

**Searcy City Council – Regular Session**  
**Tuesday, July 12, 2016 6:00 p.m.**  
**Minutes**

A public hearing had been advertised to be held at 6:00 p.m. on July 12, 2016, prior to the start of the regular City Council meeting. This public hearing was for the purpose of hearing any comments regarding the abandoning and vacating of an alleyway located within Block 36 of the Original Town of Searcy, Arkansas. Mayor David Morris opened the public hearing and asked if anyone wanted to speak regarding this matter. Brett Watson, Attorney for Harding University, explained that although this alleyway has been platted, it has never been opened or used. He noted that the purpose for the request for the abandoning of the alleyway is for the continuation of further development of Harding University's Legacy Park. He further noted that all of the required consents had been obtained and that proper publication of notification of intent to obtain the abandonment and vacation of the alleyway had been done, as required by law. Mayor Morris asked if anyone else wished to speak. No other person requested to be heard. Mayor Morris closed the public hearing.

Immediately following the previous public hearing, a public hearing for the purpose of 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 was held. Mayor Morris opened the public hearing and asked if anyone wanted to speak regarding this matter. No person requested to speak. Mayor Morris closed the public hearing.

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

The minutes of the regular June 14, 2016 meeting of the Council were presented for approval. A motion was made by Mr. Cothorn and seconded by Mrs. Arnett to approve the minutes. The following voted to approve: Arnett, Howard, Sterling, English, Raney, Chalenburg, and Cothorn.

Clerk/Treasurer Jerry Morris presented and read the Treasurer's Report which lists the following balances as of 6-30-16: General Fund: \$1,386,821.12; Street Fund \$969,814.01; Capital Equipment Fund \$22,435.47; LOPFI Fund \$126,065.30; Act 833 Fund \$72,657.84; Airport Projects Fund \$3,471.06; Special Highway Connector Route Tax Fund \$4,263,873.37; 2014 Eight Year Plan Fund \$5,283,062.63; Information Technology Projects Fund \$7,783.06; Special Projects Fund \$27,596.82. He also reported a total of \$3,009,234.17 year-to-date in City and County Sales Tax revenues received, which is down \$56,512.36 from the same time in 2015. The total of all funds

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(excluding the Special Highway Connector Route Tax Fund, the 2014 Eight Year Plan Fund, the Information Technology Projects Fund, and the Special Projects Fund) is \$2,581,264.80.

Item (5) on the agenda was the quarterly Economic Development Report from the Searcy Regional Chamber of Commerce and the Searcy Regional Economic Development Corporation, presented by Buck Layne of the Searcy Regional Chamber of Commerce.

Item (6) was for the approval of the selection process for obtaining the services of an architect for the proposed new Searcy Public Library. The process for the obtainment of an architect's services had been presented by Darla Ino to the Council at the pre-council agenda meeting held on July 7, 2016. A motion was made by Mr. Raney and seconded by Mr. Howard to approve the described process to be followed in obtaining the services of an architect for the proposed new Searcy Public Library. Motion carried with the following voting "yes": Howard, Sterling, English, Raney, Chalenburg, Cothorn, and Arnett.

Item (7) on the agenda was for the authorization to transfer funding from the General Fund unappropriated reserves to the Information Technology Projects Fund in the amount of \$34,901.41 to be used for the repayment on the fiber optic network construction short-term financing loan. This amount was for the franchise taxes received from White County Video in February of 2015. The franchise taxes received from White County Video were authorized to be used toward the repayment of the short-term financing loan taken out to pay for the fiber optic network construction. Motion was made by Mrs. Arnett and seconded by Mr. English to authorize the transfer of funding in the amount of \$34,901.41 from the General Fund to the Information Technology Projects Fund to be used for the repayment on the fiber optic network construction short-term financing loan. Motion carried with following voting "yes": Sterling, English, Raney, Chalenburg, Cothorn, Arnett, and Howard.

