



City of Jonesboro

Meeting Minutes

City Council

900 West Monroe
Jonesboro, AR 72401

Tuesday, August 7, 2007

6:30 PM

Council Chambers

PUBLIC WORKS COMMITTEE MEETING, 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 10 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Mitch Johnson and Tim McCall
Absent 2 - Harold Perrin and John Street

4. Special Presentations

5. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilperson Chris Moore, seconded by Councilperson Mitch Johnson, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote

MIN-07:1657 Minutes for the City Council meeting on July 17, 2007.

Attachments: [071707](#)

A motion was made by that this Minutes be Passed . The motion passed BY VOICE VOTE

MIN-07:1658 Minutes for the special called City Council meeting on July 19, 2007.

Attachments: [071907](#)

A motion was made by that this Minutes be Passed . The motion passed BY VOICE VOTE

MIN-07:1659 Minutes for the special called City Council meeting on July 30, 2007.

Attachments: [OhmLetter](#)
[073007](#)

A motion was made by that this Minutes be Passed . The motion passed BY VOICE VOTE

RES-07:175 A RESOLUTION TO ENTER INTO A CONTRACT WITH STERLING SOLUTIONS

Sponsors: Police Department

Attachments: [PSA for Jonesboro rev 2 0](#)

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-081-2007

RES-07:202 RESOLUTION OF THE CITY COUNCIL OF JONESBORO, ARKANSAS, CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

Sponsors: Mayor's Office

Attachments: [Syntel Letter 05138](#)

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-082-2007

RES-07:219 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY(PERMANENT EASEMENT) LOCATED AT 909 OWENS, JONESBORO, ARKANSAS FOR THE PURPOSE OF ESTABLISHING A DETENTION POND.

Sponsors: Mayor's Office and Public Works

Attachments: [909 Owens \(Complete\)](#)
[909 Owens \(additional\)](#)

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-083-2007

RES-07:240 A RESOLUTION TO Condemn property at 820 Warner Street

Sponsors: Code Enforcement

Attachments: [100_1311.JPG](#)
[100_1312.JPG](#)
[100_1313.JPG](#)
[100_1318.JPG](#)
[100_1316.JPG](#)
[820 Warner.doc](#)

Ms. Deborah Rorie, owner of the property stated she obtained a building and electrical permit as instructed. She stated the permits contain no expiration date and therefore her property should not be condemned. Mr. Ronnies Shaver explained in six months time, the only work that had been done was support braces and therefore the building permit was withdrawn and they proceeded with condemnation. Mr. Shaver recommended condemnation, stating she would still have opportunity to bring the home up to code.

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

Aye: 10 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Mitch Johnson and Tim McCall

Absent: 2 - Harold Perrin and John Street

Enactment No: R-EN-091-2007

RES-07:729 RESOLUTION TO AMEND THE CITY OF JONESBORO 2007 ANNUAL BUDGET BY INCREASING THE STEP/SALARY FOR THE CITY ATTORNEY, CITY CLERK, DIRECTOR OF FINANCE, CHIEF OF POLICE, FIRE CHIEF AND PLANNING DIRECTOR.

Sponsors: Mayor's Office

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-084-2007

RES-07:949 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 717 OWENS, JONESBORO, ARKANSAS FOR THE PURPOSE OF ESTABLISHING A DETENTION POND.

Sponsors: Mayor's Office and Public Works

Attachments: [717 Owens \(Complete\)](#)

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-085-2007

RES-07:1227 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 1014 FREEMAN, JONESBORO, ARKANSAS FOR THE PURPOSE OF ESTABLISHING A DETENTION POND.

Sponsors: Mayor's Office and Public Works

Attachments: [1014 Freeman \(Complete\)](#)

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-086-2007

RES-07:1397 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY(PERMANENT EASEMENT) LOCATED AT 1005 OWENS, JONESBORO, ARKANSAS FOR THE PURPOSE OF ESTABLISHING A DETENTION POND.

