and ribbon-cutting for the Highway 13 Extension will be held at 10:30 a.m. on Friday, May 13, 2016 at the Bayou Des Arc bridge (on the southern end of the new roadway)
- Arkansas Municipal League Summer Conference will be June 15-17,2016 in Little Rock

A motion was made and seconded to adjourn.

Minutes Approved: June 14, 2016

/s/ David Morris
MAYOR

ATTEST:

/s/ Jerry Morris
CITY CLERK

Seal