



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Nominating and Rules Committee

Tuesday, March 19, 2019

4:45 PM

Municipal Center

SPECIAL CALLED MEETING

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

Mayor Harold Perrin was in attendance.

Present 4 - Ann Williams; Chris Moore; Charles Coleman and Charles Frierson

Absent 2 - Chris Gibson and Gene Vance

3. Approval of minutes

[MIN-19:022](#)

MINUTES FOR THE SPECIAL CALLED NOMINATING AND RULES COMMITTEE MEETING ON MARCH 5, 2019

Attachments: [NandR Meeting Minutes 03052019.pdf](#)

A motion was made by Chris Moore, seconded by Charles Frierson, that this matter be Passed . The motion PASSED with the following vote.

Aye: 4 - Ann Williams; Chris Moore; Charles Coleman and Charles Frierson

Absent: 2 - Chris Gibson and Gene Vance

4. New Business

RESOLUTIONS TO BE INTRODUCED

[RES-19:024](#)

RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS TO AMEND RESOLUTION-19:020 TO REFLECT A CHANGE IN THE TERM OF A BOARD MEMBER OF CITY WATER AND LIGHT

Attachments: [Amend term_email from Chris Gibson.pdf](#)

Councilmember Charles Frierson asked to be recused from consideration and voting on this matter because he is the attorney for City, Water and Light.

A motion was made by Chris Moore, seconded by Charles Coleman, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 3 - Ann Williams; Chris Moore and Charles Coleman

Absent: 2 - Chris Gibson and Gene Vance

Recused: 1 - Charles Frierson

[RES-19:025](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO CREATE A MASTER STREET PLAN ADVISORY COMMITTEE AND APPOINT MEMBERS TO THE COMMITTEE

A motion was made by Chris Moore, seconded by Charles Frierson, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 4 - Ann Williams;Chris Moore;Charles Coleman and Charles Frierson

Absent: 2 - Chris Gibson and Gene Vance

5. Pending Items

6. Other Business

[COM-19:017](#)

Discussion concerning City Council Rules and Procedures

Attachments: [2019 Council Procedures3.pdf](#)
[NandR Changes_email from Chris Gibson.pdf](#)

Chairperson Ann Williams said we had previously had a discussion. There may have been a misunderstanding that there was something that had been left out of the body of the copy of the ordinance that was on the agenda tonight for the rules and procedures. I understand that there may not be an issue. I think that Chris Gibson had requested the meeting be called because he was under the impression that the deadline for submission of agenda items and the committee had agreed that it would be Wednesday at 3:00 p.m., but is that the case?

City Clerk Donna Jackson said, it is currently in there. Agenda items submitted by the Administration's staff shall be presented to the Mayor and/or designee at an agenda setting session on Wednesday at 9:00 a.m. The reason why that was put in there is I was asked by the Mayor not to have the deadline that was currently in there. We have had it back and forth with different ones and being able to amend and submit their suggestions and I feel like this has got to be a group effort. My office isn't the agenda police. We have to have time to be able to submit the items into Legistar. We are doing this to be helpful and not regiment anything. It is going to have to be an effort with the Mayor's staff and all of us. And, that is why I wanted to discuss it.

Councilmember Chris Moore said, so what action are we being asked to take? Are we being asked to change something tonight? Mayor Harold Perrin said, I think what Ms. Jackson is saying is that there are two things. One, the deadline is one thing. It is like a flowchart. The deadline is on 3:00 p.m. So, we have moved it back from 4:00 p.m. to 3:00 p.m. Wednesday, the day before that Thursday, is that I think the way that this reads is that the Mayor would sit down and have a meeting I guess, with you Donna. I don't know how this works. Where we would go through this stuff and where she would enter all of that into Legistar. Am I correct? Ms. Jackson said, well, that wasn't my understanding because at the last director's meeting, it was stated that they had a problem with the deadline. Mayor Perrin said ok. Ms. Jackson said, in an effort, I just

put it in there that they meet with you at 9:00 a.m. Now, I will be there. Mayor Perrin said ok. Ms. Jackson said, I don't have control over that. I didn't want to put a time in where it is going to be a problem for anybody because I knew we would discuss this.

