

Searcy City Council – Regular Session
Tuesday, December 9, 2014 7:00 p.m.
Minutes

Prior to the start of the regular December 9, 2014 session of the Searcy City Council, a public hearing had been called and was held regarding the adoption of amendments to the Searcy Electrical Code. No comments regarding the adoption of amendments to the Searcy Electrical Code were brought forward. Mayor David Morris declared the public hearing closed.

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

Item (3) on the agenda was for a motion to suspend the rules and amend the agenda to add items: (11) request from Airport Commission to revise 80/20 grant application, (14) approval and selection of bid for the short-term financing of the Fiber Optic Network project, (15) request from SREDC for City of Searcy to apply for GIF grant and resolution authorizing same, also authorizing a Request For Qualifications (RFQ) to be issued to obtain professional services, (18) resolution to ratify the waiving of bids on expenditures for Police Department, Fire Department and Parks and Recreation Department (Black House), (19) resolution for approval/authorization of contract with White County Video Inc., (22) ordinance for making technical corrections concerning professional codes, (24-1-b) appropriate \$1,500 from unappropriated General Fund reserves to the Mayor’s Department establishing a new line item (#01 05-010-05-24) for repairs to the Rialto Theater specifically for neon lights, and (24-2-b) authorization to expend \$40,000.00 for contract obligation with Searcy Regional Chamber of Commerce. A motion was made by Mr. Chalenburg and seconded by Mrs. Arnett to suspend the rules and amend the agenda to add the new items. Motion carried with the following voting “yes”: Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn.

The minutes of the regular November 10, 2014 meeting of the Council were presented for approval. A motion was made by Mr. Cothorn and seconded by Mr. Howard to approve the minutes. The following voted to approve: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett.

Administrative Assistant to the Mayor Lillie Cook presented and read the Treasurer’s Report which lists the following balances as of 11-30-14: General Fund: \$1,993,876.94; Street Fund \$1,210,150.11; Capital Equipment Fund \$22,744.49; LOPFI Fund \$178,128.00; Act 833 Fund \$147,504.52; Airport Projects Fund \$1,172.75; Special Highway Connector Route Tax Fund \$8,071,655.17; 2014 Eight Year Plan Fund \$948,499.53. She also reported a total of \$5,790,085.95 year-to-date in City and County

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Sales Tax revenues received, which is down \$335,291.23 from the same time in 2013. The total of all funds (excluding the Special Highway Connector Route Tax Fund and the 2014 Eight Year Plan Fund) is \$3,553,576.81. It was noted that the November 2014 distribution of the sales and use tax for the Eight Year Plan was included in the totals that were reported for the General Fund due to the timing of the receipt of this distribution and the Thanksgiving holidays. The distribution for the Eight Year Plan totaled \$524,889.55, thus making the working balance for the General Fund at \$1,468,987.39 (\$1,993,876.94 - \$524,889.55), the working balance for the 2014 Eight Year Plan at \$1,473,389.08 (\$948,499.53 + \$524,889.55), and the total of all funds, excluding the 1% Special Connector Route Tax Fund and the 2014 Eight Year Plan Fund, at \$3,028,687.26 (\$3,553,576.81 - \$524,889.55).

Item (6) on the agenda was for the reappointment of Mr. Mel Sansom to the Searcy Board of Public Utilities, as recommended by the Searcy Board of Public Utilities, for a five (5) year term set to expire on December 31, 2019. A motion was made by Mr. Brewer and seconded by Mr. Sterling for the reappointment of Mr. Mel Sansom to the Searcy Board of Public Utilities for a five (5) year term set to expire on December 31, 2019. Motion carried with the following voting "yes": Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard.

Item (7) on the agenda was for the reappointment of Mr. Matt House to the Searcy Airport Commission, as recommended by the Searcy Airport Commission, for a five (5) year term set to expire on December 31, 2019. A motion was made by Mr. Howard and seconded by Mrs. Arnett for the reappointment of Mr. Matt House to the Searcy Airport Commission for a five (5) year term set to expire on December 31, 2019. Motion carried with the following voting "yes": English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and Sterling.

Item (8) on the agenda was for the reappointment of Mr. Charlie Goff to the Searcy Tree Board, as recommended by the Searcy Tree Board, for a three (3) year term set to expire on December 31, 2017. A motion was made by Mr. English and seconded by Mr. Cothorn for the reappointment of Mr. Charlie Goff to the Searcy Tree Board for a three (3) year term set to expire on December 31, 2017. Motion carried with the following voting "yes": Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English.

Item (9) on the agenda was for the reappointment of Mr. Dennis Organ to the Searcy Tree Board, as recommended by the Searcy Tree Board, for a three (3) year term set to expire on December 31, 2017. A motion was made by Mr. Brewer and seconded by Mrs. Arnett for the reappointment of Mr. Dennis Organ to the Searcy Tree Board for a three (3) year term set to expire on December 31, 2017. Motion carried with the following voting "yes": Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney.

