



City of Jonesboro

Meeting Minutes

City Council

900 West Monroe
Jonesboro, AR 72401

Tuesday, November 20, 2007

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.

2. Pledge of Allegiance and Invocation

3. Roll Call by the City Clerk

Present 11 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street and Tim McCall
Absent 1 - Mitch Johnson

4. Special Presentations

5. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilperson Harold Perrin, seconded by Councilperson Chris Moore, to Approve the Consent Agenda with the exception of RES-07:2522 and RES-07:2524. The motion PASSED by 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 Tim McCall
Absent: 1 - Mitch Johnson

MIN-07:1888 Minutes for the City Council meeting on November 6, 2007.

Attachments: [110607](#)

Approved under the Consent Agenda.

RES-07:2520 A RESOLUTION FOR THE PURPOSE OF ADDING TWO TRANSIT CLERK POSITIONS TO THE JONESBORO ECONOMICAL TRANSPORTATION SYSTEM

Sponsors: JETS

Approved under Consent agenda.

Enactment No: R-EN-135-2007

RES-07:2521 A RESOLUTION FOR THE PURPOSE OF ADDING SIX FULL TIME TRANSPORTATION CAPTAIN POSITIONS TO THE JONESBORO ECONOMICAL TRANSPORTATION SYSTEM

Sponsors: JETS

Approved under the Consent Agenda.

Enactment No: R-EN-136-2007

RES-07:2522 A RESOLUTION TO ACCEPT BID NUMBER 2007:47 AND APPROVING THE CONVERSION OF THE JETS FUEL DEPOT

Sponsors: JETS

Attachments: [Bid 2007-47 Fuel System Refurbish Tab](#)
[Fuel Bid](#)

A motion was made by Councilperson Harold Perrin, seconded by Councilperson Chris Moore, that the item be Tabled. The motioned 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 Tim McCall

Absent: 1 - Mitch Johnson

RES-07:2523 A RESOLUTION FOR THE PURPOSE OF CREATING ONE ADDITIONAL TRANSPORTATION SUPERVISOR FOR THE JONESBORO ECONOMICAL TRANSPORTATION SYSTEM

Sponsors: JETS

Approved under the Consent Agenda.

Enactment No: R-EN-137-2007

RES-07:2524 A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF JONESBORO TO CONTRACT WITH JIM MADDOX A.I.A. FOR ARCHITECTURAL SERVICES RELATED TO THE JONESBORO ECONOMICAL TRANSPORTATION SYSTEM.

Sponsors: JETS

Attachments: [Maddox Architect Information](#)

A motion was made by Councilperson Harold Perrin, seconded by Councilperson Chris Moore, that the item be Tabled. The motioned 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 Tim McCall

Absent: 1 - Mitch Johnson

RES-07:2540 A RESOLUTION TO REQUEST FREE UTILITY SERVICES FROM THE CITY WATER AND LIGHT PLANT OF JONESBORO FOR 327 S. MAIN STREET

Sponsors: Parks & Recreation

Approved under the Consent Agenda.

Enactment No: R-EN-138-2007

RES-07:2542 A RESOLUTION TO APPROVE AN AGREEMENT OF UNDERSTANDING WITH THE

AHTD SAFE ROUTES TO SCHOOL PROGRAM

Sponsors: Parks & Recreation

Attachments: [AGREEMENT OF UNDERSTANDING For Safe Routes to School](#)

Approved under the Consent Agenda.

