

Searcy City Council – Regular Session
Tuesday, March 12, 2019 6:00 p.m.
Minutes

Mayor Kyle Osborne called to order the Regular Session of the Searcy City Council. Tom Martin gave the Invocation, with the Pledge of Allegiance following, led by Don Raney. City Clerk/Treasurer Jerry Morris called the roll with the following Council members answering “present”: Logan Cothorn, Mary Ann Arnett, Chris Howell, 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: (19) ordinance – levying an advertising and tourism promotions tax on the gross receipts of certain industries related to the advertising and tourism promotion of the City of Searcy, creating the City of Searcy, Arkansas advertising and tourism promotion fund, and the City of Searcy, Arkansas advertising and tourism promotion commission, (20-1-l) budget adjustment ordinance appropriation for construction services for the Park Avenue/Cloverdale drainage project, (20-1-m) budget ordinance appropriation for the acquisition of pick-up trucks for the Street Department, and (20-2-j) budget ordinance authorization to expend funds for construction services for the Park Avenue/Cloverdale drainage project. A motion was made by Mr. Raney and seconded by Mr. English to suspend the rules and amend the agenda to add the items. Mayor Osborne asked if there was any discussion regarding the motion. Mr. Brewer stated that he felt there needed to be more discussion done, as well as having a public hearing, regarding the advertising and tourism promotions tax before consideration. Mr. Howell stated that he felt it should be considered tonight. Motion carried with the following voting “yes”: Arnett, Howell, English, Raney, Brewer, Chalenburg, and Cothorn.

The minutes of the regular February 12, 2019 meeting of the Council were presented for approval. A motion was made by Mr. Chalenburg and seconded by Mr. Raney to approve the minutes. The following voted to approve: Howell, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett.

Clerk/Treasurer Jerry Morris presented and read the Treasurer’s Report which lists the following balances as of 2-28-2019: General Fund: \$1,761,320.41; Street Fund \$1,804,309.62; Capital Equipment Fund \$17,731.10; LOPFI Fund \$152,206.21; Act 833 Fund \$37,336.96; Airport Fund \$24,202.37. The total of all of the preceding funds is \$3,797,106.67. He also reported the following balances as of 2-28-2019: Special Highway Connector Route Tax Fund \$4,040,050.81; 2014 Eight Year Plan Fund \$7,590,661.44; Information Technology Projects Fund \$40,156.25; Special Projects Fund \$2,558.29; 0.25% Fire Protection Services County Sales Tax Fund \$187,506.35. He also reported a total of \$1,137,318.56 year-to-date in City and County Sales Tax revenues received, which is down \$63,404.75 from the same time in 2018.

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

Item (7) was for the consideration for the filling of the open Ward 2 Position 2 on the Searcy City Council. The position became open due to the passing away of Council Member Steve Sterling. Mayor Osborne asked if there was any discussion. A motion was made by Mr. Raney for the Council to go into executive session. The motion was seconded by Mr. Chalenburg. Motion carried with the following voting “yes”: English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howell. The Searcy City Council and Mayor Osborne went into executive session. After executive session, a motion was made by Mr. Raney to come out of executive session, seconded by Mr. Chalenburg. Motion carried with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howell, and English. Mr. Gibson explained that it should be stated if there was any action taken during the executive session, to which Mayor Osborne said there was not. Mr. Gibson then noted that the matter at hand is the open Ward 2 Position 2 Council Member seat. Mayor Osborne asked if there was any motion. A motion was made by Mr. Raney, seconded by Mr. Cothorn, to appoint Rodger Cargile to fill the unexpired open Ward 2 Position 2 on the Searcy Council. Mr. Gibson explained that a majority vote is required of the remaining Council Members to fill the position. Motion carried with the following voting “yes”: Raney, Chalenburg, Cothorn, and Howell. Voting “no” were Council Members Brewer, Arnett, and English. City Attorney Gibson explained that by the ‘4 yes/3 no’ vote the open Ward 2 Position 2 is hereby filled by Rodger Cargile. Mayor Osborne then asked District Judge Mark Pate, who was present, to issue the Oath of Office to Mr. Cargile. After taking the Oath of Office, Mr. Cargile took his position on the Searcy City Council.

