



City of Jonesboro

Meeting Minutes

City Council

900 West Monroe
Jonesboro, AR 72401

Tuesday, September 4, 2007

6:30 PM

Council Chambers

PUBLIC WORKS COMMITTEE MEETING, 4:30 P.M.

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

Due to the absence of Mayor Formon and Councilman Harold Perrin, Councilman McCall moved, seconded by Councilman Jim Hargis to appoint Councilman Chris Moore to preside over the meeting. All voted aye.

2. Pledge of Allegiance and Invocation

Councilman Cecil Province gave the Invocation and the Pledge of Allegiance.

3. Roll Call by the City Clerk

Present 10 - Judy Furr;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;John Street;Mitch Johnson and Tim McCall
Absent 2 - Darrel Dover and Harold Perrin

4. Special Presentations

Construction Update-Adam Seiter, Project Manager
Nabholz Construction

Mr. Adam Seiter of Nabholz Construction Company provided an updated schedule, minutes, and progress report on the Animal Shelter and Fire Stations 3 & 7. He stated Fire Station # 3 was ahead of schedule with Fire Station #7 right on schedule. Mr. Seiter stated he would provide council members a revised schedule on a monthly basis.

5. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilman Frierson, seconded by Councilman Johnson to Approve the Consent Agenda, with the exceptions for RES -07:613 and RES-07:2377. A motion was made that these files be approved by consent voice vote.

Aye: 10 - Judy Furr;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;John Street;Mitch Johnson and Tim McCall
Absent: 2 - Darrel Dover and Harold Perrin

MIN-07:1699 Minutes for the City Council meeting on August 21, 2007

Attachments: [082107](#)

Approved under the Consent Agenda.

MIN-07:1700 Minutes for the special City Council meeting on August 23, 2007

Attachments: [082307](#)

Approved under the Consent Agenda.

RES-07:199 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF JONESBORO AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH THE DOWNTOWN JONESBORO ASSOCIATION

Sponsors: Mayor's Office

Attachments: [DJA - budget for city funds](#)
[DJA - City Outside Agency Contract](#)
[Downtown Project](#)
[DJABudgetInfo](#)

Approved under the Consent Agenda.

Enactment No: R-EN-102-2007

RES-07:526 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LEASE AGREEMENT FOR PROPERTY LOCATED AT 519 WEST WASHINGTON

Sponsors: Community Development and Mayor's Office

Attachments: [David Cahoon](#)

Approved under the Consent Agenda.

Enactment No: R-EN-103-2007

RES-07:613 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ENGAGEMENT LETTER FOR GENERAL LEGAL COUNSEL WITH WRIGHT, BERRY, HUGHES & MOORE ON MATTERS RELATED TO CABLE TELEVISION

Sponsors: Mayor's Office and Finance & Administration Council Committee

Attachments: [Engagement Letter---Cable](#)

City Attorney Crego explained there was a blending of telecommunications industries, which required an area of specialization. He explained the Finance Committee had recommended hiring the outside law firm for this purpose.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Faye McCall, that this Resolution be Passed. The motion CARRIED by a Voice Vote.

Aye: 10 - Judy Furr;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;John Street;Mitch Johnson and Tim McCall

Absent: 2 - Darrel Dover and Harold Perrin

Enactment No: R-EN-106-2007

RES-07:2377 RESOLUTION TO ENLIST THE SERVICES FROM AN OUTSIDE INDEPENDENT

AUDITING FIRM TO DETERMINE WHETHER CERTAIN CITY EXPENDITURES OR SERVICES OCCURRED WITHIN THE REQUIREMENTS OF STATE AND LOCAL LAWS IN EFFECT AT THE TIME OF THE EXPENDITURES

Sponsors: City Council

Councilman Moore questioned why Misty Micenhamer the Internal Auditor could not conduct the audit. Councilwoman Williams explained in the absence of certain Finance personnel Ms. Micenhamer had done some of the financial work, and therefore it could be a possible conflict of interest in that she would be auditing her own work. Ms. Micenhamer explained the only work she did, was balance the checking accounts without making any entries, and was authorized by the the Finance Committee to do so. Discussion was held regarding the scope of work for the audit. Councilwoman Williams explained the Finance Committee recommended the resolution as it was read, however explained the resolution does not preclude any council member from amending the scope of work and encouraged them to do so at this time. Councilwoman Furr, Chair of the Auditing Committee stated an extensive RFQ had been submitted by Ms. Micenhamer. Ms. Furr explained she would be contacting Councilman Dover, Chair of the Finance Committee and requesting he call an immediate called meeting of the Auditing Committee for the purpose of reviewing the RFQ and the scope of the audit, not to exceed what the resolution calls for.

