



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, January 19, 2010

6:30 PM

Huntington Building

PUBLIC SAFETY COMMITTEE MEETING AT 5:30 P.M.

1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

Present 12 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

4. SPECIAL PRESENTATIONS

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilman Gene Vance, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote.

Aye: 12 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

[MIN-10:001](#)

Minutes for the City Council meeting on January 5, 2010.

Attachments: [Minutes](#)

A motion was made that this Minutes be Passed . The motion passed BY VOICE VOTE

[RES-09:205](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND THE CITY CLERK TO ACCEPT THIS EASEMENT AND RIGHT OF WAY FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS WITHIN THE CITY OF JONESBORO

Sponsors: Engineering

Attachments: [Dan and John Kennett](#)

A motion was made that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-005-2010

RES-09:211

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT LAND FROM THE JONESBORO ECONOMIC DEVELOPMENT CORPORATION FOR THE PROPERTY LOCATED AT 8461 CW POST ROAD (FIRE STATION #7)

Sponsors: Engineering

Attachments: [Warranty Deed](#)

A motion was made that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-006-2010

RES-09:212

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 3909 HARRISBURG ROAD FOR THE PURPOSE OF CONSTRUCTING A FIRE STATION

Sponsors: Engineering

Attachments: [Appraisal](#)
[Mayors Letter](#)
[Offer and Acceptance](#)

A motion was made that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-007-2010

RES-10:001

A RESOLUTION TO ACCEPT THE REPORT OF THE DIVISION OF LEGISLATIVE AUDIT CONCERNING THE FINANCES OF THE CITY OF JONESBORO, ARKANSAS FOR THE YEAR ENDED DECEMBER 31, 2008

Sponsors: Mayor's Office and Finance

Attachments: [2008 Legislative Audit](#)
[Identified Internal Control Weakness](#)

A motion was made that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-008-2010

RES-10:003

A RESOLUTION REQUESTING FREE UTILITIES FROM CITY WATER AND LIGHT FOR PROPERTY LOCATED AT 4110 LINDBERGH DRIVE (FORMERLY THE ASU DELTA CENTER) LOCATED AT THE JONESBORO AIRPORT

Sponsors: Mayor's Office

A motion was made that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-009-2010

6. NEW BUSINESS**ORDINANCES ON FIRST READING****ORD-09:106**

AN ORDINANCE AUTHORIZING A CITY COUNCIL MEMBER TO DO BUSINESS WITH THE CITY OF JONESBORO

Sponsors: Building Maintenance

Attachments: [City Attorney Legal Opinion - Overhead Door](#)

Councilman Vance asked for the ordinance to be tabled in order to get further legal review before it is brought back to Council. He added if the ordinance is found by the legal review to not be the way it should be, he asked for the ordinance to die on the table and not be brought back. He explained the ordinance has caused some controversy, so he would like for the ordinance to be tabled until they can be sure it does what needs to be done. He further explained he did not initiate the ordinance and the company has been a vendor with the City since before he was on the Council.

Councilman Dover stated he thought City Attorney Phillip Crego had already reviewed the ordinance. Mr. Crego explained they looked at the form of the ordinance, but the discussion isn't regarding the form of the ordinance; rather, the discussion is concerning what the ramifications of the ordinance passing will be.

Councilman McCall questioned whether a Council member can do business with the City. Mr. Crego answered no, unless the Council member is working for a corporation in which they are not a principal shareholder or manager in or if a City Council passes an ordinance authorizing the Council member to do business with the City. Mr. Crego added those stipulations are in State code. He further explained typically these types of ordinances are for employees to do business with the City, but the game changes when it's a Council member because they would normally vote on items that have to do with the project the business is being hired to do. Councilman McCall noted there may be an economic benefit for the City when there's a small number of that particular type of company. Mr. Crego agreed stating there may be an economic benefit for the City, but city government still has to operate within the rules of the law.

A motion was made by Councilman Charles Frierson, seconded by Councilman Chris Moore, that this matter be Postponed Temporarily . The motion PASSED by a unanimous vote.

