

Searcy City Council – Regular Session
Tuesday, September 10, 2013 7:00 p.m.
Minutes

Mayor David Morris called to order the Regular Session of the Searcy City Council. Alderman JR Howard gave the Invocation, with the Pledge of Allegiance following, led by Alderman Logan Cothorn. 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, and Mike Chalenburg. Alderman Dale Brewer was not present. Also present was City Attorney Buck Gibson.

Mayor Morris asked the Council to entertain a motion to suspend the rules and amend the agenda to add items #21-1-b (budget ordinance addition; appropriation of additional revenue received to “MUNICIPAL 4-LANE HIGHWAY CONSTRUCTION DISTRIBUTION), #21-1-k (budget ordinance addition; appropriation to ‘RECREATION DONATIONS’ revenue account), #21-1-l (budget ordinance addition; transfer from ‘CITY SMART PROGRAM SUPPLIES’ expenditure account to ‘URBAN RENEWAL – MOWING’ expenditure account), and #21-1-m (budget ordinance addition; appropriation to ‘URBAN RENEWAL – MOWING’ expenditure account). Motion was made by Mr. Cothorn, seconded by Mrs. Arnett, to suspend the rules and amend the agenda to include the added items (#21-1-b, #21-1-k, #21-1-l, and #21-1-m). Motion carried with the following voting “yes”: Arnett, Howard, Sterling, English, Raney, Chalenburg, and Cothorn.

The minutes of the regular August 13, 2013 meeting of the Council were presented for approval. A motion was made by Mr. Cothorn and seconded by Mr. Sterling to approve the minutes. The following voted to approve: Howard, Sterling, English, Raney, Chalenburg, Cothorn, and Arnett.

Clerk/Treasurer Jerry Morris presented and read the Treasurer’s Report which lists the following balances as of 08-31-13: General Fund: \$1,141,508.94; Street Fund \$1,030,525.69; Capital Equipment Fund \$226,671.00; LOPFI Fund \$118,467.01; Parks & Recreation Capital Fund \$9,716.97; Act 833 Fund \$13,765.87; Airport Projects Fund \$1,156.55; Special Highway Tax Fund \$8,052,842.35. He also reported a total of \$4,354,250.86 year-to-date in City and County Sales Tax revenues received, which is up \$72,990.71 from the same time in 2012. The total of all funds (excluding special highway tax fund) is \$2,541,812.03.

Item (6) on the agenda was the presentation of the quarterly Economic Development Report by Mr. Buck Layne, President of the Searcy Regional Chamber of Commerce.

Item (7) was a presentation by Mr. Mark Powell, State Manager for Waste Corporation of America (WCA), concerning the third five-year option on the contract for waste services with the City of Searcy and for Council consideration for action regarding this contract. He stated it is the intention of WCA to renew the contract with the City of Searcy with no

rate increase and to upgrade the transfer station. A motion was made by Mr. Howard and seconded by Mr. Raney to accept the offer of a third five-year option, expiring in the year 2019, on the contract for waste services between the City of Searcy and Waste Corporation of America. Motion carried with the following voting “yes”: Sterling, English, Raney, Chalenburg, Cothorn, Arnett, and Howard.

Item (8) on the agenda was a presentation of reimbursement funds from Entergy, represented by Mr. Paul Ford, and Clear Result, represented by Mr. Juan Martinez pertaining to expenditures (authorized at the April 9, 2013 regular Council meeting in Ordinance 2013-14) made under the City Smart Program. A check to the City of Searcy in the amount of \$24,489.54 was accepted and received as reimbursement toward expenditures made under the City Smart Program.

Item (9) on the agenda was for consideration and/or acceptance of bids received for the demolition of two (2) nuisance properties, one located at 120 Choctaw (declared a nuisance on December 11, 2012 under Resolution 2012-30) and the other located at 1509 Lois Place (declared a nuisance on July 9, 2013 under Resolution 2013-16). Bids received were as follows (with description of service):

120 Choctaw

- Jackson Backhoe & Dozer [Remove all debris from property and return to ground level] - \$8,500.00
- Jerry Faulkner Construction [Demolish and haul away debris] - \$8,500.00
- Sid Langley [Demolition and concrete removal] - \$9,200.00
- Johnny Brock Excavating [Removal of burned structure and footings] - \$8,000.00

