



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Nominating and Rules Committee

Tuesday, October 25, 2016

5:00 PM

Municipal Center

Special Called Meeting

1. CALL TO ORDER AT 5:00 P.M.

2. ROLL CALL BY CITY CLERK DONNA JACKSON

Councilwoman Williams, Councilman Coleman, Councilman Vance, Councilman Frierson, Councilman Gibson, and Councilman Moore were also in attendance. Councilman Frierson left the meeting at around 5:35 p.m.

Present 4 - Darrel Dover; Todd Burton; John Street and Robert Long

Absent 2 - Mitch Johnson and Rennell Woods

3. NEW BUSINESS

COM-16:093

Discussion concerning City Council rules and procedures and zoning requirements

Attachments: [Section 117-34 - Amendments.pdf](#)
[Section 117-330 - Sidewalks.pdf](#)

City Clerk Donna Jackson noted that Councilman Johnson would not be able to attend the meeting.

Chairman Burton stated this meeting is a followup to the last meeting we had on September 27, 2016 to discuss the criteria we want to change in the wording of our rules as far as what we are going to consider on rezoning. Councilman Dover is passing out a markup that he put together from the information from that last meeting. Chairman Burton stated he hoped everyone has had a chance to look at it. He wanted to see if there were any more ideas, changes, or corrections.

Chairman Burton asked City Planner Darrell Smith if that was a completely new insertion and if that was something the committee needed from the Planning office. Mr. Smith said basically what we are doing is telling them how to submit. By putting the School Board requirement in there, it is going to throw our timing off. So, we will have to get it, set a date for it, and give it back to them. We can't just tell them yes, it's going to be on such and such date because it is going to depend upon when they get that off to the School Board. It is going to change a little bit in how we look at rezonings in our office as far as how we process them. Chairman Burton asked if that was just clerical and helping the planning office clean that process up. Mr. Smith said the red is the changes that he made in it. If you go into the second page, we talked about changing the notification process and I did that. I added a certified mail requirement and added that it be sent out 15 days prior to a meeting and that's also where I put the school board notification. I also put in there at the very last that if we don't hear anything back from the School Board, we are going to go ahead and

process it. We are not just going to set and hold something. We give them a time limit that they have to get an answer back to us because we can't just let someone just set and wait forever.

Councilman Long asked where the 300 feet start. Mr. Smith said right now, 300 ft. is from the edges of the property. If you have a 10 acre parcel, it's going to be from the very edges of that boundary. Chairman Burton asked if that was understood by practice or is that something that needs to be specified. Mr. Smith stated we can specify that.

Councilman Street asked if anyone verifies where the notification signs are placed. Is there something when they place those signs up, some city official who actually goes by and notes where they are and that the notification signs are in place? Mr. Smith stated that we are going back and checking and making sure all of the signs are on the property. Councilman Street asked if there would be some documentation to verify that. Mr. Smith said we will take pictures of them and date them and put that in the file. So that way, when we drive out, we will have a picture of it with the date that we were out there showing the sign was up. Councilman Street said that will do two things, it will show they are up in the appropriate time and they are within the specifications of location on the property for property notification.

Chairman Burton asked after a notification has taken place if the city was picking those signs up. Mr. Smith said the Developer or Engineer or whomever applies for the rezoning is responsible for picking them back up. They have to pay \$200 per sign as a deposit so if there are five signs; they have to write a check for \$1,000 as a deposit. To get that \$1,000 back, they have to bring those signs back to us. We have to inspect them and then we do a refund for them.

Chairman Burton asked for any other comments or ideas.

