

Municipal Center 300 S. Church Street Jonesboro, AR 72401

## Meeting Agenda

## Finance & Administration Council Committee

Tuesday, August 28, 2018 4:00 PM Municipal Center

- 1. Call To Order
- 2. Roll Call by City Clerk Donna Jackson
- 3. Approval of minutes

MIN-18:081 Minutes for the Finance Committee meeting on August 17, 2018

Attachments: Minutes

4. New Business

RESOLUTIONS TO BE INTRODUCED

RES-18:134 A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING A

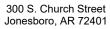
SETTLEMENT ON THE CLIFTON BURCHAM ETAL VS. CITY OF JONESBORO

**LAWSUIT** 

Sponsors: City Attorney's Office and Mayor's Office

Attachments: Resolution to approve settlement of DID lawsuit.pdf

- 5. Pending Items
- 6. Other Business
- 7. Public Comments
- 8. Adjournment





### Legislation Details (With Text)

File #: MIN-18:081 Version: 1 Name: Minutes for the Finance Committee meeting on

August 17, 2018

Type: Minutes Status: To Be Introduced

File created: 8/20/2018 In control: Finance & Administration Council Committee

On agenda: Final action:

Title: Minutes for the Finance Committee meeting on August 17, 2018

Sponsors: Indexes:

Code sections:

Attachments: Minutes

Date Ver. Action By Action Result

Minutes for the Finance Committee meeting on August 17, 2018.



Municipal Center 300 S. Church Street Jonesboro, AR 72401

# Meeting Minutes Finance & Administration Council Committee

Friday, August 17, 2018 4:00 PM Municipal Center

#### 1. Call To Order

#### 2. Roll Call by City Clerk Donna Jackson

Present 4 - Ann Williams; John Street; David McClain and LJ Bryant

Absent 2 - Charles Coleman and Joe Hafner

#### 3. Approval of minutes

MIN-18:076 Minutes for the Finance Committee meeting on July 31, 2018

Attachments: Minutes

A motion was made by Councilperson John Street, seconded by Councilperson David McClain, that this matter be Passed . The motion PASSED with the following vote.

Aye: 3 - Ann Williams; John Street and David McClain

Absent: 2 - Charles Coleman and Joe Hafner

#### 4. New Business

#### RESOLUTIONS TO BE INTRODUCED

RES-18:119 A RESOLUTION TO CONTRACT WITH MEDIC ONE FOR SPONSORSHIP OF ONE

BASEBALL FIELD AT THE JOE MACK CAMPBELL SPORTS COMPLEX

Attachments: Exhibit A

A motion was made by Councilperson John Street, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Ann Williams; John Street and David McClain

Absent: 2 - Charles Coleman and Joe Hafner

A RESOLUTION TO CONTRACT WITH NEA BAPTIST FOR SPONSORSHIP OF ONE

ATHLETIC FIELD AT THE JOE MACK CAMPBELL SPORTS COMPLEX

Attachments: Exhibit A

A motion was made by Councilperson John Street, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Ann Williams; John Street and David McClain

Absent: 2 - Charles Coleman and Joe Hafner

RES-18:122 A RESOLUTION TO CONTRACT WITH ARKANSAS STATE UNIVERSITY FOR SPONSORSHIP OF TWO BASEBALL FIELDS AT THE JOE MACK CAMPBELL

SPORTS COMPLEX

Attachments: Exhibit A

A motion was made by Councilperson John Street, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Ann Williams; John Street and David McClain

Absent: 2 - Charles Coleman and Joe Hafner

RES-18:124 A RESOLUTION TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR THE 2018 JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR THE

CITY OF JONESBORO

Attachments: MOU Judge Hill signed

JAG 2018 Budget Narrative
FY18 JAG local Chief Exec Cert
FY2018JAlComplianceWith1373-1644
FY2018JAlComplianceWithVarious

2018 JAG SF424

Program Narrative for Upgraded Police Equipment

A motion was made by Councilperson John Street, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Ann Williams; John Street and David McClain

Absent: 2 - Charles Coleman and Joe Hafner

RES-18:125 A RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO SUBMIT THE

FY2019 OUTDOOR RECREATION MATCHING GRANT APPLICATION

Attachments: 2016 Civil Rights Assurance

Form 424 Form 424D

Certifications Regarding Debarment Form DI 2010

2018 Project Fund Assurance

**Environmental Assessment Earl Bell** 

Flood Cert. Earl Bell

Waiver of Retroactivity Craighead

2018 Recreation Priorties
Project Budget 2018
Earl Bell Site Plan

Project Narrative Outdoor Recreation-Earl Bell 2018

Councilmember David McClain said I was going to ask a question real quick. I was trying to make sure I was correct on everything. Community Development Director Tiffny Calloway said there are two components to the application. We're asking for assistance to purchase land at Craighead Forest Park. As you know, we requested and we were granted a Waiver of Retroactivity from the National State Parks. So, that's \$250,000. The rest of the \$250,000 is for upgrades at Earl Bell Community Center, including the pump track, a walking trail around the facility and through the facility, and tennis courts. Councilmember McClain said and the forty acres, that's not what we've already purchased, right? Ms. Calloway said yes. That's what we've already purchased. Back when we were considering making that purchase, we found out that that could be used for this grant application, so we requested a Waiver for Retroactivity and were granted it back in March 2018. That's included in one of the attachments.