1509 Lois Place

- Sid Langley [Demolition and no concrete removal] - \$5,000.00
- Jackson Backhoe & Dozer [Remove all debris from property and return to ground level] - \$5,500.00
- Jerry Faulkner Construction [Demolish and haul away debris] - \$5,500.00
- Johnny Brock Excavating [Removal of burned structure] - \$6,000.00

It was noted during discussion that Johnny Brock Excavating was the low bid for the demolition of 120 Choctaw and included removal of foundation footings, which was desired by the Council. Also noted was that although Jackson Backhoe & Dozer was not the low bid, it did include the removal of the foundation and return to ground level which was not included in the low bid of Sid Langley. Also noted was the satisfaction with previous work performed by Jackson Backhoe & Dozer for the City of Searcy. A motion was made by Mr. Raney, seconded by Mr. Cothorn, to accept the bid of \$8,000.00 from Johnny Brock Excavating for the demolition of 120 Choctaw and the bid of \$5,500.00 from Jackson Backhoe & Dozer for the demolition of 1509 Lois Place. Motion carried with the following voting “yes”: English, Raney, Chalenburg, Cothorn, Arnett, Howard, and Sterling.

Item (10) on the agenda was for the setting of a date for a public hearing regarding a proposed rate adjustment for water and sewer services by the Searcy Board of Public Utilities. A motion was made by Mr. English and seconded by Mrs. Arnett to set the date for the public hearing on October 8, 2013 at 7:00 p.m. at City Hall. Motion carried with the following voting “yes”: Raney, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English.

Item (11) on the agenda was for the appointment of Mr. Marvin J. (Jay) Moore, Jr. to fill the vacant position on the Searcy Airport Commission. The vacancy was created with the resignation of Mr. JR Howard from the Searcy Airport Commission upon his selection to fill a vacant position (Ward 2 Position 1) on the Searcy City Council. A motion was made by Mr. Howard, seconded by Mr. Sterling, to appoint Mr. Marvin J. (Jay) Moore, Jr. to fill the vacant position on the Searcy Airport Commission. Motion carried with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney.

Item (12) on the agenda was for a new appropriation of \$22,500.00 in the Capital Equipment Fund ‘ACT 833’ expenditure account (04 5-870-53-38) and approval to draw upon this appropriation to allow for continuance of making the monthly payments on the Typhoon Pumper Fire Truck through the month of December 2013. This appropriation is needed due to not having received any disbursements of any Act 833 Fire Protection funds for the year 2013. This appropriation is included in the budget adjustment ordinance for this month (item 21 section 1-d). Motion was made by Mr. Sterling and seconded by Mr. Howard to approve the draw upon the appropriation of \$22,500.00 in the Capital Equipment Fund. Motion carried with the following voting “yes”: Cothorn, Arnett, Howard, Sterling, English, Raney, and Chalenburg.

Item (13) was for the approval for the acquisition of a 1-ton truck to be used for the recycling program at the Sanitation department through a 75/25 grant from the Arkansas Department of Environmental Quality. A motion was made by Mr. Raney, seconded by Mr. Howard, to approve the acquisition of a 1-ton truck for the Sanitation department to be used for recycling purposes. Motion carried with the following voting “yes”: Arnett, Howard, Sterling, English, Raney, Chalenburg, and Cothorn.

Item (14) was for the approval/acceptance of bids received for the installation of a traffic signal to be located at the intersection of Beebe Capps Expressway and Sowell Street. The bids that were received were as follows:

- All Service Electric, Inc. (Hot Springs, AR) - \$134,500.00
- Construction Management & Maintenance (Little Rock, AR) - \$142,000.00
- Township Builders (Little Rock, AR) - \$146,769.00

Motion was made by Mr. Cothorn and seconded by Mrs. Arnett to approve and select the low bid of \$134,500.00 tendered by All Service Electric, Inc. for the installation of a traffic signal at the intersection of Beebe Capps Expressway and Sowell Street. Motion carried with the following voting “yes”: Howard, Sterling, English, Raney, Chalenburg,

Cothorn, and Arnett. It was also explained that the cost of the installation would be funded by Wal-Mart, Inc. and no cost would be incurred by the City of Searcy.

