

Searcy City Council – Regular Session
Tuesday, August 13, 2013 7:00 p.m.
Minutes

Mayor David Morris called to order the Regular Session of the Searcy City Council. City of Searcy Fire Chief Bill Baldrige gave the Invocation, with the Pledge of Allegiance following, led by Alderman Steve Sterling. City Clerk Jerry Morris called the roll with the following Aldermen answering “present”: Logan Cothorn, Mary Ann Arnett, Steve Sterling, Dale English, Don Raney, and Dale Brewer. Alderman Mike Chalenburg was not present. Also present was City Attorney Buck Gibson.

The minutes of the regular July 9, 2013 meeting of the Council as well as the called special Council meetings of July 15, 2013 and August 5, 2013 were presented for approval. The Council was informed that page 04 of the July 15, 2013 minutes had failed to print due to a malfunction of the copy machine. This page was supplied to them and a few moments were given in order for the Aldermen to read this omitted page and ask any questions they may have. A motion was made by Mr. Raney and seconded by Mr. Cothorn to approve the three (3) sets of the minutes, including the addition of the omitted page 04 for the July 15, 2013 minutes. The following voted to approve: Arnett, Sterling, English, Raney, Brewer, and Cothorn.

Clerk/Treasurer Jerry Morris presented and read the Treasurer’s Report which lists the following balances as of July 31, 2013: General Fund: \$1,305,054.90; Street Fund \$1,007,783.68; Capital Equipment Fund \$226,604.40; LOPFI Fund \$106,609.78; Parks & Recreation Capital Fund \$9,712.58; Act 833 Fund \$22,558.08; Airport Projects Fund \$1,000.00; Special Highway Tax Fund \$7,522,038.60. He also reported a total of \$3,813,180.84 year-to-date in City and County Sales Tax revenues received, which is up \$59,028.44 from the same time in 2012. The total of all funds (excluding special highway tax fund) is \$2,679,323.42.

Item (5) on the agenda was a resolution to authorize the Mayor and City Clerk to execute and perform certain agreements, namely agreements with; a) Metro Little Rock Alliance b) Searcy Regional Economic Development Corporation and c) Humane Society of Searcy, copies of which were provided to the Council members. Mr. Gibson read the resolution in full. A motion was made by Mr. Cothorn and seconded by Mrs. Arnett to adopt the resolution authorizing the Mayor and City Clerk to execute and perform certain agreements, namely agreements with Metro Little Rock Alliance, Searcy Regional Economic Development Corporation, and Humane Society of Searcy. Motion carried with the following voting “yes”: Sterling, English, Raney, Brewer, Cothorn, and Arnett.

Resolution 2013-17

Item (6) was a resolution for adopting land-use plan amendments for the City of Searcy, Arkansas planning area, as recommended by the Planning Commission of the City of

Searcy, Arkansas. Mr. Gibson read the resolution in full. Motion was made by Mr. Sterling and seconded by Mrs. Arnett to pass the resolution adopting the amendments to the future land-use plan. Motion carried with the following voting “yes”: English, Raney, Brewer, Cothorn, Arnett, and Sterling. **Resolution 2013-18**

Item (7) on the agenda was a resolution acknowledging the strategic plan formulated by the City of Searcy Fire Department. Mr. Gibson read the resolution in full. Motion was made by Mr. Brewer and seconded by Mr. Sterling to pass the resolution acknowledging the strategic plan formulated by the City of Searcy Fire Department. Motion carried with the following voting “yes”: Raney, Brewer, Cothorn, Arnett, Sterling, and English. **Resolution 2013-19**

Item (8) on the agenda was a proposed ordinance amending the Code of Ordinances of the City of Searcy, Arkansas, for the regulation/prohibition of certain door-to-door solicitation. From discussion regarding this proposed home solicitation ordinance that took place at the pre-council agenda meeting on August 8, 2013, 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 (9) on the agenda was an ordinance for the re-zoning of real property located at 1700 West Pleasure Avenue from R-3 (Residential) to PD (Planned Development) as recommended by the Planning Commission for the City of Searcy, Arkansas. A motion was made by Mr. Raney, seconded by Mr. Brewer, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Brewer, Cothorn, Arnett, Sterling, English, and Raney. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothorn, seconded by Mrs. Arnett, to adopt the ordinance amending the zoning classification from R-3 to PD for real property located at 1700 West Pleasure Avenue. The ordinance passed with the following voting “yes”: Cothorn, Arnett, Sterling, English, Raney, and Brewer. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Sterling, seconded by Mrs. Arnett, to adopt the emergency clause, with the following voting “yes”: Arnett, Sterling, English, Raney, Brewer, and Cothorn. **Ordinance 2013-24**

Item (10) on the agenda was a Capital Equipment purchase request for two (2) utility trailers for the City of Searcy, Arkansas Parks and Recreation Department. The funding of the purchase of these trailers will come from the balance remaining in the Capital Equipment Fund appropriation for the Solar Shade Pavilion after the Solar Shade Pavilion is fully paid for. The amount of this balance will be known once the invoice for the Solar Shade Pavilion is received and this balance will fully fund the purchase of these trailers (one being a 5-foot by 8-foot trailer and the other being a 16-foot by 77-inch trailer). The transfer of the funds from the Solar Shade Pavilion Capital Equipment Fund appropriation to a Capital Equipment Fund appropriation for these trailers will be made and presented to the Council once the remaining balance is known upon receipt of the

invoice for the Solar Shade Pavilion. No additional funds will need to be appropriated for the purchase of the two (2) trailers. A motion was made by Mr. Raney, seconded by Mr. Sterling, to authorize the Parks and Recreation Department to proceed and order the requested trailers. Motion carried with the following voting “yes”: Sterling, English, Raney, Brewer, Cothorn, and Arnett.

