

Searcy City Council – Regular Session
Tuesday, December 13, 2022 6:00 p.m.
Minutes

A public hearing had been advertised to be held at 6:00 p.m. on December 13, 2022. The purpose for this public hearing was for the consideration of any public input in determining the amounts of liens to be certified to the White County Tax Collector against certain properties as a result of grass cutting expenses and the abatement of other nuisances that have been incurred by the City of Searcy. Mayor Kyle Osborne opened the public hearing. No person requested to speak. Mayor Osborne closed the public hearing.

A public hearing had been advertised to be held on December 13, 2022. The purpose for this public hearing was for the consideration of any public input regarding the declaration of a nuisance property for property located at 103 Greer Street. Mayor Kyle Osborne opened the public hearing. No person requested to speak. Mayor Osborne closed the public hearing.

A public hearing had been advertised to be held on December 13, 2022. The purpose for this public hearing was for the consideration of any public input regarding the declaration of a nuisance property for property located at 401 West Woodruff Avenue. Mayor Kyle Osborne opened the public hearing. One person requested to speak. Mayor Osborne closed the public hearing.

A public hearing had been advertised to be held on December 13, 2022. The purpose for this public hearing was for the consideration of any public input regarding the declaration of a nuisance property for property located at 600 North Spruce Street. Mayor Kyle Osborne opened the public hearing. No person requested to speak. Mayor Osborne closed the public hearing.

A public hearing had been advertised to be held on December 13, 2022. The purpose for this public hearing was for the consideration of any public input regarding the abandoning and vacating of a portion of Spruce Street. Mayor Kyle Osborne opened the public hearing. Three persons requested to speak. Mayor Osborne closed the public hearing.

A public hearing had been advertised to be held on December 13, 2022. The purpose for this public hearing was for the consideration of any public input regarding the abandoning and vacating of a portion of Vine Avenue. Mayor Kyle Osborne opened the public hearing. One person requested to speak. Mayor Osborne closed the public hearing.

Mayor Kyle Osborne called to order the Regular Session of the Searcy City Council. David Morris gave the Invocation, with the Pledge of Allegiance following, led by Chris Howell. City Clerk/Treasurer Jerry Morris called the roll with the following Council

December 13, 2022

Regular Session

members answering “present”: Logan Cothorn, David Morris, Chris Howell, Rodger Cargile, Tonia Hale, Dale Brewer and Mike Chalenburg. Also present was City Attorney Buck Gibson. Council member Don Raney was not present.

Item (3) on the agenda was to suspend the rules and amend the agenda to add item: (29-2-a) budget adjustment ordinance authorization to expend funds for fuel for all departments. A motion was made by Mrs. Hale, seconded by Mr. Morris to suspend the rules and add the item. Motion carried with the following voting “yes”: Morris, Howell, Cargile, Hale, Brewer, Chalenburg, and Cothorn.

The minutes of the regular November 8, 2022 meeting of the Council were presented for approval. A motion was made by Mr. Cothorn and seconded by Mr. Morris to approve the minutes. The following voted to approve: Howell, Cargile, Hale, Brewer, Chalenburg, Cothorn, and Morris.

Clerk/Treasurer Jerry Morris presented and read the Treasurer’s Report which lists the following balances as of November 30, 2022: General Fund: \$7,965,975.69; Street Fund \$3,845,811.30; Capital Equipment Fund \$17,881.97; LOPFI Fund \$275,225.35; Act 833 Fund \$42,417.89; Airport Fund \$214,387.56. The total of all of the preceding funds is \$12,361,699.76. He also reported the following balances as of November 30, 2022: 2014 Eight Year Plan Fund \$14,704,810.74; 0.25% Fire Protection Services County Sales Tax Fund \$180,661.51; Court Automation Fund \$85,971.10; American Rescue Plan Act Fund \$2,596,246.67. He also reported a total of \$7,957,056.16 year-to-date in City 0.5% and County Sales Tax revenues received, which is up \$519,811.46 from the same time in 2021. Also reported was a total of \$2,212,081.79 in City 1.00% Sales Tax revenue.

Item (6) on the agenda was for the Searcy Regional Chamber of Commerce Quarterly Report presented by Buck Layne.

Item (7) was for the reappointment of Reynie Rutledge to a five-year term on the Searcy Board of Public Utilities with the term set to expire on December 31, 2027. A motion was made by Mr. Morris and seconded by Mr. Brewer to approve the reappointment of Reynie Rutledge to a five-year term on the Searcy Board of Public Utilities with the term set to expire on December 31, 2027. Motion carried with the following voting “yes”: Cargile, Hale, Brewer, Chalenburg, Cothorn, Morris, and Howell.