Councilman Street asked if they could go over the approval criteria. Councilman Dover asked about the Approval Criteria Clause that states "Not all criteria must be given equal consideration by the planning commission or city council in reaching a decision." He wanted to know how that might be interpreted by a judge if they were to go to court because it seems like the court cases the city has been in, the judge rules that all of the criteria have to be bad. Mr. Smith stated that normally what they look at is the highest and best use of the property. He said that has always been what they look for when you go before a judge. Councilman Dover asked if our land use plan says it's here and they want to change it, would that not be the highest and best use? Mr. Smith said he has changed some of these a little bit. He put in on #3, "including adjacent neighbors that have a direct impact to the property." They should be given more weight than somebody who is 1,000 ft. away. He stated that he took out #6 completely because he doesn't think we need #6. He doesn't think that just because somebody has owned the piece of property for five years and its been agriculture, that doesn't mean that we have to rezone it at this time.

Councilman Street questioned #3 where they put the neighbors. He said that someone will come and say that the only reason you rejected this rezoning was because you have 50 people who have property out here and they don't want the property in consideration rezoned. He stated that should be a consideration. Mr. Smith said it should be and he does think this does allow that as a consideration because those people should at least be heard and considered and that's why he put that in there. He stated on Section E, a lot of that is where we put in here that we look at the criteria. If there is a reason that we feel they do not meet the criteria, that is where you can start making requests such as the master street plan shows this should be an arterial street and it is only two lanes out there right now. Can the traffic

handle that and that is a legitimate concern as to whether the development can be there at the time. Just because it shows multifamily or commercial in an area, if the roads are not there, that doesn't mean you should automatically approve it. Sometimes the road needs to be there before the development comes. I tried to come up with something that would allow you to give those requirements. As far as traffic impacts, drainage considerations, noise, light, I tried to put down why you make those requirements instead of we need an impact study here. We can say that it doesn't meet, it doesn't meet the master street plan at this time, or there isn't adequate buffering in the area at this time, or the drainage in the area at this time has not been improved to the point it can handle this request. Something like the aforementioned should suffice. We are trying to put it down the requirements so it is logical and people can follow it. We don't want to pick on anyone. We want to make it fair for everyone and that is what we are trying to do.

Mr. Smith asked City Attorney Carol Duncan if she agreed. He said he sent all of this to Ms. Duncan to double check him because he doesn't want to go off on a tangent. He wants her to make sure that we are on good, firm legal ground.

Ms. Duncan stated she thought most of these were the criteria the council was interested in having as well. She said she doesn't think you can ever predict legal outcomes. It depends upon the judge you have and how they are going to evaluate your ordinance, but she does think this helps because with the Council familiarizing themselves and MAPC familiarizing themselves with our ordinances and being able to articulate and ask appropriate questions and discuss each element. She doesn't know if the judge will require us to give them all equal value and equal weight. She thinks they will require us to give them equal consideration like you have discussed each one of them and you may weigh one of them more in one situation than the another, but you have discussed each one and you have followed what is in your ordinance.

Councilman Dover stated that this is just a guideline we should go by every time and go through it. Ms. Duncan said the key is not to get complacent and not to worry about it for a long time now and then when we haven't had any issues in a while, we get a little more lax in our discussions and there comes another lawsuit. She said we need to be consistent every single time there is a rezoning and make sure we thoroughly vet it and discussed it. She said we really need to make sure we discuss our criteria and why we think it meets it or why we think it doesn't and not just wait on the times when people are complaining.

Chairman Burton stated he thinks a lot of that is covered in the Section 117-4 and when you look at the purpose, you can come up with a lot of those questions that lead to these criteria in his mind if they would just follow it every time. We would need to be diligent with it.

Councilman Dover stated the one issue he brought forth was the question of need and if there was any way we could quantify that so when we are looking at the number of units, using multifamily as an example, what is the need in that area? When we look at certain parts of the city where we know where a lot of multifamily is building, and we look at the city and see a lot of that land there that is zoned that is appropriate that they could go over there today and start building with never coming before MAPC or the Council, is there any way to compare those two to get the amount of land that is already zoned for what is being asked for? Instead of changing something, can we quantify that to what is already out there?

Councilman Moore stated that we have a study that is out there that specifically outlines what the inventory is for all districts of property that is currently zoned for

that. He said we know what the inventory is.