Item (8) was for the approval of a change order for the use of colored mulch in the planted islands that are part of the Downtown Beautification project. This change order is in the amount of \$720.00. A motion was made by Mr. Cothorn, seconded by Mr. Sterling, to approve the change order for the use of colored mulch in the planted islands of the Downtown Beautification project. Motion carried with the following voting "yes": English, Raney, Chalenburg, Cothorn, Arnett, Howard, and Sterling.

Item (9) was a resolution for 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 the abatement of other nuisances. Mr. Gibson read the resolution in full. Motion was made by Mr. Howard and seconded by Mr. Chalenburg to pass the resolution. Motion carried with the following voting "yes": Raney, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English. **Resolution 2016-14**

Item (10) was a resolution regarding the decision of the Searcy Planning Commission concerning large scale developments, specifically the proposed development of real

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property for the new Orr Toyota dealership. Mr. Gibson explained that the matter in question is: 1) whether to affirm, modify, or reverse the decision of the Planning Commission, 2) what is going to be required from the City of Searcy and the developer in the improvements on the boundary of the property, and 3) a payment in lieu amount by the developer to the city for the cost of the boundary improvements, with the City of Searcy doing the street improvement construction, with any excess funds, if any, not used for these boundary improvements to be refunded to the developer. City Engineer Mark Lane explained that, with the relative flatness of the property presenting drainage concerns, his recommendation would be to have the City of Searcy undertake the entire length of improvements to the fronting street (Janet Drive) as one project in order to not to have multiple engineers/contractors doing the street improvements, which may give rise to problems. Mr. Raney agreed that the City of Searcy needs to be in control of all of the improvements to be done to the streets (one project) in the whole of the development area. A motion was made by Mr. Raney, seconded by Mr. Cothorn, to deviate from the rules to allow John Collins, representing Orr Toyota, to speak on the matter. Motion carried with the following voting "yes": Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney. Mr. Collins stated that Orr Toyota is willing to do half street improvements in an amount of up to \$90,000.00, based on an estimated average cost of \$112.50 per running foot for 800 feet (half of the cost of full street improvements estimated at \$225.00 per running foot for 800 foot). A motion was then made by Mrs. Arnett, seconded by Mr. Howard, to deviate from the rules to allow Rickey Floyd of the Searcy Regional Economic Development Corporation to speak on the matter. Motion carried with the following voting "yes": Cothorn, Arnett, Howard, Sterling, English, Raney, and Chalenburg. Mr. Floyd stated that he did not feel as if there would be a big issue of water drainage (standing water) in the area and that this is a big project for Searcy and he hopes to see all of the proposed projects in this area move forward. Mr. Gibson then read the resolution in full. A motion was made by Mr. Raney, seconded by Mr. Cothorn, to amend the resolution as follows:

- Change the word 'affirming' in the title to the word 'modifying'
- Change the word 'affirms' in line 1 of Section 1 to the word 'modifies'
- Change the word 'or' in line 3 of Section 1 (after 'Exhibit A') to the word 'and'
- Change the amounts of '\$180,000' and '\$225' to '\$90,000' and '\$112.50'

Motion carried with the following voting "yes": Arnett, Howard, Sterling, English, Raney, Chalenburg, and Cothorn. A motion was made by Mr. Raney and seconded by Mr. Sterling to approve the resolution regarding the decision of the Searcy Planning Commission concerning large scale developments, specifically the proposed development of real property for the new Orr Toyota dealership, as amended. Motion carried with the following voting "yes": Howard, Sterling, English, Raney, Chalenburg, Cothorn, and Arnett. **Resolution 2016-15**

Item (11) was a resolution reflecting the commitment of the City of Searcy to provide public improvements for access to property adjacent to Janet Drive and Joann Drive for development (Searcy City Center). Mr. Gibson read the resolution in full. A motion was made by Mr. Sterling, seconded by Mr. Cothorn, to deviate from the rules and allow Carter Cooper (Capital Growth Buchalter), Robert Jolly (Retail Strategies), and Gordon Wilbourn (Kutak Rock), representatives of Capital Growth Buchalter (the developer), to

