

Searcy City Council – Regular Session
Tuesday, May 13, 2008 7:00 p.m.
Minutes

Mayor LaForce called to order the Regular Session of the Searcy City Council. Mr. Boyce Arnett gave the Invocation with the pledge following. City Clerk Tammy Gowen called the roll with the following answering “present”: Carl Nutter, Mary Ann Arnett, Jim Dixon, Kyle Reeves, Dale English, Jackie Liles, and Mike Chalenburg. Mr. Derrick was absent. Also present was City Attorney Buck Gibson.

The minutes of the previous sessions were presented for approval. A motion was made by Mr. Nutter and seconded by Mrs. Arnett to approve the minutes. Motion carried with the following voting “yes”: Arnett, Dixon, Reeves, English, Liles, Chalenburg, and Nutter.

Clerk/Treasurer, Tammy Gowen, presented the Treasurer’s Report which listed balances of the General Fund to be \$2,099,961.67, Street Fund \$85,444.75, Capital Equipment Fund \$1,106,057.26 and the LOPFI Fund \$156,730.07. It was also reported that there had been a total of \$1,925,761.43 in Sales Tax revenues received and an excess of revenues over expenditures in the General Fund of 420,317.05 and an excess of revenues over expenditures in the Street Fund of \$27,131.92.

A motion was made by Mr. Reeves and seconded by Mr. Nutter to move item six to item eighteen in order to allow time for Alderman Derrick to be present. Motion carried with the following voting “yes”: Dixon, Reeves, English, Liles, Chalenburg, Nutter and Arnett.

Item six was approving the bid on Airport Phase III Ramp Project. The low bid was made by Marise Construction in the amount of \$479,503.24 and was contingent upon FAA concurrence and issuance of grant offer. A motion was made by Mr. Nutter and seconded by Mr. English to approve the bid. Motion carried with the following voting “yes”: Reeves, English, Liles, Chalenburg, Nutter, Arnett, and Dixon.

Item seven on the agenda was the approval of a bid from River City Hydraulics, Inc. in the amount of \$144,850 to purchase a rear loader for the Sanitation Department. A motion was made by Mr. English and seconded by Mr. Chalenburg to approve the bid. Motion carried with the following voting “yes”: English, Liles, Chalenburg, Nutter, Arnett, Dixon and Reeves.

Item eight on the agenda was approving the bids for Parks and Recreation. The first was for 2 Kubota 72” 31 HP front deck mowers bid by Henard Utility Products, Inc. in the amount of \$22,300 and the second was for 10 sets of 3-row and 10 sets of 4-row low rise bleachers for a total cost of \$24,598 from Lynch Enterprises. A motion was made by Mr. Reeves and seconded by Mr. Nutter to accept the bid and to put the excess back into the Capital Expenditure Budget. Motion carried with the following voting “yes”: Liles,

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Chalenburg, Nutter, Arnett, Dixon, Reeves, and English. Mr. Derrick came in late and abstained.

Item nine was a request from Southwind Partners, LLC to participate in the signalization at Evans and East Race. Ten percent of the project is to cost \$6,747.50 which includes the maintenance of the signal. A motion was made by Mr. Reeves and seconded by Mr. Nutter to approve the participation. Motion carried with the following voting "yes": Derrick, Chalenburg, Nutter, Arnett, Dixon, Reeves, English, and Liles.

Item ten was a request for an approximate dollar amount to be used in making a decision on what streets to resurface. There was also a request by Mr. Tony Wood, Superintendent of Searcy Public Schools, to remove the barrier in the middle of North Ella Street and to resurface as part of the dollar amount to be considered for 2008. A motion was made by Mr. English and seconded by Mr. Dixon to use \$750,000 as the approximate dollar amount. Motion Failed with the following voting "no": Chalenburg, Nutter, Arnett, Reeves, Liles and Derrick. Mr. Dixon and Mr. English voted "yes". A motion was then made by Mr. Reeves to hold a special meeting to discuss street resurfacing. Motion carried with the following voting "yes": Nutter, Arnett, Dixon, Reeves, English, Liles, Derrick, and Chalenburg.