Councilman Dover asked if there was anything you could put in there about overloading a school district with a percentage of multifamily units in a city. Councilman Long stated or even a ratio. Mr. Smith said he didn't know about a ratio. He said the reason he thinks that is why they have to have input from the school. Councilman Dover asked do we as a City want to have control so that a particular school district doesn't have 80% of the multifamily housing in the City or can you legally do that.

Councilman Frierson stated that you are not limited to just what is in the code. You can bring up any issue, but these need to be looked at and at least reflect that we looked at them whether we like them or not or whether they judge them high or low categories, but #5 in this kind of answers what you just got through talking about. If you do that one properly, you are going to find out whether it's the area.

Councilman Moore said since we have been beat in court on our own rules, if we take into consideration something that is currently not in the ordinance as criteria or we don't consider something that is in the ordinance, can you make one of the criteria the percentage of a particular zoning by ward, not necessarily by school district, because I'm not just talking about multifamily housing. Can you take any rezoning category and could one of the criteria for rezoning be the percentage of that particular type of zoning by ward. In other words, if you are looking at a C-3 rezoning, and there are six wards in Jonesboro and one ward has 90% of it that might reflect that is appropriate ward for C-3 rezoning as opposed to if one ward has none, it might reflect that is not an appropriate ward for that particularly type of rezoning. So, could one of the criteria be the percentage of that existing zoning by ward in the City.

Councilman Dover asked if that would come back to negatively affect the multifamily housing if they say that ward has 75% and that ward has none, so we need to stick with this one over there. Councilman Moore said it could go both ways. It could say that it is either appropriate or not appropriate. The fact that one ward has no multifamily rezoning may mean that it not an appropriate location for multifamily zoning. Maybe that's because of the road situation or the infrastructure or whatever the criteria whereas a ward that has an abundance of multifamily zoning may be deemed that is the appropriate use in that ward. You have an inventory of 3,000+ doors in one ward right now. Councilman Dover said he didn't want that to be used against us again. Councilman Frierson stated he thinks that is a slippery slope that we really don't want to get into. To turn down someone's use of their property because of an arbitrary percentage is a terribly difficult thing to define and very difficult to apply. Mr. Smith said he finds it difficult to even come up with a good definition for that.

Councilman Dover said maybe we need to concentrate on the negative impact that a large percentage of multifamily housing would have on a school district. Councilman Moore said he didn't think it was any more arbitrary than asking the school district their opinion because they have no data other than the number of students. They don't know the existing inventory. Councilman Dover said the schools have data on the high mobility that tend to live in multifamily housing and test scores and academic issues they have. Councilman Dover said they have a strain on transportation. Councilman Moore questioned why the mobility had an effect on the testing of the students in the school district. Is it not particularly arbitrary to ask the school district their opinion on the particular rezoning? Is that any more arbitrary than us considering ourselves the percentage by ward for what is already existing.

Chairman Burton said it can go both ways. Councilman Moore stated it seems like we

have to come up with a reason to justify our ruling in order to make the judge not rule against us. You are going to have to have a list of reasons that we can hang our hat on. One might be the percentage of existing zoning in that ward. That doesn't mean we have to use it, but we are going to have to come up with a list of reasons other than the fact that we just don't like or we don't want or we don't think.

Councilman Frierson stated that if you look at #5 and you look at all of those aspects, that's what you get to. Councilman Moore said #5 is in there and it hasn't gotten us anywhere. Councilman Frierson stated that we haven't discussed it. Ms. Duncan said it goes back to articulation. Councilman Moore said we may need to go down a checklist on rezoning. Ms. Duncan and Councilman Frierson agreed with Councilman Moore.

Councilman Frierson said we need to require not only the proponent, but the opponents to address each of the issues and bring it to us. Councilman Moore stated that we also need staff to address a report with every single issue.

