



# City of Jonesboro

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.



# City of Jonesboro

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

[RES-18:121](#)

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](#)  
[FY2018JAIComplianceWith1373-1644](#)  
[FY2018JAIComplianceWithVarious](#)  
[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 Priorities](#)  
[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.**

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

**Absent:** 2 - Charles Coleman and Joe Hafner



Legislation Details (With Text)

<b>File #:</b>	RES-18:134	<b>Version:</b>	1	<b>Name:</b>	AUTHORIZING A SETTLEMENT ON THE CLIFTON BURCHAM ETAL VS. CITY OF JONESBORO LAWSUIT
<b>Type:</b>	Resolution	<b>Status:</b>			To Be Introduced
<b>File created:</b>	8/17/2018	<b>In control:</b>			Finance & Administration Council Committee
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING A SETTLEMENT ON THE CLIFTON BURCHAM ETAL VS. CITY OF JONESBORO LAWSUIT				
<b>Sponsors:</b>	City Attorney's Office, Mayor's Office				
<b>Indexes:</b>	Other				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Resolution to approve settlement of DID lawsuit.pdf</a>				

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**

**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.**

**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

\_\_\_\_\_  
Mark Rees  
Attorney for Plaintiffs

\_\_\_\_\_  
Jason Owens  
Attorney for Craighead County

\_\_\_\_\_  
Burt Newell  
Attorney for City of Jonesboro

**CITY OF JONESBORO  
DID REFUNDS**

<u>NAME</u>	<u>REFUNDS</u>
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
Michelle Holcomb	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
<b>TOTAL</b>	<b>\$ 1,747.68</b>



**CRAIGHEAD CRAIGHEAD  
DID REFUNDS**

<u>Name</u>	<u>Refund</u>
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
<b>TOTAL</b>	<b>\$ 926.27</b>

