

Searcy City Council – Regular Session
Tuesday, October 13, 2020 6:00 p.m.
Minutes

Mayor Kyle Osborne called to order the Regular Session of the Searcy City Council. Mike Chalenburg gave the Invocation, with the Pledge of Allegiance following, led by Jerry Morris. City Clerk/Treasurer Jerry Morris called the roll with the following Council members answering “present”: Logan Cothorn, Mary Ann Arnett, Chris Howell, Rodger Cargile, Don Raney, Dale Brewer and Mike Chalenburg. Also present was City Attorney Buck Gibson. Ward 3 Position 1 is an open position due to the passing of Council Member Dale English.

Mayor Osborne asked the Council to suspend the rules and amend the agenda to add discussion regarding operations at the Searcy Compost Center. A motion was made by Mr. Raney and seconded by Mr. Brewer to suspend the rules and amend the agenda to add this item. Motion carried with the following voting “yes”: Arnett, Howell, Cargile, Raney, Brewer, Chalenburg, and Cothorn. Mayor Osborne explained that regulations in place by the Arkansas Department of Environmental Quality require that in order to operate a solid waste facility such as the Compost Center, a licensed operator must be on premises during operations. Currently, Brian Bishop has obtained the proper licensing that is required for these operations. Mayor Osborne requested that the Council approve a pay rate increase for this employee to help ensure that they can retain a properly licensed operator at the Searcy Compost Center. Sanitation Director Terry Rutherford stated, with confirmation from Clerk/Treasurer Morris, that no additional appropriation would be needed to allow for an increase in pay for this year. Mayor Osborne requested that the current pay of \$13.77 per hour be increased to \$17.00 per hour for this employee. A motion was made by Mr. Raney, seconded by Mr. Cothorn, to authorize additional compensation for Brian Bishop to raise his hourly rate of pay to \$17.00 per hour. Motion carried with the following voting “yes”: Howell, Cargile, Raney, Brewer, Chalenburg, Cothorn, and Arnett.

The minutes of the regular September 8, 2020 meeting of the Council were presented for approval. A motion was made by Mr. Cothorn and seconded by Mr. Howell to approve the minutes. The following voted to approve: Cargile, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howell.

Clerk/Treasurer Jerry Morris presented and read the Treasurer’s Report which lists the following balances as of September 30, 2020: General Fund: \$1,347,664.86; Street Fund \$2,466,600.42; Capital Equipment Fund \$17,860.17; LOPFI Fund \$160,388.10; Act 833 Fund \$39,650.10; Airport Fund \$125,367.34. The total of all of the preceding funds is \$4,157,530.99. He also reported the following balances as of September 30, 2020: Special Highway Connector Route Tax Fund \$3,399,206.82; 2014 Eight Year Plan Fund \$8,728,184.85; 0.25% Fire Protection Services County Sales Tax Fund \$466,464.22; Court Automation Fund \$46,850.58; Advertising and Tourism Promotion Fund \$978,540.48. He also reported a total of \$5,317,824.57 year-to-date in City (0.5%) and

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County Sales Tax revenues received, which is up \$529,581.69 from the same time in 2019.

Item (5) on the agenda was for discussion regarding the availability of the Searcy Athletic Club building for possible use as a new location for the Searcy Public Library. Mayor Osborne explained that the Searcy Athletic Club building located on Beebe Capps Expressway is available and that discussions with White County government officials and the White County Library Board have been initiated. These discussions included location, whether the building would meet the needs of the library, and the costs (both the purchase price and necessary renovations) of the building. He further explained that there is more information that needs to be obtained regarding issues involving flood plain locations. He asked the Council to table any further discussion until more information could be gathered. A motion was made by Mr. Brewer and seconded by Mr. Chalenburg to table the discussion and any action until more information is gathered. Motion carried with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howell, and Cargile.