Councilman Long said there is no way that each one of us is going to weigh a particular one of these criteria the same amount and come up with a unanimous vote. You may weigh one area higher than I would in my opinion. The issue is that is why there are 12 of us here because we each have differing opinions or weights on each one of those. As long as we are able to articulate them, I think we will be in good shape. What we don't want to do in my opinion is to make sure that we are confined to just these criteria and make sure that it is understood that there is external criteria that we may bring into the picture that is not on this that we may hold just as valuable as the criteria there.

Councilman Dover said that is addressed in Section E where it states additional information may include, but not be limited to; traffic studies, drainage considerations, crime reports, noise and light studies, wetlands and historical considerations. Ms. Duncan stated that is why that is there. Councilman Dover said we have to articulate those. Ms. Duncan said that was correct. She said you need to include all of them.

Mr. Smith said it is time that we start looking at the growth plan again. Councilman Dover said that it is. Mr. Smith said if there is something that you do not like right now, we need to change it because that is so important when a developer comes to us to get information and they depend upon that growth plan to see how we want Jonesboro to grow. If we are going to veer from it, they need to know that. We are going to start putting a committee together and start that process, but we have to know how you want it. The last one went before you and was approved and that is what they are following. So, if you don't like that, we have got to make a change.

Chairman Burton stated that he has been perfectly clear in stating that he does not like it so he is ready to get started on that whenever they are. Councilman Long said in order to solidify this and make sure we articulate things correctly and in the way that we need to, do you think the best way to do that is make a discussion checklist on every rezoning? We need to make sure that we check off on every single item every time so that we don't forget. Ms. Duncan said she thought so. Councilman Moore stated that is what Councilman Frierson is saying to do. He is saying to have a checklist of those five items by the staff that we can then review. And, then, when Judge Fogelman asks what did the council base their opinion on, you can say the opinion was based on items 1-5 with an explanation of which one doesn't meet the criteria. Councilman Long stated they need items 1-5 and additional comments.

Councilman Frierson stated if you present your minutes to the Judge, it shows that you have done all of these things. In the past, we didn't have any mention of that.

We had nothing showing that we the council considered or even thought about those things even though the attorney for the proponent stood before you and went down the list one after another. We didn't talk about them.

Councilman Dover stated that what he keeps thinking about is speculation. Any time you would say something, the Judge would say that is speculation. Councilman Frierson said that is true and when you get into court, Judges don't like speculation. Councilman Street stated that's where the studies come in. Councilman Dover said and then you have to have studies done for everything. Councilman Frierson said you have to have some kind of study, but don't think you have to pay big bucks to have a study. Mr. Smith stated that you don't want to require a study on everything because then you are making it too cumbersome on a developer to even try to come through the process and that's when you get into trouble.

Chairman Burton stated if we are going to do that, we need to think seriously about holding all rezonings to three readings because what he sees is the first time it comes up, we are going to start having to ask for this stuff whether it is from Engineering for a drainage report, maybe not a study, just a report or a crime report or something. Mr. Smith said most of the packets we provide have a list of every department and whether there is a comment or not. Do we, as a staff, need to do a better job making sure it is not always no comment? Yes, we do. Chairman Burton said that would be great. Mr. Smith said you will get that information and we will make sure if there is a problem to note that problem. We won't just put in there "no comment." We will start noting that more carefully in what you get. You have to get it in order to make an informed decision.

Chairman Burton said that some of us do take that into consideration because we do get that packet and we are confident that we have done our due diligence and we have read everything so we feel like we have taken those things into consideration, but I guess what we are hearing is that you have to ask the question and get it out there on record. Ms. Duncan stated that you do have to have a record. The Judge is not going to rely on the fact that you did your homework at home. They are going to rely on the fact that you discussed it thoroughly and vetted each consideration at the council meeting.

Mr. Smith said just because Engineering, CWL, or somebody else says there is not a problem that may mean that if it is developed there won't be a problem. It could meet their requirements. There could be a drainage problem in the area, but the developer could do a drainage study and fix the drainage problem as it's developed. Sometimes when you see that, it is because they are looking at the end result as to what a development would do for the area. It will help during the development process and not during the rezoning process. When you see some of those times where there is no problem or there are no comments, it is because as it develops, they will take care of the issues.