Item (8) was for the reappointment of Adam Hart to a five-year term on the Searcy Airport Commission with the term set to expire on December 31, 2027. A motion was made by Mr. Brewer and seconded by Mr. Cothorn to approve the reappointment of Adam Hart to a five-year term on the Searcy Airport Commission with the term set to expire on December 31, 2027. Motion carried with the following voting “yes”: Hale, Brewer, Chalenburg, Cothorn, Morris, Howell, and Cargile.

Item (9) on the agenda was for the appointment of Lillie Cook to a three-year term on the Searcy Tree Board with the term set to expire on December 31, 2023. A motion was made by Mr. Cothorn, seconded by Mr. Morris, to approve the appointment of Lillie

December 13, 2022

Regular Session

Cook to a three-year term on the Searcy Tree Board with the term set to expire on December 31, 2023. Motion carried with the following voting “yes”: Brewer, Chalenburg, Cothern, Morris, Howell, Cargile, and Hale.

Item (10) on the agenda was for the appointment of Marilyn Sims to a three-year term on the Searcy Tree Board with the term set to expire on December 31, 2024. A motion was made by Mr. Morris, seconded by Mrs. Hale, to approve the appointment of Marilyn Sims to a three-year term on the Searcy Tree Board with the term set to expire on December 31, 2024. Motion carried with the following voting “yes”: Chalenburg, Cothern, Morris, Howell, Cargile, Hale, Brewer.

Item (11) was for the reappointment of Jean Waldrop to a six-year term on the Searcy Library Board with the term set to expire on December 31, 2027. A motion was made by Mr. Cothern and seconded by Mr. Chalenburg to approve the reappointment of Jean Waldrop to a six-year term on the Searcy Library Board with the term set to expire on December 31, 2027. Motion carried with the following voting “yes”: Cothern, Morris, Howell, Cargile, Hale, Brewer, and Chalenburg.

Item (12) was for the reappointment of Donna Green to a six-year term on the Searcy Library Board with the term set to expire on December 31, 2027. A motion was made by Mr. Cothern and seconded by Mr. Chalenburg to approve the reappointment of Donna Green to a six-year term on the Searcy Library Board with the term set to expire on December 31, 2027. Motion carried with the following voting “yes”: Morris, Howell, Cargile, Hale, Brewer, Chalenburg, and Cothern.

Item (13) was for the reappointment of Laura Hoffmann to a six-year term on the Searcy Library Board with the term set to expire on December 31, 2028. A motion was made by Mr. Morris and seconded by Mr. Brewer to approve the reappointment of Laura Hoffmann to a six-year term on the Searcy Library Board with the term set to expire on December 31, 2028. Motion carried with the following voting “yes”: Howell, Cargile, Hale, Brewer, Chalenburg, Cothern, and Morris.

Item (14) on the agenda was for the discussion regarding a request for a multi-year ground lease for the Pioneer Village. Mayor Osborne requested that the Council table this item until more information could be gathered. A motion was made by Mr. Morris and seconded by Mr. Cothern to table this item until more information could be gathered. Motion to table was carried with the following voting “yes”: Cargile, Hale, Brewer, Chalenburg, Cothern, Morris, and Howell.

Item (15) was for discussion regarding half-street improvements for the proposed new location of Riser-Harness Ford on June Drive. A motion was made by Mr. Morris, seconded by Mr. Howell, to approve the intent of the City of Searcy for improvement of the entirety of June Drive and have Riser Harness include in their project the cost of their location’s half-street improvement. The motion also included the directive to the City Engineer to work with the Riser Harness project engineer to develop plans for the improvement to the entirety of June Drive in order to have a combined effort between the

December 13, 2022

Regular Session

City of Searcy and Riser Harness Ford and help ensure the economy and efficiencies for the project. Motion carried with the following voting “yes”: Hale, Brewer, Chalenburg, Cothorn, Morris, Howell, and Cargile.

Item (16) on the agenda was for the approval of Change Order Number 1 and Change Order Number 2 for the Berryhill Park tennis/pickleball courts improvement project. The change order amounts were as follows:

- Change Order Number 1 – a decrease (reduction) of \$2,500.00. Consisting of additional undercut, plumbing changes, reduction on overall number of picnic tables and park benches
- Change Order Number 2 – an increase of \$12,203.00. Consists of additional court lighting control options

A motion was made by Mr. Cargile and seconded by Mr. Chalenburg to approve both Change Order Number 1 and Change Order Number 2. Motion carried with the following voting “yes”: Brewer, Chalenburg, Cothorn, Morris, Howell, Cargile, and Hale.

