



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, October 21, 2008

6:30 PM

Council Chambers

PUBLIC SAFETY COMMITTEE MEETING AT 5:15 P.M.

PUBLIC HEARING AT 6:10 P.M.

Regarding the abandonment of part of a 15 foot alley as requested by B&G Land Company

No opposition was voiced.

APPEAL HEARING AT 6:15 P.M.

Attorney Skip Mooney, Sr., discussed the denial by the MAPC. Mr. Paul Armah, representing the surrounding neighborhood, spoke in opposition to the rezoning. It was noted the applicant made improvements in the property before getting it rezoned.

1. Call to order by the Mayor at 6:30 P.M.

2. Pledge of Allegiance and Invocation

3. Roll Call by the City Clerk

Present 12 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

4. Special Presentations

5. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, to Approve the Consent Calendar. The motion carried by the following vote

Aye: 12 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

[MIN-08:199](#)

Minutes for the City Council meeting on October 7, 2008.

Attachments: [Minutes](#)

This matter was APPROVED on the consent agenda.

[RES-08:167](#) A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND THE CITY CLERK TO ACCEPT THE PROPERTY DONATED BY DOYLE BROWN AND MARGARET BROWN, HUSBAND AND WIFE.

Sponsors: Mayor's Office

Attachments: [Deed.pdf](#)

This matter was APPROVED on the consent agenda.

Enactment No: R-EN-133-2008

[RES-08:168](#) A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO GRANT A (PERMANENT EASEMENT) LOCATED AT 1614 STRAWFLOOR DRIVE, JONESBORO, ARKANSAS FOR THE PURPOSE OF INGRESS/EGRESS PRIVILEGES

Sponsors: Mayor's Office

Attachments: [Easement.pdf](#)

This matter was APPROVED on the consent agenda.

Enactment No: R-EN-134-2008

[RES-08:184](#) RESOLUTION TO LEVY .5 MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE FIRE PENSION FUND

This matter was APPROVED on the consent agenda.

Enactment No: R-EN-135-2008

[RES-08:185](#) RESOLUTION TO LEVY .5 MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE POLICE PENSION FUND

This matter was APPROVED on the consent agenda.

Enactment No: R-EN-136-2008

[RES-08:186](#) RESOLUTION TO LEVY 2 MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE PUBLIC LIBRARY TAX

This matter was APPROVED on the consent agenda.

Enactment No: R-EN-137-2008

6. New Business

Ordinances on First Reading

[ORD-08:082](#) AN ORDINANCE TO VACATE AND ABANDON A 15 FOOT ALLEY AS REQUESTED BY B&G LAND COMPANY

Attachments: [Petition](#)
[Utility Letters](#)

Councilman Street offered the ordinance for first reading by title only.

Councilman Moore motioned, seconded by Councilman Perrin, to suspend the rules and waive second and third reading. All voted aye.

Councilman Moore questioned if there has been any opposition voiced to the rezoning. City Planner Otis Spriggs answered no.

A motion was made by Councilman Chris Moore, seconded by Councilman Harold Perrin, that this matter be Passed . The motion PASSED by an unanimous vote

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: O-EN-062-2008

ORD-08:089

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM RESIDENTIAL R-1 TO COMMERCIAL C-4 LIMITED USE OVERLAY FOR PROPERTY LOCATED AT 3400 CULBERHOUSE ROAD AS REQUESTED BY GARY ODOR

Attachments: [Plat](#)
[Supporting Documentation](#)
[MAPC Report](#)

Councilman Street offered the ordinance for first reading by title only.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, to Waive Second Reading . The motion PASSED by an unanimous vote

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

ORD-08:090

AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES FROM RESIDENTIAL R-1 TO COMMERCIAL C-4 LIMITED USE OVERLAY FOR PROPERTY LOCATED AT 5416 MAPLE VALLEY DRIVE AS REQUESTED BY WADE AND KATRINA CARPENTER

Attachments: [Plat](#)
[Appeal Letter](#)
[Appication for Zoning Map Amendment](#)
[MAPC Report](#)
[Record of MAPC Proceedings](#)
[Opposition Material](#)
[Support Letter](#)

Councilman Moore motioned, seconded by Councilman Perrin, to amend the ordinance to include no signage on the property, no more than five employees and to maintain lighting levels at zero foot candles at the property line. All voted aye.

Councilman Moore offered the ordinance as amended for first reading by title only.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Waive Second Reading . The motion PASSED by an unanimous vote

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

ORD-08:091

AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES FROM RESIDENTIAL R-1 TO COMMERCIAL C-3 LUO FOR PROPERTY LOCATED AT 4207 AND 4209 EAST JOHNSON AS REQUESTED BY MAJORIE ROBINSON

Attachments: [Plat](#)
[MAPC Report](#)

Councilman Street offered the ordinance for first reading by title only.