Councilmember John Street said I wanted to ask you about something, if I can. Ms. Calloway said yes. Councilmember Street asked if the basketball court was definitely out. Ms. Calloway said that's a really good question that Parks and Recreation Director Danny Kapales would have to answer. I don't have the answer to that question. Councilmember Street said for the record, or whatever, I still think they should have an outside basketball court. They have several tennis courts. Ms. Calloway said I concur. Councilmember Street said every time I go by there kids are playing basketball and, especially, with the numbers inside. If anything, I think we should probably put an extra basketball court out there somewhere. That's just my humble opinion, but I didn't see it. I looked at the overview of that. Ms. Calloway said I don't think the drawing he put up shows that the tennis courts are going to eliminate the basketball courts, based on the drawing that is in Legistar, currently. Councilmember Street said I saw a tennis court over there, but I didn't see the basketball court, and I think we have enough room down there to keep a basketball court outside. Ms. Calloway said I will forward those comments on to Mr. Kapales. Councilmember Street said thank you ma'am.

A motion was made by Councilperson John Street, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Ann Williams; John Street and David McClain

Absent: 2 - Charles Coleman and Joe Hafner

#### 5. Pending Items

#### 6. Other Business

Councilmember John Street said I would ask that we suspend the rules and walk on RES-18:131 to today's agenda to be forwarded to full council because of a time constraint on this grant. It's a 95/5 grant to the Airport Commission to do some drainage work. They didn't set the date, so it's nobody's fault that it came in when it did, but there's a short window to get it back in. Jonesboro Municipal Airport Manager George Jackson is here and he can explain it, but that's pretty much what it is, and it's a, I think, \$5,000 airport part and they can even get that through in-kind services to actually cost them nothing. So, again, I would move that we suspend the rules and walk this on to today's agenda to be forwarded to full council.

#### RES-18:131

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY FORMS TO ACCEPT THE AIRPORT IMPROVEMENT PROGRAM PROJECT GRANT

Attachments: Original Grant Offer.pdf

Resolution to approve AIP Grant Award.pdf
AR STATE CLEARINGHOUSE LETTER.pdf

A motion was made by Councilperson John Street to suspend the rules and walk on RES-18:131 to today's agenda, seconded by Councilperson Ann Williams. All voted aye.

A motion was made by Councilperson John Street, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Ann Williams; John Street and David McClain

Absent: 2 - Charles Coleman and Joe Hafner

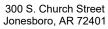
#### 7. Public Comments

#### 8. Adjournment

A motion was made by Councilperson John Street, seconded by Councilperson Ann Williams, that this meeting be Adjourned . The motion PASSED with the following vote.

Ave: 4 - Ann Williams; John Street; David McClain and LJ Bryant

Absent: 2 - Charles Coleman and Joe Hafner





#### Legislation Details (With Text)

File #: RES-18:134 Version: 1 Name: AUTHORIZING A SETTLEMENT ON THE CLIFTON

BURCHAM ETAL VS. CITY OF JONESBORO

**LAWSUIT** 

Type: Resolution Status: To Be Introduced

File created: 8/17/2018 In control: Finance & Administration Council Committee

On agenda: Final action:

Title: A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING A SETTLEMENT ON

THE CLIFTON BURCHAM ETAL VS. CITY OF JONESBORO LAWSUIT

**Sponsors:** City Attorney's Office, Mayor's Office

Indexes: Other

**Code sections:** 

Attachments: Resolution to approve settlement of DID lawsuit.pdf

Date Ver. Action By Action Result

## A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING A SETTLEMENT ON THE CLIFTON BURCHAM ETAL VS. CITY OF JONESBORO LAWSUIT

WHEREAS, the City of Jonesboro, was sued by Clifton Burcham Etal in a lawsuit alleging Plaintiffs paid fines that were illegally ordered under A.C.A. § 12-10-110; and

WHEREAS, the parties have participated in extensive review and negotiations regarding the payment of the fines to the City of Jonesboro; and

WHEREAS, the City of Jonesboro admits no wrongdoing; and

WHEREAS, a proposed settlement was reached, subject to the approval of the Jonesboro City Council.

## NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

- 1. The City of Jonesboro shall settle the pending litigation referenced above for the total sum of \$1,747.68 to be paid by the City of Jonesboro.
- 2. The funds will be payed from account 0113402700, otherwise titled as Lawsuit Settlement, and no monies need to be transferred to effectuate this agreement.
- 3. All other terms are listed in the attached Proposed Settlement Order.
- 4. The Mayor, Harold Perrin and City Clerk, Donna Jackson, or legal counsel are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING A SETTLEMENT ON THE CLIFTON BURCHAM ETAL VS. CITY OF JONESBORO LAWSUIT

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- 3. All other terms are listed in the attached Proposed Settlement Order.
- 4. The Mayor, Harold Perrin and City Clerk, Donna Jackson, or legal counsel are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.