Item (17) was a resolution for the authorization to execute and perform under the terms of a certain agreement, Office of Justice Programs Edward Byrne Memorial Justice Assistance Program Local Solicitation grant. Mr. Gibson read the resolution in full. A motion was made by Mr. Chalenburg and seconded by Mr. Morris to approve the resolution for the authorization to execute and perform under the terms of a certain agreement, Office of Justice Programs Edward Byrne Memorial Justice Assistance Program Local Solicitation grant. Motion carried with the following voting “yes”: Chalenburg, Cothorn, Morris, Howell, Cargile, Hale, and Brewer. **Resolution 2022-41**

Item (18) was a resolution for the authorization to execute and perform under the terms of a certain agreement, Office of Justice Programs Law Enforcement Agency De-escalation Community Policing Development grant. Mr. Gibson read the resolution in full. Motion was made by Mr. Cothorn and seconded by Mr. Cargile to pass the resolution. Motion carried with the following voting “yes”: Cothorn, Morris, Howell, Cargile, Hale, Brewer, and Chalenburg. **Resolution 2022-42**

Item (19) was a resolution for the authorization to execute and perform under the terms of a certain agreement, Arkansas Department of Public Safety Equipment grant. Mr. Gibson read the resolution in full. A motion was made by Mr. Morris and seconded by Mr. Cothorn to approve the resolution for the authorization to execute and perform under the terms of a certain agreement, Arkansas Department of Public Safety Equipment grant. Motion carried with the following voting “yes”: Morris, Howell, Cargile, Hale, Raney, Brewer, Chalenburg, and Cothorn. **Resolution 2022-43**

Item (20) was a resolution changing the name of the entirety of Higginson Street to Veterans Boulevard. Mr. Gibson read the resolution in full. Motion was made by Mr. Brewer and seconded by Mr. Morris to pass the resolution. Motion carried with the following voting “yes”: Howell, Cargile, Hale, Brewer, Chalenburg, Cothorn, and Morris. **Resolution 2022-44**

December 13, 2022

Regular Session

Item (21) was a resolution approving the amounts of liens to be certified to the White County Tax Collector against certain properties in the City of Searcy as a result of grass cutting expenses and abatement of other nuisances. Mr. Gibson read the resolution in full. A motion was made by Mrs. Hale and seconded by Mr. Brewer to approve the resolution approving the amounts of liens to be certified to the White County Tax Collector against certain properties in the City of Searcy as a result of grass cutting expenses and abatement of other nuisances. Motion carried with the following voting “yes”: Cargile, Hale, Brewer, Chalenburg, Cothorn, Morris, and Howell.

Resolution 2022-45

Item (22) was a resolution declaring certain property located at 103 Greer 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. Cothorn and seconded by Mr. Chalenburg to pass the resolution. Motion carried with the following voting “yes”: Hale, Brewer, Chalenburg, Cothorn, Morris, Howell, and Cargile.

Resolution 2022-46

Item (23) was a resolution declaring certain property located at 401 West Woodruff Avenue a nuisance and directing the removal of the improvements constituting the nuisance. A motion was made by Mr. Howell, seconded by Mr. Cargile to amend Section 3 of the resolution to read ‘If, after **one hundred and twenty (120)** days from the date of such notice, the bases for finding that the Nuisance Property is a nuisance pursuant to Chapter 9 of the Searcy Code of Ordinances have not been corrected or otherwise abated to the satisfaction of the Mayor of the City of Searcy, the Mayor may direct that the improvements or other conditions constituting the nuisance may be torn down, razed or removed by the City and any saleable material be liquidated as provided in Chapter 9 Section 9-2-7-9 of the Searcy Code of Ordinances, with any proceeds to be applied pursuant to Chapter 9 Section 9-2-7-10 of the Searcy Code of Ordinances.’ Motion carried with the following voting “yes”: Brewer, Chalenburg, Cothorn, Morris, Howell, Cargile, and Hale. Mr. Gibson read the resolution in full. Motion was made by Mr. Chalenburg and seconded by Mr. Morris to pass the resolution. Motion carried with the following voting “yes”: Chalenburg, Cothorn, Morris, Howell, Cargile, Hale, and Brewer. **Resolution 2022-47**

