## Searcy City Council – Regular Session Tuesday, September 8, 2015 7:00 p.m. Minutes

A properly announced public hearing was held prior to the start of the regular September 8, 2015 City Council meeting. This public hearing was held 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. No person came forward to speak regarding the determination of 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 David Morris closed the public hearing.

Mayor David Morris called to order the Regular Session of the Searcy City Council. Mr. Doug Grimes of the Fellowship Bible Church gave the Invocation, with the Pledge of Allegiance following, led by Mr. Buck Layne, from the Searcy Regional Chamber of Commerce. City Clerk Jerry Morris called the roll with the following Aldermen answering "present": Logan Cothern, Mary Ann Arnett, J. R. Howard, Steve Sterling, Dale English, Don Raney, Dale Brewer and Mike Chalenburg. Also present was City Attorney Buck Gibson.

Item (3) on the agenda was for a motion to suspend the rules and amend the agenda to add items: (11) discussion regarding the revision of Chapter 14 of the Searcy Code of Ordinances, (21) a resolution regarding the destruction of duplicate Police ticket books, (22) a resolution regarding the authorization for the abandonment of fully utilized assets (dumpsters and compactors), and (23) a resolution regarding the authorization for negotiating the sale of certain property and for negotiation for the purchase of certain real property concerning the relocation of Fire Station 2. A motion was made by Mr. Brewer and seconded by Mr. Chalenburg to suspend the rules and amend the agenda to add the items. Motion carried with the following voting "yes": Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothern.

The minutes of the regular August 11, 2015 meeting of the Council and the August 14, 2015 special meeting of the Council were presented for approval. A motion was made by Mr. Cothern and seconded by Mrs. Arnett to approve the minutes. The following voted to approve: Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothern, and Arnett.

Clerk/Treasurer Jerry Morris presented and read the Treasurer's Report which lists the following balances as of 8-31-15: General Fund: \$1,494,003.53; Street Fund \$1,188,387.08; Capital Equipment Fund \$22,342.07; LOPFI Fund \$59,521.26; Act 833 Fund \$99,528.35; Airport Projects Fund \$1,181.55. The total of all of these funds is \$2,864,963.84. Also reported were the following balances as of 8-31-15: Special Highway Connector Route Tax Fund \$8,064,676.52; 2014 Eight Year Plan Fund \$4,682,352.96; Information Technology Projects Fund \$557,021.25. He also reported a

total of \$4,146,744.10 year-to-date in City and County Sales Tax revenues received, which is down \$53,776.58 from the same time in 2014.

Item (6) on the agenda was an update regarding the investigation of the disappearance of two and a half year old Malik Drummond, which occurred in November of 2014. This update was presented by Searcy Assistant Chief of Police Steve Taylor.

Item (7) 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 Mr. Buck Layne of the Searcy Regional Chamber of Commerce.

Item (8) was for the approval of the swimming pool facility design concept as presented by ETC Engineers and Architects, Inc. (presented to the Council at the September 3, 2015 pre-council agenda meeting) and for the authorization to proceed with the design for construction of the swimming pool facility. A motion was made by Mr. Raney and seconded by Mr. Cothern to approve the swimming pool facility concept as presented by ETC Engineers and Architects, Inc. and for the authorization to proceed with the design for the construction of the swimming pool facility. Motion carried with the following voting "yes": Sterling, English, Raney, Brewer, Chalenburg, Cothern, Arnett, and Howard.

Item (9) on the agenda was for the approval for the Downtown Beautification project conceptual design and the authorization to proceed with the solicitation of bids for the construction. The original design that had been presented to the Council had included 90° parking spaces on Spring Street between Arch Avenue and Market Avenue. Due to safety concerns that were expressed by Searcy Police Chief Eric Webb, the Council had expressed the desire to change the 90° parking to angled parking on Spring Street between Arch Avenue and Market Avenue. A motion was made by Mr. Brewer, seconded by Mr. Howard, to approve the conceptual design for the Downtown Beautification project with the change from 90° parking to angled parking on Spring Street between Arch Avenue and Market Avenue and authorization to proceed with the solicitation of bids for construction. Motion carried with the following voting "yes": English, Raney, Brewer, Chalenburg, Cothern, Arnett, Howard, and Sterling.

