



# City of Jonesboro

## Meeting Minutes

### City Council

900 West Monroe  
Jonesboro, AR 72401

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Tuesday, November 6, 2007

6:30 PM

Council Chambers

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#### PUBLIC WORKS COMMITTEE MEETING AT 4:30 P.M.

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

**2. Pledge of Allegiance and Invocation**

**3. Roll Call by the City Clerk**

**Present** 12 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

**4. Special Presentations**

#### **Mark Koch of FTN Associates, Ltd. presenting the landfill construction update**

*Mr. Mark Koch discussed the history of the landfill closure process. He explained they basically commenced work at the very beginning of July. He further explained the completion goal was initially set for October 1st for the closure activities, but the landfill gas collection was expected to take longer. He then discussed the landfill closure, including the capping of the landfill. He stated some of the last things on the construction list still need to be done and the letdown structures are about forty percent completed. He added the top soil layer is about sixty percent complete over the entire clay cap area. He then discussed the landfill gas collection system installation. He stated the current status of the project stating that all 59 of the wells had been installed and ready for connection. He added the condensation management system is about ninety-five percent complete, with the air driven tank leveling system that still needs to be hooked up. He noted the access road and flare equipment pad are both installed and the lateral piping and the header piping are about sixty percent complete. Mr. Koch explained there were some storm water problems caused by two large rainfalls in October, but some new measures have been put in place to prevent that from happening again. He added City Water and Light is going to install the electrical service to the flare pad and the air compressor for the landfill gas collection system, but they expect that to be done by mid-next week and the equipment will be delivered and installed on the 15th.*

*Councilman Perrin questioned when they would be completed. Mr. Koch responded that the closure project should be basically complete November 16th and by the end of November or in early December they should have all of the landfill gas system and the system up and running.*

*Councilman Moore stated that early on in the project Mr. Koch indicated that the City might have carbon credits. He questioned the status of the carbon credit process. Mr. Koch stated that there is only one entity in the United States currently issuing carbon credits for landfill gas, which is the Chicago Climate Exchange. He explained their*

program is authorized until 2010 to issue carbon credits for the destruction of greenhouse gas emission that are not federally mandated or mandated by regulation. He further explained landfills that are closed are allowed to emit a certain amount of gas because they are not of sufficient size. He stated due to the migration issue, which is a federal regulation requirement, is what caused the installation of the landfill system and due to ADEQ mandating the gas system be put in the initial review from Chicago Climate Exchange is that the City's project is not eligible for carbon credits. Councilman Moore questioned whether that was due to the amount of gas on the site. Mr. Koch explained it really didn't have anything to do with the amount of gas; rather, it's because the system was mandated by federal rule due to the gas migration at the site. Councilman Moore then questioned why the City is exempt whether the City put the system in voluntarily or not. Mr. Koch stated there is an actual legislative body that dictates how the carbon credits are generated and one of the rules in the generation of the credits is that it can't be from a federally mandated or a regulatory mandated system to be installed. Councilman Moore stated early on the City was projected with \$25,000 to \$50,000 a year annual maintenance cost to operate the flare and the City was hoping to offset the cost by selling off the carbon credits. He questioned why it wasn't known at that time the City wouldn't be eligible for the credits. Mr. Koch stated it was known at that time. Councilman Moore stated he's been in half a dozen meeting in which there was discussion concerning carbon credits, yet tonight was the first night he's heard the City wasn't eligible. Mr. Koch stated in the conception phase for the project they discussed the possibility of carbon credits, but they visited with Chicago Climate Exchange a long time ago and thought the information was given to the Council. Mayor Formon stated he thought there was still a possibility of receiving the credits even though the City was mandated. Councilman Moore questioned whether the City Engineering Department was informed by FTN that the City was not eligible for carbon credits. Mr. Koch stated they presented that fact in meetings, but he didn't realize that information wasn't getting to the Council. Councilman Moore asked for the information concerning the carbon credits be sent to the Mayor's Office. Councilman Perrin questioned whether the discussions with Chicago Climate Exchange occurred after the signing of the FTN contract. Mr. Koch answered yes that he spoke with them as much as up to February or March of this year and revisited the issue with them.