Item eleven on the agenda was a resolution setting a public hearing for B.J. Services, Inc., for the issuance of industrial revenue bonds, to be held at the next regularly scheduled Council meeting on June 10, 2008. The resolution was read in its entirety. A motion was made by Mr. Nutter and seconded by Mr. English to pass the resolution. Motion carried with the following voting "yes": Arnett, Dixon, Reeves, English, Liles, Derrick, Chalenburg, and Nutter. **Resolution 2008-10**

Item twelve was a resolution setting a public hearing to be held at the next regularly scheduled Council meeting on June 10, 2008. The hearing will be concerning the vacating of an alley on behalf of petitioners Douglas and Janice Phillips and Stephenson Oil Company. The resolution was read in its entirety. A motion was made by Mr. Reeves and seconded by Mr. English to pass the resolution. Motion carried with the following voting "yes": Dixon, Reeves, English, Liles, Derrick, Chalenburg, Nutter and Arnett. **Resolution 2008-11**

Item thirteen on the agenda was an ordinance rezoning the property on Greer Lane from R-2 to C-3 on behalf of David Paul Builders. The Ordinance was read in its entirety. A motion was made by Mr. Nutter and seconded by Mr. Reeves to place the Ordinance on second reading. Motion passed with the following voting "yes": Reeves, English, Liles, Derrick, Chalenburg, Nutter, Arnett and Dixon. Following the second reading a motion was made by Mr. Nutter and seconded by Mr. English to further suspend the rules placing the ordinance on third and final reading. Motion carried with the following voting "yes": English, Liles, Derrick, Chalenburg, Nutter, Arnett, Dixon, and Reeves. Following the final reading the Mayor asked, "Shall the ordinance pass?" Upon roll call the following voted "yes": Liles, Derrick, Chalenburg, Nutter, Arnett, Dixon, Reeves and English. A motion was then made by Mr. Nutter and seconded by Mr. Derrick to adopt

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the Emergency Clause. Motion carried with the following voting “yes”: Derrick, Chalenburg, Nutter, Arnett, Dixon, Reeves, English, and Liles. **Ordinance 2008-13**

Item fourteen was an ordinance rezoning the property known as the Lightle Property located on West Country Club Lane from U-T to R-2 for a zero lot line on behalf of Alice Lightle and Stuart Dalrymple. Discussion was held. The Ordinance was read in its entirety. Following the reading a motion was made by Mr. Reeves and seconded by Mr. English to place the Ordinance on second reading. Motion passed with the following voting “yes”: Chalenburg, Nutter, Arnett, Dixon, Reeves, English, Liles, and Derrick. Following the second reading a motion was made by Mr. Nutter and seconded by Mr. English to further suspend the rules placing the ordinance on third and final reading. Motion carried with the following voting “yes”: Nutter, Arnett, Dixon, Reeves, English, Liles, Derrick, and Chalenburg. Following the final reading the Mayor asked, “Shall the ordinance pass?” Upon roll call the following voted “yes”: Arnett, Dixon, Reeves, English, Liles, Derrick, Chalenburg, and Nutter. A motion was then made by Mr. Nutter and seconded by Mr. English to adopt the Emergency Clause. Motion carried with the following voting “yes”: Dixon, Reeves, English, Liles, Derrick, Chalenburg, Nutter, and Arnett. **Ordinance 2008-14**

Item fifteen was a resolution deeding strips of property due to encroachments to surrounding property owners following a correction deed to Habitat for Humanity for property on Woodruff Street that the City donated last year. The resolution was read in its entirety. A motion was made by Mr. English and seconded by Mr. Derrick to pass the resolution. Motion carried with the following voting “yes”: Reeves, English, Liles, Derrick, Chalenburg, Arnett and Dixon. Mr. Nutter “abstained” due to conflict of interest. **Resolution 2008-12**

Item sixteen on the agenda was a sign ordinance. Mr. Jim vonTugeln, City Planner, was present to explain the ordinance. Discussion was held. The ordinance was read in its entirety. A motion was made by Mr. Reeves and seconded by Mr. Nutter to send the ordinances back for further revisions. The motion failed with the following voting “no”: English, Derrick, Chalenburg, Arnett and Dixon. The following voted “yes”: Liles, Nutter, and Reeves. A motion was then made by Mr. Derrick and seconded by Mr. Reeves to table the ordinance. Motion carried with the following voting “yes”: Liles, Derrick, Chalenburg, Nutter, Arnett, Dixon, and Reeves. Mr. English voted “no”.