Councilman Dover said as the Planning Department makes its report, is there some way that some of these things that say no comment or no decision can be changed because that has been used against us. Mr. Smith said that we have got to put more information in the report and we will do that. Councilman Dover said maybe there should be an opinion on some of those things. He asked if you could do that especially when you are dealing with multifamily surrounded by R-1. Mr. Smith said you may not like the opinion sometimes, but I will probably have one. Ms. Duncan said the same goes for MAPC. She said that is something else that you have to articulate. She said that is one thing that got the council and the city into trouble on litigation is going against another committee that is set up to vet all of this the same way and to make these determinations and not being able to articulate a good reason

for why you made a different decision and why you felt differently about it. She said that is what we have to be able to articulate. Mr. Smith said the MAPC does take a lot of time to consider these criteria. They see what you are doing. Ms. Duncan said they do more than they are often given credit for.

Councilman Moore stated that he believes there should be an overwhelming reason to overturn a MAPC decision. Unless someone can show that they have erred in their decision, the council should almost always support the decision of the MAPC because they have done due diligence. He agrees that there should be three separate readings on rezonings to give more time for discussions on an issue and that documents that we actually took more time to consider it than reading it three times on one night or two separate occasions.

Councilman Dover stated that most of the contentious ones are where you have R-1 neighborhoods and someone has bought property as R-1, they can't sell it, and they have a buyer to buy it if they can get it rezoned to put apartments on there. People put the most of their investment of their life into a house, they buy the land and all the land around it is R-1 and then someone comes in and tries to make multifamily. That is where 99.9% of our problems are. He said he guaranteed that if you tried to put apartments out in some higher end neighborhoods, they wouldn't be for it either. Councilman Moore said that he thinks that's what #3 addresses. Councilman Long said that #5 does also. Councilman Dover said that comes back to speculation. Ms. Duncan said property values are hard. Councilman Street said you can't do it until after the fact.

Chairman Burton stated there has been a lot of good discussion on this. He asked if they were ready to act on this, accept this as is, or do they want to send some more information back with Mr. Smith and let him mark up some more or are they ok with this. Councilman Long asked how the checklist was going to be developed? Ms. Duncan stated she thought Planning could do that. She said she thought they could do that based upon this information. Mr. Smith said we have somewhat of a checklist already. We've got a checklist and we will base it on the criteria you come up with. We will either put that it meets it or it doesn't meet it or if there is an extenuating circumstance, we will put what that is. That way when it comes to you, you will all have that information. It may all have green checks, but there will be times when it doesn't have all green checks either. We will put those on there and the reason why we think that.

Ms. Duncan stated that it would be helpful to MAPC and council if the reasons were given both ways, the reason it met the criteria and the reason it didn't meet the criteria and not just on when it didn't meet the criteria. She thinks it would be helpful to have some type of documentation as to why it does or does not meet the criteria and not just a checklist. Chairman Burton stated it is probably more important on why it doesn't meet the criteria.

Councilman Long said he thought that as time goes on, you put your criteria down here with your comments and once we look at those and respond to those comments as we get some history behind us, MAPC will also be able to go back and see what our thinking is on particulars and we will all be able to become more consistent.

Mr. Smith said not only do we have to do this, we have got to work on that land use plan because as long as it shows that you can put in multifamily in certain areas, they are going to come in and say they are following your land use plan that you approved. We have got to work on that. If that is not what you want, we have got to change it and make it how you think the city should grow. Chairman Burton stated that he appreciated Mr. Smith's comments and the willingness of his staff to work on

trying to change things and do a little better job of getting that information to us on the criteria.

Chairman Burton asked what the pleasure of the council was at this point. Ms. Duncan said that logistically from this end, what we need to do is to prepare an ordinance that amends the ordinance. We need to get an actual ordinance typed up and entered into Legistar and it can be approved at the council meeting or whenever.