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Tim McCall;Chris Gibson;Rennell Woods and Mikel Fears

Abstain: 1 - Gene Vance

7. UNFINISHED BUSINESS**ORDINANCES ON THIRD READING****ORD-09:105**

AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, AND ADOPTING THE CITY OF JONESBORO MASTER STREET PLAN; PROVIDING

FOR AMENDMENTS OF CHAPTERS 101, ARTICLE III, AND CHAPTER 113, ARTICLES III & IV, OF SUCH TECHNICAL CODE, AND ADOPTING SUCH AMENDMENTS AND MASTER STREET PLAN BY REFERENCE

Sponsors: Engineering and Planning

Attachments: [Chapter 101, Article III](#)
[Chapter 113, Articles III & IV](#)
[Master Street Plan Code Amendments Redmarks](#)
[ACCEPTABLE](#)
[PREFERRED](#)
[msp_map_DEC_1](#)
[MPAC Record of Proceedings Master Street Plan 12 08 09](#)
[Walkability Study](#)

Councilman Moore motioned, seconded by Councilman Frierson, to adopt the emergency clause. All voted aye.

A motion was made by Councilman John Street, seconded by Councilman Chris Moore, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 12 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Enactment No: O-EN-005-2010

8. MAYOR'S REPORTS

COM-10:004

Legal report as given by City Attorney Phillip Crego to the City Council at the meeting on January 19, 2010.

Attachments: [APERMA cases - January 12, 2010](#)
[Letter concerning condemnations - December 15, 2009](#)
[Letter from ACLJ concerning King's Ranch - August 7, 2009](#)

Mr. Crego provided the legal report to the City Council. He explained they just met with APERMA Attorney Ralph Ohm and discussed the thirteen cases. He presented the Council with a letter from American Center for Law & Justice concerning the denial of a rezoning for King's Ranch and noted a second issue has arisen due to the letter. He explained ACLJ is asking for authorization under federal law for special consideration to be granted to King's Ranch to allow for the development. Mr. Crego explained it's his opinion and the opinion of APERMA that the City code is reasonable and will allow King's Ranch to do what they want to do, but just not on the scale they are asking for. He further explained the code will allow for up to five unrelated persons to reside on the property, but King's Ranch is asking for eight to ten. Councilman Moore clarified that they're saying under federal law King's Ranch would be granted an exception for housing handicapped people. Mr. Crego agreed, but his recommendation along with APERMA is for the City to stand on the current ordinance. He noted ACLJ has stated they will file suit in federal court if needed. He explained they are now asking for a recommendation from Council as to how to proceed.

Councilman Moore motioned, seconded by Councilwoman Williams, to stand on the current City code and allow federal court to rule on the issue. All voted aye.

Councilwoman Williams questioned whether King's Ranch would be able to argue the handicapped issue in federal court even though it was not brought up during the original trial. Mr. Crego answered that yes, they could potentially make that argument because it's two separate issues.

Councilman Moore questioned whether there is a time limit concerning the Troy Coleman case. Mr. Crego answered if the case is not kept current then the court will dismiss it due to lack of action.

Mr. Crego noted he will be providing similar reports to the Council every six months.

This item was Read.

The Mayor gave the following report:

City Engineer Craig Light is still working with the Corps of Engineers and will provide a written report to the Council once they are further along with the scope of work.

The Winter Conference with the Municipal League discussed the recession and a recovery isn't expected until 2012 or 2013.

For the next Public Works Committee meeting, the Public Works staff will be presenting a PowerPoint presentation discussing overlays, striping, drainage and ditch work projects. Mayor Perrin added if Councilman Street wants the presentation can also be given to the full Council. Councilman Street stated he would like it to be presented to Council.

Mayor Perrin met with Governor Beebe concerning the City acquiring the Southside Softball Complex. He stated he will keep the Council informed when a decision is made.

Approval was received regarding two signalization projects. The projects will be at Fox Meadow & Stadium and Highway 49 & Kellers Chapel.

Matthews Bridge will be replaced and the Bridge Street Bridge could possibly be made four lanes.

They are currently coming up with new contracts for the railroads and will be consulting attorneys before proceeding with the contracts.

They are anticipating savings on the G&K Services contract. He explained the City uses the company for uniform cleaning and next year's contract will be amended.

The Council will be receiving the full, actual budget for 2009 with actual dollar amounts at the next Council meeting. City Treasurer Jim Eagan will be presenting department head budgets for January, 2010, and a full report concerning reconciliations on all of the City's accounts.

The State of the City address will be at the next meeting and will be placed on Legistar prior to the meeting so it can be reviewed ahead of time.