Councilmember Charles Coleman said, I asked this question once before and I guess I am still asking this question. The point of how much regulated time will Donna's office need. I guess, isn't that kind of left up to her. Mayor Perrin said yes. Councilmember Coleman asked, what do you think Donna? Ms. Jackson said, here is where I am concerned. As far as I am concerned, this is a good deadline as long as they have it typed properly and everything is attached. But, that is where it is going to get tricky. Because they way that I see this going, if it is to pass a contract and we don't have the contract, I am kicking it back to the Mayor's office. But, this won't work if the council allows it to be walked on and goes over the process. And, that is what we are trying to avoid with this. I am going to do exactly what you tell me to do. But, I think this is something that I don't want to get in the way of the Mayor and his staff. They are busy. They are trying to get things done. And, yet, time and time again, we have situations where we don't have all of the information. My office is kind of the go between. I am trying to be helpful with this where they don't have to enter it into Legistar any longer. That is what my staff will do. And, we are going to try to look for things like that. But, if it is not provided, if the originals are not given to the clerk, if I am not getting what I am supposed to be getting, do I pass it onto the council that way?

Mayor Perrin said, the big change here is that department heads now are entering into Legistar ordinances or resolutions or etc. In some cases, there is no documentation behind that. What we are saying here is that on the Wednesday prior to that, the department heads would meet with the Mayor's office or his designee and make sure that anything that they have got that they want them to put into Legistar, that everything, the supporting documents are behind there. If it is not, then it won't go to her. So, they will just have to wait another two weeks or whenever to get it ready to make sure they have got the contracts, if there needs to be appraisals, whatever documentation needs to be in there to make sure that it is in there.

Councilmember Coleman said, well, I guess that is possibly what I am saying even with the time deadline, I think all of the information should be in there. I really don't like voting on something without all of the information that I need to make a vote. City Attorney Carol Duncan said, I have often refused to approve it on my end if there is not a contract attached which I will say that I can't approve this until I see a contract. That would keep it from ever getting to me without a contract. Ms. Jackson said, the problem with that is that a lot of times there are walkons. Ms. Duncan said, yeah, right. Ms. Jackson said, it is not been through your office. Ms. Duncan said, right, and that is different because I usually have not seen those. I mean sometimes, but not always. Councilmember Charles Frierson said, well, this procedure that you just talked about ought to reduce the walkons. Ms. Duncan said, it should. Councilmember Frierson said, I don't know that it will totally kill them because sometimes you have to have them, but it would certainly reduce them. Mayor Perrin said, yeah. Councilmember Frierson said, it is a good procedure. Mayor Perrin said, that is what we talked about with meeting on Wednesday prior to that to make sure before it goes down to the clerk that everything is in there. That is going to eliminate that. I appreciate your other comment. There are times when things come up in my office that there may have to be a walkon. Now, I am going to eliminate those walkons unless it is something of absolute need for this city.

Ms. Duncan said, can I ask a question and I am anticipating that this may be what