Item (24) was a resolution declaring certain property located at 600 North Spruce Street a nuisance and directing the removal of the improvements constituting the nuisance. Mr. Gibson read the resolution in full. Motion was made by Mrs. Hale and seconded by Mr. Brewer to pass the resolution. Motion carried with the following voting “yes”: Cothorn, Morris, Howell, Cargile, Hale, Brewer, and Chalenburg. **Resolution 2022-48**

Item (25) was a resolution expressing intent regarding funding for the new library facility renovation project. Mr. Gibson read the resolution in full. Motion was made by Mr. Brewer and seconded by Mr. Chalenburg to pass the resolution. Motion carried with the following voting “yes”: Morris, Howell, Cargile, Hale, Brewer, Chalenburg, and Cothorn. **Resolution 2022-49**

December 13, 2022

Regular Session

Item (26) on the agenda was an ordinance amending the Searcy Zoning Code with respect to the zoning classification of a specific land area within the City of Searcy, real property located at 2705 Eastline Road from U-T (Urban Transitional) to C-4 (Regional and Open-Display Commercial). A motion was made by Mr. Morris, seconded by Mrs. Hale, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Cargile, Hale, Brewer, Chalenburg, Cothorn, Morris, and Howell. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Chalenburg, seconded by Mrs. Hale, to adopt the ordinance. The ordinance passed with the following voting “yes”: Hale, Brewer, Chalenburg, Cothorn, Morris, Howell, and Cargile. 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”: Brewer, Chalenburg, Cothorn, Morris, Howell, Cargile, and Hale.

Ordinance 2022-38

Item (27) on the agenda was an ordinance abandoning and vacating the interests of the City of Searcy in and to a portion of a right of way along Spruce Street. A motion was made by Mr. Morris, seconded by Mr. Cothorn, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Chalenburg, Cothorn, Morris, Howell, Cargile, Hale, and Brewer. Mr. Gibson read the ordinance by title only. A motion was made by Mr. Chalenburg and seconded by Mr. Brewer to amend the ordinance’s Section 1 where it reads ‘Summit Energy’ instead of ‘Centerpoint Energy’. Motion carried with the following voting “yes”: Cothorn, Morris, Howell, Cargile, Hale, Brewer, and Chalenburg. A motion was then made by Mr. Chalenburg, seconded by Mr. Brewer, to adopt the ordinance. The ordinance passed with the following voting “yes”: Morris, Howell, Cargile, Hale, Brewer, Chalenburg, and Cothorn. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothorn, seconded by Mr. Morris, to adopt the emergency clause, with the following voting “yes”: Howell, Cargile, Hale, Brewer, Chalenburg, Cothorn, and Morris.

Ordinance 2022-39

Item (28) on the agenda was an ordinance abandoning and vacating the interests of the City of Searcy in and to a portion of a right of way along Vine Avenue. A motion was made by Mr. Morris, seconded by Mr. Cothorn, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Cargile, Hale, Brewer, Chalenburg, Cothorn, Morris, and Howell. Mr. Gibson read the ordinance by title only. A motion was made by Mr. Morris and seconded by Mrs. Hale to amend the ordinance’s Section 1 where it reads ‘Summit Energy’ instead of ‘Centerpoint Energy’. Motion carried with the following voting “yes”: Hale, Brewer, Chalenburg, Cothorn, Morris, Howell, and Cargile. A motion was then made by Mr. Cothorn, seconded by Mr. Brewer, to adopt the ordinance. The ordinance passed with the following voting “yes”: Brewer, Chalenburg, Cothorn, Morris, Howell, Cargile, and Hale. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothorn, seconded by Mr. Morris, to adopt the emergency clause, with the following voting “yes”: Chalenburg, Cothorn, Morris, Howell, Cargile, Hale, and Brewer.