Sponsors: Mayor's Office and Public Works

Attachments: [1005 Owens \(Complete\)](#)

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-087-2007

RES-07:1545 RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF JONESBORO TO CONDEMN CERTAIN REAL PROPERTY LOCATED IN THE CITY OF JONESBORO FOR THE PUPOSE OF ESTABLISHING A DETENTION POND

Sponsors: Mayor's Office and Public Works

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-088-2007

RES-07:1655 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 1200 W. HUNTINGTON AVE., JONESBORO, ARKANSAS FOR THE PURPOSE OF ESTABLISHING A DETENTION POND.

Sponsors: Mayor's Office and Public Works

Attachments: [1200 W. Huntington \(Complete\)](#)

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-089-2007

RES-07:1656 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 711 OWENS AVE., JONESBORO, ARKANSAS FOR THE PURPOSE OF ESTABLISHING A DETENTION POND.

Sponsors: Mayor's Office and Public Works

Attachments: [711 Owens \(Complete\)](#)

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-090-2007

6. New Business

Ordinances on First Reading

ORD-07:531 AN ORDINANCE TO AMEND THE CITY OF JONESBORO 2007 ANNUAL BUDGET BY THE ADDITION OF TWO COMPUTER TECHNICIAN POSITIONS FOR THE INFORMATION SYSTEMS DEPARTMENT

Sponsors: Information Systems

Councilman Moore offered the following ordinance for first reading.

Councilman Moore moved, seconded by Councilman Johnson to suspend with the second and third readings. All members present voted aye.

Councilman Johnson moved, seconded by Councilman Moore for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Ann Williams, that this Ordinance be Passed. The motion CARRIED.

Aye: 10 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Mitch Johnson and Tim McCall

Absent: 2 - Harold Perrin and John Street

Enactment No: O-EN-033-2007

7. Unfinished Business

Ordinances on Third Reading

ORD-07:221 AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES LOCATED AT 3707 S. CULBERHOUSE AS REQUESTED BY R&R INVESTMENTS

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

The following ordinance was on the third and final reading. Councilman Moore motioned, seconded by Councilman Johnson to read by title only. All voted aye.

Attorney Charles Mooney, Sr. stated this was an emergency due to the expansion and construction costs. Councilman Frierson moved, seconded by Councilman Moore for the adoption of the emergency clause. A roll call vote was taken resulting in all members present voting aye.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Ann Williams, that this Ordinance be Passed. The motion CARRIED.:

Aye: 10 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Mitch Johnson and Tim McCall

Absent: 2 - Harold Perrin and John Street

Enactment No: O-EN-034-2007

ORD-07:258 ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES

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

The following ordinance was on third and final reading. Councilman Moore moved, seconded by Councilman Johnson to read by title only. The motion carried.

Mr. Otis Spriggs reported there had been previous opposition, but the concerns had been consolidated into the ordinance.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Ann Williams, that this Ordinance be Passed. The motion CARRIED by a Voice Vote.

Aye: 10 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Mitch Johnson and Tim McCall
Absent: 2 - Harold Perrin and John Street

Enactment No: O-EN-035-2007

ORD-07:262 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES LOCATED ON LATOURETTE DRIVE BETWEEN LATOURETTE LANE AND MEDALLION CIRCLE AS REQUESTED BY CAMTRI ROSS INVESTMENTS

Attachments: [MAPC Report](#)
[Application With Plat](#)
[Scan-20-Jul-2007:11:11:22](#)
[Scan-20-Jul-2007:11:23:06](#)

The following ordinance was on the third and final reading. Councilman Moore moved, seconded by Councilman Johnson the ordinance be read by title only. The motion carried.

