



# City of Jonesboro

## Meeting Minutes

### Public Works Council Committee

900 West Monroe  
Jonesboro, AR 72401

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Thursday, January 3, 2008

4:30 PM

Huntington Building

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#### 1. Call To Order

**Present** 5 - John Street; Cecil Province; Chris Moore; Darrel Dover and Mitch Johnson

**Absent** 1 - Charles Frierson

#### 2. Approval of minutes

**MIN-07:1904** Minutes for the December 4, 2007, Public Works meeting.

**Attachments:** [120407](#)

**A motion was made by Chris Moore, seconded by Darrel Dover, that this Minutes be Passed. The motion CARRIED by a Voice Vote.**

**Aye:** 4 - Cecil Province; Chris Moore; Darrel Dover and Mitch Johnson

**Absent:** 1 - Charles Frierson

#### 3. New Business

##### **Election of a chair**

*A motion was made by Councilperson Darrel Dover, seconded by Councilperson Chris Moore, to elect Councilperson John Street to be chairman of the Public Works Committee for 2008. The motion PASSED with a unanimous vote.*

**COM-07:079** Information regarding PEX tubing v. Copper tubing in regards to plumbing.

**Sponsors:** Inspections

**Attachments:** [PEX Guide](#)  
[ZURN PEX PRESENTATION](#)

*A motion was made by Councilperson Darrel Dover, seconded by Councilperson Chris Moore, to move COM-07:079 to the top of the agenda so the presentation can be heard first. The motion PASSED with a unanimous vote.*

*Public Works Director Erick Woodruff explained they contacted copper manufacturers but no one responded to their voice mails and e-mails. Mr. Tim Elrod from Rick Sales, Inc. presented information regarding PEX plumbing. Councilman Dover questioned whether PEX is made in the United States. Mr. Elrod answered the PEX they sell is made in the US. Mr. Woodruff explained the City is currently under the 2003 Plumbing Code. He further explained in the 2003 Plumbing Code PEX isn't allowed in commercial, but there was a state statute passed on June 1, 2007, that supersedes the 2003 Plumbing Code that allows PEX to be used. Mayor Formon questioned whether PEX is allowed for*

residential or commercial. Mr. Woodruff answered both. Mr. Matt Myers, a state plumbing inspector, explained a City can be more restrictive than the state code. He added the statute has a sunshine clause in it making it only effective until the 2006 Plumbing Code is passed, which they are expecting sometime in February, 2008. Mr. Myers stated according to the State Health Department's legal team the City of Jonesboro is in direct conflict with the state statute. Councilman Dover stated the City has the right to be more stringent than the state. Mr. Myers explained the City can be more restrictive when the new code comes in, but cannot be more restrictive than a state statute. Councilman Moore noted Mr. Woodruff has contacted Attorney Burt Newell and is waiting to hear back as to what the City can do. Mr. Myers explained the City will automatically be under the new code when the state adopts it and the City can be more restrictive than the new code. Councilman Moore questioned whether the 2003 code will still be in effect until the new code is adopted. Mr. Myers stated yes, the 2003 code is still in effect now. He noted as of June 1, 2007, when the state statute was passed the City of Jonesboro was in direct conflict with the state statute. He added if the committee decides to allow for PEX until the new code comes in, then the City can be more restrictive and disallow it when the new code is adopted. Councilman Moore expressed concern over allowing PEX for a month until the new code comes in. He stated the City should wait until the 2007 code comes out to make a decision. Mr. Myers reiterated that the opinion he received was that the City of Jonesboro cannot have an ordinance in direct conflict with the state statute. Councilman Moore stated the City ordinance does not allow for non-metallic piping, so if that is done away with then the City would have to allow for any type of plastic piping. Mr. Jim Gulley discussed PEX and stated it is a superior product. Councilman Moore stated the City has not been presented with technical information that warrants a change away from copper. Councilman Dover stated he would like to have some technical information so PEX can be researched since it will affect homeowners. Mr. Gulley questioned whether the Public Works Committee can form a committee to research the problem. Councilman Moore stated he can see where some people in the county who are on well water would have problems with copper, but he doesn't see where people in the City have that problem because City Water and Light does not have a problem with water corrosion. Mr. Gulley stated PEX would just be another alternative to be used. Councilman Moore explained he doesn't see how the City would be able to allow PEX but not other state-approved products like CPVC. Mr. Gulley noted the City can restrict other products like CPVC. Councilman Moore stated he doesn't think the City would be able to allow PEX who would then have a monopoly with plastic piping. He noted copper doesn't have a monopoly because other products such as steel piping are allowed. Councilman Moore then questioned when the legal opinion from Attorney Newell is expected. Mr. Woodruff answered possibly tomorrow. Mr. Gulley asked the committee to form a committee to review the issue. Mr. Myers noted by the time a committee is formed there may be a new code, which the City can be more restrictive than. Councilman Moore also asked Mr. Woodruff to get a legal opinion as to whether the City can allow for PEX but not other plastic piping products. It was then questioned where Inspections is left between now and when the new code is adopted. Councilman Moore stated his opinion is that the City is bound by the 2003 code until the new code is adopted. Chairman Street suggested tabling the issue until a legal opinion is received. A representative from the Homebuilder's Association stated they would like to see options such as PEX available. Chairman Street stated depending on what Attorney Newell's opinion is the City may have no other option than to allow PEX until the new code comes out. He added after the new code comes out, then the issue will be brought back up for debate. Councilman Moore motioned, seconded by Councilman Province, to table the issue until a legal opinion is received. All voted aye. Chairman Street also asked for Mr. Woodruff to advise the inspectors as to what should be done. Councilman Dover asked for technical data to be presented concerning PEX.