Councilman Moore questioned if there has been any opposition voiced to the rezoning. Mr. Spriggs answered no.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Waive Second Reading . The motion PASSED by an unanimous vote

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

ORD-08:092

AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES FROM RESIDENTIAL R-1 TO COMMERCIAL C-3 LUO FOR PROPERTY LOCATED AT 4215 EAST JOHNSON AS REQUESTED BY JUDY & TERRY MURPHY

Attachments: [Plat](#)
[MAPC Report](#)

Councilman Street offered the ordinance for first reading by title only.

Councilman Moore questioned if there has been any opposition voiced to the rezoning. Mr. Spriggs answered no.

A motion was made by Councilman Chris Moore, seconded by Councilwoman Ann Williams, that this matter be Waive Second Reading . The motion PASSED by an unanimous vote

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Resolutions To Be Introduced

RES-08:150

A RESOLUTION TO condemn property at 527 N Third St

Attachments: [527 N Third.doc](#)
[100_0270.JPG](#)
[100_0273.JPG](#)
[100_0271.JPG](#)
[100_0275.JPG](#)

A motion was made by Councilman Charles Frierson, seconded by Councilman Chris Moore, that this matter be Passed . The motion PASSED by an

unanimous vote

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: R-EN-138-2008

7. Unfinished Business*Ordinances on Third Reading***ORD-08:081**

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE, BY A CHANGE OF BOUNDARY IN A ZONING DISTRICT FROM R-1 SINGLE FAMILY MEDIUM DENSITY TO C-3 LUO LOCATED AT 4501 EAST JOHNSON AVENUE AS REQUESTED BY TLRMC, LLC

Attachments: [Plat](#)
[MAPC Report](#)

Councilman Moore questioned whether there was any opposition to the rezoning. Mr. Spriggs answered no.

A motion was made by Councilman Chris Moore, seconded by Councilwoman Judy Furr, that this Ordinance be Passed. The motion CARRIED by a Voice Vote.

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: O-EN-063-2008

8. Mayor's Reports

Mayor Formon noted the next Council meeting will fall on Election Day.

Councilman Perrin motioned, seconded by Councilman Moore, to reschedule the next Council meeting for November 6, 2008.

9. City Council Reports

Councilman Moore motioned, seconded by Councilman Dover, to add an item to the agenda. All voted aye.

ORD-08:096

AN ORDINANCE TO AMEND THE 2008 ANNUAL BUDGET AND THE CITY PAY PLAN FOR THE CITY OF JONESBORO TO ADD AN ADDITIONAL POSITION OF ACCOUNTING SPECIALIST TO THE FINANCE DEPARTMENT

Sponsors: Finance

Councilwoman Williams explained the ordinance came out of the Finance Committee requesting additional staff for the Finance Department.

Councilwoman Williams offered the ordinance for first reading.

Councilman Street motioned, seconded by Councilman Frierson, to suspend the rules and waive second and third readings. All voted aye.

Councilman Street motioned, seconded by Councilwoman Williams, to adopt the

emergency clause. All voted aye, with the exception of Councilman Hargis who voted nay.

A motion was made by Councilman Charles Frierson, seconded by Councilman Darrel Dover, that this Ordinance be Passed. The motion CARRIED by a Voice Vote.

Aye: 11 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

Nay: 1 - Jim Hargis

Enactment No: O-EN-064-2008

Councilman Moore encouraged the community to vote in the election.

Councilman Hargis discussed a recent financial report. He stated it was a nice report and he was glad to see it.

Councilman Province expressed concern over the number of dismissals, resignations, firings and retirements over the past four years. He counted thirteen and noted there may be more. He stated he thinks the City has a problem. He explained he contacted local media a few months ago about the problem in this area, but the media decided not to look into it. He further explained he is bothered by the number and if there was better leadership then there would've been fewer problems.

He also expressed concern and frustration in finding out that "one of our own" is in violation of their Code of Ethics and state ethics, not once but multiple times. He stated he thinks the City has a morale and moral problem. Councilman Dover and Councilman Moore questioned who Councilman Province was referring to. Councilman Hargis discussed a fund in Public Works that was on the side, taking money off vending machine profits to put into an account for employees. He explained they were using excess funds for the "flower fund" and some people thought it was not auditable. He further explained the handling of money due to recycling or auctioning of City property belongs to the City. He stated an employee lost their job due to putting the money into the account. Councilman Hargis also stated both sides are giving different stories concerning the firing. Councilman Frierson cautioned the City Council about discussing the topic because they may be called upon to judge an appeal, so it doesn't help and isn't fair to talk about it without both sides being represented.

