



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, June 17, 2008

6:30 PM

Council Chambers

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

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

Councilman Perrin motioned, seconded by Councilwoman Williams, for Councilman Moore to preside over the meeting in the absence of Mayor Formon and Councilwoman Furr. All voted aye.

2. Pledge of Allegiance and Invocation

3. Roll Call by the City Clerk

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

Absent 2 - Judy Furr and Darrel Dover

4. Special Presentations

5. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilman Harold Perrin, seconded by Councilwoman Ann Williams, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote

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

Absent: 2 - Judy Furr and Darrel Dover

[MIN-08:137](#)

Minutes for the City Council meeting held on June 3, 2008.

Attachments: [Minutes](#)

This item was approved on the consent agenda.

[RES-08:090](#)

A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 1204 W. MONROE AVE., JONESBORO, ARKANSAS FOR THE PURPOSE OF CREATING A DETENTION POND.

Sponsors: Mayor's Office and Public Works

Attachments: [Appraisal Report.pdf](#)
[Mayor's Letter.pdf](#)
[Offer and Acceptance.pdf](#)

This item was approved on the consent agenda.

Enactment No: R-EN-082-2008

RES-08:091

A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY (PERMANENT EASEMENT) LOCATED AT 1506 WOFFORD ST., JONESBORO, ARKANSAS FOR THE PURPOSE OF DRAINAGE

Sponsors: Mayor's Office and Public Works

Attachments: [Appraisal Report.pdf](#)
[Mayor's Letter.pdf](#)
[Offer and Acceptance.pdf](#)

This item was approved on the consent agenda.

Enactment No: R-EN-083-2008

RES-08:092

A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY (PERMANENT EASEMENT) LOCATED AT 3929 HARRISBURG RD., JONESBORO, ARKANSAS FOR THE PURPOSE OF DRAINAGE

Sponsors: Mayor's Office and Public Works

Attachments: [Appraisal Report.pdf](#)
[Mayor's Letter.pdf](#)
[Offer and Acceptance.pdf](#)

This item was approved on the consent agenda.

Enactment No: R-EN-084-2008

RES-08:095

A RESOLUTION TO GRANT A PERMANENT EASEMENT TO THE NESTLÉ PREPARED FOODS COMPANY FOR THE PURPOSE OF PROVIDING ACCESS TO GREAT DANE DRIVE

Sponsors: Mayor's Office

Attachments: [Access easement](#)
[Truck Access Sketch](#)

This item was approved on the consent agenda.

Enactment No: R-EN-085-2008

RES-08:099

RESOLUTION ESTABLISHING THE RECOMMENDED LANGUAGE TO BE USED IN PREPRATION OF THE JONESBORO ECONOMICAL TRANSPORTATION SYSTEM INITIATIVE IN THE 2008 GENERAL ELECTION

Attachments: [Supporting Documentation](#)

This item was approved on the consent agenda.

Enactment No: R-EN-086-2008

6. New Business

Ordinances on First Reading

ORD-08:045

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF JONESBORO, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF JONESBORO, ARKANSAS, AND ASSIGNING SAME TO WARDS AS REQUESTED BY PAULETTE QUINN

Attachments: [MAPC Report](#)
[Submission Letter](#)
[Petition For Annexation](#)
[Exhibit A](#)
[Exhibit B](#)
[Resolution](#)
[Pre-Annexation Questionnaire](#)
[Kevin Carpenter Statement](#)
[Letter To Planning](#)

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

Before the first reading, Attorney Bobby Gibson asked the Council to table the ordinance until the next meeting. He explained questions concerning the item during the Public Works Committee meeting. He further explained he has not been able to compile the information needed.