PASSED AND APPROVED this	day of, 2018.
	HAROLD PERRIN, MAYOR
ATTEST:	
DONNA JACKSON, CITY CLERK	

## IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS WESTERN DISTRICT CIVIL DIVISION

CLIFTON BURCHAM and all other similar situated persons

**PLAINTIFF** 

V.

NO. CV-2016-401(JF)

CRAIGHEAD COUNTY, ARKANSAS AND CITY OF JONESBORO, ARKANSAS

**DEFENDANTS** 

#### ORDER

Now on this \_\_\_\_\_\_ day of August, 2018 comes before this Court the parties proposed settlement of all the issues regarding the above stated case; the Plaintiff, Clifton Burcham and all other similar situated persons is represented by Mark Rees; the Defendant, Craighead County, Arkansas is represented by Jason Owens; and the Defendant, City of Jonesboro, Arkansas is represented by Burt Newell; from the evidence presented and the agreement of the parties, the Court hereby ORDERS, ADJUDGES, and DECREES as follows:

- 1. This Court has jurisdiction of this matter and venue is proper.
- 2. That the Plaintiff and all other similar situated persons filed a lawsuit against the Defendants alleging certain fines and costs paid by Plaintiffs for allegedly violating § 12-11-110, more commonly known as the "Drunken, Insane, and Disorderly (DID) Statute" were unlawful.
  - 3. The Plaintiffs filed their lawsuit on June 10, 2016.
  - 4. The Defendants have denied any liability.

- 5. That Plaintiffs and Defendants both have motion for summary judgments pending before this Court.
- 6. That it is the desire of all parties to settle this lawsuit taking in consideration the uncertainty of litigation and the pending motions, the small amount of monies paid compared to continued expense in litigation, and the possibility of appeals to a higher court.
- 7. That the Court rules that all monies paid prior to June 10, 2013 are prohibited because of the 3 year statute of limitations.
- 8. That the parties agree that the Defendants will pay all "fine" monies that each entity received and retained as shown in exhibit A and B. The parties agree that the Defendants will not pay any monies that went to the State of Arkansas, such as court costs, or any other costs that are not listed in said exhibits.
- 9. That the Defendant, City of Jonesboro, Arkansas is ordered to pay all the monies to the individuals as listed in Exhibit A. The City of Jonesboro will issue a check for each individual for the amount listed and send to the individual at their last known address.
- 10. That the Defendant, Craighead County, Arkansas is ordered to pay all the monies to the individuals as listed in Exhibit B. Craighead County will issue a check for each individual for the amount listed and send to the individual at their last known address.
  - 11. That Plaintiffs counsel is not seeking any attorney fees.
  - 12. That each party is responsible for all their own costs.
- 13. That the Court hereby accepts this agreement in full, that the agreement is fair and reasonable to the Plaintiffs taking in consideration the issues of liability, uncertainty of the law in this area, the current law where the State of Arkansas cannot be sued, and the amount of money that

is to be refunded compared to the expense of litigation.

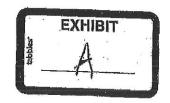
#### IT IS SO ORDERED.

	Hon. John Fogleman		
	Date		
Approved as to Form:			
Clifton Burcham, Plaintiff	The transfer of the first of the transfer of t		
Mark Rees Attorney for Plaintiffs			
Jason Owens Attorney for Craighead County			
Burt Newell Attorney for City of Jonesboro			

## CITY OF JONESBORO DID REFUNDS

NAME	<b>REFUNDS</b>
Raymond Alphin	85.00
Melissa Benham	6.68
Katelynn Bragg	85.00
Katelynn Bragg	85.00
Justin Briggs	20.00
Roger Collier	5.00
Douglas Dodson	53,00
Peggy Edwards	85.00
Christopher Erwin	20.00
Adam Fields	50.00
Christopher Finley (Estate)	85.00
Patrick Fitzgerald	85.00
Khristian Foster	85.00
Glendola Gaines	85.00
Anna Gamber	85.00
Brett Gribble	85.00
Joe Griffin	85,00
MichelleHolcomb	10.00
Georgia Vallance Howard	10.00
Shara Howell	85.00
Mary Jackson	5.00
Robert Jones	41.00
Whitney McCoy	85.00
Taylor Medlin	16.00
Debra Morgan	15.00
Shawn Nichols	4.00
Kelly Oswald	5.00
Christopher Puckett	85.00
Logan Robertson	77.00
Christopher Slaughter	5.00
Christina Sykes	15.00
Jessie Warren	70.00
James Watson	55,00

TOTAL \$1,747.68



## CRAIGHEAD CRAIGHEAD DID REFUNDS

Name	Refund
David Beard	105.00
Brandon Blancett	5.00
Mary Bradley	105.00
Gretta Browning	163.31
Clifton Burcham	5.00
Kevin Keiter	110.00
Reginold Meadows	15.00
James Milton	115.00
Jesus Ojeda	15.00
Charles Reece	37.96
Robert Smith	75.00
Michael Summers	105.00
TOTAL	\$ 926.27