Councilman Hargis questioned whether the project assignment of construction management to FTN masked the information regarding who bid for the work and what their bids were. Mr. Koch explained the City bid out the process using the City's normal bidding process, but FTN did assist the City with preparing bid documents. Councilman Hargis then questioned whether all of the wells are the same depth and whether they go into the Class I, which is under the Class IV. Mr. Koch explained the wells are not all the same depth. He added there are some areas of the facility that do not have a Class IV on top of the Class I, but the majority of the wells are actually in areas where there is not a Class I. Councilman Hargis then asked if it was able to be collected and quantify what type of gas was present. Mr. Koch stated that everything that is collected will be combusted at the flare. He explained they have not done a detailed analysis of what is there, but they have field instrumentation that has done measurements of the gas monitoring probes and know specifically the methane portion has been charted. Councilman Hargis questioned when they will know they are done getting rid of the gases. Mr. Koch stated there is no way to know the exact amount of time that the waste mass will generate gas, but there will be a point in the road where there will not be a sufficient amount of gas to be collected to maintain combustion. He added at that point the concept is if there is not enough to be collected and combusted at the flare, then it should not pose a threat and the City can shut the flare down to show there's not a migration problem either. Councilman Hargis questioned the process of determining how deep the wells need to be. Mr. Koch explained they have several processes that use current topography. Councilman Hargis questioned whether they were taking any effort to

analyze what is being taken in. Mr. Koch explained any vapor that is in the waste mass and able to be pulled through the wells will be combusted. Councilman Moore then questioned how long it will be before they will analyze the gas. Mr. Koch stated they will analyze it after the flare no longer burns.

Councilman Hargis questioned how tall the mound is at the landfill. Mr. Koch explained 70 feet above grade is Class 4 material and there is another 40 plus feet, subgrade. Councilman Moore questioned Mayor Formon as to whether they are on track to train a City employee to run and operate the flare system. Mr. Koch stated he and Mr. Paul Crawford met with Public Works Director Erick Woodruff and discussed that with him. He stated they recommended someone from the City to take care of the system. Mayor Formon questioned whether more than one employee would be needed. Mr. Koch stated it was up to the City.

Mr. Rick Tribble explained there is clay runoff that has washed two miles down a nearby creek due to the rains in October and November, which could cause problems. He stated he lives within twenty feet of the pipes from the landfill and questioned whether his yard had been checked for gas migration. He further explained he and his wife have had an excessive amount of headaches and thinks that it has to do with living so close to the landfill. Mr. Koch stated the explosive gas monitoring has been done around the network on the property boundary of the landfill. He added he is not sure about Mr. Tribble's specific location, but he thinks the yellow probe north of Mr. Tribble's home is not one that has been problematic for gas migration. He further stated he would like to verify the information and look at the data. Mayor Formon added the clay runoff has been stopped. He then questioned whether anything had been done to cleanup the clay that had run off. Mr. Crawford stated they have worked with the contractor to adjust for such events to avoid such a large runoff. He added they also spoke with the contractor about cleaning up any sediment that is in Mr. Tribble's yard or has moved off-site due to the rain events. Mr. Mike Cameron stated they would clean up the mud. He then discussed the landfill closure. He noted they were told last fall that carbon credits would help take care of the maintenance costs of the system, but now the City is facing having to pay \$35,000 to \$50,000 a year for as long as 50 years. He explained he thinks the City relented on paying \$1 million for a gas collection system because the City thought they would get carbon credits to help pay for the operations for 50 years. Councilman Moore stated he's disappointed to hear the City is not eligible for carbon credits to help offset the cost of the maintenance. He added he would like to know where the ball was dropped between the original plan to sell carbon credits and finding out tonight that the City cannot sell carbon credits. Mayor Formon stated he will look into what happened.