Councilman Moore questioned whether Councilman Province was referring to another Council member acting unethically according to state law. Councilman Province stated it's his understanding yes, but he will not name names. He further explained according to information he received today there has been an ethics violation and that was verified. Councilman Dover asked whether Councilman Province has spoken with the individual himself. Councilman Province answered no, but he has seen the documentation he needed to see. Councilman Moore stated an allegation of inappropriate conduct is damaging. Councilman Frierson stated if there is unethical conduct, then it needs to go to the City Attorney and be handled in that matter. Councilman Moore stated he doesn't think the City Attorney handles ethical problems; rather, the Council handles it themselves.

Councilman Street discussed the "flower fund" and stated if it is an ongoing process, then it needs to be stopped. Mayor Formon noted almost all of the large departments have a "flower fund" and have had it for some time. He explained it is a fund kept separate from the City of Jonesboro and the employees chose to do it on their own. Councilman Street stated he doesn't have a problem with that, but he does have a

problem with money being made from the sale of City property and putting that money into the "flower fund". Further discussion was held concerning the "flower fund". Mayor Formon stated its fine for the employees to set up a "flower fund" and put their own money into it. He explained the problem is when City equipment and time is used to help put money into that fund. Councilman Hargis stated that's another reason why he wants an independent financial audit.

Councilman Moore stated if there is an ethical issue with a member of the Council, then it needs to be talked about. Councilman Dover suggested Councilman Province talk with the person before bringing the topic up at a Council meeting. Councilman Frierson reiterated that the topic should not be discussed openly without hearing both sides and asking the City Attorney to look into it. City Attorney Phillip Crego agreed with Councilman Frierson. Councilman Dover also reiterated that if there is a problem then it should be discussed with that person first. Councilman Province questioned Jonesboro Sun reporter Keith Inman as to whether the Realtors Association meeting held earlier in the day would be covered in the newspaper tomorrow. Mr. Inman answered yes.

10. Public Comment

Former Street Superintendent Tony Davis discussed with the Council his recent resignation. He explained on October 13, 2008, he was in a meeting with Public Works Director Erick Woodruff and Human Resources Director Gloria Roark in which he was told he was being terminated for misuse of City funds. He further explained Mr. Woodruff informed him the Police Department was looking into his deposits into the "flower fund" account. He noted the results of the investigation showed no criminal wrongdoings on his part. Mr. Davis stated in a previous meeting with Mr. Woodruff, he was told not to deposit any more "big checks" into the "flower fund". He noted there was no direction as to the definition of a "big check". He stated Mr. Woodruff is now claiming he told Mr. Davis not to put any recycling funds into the account and that he did not know money was being deposited into the account previously. He stated Mr. Woodruff's claim about not knowing of the deposits is clearly not correct. Mr. Davis explained after further discussion he was given a chance to resign his position, to which he replied he would like to appeal to the Mayor. Mr. Davis stated Mr. Woodruff indicated Mayor Formon fully supported his decision. Mr. Davis explained he then indicated he would appeal to the City Council, to which Mr. Woodruff stated only the Fire and Police Chiefs and the Code Enforcement officers can appeal to the City Council. He added Ms. Roark agreed with Mr. Woodruff. Mr. Davis then indicated in the meeting that he would need to take the termination to draw unemployment, but Ms. Roark stated he would not be able to draw unemployment due to being terminated for cause and that if he applied the City would fight it. Mr. Davis then stated he discussed a name clearing hearing with the Council, in which Mr. Woodruff indicated the Council wouldn't take action on it and referred to the Bob Andrews name clearing hearing. Mr. Davis further explained he asked for time to consider what to do and Mr. Woodruff answered he could only resign or accept the termination. He added he signed a resignation letter written by Ms. Roark, after which he found out he was given wrong information at the meeting. Mr. Davis explained since he is a department head the City Council could, upon their desire, reinstate him to his position as Street Superintendent. He added on October 17, he submitted a letter to Ms. Roark stating he wanted to withdraw his resignation and take the termination. Mr. Davis stated Ms. Roark indicated to him that he is considered to be resigned and there is no policy regarding notice by the Mayor of his resignation. Mr. Davis then stated for the record that he was given inaccurate information concerning his appeal options and would have chosen termination if he had then what he knows now. He stated he felt coerced into signing the resignation written by Ms. Roark. He further stated he thinks the City is not complying with the Freedom of Information Act. He requested a copy of the police investigation report

findings, as well as financial information concerning the "flower fund" to include account balances and deposits from the vending machine and from the recycling. He further discussed the "flower fund", noting recycling revenue had been put into that fund since before his employment with the City. He added he was told by his office manager that the fund was audited by former Finance Director Larry Flowers previously to make sure the fund was being used for what it was intended. He explained he was told previously that part of the money was distributed into the Street Fund after the balance got too big.

11. Adjournment.

A motion was made by Councilman Charles Frierson, seconded by Councilman Harold Perrin, that this be Adjourned. The motion CARRIED by a Voice Vote.

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

_____ **Date:** _____
Doug Formon, Mayor

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