City Clerk Donna Jackson stated there was some confusion about this particular meeting. She said this is a Nominating & Rules Committee meeting and the people voting will be on the Nominating & Rules Committee. The other council members were invited to give their input on this matter.

Ms. Duncan said to do this correctly, we need to present it as a revision to the ordinance itself or an amendment from Nominating & Rules. Mr. Smith asked if it needed to go through a MAPC hearing first and get a recommendation. Ms. Jackson said that council has the final decision. Councilman Moore said that he thought MAPC would want to give some input. Councilman Vance said that the Planning Department could send it back to MAPC for them to hold a hearing and that way it is a Public Hearing and anyone can comment.

Councilman Dover motioned, seconded by Councilman Street to forward these amendments back to MAPC for them to review and get back with us if they concur with these changes or not. All voted aye.

Ms. Duncan asked to bring up one question about something else that has come up in rezoning. We had an issue in MAPC today where a request was made to make a change to a rezoning. In the past, in our rules, what we have done is send them back through the whole process. She feels like there needs to be some clarity on our rules and our processes on what the council wants to see and what MAPC wants to see. For example, today was the change of a buffer and it might be a change of a conditional use that was attached to a rezoning or a restriction that was attached to a rezoning. We need the feel of council on whether you want those to go to MAPC or you want them sent to council after if MAPC approves them. She thinks they need to give some thought to that and develop a rule or change.

Councilman Vance asked if rezoning conditions were already an ordinance. Ms. Duncan said it is an ordinance. Councilman Vance said in order for the ordinance to be amended, it would have to come back to us. Ms. Duncan said theoretically, but there are ordinances that BZA amends, ordinances after hearings on different requests, and MAPC is given sidewalk waivers which changes an ordinance that this council has passed. Councilman Vance said our ordinance allows MAPC to make waivers. Ms. Duncan said the question is whether the change in the feet of the buffer considered a waiver. She said she thinks it could be. Councilman Vance said we would have to change how it is presented as an ordinance and we adopted it as an ordinance in order for it to be changed by anybody except the legislative body that passed it. Ms. Duncan said that is the question because we do allow some things to be changed by other people and some things we don't. We need some guidelines that are written that say which is which.

Chairman Burton stated his concern would be that if we approve a rezoning based on that conditional use or overlay or buffer or whatever and then that might be the reason we approve something and for it to go back and get changed or re-modified may drastically change the people's vote. He thinks it needs to come back to council.

Councilman Vance said maybe we need to change the way it would come rather than

going through the whole process of being able to present an amendment to the ordinance through the MAPC and recommend it to us. Ms. Duncan said that is still going back through the whole process. We will play with some language on some policy and some rules for what examples because there are some things we let BZA do specifically. MAPC put those restrictions on it as well.

Councilman Vance said BZA has the authority to change setbacks which is an ordinance. Ms. Duncan said that is what we were referring to today, a buffer or a setback. Councilman Vance said a building setback and a buffer are two different things. Ms. Duncan asked the council to just give it some thought. She said she thought it would be a lot easier for everyone, the Planning Department, the Developers, all of us, if we had some guidelines that said if it's this, it goes back through the whole process, and if it's this, it could go to BZA, and if it's this, it could go to MAPC.

Councilman Dover said we have passed some rezonings based on various things like the buffer, the tree line, the fence and so he thinks if that's how we voted it, we probably need to consider it if they want to make changes. Ms. Duncan stated if that is the desire of the council then we need to write that into our rules so that there is no question about it, there's no debate. Councilman Vance said if there is something that you can come up with that would allow that to be handled in a more efficient manner, then you should. Ms. Jackson asked if that would be a simple amendment to ordinance and wouldn't have to go back through MAPC. Ms. Duncan said maybe that is possible that it skips MAPC and you're just asking to make an amendment to the ordinance to Council and it takes out one step. Ms. Jackson said the ordinance was adopted by this body. Ms. Duncan said that was a possibility. We will look into that. She said she thinks we need to lay out the procedure so there is no more debate about it because she thinks we have had a lot of debate between Developers and Planning and her office and everybody. We did it this way one time and then this other way when we did something different. We need to be consistent.