Derrel's question is. Let's say that MAPC has met on Tuesday night and a rezoning has been approved from MAPC and then they have a deadline to get that to your office, is that still Thursday? Is this just internal? Ms. Jackson asked, are you talking about their reports? Ms. Duncan said, you know when they are in charge of bringing you the ordinance and the rezoning and all of the paperwork to get it ready to go to council. Ms. Jackson said, they don't bring us the ordinance. Ms. Duncan asked, they don't bring the ordinance? Ms. Jackson said, the public brings us the ordinance. Ms. Duncan said, that is what I mean. Is the public deadline still Thursday at 10:00 a.m.? Ms. Jackson said, yes. City Planner Derrel Smith asked, is this staff only? Ms. Jackson said, this is staff only. Ms. Duncan said, I was just thinking Wednesday morning, they are not going to get it there from Tuesday night to Wednesday morning. Mr. Smith said, it could be 6:30 or 7:00 p.m. getting through and then having to have somebody have an ordinance at 9:00 a.m. the next morning. Ms. Jackson said, we have been having trouble getting those reports the way that it is right now. Mr. Smith said, we are shorthanded right now and it is hard for us to get the minutes done in time right now. You have to have the minutes with everything. Ms. Duncan said, so the public's deadline will still be Thursday at 10:00 a.m. Mr. Smith said, it is all we can do to make that Thursday at 10:00 a.m. to get the minutes in. Mayor Perrin said, but that is on the outside, MAPC. That is a commission. Is that what you are saying? Yeah, that is an outside deal on a rezoning. That is not internal. Mr. Smith said, those have to be in. Ms. Jackson has to have those to add to your packets. Mayor Perrin said, right, absolutely.

Councilmember Frierson asked, are we supposed to do something right now to amend something? Ms. Duncan said, I looked at it while we were talking and what is before city council tonight has that deadline in it. So, I don't see that any amendment is necessary from this committee. I think it is there already. Mayor Perrin said, I think Councilmember Chris Gibson was thinking that there might have been some confusion in leaving the 4:00 in there. Chairperson Williams said, I think that is what it is. Ms. Jackson said, I think that is correct because I had stated that we had took the deadline out as it was. Ms. Duncan said, I think that confused the situation. Mayor Perrin said, with the way that it is now, on the council tonight, would be the way that we just talked about. So, I don't think there is any motion or anything that you need to do on this one. I think this was just for comment. Chairperson Williams said, right, ok.

Read

7. Public Comments

Patti Lack, 4108 Forest Hill Road, said, I know a lot of time has gone into putting this together, but I know when I saw the article in the paper the other day talking about the time limit and I know that I heard it from Donna and I heard it here and there. You know, I got a lot of phone calls from people after reading this, talking about the limits that people have, the number of people coming up talking about that, and I have to tell you, is that, you know, I think if you want an open door policy, if you want people to participate, and you put limits on this and you put it in the paper, there are going to be fewer and fewer people that are going to come. I understand that there have to be limits and I know that I have been cut off many times on that. I think the way to run a meeting is that if you hear something over and over again, you certainly can say, you know, Patti, you have said that ten times already. You don't need to say it again or if there is another person that comes up, but I think if you limit people coming up whether they are for or they are against something in this town because you guys make a lot of big, big, huge decisions for this town, and if you eliminate saying that I am sorry, that fourth person can't talk because we don't have time and it's in this rules and all that, something is going to be absolutely wrong with that because you are here

to hear everything from these people about how your decision is and what their concerns are. Also, you have to have three readings every single time because that just allows people to come and to get more information on something that maybe they didn't hear. Instead of passing over the second reading and going to the third reading, everything has to go unless it is a real emergency. But, I think if I look at this time period, and then also too, you know, you get people that are uncomfortable coming up here to the podium. You know, even like right now, is that I really don't want to be here, but you have got to get people to come up here and let you guys know how things are. And, if you put restrictions on people, you are going to eliminate that and then all of a sudden, you are not going to get any body that is going to come up. So, I don't know if this can be taken out, who is going to be counting it, the minutes and stuff like that. I just think that it is unfair to the public for the people that you guys represent. Councilmember Charles Frierson said, and you are being repetitive. Ms. Lack said, well, I am. Councilmember Frierson said, don't. I heard you the first time. Ms. Lack said, ok. That is exactly it, is that people are not going to appreciate that and they are not going to come and you are not going to have participation. So, I don't know if it can be taken out. But, you are going to get fewer and fewer people that are going to participate in the city government on that. And, that is wrong.