Councilman Dover stated Mr. Latourette had contacted him and requested he table this ordinance. Mr. Dover explained he had agreed to make a motion to table the ordinance if the opposition was notified. Mr. Latourette stated he had contacted Mr. Shatley, who was in opposition, that the ordinance would be tabled. When questioned why he wanted the item tabled, Mr. Latourette stated he wanted all councilmembers present and specifically named Councilman Street. He explained he wanted to review the traffic information with each councilmember, and wanted to speak with individuals from Medallion Acres. He stated he was currently unprepared to discuss the zoning changes, because he understood the matter would be tabled. Councilman Moore stated he agreed to a second reading at the last council meeting with the understanding that the 3rd and final reading would be held at this meeting. Councilman Dover called for the question. Mayor Formon opened the floor to Mr. Shatley who stated the opposition was ready for a decision. Councilman Moore asked that a roll call vote be taken. Mayor Formon recognized Mr. Fowler who stated Mr. Latourette was trying to wear them down, but they still are saying "enough is enough" and asked for a vote. Mr. Latourette again stated he had contacted Mr. Shatley, and the opposition knew the ordinance would be tabled tonight.

Councilman Dover moved, seconded by Councilman Frierson to table the ordinance at the request of Mr. Don Latourette. A roll call vote was taken resulting in a seven to three vote to deny the motion. Those members voting nay were: Province, Hargis, Moore, Williams, Johnson, Furr, and Mr. McCall. Those voting aye were: Frierson, Dover, and Ms. McCall. The motion was denied.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Charles Frierson, that this Ordinance be Passed. The motion FAILED

Nay: 10 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Mitch Johnson and Tim McCall
Absent: 2 - Harold Perrin and John Street

Enactment No:

Ordinances on Second Reading

ORD-07:15 AN ORDINANCE TO ADOPTING BY REFERENCE CHAPTER 8 CONCERNING

DOWNTOWN PARKING REPLACING THE DOWNTOWN CODE WITH A REVISED OFFICIAL CODE AND MOVING ENFORCEMENT OF DOWNTOWN IMPROVEMENT DISTRICT PARKING VIOLATIONS TO THE JONESBORO POLICE DEPARTMENT.

Sponsors: Police Department

Attachments: [Parking Codified 2](#)

The ordinance was on the second reading.

Councilman Moore moved, seconded by Councilman Johnson to suspend with the second and third reading by title only. The motion carried.

Councilman Johnson moved, seconded by Councilman Frierson for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye.

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

Enactment No: O-EN-036-2007

Items that have been held in Council

Ordinances on Third Reading

ORD-07:73 AN ORDINANCE TO AMEND TITLE 14 OF THE JONESBORO CODE OF ORDINANCES, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS LOCATED ON KATHLEEN STREET BETWEEN MORTON DRIVE AND PACIFIC ROAD AS REQUESTED BY TROY COLEMAN/JAY HARMON

Attachments: [Harmon Plat](#)
[MAPC - Harmon](#)
[MAPCReport](#)
[Opposition Petition](#)

The following ordinance was on the third and final reading.

Councilman Frierson moved, seconded by Councilman Moore to amend the ordinance in Section 1 to reflect a zoning of RS-4 single family with a Limited Use of a maximum of 4 units per acre and a minimum lot width of 70 feet. Mr. Otis Spriggs, City Planner concurred stating that would be a good compromise, and clarified the compromise would be with his office, not the opposing land owners. Attorney Brent Crews provided aerial shots of various subdivisions stating lot size does not make a determination of the quality of the home. He showed lot size and set backs at Sage Meadows and explained that is what they were requesting for this development. Attorney Crews provided an overlay using a negative of the flood plain map over the area to be rezoned, and explained approximately five acres in the south west are all that is affected by the flood plain. Mr. Crews also provided a map showing various colorized zoned areas, for Residential 1 with a lot width of 60 feet, Residential 2 with a lot width of 50 feet, and Residential 3 which is high density. He stressed that RS-7 zoning does not mean you can build seven houses per acre, but rather the lots can be 1/7 of an acre in size, but street construction must be accounted for in those calculations. He stated it figures out to 85% of 7 houses per acre. He stated the same is true for RS-4 zoning, estimating construction at 3.2 houses per acre, which would not be marketable in the area. Mr. Crews stated they were asking for 60 foot lots just like in the old R-1 zoning. Speaking in opposition to the rezoning was Mr. Leslie Warr who provided petitions and pictures to City Clerk, Donna Jackson .

