



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, April 6, 2010

6:30 PM

Huntington Building

PUBLIC WORKS 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 11 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent 1 - Mitch Johnson

4. SPECIAL PRESENTATIONS

Proclamation for Animal Control Appreciation Week

Mayor Perrin presented the Animal Control Department with a proclamation for Animal Control Appreciation Week during the week of April 11th thru April 17th.

COM-10:033 Legacy Landfill Presentation by Angela Sparks

Ms. Angela Sparks, director of Legacy Landfill, discussed the landfill and the Solid Waste Authority. She explained they also handle the recycling for Craighead County. She noted Jonesboro was the first municipality in the county to participate in the recycling program. She stated their next project is a gas collection system. She thanked Sanitation Director Royce Leonard for working with them. Councilman Street questioned the disposal of tires. Ms. Sparks stated every adult in the City of Jonesboro can dispose of four passenger tires per year with no charge. She added there are charges for more than four tires per year, for big truck tires and for specialty tires. She noted there is also a charge for construction materials being disposed of. She further explained trash generated within Craighead County is supposed to be disposed of inside Craighead County due to state law, ensuring each solid waste district stays in business. Councilman Hargis questioned whether the bonds for the landfill's construction will be paid for when the City stops its yearly payments. Ms. Sparks answered no, they will still have five years left to pay. She added after the gas collection system is installed and the carbon credits come in, they will work to retire the bonds as quickly as possible. Councilman Street then questioned recycling computers. Ms. Sparks stated electronics can still be disposed of at the landfill with no charge to city residents. She further explained the electronics are sent to a federal prison to be recycled. She added Suddenlink and Goodwill also accept electronics to

be recycled. Mayor Perrin noted although the City pays in almost \$1 million in tipping fees per year, Legacy Landfill has one of the lowest tipping fees in the state.

5. CONSENT AGENDA

Approval of the Consent Agenda

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

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

Absent: 1 - Mitch Johnson

MIN-10:027 Minutes for the City Council meeting on March 16, 2010.

This item was PASSED on the consent agenda.

RES-10:024 A RESOLUTION FOR THE CITY OF JONESBORO TO INSTALL STOP SIGNS ON BELT STREET AT THE INTERSECTION WITH SCOTT STREET ESTABLISHING A FOUR WAY STOP AT THE INTERSECTION

Sponsors: Police Department

This item was PASSED on the consent agenda.

Enactment No: R-EN-031-2010

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-10:010 AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF DIGITAL CAMERA EQUIPMENT FOR POLICE UNITS

Sponsors: Police Department

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

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

Councilman Gibson motioned, seconded by Councilman Street, to adopt the emergency clause. All voted aye.

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

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

Absent: 1 - Mitch Johnson

Enactment No: O-EN-010-2010

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-10:018 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO I-1 FOR PROPERTY LOCATED AT 2701 NESTLE WAY ROAD AS REQUESTED BY VICKIE MINK

Councilman Moore questioned whether there is any opposition to this rezoning. Mayor Perrin answered he had not heard of anyone opposing this rezoning.

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

Absent: 1 - Mitch Johnson

Enactment No: O-EN-011-2010

8. MAYOR'S REPORTS

Mayor Perrin reported the following items:

They are still working closely with the Corps of Engineers on the scope of work and cost for proposed projects.

They are still having the Community Conversation meetings every Thursday. He thanked the Council members for showing up. They are compiling the public's recommendations and will present them to the Council when they're finished. There are two meetings left.

During one of the meetings, a flooding problem between Caraway Road and Stone Street was reported. The flooding is located near Walgreens. He negotiated the purchase of the flooding property for \$8,000 with the State of Arkansas. He will be bringing that before the Council for approval. In addition, the property is located near a CWL substation. Mr. Ron Bowen from CWL has agreed to give the City what it needs in order to build a detention pond in that area.

He will be sitting down with Code Enforcement in order to review fee ordinances and compare them to other cities. He will bring recommendations to the Council.

He thanked the PROWL unit and City Attorney's Office in order to establish an abatement account. City Attorney Phillip Crego explained in conjunction with the PROWL unit they were able to identify problem areas in the City and get a court order to place the properties under court supervision, which will regulate what can and cannot happen on the property in addition to criminal prosecution. In addition, there is a \$5,000 civil penalty that can be levied against the property owners. The Mayor has agreed to earmark those generated funds so the operation can be self-funded. He stated they are clearing up neighborhoods and making the drug dealers pay for it. Mayor Perrin noted earmarking the funds will be on the Finance agenda for next Tuesday. Councilman Moore questioned whether civil penalties will

be a trend for the City Attorney's Office. Mr. Crego answered yes, they have the paperwork for two more properties and they are looking at an apartment complex on Nettleton. Councilman Moore then questioned whether the property is just residential or if it can include businesses as well. Mr. Crego stated it includes properties that are scenes of ongoing criminal activity. He added he can't think of any properties that have ongoing criminal activity problems. Police Chief Michael Yates explained due to the current economy they, as a Police Department, will have to use all the tools available to them in the future. He ordered nuisance abatement can be timely, but it is a model of how to efficiently utilize the City's resources. Discussion was held concerning the nuisance abatement process.