Item (10) was for the discussion of maintenance and upkeep of the Downtown Beautification project components and also the need for security concerning the Holiday of Lights displays. Searcy Police Chief Eric Webb and Human Resources Director Hollie Laws explained that they were still working on cost estimates for the expected 620 hours that would be needed in order to provide security for the Holiday of Lights. The cost of this security is predicated on overtime rates for the various officers (that is officers that are paid at varying rates) that would be involved. The cost would include the salaries and the associated costs (Social Security/Medicare and retirement, all of which are based on additional salary cost). Mayor Morris noted that any cost estimation regarding the Holiday of Lights security issue is not inclusive of any cost that would be incurred for the maintenance and upkeep of the Downtown Beautification improvements. Mr. Raney

stated that at this point, a cost estimate for this security needs to be completed and then brought back to the Council for possible approval and determination of where the funding would come from if approved. Mayor Morris stated that at this time there is no action that can be taken and that cost estimations for the maintenance and upkeep of the Downtown Beautification project improvements and security for the Holiday of Lights would continue to be worked on. Once the estimations of these costs were determined they would be brought before the Council for possible action to be taken.

Item (11) on the agenda was for the discussion regarding revisions that are needed for Chapter 14 of the Searcy Code of Ordinances concerning Sanitation services provided for the City of Searcy. These revisions are considered necessary due to the approaching implementation of new household garbage/trash/refuse pick-up with the side-arm trash trucks and the need to update other provisions contained in Chapter 14 of the Code of Ordinances for the City of Searcy. Sanitation Director Terry Rutherford stated that it is important to consider looking at the whole of Chapter 14 of the Code of Ordinances in light of the approaching implementation of a new household pick-up process. He also stated that with the announcement of October 5, 2015 being the beginning of the implementation of the new process, a special Council meeting should be considered to adopt the needed revisions. Mr. Raney asked for the Council members to review the existing Chapter 14 and to relay any thoughts and/or revision suggestions to him, Mr. Rutherford, Mayor Morris, City Attorney Buck Gibson, Code Enforcement Director Mike Cleveland, or City Engineer Mark Lane and they would collaborate on drafting a revision ordinance to be ready for presentation at a special Council meeting before the October 5, 2015 implementation date.

Item (12) was for the approval of the City officials that are authorized to sign City checks. With the retirement of the former Human Resources Director in January of 2015, there are now only three (3) authorized signers for the City of Searcy checking accounts; Mayor David Morris, Clerk/Treasurer Jerry Morris, and Assistant to the Mayor Lillie Cook. All of the City's checking accounts require two (2) signatures on the checks that are written. With only three signers, a problem may be encountered if two (2) of the authorized signers are out of the office at the same time. Mayor Morris asked the Council to authorize the addition of a fourth signer to help avoid this problem. He stated that since the Human Resource Director is part of the Mayor's department and does not write checks or approve any expenditures, his recommendation would be to add the current Human Resources Director Hollie Laws, as an additional signer on the City of Searcy's checking accounts. A motion was made by Mr. English and seconded by Mr. Howard to authorize the addition of Human Resources Director Hollie Laws as a signer on the City of Searcy's checking accounts. Motion carried with the following voting "yes": Raney, Brewer, Chalenburg, Cothern, Arnett, Howard, Sterling, and English.

Item (13) on the agenda was for the appointment to a vacant position on the Searcy Tree Board. At this time a recommendation to fill this vacant position has not been presented. Mayor Morris stated that a recommendation would continue to be sought and that this item would be continued to the October 2015 regular Council meeting.

Item (14) was a recommendation from City Engineer Mark Lane for the City of Searcy to proceed with floodplain studies for the Gin Creek and Iorio Creek drainage basins. The floodplain studies would be funded in 2016 as a portion of the approved drainage expenditures contained in the 2014 Eight Year Plan (Resolution 2013-23). A motion was made by Mr. Raney, seconded by Mr. Chalenburg, to authorize the floodplain studies for the Gin Creek and Iorio Creek drainage basins. Motion carried with the following voting "yes": Brewer, Chalenburg, Cothern, Arnett, Howard, Sterling, English, and Raney.

Item (15) on the agenda was for the discussion regarding additional personnel at the Searcy Municipal Airport. A need for filling a position, tentatively called a customer service representative, with a person to be on staff at the Searcy Municipal Airport full-time for the purpose of greeting airport customers, supplying information to customers, and other duties was presented to the Council. Mayor Morris stated that his recommendation would be to have Human Resources investigate the possibility of a transfer of an employee in a currently underutilized position, if such position exists, to this airport position. Mr. Chalenburg stated that he thought this should be handled administratively and supported the Mayor's recommendation. No action was taken.