## **5. Consent Agenda**

### *Approval of the Consent Agenda*

**A motion was made by Councilperson Judy Furr, seconded by Councilperson Chris Moore, to Approve the Consent Agenda with the exception of RES-07: 2496 and RES-07:2525. The motion PASSED with a voice vote.**

**Aye:** 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

**MIN-07:1840** Minutes for the October 16, 2007, City Council meeting.

**Attachments:** [101607](#)

This item was **PASSED** on the consent agenda.

**RES-07:2390** A RESOLUTION TO Condemn property at 634 W Huntington

**Sponsors:** Code Enforcement

**Attachments:** [634 W Huntington.doc](#)  
[100\\_1945.JPG](#)  
[100\\_1946.JPG](#)  
[100\\_1743.JPG](#)  
[100\\_1741.JPG](#)

This item was **PASSED** on the consent agenda.

Enactment No: R-EN-121-2007

**RES-07:2397** A RESOLUTION TO Condemn property at 417 Houghton St

**Sponsors:** Code Enforcement

**Attachments:** [417 Houghton.doc](#)  
[100\\_7963.JPG](#)  
[100\\_7964.JPG](#)  
[100\\_7965.JPG](#)

This item was **PASSED** on the consent agenda.

Enactment No: R-EN-122-2007

**RES-07:2496** A RESOLUTION TO APPROVE THE EXECUTION OF A CONTRACT WITH IT ASSOCIATES, LLC FOR DEVELOPMENT OF A DISASTER RECOVERY PLAN

**Sponsors:** Information Systems

**Attachments:** [Contract](#)  
[Executive Summary](#)  
[Quote](#)

*Councilperson Harold Perrin asked to table the resolution so he could visit with IT Director Alan Young. He explained he would like to look at the bids and possibly broaden the disaster recovery due to only four companies responding to the bid.*

**Councilperson Charles Frierson made a motion, seconded by Councilperson Darrel Dover, to TABLE the resolution and bring it back. The motion PASSED by a voice vote.**

**Aye:** 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

**RES-07:2498** A RESOLUTION TO CONTRACT WITH PROPERTY ROOM.COM FOR AUCTIONING OF SEIZED PROPERTY IN POSSESSION OF THE CITY OF JONESBORO

**Sponsors:** Public Safety Council Committee

**Attachments:** [Contract Agreement](#)  
[In-Place Auction Offering Pricing 2007-08-08](#)

This item was **PASSED** on the consent agenda.

Enactment No: R-EN-123-2007

**RES-07:2499** A RESOLUTION TO Condemn property at 1614 N Patrick

**Attachments:** [1614 N Patrick.doc](#)  
[100\\_8425.JPG](#)  
[100\\_8424.JPG](#)  
[100\\_8427.JPG](#)  
[100\\_8490.JPG](#)

**This item was PASSED on the consent agenda.**

Enactment No: R-EN-124-2007

**RES-07:2500** A RESOLUTION TO Condemn property at 411 W Huntington

**Attachments:** [411 W Huntington.doc](#)  
[100\\_2044.JPG](#)  
[100\\_2045.JPG](#)  
[100\\_2056.JPG](#)  
[100\\_2057.JPG](#)

**This item was PASSED on the consent agenda.**

Enactment No: R-EN-125-2007

**RES-07:2513** A RESOLUTION TO Condemn property at 5415 Southwest Dr,

**Attachments:** [5415 Southwest Dr.doc](#)  
[100\\_2154.JPG](#)  
[100\\_2155.JPG](#)  
[100\\_2158.JPG](#)  
[100\\_2162.JPG](#)

**This item was PASSED on the consent agenda.**

Enactment No: R-EN-126-2007

**RES-07:2514** A RESOLUTION TO Condemn property at 1504 Flint,

**Attachments:** [1504 Flint.doc](#)  
[100\\_2165.JPG](#)  
[100\\_2166.JPG](#)  
[100\\_2171.JPG](#)  
[100\\_2167.JPG](#)