Enactment No: R-EN-139-2007

6. New Business

RES-07:2538 A RESOLUTION TO CONTRACT WITH BRACKETT AND KRENNERICH ARCHITECTS, P.A TO CONDUCT AN AQUATICS FEASIBILITY STUDY

Attachments: [Contract](#)

A motion was made by Councilperson Ann Williams, seconded by Councilperson Chris Moore, that this item be Tabled. 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 Tim McCall

Absent: 1 - Mitch Johnson

Ordinances on First Reading

ORD-07:3156 AN ORDINANCE TO AMEND TITLE 9, STREETS AND SIDEWALKS, OF THE JONESBORO CODE OF ORDINANCES, TO AMEND AND CREATE ADDITIONAL STREET SPECIFICATIONS

Sponsors: Engineering

Attachments: [CG-4](#)

A motion was made by Councilperson John Street, seconded by Councilperson Chris Moore, that this matter be Tabled in order to get clarification regarding some of the verbage. The motion PASSED by an 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 Tim McCall

Absent: 1 - Mitch Johnson

ORD-07:3157 AN ORDINANCE TO AMEND TITLE 11, BUILDING AND CONSTRUCTION, OF THE JONESBORO CODE OF ORDINANCES, TO CREATE HOUSE DEMOLITION SPECIFICATIONS

Sponsors: Engineering

Attachments: [House Demolition Permit Form](#)

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

A motion was made by Councilperson Chris Moore, seconded by Councilperson John Street, to Waive Second and Third Readings. The motion PASSED with a unanimous vote.

A motion was made by Councilperson Chris Moore, seconded by Councilperson John Street, that this matter be Passed . The motion PASSED by an 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 Tim McCall

Absent: 1 - Mitch Johnson

Enactment No: O-EN-050-2007

ORD-07:3161 AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES ESTABLISHING A VACANCY POLICY FOR CERTAIN CITY BOARDS AND COMMISSIONS

Attachments: [Scan001](#)

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

A motion was made by Councilperson Chris Moore, seconded by Councilperson Ann Williams, to Waive Second and Third Readings. The motion PASSED with a unanimous vote.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Ann Williams, that this matter be Passed . The motion PASSED by 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 Tim McCall

Absent: 1 - Mitch Johnson

Enactment No: O-EN-051-2007

7. Unfinished Business

Ordinances on Second 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

Police Chief Michael Yates explained they have the parking software running so they are ready to go after the ordinance is passed. He further explained he does not know of any opposition to the changes in the ordinance.

A motion was made by Councilperson Chris Moore, seconded by Councilperson John Street, to Wavie the Third Reading. The motioned PASSED by a unanimous vote.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Harold Perrin, that this matter be Passed . The motion PASSED by an 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 Tim McCall

Absent: 1 - Mitch Johnson

Enactment No: O-EN-049-2007

8. Mayor's Reports

Mayor Formon stated Public Works Director Erick Woodruff is currently at UAMS due to an illness. He added Mr. Woodruff is doing better. He then discussed the Pines Apartments lawsuit, noting the City has the right to appeal or can take a second option. Mayor Formon stated they need a decision as to how to move forward. Councilman John Street explained it is not in the City's best interest to appeal because according to City Attorney Phillip Crego there were no mistakes in the law. He suggested proceeding with paying the damages awarded by the judge and to do detention since it's needed for that basin. He stated regardless of which option is taken it's in the best interest to proceed with the detention. He added City Engineer Kelly Panneck indicated there would be no problem getting the detention done according to the judge's timeframe. Councilman John Street moved, seconded by Councilman Charles Frierson, to pay the damages awarded by the judge and agree to proceed with the detention project. All voted aye.

COM-07:067

Letter from ADEQ concerning the gas mitigation system as read by Ms. Misty Micenhamer at the November 20, 2007, City Council meeting.