He explained they do not think the rezoning would be correct for the area. He discussed the proposed rezoning. He noted there are still traffic and drainage in that area currently. He stated he spoke with the Mayor and questioned how the infrastructure would be changed. He explained he was told it would be fixed on a driven by need basis, which means if there are people out there then the City will put the area on a list to improve the infrastructure. He asked the Council to take the ramifications of the rezoning into consideration when they make their decision concerning the rezoning. Ms. Jennifer Easley they already have enough problems to deal with currently. She noted they do want to see other homes built but the area could not handle an RS-7 zoning. She asked the Council to make a decision tonight. Councilman Moore questioned whether the RS-4 amendment as proposed by Councilman Frierson would be acceptable to Mr. Warr. Mr. Warr stated the residents would rather see an RS-2 or RS-3 zoning. Councilman Frierson noted he thought the RS-4 zoning meant 4 units per acre. He explained he would also be willing to change it to RS-5 with the restrictions of 4 units per acre with a 70 foot minimum width. Mayor Formon stated there has been a willingness by the residents to compromise, but not so much from the other side. He questioned how the residents feel about 4 homes per acres. Mr. Warr stated the residents feel 2 to 3 homes per acre would be more adequate. Councilman Moore called the question concerning the motion made by Councilman Frierson. Mr. Crews discussed the different zonings and how many units are allowed per acre with each zoning. Mr. Warr stated the residents' main concern is the infrastructure because they have not been told how the infrastructure in the area would be improved. Councilman Johnson noted that the annexed area needs to be taken care of like the City promised before they allow any other subdivisions to be allowed there. Mr. Crews questioned whether they should go to RS-5 due to the 70 foot lot width. Councilman Moore noted neither side wants the compromise. All members voted nay with the exception of Councilman Frierson who voted aye. The motion failed. City Attorney Phillip Crego read the ordinance for the third time by title only. Councilman McCall stated they have received letters from residents with strong concerns over the Mayor's involvement in the negotiation process. He added someone mentioned to him not long ago there as an offer for City buses to be used to take the residents to look at other properties on the other side of the town. Mayor Formon explained during the earlier negotiation talks other properties were mentioned and they did propose to look at those properties. He further explained they were making every offer possible to make everyone understand what was being discussed so they could find a resolution to the problem.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Faye McCall, that this Ordinance be Passed. The motion FAILED by roll call vote, with all members voting nay.

Nay: 10 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Mitch Johnson and Tim McCall

Absent: 2 - Harold Perrin and John Street

Enactment No:

8. Mayor's Reports

Mr. Adam Seiter from Nabholz Construction presented the committee with an update concerning the fire station and animal control shelter projects. He explained the first floor slab for Fire Station #3 will be poured this week. He further explained dirt work for Fire Station #7 will be wrapped up this week. He added the dirt work is being worked on for the animal control shelter. He noted they will be scheduling a ground breaking for the animal control shelter soon.

Mayor Formon noted it seems the mosquitoes are under control. Mr. Alan Loe from Vector Mosquito apologized for not being at the previous Council meeting. He also apologized to the Council and to the people of Jonesboro for not being able to continue the education process they started in the first few years they were in the City. He stated they are extremely proud to be back in Jonesboro. He discussed their current efforts with mosquito control.

Mr. Crego explained at the Mayor's request they want to re-institute the legal reports at the first meeting of the month and the financial reports at the second meeting. He added they are hoping to be able to put the reports in Legistar.

9. City Council Reports

Councilman Dover announced the Finance Committee meeting will be pushed back to August 23, 2007, due to a conflict with his schedule.