**This item was PASSED on the consent agenda.**

Enactment No: R-EN-127-2007

**RES-07:2518** A RESOLUTION TO APPOINT DR. WILLIAM MCLEAN TO THE PARKS AND RECREATION PLANNING AND ADVISORY COMMITTEE

**Sponsors:** Parks & Recreation and Mayor's Office

**This item was PASSED on the consent agenda.**

Enactment No: R-EN-128-2007

**RES-07:2525** A RESOLUTION FOR THE CITY TO PAY 25% OF THE RETIREES PHARMACY BENEFIT PREMIUM

**Sponsors:** Human Resources

*Councilperson Harold Perrin explained he spoke with Human Resources Director Gloria Roark and Ms. Roark would like to make a change. Ms. Roark stated it would cover retirees that are 65 and over that are on the Medipak plan that the City would pay 25% of just the pharmacy card.*

**Councilperson Harold Perrin made a motion, seconded by Councilperson Mitch Johnson, for this Resolution to be PASSED AS AMENDED. The motion passed with a unanimous vote.**

**Aye:** 11 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street and Mitch Johnson

**Abstain:** 1 - Tim McCall

Enactment No: R-EN-133-2007

**RES-07:2528** RESOLUTION TO LEVY .5 MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE POLICE PENSION FUND

**This item was PASSED on the consent agenda.**

Enactment No: R-EN-129-2007

**RES-07:2529** RESOLUTION TO LEVY .5 MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE FIRE PENSION FUND

**This item was PASSED on the consent agenda.**

Enactment No: R-EN-130-2007

**RES-07:2530** RESOLUTION TO LEVY 2 MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE PUBLIC LIBRARY TAX

**This item was PASSED on the consent agenda.**

Enactment No: R-EN-131-2007

**RES-07:2539** RESOLUTION CONCERNING CTP CONTRACT WITH CARTER-BURGESS

**This item was PASSED on the consent agenda.**

**This item was RESCINDED later in the meeting.**

Enactment No: R-EN-132-2007

## **6. New Business**

### *Ordinances on First Reading*

**ORD-07:3134** AN ORDINANCE TO AMEND SECTION 8.44.14 OF THE DOWNTOWN PARKING

TECHNICAL CODE ALLOWING FOR MORE NO TIME PARKING LOTS.

**Sponsors:** Police Department

**Councilperson Chris Moore offered the ordinance for first reading by title only.**

**This Ordinance was Held at one reading.**

**ORD-07:3137** AN ORDINANCE TO AMEND SECTION 5.16.16 AND 5.16.20 OF THE GARBAGE, TRASH AND WEEDS CODE ALLOWING SPECIAL CONSIDERATION FOR LARGER TRACTS OF LAND.

**Sponsors:** Code Enforcement

**Councilperson Chris Moore offered the ordinance for first reading by title only.**

**A motion was made by Councilperson Chris Moore, seconded by Councilperson Jim Hargis, that this matter be Waive Second and Third Readings . The motion PASSED by an unanimous vote.**

**A motion was made by Councilperson Chris Moore, seconded by Councilperson Ann Williams, that this matter be Passed . The motion PASSED by an unanimous vote.**

**Aye:** 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: O-EN-044-2007

**ORD-07:3140** AN ORDINANCE TO ESTABLISH A DEFERRED COMPENSATION PLAN FOR THE CITY OF JONESBORO

**Sponsors:** Human Resources

*Councilperson Harold Perrin questioned whether there will be an individual company that has been chosen to handle the plan or if each person chooses which company they would like to use. Councilperson Darrel Dover stated there is an individual company. Councilman Perrin then questioned whether other companies were talked to concerning the 457 plan. Councilman Dover stated the company is associated with National Firefighters and the firefighters recommended using the company. He noted that this company is in addition to the one the city is already using.*