Councilman Vance said that BZA has certain items they can do. If you could come up with the items you might recommend that it would go directly to MAPC then maybe we would agree with you and rewrite our ordinance accordingly. Ms. Duncan said that is why we are having this discussion. We wanted a little feedback to see if you all wanted everything coming back to you or you were open to making changes.

Councilman Dover said if they had approved that change previously mentioned, would it have come back to us or we don't know? Ms. Duncan said it could have and that's the question. It didn't end up being a result that we had to worry about, but in the past, some of those have come back to you. The question was on a buffer, should it have to come back to you because it is not a rezoning? The rezoning already occurred. It didn't end up being an issue for today, but that is why we wanted some feedback.

Councilman Vance stated that a buffer would be one of those things that you would want to be sure about because again, we passed that rezoning ordinance based on that buffer. If we let someone else change it, we are not on good standing with the citizens that stood up there and we said we were going to approve that rezoning based on that condition.

Chairman Burton stated that some of the information that has been emailed back to him were on some other issues people wanted to address. The main one he read about was concerning the calling of special called meetings and Councilman Frierson sent him some information on some wording on some other areas of our rules that he felt like needed to be changed. Ms. Duncan said the only thing she was going to say

on the calling of meetings is that it keeps coming up. Councilman Street said the Mayor has the authority to call a meeting of the council and no one contests that and the only difference is who can call the committee meetings. The way it has always been is the Chairman can call a meeting or three members of a committee can call a meeting. Ms. Duncan said the way it reads it doesn't say anything about committee meetings. She said it only talks about Special Called meetings of the City Council. It says nothing about committee meetings. She said if you want the rule to be the same for a committee meeting then it would just need to be reworded to say Special or Committee Meetings may be called by three or more aldermen, by the Chairman of the Committee, or by the Mayor.

Councilman Street said the Mayor should not be able to call Committee Meetings. He can call a meeting of the Council, but he can't call a committee meeting. He doesn't even have to be at a committee meeting and he shouldn't be able to call one. Ms. Duncan said that is what the discussion is for. Chairman Burton said just to be clear, we are looking at Section 2-84. Ms. Duncan said subsection C is special meetings. She said we probably need to add a section on committee meetings. Councilman Street said it is not an insurmountable thing, but it keeps the responsibilities where they need to be. Councilman Street moved that it be changed to reflect that specifically.

Councilman Dover asked Ms. Duncan to repeat what Councilman Street is saying. Ms. Duncan said what he is saying is that we add a subsection called Committee Meetings and it would say Committee Meetings may be called by three or more aldermen or by the Chairman of the Committee and then we will put in the notification information because it would be the same. Councilman Moore asked if those three aldermen had to sit on that committee. Ms. Duncan said she thought they would have to. Councilman Dover said technically they would have to be on that committee.

Ms. Jackson said the person calling the meeting should be the person making sure you have a quorum. Ms. Duncan said you cannot poll how an alderman will vote, but you can poll to see if you have enough for a quorum. Ms. Jackson said that in the rules it states that you are to take into consideration other people's schedules so you can make sure everyone can be in attendance.

Councilman Moore asked if the discussion was whether they wanted two or three members of a committee to call a meeting. Chairman Burton stated that it would be the Chairman of the committee OR two of the members of the committee need to call the special called meeting. Ms. Duncan said the Clerk is responsible for sending out notifications of the meeting. She said that is important because you want to make sure that everyone who is supposed to be notified is notified and we get all the press notified. She thinks that needs to stay the responsibility of the Clerk. Councilman Dover asked Ms. Duncan to read what we are voting on. Ms. Duncan said we need to come back with the language and she said we can bring it to a council meeting. She said her understanding is that they need to draft language that states the Chair of the Committee or two members of the Committee can call a Special Called Meeting.