**This item was Read.**

*Resolutions To Be Introduced*

**RES-07:2568** A RESOLUTION TO APPOINT A NEW FLOODPLAIN ADMINISTRATOR

**Sponsors:** Mayor's Office

*Mayor Formon noted they changed the original resolution to state the Floodplain Administrator would be the Chief City Engineer instead of listing a specific person's name.*

**A motion was made by Darrel Dover, seconded by Chris Moore, that this matter be Recommended to Council . The motion PASSED by an unanimous vote**

**Aye:** 4 - Cecil Province;Chris Moore;Darrel Dover and Mitch Johnson

**Absent:** 1 - Charles Frierson

**RES-07:2569** A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 103 S. FLOYD STREET, JONESBORO, ARKANSAS FOR THE PURPOSE OF ESTABLISHING A DETENTION POND.

**Sponsors:** Mayor's Office and Public Works

**Attachments:** [Appraisal](#)  
[Mayor's Letter](#)  
[Offer and Acceptance](#)

**A motion was made by Darrel Dover, seconded by Chris Moore, that this matter be Recommended to Council . The motion PASSED by an unanimous vote**

**Aye:** 4 - Cecil Province;Chris Moore;Darrel Dover and Mitch Johnson

**Absent:** 1 - Charles Frierson

**RES-07:2570** A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 105 S. FLOYD STREET, JONESBORO, ARKANSAS FOR THE PURPOSE OF ESTABLISHING A DETENTION POND.

**Sponsors:** Mayor's Office and Public Works

**Attachments:** [Appraisal](#)  
[Mayor's Letter](#)  
[Offer and Acceptance](#)

*Councilman Dover questioned when the detention ponds would be built. City Engineer Craig Light explained the plans are complete so they should be done this year.*

**A motion was made by Darrel Dover, seconded by Chris Moore, that this matter be Recommended to Council . The motion PASSED by an unanimous vote**

**Aye:** 4 - Cecil Province;Chris Moore;Darrel Dover and Mitch Johnson

**Absent:** 1 - Charles Frierson

**RES-07:2571** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT PROPERTY (PERMANENT DRAINAGE EASEMENT) DESCRIBED AS "PART OF LOT 47 OF CANDLEWOOD ESTATES

SIXTH ADDITION TO THE CITY OF JONESBORO, ARKANSAS" FOR MAINTENANCE;