A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Ann Williams, that this Resolution be Passed. The motion CARRIED by the following vote:

Aye: 9 - Judy Furr;Faye McCall;Ann Williams;Cecil Province;Jim Hargis;Chris Moore;John Street;Mitch Johnson and Tim McCall

Nay: 1 - Charles Frierson

Absent: 2 - Darrel Dover and Harold Perrin

Enactment No: R-EN-107-2007

RES-07:2387

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 1805 W. OAK AVE., JONESBORO, ARKANSAS FOR THE PURPOSE OF ESTABLISHING A DETENTION POND.

Sponsors: Mayor's Office and Public Works

Attachments: [1805 W. Oak Ave. \(Complete\)](#)

Approved under the Consent Agenda.

Enactment No: R-EN-104-2007

RES-07:2407

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS APPROVING THE CONTRACT FOR THE CDBG SEWER HUD PROJECT 2005:63

Sponsors: Community Development

Attachments: [Council Communications-Sewer Contract](#)
[Miller Newell letter--Sewer Project](#)
[Bid Tab--Sewer Project](#)
[CWL Letter-Sewer Proj.](#)
[Contract--Sewer Project \(Cline\)](#)

Approved under the Consent Agenda.

Enactment No: R-EN-105-2007

6. New Business

Ordinances on First Reading

ORD-07:153 AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE MO-ARK COMMUNICATIONS TO RELOCATE MOTOROLA REPEATERS, CONTROLLERS, AND ANTENNAS FROM 1624 STRAWFLOOR TO 2920 MCCLELLAN DRIVE FOR THE E-911 COMMUNICATIONS CENTER.

Sponsors: E911

Councilman Street offered the ordinance for first reading.

Councilman Street moved, seconded by Councilman Johnson to suspend with the second and third readings. The motion carried with all members voting aye.

Councilman Johnson moved, seconded by Councilman Frierson for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye.

A motion was made by Councilperson John Street, seconded by Councilperson Mitch Johnson, that this Ordinance be Passed. The motion CARRIED by a Voice Vote.

Aye: 10 - Judy Furr;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;John Street;Mitch Johnson and Tim McCall

Absent: 2 - Darrel Dover and Harold Perrin

Enactment No: O-EN-037-2007

ORD-07:243 AN ORDINANCE TO AMEND ORDINANCE NO. 3600 FOR THE PURPOSE OF ADDING FIVE PART TIME POLICE OFFICER POSITIONS IN THE 2007 BUDGET

Sponsors: Police Department

Councilperson Judy Furr offered the ordinance for first reading.

Councilperson John Street moved, seconded by Councilperson Judy Furr to suspend with the second and third readings. The motion carried with all present members voting aye.

Councilperson Street moved, seconded by Councilperson Frierson for the adoption of the emergency clause. A roll call vote was taken resulting in all members present voting aye. The motion carried.

A motion was made by Councilperson John Street, seconded by Councilperson Ann Williams, that this Ordinance be Passed. The motion CARRIED by a Voice Vote.

Enactment No: O-EN-038-2007

ORD-07:2770 AN ORDINANCE AMENDING THE 2007 ANNUAL BUDGET ORDINANCE FOR THE CITY OF JONESBORO POLICE DEPARTMENT BY UPGRADING ONE FULL-TIME POSITION.

Sponsors: Police Department

Councilperson Mitch Johnson offered the ordinance for first reading.

Councilperson Street moved, seconded by Councilperson Mitch Johnson moved to suspend with the second and third readings. The motion carried.

Councilperson Mitch Johnson moved, seconded by Councilperson Ann Williams for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. The motion carried.

A motion was made by Councilperson John Street, seconded by Councilperson Tim McCall, that this Ordinance be Passed. The motion CARRIED by a Voice Vote.

Enactment No: O-EN-039-2007

ORD-07:3065 AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF A 330CL CAT HYDRAULIC EXCAVATOR

Sponsors: Streets

Attachments: [City Of Jonesboro Caterpillar 330CL12 10 Proposal 1 073007](#)

Councilperson John Street offered the following ordinance for first reading.