Ordinance 2022-40

Item (29) 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 \$2,000.00 to the General Fund 'FIRE DONATIONS' revenue account (#01 4-000-90-07) and appropriate \$2,000.00 to the Fire Department 'DONATIONS EXPENDED' expenditure account (#01 5-070-05-17) for the receipt and use of donations;
- b. Appropriate \$374,956.45 from Eight Year Plan Tax Fund unappropriated reserves to the 'BERRYHILL TENNIS/PICKLEBALL COURTS' expenditure account (#14 5-080-05-01) for the Berryhill Park Tennis/Pickleball Courts project;
- c. Appropriate \$294.25 from General Fund unappropriated reserves to the Black House 'RESTORATION/REPAIRS' expenditure account (#01 5-083-05-02) for architectural services on the Black House restoration/repair project;
- d. Appropriate \$95,400.00 from General Fund unappropriated reserves to the Black House 'RESTORATION/REPAIRS' expenditure account (#01 5-083-05-02) for construction services on the Black House restoration/repair project;
- e. Appropriate \$2,687.74 to the 2014 Eight Year Plan Fund 'LIBRARY RENOVATION REIMBURSEMENT' revenue account (#14 4-000-70-03) and appropriate \$2,687.74 to the 'LIBRARY RENOVATION' expenditure account (#14 5-020-54-02) for architectural services on the new Library Building renovation project;
- f. Appropriate \$10,997.28 from Eight Year Plan Tax Fund to the 'NORTH MAIN STREET IMPROVEMENTS' expenditure account (#14 5-900-54-09) for construction services on the North Main Street improvement project;
- g. Appropriate \$24,097.50 from 2014 Eight Year Plan Fund unappropriated reserves to the 'CLOVERDALE DRAINAGE DITCH' expenditure account (#14 5-130-05-08) for engineering services on the Cloverdale Drainage Ditch project;

- h. Appropriate \$3,000.00 from 0.25% Fire Protection Services Tax Fund unappropriated reserves to the 'VEHICLE MAINTENANCE/REPAIRS' expenditure account (#18 5-070-03-02) for tire replacement on Engine 1;
- i. Appropriate \$5,000.00 from General Fund unappropriated reserves to the Carmichael Community Center 'BUILDING MAINTENANCE/REPAIR' expenditure account (#01 5-081-02-01) for roof repairs on the Carmichael Center;
- j. Appropriate \$7,000.00 from General Fund unappropriated reserves to the Code Enforcement Department 'URBAN RENEWAL-MOWING' expenditure account (#01 5-120-05-04) for mowing and cleanup expenses;
- k. Appropriate \$16,800.00 from General Fund unappropriated reserves to the Parks and Recreation Department 'SMYRNA CHURCH IMPROVEMENT' expenditure account (#01 5-080-05-16) for repairs to Smyrna Church;
- l. Transfer \$50,000.00 from the Street Department 'SKID STEER' expenditure account (#02 5-900-53-17) to the Street Department 'COMPACT EXCAVATOR' expenditure account (#02 5-900-53-14);
- m. Transfer \$5,037.47 from the Police Department 'RADIOS' expenditure account (#01 5-060-03-06) to the Police Department 'SERVICE/REPAIRS' expenditure account (#01 5-060-03-01);
- n. Transfer \$300.00 from the Police Department 'RADIOS' expenditure account (#01 5-060-00-06) to the Police Department 'BUILDING MAINTENANCE/REPAIRS' expenditure account (#00 5-060-02-01);

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

- a. \$22,930.43 to Stephenson Oil Company for fuel for all departments;
- b. Transfer \$75,000.00 from the City of Searcy 2014 Eight Year Plan Fund to the City of Searcy LOPFI Fund for payment of LOPFI Retirement obligation (#14 5-190-05-04);
- c. \$374,956.45 to Delk Construction Company for the Berryhill Park Courts project (#14 5-080-05-01);

December 13, 2022

Regular Session

- d. \$294.25 to Hoffmann Architectural for architectural services on the Black House restoration/repairs project (#01 5-083-05-02);
- e. \$95,400.00 to Connell Construction for construction services on the Black House restoration/repairs project (#01 5-083-05-02);
- f. \$2,687.74 to Hoffmann Architectural for architectural services on the new Library building renovation project (#14 5-020-54-02);
- g. \$10,997.28 to Township Builders, Inc., for construction services on the North Main Street improvement project (#14 5-900-54-09);
- h. \$24,097.50 to Miller Newell Engineers, Inc. for engineering services on the Cloverdale Ditch Drainage project (#14 5-130-05-08);

A motion was made by Mr. Brewer, seconded by Mr. Morris, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Cothorn, Morris, Howell, Cargile, Hale, Brewer, and Chalenburg. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Morris, seconded by Mr. Brewer, to adopt the ordinance. The ordinance passed with the following voting “yes”: Morris, Howell, Cargile, Hale, Brewer, Chalenburg, and Cothorn. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Chalenburg, seconded by Mr. Brewer, to adopt the emergency clause, with the following voting “yes”: Howell, Cargile, Hale, Brewer, Chalenburg, Cothorn, and Morris. **Ordinance 2022-41**

A motion was made and seconded to adjourn.

Minutes Approved: January 10, 2023

/s/ Mat Faulkner
MAYOR OF SEARCY

ATTEST:

/s/ Jerry Morris
CITY CLERK

Seal