**Sponsors:** Engineering

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

**A motion was made by Darrel Dover, seconded by Chris Moore, that this matter be Recommended to Council . The motion PASSED by an unanimous vote**

**Aye:** 4 - Cecil Province;Chris Moore;Darrel Dover and Mitch Johnson

**Absent:** 1 - Charles Frierson

**RES-07:2572** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT PROPERTY (PERMANENT DRAINAGE EASEMENT) DESCRIBED AS "PART OF LOT 48 OF CANDLEWOOD ESTATES SIXTH ADDITION TO THE CITY OF JONESBORO, ARKANSAS" FOR MAINTENANCE;

**Sponsors:** Engineering

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

**A motion was made by Darrel Dover, seconded by Chris Moore, that this matter be Recommended to Council . The motion PASSED by an unanimous vote**

**Aye:** 4 - Cecil Province;Chris Moore;Darrel Dover and Mitch Johnson

**Absent:** 1 - Charles Frierson

**RES-07:2573** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT PROPERTY (PERMANENT DRAINAGE AND UTILITY EASEMENT) DESCRIBED AS "PART OF LOTS 11 AND 12, BLOCK 2 OF RIDGECREST ADDITION TO THE CITY OF JONESBORO, ARKANSAS" FOR DETENTION;

**Sponsors:** Engineering

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

**A motion was made by Darrel Dover, seconded by Chris Moore, that this matter be Recommended to Council . The motion PASSED by an unanimous vote**

**Aye:** 4 - Cecil Province;Chris Moore;Darrel Dover and Mitch Johnson

**Absent:** 1 - Charles Frierson

**RES-07:2574** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT PROPERTY (PERMANENT DRAINAGE EASEMENT) DESCRIBED AS A 20' DRAINAGE EASEMENT CROSSING LOTS 2 AND 3 OF NORTHEAST ARKANSAS HOSPITALITY REPLAT FOR MAINTENANCE;

**Sponsors:** Engineering

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

**A motion was made by Darrel Dover, seconded by Chris Moore, that this matter be Recommended to Council . The motion PASSED by an unanimous vote**

**Aye:** 4 - Cecil Province;Chris Moore;Darrel Dover and Mitch Johnson

**Absent:** 1 - Charles Frierson

#### **4. Pending Items**

##### BUILDINGS - MAYOR FORMON

*Long range facilities plan update: Mayor Formon explained they have decided to put together a committee and to get it started pretty soon. Councilman Dover questioned if the City is alright with space. Mayor Formon stated the Police Department is the main concern because there is no additional office space available to them and the Justice Complex is full.*

*Huntington Mission and Head Start lease: Mayor Formon stated there are still a few issues to work out on the lease.*

*Beacons & Bridges housing project: Mayor Formon explained two of the houses that have been purchased for the area to be a detention pond, Beacons & Bridges would like the City to donate the houses to them so they can be rehabilitated. Mr. Tony Thomas added Beacons & Bridges will move the homes themselves. He noted they also contacted Habitat for Humanity but they were not interested. Councilman Moore suggested running in an ad in the paper to advertise purchasing the homes to see if anyone else is interested and if no one else responds then Beacons & Bridges can have the homes.*

##### PUBLIC WORKS - ERICK WOODRUFF

*Standard operating procedures: Mr. Woodruff stated the procedures are still not complete. He explained one of the major issues is the Stormwater Ordinance. He further explained after that passes then a lot of the roles and responsibilities will be more clear. He added he does have an outline at this time. Mayor Formon asked for the information that is done to be given to the committee at the next meeting. Councilman Moore stated he would rather wait until the whole plan is completed before it is presented.*