9. CITY COUNCIL REPORTS

Councilman Street stated the Stormwater Management Board will be meeting in the morning. He noted the Board will have several appointments open in the near future.

Councilwoman Williams discussed railroad crossing safety at Fisher Street and Aggie Road. She questioned what can be done at that area. Mayor Perrin stated he will check into what can be done. Councilwoman Williams questioned who will be responsible for negotiating with the railroad companies to improve that area. Mayor Perrin answered it would be the City's responsibility. He noted there are several issues he plans to negotiate with the railroads in the upcoming contracts. Further discussion was held concerning the railroads. Mayor Perrin added a double left-hand turn lane is being considered for Aggie Road & Stadium Blvd.

Councilman Moore stated he read in the paper that if the county can show \$200,000 worth of expenses due to damages to roads caused by the recent ice storm that they would be eligible for reimbursement. He questioned whether the county met that number or not. Mayor Perrin stated Grants Administrator Tony Thomas met with FEMA last week and the City has put together a cost estimate. Mr. Light explained it would take seven to ten days to determine whether the City will meet the \$200,000 amount. He further explained reimbursement is a matter of documentation showing the damage was due to the ice storm. He stated there are five different categories with possibly different reimbursement rates.

Councilman Moore questioned whether the State of the City address could be recorded and put on the public access channel. Mayor Perrin answered yes. Councilman Moore asked for it to be placed on the channel. Mayor Perrin added they will be purchasing equipment to make the channel more effective.

Councilman Hargis questioned the JETS and maintenance facility project on Dan Avenue. He stated he thinks a news release concerning the project would be helpful because people ask him what is going on in that area. He also discussed a contest for livability that he found on the internet and suggested someone from Engineering or Planning submit something to the contest.

Mayor Perrin stated he would like to walk on RES-10:009 to the agenda. He explained it's concerning applying for a grant and was short notice. He stated there is no match in funds, but Arkansas Economic Development requested a resolution from the Council approving the application.

Councilman Dover motioned, seconded by Councilman Street, to suspend the rules and place RES-10:009 on the agenda. All voted aye.

Councilman Moore questioned whether the resolution had gone to a Council committee before being presented to the full Council. Mayor Perrin answered no. He explained it was discussed and decided to present it to full Council without going to committee because the item did not require any matching funds and would not affect the budget. He added normally it would have gone through the Finance Committee, but due to the cutoff and the no match by the City they decided to go ahead and present it to full Council. Councilman Moore noted the Council procedures state an item cannot be walked on to the Council agenda without first being presented to a Council committee of at least four members and being unanimously approved.

Councilman Frierson motioned, seconded by Councilman Fears, to suspend the rules and allow the resolution to be walked on to the agenda. Councilman Moore questioned whether they could suspend those rules and asked for Mr. Crego's opinion on the matter.

Councilman Dover motioned to recess the City Council meeting for a three-minute Finance Committee meeting to approve the resolution. He asked whether that could be done. City Clerk Donna Jackson answered no, due to the two-hour public notice that is required.

Mayor Perrin discussed the grant and stated it was just received by State Representative Butch Wilkins, who wanted to make sure the City got the application so the City could get some of the funding. Operations Director Gary Harpole explained they are getting conflicting reports as to whether or not the resolution is needed. He stated they are trying to err on the side of caution by passing the resolution to make sure the City doesn't miss out on any money because of a formality.

Councilman Moore noted he is in support of the resolution, but he wants to make sure the rules are followed because they don't want to be found in violation of their own ordinances.

Councilman Frierson asked Mr. Crego if any procedure can be suspended if the suspension is approved by a majority consent or full consent of the Council. Mr. Crego stated it is not spelled out that the Council can do so, but the bottom line is the Council established the rules and those rules can be changed for future items.

Mayor Perrin stated he was told by AEDC at an event at the Chamber of Commerce earlier today that a resolution is needed in order to apply for the grant. He explained if the resolution cannot be passed tonight, then he will call special Finance and City Council meetings in order to pass the resolution. Mr. Crego also noted Nominating and Rules may want to meet to amend the procedures in order to allow for items to be walked on without going to committee first with a majority vote or whatever other stipulation the Council desires.

10. PUBLIC COMMENTS

11. ADJOURNMENT

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.

Aye: 12 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

_____ **Date:** _____
Harold Perrin, Mayor

Attest:

_____ **Date:** _____
Donna Jackson, City Clerk