Item (6) was for discussion regarding CARES (Coronavirus Aid, Relief, and Economic Security) Act funds that are available to the City of Searcy. Mayor Osborne told the Council that \$902,504.48 is available for the City of Searcy. After discussions with the Department of Finance and Administration and the Arkansas Municipal League, it was learned that personnel costs of the Fire Department and the Police Department are eligible expenses that can be reimbursed from this funding. A motion was made by Mr. Cothorn, seconded by Mr. Howell, to proceed with the process of submittal of appropriate documentation in order to receive the funding that is available to the City of Searcy. Motion carried with the following voting “yes”: Brewer, Chalenburg, Cothorn, Arnett, Howell, Cargile, and Raney.

Item (7) on the agenda was discussion regarding ordering Police vehicles that are to be purchased in 2021 using funds from the 2014 Eight Year 1% Tax Plan. These vehicles are included in the proposed use of funds from the eight year 1% sales and use tax for calendar year 2021. Mayor Osborne explained that in order to help ensure the receipt of these vehicles the order for them needs to be placed early. Last year (2019) the order was not placed in time and the City of Searcy missed out on being able to get the Dodge Charger vehicles. A motion was made by Mr. Brewer and seconded by Mrs. Arnett to authorize the Police Department to proceed with placing the order for the 2021 vehicles in order to help ensure the receipt of the vehicles. Motion carried with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howell, Cargile, Raney, and Brewer.

Item (8) was continued discussion regarding properties that have tax liens filed against them. Several properties have liens against them due to expenses incurred by the City of Searcy for cleanup, grass cutting, and abatement of other nuisances. City Attorney Gibson has asked the Council for approval to attempt the satisfaction of these liens. These actions will also require an appropriation of funds for filing fees, lien searches, and other various expenses, but that at this time he has not determined how much is needed. He further stated that he would have an amount to be requested at November’s regular

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Council meeting. A motion was made by Mr. Raney and seconded by Mr. Cothorn to approve actions needed to satisfy the liens on these properties. Motion carried with following voting “yes”: Cothorn, Arnett, Howell, Cargile, Raney, Brewer, and Chalenburg.

Item (9) on the agenda was for the review and discussion of the 2019 calendar year Arkansas Legislature Audit report. Mr. Gibson explained to the Council that the finding, which has been an ongoing issue, is regarding the inability to identify money in the District Court bank account with receipt numbers. He further explained to the Council that he is working with Judge Kennedy to try and figure out the appropriate action to take, in compliance with relevant accounting practices for municipal governments, in order to correct the situation. At this time, he stated that he does not have a recommendation for the Council to take any action on. He stated that he would continue to work with Judge Kennedy to come up with a resolution that is appropriate to rectify the issue.

Item (10) was for the reappointment of Paige Norman to a three-year term on the Searcy Board of Zoning Adjustment with the term set to expire on October 31, 2023. Motion was made by Mrs. Arnett, seconded by Mr. Cothorn, to approve the reappointment of Paige Norman to a three-year term on the Searcy Board of Zoning Adjustment with the term set to expire on October 31, 2023. Motion carried with the following voting “yes”: Arnett, Howell, Cargile, Raney, Brewer, Chalenburg, and Cothorn.

Item (11) was for the appointment of Gary Patel to an open one-year term position on the Searcy Advertising and Tourism Promotion Commission, with the term set to expire on April 30, 2021. A motion was made by Mr. Howell, seconded by Mr. Cargile, to approve the appointment of Gary Patel to an open one-year term position on the Searcy Advertising and Tourism Promotion Commission, with the term set to expire on April 30, 2021. Motion carried with the following voting “yes”: Howell, Cargile, Raney, Brewer, Chalenburg, Cothorn, and Arnett.

Item (12) was for the approval of a change order for a decrease in the Country Club Road Improvement project cost in the amount of \$96,909.85. A motion was made by Mr. Cothorn and seconded by Mr. Chalenburg to approve the change order on the Country Club Road project. Motion carried with the following voting “yes”: Cargile, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howell.