Item (16) was for the approval and selection of a bid for the construction of a replacement bridge on Main Street over Deener Creek. Three (3) bids were received in response to the advertisement for bids on this bridge construction. The three bids were as follows:

- Seagraves Construction \$827,657.00
- Mobley Contractors \$849,769.12
- Township Builders \$981,829.00

City Engineer Mark Lane recommended, as did Morrison-Shipley Engineers, Inc. (the engineering firm providing professional services for this project), that the bid of \$827,657.00 from Seagraves Construction be approved and selected for the construction of said bridge. A motion was made by Mr. Raney and seconded by Mr. English to approve and select the bid from Seagraves Construction in the amount of \$827,657.00 for the construction of a replacement bridge on Main Street over Deener Creek. Motion carried with the following voting "yes": Chalenburg, Cothern, Arnett, Howard, Sterling, English, Raney, and Brewer.

Item (17) was a resolution for the execution and performance of certain agreements, specifically an agreement with Seagraves Construction for the construction of a replacement bridge on Main Street over Deener Creek. The bid from Seagraves Construction was approved and selected as noted in Item 16 on the agenda. Mr. Gibson read the resolution in full. A motion was made by Mr. Raney and seconded by Mr. Cothern to approve the resolution for the execution and performance of certain agreements, specifically an agreement with Seagraves Construction for the construction of a replacement bridge on Main Street over Deener Creek. Motion carried with the following voting "yes": Cothern, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg. **Resolution** 2015-30

Item (18) was a resolution for the authorization for the execution of easements in favor of the Arkansas Highway and Transportation Department at the Searcy Fire Training Center

in association with construction of the North Bypass. Mr. Gibson read the resolution in full. Motion was made by Mr. Cothern and seconded by Mr. English to pass the resolution. Motion carried with the following voting "yes": Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothern.

## Resolution 2015-31

Item (19) was a resolution approving 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 pointed out that in the second paragraph the word Collector was left out and should be included to read: 'Whereas, state law also provides for a lien against the subject properties, with the amount of the lien to be determined by the City Council at a hearing held after notice to the owner(s) thereof by certified mail or publication (see Exhibit "A" attached hereto), with said amount (plus ten percent collection penalty) to be there after certified to the White County Tax Collector'. He also noted that in Section 2 the words *Treasurer* and Assessor should be taken out and replaced with the words Tax Collector to read: 'Section 2: That after said public hearing, the amounts listed in Exhibit "A" are hereby certified and are to be forwarded to the White County Tax Collector'. Mr. Gibson read the resolution in full. A motion was made by Mr. Raney and seconded by Mr. English to approve the resolution approving 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, with the noted amendments. Motion carried with the following voting "yes": Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothern, and Arnett. Resolution 2015-32

Item (20) was a resolution for authorization to apply for a 90/10 matching grant from the Arkansas Department of Aeronautics in the amount of \$213,689.00 or less for the resealing of various aprons, taxiways, and holding bays at the Searcy Municipal Airport. Mr. Gibson read the resolution in full. Motion was made by Mr. Sterling and seconded by Mr. Chalenburg to pass the resolution. Motion carried with the following voting "yes": Sterling, English, Raney, Brewer, Chalenburg, Cothern, Arnett, and Howard.

## **Resolution 2015-33**

Item (21) was a resolution authorizing the destruction of duplicate Police ticket books. The Council had been informed that ticket books had been received from the printing company that had duplicate sequential numbering. Authorization to destroy the duplicates was requested by Searcy Police Chief Eric Webb. Mr. Gibson read the resolution in full. A motion was made by Mr. Howard and seconded by Mr. Brewer to approve the destruction of the duplicate Police ticket books. Motion carried with the following voting "yes": English, Raney, Brewer, Chalenburg, Cothern, Arnett, Howard, and Sterling. **Resolution 2015-34** 

Item (22) was a resolution authorizing the abandonment of fully utilized assets. These are Sanitation Department assets consisting of worn-out and unusable dumpsters and obsolete and unusable compactors. Mr. Raney noted that, as agreed upon by the Council during discussion that took place at the September 2, 2015 agenda meeting, upon disposal

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of these assets, any revenue realized from the sale, as scrap, of these fully utilized assets be returned to the Sanitation Department into an expenditure line item determined by Sanitation Director Terry Rutherford. Mr. Gibson read the resolution in full. Motion was made by Mr. Raney and seconded by Mr. Sterling to pass the resolution. Motion carried with the following voting "yes": Raney, Brewer, Chalenburg, Cothern, Arnett, Howard, Sterling, and English. **Resolution** 2015-35