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speaking on the matter. Motion carried with the following voting “yes”: English, Raney, Chalenburg, Cothorn, Arnett, Howard, and Sterling. Mr. Sterling inquired of the representatives as to what kind of commitment do they have of the prospective tenants of the proposed Searcy City Center and if they could provide this information to the City of Searcy. Mr. Raney also asked if they can also provide confirmation that the developers have sufficient financing lined up to complete this project if the City of Searcy commits to providing the access improvements for this development. Mr. Cooper stated that there is an executed lease with Hobby Lobby (subject to closing on the property) and that there are leases ready for execution with Petco, TJ Maxx, and Shoe Carnival. He also noted that they have a letter of intent with Ulta. He stated he would provide this information to the City in writing as requested. He further offered that they were working with Protective Life on the financing of the development, but that it is contingent on the City’s commitment to the incentive contribution for access improvements. Mr. Jolly stated that the requests made by the Council are reasonable and, as a public/private partnership, are certainly entitled to this information. Mr. Raney asked Mr. Cooper if the resolution before the Council will be sufficient to the entity they are working with to provide the financing needed for this development to move forward. Mr. Cooper stated that this would be the starting point, in that further action would need to be taken that defines in more detail the specifics of the City’s commitment to the access improvements. Motion was made by Mr. Sterling and seconded by Mr. Chalenburg to pass the resolution. Motion carried with the following voting “yes”: Raney, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English. **Resolution 2016-16**

Item (12) on the agenda was an ordinance abandoning and vacating an alleyway in Block 36, Original Town, of the City of Searcy. A motion was made by Mr. Raney, seconded by Mr. Chalenburg, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Howard, seconded by Mr. Sterling, to adopt the ordinance. The ordinance passed with the following voting “yes”: Cothorn, Arnett, Howard, Sterling, English, and Raney. Mr. Chalenburg abstained from voting. 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”: Arnett, Howard, Sterling, English, Raney, and Cothorn. Mr. Chalenburg abstained from voting. **Ordinance 2016-21**

Item (13) 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 \$34,901.41 from General Fund unappropriated reserves to ‘TRANSFER TO INFORMATION TECHNOLOGY PROJECTS FUND’ expenditure account (#01 5-190-05-16) and appropriate \$34,901.41 to Information Technology Projects Fund ‘TRANSFER FROM GENERAL

FUND' revenue account (#15 4-000-10-03);

- b. Appropriate \$29,561.15 from 2014 Eight Year Plan Fund unappropriated reserves to the "ADA SPEC GRANT/CRACK REPAIR/PAVING" expenditure account (#14 5-040-56-04) for runway crack repair/paving/sealing work at the Searcy Municipal Airport;
- c. Appropriate \$1,680.00 from Special 1% Tax – Connector Route Fund unappropriated reserves to 'MAIN STREET DEENER CREEK BRIDGE' expenditure account (#13 5-900-54-01) for professional services on the construction of the Main Street replacement bridge;
- d. Appropriate \$3,660.05 from 2014 Eight Year Plan Fund unappropriated reserves to 'WILLIAMS ADDITION DRAINAGE' expenditure account (#14 5-130-05-01) for professional services for the Williams Addition Drainage improvement project;
- e. Appropriate \$10,340.00 from General Fund unappropriated reserves to the Fire Department 'BUILDING MAINTENANCE/REPAIRS' expenditure account (#01 5-070-02-01) for repairs of water leaks at the Central Fire Station #1;
- f. Appropriate \$7,343.50 from 2014 Eight Year Plan Fund unappropriated reserves to 'FIRE STATION 2 RELOCATION' expenditure account (#14 5-070-54-01) for architectural services for the Fire Station 2 building construction project;
- g. Appropriate \$5,000.00 from 2014 Eight Year Plan Fund unappropriated reserves to the 'SWIMMING POOL FACILITY' expenditure account (#14 5-085-54-02) for the cost of a Kinder Morgan Pipeline Damage Prevention Inspector during construction of proposed parking lot at the new swimming pool facility;
- h. Appropriate \$5,500.00 to General Fund unappropriated reserves from Cemetery Department 'TOOLS/EQUIPMENT' expenditure account (#01 5-030-02-07) to reconcile purchase of mower to replace the mower that was stolen with the amount received from insurance reimbursement;
- i. Appropriate \$800.00 to General Fund unappropriated reserves from