Item (13) was for the approval of a change order for an increase in the Rolling Meadows/Cloverdale Drainage improvement project in the amount of \$6,530.00. A motion was made by Mr. Raney and seconded by Mr. Brewer to approve the change order on the Rolling Meadows/Cloverdale Drainage improvement project. Motion carried with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howell and Cargile.

Item (14) was a resolution to approve a certain agreement and authorization to execute and perform a certain agreement, specifically an agreement with Cintas Facilities

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Solutions. Mr. Gibson read the resolution in full. A motion was made by Mr. Chalenburg and seconded by Mr. Howell to approve the resolution to approve a certain agreement and authorization to execute and perform a certain agreement, specifically an agreement with Cintas Facilities Solutions. Motion carried with the following voting “yes”: Brewer, Chalenburg, Cothorn, Arnett, Howell, Cargile, and Raney.

Resolution 2020-30

Item (15) was a resolution approving the amounts of liens to be certified to the White County Tax Collector as a result of grass cutting expenses and abatement of other nuisances. Mr. Gibson read the resolution in full. Motion was made by Mr. Cothorn and seconded by Mrs. Arnett to pass the resolution. Motion carried with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howell, Cargile, Raney, and Brewer.

Resolution 2020-31

Item (16) was a resolution declaring certain real property located at 601 North Hussey Street a nuisance and directing the removal of the improvements constituting the nuisance. Mr. Gibson read the resolution in full. Motion was made by Mr. Brewer and seconded by Mr. Raney to pass the resolution. Motion carried with the following voting “yes”: Cothorn, Arnett, Howell, Cargile, Raney, Brewer, and Chalenburg.

Resolution 2020-32

Item (17) on the agenda was an ordinance providing for the renewal and the extension of the levy of a one percent (1.00%) sales and use tax within the City of Searcy; declaring an emergency; and prescribing other matters pertaining thereto. A motion was made by Mr. Raney, seconded by Mr. Cothorn, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Arnett, Howell, Cargile, Raney, Brewer, Chalenburg, and Cothorn. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothorn, seconded by Mr. Howell, to adopt the ordinance. The ordinance passed with the following voting “yes”: Howell, Cargile, Raney, Brewer, Chalenburg, Cothorn, and Arnett. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Raney, seconded by Mr. Brewer, to adopt the emergency clause, with the following voting “yes”: Cargile, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howell. **Ordinance 2020-34**

Item (18) on the agenda was an ordinance calling and fixing the date for the conduct of a special election upon the question of the adoption of a renewal and extension of a one percent (1.00%) sales and use tax within the City of Searcy, Arkansas; prescribing other matters pertaining thereto, declaring an emergency; and for other purposes. A motion was made by Mr. Raney, seconded by Mr. Cothorn, 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, Howell, and Cargile. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Raney, seconded by Mr. Cothorn, to adopt the ordinance. The ordinance passed with the following voting “yes”: Brewer, Chalenburg, Cothorn, Arnett, Howell, Cargile, and Raney. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothorn, seconded by Mr. Chalenburg, to adopt the emergency clause, with the following voting “yes”:

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Chalenburg, Cothorn, Arnett, Howell, Cargile, Raney, and Brewer.

Ordinance 2020-**35**

Item (19) on the agenda was an ordinance amending the Searcy Zoning Code regarding landscaping. A motion was made by Mr. Raney, seconded by Mrs. Arnett, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Cothorn, Arnett, Howell, Cargile, Raney, Brewer, and Chalenburg. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothorn, seconded by Mr. Cargile, to adopt the ordinance. The ordinance passed with the following voting “yes”: Arnett, Howell, Cargile, Raney, Brewer, Chalenburg, and Cothorn. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Chalenburg, seconded by Mr. Raney, to adopt the emergency clause, with the following voting “yes”: Howell, Cargile, Raney, Brewer, Chalenburg, Cothorn, and Arnett. **Ordinance 2020-36**