Councilwoman Furr reminded everyone of the special Police Committee meeting for Thursday, November 9, 2007. She added the meeting will now be held at the Huntington Building. She also invited the full Council to the meeting.

RES-07:643 A RESOLUTION TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH GILLIS FARMS, INC. FOR THE CONSTRUCTION OF THE VALLEY AND OWENS DRAINAGE IMPROVEMENTS PROJECT;

Sponsors: Engineering

Attachments: [Contract Documents 1](#)

Councilman Moore moved, seconded by Councilman Frierson to place this resolution on the agenda, which had been previously recommended by the Public Works Committee. All voted aye. The motion carried.

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

Aye: 10 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Mitch Johnson and Tim McCall

Absent: 2 - Harold Perrin and John Street

Enactment No: R-EN-092-2007

RES-07:2377 RESOLUTION TO ENLIST THE SERVICES FROM AN OUTSIDE INDEPENDENT AUDITING FIRM TO DETERMINE WHETHER CERTAIN CITY EXPENDITURES OR SERVICES OCCURRED WITHIN THE REQUIREMENTS OF STATE AND LOCAL LAWS IN EFFECT AT THE TIME OF THE EXPENDITURES

Sponsors: City Council

Councilman Province stated last week he presented a resolution concerning an independent audit but it was not approved by the Mayor so it was not placed on the agenda. He asked for it to be presented and acted upon. Mayor Formon stated he tried to delegate the resolution to Councilman Dover so it can be placed on the Finance agenda, but Legistar on his computer would not allow him to delegate the resolution. Councilman Frierson noted an audit is not a simple situation and they need to decide what items should be audited. Councilman Province motioned, seconded by Councilman Hargis, to place the resolution on the agenda. Finance Director Don Ray stated there were errors in what was reported in a recent Editorial in the Jonesboro Sun. He stated it was his

understanding the City Council hired an Internal Auditor that is not tied to the administration. He also stated the state legislative joint auditing committee does audit sales tax proceeds and the expenditures from those proceeds. Councilwoman Furr discussed "Ditchgate" and noted the legislative audit from that year did not catch the expenditures from that project. Mr. Ray stated the auditors were scheduled to come in during April, 2007, to perform the 2006 audit. He explained he asked them to put off coming in to give him more time to correct information from 2006 and they agreed. He further explained they are scheduled to come in either in late-September or early-October. Councilman Hargis questioned what is fearful of an independent audit. Mr. Ray stated he has not said he did not want the audit. He explained the City is going to pay \$50,000 to \$75,000 for something that is going to be done for free. Councilman McCall questioned whether an independent audit would be the same as a state audit. He also noted Internal Auditor Misty Micenhamer has been helping the Finance Department balance the books. Councilman Province stated they should start with a clean slate and an independent audit would show them where they stand financially and how the money is spent and where. He explained he is not after anyone but they owe it to the people of Jonesboro to find out exactly where they stand. Mr. Ray reiterated that he is not against the audit. He noted that last month he brought the Council a set of financial statements for 2007. Councilman Province stated if the issues aren't addressed then the next resolution will be expanded. Councilman Moore stated if they're going to perform an audit then it should be for everything, not just a few items. He agreed with Councilman Province that an audit should be performed but it should be expanded to other departments. Councilman Frierson stated someone needs to figure out the details of the audit. Councilman Moore called the question to place the item on the agenda. A roll call vote was taken resulting in all members voting aye, with the exception of Councilman Dover who voted nay.

A motion was made by Councilperson Charles Frierson, seconded by Councilperson Darrel Dover, that this Resolution be Referred to the Finance & Administration Council Committee to decide what kind of audit is needed, what departments will be audited and what list of criteria needs to be established. The motion CARRIED by the following vote:

Aye: 9 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Jim Hargis; Chris Moore; Mitch Johnson and Tim McCall

Nay: 1 - Cecil Province

Absent: 2 - Harold Perrin and John Street

10. Public Comment

11. Adjournment.