The Arkansas State Highway Department approved a double left-hand turning lane on Aggie Road on to Stadium. It has been striped and signals should be up soon. They will also be asking for a double left-hand turn lane off Johnson on to Stadium.

The parking area behind the JETS building has been purchased by the Jonesboro School District. He is working with Dr. Kim Wilbanks from JSD in order to work out the details for JETS. The current owner, Garry Meadows, will be allowing JETS to use an adjacent facility to do maintenance on vehicles. They have agreed to let the police substation stay. The lease payment for JETS will be decreased by about \$3,800 a month. They are also working with CWL to use their wash bay area on Johnson Avenue.

Sales tax revenue is down. The 2011 and 2012 budgets have been prepared, but once detailed information is received from the State they will adjust the budget. He is anticipating decreasing revenue projections by about \$250,000.

9. CITY COUNCIL REPORTS

Councilman Street motioned, seconded by Councilman Moore, to suspend the rules and place ORD-10:019 on the agenda. All voted aye.

ORD-10:019

AN ORDINANCE AMENDING THE MEMBERSHIP OF THE STORMWATER MANAGEMENT BOARD AS CREATED BY FILE NUMBER ORD-07:50

Sponsors: Public Works Council Committee

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

Councilman Moore motioned, seconded by Councilman Street, 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.

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

Absent: 1 - Mitch Johnson

Enactment No: O-EN-012-2010

Councilman Moore thanked Mayor Perrin for his work to present a balanced budget for 2011. He noted it will be a hard job, but the Mayor has demonstrated he's working towards a balanced budget.

10. PUBLIC COMMENTS

Mr. Harold Carter, a resident on Tony Drive, explained he has had an ongoing request with the Police Department to eliminate illegal parking on sidewalks. He further explained he sent a lengthy email to the Mayor's Office and the Police Chief. He found out the city ordinance regarding parking on sidewalks was taken out of the Code of Ordinances since it was redundant due to the existing state law. He stated he was told to suggest to the City Council to re-adopt the eliminated ordinance. He continued saying he doesn't see why the City needs to re-adopt an ordinance due to the state ordinance; rather, the Police Department should just start enforcing the state law. He asked for the illegal parking to go away and asked if there are more complications to the matter that would make it hard to enforce. Mr. Carter noted the problem is ongoing all over the City. He stated he doesn't want citizens to be ticketed, but does want the problem to stop. He asked for more information regarding parking that would explain why parking on sidewalks is not able to be enforced. Councilman Hargis noted he also walks on the sidewalks and encounters cars that block the sidewalk. He explained if there is a state law against it, then citizens should be able to report cars blocking sidewalks and citations should be made. City Attorney Crego explained the state law specifically states people cannot park on sidewalks. He explained as the new Code was made drafts were sent out to each of the departments for review before it was reviewed and adopted by Council. Police Chief Yates explained the purpose of re-adopting a city ordinance would be to determine where the fine money would go in the budget. He discussed the situation and noted some sidewalks go across front yards and driveways, which force some citizens to park at least partially on sidewalks. He stated he sees issuing a citation when it's reasonable and logical, but sometimes it can be hard to determine whether a citation is needed. He noted they will work to resolve the problem. Councilman Moore questioned whether the City is open to a lawsuit by not enforcing the state law in regards to ADA. Mr. Crego answered no, but most areas are established neighborhoods so as long as there is a solid portion disabled citizens can go around vehicles. He noted problems would only arise if there is a slope problem with the curb prohibiting a disabled person from being able to go around any vehicles blocking a sidewalk.

Ms. Mary Jackson, another resident on Tony Drive, stated she received a warning from the Police Department recently at 5 a.m. due to her vehicle blocking the sidewalk. She explained the garage was made part of the house before she purchased the home in 1987, so they only have a short driveway in which to park their vehicles. She stated she doesn't know where else to park due to a street light being at the end of her driveway. She further stated due to the street light she can't even add on to her driveway. Ms. Jackson added other people in her neighborhood have the same problem and had to move their vehicles at 5 a.m. She noted someone in a wheelchair would not be able to use their driveway. She questioned where she is supposed to park. She stated she doesn't want to go against the law, but after 23 years she's not allowed to park in her driveway anymore and wants to know where she's supposed to park.

Councilman Dover recommended forming a committee to look at situation and come up with a reasonable solution. Councilman Moore noted the Public Works Committee already has a Streets and Sidewalks Subcommittee. Councilman Dover questioned when a driveway going across a sidewalk, who is the owner of the area where the sidewalk is. Mr. Crego stated it depends on if the driveway is built on easements or

rights of way. He also stated each situation could be different. Mayor Perrin stated he will meet with Councilman Johnson and Mr. Crego to work on the situation.

Councilman Fears questioned if Ms. Jackson continues to park in her driveway if she'll receive a ticket. Chief Yates stated he doesn't plan on it. Mayor Perrin also answered no, she will not receive a ticket. Chief Yates stated he can refuse to write a ticket on grounds of not knowing if there is an easement or right of way. He explained if a vehicle isn't blocking a sidewalk in its entirety, then leave the vehicle alone until the situation is further looked into.

11. ADJOURNMENT

A motion was made by Councilman Tim McCall, seconded by Councilman Mikel Fears, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.

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

Absent: 1 - Mitch Johnson

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

Attest:

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