Item (11) on the agenda was a budget expenditure authorization ordinance to:

Section 1. *The Mayor and City Clerk are authorized to expend the following sums:*

- a. *\$27,125.00 to Relativity, Inc. for 2013 Annual Service Agreement for Relativity Public Safety (RPS)/Court Management Software (01 5-160-05-01 Software Support);*
- b. *\$58,120.02 to Stephenson Oil Co., Inc. for fuel for all city departments and other miscellaneous expenditures;*
- c. *\$35,120.33 to PlayPower LT Farmington Inc. for Yancey Park playground equipment (01 5-080-56-07 2013 Yancey Park Playground Equipment grant).*

Section 2. *To the extent not otherwise required by law, the requirement of competitive bidding with respect to the expenditures described in Section 1 hereof is hereby waived.*

Emergency Clause. *The need to maintain the fiscal affairs of the City of Searcy in accordance with the requirement of law being necessary for the preservation of the public peace, health, safety and welfare, an emergency is hereby declared and this Ordinance shall be in full force and effect from and after its passage.*

A motion was made by Mr. Raney, seconded by Mr. Brewer, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: English, Raney, Brewer, Cothorn, Arnett, and Sterling. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothorn, seconded by Mr. English, to adopt the ordinance. The ordinance passed with the following voting “yes”: Raney, Brewer, Cothorn, Arnett, Sterling, and English. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Brewer, seconded by Mr. Sterling, to adopt the emergency clause, with the following voting “yes”: Brewer, Cothorn, Arnett, Sterling, English, and Raney. **Ordinance 2013-25**

Item (12) on the agenda was consideration for the acceptance of the resignation of Alderman James “Jim” Dixon effective as of July 31, 2013 and the selection of a replacement of Alderman for Ward 2, Position 1 pursuant to Arkansas Code Annotated § 14-43-411(b). A motion was made by Mr. Raney and seconded by Mr. Cothorn for the Council to enter into executive session for discussion of a personnel issue. Motion carried with the following voting “yes”: Cothorn, Arnett, Sterling, English, Raney, and Brewer.

A motion was made by Mr. Brewer, seconded by Mr. English to come out of executive session and return to regular session. Motion carried with the following voting “yes”: Arnett, Sterling, English, Raney, Brewer, and Cothorn.

Pursuant to Arkansas Code Annotated § 14-43-411(b), the City Council for the City of Searcy, Arkansas was charged with filling the vacant position by either appointment by the remaining members of the Council or by calling for and holding a special election. A motion was made by Mr. Cothorn, seconded by Mr. Brewer, to dispense with the delay and expenses associated with a special election and, therefore, choose to fill the vacant position by the appointment process. Motion carried with the following voting “yes”: Sterling, English, Raney, Brewer, Cothorn, and Arnett.

A motion was then made by Mr. Raney and seconded by Mr. Sterling to appoint Mr. Robert G. “JR” Howard, Jr. to fill the vacant unexpired term of Alderman Ward 2, Position 1. Motion carried unanimously with a vote of 6 in favor, 0 against, and 1 absence, with the following voting “yes”: English, Raney, Brewer, Cothorn, Arnett, and Sterling. Appreciation was expressed by Alderman Brewer to all of the applicants who expressed a desire and interest to be considered to fill the vacant Council position. Mayor Morris reiterated this appreciation to the interested applicants.

A resolution had been prepared by City Attorney Gibson for the acceptance of the resignation of Alderman James “Jim” Dixon and for the process so chosen by the Council for the filling of the vacant position of Alderman Ward 2, Position 1. City Attorney Gibson instructed that Section 2-b be completed as follows: “Selects, by a vote of six (6) in favor and zero (0) against, and one (1) absent, Robert G. “JR” Howard, Jr. to serve the unexpired term of James “Jim” Dixon.” Mr. Gibson read the resolution in full. Motion was made by Mr. Brewer, seconded by Mr. Raney, to adopt the resolution accepting the resignation of Alderman James “Jim” Dixon and selecting by appointment pursuant to Arkansas Code Annotated § 14-43-411(b) Robert G. “JR” Howard, Jr. to fill the unexpired term for Alderman Ward 2, Position 1. Motion carried with the following voting “yes”: Raney, Brewer, Cothorn, Arnett, Sterling, and English.

Resolution 2013-20

A motion was then made by Mr. Brewer, seconded by Mr. Cothorn, to pro-rate the compensation to Mr. Howard beginning on the date of his swearing-in for the position of Alderman Ward 2, Position 1. Motion carried with the following voting “yes”: Brewer, Cothorn, Arnett, Sterling, English, and Raney.

The Mayor announced:

- An employee appreciation luncheon will be held at Berryhill Park from 11:30 a.m. until 1:30 p.m. on August 21, 2013, funded totally through donations.
- Northstar EMS Ambulance Services as well as some of their employees have received awards that were announced at a recent Emergency Medical Services conference held at Hot Springs, Arkansas.

A motion was made and seconded to adjourn.

Minutes Approved: September 10, 2013

/s/ David Morris
MAYOR

ATTEST:

/s/ Jerry Morris
CITY CLERK

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