A motion was made by Councilman Charles Frierson, seconded by Councilman John Street, that this matter be Tabled until the next meeting. The motion PASSED by an unanimous vote

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

Absent: 2 - Judy Furr and Darrel Dover

ORD-08:044

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS TO RS-5 PROPERTY LOCATED BEHIND 6106 SOUTHWEST DRIVE AS REQUESTED BY PAULETTE QUINN

Attachments: [Plat](#)
[Application for Zoning Ordinance Map Amendment](#)
[MAPC Report](#)

A motion was made by Councilman Charles Frierson, seconded by Councilman John Street, that this matter be Tabled until the next meeting. The motion PASSED by an unanimous vote

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

Absent: 2 - Judy Furr and Darrel Dover

ORD-08:046

AN ORDINANCE TO AMEND TITLE 14 OF THE JONESBORO MUNICIPAL CODE KNOWN AS THE ZONING ORDINANCE PROVIDING FOR A CHANGE IN ZONE DISTRICT BOUNDARIES FROM R-3 MULTI FAMILY HIGH DENSITY TO C-3

LIMITED USE OVERLAY GENERAL COMMERCIAL DISTRICT LOCATED AT 2312 STADIUM, 3000 FAIRVIEW DRIVE AS REQUESTED BY PAUL GAMBILL AND GARY MEEKER

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

Councilwoman Williams offered the ordinance for first reading by title only.

This Ordinance was Held at one reading.

ORD-08:047

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-3 LUO GENERAL COMMERCIAL DISTRICT LIMITED USE OVERLAY LOCATED AT 1616 OLD GREENSBORO ROAD AS REQUESTED BY PAULA LAMB

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

Councilwoman Williams offered the ordinance for first reading by title only.

Attorney Skip Mooney asked for the ordinance to be placed on second reading and for the final reading by at the next meeting.

A motion was made by Councilman Harold Perrin, seconded by Councilman Jim Hargis, that this matter be Placed on second reading . The motion PASSED by an unanimous vote

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

Absent: 2 - Judy Furr and Darrel Dover

ORD-08:048

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 LOCATED AT 4115 EAST JOHNSON AVENUE AS REQUESTED BY JUNE ROBERTS AND PEARL ROBERTS

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

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

This Ordinance was Held at one reading.

ORD-08:050

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-3 LUO GENERAL COMMERCIAL DISTRICT LIMITED USE OVERLAY LOCATED ON THE EAST SIDE OF SOUTHWEST DRIVE BETWEEN WOOD STREET AND PARKER ROAD AS REQUESTED BY JONESBORO INVESTMENT LLC AND GLE PROPERTIES & MTG LLC

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

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

Attorney Skip Mooney requested a second reading of the ordinance and to be considered for final approval at the next meeting.

A motion was made by Councilman Harold Perrin, seconded by Councilman

Jim Hargis, that this matter be Placed on second reading . The motion PASSED by an unanimous vote

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

Absent: 2 - Judy Furr and Darrel Dover

Resolutions To Be Introduced

RES-08:072 A RESOLUTION TO Condemn property at 325 W Cherry

Attachments: [100_7373.JPG](#)
[100_7375.JPG](#)
[100_7531.JPG](#)
[100_7535.JPG](#)
[325 W Cherry.doc](#)

Councilman Hargis motioned for the resolution to be pulled due to the house already being removed. Councilman Moore explained the house has been removed, but the foundation and a ten foot hole remain on the property. Attorney Skip Mooney noted the resolution referred to 325 East Cherry, but he believes it's supposed to refer to 325 West Cherry. He added the home at 325 East Cherry has not been removed. Code Enforcement Officer Ron Shaver agreed with Mr. Mooney, saying there is a typo on the resolution. He stated the resolution should refer to the property located at 325 West Cherry, owner Mike Ebbert. Mr. Mooney explained he represents the property owners at 325 West Cherry. He discussed the property and the home. Councilman Moore asked for a second to the motion made by Councilman Hargis or to move forward and read the resolution. Mr. Mooney asked for the resolution to be pulled due to the home being removed. He explained an architect has been hired to draw plans for the property and they intend to purchase a permit to improve the property. He added if they are unable to move forward with the construction within the next few days, then the property will be fenced to ensure safety for the neighborhood. City Attorney Phillip Crego read the resolution. Mr. Shaver explained that while the house has been torn down there is another issue in that the property is a nuisance to public health due to the depth of the basement. He stated the basement needs to be enclosed. Councilman Moore questioned how many days Mr. Ebbert would have to purchase a permit if they move forward with condemnation. Mr. Shaver stated Mr. Ebbert would have thirty days to purchase a permit and commence work. Councilman Moore asked how long the process takes in order for something to be brought before the Council for condemnation. Mr. Shaver discussed the process saying they have 45 days after receiving his notice, then another 20 days after the process is started in Legistar. Councilman Moore stated he would like to proceed with condemnation and that Mr. Ebbert still has 30 days to purchase a permit to continue with the work. Councilman Frierson questioned what was being condemned if the house is gone. Councilman Moore explained there is still a lower level to the home with a ten-foot hole. Discussion was held concerning proceeding with the condemnation. Councilman Moore stated only 2/3 of the home has been removed, while 1/3 remains. Mr. Mooney stated his clients, Mr. Ebbert and his sister, have assured him that plans are in the works for the property and a fence has been ordered. He assured the Council the fence will be constructed if they don't get a permit right away. Councilman Moore questioned what objections there would be from Mr. Mooney if the City proceeded with the condemnation. Mr. Mooney questioned what the City would be condemning since the home has been removed. Further discussion was held concerning the condemnation. Councilman Street questioned whether Mr. Ebbert could be fined in a certain amount of time if a fence is not put up. Mr. Shaver answered yes, he will have ten days to put up a fence. City