Councilperson John Street moved, seconded by Councilperson Jim Hargis to suspend with the second and third readings. The motion carried.

Councilperson John Street moved, seconded by Councilperson Mitch Johnson for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. The motion carried.

A motion was made by Councilperson John Street, seconded by Councilperson Mitch Johnson, that this Ordinance be Passed. The motion CARRIED by a Voice Vote.

Enactment No: O-EN-040-2007

7. Unfinished Business

Ordinances on Second Reading

ORD-07:3083 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES LOCATED ON JOHNSON AVENUE AS REQUESTED BY CI DEVELOPMENT, LLC

Attachments: [Plats](#)
[Zoning Application](#)
[ASU Letter](#)
[MAPC Report](#)
[Emergency Clause](#)

The ordinance was read a second time, and held over for the third and final reading.

Held at second reading

Enactment No: O-EN-041-2007

8. Mayor's Reports

9. City Council Reports

Councilman McCall questioned if there is a liability for the City of Jonesboro for any subcontractor who may not be bonded. City Attorney Crego explained when the City hires a Contractor they must be bonded, according to state and local regulations and are liable for the actions of any subcontractor they may employ.

Councilman McCall also questioned the meeting that was to be held regarding Willows Apartments. Mr. Woodruff explained the meeting was postponed, and rescheduled for Thursday, when they will be meeting with the proposed new owner. Mr. McCall requested they check the swimming pool, expressing concern for the safety of children. Mr. Woodruff reported the pool had already been drained.

Councilman Hargis expressed safety concerns regarding 18 wheelers, and suggested the need for signs showing truck routes. Police Chief Yates explained officers can not tell if a truck is through traffic or if it is making a delivery and therefore it can rarely be enforced. He stated he would speak with the State Highway Police to see if something could be done.

10. Public Comment**Ms. Elloi Stem with questions concerning the floodplain**

Ms. Elloi Stem, of 4004 Gribbs Ave. stated she has asked several individuals from the City if her property is or is not in the flood plain and she can not get an answer. Mr. Eric Woodruff stated Ms. Stem had spoken to several employees of the Public Works Department, who explained to her that the City of Jonesboro does not issue elevation certificates, and she should contact her mortgage company. She explained she already had done that but two of her properties were questionable. Mr. Woodruff instructed Ms. Stem to contact her surveyor.

Mr. Larry Hampton to discuss getting an extension to renovate his property on Main Street

Attorney Phillip Wells, addressed the Jonesboro City Council on behalf of his client, Mr. Larry Hampton, who resides at 1327 S. Main. Attorney Wells explained the Jonesboro City Council provided Mr. Hampton with an extension in order to provide safety and to bring the building up to Code, once condemnation proceedings had begun. He stated Mr. Hampton has spent \$73,000.00 in an effort to meet both obligations, but was requesting an additional 12 month extension, in order to complete the task. Questions were raised with regard to the time frame since condemnation occurred. It was determined that it has been approximately one year to 13 months. Councilman Moore questioned if Mr. Hampton was willing to post a bond should the work not be completed in 12 months. Attorney Wells responded saying it was unclear how much the remainder of the project will cost. Mr. Hampton responded saying it is difficult to know what kind of unexpected cost you will incur with renovation of an historical home, as compared to remodeling. It was explained while no one on the City Council wants to see the home demolished, others in the City of Jonesboro must follow the same rules regarding condemnation. Concern was expressed for setting precedent by allowing another year with no recourse should the home not be brought up to Code. The suggestion was made to have Mr. Hampton submit a 12 month plan to the City of Jonesboro on how he intends to complete the project, and to have Code Enforcement submit a progress report on a monthly basis until completed. It was explained if at anytime Code Enforcement reports progress is not being made, the City Council will proceed with condemnation. Attorney Wells stated he understands they must show appropriate conduct as submitted by the plan and direction

of the Jonesboro City Council. Councilman McCall moved, seconded by Councilman Johnson to grant a 12 month extension contingent on the 12 month plan being submitted and followed. All members present voted aye.

Mr. Paul Carter requested the City of Jonesboro contact Suddenlink and request the City Council meetings be replayed on the access channel.

11. Adjournment.

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

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