

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, October 22, 2024, at 6:00 p.m. at Marion City Hall.

|          |                                                                                                                                                           |                                                                                                                                                                                  |
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| Present: | Tracy Brick<br>Kelsey Hensley<br>Adam Cupples<br>Cliff Wood<br>Taylor Guy<br>Bryan Jackson<br>Ray Nassar<br>Chris Crain<br>David W. Rikard<br>Patty James | Mayor<br>Councilwoman (1-1)<br>Councilman (1-2)<br>Councilman (2-1)<br>Councilman (2-2)<br>Councilman (3-1)<br>Councilman (3-2)<br>City Attorney<br>City Treasurer<br>City Clerk |
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| Others<br>Present: | Brannon Hinkle<br>Jon Millsap<br>Woody Wheelless<br>Beth Wilson<br>Steve Johnson<br>Scott Marshall<br>Andy Rawls<br>Fred Thorne, Jr. | Police Chief<br>Asst. Police Chief<br>Fire Chief<br>Economic Development<br>Public Works Superintendent<br>Water & Sewer Superintendent<br>Parks Superintendent<br>Planning Commission & Building Inspector |
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I.

Councilman Cupples made a motion, seconded by Councilman Jackson, to approve the minutes of the September 24, 2024, Council meeting. All Council members present voted in favor of the motion.

II.

Citizens' Concerns: None

III.

Committee Reports:

Animal Shelter: No Report

Code Enforcement: No Report

Economic Development: Councilman Wood reported the Economic Development Committee met on October 3, 2024. Items discussed were the Economic Development Incentive Program, boosting commercial development and an ordinance to authorize 15% of privilege/occupation license fees

collected to be designated for the City of Marion Economic Development Department. This ordinance was discussed later in the meeting under Ordinances and Resolutions.

Parks & Recreation: No Report

Planning Commission: Fred Thorne, Jr. reported the Planning Commission met on October 2, 2024. The final site plan for the D'Cortez Restaurant located on Highway 77 was approved. The second item was a proposal for rezoning 76.49 acres of land from R-2-S (Single-Family only Residential) to R-5 (Zero Lot Line Residential). The item failed to receive a motion; therefore, it failed to pass. Mr. Brown is appealing this before the City Council. This was covered later in the meeting under New Business.

Building Inspector: Fred Thorne, Jr. reported there were 9 new house permits, 0 commercial permits and 20 miscellaneous permits issued for the month of October. That brings year-to-date totals to 28 new house permits, 3 commercial permits and 167 miscellaneous permits for a total of \$22,208,266.06 in construction.

Water & Sewer: No Report

Police & Fire: Councilwoman Hensley reported the Police & Fire Committee met on October 14, 2024. Items discussed were the selling of the Dodge Charger K-9 Unit and using those funds along with insurance settlement funds to purchase a new Dodge Charger for the Police Department and the amending of Ordinance 248. All of these items were discussed later in the meeting under New Business and Ordinances and Resolutions.

Public Works: Councilman Jackson reported the Public Works Committee met on October 14, 2024. Items discussed were garbage pick up, the leaf pick up, yard waste not picked up by garbage trucks their fees for half load and full load. Also, the State Aid for Streets Project. The city will receive \$300,000.00 from the state for the repair of various streets.

IV.

Old Business:

Military Road Update – The bid date is confirmed for February 2025.

Overpass Update – No new updates. The Railroad Elimination Grant was submitted last month.

Parsons Transportation Group – Balance Due – The City of Marion signed an agreement with Parsons Transportation back in 2013. There was a supplemental fee of \$164,072.75, for design work done for the City of Marion. In 2020, the Council approved 25% of that fee to be paid and the remainder to be paid upon completion. The 75% owed is \$123,054.56, and Parsons is requesting payment from the city. Councilwoman Hensley made a motion, seconded by Councilman Guy, to authorize the remainder of the payment of \$123,054.56, to Parsons Transportation. The motion passed with 5-ayes and 1 nay.

Fire Station No. 1 – The renovation of Fire Station No. 1 is progressing on schedule.

Property Condemnation – This was covered under new business.

District Court – Mayor Brick met with Fidelity Bond, and it was voted to pay the \$300,000.00 bond for the embezzlement case. A legislative representative will designate what funds get repaid to the state, city and county. The employee guilty of embezzlement is currently serving a two month jail sentence.

V.

New Business:

Sanitation Dept. Policies – Councilman Cupples made a motion, seconded by Councilman Guy, to approve the Sanitation Department Policies that consist of all household waste must be bagged, leaves must be bagged and will be picked up on the normal scheduled garbage pick up day. Yard waste not picked up by garbage trucks will be determined by the driver as to whether it will be charged as a half load (\$75.00) or a full load (\$135.00). A door hanger will be left on the homeowner's door of the determination and the fee. The fee must be paid at City Hall before the driver picks up the load. In the event of severe weather, the mayor may waive the fee. All Council members present voted in favor of the motion.