Item seventeen was a large scale development ordinance. Mr. vonTugeln was on hand to give the information concerning this ordinance. Discussion was held. The ordinance was read in its entirety. Following the reading a motion was made by Mr. English, and seconded by Mr. Chalenburg to further suspend the rules and place the ordinance on second reading. Motion carried with the following voting “yes”: Derrick, Chalenburg, Nutter, Arnett, Dixon, English, and Liles. Reeves voted “no”. A motion was then made by Mr. Reeves and seconded by Mr. Nutter to amend the ordinance in section 3-A-2 from two acres to four acres. Motion failed with the following voting “no”: Chalenburg, Arnett, Dixon, English, and Derrick. Nutter, Reeves and Liles voted “yes”. Following the second reading a motion was made by Mr. English and seconded by Mr. Chalenburg

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to further suspend the rules placing the ordinance on third and final reading. Motion failed with the following voting “no”: Nutter, Reeves and Derrick. Arnett, Dixon, English, Liles and Chalenburg voted “yes”. The third reading will be held at the next regular Council Meeting.

Item eighteen on the agenda was a fireworks ordinance. The ordinance was read in its entirety. Following the reading a motion was made by Mr. Reeves and seconded by Mr. Nutter to place the Ordinance on third and final reading. Motion carried with the following voting “yes”: Derrick, Chalenburg, Nutter, Arnett, Dixon, Reeves, English, and Liles. Following the final reading the Mayor asked, “Shall the ordinance pass?” Upon roll call the following voted “no”: Chalenburg, Arnett, Dixon, English, and Derrick. Nutter, Reeves and Liles voted “yes”. Ordinance Failed.

Item nineteen on the agenda was an amendment of the boundary street ordinance. Mr. vonTungeln explained the ordinance. Discussion was held. The ordinance was read in its entirety. Following the reading a motion was made by Mr. English and seconded by Mr. Chalenburg to further suspend the rules and place the ordinance on second reading. Motion carried with the following voting “yes”: Arnett, Dixon, Reeves, English, Liles, Derrick, and Chalenburg. Nutter voted “no”. Following the second reading a motion was made by Mr. English and seconded by Mr. Chalenburg to place the ordinance on third and final reading. Motion carried with the following voting “yes”: Dixon, Reeves, English, Liles, Derrick, Chalenburg and Arnett. Nutter voted “no”. Following the final reading the Mayor asked “Shall the Ordinance Pass?” Upon roll call the following voted “yes”: Reeves, English, Liles, Derrick, Chalenburg, Arnett, and Dixon. Nutter voted “no”. A motion was then made by Mr. Chalenburg and seconded by Mr. English to adopt the Emergency Clause. Motion carried with the following voting “yes”: English, Liles, Derrick, Chalenburg, Arnett, Dixon, and Reeves. Nutter voted “no”. **Ordinance 2008-15**

Item twenty was an amendment to the non-operating vehicle ordinance. The ordinance was read in its entirety. Discussion was held. Following the discussion a motion was made by Mr. English and seconded by Mr. Dixon to further suspend the rules and place the ordinance on second reading. Motion carried with the following voting “yes”: Liles Derrick, Chalenburg, Arnett, Dixon and English. Nutter and Reeves voted “no”. Following the second reading a motion was made by Mr. English and seconded by Mr. Chalenburg to further suspend the rules and place the ordinance on third and final reading. Motion carried with the following voting “yes”: Derrick, Chalenburg, Arnett, Dixon, English, and Liles. Nutter and Reeves voted “no”. Following the final reading the Mayor asked “Shall the Ordinance Pass?” Upon roll call the following voted “yes”: Chalenburg, Arnett, Dixon, English, Liles, and Derrick. Nutter and Reeves voted “no”. **Ordinance 2008-16**