Item (8) on the agenda was for the setting of a date and time for a public hearing regarding the application for a private club permit that has been submitted by McCain Dining Club, D/B/A Truth Table. A motion was made by Mr. Chalenburg and seconded by Mr. Cothorn to set the date and time of May 14, 2019 at 6:00 p.m. at City Hall for a public hearing regarding the application for a private club permit submitted by McCain Dining Club, D/B/A Truth Table. Motion carried with the following voting “yes”: Brewer, Chalenburg, Cothorn, Arnett, Howell, Cargile, English, and Raney.

Item (9) on the agenda was for the setting of a date and time for a public hearing regarding the application for a private club permit that has been submitted by Chili’s – Searcy Club, Inc., D/B/A Chili’s. A motion was made by Mr. Cothorn and seconded by Mr. Chalenburg to set the date and time of May 14, 2019 at 6:00 p.m. at City Hall (following the public hearing for McCain Dining Club, D/B/A Truth Table) for a public hearing regarding the application for a private club permit submitted by Chili’s – Searcy Club, Inc., D/B/A Chili’s. Motion carried with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howell, Cargile, English, Raney, and Brewer.

Item (10) was for the approval to place on the April 9, 2019 regular Council meeting agenda a proposed ordinance to amend Chapter 28 of the Code of Ordinances, providing for a modification of the rates for sewer service for residential, commercial, and

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industrial users. A motion was made by Mr. Cothern and seconded by Mr. Chalenburg to place a proposed ordinance to amend Chapter 28 of the Code of Ordinances, providing for a modification of the rates for sewer service for residential, commercial, and industrial users on the April 9, 2019 regular Council meeting agenda for consideration. Motion carried with the following voting “yes”: Cothern, Arnett, Howell, Cargile, English, Raney, Brewer, and Chalenburg.

Item (11) on the agenda was for the setting of a date and time for a public hearing regarding a proposed ordinance to amend Chapter 28 of the Code of Ordinances, providing for a modification of the rates for sewer services for residential, commercial, and industrial users. A motion was made by Mr. Chalenburg and seconded by Mr. Raney, to set a date and time of April 9, 2019 at 6:00 p.m. at Searcy City Hall. Motion carried with the following voting “yes”: Arnett, Howell, Cargile, English, Raney, Brewer, Chalenburg, and Cothern.

Item (12) was for the consideration for the approval of a change order regarding the Park Avenue/Cloverdale drainage project. The change order was for a change from open ditch drainage along Park Avenue to buried pipe. The change order involved an increase in the cost of the project of \$112,035.00. A motion was made by Mr. Brewer, seconded by Mr. Chalenburg, to approve the change order for the Park Avenue/Cloverdale drainage project. Motion carried with the following voting “yes”: Howell, Cargile, English, Raney, Brewer, Chalenburg, Cothern, and Arnett.

Item (13) was a resolution supporting the grant application of the White County Child Safety Center. Mr. Gibson read the resolution in full. A motion was made by Mr. Howell and seconded by Mr. English to approve the resolution supporting the grant application of the White County Child Safety Center. Motion carried with the following voting “yes”: Cargile, English, Raney, Brewer, Chalenburg, Cothern, Arnett, and Howell.

Resolution 2019-08

Item (14) was a resolution authorizing the abandonment of a fully utilized asset, 2009 Ford Crown Victoria, Police Department Unit 1109. Mr. Gibson read the resolution in full. Motion was made by Mr. Chalenburg and seconded by Mr. Cothern to pass the resolution. Motion carried with the following voting “yes”: English, Raney, Brewer, Chalenburg, Cothern, Arnett, Howell, and Cargile. **Resolution 2019-09**

Item (15) on the agenda was an ordinance authorizing Great White Holdings, dba Guacamole Grill of Searcy to file for a private club permit with the Alcohol Beverage Control Division under the provisions of the City of Searcy private club permit ordinance and Arkansas law. Mayor Osborne asked if there were any motions and none were expressed. Mr. Gibson read the ordinance in full. Mr. Gibson noted that this is the second reading of the ordinance and that it will be placed on the agenda for the April 9, 2019 Council agenda for the third reading.

