

**Searcy City Council – Regular Session
Tuesday, September 10, 2019 6:00 p.m.
Minutes**

A public hearing had been advertised to be held at 6:00 p.m. on September 10, 2019. The purpose for this public hearing was for 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. Mayor Kyle Osborne opened the public hearing. No person requested to speak. Mayor Osborne closed the public hearing.

Mayor Kyle Osborne called to order the Regular Session of the Searcy City Council. Mark Harris gave the Invocation, with the Pledge of Allegiance following, led by Chris Howell. City Clerk/Treasurer Jerry Morris called the roll with the following Council members answering “present”: Logan Cothorn, Mary Ann Arnett, Chris Howell, Rodger Cargile, Dale English, Don Raney, and Mike Chalenburg. Also present was City Attorney Buck Gibson. Council member Dale Brewer was not present.

Item (3) on the agenda was for a motion to suspend the rules and amend the agenda to add item: (17) A resolution approving certain contracts, authorization to execute and perform certain contracts, specifically a contract with Pictometry International Corporation. A motion was made by Mr. Raney and seconded by Mr. Cothorn to suspend the rules and amend the agenda to add the items. Motion carried with the following voting “yes”: Arnett, Howell, Cargile, English, Raney, Chalenburg, and Cothorn.

The minutes of the regular August 13, 2019 meeting of the Council were presented for approval. A motion was made by Mr. Cothorn and seconded by Mr. English to approve the minutes. The following voted to approve: Howell, Cargile, English, Raney, Chalenburg, Cothorn, and Arnett.

Clerk/Treasurer Jerry Morris presented and read the Treasurer’s Report which lists the following balances as of 8-31-2019: General Fund: \$1,104,699.66; Street Fund \$1,715,964.16; Capital Equipment Fund \$17,782.66; LOPFI Fund \$66,401.08; Act 833 Fund \$38,131.69; Airport Fund \$17,817.59. The total of all of the preceding funds is \$2,960,796.84. He also reported the following balances as of 8-31-2019: Special Highway Connector Route Tax Fund \$3,818,035.65; 2014 Eight Year Plan Fund \$7,754,990.10; Information Technology Projects Fund \$15,282.85; Special Projects Fund \$2,573.18; 0.25% Fire Protection Services County Sales Tax Fund \$271,224.93; Court Automation Fund \$19,329.57; Advertising and Tourism Promotion Fund \$174,802.13. He also reported a total of \$4,287,792.85 year-to-date in City and County Sales Tax revenues received, which is down \$176,722.41 from the same time in 2018.

Item (6) on the agenda was the quarterly report from the Searcy Regional Chamber of Commerce, presented by Buck Layne.

Item (7) was for discussion regarding a drainage issue on Golf View Drive. A request had been presented by Mr. Jim House to the Council at the pre-council agenda meeting regarding storm drainage runoff from Golf View Drive that was causing problems at the River Oaks Golf Course, which is private property. Mr. House stated that the storm drains from Golf View Drive dump directly onto the golf course. He has asked that the city do work on the golf course, by building a berm(s) to divert the runoff into some collection ponds on the course. Mayor Osborne inquired of Mr. Gibson of any legal issues regarding the request. Mr. Gibson stated that without an easement and/or any kind of ownership interest in the property he could not recommend any work be done by the city on private property. Restated, Mr. Gibson said public funds cannot be expended on private property.

Item (8) on the agenda for discussion regarding a drainage issue at Storage West on West Beebe Capps Expressway. Mr. Gibson noted that this is a similar issue as agenda item (7), in that it would involve work on private property. A motion was made by Mr. Raney and seconded by Mr. Cothorn to table this issue and the drainage issue in agenda item (7) until the City Engineer has a chance to study the issue and develop a scope of work to be done and estimates of costs for possible solutions for the issues. Motion carried with the following voting “yes”: Cargile, English, Raney, Chalenburg, Cothorn, Arnett, and Howell.

Item (9) was for discussion regarding the renaming of a portion of East Woodruff Avenue as requested by Harding University. The request was to rename a portion of East Woodruff Avenue with the name of Legacy Trail. Mayor Osborne informed the Council that he had spoken with both the Searcy Fire Chief and the Searcy Police Chief and because of possible confusion with streets having similar names (there is already a Legacy Circle) causing longer response times for emergency services, they could not recommend this name change. Mayor Osborne noted that if a different name is submitted, it could be considered. At this time he would not recommend the renaming of a portion of East Woodruff Avenue as Legacy Trail.