Item twenty one on the agenda was a Budget Ordinance: 1) appropriating from grant monies to be received, \$30,751 to the airport’s New South Road Construction Grant Expense Account (5-040-56-31) and \$107,460.80 from grant monies to be received to the Airport Grant #2366-06 Revenue Account (4-000-98-53) to close out grant; 2) appropriating \$4,693.68 from insurance reimbursement to the airport’s Computer

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Equipment/Software Account (5-040-04-05) to replace a computer and switch that was damaged by lightning; 3) appropriating \$1500 from unappropriated reserves to Code Enforcement Subscription/Books Expense Account (5-120-04-07) for purchase of new editions of Codes; 4) appropriating \$4,420 from unappropriated reserves to the Sanitation Dumpster Account (5-090-05-03) for purchase of 6 & 8 yard bins & waiving competitive bidding of \$21,706 for Wastequip; 5) waiving bidding and approving fuel purchases in amount of \$50,577.65 from La Sher Oil Company, Inc.; 6) appropriating from unappropriated reserves \$3,837.75 to the Clerk-Treasurer's Salary Expense Account (5-100-01-01), \$293.59 to the Clerk-Treasurer's SS/Medicare Match Expense Account (5-100-01-02), \$482.26 to the Clerk-Treasurer's APERS Retirement Expense Account (5-100-01-05). The Ordinance was read in its entirety. Following the reading a motion was made by Mr. Reeves and seconded by Mr. Nutter to amend the ordinance by reappropriating the monies to the Clerk-Treasurer's Salary, SS/Medicare Match, and APERS expense account from the Mayor's Travel and Training budget and then the Clerk's Travel Training budget instead of unappropriated reserves. Motion failed with the following voting "no": Arnett, Dixon, English, Liles, and Chalenburg. Nutter, Reeves and Derrick voted "yes". A motion was then made by Mr. English and seconded by Mr. Chalenburg to place the ordinance on second reading. Motion passed with the following voting "yes": Arnett, Dixon, English, Liles, Derrick, Chalenburg, and Nutter. Reeves voted "no". Following the second reading a motion was made by Mr. English and seconded by Mr. Chalenburg to further suspend the rules placing the ordinance on third and final reading. Motion carried with the following voting "yes": Dixon, Reeves, English, Liles, Derrick, Chalenburg, Nutter, and Arnett. Following the final reading the Mayor asked, "Shall the ordinance pass?" Upon roll call the following voted "yes": Reeves, English, Liles, Derrick, Chalenburg, Arnett, and Dixon. Nutter voted "no". A motion was then made by Mr. Derrick and seconded by Mr. Reeves to adopt the Emergency Clause. Motion carried with the following voting "yes": English, Liles, Derrick, Chalenburg, Nutter, Arnett, Dixon, and Reeves. **Ordinance 2008-17**

Item twenty two was an ordinance placing a moratorium on establishing certain businesses. The ordinance was read in its entirety. Following the reading a motion was made by Mr. Reeves and seconded by Mr. English to place the ordinance on second reading. Motion carried with the following voting "yes": Liles, Derrick, Chalenburg, Nutter, Arnett, Dixon, Reeves, and English. Following the second reading a motion was made by Chalenburg and seconded by English to further suspend the rules and place the ordinance on third and final reading. Motion carried with the following voting "yes": Derrick, Chalenburg, Nutter, Arnett, Dixon, Reeves, English, and Liles. Following the final reading the Mayor asked "Shall the Ordinance Pass?" Upon roll call the following voted "yes": Chalenburg, Nutter, Arnett, Dixon, Reeves, English, Liles, and Derrick. A motion was then made by Mr. Nutter and seconded by Mr. Reeves to adopt the Emergency Clause. Motion carried with the following voting "yes": Nutter, Arnett, Dixon, Reeves, English, Liles, Derrick, and Chalenburg. **Ordinance 2008-18**

A motion was made and seconded to adjourn.

Minutes Approved:

ATTEST:

MAYOR

CITY CLERK
Seal