State Aid City Street Program – ArDot will cover up to \$300,000.00 for the repair of various streets. Steve Johnson has determined that Colonial Street and Barton Cove need to be completed first. Councilman Jackson made a motion, seconded by Councilman Guy, to approve Colonial Street and Barton Cove for overlay with leveling, patching and some milling when ArDot votes on the selection of streets. All Council members present voted in favor of the motion.

Police K-9 Unit to Sell and Police Vehicle Purchase – Councilwoman Hensley made a motion, seconded by Councilman Jackson, to approve the sell of the Police K-9 Unit for \$14,000.00 and to put those funds with an additional \$30,000.00 insurance settlement toward the purchase of a new Dodge Charger for the Marion Police Department. All Council members present voted in favor of the motion.

Brownstone Estates Rezoning Request – Mr. Dee Brown, Managing Member of Brownstone Estates of Marion, LLC and his attorney Danny Crabtree made a request to the City Council to approve the rezoning of 75 acres south of the Brownstone Country Club from R-2-S to R-5. Their original request to the Planning Commission failed to receive a motion, therefore, Mr. Brown was appealing his request to the City Council. After Mr. Brown's request and several questions on the matter, Councilman Cupples made a motion, seconded by Councilman Nassar, to send this rezoning request back to the Planning Commission for reconsideration. The motion passed with 5-ayes and 1 nay.

Economic Development Incentive – Councilwoman Hensley made a motion, seconded by Councilman Cupples, to approve the Economic Incentive Program to boost commercial development and an ordinance to authorize 15% of privilege/occupation license fees collected to be designated for the City of Marion Economic Development Department. All Council members present voted in favor of the motion.

Deer Chase Subdivision – Councilman Guy made a motion, seconded by Councilman Jackson, to approve the final acceptance of Deer Chase Subdivision. All Council members present voted in favor of the motion.

ARML League Defense Program – Councilman Jackson made a motion, seconded by Councilwoman Hensley, to approve the Municipal Legal Defense Program fee of \$25,441.20, effective January 1, 2025. All Council members present voted in favor of the motion.

Army Corps of Engineers Right of Entry – Councilwoman Hensley made a motion, seconded by Councilman Cupples, to approve the right-of-entry for Ditch 15 & Bypass to the Army Corp of Engineers. All Council members present voted in favor of the motion.

Carter Street Pump Station – Councilman Cupples made a motion, seconded by Councilman Jackson, to approve the purchase of a second pump at a cost of \$16,400.71, for the Carter Street Pump Station. All Council members present voted in favor of the motion.

House of Representative Request – Councilman Cupples made a motion, seconded by Councilman Guy, to approve a request for a key to the city for Representative Milton Nicks, Jr. All Council members present voted in favor of the motion.

VI.

Resolutions, Ordinances & Proclamations:

Mayor Brick brought before the Council a proposed ordinance to increase permit fees, for second consideration and approval.

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

City Attorney Crain read the following ordinance by title only:

**AN ORDINANCE TO AMEND ORDINANCE 459 ESTABLISHING AND AMENDING THE SCHEDULE OF PERMIT FEES FOR BUILDING PERMITS, PLUMBING PERMITS, GAS PERMITS, ELECTRICAL PERMITS, MECHANICAL PERMITS AND ALL OTHER PERMITS ISSUED BY THE CITY OF MARION, ARKANSAS**

Councilman Wood made a motion, seconded by Councilman Guy, that the proposed ordinance be adopted on the second reading. All Council members present voted in favor of the motion. On roll call the following votes were recorded: Hensley-aye, Cupples-aye, Wood-aye, Guy-aye, Jackson-aye and Nassar-aye.

Councilman Wood made a motion, seconded by Councilman Guy, that the proposed ordinance be read a third time by title only. All Council members present voted in favor of the motion.

City Attorney Crain read the following ordinance by title only:

**AN ORDINANCE TO AMEND ORDINANCE 459 ESTABLISHING AND AMENDING THE SCHEDULE OF PERMIT FEES FOR BUILDING PERMITS, PLUMBING PERMITS, GAS PERMITS, ELECTRICAL PERMITS, MECHANICAL PERMITS AND ALL OTHER PERMITS ISSUED BY THE CITY OF MARION, ARKANSAS**

Councilman Guy made a motion, seconded by Councilman Jackson, that the proposed ordinance be adopted on the third reading. All Council members present voted in favor of the motion. On roll call the following votes were recorded: Cupples-aye, Wood-aye, Guy-aye, Jackson-aye, Nassar-aye and Hensley-aye.