Item (10) on the agenda was for discussion regarding Sanitation services rates. Mayor Osborne explained to the Council that the cost to the City of Searcy for landfill fees has increased by \$2.00 per ton. He noted that there is still more information that is needed at this time. Mr. English asked if a possible work session/committee of the whole meeting could be set up regarding Sanitation services rates. Mayor Osborne stated that once the additional information is gathered he would try to get a work session scheduled.

Item (11) was for the approval and selection of a bid for the 2019 street paving program. Three bids had been received for the 2019 street paving program. The bids were as follows:

1. Cox Paving, Bald Knob, AR - \$426,143.16
2. Delta Asphalt, Paragould, AR - \$473,141.30
3. CK Asphalt, LLC, Quitman, AR – \$393,804.56

City Engineer Mark Lane pointed out to the Council that the streets included in the bid listing did not include a portion of Market Avenue east of Main Street. He would like to

have this street included but did not because of the church construction that has the street closed. If the construction is finished and the street opened in time he would like to have the funds available to include this street. He estimated that it would be less than \$50,000.00 to include this street. A motion was made by Mr. Raney and seconded by Mr. Howell to approve and select the bid from CK Asphalt, LLC in the amount of \$393,804.56 and authorize/approve spending up to \$445,000.00 on the project for possible change orders to include a portion of East Market Avenue. Motion carried with the following voting “yes”: English, Raney, Chalenburg, Cothorn, Arnett, Howell, and Cargile.

Item (12) was a resolution to authorize the abandonment of fully utilized asset, namely a lighting and sound system from the Lightle Senior Citizen Center. Mr. Gibson read the resolution in full. A motion was made by Mrs. Arnett and seconded by Mr. Cothorn to approve the resolution to authorize the abandonment of fully utilized asset, namely a lighting and sound system from the Lightle Senior Citizen Center. Motion carried with the following voting “yes”: Raney, Chalenburg, Cothorn, Arnett, Howell, Cargile, and English. **Resolution 2019-22**

Item (13) was a resolution approving amounts of liens to be certified to the White County Tax Collector against certain properties in the City of Searcy, Arkansas, as a result of grass cutting expenses and abatement of other nuisances. Mr. Gibson read the resolution in full. Motion was made by Mr. Cothorn and seconded by Mr. English to pass the resolution. Motion carried with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howell, Cargile, English, and Raney. **Resolution 2019-23**

Item (14) was a resolution for the authorization to enter and perform under the terms of a certain agreement for administrative services with the Advertising and Tourism Promotion Commission. Mr. Gibson read the resolution in full. A motion was made by Mr. Chalenburg and seconded by Mrs. Arnett to approve the resolution for the authorization to enter and perform under the terms of a certain agreement for administrative services with the Advertising and Tourism Promotion Commission. Motion carried with the following voting “yes”: Cothorn, Arnett, Howell, Cargile, English, Raney, and Chalenburg. **Resolution 2019-24**

Item (15) was a resolution for the authorization to execute and perform under the terms of a certain agreement, namely an agreement for the lease of certain real property with Citizen Park, LLC. Mr. Gibson read the resolution in full. Motion was made by Mr. Cothorn and seconded by Mrs. Arnett to pass the resolution. Motion carried with the following voting “yes”: Arnett, Howell, Cargile, English, Chalenburg, and Cothorn. Mr. Raney abstained from voting. **Resolution 2019-25**

Item (16) was a resolution granting a franchise for the operation of an ambulance service within the city limits of the City of Searcy, Arkansas to NorthStar EMS, Inc. Mr. Gibson read the resolution in full. A motion was made by Mr. English and seconded by Mr. Chalenburg to approve the resolution granting a franchise for the operation of an ambulance service within the city limits of the City of Searcy, Arkansas to NorthStar

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EMS, Inc. Motion carried with the following voting “yes”: Howell, Cargile, English, Raney, Chalenburg, Cothorn, and Arnett. **Resolution 2019-26**

Item (17) was a resolution approving certain contracts, authorization to execute and perform certain contracts, namely a contract with Pictometry International Corporation. Mr. Gibson read the resolution in full. Motion was made by Mr. Howell and seconded by Mrs. Arnett to pass the resolution. Motion carried with the following voting “yes”: Cargile, English, Raney, Chalenburg, Cothorn, Arnett, and Howell.