**Councilperson Darrel Dover offered the ordinance for first reading by title only.**

**Councilperson Darrel Dover motioned, seconded by Councilperson Harold Perrin, to Waive Second and Third Readings. The motion passed with a unanimous vote.**

**Councilperson Harold Perrin motioned, seconded by Councilperson Darrel Dover, that the ordinance be PASSED. The motion passed with a unanimous vote.**

**Councilperson Mitch Johnson motioned, seconded by Councilperson Darrel Dover, to adopt the emergency clause. The motion passed with a unanimous vote.**

Enactment No: O-EN-045-2007

## **7. Unfinished Business**

*Ordinances on Third Reading*

- ORD-07:3142** AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 RESIDENTIAL TO I-1 L.U.O. INDUSTRIAL LOCATED ON THE EAST SIDE OF INDUSTRIAL DRIVE NORTH OF INGLES ROAD AS REQUESTED BY DARRELL COOK

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

**A motion was made by Councilperson John Street, seconded by Councilperson Charles Frierson, that this matter be Passed . The motion PASSED by an unanimous vote**

**Aye:** 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: O-EN-046-2007

- ORD-07:3144** AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES LOCATED AT 3667 EAST PARKER ROAD, AS REQUESTED BY LAKESIDE CONTRACTORS, L.L.C.

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

**A motion was made by Councilperson Harold Perrin, seconded by Councilperson Darrel Dover, that this matter be Passed . The motion PASSED by an unanimous vote**

**Aye:** 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: O-EN-047-2007

*Ordinances on Second Reading*

- ORD-07:3143** AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES LOCATED AT 2206, 2212, 2200 STADIUM BOULEVARD; 3004, 3008 AND 3010 PARKWOOD ROAD, 3009 and 3011 SUN AVENUE AS REQUESTED BY DOLLY RUTH BROWN, MARVIN HENDERSON, MIKE EBBERT AND GLEN TALLEY

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

*Attorney Skip Mooney asked for the rezoning to be placed on third reading and either passed or failed. City Planner Otis Spriggs explained that some concerns were expressed during the MAPC meeting, but the MAPC put stipulations on the limited use to protect the residential area and any future development will go before the MAPC as a site plan review.*



A motion was made by Councilperson Darrel Dover, seconded by Councilperson Chris Moore, that this matter be Read by title only and Held at second reading . The motion PASSED by an unanimous vote.

A motion was made by Councilperson Jim Hargis, seconded by Councilperson Harold Perrin, to place the ordinance back on the agenda. The motion PASSED by an unanimous vote.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Charles Frierson, for the third reading of the ordinance by title only. The motion PASSED by an unanimous vote.

A motion was made by Councilperson Chris Moore, seconded by Councilperson John Street, that this ordinance be Passed. The motion PASSED by an unanimous vote.

**Aye:** 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: O-EN-048-2007

## **8. Mayor's Reports**

### **Fire stations and animal shelter update**

*Mr. Adam Seiter provided the Council with updates concerning the construction of the fire stations and the animal shelter.*

### **2008 budget**

*Mayor Formon stated the proposed 2008 budget is ready to be handed out to the Council members. He noted it is a working document and there is still some work that needs to be done. Councilperson Darrel Dover asked for any questions be e-mailed to him and he will forward them to Finance Director Don Ray. He also announced the November Finance meeting will be moved to the 29th in order for the committee and Council to have time to review the proposed budget.*

### **CTP project**

*Mayor Formon informed the committee he has terminated all the contracts with all the parties involved and will go back to what was originally asked for by FEMA, which is to digitize the 1991 maps and to overlay them with the LOMRs. He added they will work on the hot spots and submit the LOMRs to be placed on the flood maps when it comes time. Councilperson John Street stated they pledged to continue to incorporate an updated hydrology and maintain the commitment to the citizens to continue with the hot spot projects to continue to take people out of the flood zone.*