Councilman Wood made a motion, seconded by Councilman Cupples, that the proposed ordinance be adopted on the emergency clause. All Council members present voted in favor of the motion.

The Ordinance was numbered 628.

Mayor Brick brought before the Council a proposed ordinance to increase the fees for privilege licenses for a third consideration and approval.

Councilwoman Hensley made a motion, seconded by Councilman Cupples, that the proposed ordinance be read a third time by title only. All Council members present voted in favor of the motion.

City Attorney Crain read the following ordinance by title only:

**AN ORDINANCE TO AMEND ORDINANCE 371 LEVYING AN ANNUAL OCCUPATION TAX UPON ALL PERSONS, FIRMS AND CORPORATIONS ENGAGED IN CARRYING ON OR FOLLOWING CERTAIN TRADES, BUSINESSES, PROFESSIONS, VOCATIONS AND CALLINGS WITHIN THE CITY LIMITS OF MARION, ARKANSAS AND DECLARING AN EMERGENCY**

Councilwoman Hensley made a motion, seconded by Councilman Cupples, that the proposed ordinance be adopted on the third reading. All Council members present voted in favor of the motion. On roll call the following votes were recorded: Hensley-aye, Cupples-aye, Wood-aye, Guy-aye, Jackson-aye and Nassar-aye.

Councilwoman Hensley made a motion, seconded by Councilman Guy, that the proposed ordinance be adopted on the emergency clause. All Council members present voted in favor of the motion.

The Ordinance was numbered 629.

Mayor Brick brought before the Council an ordinance to amend Ordinance 248 by increasing the fines.

Councilwoman Hensley made a motion, seconded by Councilman Jackson, to read the proposed ordinance by title only. All Council members present voted in favor of the motion.

City Attorney Crain read the following ordinance by title only:

**AN ORDINANCE AMENDING ORDINANCE 248 PROHIBITING THE STORAGE OF INOPERABLE MOTOR VEHICLES UPON PRIVATE PREMISES; ESTABLISHING AN EMERGENCY; AND FOR OTHER PURPOSES BE IT ORDAINED BY THE CITY COUNCIL OF MARION, ARKANSAS**

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

Councilwoman Hensley made a motion, seconded by Councilman Guy, that the proposed ordinance be read a second time by title only. All Council members present voted in favor of the motion.

City Attorney Crain read the following ordinance by title only:

**AN ORDINANCE AMENDING ORDINANCE 248 PROHIBITING THE STORAGE OF INOPERABLE MOTOR VEHICLES UPON PRIVATE PREMISES; ESTABLISHING AN EMERGENCY; AND FOR OTHER PURPOSES BE IT ORDAINED BY THE CITY COUNCIL OF MARION, ARKANSAS**

Councilman Cupples made a motion, seconded by Councilwoman Hensley, that the proposed ordinance be adopted on the second reading. All Council members present voted in favor of the motion. On roll call the following votes were recorded: Cupples-aye, Wood-aye, Guy-aye, Jackson-aye, Nassar-aye and Hensley-aye.

Councilwoman Hensley made a motion, seconded by Councilman Cupples, that the proposed ordinance be read a third time by title only. All Council members present voted in favor of the motion.

City Attorney Crain read the following ordinance by title only:

**AN ORDINANCE AMENDING ORDINANCE 248 PROHIBITING THE STORAGE OF INOPERABLE MOTOR VEHICLES UPON PRIVATE PREMISES; ESTABLISHING AN EMERGENCY; AND FOR OTHER PURPOSES BE IT ORDAINED BY THE CITY COUNCIL OF MARION, ARKANSAS**

Councilman Guy made a motion, seconded by Councilman Cupples, that the proposed ordinance be adopted on the third reading. All Council member present voted in favor of the motion. On roll call the following votes were recorded: Wood-aye, Guy-aye, Jackson-aye, Nassar-aye, Hensley-aye and Cupples-aye.

Councilman Wood made a motion, seconded by Councilman Jackson, that the proposed ordinance be adopted on the emergency clause. All Council members present voted in favor of the motion.

The Ordinance was numbered 630.

Mayor Brick brought before the Council an ordinance that would designate 15% of all privilege license fees would go to the Economic Development Department.

Councilman Wood made a motion, seconded by Councilman Cupples, that the proposed ordinance be read by title only. All Council members present voted in favor of the motion.