Resolution 2019-27

Item (18) on the agenda was an ordinance amending Chapter 17 of the Searcy Code of Ordinances, providing for permitting for certain events and the use of City of Searcy property. 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”: English, Raney, Chalenburg, Cothorn, Arnett, Howell, and Cargile. 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”: Raney, Chalenburg, Cothorn, Arnett, Howell, Cargile, and English. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cargile, seconded by Mrs. Arnett, to adopt the emergency clause. Mayor Osborne asked for any discussion regarding the motion to adopt the emergency clause. Mr. Gibson noted that if you do not adopt the emergency clause, the ordinance would go into effect thirty (30) days after adoption of the ordinance. Mr. Raney stated that he was not in favor of adopting the emergency clause in order to have time for citizens and also the city departments that it would affect to be able to become familiarized with the amended provisions of the ordinance. Mr. Chalenburg stated that he also did not think that this was an emergency to adopt the emergency clause. Motion to adopt the emergency clause failed with the following voting “no”: Chalenburg, Cothorn, Arnett, Howell, Cargile, English, and Raney.

Ordinance 2019-24

Item (19) on the agenda was an ordinance authorizing the City of Searcy to conduct business with certain individuals who serve as members of various commissions, boards, or committees or are elected officials of the City of Searcy. A motion was made by Mr. Cothorn, seconded by Mr. Raney, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Cothorn, Arnett, Howell, Cargile, English, Raney, and Chalenburg. 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”: Arnett, Howell, Cargile, English, Raney, Chalenburg, and Cothorn. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Raney, seconded by Mr. Chalenburg, to adopt the emergency clause. Mayor Osborne asked for any discussion regarding the motion to adopt the emergency clause. Mr. Raney stated that the emergency clause was needed in order for the listed persons to be able to conduct business with the City of Searcy. The emergency clause was adopted with the following voting “yes”: Howell, Cargile, English, Raney, Chalenburg, Cothorn, and Arnett. **Ordinance 2019-25**

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Item (20) on the agenda was an ordinance amending the Searcy Zoning Code with respect to the zoning classification of a specific land area within the City of Searcy, specifically real property located on South Benton Avenue from I-2 (Industrial) to C-4 (Regional and Open-Display Commercial). A motion was made by Mr. Chalenburg, seconded by Mr. Raney, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Cargile, English, Raney, Chalenburg, Cothorn, Arnett, and Howell. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Raney, seconded by Mr. Howell, to adopt the ordinance. The ordinance passed with the following voting “yes”: English, Raney, Chalenburg, Cothorn, Arnett, Howell, and Cargile. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Raney, seconded by Mr. Chalenburg, to adopt the emergency clause. Mayor Osborne asked for any discussion regarding the motion to adopt the emergency clause. Mr. Raney stated that he feels that these rezoning ordinances need to go into effect immediately. The emergency clause was adopted with the following voting “yes”: Raney, Chalenburg, Cothorn, Arnett, Howell, Cargile, and English. **Ordinance 2019-26**

Item (21) on the agenda was an ordinance amending the Searcy Zoning Code with respect to the zoning classification of a specific land area within the City of Searcy, specifically real property located at 1210 West Center Avenue from R-3 (Residential) to C-3 (Low Intensity Commercial). A motion was made by Mr. Raney, seconded by Mr. Cothorn, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howell, Cargile, English, and Raney. 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”: Cothorn, Arnett, Howell, Cargile, English, Raney, and Chalenburg. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Raney, seconded by Mr. Chalenburg, to adopt the emergency clause. Mayor Osborne asked for any discussion regarding the motion to adopt the emergency clause. Mr. Raney stated that he feels that these rezoning ordinances need to go into effect immediately. The emergency clause was adopted with the following voting “yes”: Arnett, Howell, Cargile, English, Raney, Chalenburg, and Cothorn. **Ordinance 2019-27**