Cemetery Department 'TOOLS/EQUIPMENT' expenditure account (#01 5-030-02-07) to reconcile purchase of utility trailer to replace the utility trailer that was stolen with the amount received from insurance reimbursement;

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

- a. \$12,139.01 to Stephenson Oil Company for fuel for all departments;
- b. \$29,561.15 to Cox Paving for runway crack repair/paving/sealing work at the Searcy Municipal Airport (#14 5-040-56-04);
- c. \$1,680.00 to Morrison Shipley Engineers, Inc. for professional services on construction of the Main Street Deener Creek replacement bridge (#13 5-900-54-01);
- d. \$3,660.05 to Morrison Shipley Engineers, Inc. for professional services for the Williams Addition Drainage improvement project (#14 5-130-05-01);
- e. \$10,340.00 to Delk Construction Company for repairs of water leaks at Central Fire Station #1 (#01 5-070-02-01);
- f. \$7,343.50 to Hoffmann Architectural, Inc. for architectural services for the Fire Station 2 relocation building construction project (#14 5-070-54-01);
- g. \$13,884.75 to Miller-Newell Engineers, Inc. for engineering services at the Searcy Municipal Airport (ADA 90/10 grant 3523-16 'SEALCOAT TAXIWAY/APRONS' #14 5-040-56-06);
- h. \$133,233.00 to Delk Construction Company for construction services on the Information Technology building (#14 5-160-54-01);
- i. \$36,854.14 to Johnny Brock Excavating & Landscaping, Inc. for construction services on the Downtown Beautification project (#16 5-190-05-01[\$11,854.14] and #01 5-010-56-09 [\$25,000.00]);

- j. \$2,845.95 to Whitlow Engineering Services, Inc. for engineering services on the Downtown Beautification Project (#16 5-190-05-01);
- k. \$1,134.56 to Hoffmann Architectural Inc. for architectural services on the Information Technology building construction (#14 5-160-54-01);

A 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”: Howard, Sterling, English, Raney, Chalenburg, Cothorn, and Arnett. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Chalenburg, seconded by Mr. Cothorn, to adopt the ordinance. The ordinance passed with the following voting “yes”: Sterling, English, Raney, Chalenburg, Cothorn, Arnett, and Howard. 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”: English, Raney, Chalenburg, Cothorn, Arnett, Howard, and Sterling.  
**Ordinance 2016-22**

The Mayor announced:

- A community-wide Unity vigil to show support for emergency responders (Police officers, Firefighters, Emergency Medical Responders) will be held at 7:00 p.m. on Monday, July 18, 2016 in the pavilion at Spring Park
- Ribbon-cutting for the new playground at Berryhill Park will be on Wednesday, July 20, 2016 at 10:00 a.m.
- White County Business Expo, sponsored by the Searcy Regional Chamber of Commerce, will be held on Friday, July 22, 2016 at the White County Fairgrounds
- Downtown Beautification Project Celebration/Ribbon-cutting event will be held on Thursday, July 28, 2016 at 5:00 p.m. on the Court Square

A motion was made and seconded to adjourn.

Minutes Approved: August 9, 2016

/s/ David Morris  
MAYOR

ATTEST:

/s/ Jerry Morris  
CITY CLERK

Seal