Attorney Crego noted Mr. Mooney can only encourage his client to do something with the property and there is sufficient reason to go ahead with condemnation.

A motion was made by Councilman Mitch Johnson, seconded by Councilwoman Faye McCall, that this matter be Passed . The motion PASSED by an unanimous vote

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

Nay: 1 - Charles Frierson

Absent: 2 - Judy Furr and Darrel Dover

Enactment No: R-EN-087-2008

RES-08:073

A RESOLUTION TO condemn property at 520 N Main

Attachments: [520 N Main.doc](#)
[100_0152.JPG](#)
[100_0151.JPG](#)
[100_0148.JPG](#)
[100_0145.JPG](#)

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

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

Absent: 2 - Judy Furr and Darrel Dover

Enactment No: R-EN-088-2008

RES-08:100

RESOLUTION TO SET A PUBLIC HEARING FOR THE ABANDONMENT OF AN OVERHEAD ELECTRICAL EASEMENT LOCATED ON TRACT 1 OF HERITAGE BANK REPLAT OF THE SOUTHWEST DRIVE MINOR PLAT AS REQUESTED BY S&A CONSTRUCTION, LLC

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

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

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

Absent: 2 - Judy Furr and Darrel Dover

Enactment No: R-EN-089-2008

7. Unfinished Business

Ordinances on Second Reading

ORD-08:031

AN ORDINANCE TO AMEND THE 2008 ANNUAL BUDGET AND THE PAY PLAN FOR THE CITY OF JONESBORO TO CHANGE THE POSITION OF GIS SPECIALISTS TO A GIS COORDINATOR

Sponsors: Human Resources

Attachments: [GIS Coordinator](#)

A motion was made by Councilwoman Ann Williams, seconded by Councilman Jim Hargis, that this matter be Held at second reading . The motion PASSED by an unanimous vote

Aye: 9 - Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

Absent: 2 - Judy Furr and Darrel Dover

Abstain: 1 - Faye McCall

8. Mayor's Reports

Councilman Moore discussed a recent report by Vector Mosquito Control. He commended Vector for the application of larvicide.

9. City Council Reports**COM-08:063**

Statement as read by Councilman McCall at the City Council meeting on June 17, 2008.

Attachments: [Statement](#)

Councilman McCall asked City Hall and all the department heads to look at the big picture and not just their particular department. Finance Director Jim Barksdale explained they are looking at the budget. He further explained they are trying to get useful information from the system and hope to discuss the audit findings and budget issues at the Finance meeting on June 26.

This item was Read.

Councilman Street announced a Stormwater Management Board meeting for tomorrow at 8:30 a.m. in the Huntington Building.

Councilman Province expressed concern with the finding in the legislative audit report that showed \$2 million uncollateralized by the bank. He noted not too long ago they were told everything was covered. He added he's been told the City is at or close to \$4 million over the 2008 budget already. He questioned how much is in capital improvements and what else was left out like mosquito control was. He then expressed concern, saying the problem continues to grow as opposed to getting answers. He added Mr. Barksdale has given the Council more information in the short time he's been with the City than the Council has received in the past four years. Councilman Province explained the overspending responsibility goes back to the CEO of the City, which is the Mayor, and does not go back to the Council.

Councilman Hargis stated the person who is responsible is the chief executive officer, who was not present at the meeting. He added there was no rationale given for the report and no advance notice.