Item (10) on the agenda was for the appointment of a new member to the Searcy Tree Board for a three (3) year term set to expire on December 31, 2017. This open position resulted from a previous member moving their place of residence to a location outside the

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Searcy city limits, which makes them ineligible for this position on the Searcy Tree Board. At this time a recommendation had not been received from the Searcy Tree Board for the filling of this position. A motion was made by Mr. Sterling and seconded by Mr. Howard to table this item until a recommendation is received from the Searcy Tree Board for the filling of this position. Motion carried with the following voting "yes": Chalenburg, Cothorn, Arnett, Howard, Sterling, English, Raney, and Brewer.

Item (11) was to consider a request from the Searcy Airport Commission to revise a grant application for an 80/20 grant from the Arkansas Department of Aeronautics to include an additional expenditure amount for a consultant's fee regarding compliance to Federal Aviation Administration standards for the Searcy Municipal Airport. Mr. Bob Chatman, consulting engineer for the Searcy Municipal Airport, informed the Council that it was learned that this is not an allowable expense under the terms of the grant for an existing airport. The Council agreed that this is a needed expense in order for the Searcy Municipal Airport to remain in compliance with Federal Aviation Administration guidelines and recommended that a new expenditure line item in the amount of \$33,000.00 be included in the 2015 Airport budget for this additional expenditure. A motion was made by Mr. Howard and seconded by Mr. English to include an expenditure line item in the 2015 Airport budget in the amount of \$33,000.00. City Attorney Buck Gibson stated that this is an item that does not require immediate action in that it will be included in the proposed 2015 budget and can be approved at the adoption of the 2015 budget.

Item (12) on the agenda was for the approval and selection of an engineering/architectural firm, from responses that have been received from the advertisement for Request For Qualifications (RFQ), in regard to the Information Technology department Fiber Optic Network project. A motion was made by Mr. Cothorn and seconded by Mrs. Arnett for the selection of CTT Engineering as the engineering/architectural firm to be used for the establishment of a city-owned fiber optic network for the Information Technology department. Motion carried with the following voting "yes": Cothorn, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg.

Item (13) was an update regarding the progress on the acquisition of land for the Searcy Sports Complex. City Attorney Buck Gibson explained that there were still some issues to be resolved regarding the purchase of land for the Searcy Sports Complex. He further explained that on the agenda as item (17) is a resolution for the authorization to enter into an offer and acceptance contract between the City of Searcy and Portanne Inc. for the purchase of land for the Searcy Sports Complex and that since there is no agreed upon contract as of yet, it would be at the Council's discretion as to what action needed to be taken. The Mayor suggested that discussion take place when item (17) on the agenda is considered.

Item (14) on the agenda was for the approval and selection of a bid for the short-term financing for the establishment of a city-owned Fiber Optic Network for the Information Technology department. Bids were received from four financial institutions (Bank of

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Augusta, First Community Bank, Regions Bank, and Southern Bank) with the lowest bid coming from Regions Bank at a rate of 1.67%. A motion was made by Mr. Raney, seconded by Mr. English, to accept the bid of 1.67% from Regions Bank for the short-term financing for the establishment of a city-owned Fiber Optic Network. Motion carried with the following voting “yes”: Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn.

Item (15) was a resolution to authorize a request from the Searcy Regional Economic Development Corporation for the City of Searcy to apply for a General Improvement Fund (GIF) grant providing for funding for the development of Riverside Park and authorization to issue Request For Qualifications (RFQ) for professional services regarding the development of Riverside Park. Mr. Gibson read the resolution in full. Mayor Morris noted that the authorization for the issuance of RFQ’s was not included in the resolution. Mr. Gibson stated that authorization for the issuance of RFQ’s is not required and therefore is not stated in the resolution. A motion was made by Mr. Cothorn and seconded by Mr. Chalenburg to approve the resolution to authorize the application for a General Improvement Fund (GIF) grant providing for funding for the development of Riverside Park. Motion carried with the following voting “yes”: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett. **Resolution 2014-22**

Item (16) was a resolution approving the granting of a right-of-way permit in favor of the Searcy Board of Public Utilities due to a requirement by the Arkansas State Highway and Transportation Department to move a water line in anticipation of construction of a connector route from Arkansas State Highway 67/167 to Arkansas State Highway 16. Mr. Gibson read the resolution in full. Motion was made by Mrs. Arnett and seconded by Mr. Howard to pass the resolution. Motion carried with the following voting “yes”: Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard.