*Councilperson Jim Hargis questioned the status of the hot spot projects. City Engineer Kelly Panneck explained Valley & Owens is nearing completion and six more projects will be bid out in early spring of next year. Councilperson John Street added Mr. Harry Hardwick had indicated one more piece of land needed to be purchased for the Pines Apartments project at the request of Mr. Panneck. Mr. Panneck explained the owners of the property indicated they did not want to own the leftover ten foot stretch of property adjacent to the future detention pond, so he instructed the property be appraised as well.*

Councilperson Harold Perrin stated he would like to know the total real estate purchases in 2007 for detention/retention ponds, total number of contracts and the dollar amounts that were expensed to do the studies and the exact amount it will be required to take care of the problem. He explained that will help to figure out how much will be done and how much will be needed for 2008.

## **9. City Council Reports**

Councilperson Faye McCall asked to receive notice for all special called meetings whether she's on the committee or not. Mayor Formon questioned whether all the Council members wanted to be notified of all special called meetings. Several Council members stated they wanted to notification for all special called meetings.

Councilperson Judy Furr questioned why department heads do not attend Council meetings, stating it would be helpful if they attended. She then questioned a recent financial statement, asking why the City has \$37 million in one bank. Ms. Misty Micenhamer stated in the event something happened at that institution the City would not lose anything. She added the City bids it out around this time of the year and it's based on the interest rate of what will be earned for those funds. She further explained those funds are securitized by federal securities. She stated the bank has to pledge and they do have a list of what they pledge and they are collateralized so there will be no problems if something happened at that institution. Councilwoman Furr noted between September, 2005, and September, 2006, \$20 million was transferred into that particular bank. She expressed concern over the Finance Committee not being notified of the transfer. She asked Mayor Formon to get them a written summary concerning selecting banks for City funds to include if bids are taken, how often they're taken, how they're taken (phone, fax, etc.), who is there for bid openings and who reviews the bids to decide which financial institution to use. Councilman Perrin noted the last audit reflected there was not collateralization. Ms. Micenhamer explained the audit stated there was insufficient collateralization as of the end of 2005, but has been addressed. She added she believes Finance Director Don Ray and City Accountant David Eagle are working on the bids right now. Councilman Perrin asked for a copy of the bid to be sent to him. Councilwoman Furr asked for the report to include the bids from 2005, 2006 and whatever is being done for 2007.

Councilperson Darrel Dover reiterated the Finance meeting will be moved to November 29th.

Councilperson Jim Hargis questioned the ditch cleaning schedule. Public Works Director Erick Woodruff explained the schedule he presented to the Council was tentative and not set in stone. He further explained they can be slowed by weather, as well as other factors. Councilman Hargis asked for a new schedule. Mr. Woodruff stated he would get that to Councilman Hargis. Councilman Street noted Mr. Woodruff indicated in the Public Works meeting that he was going to place the schedule on the website.

Councilperson Chris Moore asked for Mr. Mike Cameron to speak about some concerns he had with the IT disaster recovery contract. Mr. Cameron explained he remembered taking a lot of time and energy to prepare a Request For Qualifications in March in which he was one of four that prepared an RFQ. He further explained he had not heard anything regarding the RFQ until he read about the proposed contract with IT Associates a recent edition of the Jonesboro Sun. He questioned what the process was in choosing which company to go with. He also questioned where he was ranked in the process. Mayor Formon stated he did not know where Mr. Cameron was ranked. Councilman Perrin explained IT Director Alan Young indicated to him that four companies had responded and that was one of the reasons why he asked for the resolution to be tabled, so he could