Item (15) and item (16) on the agenda was for documentation regarding the conveyance by Mr. Jason Martin, owner, and acceptance by the City of Searcy of a drainage easement across Lot 65, Stage II of the James Subdivision in Searcy, Arkansas, also known as 45 Jamestown Drive. Item (15) was documentation of the granting/conveyance of said permanent drainage easement to the City of Searcy by Mr. Jason Martin across Lot 65, Stage III of the James Subdivision (45 Jamestown Drive). Motion was made by Mr. Chalenburg and seconded by Mr. English to acknowledge the documentation of the granting/conveyance of a permanent drainage easement at 45 Jamestown Drive. Motion carried with the following voting “yes”: Sterling, English, Raney, Chalenburg, Cothorn, Arnett, and Howard. Item (16) on the agenda was a resolution for the acceptance of a dedication for the said permanent drainage easement at Lot 65, Stage III of the James Addition (Subdivision) also known as 45 Jamestown Drive. Mr. Gibson read the resolution in full. Motion was made by Mr. Raney and seconded by Mr. Howard to pass the resolution accepting the dedication of a permanent drainage easement over and across property known as Lot 65, Stage III, James Addition. Motion carried with the following voting “yes”: English, Raney, Chalenburg, Cothorn, Arnett, Howard, and Sterling.

Resolution 2013-21

Item (17) was a resolution regarding the City of Searcy’s desire to relocate the replacement Automated Weather System located at the Searcy Municipal Airport. The Federal Aviation Administration (FAA) notified the City of Searcy that they will replace the existing Automated Weather Sensor System (AWSS) with an Automated Weather Observation System – C (AWOS-C) and that the FAA intends to install the AWOS-C system on the existing site of the AWSS. Due to time constraints regarding the ending of the fiscal year for the FAA and the need for more information regarding the desire of the City to relocate the weather system, no action was taken by the Council.

Item (18) was an ordinance regarding the re-zoning classification of real property located at 2011 West Beebe Capps Expressway from C-3 (Commercial) to C-4 (Commercial) as recommended by the Planning Commission for the City of Searcy. Motion was made by Mr. Raney, 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, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothorn, seconded by Mr. Howard, to adopt the ordinance amending the zoning classification of real property located at 2011 West Beebe Capps Expressway from C-3 to C-4. The ordinance passed with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney. 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”: Cothorn, Arnett, Howard, Sterling, English, Raney, and Chalenburg. **Ordinance 2013-26**

Item (19) on the agenda was an ordinance fixing and establishing the property tax millage to be collected for the City of Searcy for the year 2013. A motion was made by Mrs. Arnett, seconded by Mr. Howard, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting "yes": Arnett, Howard, Sterling, English, Raney, Chalenburg, and Cothorn. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Raney, seconded by Mr. Chalenburg, to adopt the ordinance. The ordinance passed with the following voting "yes": Howard, Sterling, English, Raney, Chalenburg, Cothorn, and Arnett. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Sterling, seconded by Mr. Howard, to adopt the emergency clause, with the following voting "yes": Sterling, English, Raney, Chalenburg, Cothorn, Arnett, and Howard. **Ordinance 2013-27**

Item (20) 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.

Item (21) 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 \$47,445.37 to 'PSAP EQUIPMENT UPGRADE REIMBURSEMENT' revenue account (01 4-000-70-13) for receipt of PSAP 911 equipment upgrade reimbursement from Arkansas ETS/911 Board and appropriate \$69,320.73 to 'PSAP/911 EQUIPMENT UPGRADE' expenditure account (01 5-060-53-17) for payment of invoice from AT&T for the upgrade of PSAP/911 equipment;
- b. Appropriate \$16,172.38 to 'MUNICIPAL 4-LANE HIGHWAY CONSTRUCTION DISTRIBUTION' revenue account (02 4-000-10-05) for receipt of state distribution for July 2013 of City's portion of new 1/2¢ sales tax which began on July 1, 2013 and appropriate \$33,691.31 to 'MUNICIPAL 4-LANE HIGHWAY CONSTRUCTION DISTRIBUTION' revenue account (02 4-000-10-05) for receipt of state distribution for August 2013;
- c. Appropriate \$1,000.00 to 'FIRE DONATIONS' revenue account (01 4-000-90-07) for receipt of donation from XTO Energy, Inc. and appropriate