Resolution 2014-23

Item (17) was a resolution approving the entrance into and performance of certain agreements pertaining to an offer and acceptance contract between the City of Searcy and Portanne, Inc. for the purchase of land for the Searcy Sports Complex. Mr. Gibson read the resolution in full. In continuance of discussion from item (13) on the agenda, Mr. Raney stated that he had full confidence that Mr. Gibson and city officials would be able to work out the remaining issues in the offer and acceptance contract for the purchase of land for the Searcy Sports Complex that are acceptable for the City of Searcy and his recommendation would be to approve the resolution. Motion was made by Mr. Raney and seconded by Mr. Cothorn to pass the resolution approving the entrance into and performance of certain agreements pertaining to an offer and acceptance contract between the City of Searcy and Portanne, Inc. for the purchase of land for the Searcy Sports Complex. Motion carried with the following voting “yes”: English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and Sterling. **Resolution 2014-24**

Item (18) was a resolution to ratify the waiving of competitive bidding on expenditures for:

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- Police department: Watchguard Video for dash cameras; \$5,022.38 and \$19,512.90
- Fire department: Metropolitan Fire Extinguisher Company for air tanks; \$30,738.34
- Parks and Recreation department (Black House): clean-up of water damage; \$20,142.92

Mr. Gibson read the resolution in full. Motion was made by Mr. Raney and seconded by Mr. Chalenburg to pass the resolution. Motion carried with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English.

Resolution 2014-25

Item (19) was a resolution approving certain contracts and the authorization to execute and perform certain agreements, namely agreements with White County Video, Inc. Mr. Gibson read the resolution in full. Motion was made by Mr. Sterling and seconded by Mr. Chalenburg to pass the resolution approving certain contracts and authorization to execute and perform certain agreements, namely agreements with White County Video, Inc. Motion carried with the following voting “yes”: Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney. **Resolution 2014-26**

Item (20) on the agenda was an ordinance making technical corrections to the Searcy Code of Ordinances (namely Section 11-1-3) and amending Sections 7-1, 11-3, and 22-3 of the Searcy Code of Ordinances. It was noted by Mr. Gibson that this ordinance addresses both items (20), corrections for the omission of the words ‘not’ in Section 11-1-3 of the Searcy Code of Ordinances, and (22), amending Sections 7-1, 11-3, and 22-3 of the Searcy Code of Ordinances regarding professional codes, on the agenda. 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”: Chalenburg, Cothorn, Arnett, Howard, Sterling, English, Raney, and Brewer. 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”: Cothorn, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg. 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”: Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn. **Ordinance 2014-24**

Item (21) on the agenda was an ordinance amending the Searcy Code of Ordinances for adopting the Arkansas Energy Code. 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”: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothorn, seconded by Mrs. Arnett, to adopt the ordinance. The ordinance passed with the following voting “yes”: Sterling, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howard. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mrs. Arnett, seconded by Mr.

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Howard, to adopt the emergency clause, with the following voting “yes”: English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, and Sterling. **Ordinance 2014-25**

Mr. Gibson stated that item (22) on the agenda was misidentified and should have been the approval of a resolution adopting the Searcy Electrical Code, of which the public hearing held prior to the beginning of the regular December 9, 2014 City Council meeting addressed. He stated that there is a separate Searcy Electrical Code that is supplementary to the Arkansas Electrical Code.

Item (22) was a resolution approving modifications to the Searcy Electrical Code. Mr. Gibson read the resolution in full. Motion was made by Mr. Sterling and seconded by Mr. Cothorn to pass the resolution approving modifications to the Searcy Electrical Code. Motion carried with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, and English. **Resolution 2014-27**

Item (23) on the agenda was an ordinance for the amending of Ordinance No. 683 with respect to the zoning classification of real property located at 1005 West Center Avenue. This ordinance would change the zoning classification of real property located at 1005 West Center Avenue from R-3 (Single Family Residential) to R-2 (Duplex Residential). Mayor Morris noted that a recommendation had been received from the City Planner that this request be sent back to the Planning Commission for further consideration. A motion was made by Mr. Brewer and seconded by Mr. English to table the ordinance and refer it back to the Searcy Planning Commission for further consideration. Motion carried with the following voting “yes”: Brewer, Chalenburg, Cothorn, Arnett, Howard, Sterling, English, and Raney.

Item (24) 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 \$6,000.00 from unappropriated General Fund reserves to Airport ‘WETLAND MITIGATION – BORROW PIT’ expenditure account (#01 5-040-02-11), for additional costs associated with land bank and grant projects;
- b. Appropriate \$1,500.00 from unappropriated General Fund reserves to Mayor’s Department ‘REPAIRS – RIALTO THEATER’ expenditure account (01 5-010-05-24) specifically for repairs to the theater’s neon lights;

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

- a. \$40,762.20 to Stephenson Oil Company for fuel for all departments;

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- b. \$40,000.00 to the Searcy Regional Chamber of Commerce for contract obligation;

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": Chalenburg, Cothorn, Arnett, Howard, Sterling, English, Raney, and Brewer. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Sterling, seconded by Mr. Howard, to adopt the ordinance. The ordinance passed with the following voting "yes": Cothorn, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Howard, seconded by Mr. Cothorn, to adopt the emergency clause, with the following voting "yes": Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothorn. **Ordinance 2014-26**

The Mayor announced that city offices, with the exception of emergency services, will be closed December 24-26, 2014 for the Christmas holidays.

A motion was made and seconded to adjourn.

Minutes Approved: January 13, 2015

/s/ David Morris
MAYOR

ATTEST:

/s/ Jerry Morris
CITY CLERK

Seal