Item (20) 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 \$5,694.00 from 2014 Eight Year Plan Fund unappropriated reserves to ‘ROLLING MEADOWS/CLOVERDALE DRAINAGE’ expenditure account (#14 5-130-05-02) for Rolling Meadows/Cloverdale Addition drainage improvement project engineering services;
- b. Appropriate \$50,926.13 from 2014 Eight Year Plan Fund unappropriated reserves to ‘ROLLING MEADOWS/CLOVERDALE DRAINAGE’ expenditure account (#14 5-130-05-02) for Rolling Meadows/Cloverdale Addition drainage improvement project construction services;
- c. Appropriate \$14,260.53 from 2014 Eight Year Plan Fund unappropriated reserves to the ‘COUNTRY CLUB ROAD IMPROVEMENT’ expenditure account (#14 5-900-54-01) for engineering services on the Country Club Road improvement project;
- d. Appropriate \$76,398.05 from 2014 Eight Year Plan Fund unappropriated reserves to the ‘COUNTRY CLUB ROAD IMPROVEMENT’ expenditure account (#14 5-900-54-01) for construction services on the Country Club Road improvement project;
- e. Appropriate \$36,925.76 from 2014 Eight Year Plan Fund unappropriated reserves to ‘POLICE SOFTWARE UPGRADE’ expenditure account (#14 5-060-05-01) for annual maintenance agreement for Police Department software;
- f. Appropriate \$172,624.46 from Special 1% Connector Route Tax Fund unappropriated reserves to the ‘NORTH MAIN STREET IMPROVEMENTS’

expenditure account (#13 5-900-54-03) for construction services on the North Main Street improvement project;

- g. Appropriate \$10,000.00 from 0.25% Fire Protection Services County Tax Fund unappropriated reserves to 'VEHICLE MAINTENANCE/REPAIRS' expenditure account (#18 5-070-03-02) for Fire Department vehicle maintenance/repair;
- h. Appropriate \$20,000.00 from 0.25% Fire Protection Services County Tax Fund unappropriated reserves to 'STATION FURNISHINGS' expenditure account (#18 5-070-05-20) for replacement/repair to Fire Department station furniture/furnishings;

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

- a. \$27,624.33 to Stephenson Oil Company for fuel for all departments;
- b. \$108,217.06 to Regions Bank for payment on the loan for the construction of the Searcy Swim Center (#14 5-085-05-01);
- c. \$5,694.00 to Morrison – Shipley Engineers Inc. for Rolling Meadows/Cloverdale Addition drainage improvement project engineering services (#14 5-130-05-02);
- d. \$50,926.13 to Burkhalter Technologies, Inc. for construction services on the Rolling Meadows/Cloverdale Addition drainage improvement project (#14 5-130-05-02);
- e. \$14,260.53 to ETC Engineers & Architects, Inc., for engineering services on the Country Club Road improvement project (#14 5-900-54-01);
- f. \$76,398.05 to RL Persons Construction, Inc., for construction services on the Country Club Road improvement project (#14 5-900-54-01);
- g. \$36,925.76 to Central Square/TriTech Software Systems for annual maintenance agreement for Police Department software (#14 5-060-05-01);
- h. \$172,624.46 to Township Builders, Inc. for construction services on the North Main Street improvement project (#13 5-900-54-03);

A motion was made by Mr. Brewer, seconded by Mr. Raney, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting "yes": Cargile, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howell. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Brewer, seconded by Mr. Chalenburg, to adopt the ordinance. The ordinance passed with the following voting "yes": Raney, Brewer, Chalenburg, Cothorn, Arnett, Howell, and Cargile. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Raney, seconded by Mr. Brewer, to adopt the emergency clause, with the following voting "yes": Brewer, Chalenburg, Cothorn, Arnett, Howell, Cargile, and Raney. **Ordinance 2020-37**

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A motion was made and seconded to adjourn.

Minutes Approved: November 10, 2020

/s/ Kyle Osborne
MAYOR OF SEARCY

ATTEST:

/s/ Jerry Morris
CITY CLERK

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