Attachments: [Letter](#)

Mayor Formon informed the Council they have received a letter from ADEQ concerning the gas mitigation project. Operations Director Misty Micenhamer read the letter, which indicated while the remedial action work plan for the methane gas releases was mandated the gas mitigation system was voluntary on the part of the City. Councilman Moore stated he would like to know when FTN was notified the City would not be eligible for carbon credits and who they notified within the City after learning of the City's ineligibility. Mayor Formon stated they can find that information out, but the other issue was to find out if it was mandatory for the City to do the gas mitigation. Ms. Micenhamer noted it's her understanding the carbon credits would be given if the mitigation system was voluntary. She added it could be argued with the Chicago Climate Exchange that the City was not mandated to put in the gas mitigation so the City is eligible for the carbon credits. Councilman Moore reiterated his question concerning when FTN was notified and who they notified concerning the City's lack of eligibility. Mayor Formon stated he will find out the information. Councilman Hargis questioned whether there was a legal obligation for FTN to notify the City of the ineligibility with the carbon credits. City Attorney Crego stated yes, FTN would have a legal obligation to give the City its options so the City could decide which way to go.

This item was Read.

9. City Council Reports

RES-07:2551 RESOLUTION FOR DISCUSSION PURPOSES TO BE REFERRED TO THE FINANCE COMMITTEE CONCERNING INFORMATION REGARDING THE PROPOSED 2008 BUDGET

A motion was made by Councilperson Cecil Province, seconded by Councilperson Judy Furr, to Refer this item to the Finance Committee. 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 Tim McCall

Absent: 1 - Mitch Johnson

COM-07:068 Responses to RES-07:2551 as handed out at the November 20, 2007, City Council meeting.

Attachments: [Street Department Full Positions Created](#)
[General Ledger 2](#)
[General Ledger](#)
[Dept Purchases](#)
[City of Jonesboro](#)
[Budget Summary](#)

Mayor Formon explained they have packets with the information that was asked for in the resolution. He stated if there is any other information needed to let them know so they can address that as well. Councilman Province asked for the resolution to be referred to the Finance Committee and then reported back to the Council in order to give him as well as the Finance Committee to review the information.

This item was Read.

Councilman Hargis stated he would like Public Works Director Erick Woodruff to know Windover Ditch is proceeding well. Mayor Formon stated he would let Mr. Woodruff know.

Councilman Moore asked for a report on the condemned house on the corner of Nettleton and Main Street. Mayor Formon stated he would get that information to Councilman Moore tomorrow.

Councilman McCall questioned whether Mayor Formon had anyone in mind for the vacant appointments. Mayor Formon explained they are close and that he has a few more people to contact.

Councilwoman Furr stated that she wanted to follow up on the discussion from the last meeting concerning the summary of information regarding the banks that hold city funds. She noted Finance Director Don Ray brought her the information regarding the bids. Mr. Ray stated it was not accurate that they were currently working on the bids because he felt uncomfortable moving the money. He discussed the difficulties of moving checking accounts and stated he considered the possibility of investing the money in CDs rather than moving checking accounts. He informed the Council he had the information regarding the bids taken in 2005 and 2006 for 2006 and 2007, but have not been any bids taken for 2008. He also stated Councilwoman Furr is right in stating the City does not have a written policy regarding the process for bids, but Accountant David Eagle has been with the City for 17 and the bids have always been done that way. Mr. Ray explained banks are contacted and given the bid specs and then the bank is chosen according to maximum return by offering the highest interest rates as well at the other bid specs. He agreed that the City needs a written policy and further stated it should not be the finance