City Attorney Crain read the following ordinance by title only:

**AN ORDINANCE TO DESIGNATE 15% OF ALL PRIVILEGE LICENSE FEES THAT THE CITY OF MARION COLLECTS TO BE DESIGNATED TO THE CITY OF MARION, ARKANSAS' ECONOMIC DEVELOPMENT DEPARTMENT FOR THE PURPOSE OF ASSISTING RETAIL BUSINESSES AND NEW RETAIL BUSINESSES**

Councilman Cupples made a motion, seconded by Councilman Wood, that the proposed ordinance be adopted on the first reading. All Council members present voted in favor of the motion. On roll call the following votes were recorded: Hensley-aye, Cupples-aye, Wood-aye, Guy-aye, Jackson-aye and Nassar-aye.

The proposed ordinance will be put on the November agenda for a second and third reading and consideration for approval.

Mayor Brick brought before the Council an ordinance for condemnation of 135 Sycamore in the Forrest Park 6<sup>th</sup> subdivision in the City of Marion, Arkansas.

Councilman Wood made a motion, seconded by Councilman Guy, that the proposed ordinance be read by title only. All Council members present voted in favor of the motion.

City Attorney Crain read the following ordinance by title only:

**AN ORDINANCE DECLARING CERTAIN PROPERTY TO BE UNSAFE, UNSANITARY, DILAPIDATED, UNSIGHTLY AND DETRIMENTAL TO THE PUBLIC WELFARE AND ORDERING THE PROPERTY TO BE REMOVED OR RAZED**

Councilman Guy made a motion, seconded by Councilman Cupples, that the proposed ordinance be adopted on the first reading. All Council members present voted in favor of the motion. On roll call the following votes were recorded: Hensley-aye, Cupples-aye, Wood-aye, Guy-aye, Jackson-aye and Nassar-aye.

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

City Attorney Crain read the following ordinance by title only:

**AN ORDINANCE DECLARING CERTAIN PROPERTY TO BE UNSAFE, UNSANITARY, DILAPIDATED, UNSIGHTLY AND DETRIMENTAL TO THE PUBLIC WELFARE AND ORDERING THE PROPERTY TO BE REMOVED OR RAZED**

Councilman Guy made a motion, seconded by Councilman Jackson, that the proposed ordinance be adopted on the second reading. All Council members present voted in favor of the motion. On roll call the following votes were recorded: Cupples-aye, Wood-aye, Guy-aye, Jackson-aye, Nassar-aye and Hensley-aye.

Councilman Wood made a motion, seconded by Councilman Cupples, that the proposed ordinance be read a third time by title only. All Council members present voted in favor of the motion.

City Attorney Crain read the following ordinance by title only:

**AN ORDINANCE DECLARING CERTAIN PROPERTY TO BE UNSAFE, UNSANITARY, DILAPIDATED, UNSIGHTLY AND DETRIMENTAL TO THE PUBLIC WELFARE AND ORDERING THE PROPERTY TO BE REMOVED OR RAZED**

Councilman Guy made a motion, seconded by Councilwoman Hensley, that the proposed ordinance be adopted on third reading. All Council members present voted in favor of the motion. On roll call the following votes were recorded: Wood-aye, Guy-aye, Jackson-aye, Nassar-aye, Hensley-aye and Cupples-aye.

Councilman Wood made a motion, seconded by Councilman Jackson, that the proposed ordinance be adopted on the emergency clause. All Council members present voted in favor of the motion.

The Ordinance was numbered 631.

The property owners of 212 Barton Avenue, Lot 8, Block 1, of the Reginelli subdivision in the City of Marion, Arkansas, were in attendance and advised they would have the property cleaned up in sixty days. Mayor Brick requested that they stay in contact with Fred Thorne, Jr., the City Building Inspector.

VII.

Financial Report: Treasurer Rikard noted that the September financials were previously distributed. September sales tax collections were worse than budget by 1.2% for the city portion and better than budget by 0.8% for the county portion. That results in 2024 year-to-date collections through September worse than budget by 2.7% for the city portion and better than budget by 0.4% for the county portion. In dollars that amounts to approximately \$44,500.00 of collections less than budget. Rikard pointed out that overall general fund revenue collections (excluding grant income and asset sales) through September were worse than budget by approximately \$271,000.00 and general fund expenditures (excluding capital items and grant expenditures) were worse than budget by approximately \$21,000.00.

Rikard then opened the floor for questions.

VIII.

Departmental Reports:

Woody Wheelless had nothing further to report.

Steve Johnson had nothing further to report.

Beth Wilson reported that the City of Marion received a grant from Arkansas Economic Development Commission.

Andy Rawls reported last weekend that the last baseball tournament was held, and he has eight tournaments scheduled for next year.

Scott Marshall reported the water pipe replacement project in the old part of town is moving along smoothly.

Chief Hinkle had nothing further to report.

There being no further business to come before the Council and upon proper motion, the meeting was adjourned at 7:36 p.m.

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Mayor

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