Item (16) on the agenda was an ordinance amending Ordinance 2018-05, the budget for operation of the City of Searcy, Arkansas for the calendar year 2018, to correct certain

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line items. 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”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howell, Cargile, and English. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Chalenburg, seconded by Mr. English, to adopt the ordinance. The ordinance passed with the following voting “yes”: Brewer, Chalenburg, Cothorn, Arnett, Howell, Cargile, English, and Raney. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Chalenburg, seconded by Mr. Cothorn, to adopt the emergency clause, with the following voting “yes”: Chalenburg, Cothorn, Arnett, Howell, Cargile, English, Raney, and Brewer. **Ordinance 2019-05**

Item (17) 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, real property located at Phillip Miles Road from UT (Urban Transitional) to R-2 (Two-family Residential). 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”: Cothorn, Arnett, Howell, Cargile, English, Raney, Brewer, and Chalenburg. 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”: Arnett, Howell, Cargile, English, Raney, Brewer, Chalenburg, and Cothorn. 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”: Howell, Cargile, English, Raney, Brewer, Chalenburg, Cothorn, and Arnett. **Ordinance 2019-06**

Item (18) 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, real property located at 1 Ridgewood Lane from UT (Urban Transitional) to C-3 (Low-intensity Commercial). A motion was made by Mr. Cothorn, seconded by Mr. Brewer, to suspend the rules and allow reading of the ordinance by title only. Motion carried with the following voting “yes”: Cargile, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howell. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Raney, seconded by Mr. English, to adopt the ordinance. The ordinance passed with the following voting “yes”: English, Raney, Brewer, 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, with the following voting “yes”: Raney, Brewer, Chalenburg, Cothorn, Arnett, Howell, Cargile, and English. **Ordinance 2019-07**

Item (19) on the agenda was an ordinance levying an advertising and tourism promotions tax on the gross receipts of certain industries related to the advertising and tourism promotion of the City of Searcy, creating the City of Searcy, Arkansas advertising and tourism promotion fund, and the City of Searcy, Arkansas advertising and tourism promotion commission. 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”: Brewer, Chalenburg, Cothorn, Arnett, Howell, Cargile,

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English, and Raney. Mr. Gibson read the ordinance by title only. A motion was then made by Mr. Brewer and seconded by Mrs. Arnett to table consideration for the adoption of the ordinance, in order to have a possible public hearing and more discussion regarding this matter. Motion to table failed by a vote of one “yes” and seven “no”, with the following voting “no”: Chalenburg, Cothorn, Arnett, Howell, Cargile, English, and Raney. Brewer voted “yes” to table. A motion was then made by Mr. Howell, seconded by Mr. English, to adopt the ordinance. The ordinance passed with a vote of seven “yes” and one “no”, with the following voting “yes”: Cothorn, Arnett, Howell, Cargile, English, Raney, and Chalenburg. Brewer voting “no”. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Raney, seconded by Mr. English, to adopt the emergency clause. The emergency passed with the following voting “yes”: Arnett, Howell, Cargile, English, Raney, and Cothorn. Brewer and Chalenburg voting “no”. **Ordinance 2019-08**

Item (20) 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 \$125,000.00 from the 2014 Eight Year Plan Fund unappropriated reserves to ‘TRANSFER TO LOPFI FUND’ expenditure account (#14 5-190-05-04) for payment of LOPFI retirement obligation;
- b. Appropriate \$25,000.00 from General Fund unappropriated reserves to the Sanitation Department ‘LANDFILL FEES’ expenditure account (#01 5-090-05-04) for host fees to be applied to the city’s landfill fees;
- c. Appropriate \$20,000.00 to General Fund Sanitation Department ‘WRI1818D RECYCLE TRUCK GRANT’ expenditure account (#01 5-090-56-24) and appropriate \$15,000.00 to General Fund ‘RECYCLE GRANT’ revenue account (#01 4-000-98-03) for the purchase of a recycle pick-up truck for the Sanitation Department through a recycling grant;
- d. Appropriate \$14,983.30 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;
- e. Appropriate \$3,182.67 from 2014 Eight Year Plan Fund unappropriated reserves to ‘ANIMAL SHELTER VIDEO SURVEILLANCE SYSTEM’ expenditure account (#14 5-500-05-20) for additional video surveillance equipment at the Humane Society of Searcy Animal Shelter;
- f. Appropriate \$6,060.95 from 2014 Eight Year Plan Fund unappropriated

