



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Thursday, July 23, 2015

5:00 PM

Municipal Center

Special Called Meeting

1. CALL TO ORDER BY MAYOR PERRIN AT 5:00 P.M.

2. ROLL CALL BY CITY CLERK DONNA JACKSON

Councilman McCall arrived at 5:23 p.m.

Present 9 - Darrel Dover; Ann Williams; Charles Frierson; John Street; Tim McCall; Chris Gibson; Rennell Woods; Charles Coleman and Todd Burton

Absent 3 - Chris Moore; Mitch Johnson and Gene Vance

3. NEW BUSINESS

[COM-15:047](#)

Proposed changes to the City Council rules and procedures

Attachments: [Council member proposed changes](#)
[Mayor's Office proposed changes](#)

Nominating & Rules Chairman Chris Gibson explained he would like to review the procedural changes first and then address the grammatical changes later.

Mayor Perrin stated since these are rules and procedures set by the Council he excused himself from the meeting. He informed the Council he has provided his proposed changes to the City Clerk's Office like everyone else for their review. He added he thinks it would be better if he excused himself and let the Council set the rules. After that, Mayor Perrin left the meeting.

First, they addressed the changes proposed by the Council members. Chairman Gibson informed the Council that Councilman Frierson provided him with another proposed change tonight that should be considered. Councilman Frierson proposed adding verbiage to Section 2-87(b)(1) stating that items may be presented by any resident of the city or any city group provided the ordinance or resolution is in writing and drafted in a format standard for such documents and is ready for adoption, amendment or rejection. Chairman Gibson stated that is similar to changes proposed in Section 2-87(b)(4). Councilman Frierson clarified the citizens should be able to present something without having an alderman or the mayor sponsor it. He questioned why there can't be a procedure that allows citizens to present something that meets the formatting standards of a resolution or ordinance and present it to Council. Council would then have the opportunity under its regular rules to pass the item back to one of the committees. Councilmen Street and Dover expressed concerns over allowing citizens to present something in that way. Councilman Dover stated he thinks that would open the city up to allowing a citizen to propose anything without following the regular rules.

Chairman Gibson stated his proposed change allows citizens to take something to a Council member or committee chair and that person will have the ability to review it and determine whether it is appropriate to be submitted to the committee in that form. He noted the item will need to be in writing and in a form that is ready for adoption in order for the committee chair to decide whether or not it should be taken to a committee. Councilman Frierson referred to a recent city group that indicated they wanted the Council to draft a resolution concerning a specific topic. He argued the Council is not in the drafting business, so the proposed change would require a citizen or group to draft the legislation ahead of time. Councilman Woods asked who would prepare the legislation if the Council wanted something drafted. City Clerk Donna Jackson stated it depends on what it is. Each city department drafts their own legislation and submits it through Legistar. Councilman Frierson added the City Attorney's Office also helps draft legislation. Councilman Burton asked who drafted the proposed amendment to the Property Maintenance Code ordinance that Councilman Vance presented. City Clerk Jackson stated Councilman Vance drafted that proposal by himself. Councilman Frierson added he thinks Councilman Vance also consulted with the City Attorney's Office when he drafted the ordinance. Councilwoman Williams noted the proposed changes to Section 2-87(b)(4) as already drafted would address some of Councilman Frierson's concerns.

Councilman Dover stated the proposed changes don't address the issue of proposal being taken to the City Attorney's Office for approval before being placed on an agenda. He recommended adding something that states the items need to be taken to the City Attorney's Office before being presented to the committee or Council. Councilman Dover expressed concern about putting an item on the agenda without getting the city attorney's opinion first and what the consequences would be. Chairman Gibson suggested changing the proposed change of Section 2-87(b)(4) to include wording that requires the item to be taken to the City Attorney's Office before being placed on the agenda. Councilman Coleman agreed, stating he would rather have a legal opinion before the item being presented rather than after. City Clerk Jackson noted that items aren't placed on an agenda until after they've been reviewed by the city attorney.

Councilman Dover then asked if the committee chair is the only person who can add an item to the committee agenda. Chairman Gibson stated any committee member can put an item on the agenda. Councilman Street added at that time the committee will be able to research the item and vote whether or not it should proceed to the City Council. Councilman Dover continued to express his concern and stated his main worry is that this may open the door for a lot of ordinances to be proposed.

Councilman Frierson motioned, seconded by Councilman Street, to approve the proposed changes to Section 2-87(b)(4) with the addition of "...has agreed to sponsor the legislation, it will be vetted to the city attorney prior to being placed on the appropriate committee agenda...". All voted aye with the exception of Councilman Dover, who voted nay. Motion passed.

The next proposed change to be discussed was Section 2-87(b)(5) of the Council's recommended changes.

Councilman Street explained the reason he proposed the change was because it was recommended by the Municipal League. Some cities in the state were having problems with outbursts during the public comments portion of their meetings and the legal staff from the Municipal League made this suggestion and it helped those cities having problems. He noted it makes no difference to him whether or not the change is approved, but since the Council is looking at the rules he thought it would be a

good time to address the issue.