Item (23) was a resolution for the authorization to negotiate the sale of certain real property (specifically the city-owned real property known as the Moore Street Tract) and providing the authority to negotiate the purchase of certain real property (specifically known as the Jim House Properties, Investments and Consulting, LLC [JHPIC] Tract. The City currently owns real property on Moore Street and plans to relocate the current Fire Station 2 on Market Avenue to this Moore Street location. It has been learned that certain real property (the JHPIC Tract) has been made available for purchase for the relocation of Fire Station 2. With the discovery of the availability of the JHPIC Tract it has been determined that the JHPIC Tract is a more desirable and suitable location for the relocation of Fire Station 2. In light of the discovery of the availability of the JHPIC Tract on Golf Course Drive, Searcy Fire Chief Bill Baldridge asked the Council for consideration for the purchase of the JHPIC Tract for the relocation of Fire Station 2. The question of where the funding for the purchase of the JHPIC property would come from was asked of Chief Baldridge. Chief Baldridge proposed using money from the 2014 Eight Year Plan, as laid out in Resolution 2013-23 for the calendar year 2016 for the relocation of Fire Station 2. Upon the proposed acquisition of said property, the City-owned Moore Street Tract would then be sold with the proceeds going back toward the relocation project. Chief Baldridge also noted that the plan is to sell the property on Market Avenue where Fire Station 2 is currently located once the relocation is completed. Mr. Raney noted that the first thing to be done is to have appraisals done for the Cityowned properties on Moore Street and Market Avenue. Mr. Gibson explained that this resolution authorizes the City to enter into negotiations for the purchase of the JHPIC property and enter into negotiations for the sale of the City-owned Moore Street Tract. Any agreement for the purchase and sale would have to be brought before the Council for approval. Mr. Gibson noted that the seller of the JHPIC Tract does not want to close on the sale of this property before the end of calendar year 2015. Mr. Raney suggested that Section 1 of the resolution be amended to replace the words 'a listing' with the word 'an' to read as follows: Section 1. That the Searcy City Council authorizes and directs the Mayor and City Clerk to take all steps necessary within their sole and exclusive discretion, and including specifically, the authority to enter an agreement, for the sale of the Moore Street Tract. Mr. Gibson read the resolution in full. A motion was made by Mr. Raney and seconded by Mr. Brewer to approve the resolution, as amended, for the authorization to negotiate the sale of certain real property (specifically the cityowned real property known as the Moore Street Tract) and providing the authority to negotiate the purchase of certain real property (specifically known as the Jim House Properties, Investments and Consulting, LLC [JHPIC] Tract. Motion carried with the following voting "yes": Brewer, Chalenburg, Cothern, Arnett, Howard, Sterling, English, and Raney. Resolution 2015-36

Item (24) on the agenda was an ordinance amending Section 10-8 of the Code of Ordinances for the City of Searcy, proscribing matters related to non-partisan elections of municipal officials. Mr. Gibson explained that due to recent changes in the State of Arkansas primary election system, the City of Searcy needed to adopt modifications related to the non-partisan election of municipal officials in order to comply with Arkansas law. A motion was made by Mr. Brewer, seconded by Mr. Cothern, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting "yes": Chalenburg, Cothern, Arnett, Howard, Sterling, English, Raney, and Brewer. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothern, seconded by Mr. Howard, to adopt the ordinance. The ordinance passed with the following voting "yes": Cothern, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg. 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, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothern. **Ordinance 2015-26** 

Item (25) on the agenda was an ordinance fixing and establishing the property tax millage to be collected for the City of Searcy for 2015. Mayor Morris noted that this millage rate is the same as the previous year with no change. A motion was made by Mr. Sterling, seconded by Mr. Howard, 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, Cothern, and Arnett. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Howard, seconded by Mr. Chalenburg, to adopt the ordinance. The ordinance passed with the following voting "yes": Sterling, English, Raney, Brewer, Chalenburg, Cothern, Arnett, and Howard. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothern, seconded by Mr. Chalenburg, to adopt the emergency clause, with the following voting "yes": English, Raney, Brewer, Chalenburg, Cothern, Arnett, Howard, and Sterling. **Ordinance** 2015-27

Item (26) on the agenda was an ordinance amending Ordinance No. 683 with respect to the zoning classification of a specific land area within the City of Searcy, specifically real property located at 2900 West Booth Road, as recommended by the Planning Commission for the City of Searcy. The recommendation is for the amendment of the zoning classification for the aforesaid real property from UT (Urban Transitional) to R-4 (Residential). A motion was made by Mr. Sterling, seconded by Mr. Chalenburg, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting "yes": Raney, Brewer, Chalenburg, Cothern, Arnett, Howard, Sterling, and English. Mr. Gibson read the ordinance by title only. A motion was then made by Mrs. Arnett, seconded by Mr. Howard, to adopt the ordinance. The ordinance passed with the following voting "yes": Brewer, Chalenburg, Cothern, Arnett, Howard, Sterling, English, and Raney. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mrs. Arnett, seconded by Mr. Howard, to adopt the emergency clause, with the following voting "yes": Chalenburg, Cothern, Arnett, Howard, Sterling, English, Raney, and Brewer. **Ordinance** 2015-28