Councilmember Chris Moore asked, Donna, can you tell us what the change is with the proposed change versus the existing rules? What is the difference? City Clerk Donna Jackson asked Deputy Clerk April Leggett to pull the rules and procedures up on the overhead screen. Councilmember Moore asked, just give the highlights of what we currently do and what the proposed changes are. Ms. Jackson said, the discussion was, Councilmember Moore, that the way it was or is right now, people are allowed to come and speak on any agenda item pretty much as long as they choose. It is left up to the discretion of the Mayor. Several had expressed an interest in having it to where it is limited on both sides, giving both sides a chance and I believe we settled for ten minutes per side. Mayor Perrin said, that is correct. Ms. Jackson said, then we went back and said to give the Mayor the option to allow that to go longer. And, that didn't pass and that is where we are at. Councilmember Moore said, well, I am all about a time limit, but I am also all about giving the Mayor the option to extend the discussion if need be. So, I will make the motion that we amend the current proposal to include the Mayor having the option to extend the discussion. He runs the meeting. If he thinks there is enough public interest here that we need to extend the discussion, then by all means, I am here all night on Tuesday. I don't care if we are here to midnight. I am like Councilmember Frierson. I don't want to hear repetitive comments, but I do want to hear full discussion. Chairperson Ann Williams said, that was a motion made by Councilmember Gene Vance at the last committee meeting, but it failed for a lack of a second at the last Nominating and Rules Committee meeting. Councilmember Moore said, I will make the motion to give the Mayor the authority to extend the discussion. So, if I have a second on that, we will vote on that amendment.

Councilmember Charles Coleman said, let me be clear, right now there is a ten minute time limit, right? Councilmember Moore said, not on agenda items is there Donna? Ms. Jackson said, yes, this is for agenda items. City Attorney Carol Duncan said, right now, as the rules are proposed, that you will be having on first reading tonight, it contains it to ten minutes, yes. Ms. Jackson said, the new procedures will have a limit of ten minutes per side. Ms. Duncan said, right. Ms. Jackson said, right now if it is public comment, it is a total of fifteen minutes and up to three people. Ms. Duncan said, but on the agenda, it is unlimited. Councilmember Coleman said, that is not what it is saying here though. Ms. Duncan said, well, in the rules, as it exists today, it is unlimited on agenda items. In the rules that you are having on first reading tonight, it contains that ten minute limitation. Councilmember Coleman said, I guess I don't like

the ten minutes, that is why I am asking the questions. Ms. Duncan said, that is what is on the agenda tonight for the city council. Mayor Perrin said, that is why he is making the motion.

Councilmember Moore said, well, that could be two separate issues. One issue I have is that I want the Mayor to have the right to extend the discussion or whomever is chairing the meeting extending the discussion. So, I think that needs to be added regardless of what the time limit is set at. Councilmember Coleman said, ok, I understand now. Councilmember Moore said, I want to amend to include the Mayor to have the authority to extend it as needed. Councilmember Coleman said, ok, then I will second that. Councilmember Moore and Councilmember Coleman said aye. Councilmember Moore said if you want to address the time issue, then that is a separate issue. Ms. Duncan said, I only heard two votes. You might want to check on that. Was there an opposed? Councilmember Moore asked, Councilmember Frierson were you opposed to that? She called a vote. Councilmember Frierson said, I am concerned about there being no definition of when the Mayor or whomever is in charge, committee or the council, no rules of help on how they judge extending and how they judge not extending. It is a delicate issue it seems to me between the two. And, to leave it wide open, I don't think I would want to be the chairperson. Ms. Duncan said, ok. I think we are in the middle of a vote. Councilmember Frierson said, I know you are. Ms. Duncan said, there were two in favor of, but nobody called for opposed. Can we call for opposed and see where we are? We have two that have voted yes. Councilmember Frierson said, I am not sure that I am totally opposed to it. Ms. Duncan said, but we are in the middle of a vote. You have to vote or abstain. It is parliamentary procedure. Councilmember Moore said, I can't imagine what the downside is to allowing the chairperson of the committee to have a full and thorough discussion.