Mr. Bill Smith stated the mayor and the City Council both have time to speak during the meetings, so if the public's comments are excluded then that would send a negative signal to the public. Councilman Street clarified the public would still be allowed to talk. Mr. Smith noted the proposed change says the public comment section would happen after adjournment of the meeting, telling the public that their words aren't important enough to be included during the meeting. Councilman Street reiterated the public will still be allowed to comment.

Councilman Dover and Councilman McCall questioned what was wrong with the current process. Councilman Street explained the Council doesn't speak during the public comments section and decisions aren't made. City Clerk Jackson further explained there are times where citizens have come to the meetings with the purpose of verbally attacking a Council member. She stated she's noticed that even though the public comments section is supposed to be limited to 15 minutes with three people speaking for five minutes apiece. But, those limits are not enforced and that opens the city up to a lawsuit because the city could be accused of discrimination.

Councilman Dover stated he does think they have been lax on enforcing the rules that public comment is for non-agenda items only and the time limits, but other than that he doesn't think there needs to be any changes to the current process. Councilman McCall added he doesn't know why they limit the public comments section to a certain length of time and a certain number of people. Communications Director Fritz Gisler informed the Council he surveyed other cities regarding how they handle public comments and six of the nine he surveyed don't address public comments on non-agenda items. Councilman Street stated he agreed with Mr. Smith in that the citizens have the right to address their Council members.

City Clerk Jackson added that even if the meeting adjourned and public comments were taken, the recording could not stop. Public comments, even after the adjournment, would still be part of the record. The output to Channel 24 may end, but the recording would have to keep going to keep a full record of the proceedings. Councilman Dover stated he thinks it's a good idea for citizens to hear public comments in case they have some of the same concerns as those who speak during the meeting.

Mr. Harold Carter stated the Council will never be able to sanitize public comments, but they can tell people to stop if they turn negative. He noted police officers are present and the presiding officer can call someone out of order if needed.

Councilman Street withdrew his proposed changes to Section 2-87(b)(5).

Discussion was then held regarding proposed changes to Section 2-95(d). Councilman Street withdrew the proposed change.

The Council then addressed changing Section 2-88 concerning absences from council meetings. Councilman Dover suggested omitting the whole section. Councilman Street agreed. City Clerk Jackson noted she doesn't recall there ever being a Council member who abused absences nor does she remember anyone ever being docked pay for it. Chairman Gibson stated they could take that portion out and address it later if it becomes an issue.

Councilman Dover motioned, seconded by Councilman Frierson, to delete Section 2-88. All voted aye.

Mr. Gisler then discussed the procedural changes proposed by the Mayor's Office.

Mr. Gisler stated the mayor would like to be able to change the order of the agenda or remove items placed on the agenda by the administration before the agenda is published. He referred to changes to Section 2-87(b)(3). He added in conjunction with that they would like to change it so the agenda isn't published until the end of business each agenda day in order for the mayor to approve the agenda before it's published. He explained in the current process the mayor approve each item in Legistar, then the City Clerk's Office compiles the agenda and publishes it. Councilman Dover questioned if the mayor approves items before being placed on the agenda, they why does he need to approve the agenda before being published. Councilman Street explained something may happen to change the mayor's mind as to it being on the agenda before it is published.

City Clerk Jackson explained with the way the process is using Legistar there would be problems with waiting until the end of the business day to publish agendas. She asked that a time actually be set so there are no misunderstandings about when the agenda will be published. Councilman Dover proposed 4 p.m. being the publish time for agendas. City Clerk Jackson agreed.

Councilman Burton clarified that would only apply to agenda items concerning the administration. Any items submitted by the City Council would not be able to be removed from the agenda. Mr. Gisler agreed.

Councilman Street motioned, seconded by Councilman Frierson, to approve those changes to Section 2-87(b)(3). All voted aye.

Mr. Gisler then questioned walk-on items. He stated it is his understanding the current procedure requires items to be taken to a committee before being presented to the City Council. There is no provision for walking something directly on to a City Council meeting. He explained they would like to change that so in case of emergencies an alderman or the mayor can walk things on to the City Council when they don't feel like they have enough time to take it to a committee first. He stated they would like to take it straight to Council so special called committee meetings don't have to be called.

Councilman Dover noted special called meeting don't take very long, so they're not a big problem. He explained they have already talked about cutting down on walk-on items. He doesn't think it's a big enough issue to change anything. Mr. Gisler stated the change they would like to make is in their proposal under Section 2-87(b)(5). It was noted the current procedure does allow for walk-ons, but only after it's gone through a committee.

Councilman Dover motioned, seconded by Councilman Street, to leave the procedure the way it is and not make any changes. All voted aye.

Mr. Gisler then discussed committee and Council processes for calling meetings. He questioned who can call a special called committee meeting. Councilman Street stated committee chairs are the only ones who can call a special meeting. He explained Council committees are Council committees, not the mayor's committees so only committee chairs should be allowed to call special meetings. Councilman Frierson agreed. It was decided to leave the procedure the way it is in that only committee chairs can call special called committee meetings.

Mr. Gisler stated those were all of the procedural changes the administration wanted to discuss.

This item was Read.

4. ADJOURNMENT

With no further business, the meeting was adjourned.