review the information. Councilman Dover added the disaster recovery was a shortcoming mentioned in the IT Audit and the Finance Committee instructed Mr. Young for it to be corrected. Discussion was held concerning the IT Audit performed by Ms. Micenhamer. Councilman Moore asked for clarification as to how Ms. Micenhamer went from being the Internal Auditor to being the helping select the disaster recovery contract with Mr. Young. He then questioned whether Ms. Micenhamer still works for the Council. Ms. Micenhamer stated she had resigned from working for the Council. Councilman Moore questioned whether there was a contract with Ms. Micenhamer. Ms. Micenhamer stated there was no contract; that the position was funded for one year in the budget and that she was a normal city employee answering to the Council through the Finance Committee. Councilman Hargis noted there was caution about Ms. Micenhamer staying at arms length with the administration. Ms. Micenhamer stated she was aware she was to be independent and that she did not have normal conversations, but did try to keep up good relations with the employees. She added she was not privy to information every day and did not speak with the Mayor on a day-to-day basis. Councilman Hargis asked Ms. Micenhamer to discuss the search for qualifications for the disaster recovery contract. Ms. Micenhamer stated when the RFQ's came in Mr. Young reviewed them himself. She explained one of the things in the audit program that the Council adopted was if a department head has questions about an issue they can ask her. She added she is not an IT expert, but has been an IT manager and is aware of the regulations in the banking industry for IT recovery. She stated when Mr. Young asked for her help, he had already ranked the companies and asked for her opinion. Councilman Hargis questioned if this was while Ms. Micenhamer was working for the Council and if she spoke to Councilman Dover about helping Mr. Young. Ms. Micenhamer stated it was while she was working for the Council and she did not speak with Councilman Dover because the audit program allows her to assist any department heads when asked for help. She explained Mr. Young questioned what she thought they should look for in the RFQ's. She stated she listed qualifications she thought were important and then she showed him how she would rank the companies. Ms. Micenhamer explained in the May or June Finance meeting Mr. Young discussed the recommendations and rankings with the committee and the committee instructed Mr. Young to contact the number one ranked company. Councilman Moore expressed concern because his understanding was with RFP's the Council Committee would rank the companies and then the administration would start at the top and go down the list. He added he was not under the impression city employees did the work. Ms. Micenhamer explained what she's seen with professional services the city staff ranked the companies and then the committee would take the recommendation of the staff. Councilman McCall noted the committee was left out of the loop. Ms. Micenhamer stated Mr. Young did take the information to the Finance Committee. Councilman Dover explained he only remembered instructing them to take care of the problem. He further explained he did not catch the fact that they should have went through the interview process. He added they do need trust the city staff to make the recommendation. Ms. Micenhamer stated Mr. Young made the initial ranking and she just concurred with it. Mayor Formon stated they may be under the wrong impression of the process and they will need to research the state laws to see how the process is to go. Councilman Frierson explained he doesn't think state law states who ranks the companies, but with other local things the staff ranks the companies and takes their recommendations to the board. He stated he would prefer the staff to function that way. City Attorney Phillip Crego agreed that the state law does specify who does the ranking, but when it comes time to negotiate the price it's specified to be the mayor. He added the Council can set the policy as to how they wish for it to be done. Councilman Perrin stated in the past he would review the information as the chair of the IT subcommittee, then take it to the Finance Committee and open it up for questions. He then stated he doesn't think he's seen the RFQ's, which is why he asked to hold the contract until he can review the information. Ms. Micenhamer reiterated that in the audit policy that if a department head has questions, then they can

ask her for help. She noted that Mr. Young had already made the rankings and she concurred with them. She added she does remember taking the information the Finance Committee. Councilman Province stated that considering the problems with the RFQ's that the external audit be handled by a committee, not by city employees. Councilman Dover suggested hiring a CPA to review the information.

Councilman Moore questioned the status of the list of items Councilman Province had requested by audited. Councilman Dover explained they are waiting for the RFQ's to be brought back. He questioned who they would like to review the RFQ's. Councilwoman Furr stated the RFQ's are due back on November 8th and there will be enough copies for the Finance Committee members. She suggested trying to find citizens who would be willing to help determine which firm to use. Councilman Dover stated Councilman Province indicated he was not comfortable with city employees answering his questions, so they are going to wait until the outside firm is hired and the firm will answer the questions. Councilman Moore questioned whether the Internal Auditor would be replaced. Councilman Dover stated it would be up to the Council during the budget process. Councilman Moore explained they will be looking for a recommendation from the Finance Committee as to whether they should keep the position. Councilwoman Furr noted that, being the chair of the Audit Committee, she will pick up the RFQ information and distribute the information to the committee. Councilman Perrin suggested videotaping the presentations so others can view it and so it can be viewed at a later time if needed. He added the videos can be added as part of the contract. Councilman Dover stated he would like the entire Council to be a part of the RFQ process. Councilman Johnson agreed, stating whoever on the Council wants to be involved then they should be able to be involved.