Regular Session

Item (27) on the agenda was a budget ordinance to:

<u>Section 1</u>. The budget for the City of Searcy, Arkansas, is amended in the following manner:

- a. Appropriate \$2,500.00 to General Fund 'HOLIDAY OF LIGHTS DONATIONS' revenue account (#01 4-000-90-10), and appropriate \$2,500.00 to Mayor's department 'HOLIDAY OF LIGHTS' expenditure account (#01 5-010-05-09) for receipt and expenditure of donations received for the Holiday of Lights Project;
- b. Appropriate \$19,919.10 to 'FIRE DONATIONS' revenue account (#01 4-000-90-07) and appropriate \$19,919.10 to Fire department 'FIREHOUSE SUBS TURNOUT GRANT' expenditure account (#01 5-070-05-27) for receipt and use of a grant from Firehouse Subs Public Safety Foundation, Inc. for new turnout gear;
- c. Appropriate \$388,434.83 from 2014 Eight Year Plan Fund unappropriated reserves to 'SIDE-ARM TRASH CONTAINERS' expenditure account (#14 5-090-53-02);
- d. Appropriate \$7,500.00 to General Fund 'HOLIDAY OF LIGHTS DONATIONS' revenue account (#01 4-000-90-10) and appropriate \$7,500.00 to 'HOLIDAY OF LIGHTS-ELECTRICAL' expenditure account (#01 5-010-05-26) for receipt and use of SREDC donation for electrical needs for the Holiday of Lights displays;
- e. Appropriate \$15,194.62 from 2014 Eight Year Plan Fund unappropriated reserves to the 'INFORMATION TECHNOLOGY BUILDING CONSTRUCTION' expenditure account (#14 5-160-54-01) for design services provided by Hoffmann Architectural, Inc.;
- f. Appropriate \$1,798.14 to Special 1% Connector Route Tax Fund 'MAIN STREET DEENER CREEK BRIDGE' expenditure account (#13 5-900-54-01) for professional services regarding design work for the Main Street Deener Creek Bridge;
- g. Transfer \$7,500.00 from Sanitation Department 'FUEL' expenditure account (#01 5-090-03-04) to Sanitation Department

'SERVICE/REPAIRS' expenditure account (#01 5-090-03-01);

h. Transfer \$7,500.00 from Sanitation Department 'FUEL' expenditure account (#01 5-090-03-04) to Sanitation Department 'SUPPLIES' expenditure account (#01 5-090-02-08);

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

- a. \$18,035.33 to Stephenson Oil Company for fuel for all departments;
- b. \$59,231.75 to Paladino-Nash Inc. for work associated with Arkansas Department of Aeronautics 80/20 South Hangar Development Area Fill and Drainage grant (14 5-040-56-03);
- c. \$388,434.83 to Toter Wastequip, LLC for payment for receipt of side-arm trash containers;
- d. \$33,374.77 to NetGain Technologies, Inc. for VoIP telephone equipment;
- e. \$15,194.62 to Hoffmann Architectural, Inc. for professional services regarding design of the new Information Technology building;
- f. \$1,798.14 to Morrison-Shipley Engineers for design work on the Main Street Deener Creek bridge;

A motion was made by Mr. Sterling, seconded by Mr. Cothern, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting "yes": Cothern, Arnett, Howard, Sterling, English, Raney, Brewer, and Chalenburg. 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": Arnett, Howard, Sterling, English, Raney, Brewer, Chalenburg, and Cothern. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothern, seconded by Mr. Sterling, to adopt the emergency clause, with the following voting "yes": Howard, Sterling, English, Raney, Brewer, Chalenburg, Cothern, and Arnett. **Ordinance 2015-29** 

## The Mayor announced:

- Included in the Council packet are letters from the Searcy City Engineer, the Searcy Police Department, the Searcy Fire Department, and Northstar EMS supporting the continuation of no additional or new speed bumps within the City of Searcy
- A 9/11 remembrance ceremony will be held at the Searcy Central Fire Station on Friday, 9/11/15, at 7:30 a.m.

A motion was made and seconded to adjourn.

Minutes Approved: October 13, 2015

/s/ David Morris MAYOR

ATTEST:

/s/ Jerry Morris CITY CLERK

Seal