Councilwoman Williams noted Mr. Barksdale wanted to wait until the Finance

Committee meeting to discuss some of the issues, but she felt it was important to be brought up before the full Council. She added there are some serious issues of concern with the findings of the legislative audit, which could not wait until the Finance Committee meeting. She explained she'd like to discuss the issues tonight and further discuss it at the meeting on the 26th.

Mr. Barksdale asked for everyone to read the legislative audit and pay attention to the significant findings. He noted the collateralization finding has been corrected and was addressed in their monthly review process. He explained a lot of the problems stem from the accounting system and the lack of maintenance in order to get useful information. He further explained expenditures are a significant problem. He stated if appropriations are not approved up front, then they cannot be fixed with a cleanup ordinance because that is not what the cleanup ordinance was designed to do. Mr. Barksdale added another issue is reconciliation in that the main bank account has been unreconciled for three years since the conversion. He explained all of the bank accounts, with the exception of the consolidated fund, have been reconciled down to the penny and are balanced. He stated the audit findings for 2006 will not be as bad as the audit findings for the 2007 audit because a lot of the same problems continued to occur. He explained he is finding a lot of omissions and accounting errors. Councilwoman Williams questioned the main bank account not being reconciled since 2005. Mr. Barksdale clarified the main bank account has been reconciled, but there are unreconciled differences they cannot account for and the amount changes from month to month. He added in January the difference was \$468,000, but the amount from last month was \$400,000. He expressed concern with the amount changing. He discussed issues with Springbrook. Councilman Moore questioned whether there was money missing or if there are just technical issues and posting errors. Mr. Barksdale explained the bank statement balance is higher than the book balance, but that's no guarantee all the funds have been accounted for. Councilman Frierson questioned the RFP to help with the accounts. Mr. Barksdale stated they have prepared an RFP, but recently added to it. He added he has specific recommendations he will address at the Finance meeting. Councilman Street questioned when the 2007 audit will be complete. Mr. Barksdale stated it will probably take about three to four weeks, depending on what they find. Councilwoman Williams noted the seriousness of expenditures exceeding budget and the issue of possibly losing turnback funds. Mr. Barksdale stated he's not sure if he'd go that far, but the state will be concerned with giving money to a municipality where the books haven't been reconciled in three years. He explained that was in reference to not publishing financial statements twice a year according to the law, but a lot of other things have to happen before the state will do that. He further explained as of this date the City is \$1.9 million above budget, but he can't tell with certainty until they go back through all of the accounts to verify the numbers. He added the bulk of the expenditures are capital improvements. He stated people have assumed if appropriations aren't used in one year that they'll roll over into the next year, which isn't true. He explained the City need to re-appropriate the money to comply with state code.

Councilman Perrin motioned, seconded by Councilwoman Williams, to amend the agenda to add a resolution. All voted aye.

RES-08:102

A RESOLUTION AUTHORIZING ACCEPTANCE OF A FEDERAL AVIATION ADMINISTRATION (FAA) GRANT OFFER FOR AIRPORT IMPROVEMENT PROGRAM (AIP) PROJECT NO. 3-05-0033-015-2008.

Sponsors: Municipal Airport Commission and Mayor's Office

Attachments: [Airport Improvement Program no. 3-05-0033-015-2008](#)

Councilman Frierson questioned the requirements for projects over \$250,000. He

questioned whether the City is aware of the those requirements. Mr. Tony Thomas from the Mayor's Office stated the City is fully aware of the requirements and Mr. Phillip Steed from the airport will oversee the contract. Councilman Hargis questioned whether anyone will make a presentation as to what the impact will be for the improvements. Mr. Thomas stated they would like the airport to make regular presentations to the Council regarding their activities.

A motion was made by Councilman Harold Perrin, seconded by Councilman John Street, that this Resolution be Passed. The motion CARRIED by a Voice Vote.

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

Absent: 2 - Judy Furr and Darrel Dover

Enactment No: R-EN-090-2008

10. Public Comment

Mr. Brad Austin expressed concern over the consent agenda and stated everything is rubber stamped. He questioned how the Council can wisely make those decisions. He added the public has no input unless it comes out in the paper. Councilman McCall noted the consent agenda is published in the paper, as well as on the City's website.

11. Adjournment.

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

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

Absent: 2 - Judy Furr and Darrel Dover

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

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