Item (22) on the agenda was an ordinance fixing and establishing the property tax millage to be collected for the City of Searcy for 2019. A motion was made by Mr. Raney, seconded by Mrs. Arnett, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Howell, Cargile, English, Raney, Chalenburg, Cothorn, and Arnett. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Cothorn, seconded by Mr. Chalenburg, to adopt the ordinance. The ordinance passed with the following voting “yes”: Cargile, English, Raney, Chalenburg, Cothorn, Arnett, and Howell. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Chalenburg, seconded by Mrs. Arnett, to adopt the emergency clause. Mayor Osborne asked for any discussion regarding the motion to adopt the emergency clause. Mr. Raney noted that this ordinance needs to go into effect immediately in order for the millage rates to be certified by the White County Quorum

Court. The emergency clause was adopted with the following voting “yes”: English, Raney, Chalenburg, Cothorn, Arnett, Howell, and Cargile. **Ordinance 2019-28**

Item (23) on the agenda was an ordinance amending the Zoning Code for the City of Searcy in order to be in compliance with the Arkansas Affordable Housing Accessibility Act, A.C.A §14-54-1604. 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”: Raney, Chalenburg, Cothorn, Arnett, Howell, Cargile and English. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Raney, seconded by Mr. Cothorn, to adopt the ordinance. The ordinance passed with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howell, Cargile, English and Raney. Mr. Gibson then read the emergency clause of the ordinance. Mr. Raney asked Mr. Gibson if there was a timeline in which to have the ordinance go into effect. Mr. Gibson stated that there was a moratorium on the construction, installation, or erection on any manufactured home within the city limits of the City of Searcy for a period of 180 days in place (Ordinance 2019-13, adopted on May 14, 2019). Motion was made by Mr. Raney, seconded by Mrs. Arnett, to adopt the emergency clause. Mayor Osborne asked for any discussion regarding the motion to adopt the emergency clause. The emergency clause was adopted with the following voting “yes”: Cothorn, Arnett, Howell, Cargile, English, Raney, and Chalenburg. **Ordinance 2019-29**

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 \$370,286.21 from 2014 Eight Year Plan Fund unappropriated reserves to ‘ROLLING MEADOWS/CLOVERDALE DRAINAGE’ expenditure account (#14 5-130-05-02) for Rolling Meadows/Cloverdale Addition drainage improvement project construction services;
- b. Appropriate \$11,706.99 from 2014 Eight Year Plan Fund unappropriated reserves to ‘ROLLING MEADOWS/CLOVERDALE DRAINAGE’ expenditure account (#14 5-130-05-02) for Rolling Meadows/Cloverdale Addition drainage improvement project engineering services;
- c. Appropriate \$10,000.00 from 2014 Eight Year Plan Fund unappropriated reserves to ‘ROLLING MEADOWS/CLOVERDALE DRAINAGE’ expenditure account (#14 5-130-05-02) for Rolling Meadows/Cloverdale drainage improvement project drainage easements;
- d. Appropriate \$6,369.00 to General Fund ‘A&P FUNDING/MULCH’ revenue account (#01 4-000-31-39) and appropriate \$6,369.00 to the Parks

- and Recreation Department 'PLAYGROUND MULCH' expenditure account (#01 5-080-02-16) for mulch for the playground equipment at the sports complex and Yancey Park;
- e. Appropriate \$5,400.00 from 0.25% Fire Protection Services Tax Fund unappropriated reserves to 'TECHNOLOGY USE' expenditure account (#18 5-070-05-15) for costs associated with the new computer-aided-dispatch system;

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

- a. \$30,889.16 to Stephenson Oil Company for fuel for all departments;
- b. \$108,217.06 to Regions Bank for payment on the loan for the construction of the Searcy Swim Center (#14 5-085-05-01);
- c. \$370,286.21 to Burkhalter Technologies, Inc. for construction services on the Rolling Meadows/Cloverdale drainage improvement project (#14 5-130-05-02);
- d. \$11,706.99 to Morrison – Shipley Engineers Inc. for Rolling Meadows/Cloverdale Addition drainage improvement project engineering services (#14 5-130-05-02);

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": Arnett, Howell, Cargile, 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": Howell, Cargile, English, Raney, Chalenburg, Cothorn, and Arnett. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothorn, seconded by Mr. Cargile, to adopt the emergency clause, with the following voting "yes": Cargile, English, Raney, Chalenburg, Cothorn, Arnett, and Howell. **Ordinance 2019-30**

A motion was made and seconded to adjourn.
Minutes Approved: October 8, 2019

/s/ Kyle Osborne
MAYOR OF SEARCY

ATTEST:

/s/ Jerry Morris
CITY CLERK

Seal