- \$1,000.00 to 'TURNOUTS' expenditure account (01 5-070-01-14);
- d. Appropriate \$22,500.00 from unappropriated capital equipment fund reserves to Fire Department capital expenditure account for 'ACT 833' (04 5-870-53-38) due to having not received any distributions for the state Act 833 Fire Protection Funds. This will allow for payments to be made on the Typhoon Fire Truck through December 2013;
 - e. Appropriate \$125.00 to 'COURT EXPUNGEMENT FEES' revenue account (01 4-000-20-18) for receipt of City's portion concerning the sealing of records per ACA 16-90-904(3) (A);
 - f. Appropriate \$16,202.00 to 'TAXIWAY E OVERLAY & RAMP DRAINAGE' revenue account (01 4-000-98-97) for receipt of state portion of grant reimbursement;
 - g. Appropriate \$2,250.57 to 'AIRPORT DONATIONS' revenue account (01 4-000-90-13) for receipt of donation from Eastern Aviation Fuels, Inc. and appropriate \$2,250.57 to Airport 'TOOLS/EQUIPMENT' expenditure account (01 5-040-02-07);
 - h. Appropriate \$24,489.54 to 'CITYSMART PROGRAM REIMBURSEMENT' revenue account (01 4-000-70-14) and appropriate \$62.05 to Code Enforcement 'SALARIES' expenditure account (01 5-120-01-01) and appropriate \$6.12 to Code Enforcement 'SS/MEDICARE MATCH' expenditure account (01 5-120-01-02) and appropriate \$11.65 to Code Enforcement 'APERS RETIREMENT' expenditure account (01 5-120-01-05);
 - i. Appropriate \$9,720.96 to Parks and Recreation Capital Fund 'SOLAR SHADE PAVILION SYSTEM' expenditure account (10 5-286-02-11). This is the old A&P account and this expenditure for partial payment of the Solar Shade Pavilion System will close out this account. The balance of the cost of the Solar Shade Pavilion (\$5,365.47) will be paid out of the appropriation already existing in the Capital Equipment Fund for the Solar Shade Pavilion (04 5-880-53-15).

- j. Transfer \$5,434.53 from Capital Equipment Fund ‘SOLAR SHADE PAVILION SYSTEM’ expenditure account (04 5-880-53-15) to Capital Equipment Fund ‘UTILITY TRAILERS 2013’ expenditure account (04 5-880-53-17);
- k. Appropriate \$500.00 to ‘RECREATION DONATIONS’ revenue account (01 4-000-90-08) and appropriate \$500.00 to Parks and Recreation Carmichael Community Center ‘CENTER PROGRAMS’ expenditure account (01 5-081-05-02) for receipt of donation from Henard Utility Products, Inc.;
- l. Transfer \$5,620.89 from ‘CITY SMART PROGRAM SUPPLIES’ expenditure account (01 5-120-04-10) to ‘URBAN RENEWAL - MOWING’ expenditure account (01 5-120-05-04) for expenses toward demolition of nuisance properties, 120 Choctaw and 1509 Lois Place;
- m. Appropriate \$6,000.00 from General Fund unappropriated reserves to ‘URBAN RENEWAL – MOWING’ expenditure account (01 5-120-05-04) for expenses toward demolition of nuisance properties, 120 Choctaw and 1509 Lois Place;

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

- a. \$69,320.73 to AT&T for upgrade of PSAP/911 equipment;
- b. \$15,086.43 to Playpower LT Farmington, Inc. for Solar Shade Pavilion;

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”: English, Raney, Chalenburg, Cothorn, Arnett, Howard, and Sterling. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Sterling, seconded by Mr. Chalenburg, to adopt the ordinance. The ordinance passed with the following voting “yes”: Raney, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English. 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”: Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney. **Ordinance 2013-**

Item (22) was the announcement that a Committee of the Whole meeting would be held on Tuesday, September 17, 2013 at 5:00 p.m. at City Hall for a presentation regarding immediate and future needs of the City of Searcy.

Item (23) on the agenda was notification that a city-wide burn ban has been placed into effect until further notice.

The Mayor announced:

- The purchase of a used vehicle for use in the City of Searcy Police Department
- A 9/11 Remembrance ceremony will be held on the Court Square of the White County Courthouse at 12:00 p.m. on September 11, 2013
- Senior citizens and Veterans day at the White County Fair will be Thursday, September 12, 2013 from 9:00 a.m. until 1:00 p.m.

A motion was made and seconded to adjourn.

Minutes Approved: October 8, 2013

/s/ David Morris
MAYOR

ATTEST:

/s/ Jerry Morris
CITY CLERK

Seal