director who makes the decision without other people involved to witness and verify. Councilman Moore questioned the previous discussion that indicated \$20 million had been moved in the middle of the year. Mr. Eagle stated there was no money moved in the middle of the year. He added money is only moved at the beginning of the year or in the last few days of the year. Councilman Moore questioned whether the entire amount of the money was collateralized. Mr. Eagle answered yes, the money was collateralized. He explained what happened when it was stated the accounts were not collateralized was the CD did not mature until the last few days of the year and the pledges came in two days later. He added the securities are being held by a third party bank and the bank holding the money can not get the pledges released without the city releasing them. Councilman Perrin discussed bidding out to the banks. He noted the City's rates dropped on the CD's so as the CD's matured the City put the money in a checking account because of higher rates. He added the bid sheet to the bank stated the City would only average a certain amount, so the Treasury asked for the money to be moved because the bank only bid on a certain average amount in each account. Mr. Eagle stated they opened a second checking account and had an excellent return on the money. Councilwoman Furr asked whether Mr. Eagle is familiar with state law regarding depositories. She read from a section of the code that stated the Mayor, City Clerk or Recorder and City Collector shall constitute a board to designate depositories and supervise the depositing of City funds. She added Mr. Crego agreed that is state law. She stated the City is not following state law by handling the depositories the way it's being handled. She noted the code states the funds that are in each bank have to constitute less than 25% of the total deposits of that bank regarding commercial and consumer accounts. Councilwoman Furr explained she also found an Attorney General's opinion referring to counties, but the opinion stated the law requires such boards be created. Mr. Eagle stated they do not have a board and it has been handled by the City Treasurer and Mayor. Councilwoman Furr stated the state law is a good place to start in making a move to doing things correctly. She reiterated the code is 19-8-106 Section B. Mr. Eagle agreed that a policy is needed.

Councilwoman Furr stated she has received calls from someone who used to work for the City who was concerned because there are two people with cards stating they are the operations director. She added she assumed those people were Ms. Micenhamer and Ms. Rachel Brewer. She then questioned how the two positions were funded in the budget. Mayor Formon explained after Mr. Brian Wadley became sick they hired Mr. Aubrey Scott to fill the Executive Assistant position. He further explained after Mr. Scott left they hired Ms. Brewer as an interim operations director. He noted Ms. Brewer is wrapping up some work and will be gone after that and it will just be Ms. Micenhamer. Councilman McCall questioned what projects Ms. Brewer is working on. Mayor Formon stated Ms. Brewer is working on the City Water and Light purchase, the Suddenlink contract and the franchise agreement. He noted the work is wrapping up. Councilwoman Furr asked where the positions are in the budget and whether Ms. Micenhamer's position is still being charged to the Council. Mayor Formon stated no, it's not being charged to the Council. He added Ms. Brewer should be wrapping things up in the next week or two at the most. Councilman McCall questioned whether Mr. Tony Thomas held the operations director position while Mr. Wadley was out sick. Mayor Formon stated Mr. Thomas helped out in the short run but does not hold that position. Councilman Moore noted in the information packet as presented tonight, the flow chart shows Mr. Thomas being over the Public Services departments.

Councilman Dover reminded everyone of the Finance meeting next week on Monday, Tuesday and Thursday at 4 p.m. at the Huntington Building. He added if anyone has any questions regarding the budget they are welcome to attend the meeting.

Councilman Street noted they are laying asphalt on the Lawson Road project. He

questioned whether Mr. Crego had received anything in relation to an agreement with Mr. Yarbrough. Mr. Crego stated they are getting the information together to send to Mr. Yarbrough's attorney. Councilman Street also noted they are making progress on the Valley and Owens projects as well. He then questioned the status of the Alberto-Culver project. Mayor Formon stated he has not asked lately. Mr. Thomas stated they are wrapping up but he is hesitant to give a timeline. Councilman McCall asked for the information to be e-mailed to everyone.

Councilman Perrin stated there are projects for traffic lights on Washington/Bridge and Race/Fair Park. He asked for an update on the projects. Mr. Thomas explained the contracts for the revisions were approved at the last Council meeting. He added they should have the design for Washington and Bridge next week. He further explained the design for Race and Fair Park would take longer. Mayor Formon added the alignment was messed up on Washington and Bridge due to the county constructing part of the health department parking lot on the City's right of way. He added the signal on Church and Cherry will be relocated to Washington and Bridge.

Councilman Hargis asked for Mayor Formon to update the Council on the organization of the City, especially when department heads are out. He added the information would be meaningful when citizens ask where they should go for assistance.

10. Public Comment

11. Adjournment.

A motion was made by Councilperson Harold Perrin, seconded by Councilperson Chris Moore, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.

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

Absent: 1 - Mitch Johnson