Councilmember Frierson said, well, the down side is that the one that doesn't get extended is going to get irritated. Go ahead and call for the nays and I won't do anything. Chairperson Williams called for those opposed. Nothing was said. Ms. Duncan said, I only heard two yes and nothing else. Chairperson Williams said, I would say no. Councilmember Moore said, two won't pass it though. Ms. Duncan said no. Councilmember Moore asked Ms. Duncan, what do we need to pass it? Ms. Duncan said, is it of those present? This is on the agenda. Councilmember Moore said, Councilmember Williams is the chairperson. City Clerk Donna Jackson said, it did not pass. Ms. Duncan said, it did not pass. But, here is what I am going to say, you all have already sent this to council. So, at the council meeting tonight, the same motion could be made to make the change and you will have a full council here to vote on it one way or the other. Ms. Jackson said, you are pushing this all the way back to the very beginning of the discussion. Why even make a change at all? Councilmember Moore asked, why to make a change to allow the Mayor to extend the time? Ms. Jackson said, what I am saying is if he has the discretion, he has the discretion. Councilmember Coleman said, that makes sense. Ms. Jackson said, so why have the ten minutes at all? Ms. Duncan said, right. Ms. Jackson said, I know where Councilmember Frierson is coming from and this is what we got into with all of the discussion is that you are trying to avoid lawsuits and accusations. Councilmember Frierson said, favoritism. Ms. Jackson said, thank you. Chairperson Williams said, trying to avoid looking arbitrary or appearing to be arbitrary. I think it could be a trap into appearing to be arbitrary. It would be my concern. But, the motion that Councilmember Moore made could be made on the floor.

Ms. Duncan said, it could be made again on the council floor where it is on first reading tonight. Councilmember Moore said, the only statement I have to make about

that is that occasionally, I have to run the council meetings and I want to be able to have the authority to have full discussion. I don't want to be locked down to ten minutes. Ms. Jackson said, the reason why I am saying what I am Councilmember Moore is I don't want to put anybody, the Mayor or the Chairperson in the position of being the sole one to make that decision. You know what I mean. You are better off to leave it like it is then to have it like the other. Councilmember Moore said, yes. Chairperson Williams said, you could make a motion on the floor to just remove any limit at all or any reference to a limit at all and then whomever is chairing the committee or the council could always tell someone that they needed to stop or they are calling for them to end their discussion because they are being repetitive or redundant and there would be a basis for doing that always and basically, it would accomplish the same thing without it being a rule. Ms. Jackson said, right. Councilmember Moore said, either way, I am just saying if that they are going to impose the time limit, I want a way around that. That is the only thing I am saying. So, if you are not going to impose a time limit, we are not going to need a way around it. Mayor Perrin said, if it is on the agenda for tonight, is the ten minutes in there? Ms. Duncan said, the ten minutes is in there so you will need to make that motion at council. Mayor Perrin said, you will need to make a motion to take the ten minutes out is what you are saying. Ms. Duncan said, yes. Mayor Perrin said, then you have the latitude and I do too. Chairperson Williams said, honestly, that would be the cleanest way to do it, to just remove it completely. Councilmember Coleman said, I would just take the ten minutes out then. Councilmember Moore said, I will make that motion at full council.

Mayor Perrin said, let me just say this on that, most discussion on items on the council, the only ones that you would have a lot of deal on that is rezoning. You all know that. Obviously, you want both sides to be heard. However, we don't need to hear the same thing about it is going to devalue my home or others that you have over and over and over again. That is where the chair can just tell the person, hey, we have heard that, move onto another item that you are trying to propose to us tonight to listen to. Councilmember Moore said, then I will save that motion for the full council to remove the time limit then. Dr. Coleman indicated that he would second that. So, we will have that discussion on the floor.