##### Discussion concerning the landfill

*Sanitation Director Royce Leonard explained they will be lighting the flare the week of January 14th. Councilman Dover questioned whether they ever received a legal answer as to whether the City can get someone else to do it. Mr. Leonard stated the contract already stated FTN would light the flare. Councilman Moore questioned whether they are looking for other companies to provide service after the flare is lit. Mr. Thomas stated they are preparing a bid that will go out to companies interested in that type of business with the City. Councilman Moore noted he is still wanting to know who FTN has notified concerning the carbon credits. Mr. Thomas stated he gave Councilman Moore the information that was relayed to him by Mr. Mark Koch but has not received anything in writing. He explained Mr. Koch indicated he gave the information to Attorney Andy Adams. Councilman Moore asked for Mayor Formon to contact Mr. Koch to get a response in writing as to who he presented the facts to concerning the carbon credits. Mr. Thomas stated they would present the information as soon as they get it.*

#### **5. Other Business**

**COM-07:078** Tornado Siren Survey

**Sponsors:** Streets

**Attachments:** [Tornado Siren Survey](#)

Mr. Thomas explained the company indicates the City needs two additional sirens and they also suggested improvements to assist businesses in the Industrial Park at no cost to the City. Councilman Dover questioned whether any federal grant money is available. Mr. Thomas stated there may possibly be some money available. Councilman Johnson questioned how many sirens are in the City. Mr. Woodruff answered there are 26 sirens in the City. Councilman Johnson recommended the City keep spare parts in case they are needed. Councilman Dover motioned, seconded by Councilman Moore, to recommend to the Finance Committee the purchase of additional sirens per the performed survey. All voted aye.

**This item was Read.**

**RES-08:001**

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO ACCEPT AN AGREEMENT WITH KENNETH A. YARBROUGH AND CORLISS LYNN YARBROUGH FOR DONATION OF ADDITIONAL LAND FOR THE EXTENSION OF LAWSON ROAD

**Sponsors:** Mayor's Office and Public Works Council Committee

**Attachments:** [Change Agreement Yarbrough](#)  
[Supplemental 1 Yarbrough](#)  
[Supplemental 2 Yarbrough](#)  
[Supplement Yarbrough #3](#)  
[Supplemental Yarbrough #4](#)  
[Lawson Road Yarbrough 010208 \(2\)](#)

**A motion was made by Darrel Dover, seconded by Chris Moore, that this Resolution be Recommended to Council. The motion CARRIED by a Voice Vote.**

**Aye:** 4 - Cecil Province;Chris Moore;Darrel Dover and Mitch Johnson

**Absent:** 1 - Charles Frierson

## Home on Main & Nettleton

Councilman Moore explained work has been done on the home but not according to the schedule. Inspector Joe Little explained they gave the homeowner a revised schedule and he has purchased an electrical permit. He added he asked the homeowner to come to the meeting to discuss why he is behind schedule, but he stated he would not be able to attend and instead sent a letter. He further explained the revised schedule still has the homeowner within the 12-month time limit and he has agreed to the revised schedule. Councilman Moore noted buying the permit for the electrical work is not the same as getting it done. It was asked for updates to be given at each Council meeting.

Mayor Formon also stated they are going to check to see what committee Inspections is supposed to be reporting to, whether it's Public Works or Public Safety. Councilman Johnson noted it was under the Public Safety but he thought it was supposed to be brought to Public Works, even though Inspections is not discussed at Public Safety either.

## Commercial sanitation

Mayor Formon discussed commercial sanitation. He explained the cash flow for commercial sanitation is about \$3,200. He further explained issues to consider such as allowing for customer notification and employee transfers. He added Mr. Woodruff has indicated they can transfer the four employees to other areas. Councilman Johnson

*questioned how many commercial customers the City has. Mr. Leonard answered 568. Mayor Formon stated the private companies would love to have the business but they would need ample time to prepare for it. Mr. Woodruff added they have discussed a July 1 cut-off date. Councilman Moore also stated they need to evaluate whether the City should continue with residential sanitation.*

**6. Public Comments**

**7. Adjournment**

**A motion was made by Darrel Dover, seconded by Chris Moore, that this be Adjourned. The motion CARRIED by a Voice Vote.**

**Aye:** 4 - Cecil Province;Chris Moore;Darrel Dover and Mitch Johnson

**Absent:** 1 - Charles Frierson