- reserves to 'SIDE-ARM TRASH CONTAINERS' expenditure account (#14 5-090-53-02) for the purchase of 80 residential side-arm trash containers;
- g. Appropriate \$4,750.00 from General Fund unappropriated reserves to the Mayor's Department 'BUILDING MAINTENANCE/REPAIRS' expenditure account (#01 5-010-02-01) for the replacement of heating/cooling unit for City Hall building;
 - h. Appropriate \$2,724.00 from 2014 Eight Year Plan Fund unappropriated reserves to 'ROF-DOWNTOWN LANDSCAPE UPGRADE' expenditure account (#14 5-500-05-15) to add/replace plant material in Phases I and II of the downtown beautification project areas;
 - i. Appropriate \$15,601.03 from 2014 Eight Year Plan Fund unappropriated reserves to 'POLICE SOFTWARE UPGRADE' expenditure account (#14 5-060-05-01) for additional costs for the maintenance of the Police Department software;
 - j. Appropriate \$15,000.00 from the 0.25% Fire Protection Services County Tax Fund unappropriated reserves 'BUILDING MAINTENANCE/REPAIRS, expenditure account (#18 5-070-02-02) for replacement of ice machine, repair/replacement of lockers, and building repairs at Fire Station #3;
 - k. Appropriate \$2,100.00 from 2014 Eight Year Plan Fund unappropriated reserves to 'COMPREHENSIVE DRAINAGE STUDY' expenditure account (#14 5-130-06-01) for engineering services regarding City of Searcy comprehensive drainage study;
 - l. Appropriate \$96,300.36 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;
 - m. Appropriate \$100,060.00 from Street Fund unappropriated reserves to 'TRUCK REPLACEMENT' expenditure account (#02 5-900-53-19) for the replacement of 4 aging pick-up trucks in the Street Department;

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

- a. \$16,813.80 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. Transfer \$125,000.00 from the City of Searcy 2014 Eight Year Plan Fund to the City of Searcy LOPFI Fund for payment of LOPFI Retirement obligation (#14 5-190-05-04);
- d. \$100,943.14 to CK Asphalt, LLC for the 2018 street paving program (#02 5-900-05-07);
- e. \$14,983.30 to Morrison – Shipley Engineers Inc. for Rolling Meadows/Cloverdale Addition drainage improvement project engineering services (#14 5-130-05-02);
- f. \$6,060.95 to WasteQuip for the purchase of 80 residential side-arm trash containers (#14 5-090-53-02);
- g. \$4,750.00 to Air Care for the replacement of heating/cooling unit for City Hall building (#01 5-010-02-01);
- h. \$2,724.00 to Vest Exteriors, Inc. to add/replace plant material in Phases I and II of the downtown beautification project areas (#14 5-500-05-15);
- i. \$2,100.00 to Thomas F. Black, P.E. for engineering services regarding City of Searcy comprehensive drainage study (#14 5-130-06-01);
- j. \$96,300.36 to Burkhalter Technologies, Inc. for construction services on the Rolling Meadows/Cloverdale drainage improvement project (#14 5-130-05-02);

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”: Howell, Cargile, English, Raney, Brewer, 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”: Cargile, English, Raney, Brewer, Chalenburg, Cothorn, Arnett, and Howell. Mr. Gibson then read the emergency clause of the ordinance. Motion was made by Mr. Cothorn, seconded by Mr. Chalenburg, to adopt the emergency clause, with the following voting “yes”: English, Raney, Brewer, Chalenburg, Cothorn, Arnett, Howell, and Cargile. **Ordinance 2019-09**

Item (21) on the agenda was the State of the City address by Mayor Osborne.

A motion was made and seconded to adjourn.

Minutes Approved: April 9, 2019

/s/ Kyle Osborne
MAYOR OF SEARCY

ATTEST:

/s/ Jerry Morris
CITY CLERK

Seal