Councilmember Bobby Long said, there are a couple of things. One, I was going to speak against the ten minutes. Also, I think if you go on down it says individuals shall provide their name. This applies to comments made previously either to city council or to the planning commission. In order for someone to actually know what was said, they would have to go back to review the video of the planning commission. Otherwise, they are going to be repetitive and shut off. So, that probably would need to be changed. Also, I think another issue that I think this was trying to avoid was for someone to get up and monopolize the entire time that one is speaking either for or against. When I was reading that, my solution would be to give proponents and opponents equal time to speak five minutes or three minutes. I was always told that if you can't say what you want to say in three minutes, then you need to revise what you are trying to say. After five minutes, I think that whomever is speaking needs to yield to the other side. Give them a chance to speak. Councilmember Coleman said, I don't think that is going to work. Councilmember Long said, if they want to yield their time to the person speaking, they can yield their time. Councilmember Coleman said, I understand, but I don't think that is going to happen. Councilmember Frierson said, no. Ms. Jackson said, not when you are in the heat of a discussion. And, that was the reason that the whole ten minutes was put in in the first place. Councilmember Long said, well, I think the ten minutes is too limiting. But, at the same time, I think there needs to be a provision that prevents monopolizing time. For instance, when we were talking about

the landscape ordinance, Haag Brown got up here and spent almost 20-25 minutes speaking where other people would also want to speak as well. So, I think that other people need to have the opportunity to speak as well. So, in order to give that, there has to be some sort of limitation on that.

Mayor Perrin said, on your item on the RES-19:024, if you could make a motion to move that towards the council. Let me explain why. That position on CWL, they will have a meeting before. Ms. Duncan said, we didn't have a unanimous vote on it. Councilmember Moore said, we didn't have a unanimous vote. Ms. Duncan said, because Councilmember Frierson had to abstain. Chairperson Williams said, technically, we can't walk it on. Mayor Perrin said, Jake Rice had called and wanted to get that in there. Chairperson Williams said, we understand. Mayor Perrin said, so I will just call him tomorrow and tell him he can attend, but can't vote or whatever. Councilmember Frierson said, he can vote. He can fulfill that position before he gets reappointed. Mayor Perrin said, ok. Councilmember Frierson said, he doesn't have to have it this week. Mayor Perrin said, wonderful. Since you are the attorney for CWL, I will tell him what you said.

Harold Carter, 907 Tony, said, I just have a short comment. One of the options I heard someone mention is just to leave it the way it is. I like that one. You have always had that authority. I don't have to agree but, be that as it may, that shouldn't go by the boards whether it agrees with me or not. Otherwise, I don't see any reason to be changing it. If someone wants to talk for 25 minutes, you will have to make up your mind as to whether to let them.

Mayor Perrin said, I have one other thing. I had gotten an email from one of the other councilmembers today that would like to be on some other committees. I have got a copy to give that person tonight. On these committees, you have a lot of subcommittees. And, I don't know if the Chair of the Rules and Nominating committee this year has called you all and asked you if you wanted to serve on that and in that subcommittee. An example of that on the Finance Committee, you have Finance and Audit: Dr. Coleman; Grants and Industry: Dr. Coleman; Records and Legal: Ann Williams; Purchasing and Property: John Street; Information Systems and Personnel: David McClain; and Employee Insurance and Pensions: LJ Bryant and Joe Hafner. You have two on that. I am just bringing that up as a point of order. If Chairperson Chris Gibson hasn't done that, you might want to do that and I will give that to the councilmember. I am assuming that he has called every one of you and asked you, the whole board, the whole council which committee you want to serve on and there can be rotation. If that has not happened, then that might need to be considered. Thank you. Chairperson Williams said, thank you.

8. Adjournment

A motion was made by Chris Moore, seconded by Charles Frierson, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 4 - Ann Williams;Chris Moore;Charles Coleman and Charles Frierson

Absent: 2 - Chris Gibson and Gene Vance