Councilperson Harold Perrin announced a 911 meeting tomorrow at 10 a.m. in the Jonesboro Police Department training room.

## **10. Public Comment**

### **Mr. James Arbuckle from Carter-Burgess**

Mr. Arbuckle stated they appreciate the opportunity to work with the City of Jonesboro, but regrets the contract will be terminated yet respects the City's decision. He explained he thinks only one side of the story is being told and would like to tell their side of the story to clear up some misinformation and inaccurate statements. He discussed the history of why the City hired Carter-Burgess. He stated they think the flood maps were an accurate assessment of the flood risk to the citizen's of Jonesboro based on FEMA guidelines and the Corps regional parameters, as well as standard engineering practices. He added they took the job with a desire to protect the citizen's of Jonesboro without being partial to any individual or groups. He explained studies were performed on 18 streams for a total of 60 miles and they felt the work was a quality product that met the scheduled requirements given the extra work added to incorporate other recently approved LOMRs. He further explained at the recent meeting FEMA stated their work was consistent and met their guidelines and specifications. He added FEMA told them there were comments that needed to be addressed, but the work met their expectations. He added the Corps stated that although they've been making observations in Jonesboro for years they have not taken enough data to calibrate their models and would not dispute Carter-Burgess' results. Mr. Arbuckle then referred to the recent resolution passed by the Public Works Committee stating Carter-Burgess disregarded 70 years worth history of Whiteman's Creek and they were unable to verify their results with any highwater marks. He explained those comments were untrue, but no one took the time to consider what City staff asked them to do a week earlier. He further explained the maps were

preliminary and would result in changes, as would any study of that nature. He added that what they haven't heard about are the areas in which the flood plain was reduced in particular Christian Creek and portions of Whiteman's Creek. He stated they will abide by the decision, but are disappointed with the decision and take issues with reasons for termination. He added they are confident they can defend their work if given a chance. Councilman McCall expressed concern over the political aspects of the decision to terminate the Carter-Burgess contract. Councilman Johnson stated he thought the maps were done and ready to be distributed. Mr. Arbuckle stated the maps were not ready. City Attorney Phillip Crego stated he had not seen the letter sent by Carter-Burgess' attorney before the meeting.

**RES-07:2544** RESOLUTION REGARDING THE CTP CONTRACT WITH CARTER-BURGESS

Mr. Alec Farmer stated the City can terminate the contract without pointing fingers. He recommended rescinding the resolution passed earlier and pass another resolution to avoid any possible litigation. He explained he drafted a new resolution that would take out any blame. He further explained the important thing is that the maps have been stopped and it would not do the City any good to get into litigation when it's not needed. Councilman Street stated the object is not to point blame at anyone. City Attorney Crego stated the resolution proposed by Mr. Farmer does not specify the termination was for cause or misconduct on Carter-Burgess' part.

Mr. Farmer also stated they were led to believe the City would have carbon credits concerning the landfill. He suggested the City do a random quality control check on the landfill.

Councilman Frierson motioned, seconded by Councilman Dover, to reconsider RES-07:2539. All voted aye.

Councilman Perrin motioned, seconded by Councilman Moore, to rescind RES-07:2539. All voted aye.

Councilman Moore motioned, seconded by Councilman Street, to add RES-07:2544 to the agenda. All voted aye.

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

**Aye:** 12 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

Enactment No: R-EN-134-2007

**11. Adjournment.**