Councilman Dover asked who's responsibility it is to make sure that there is a quorum for the meeting. Ms. Duncan and Ms. Jackson agreed that it is up to the Chair to make sure they have a quorum. Chairman Burton asked Ms. Duncan if she would get that together for them.

Chairman Burton said there were two other things that were brought to his attention that needed to be brought up. Section 2-84A discussing when to schedule council meetings when it is impracticable to meet on a Tuesday. The suggestion was that the

last sentence could be deleted as it is confusing. The last sentence reads this change will include regularly scheduled committee meetings as well. Ms. Jackson said that was amended to include that because we had situations where the special called would influence regular and vice versa. Chairman Burton said as it reads right now if a regular scheduled meeting falls on Election Day or for some other special reason, the meeting will be moved to the following Thursday. The question is why the following Thursday and the last sentence should be deleted as it is confusing.

Ms. Jackson said the problem is the committee meetings fall in line with the council meetings. Councilman Vance said that needs to be in there. Ms. Duncan said the Thursday question is something you might want to address. Councilman Vance said you could change the wording to say unless the council approves a different day at the previous council meeting. Councilman Moore said Thursday came about because no one wanted to meet on Mondays or Fridays and that only leaves Wednesday which can interfere with those who attend church so that only leaves Thursday. By default, if we haven't had a meeting on Tuesday, we have always bumped it to Thursday because Finance meets on the following Tuesday when you don't have council. Ms. Jackson said that is one of the rare days where we don't have a regular scheduled meeting.

Ms. Duncan said if we are going to amend anyway, she can include that in the draft unless approved by council for a different day. Chairman Burton said that was good. Ms. Duncan said that will give you an out either way if it doesn't work on a Thursday.

Councilman Dover said he had one other thing that was just brought before him. It is on Section C, the last sentence about Special meetings. Ms. Duncan may want to include that in her drafting if everyone agrees on the committee meetings. This is specifically for Special Meetings. Chairman Burton asked if the council wanted wording in there to include that discussions and actions will be limited only to the items to be considered on the agenda. Ms. Duncan stated she thinks that is required by law. Ms. Jackson stated that it is state law. Ms. Duncan said it is state law and cannot be in our rules.

Councilman Dover asked what the rules are on public comments. He said supposedly they can't talk about something that we have already talked about. Ms. Duncan stated that is the rule, but we have to enforce it. The rule is that it is limited to five minutes per person with a fifteen minute total limit per topic. She said it is supposed to be for some topic that has not been on the agenda. Councilman Dover asked if we needed to start enforcing that. Councilman Moore stated that we need to enforce that because it is not fair if one side of that complaint has left during the meeting. On the agenda, you have two opposing views. You have the issue of one side leaving and the other side wanting to rehash it under Public Comments. He said we need to enforce it. We need to say that it was already discussed on the agenda and we cannot discuss that now. Councilman Vance stated that they need to make sure that the Mayor says something if one of the council members do not.

Councilman Dover asked for clarification that comments are allowed under the agenda item before they vote on the item and the Public Comments section of the agenda is only for items that are not on the agenda. Ms. Duncan said they need to think about whether or not that includes people who come up to thank you for your vote. She said you have to decide if the rule is consistent because technically that is discussion of something that has already been discussed and you have to make that decision as a council and then enforce it. She said you have already made that decision, but you are going to have to enforce it.

Councilman Moore stated that the Mayor needs to say that Public Comment time is

for items that were not on the agenda. Ms. Duncan said we may need to have something on the screen that states that Public Comments are only for items that have not been previously discussed on the agenda. Councilman Vance said the Mayor needs to make a comment that you will have time after each item for discussion and if you do not discuss it during that time, please do not get up during Public Comments at the end of the meeting. He said by doing that, you have already warned them. Councilman Moore stated that he didn't think it would be inappropriate to mention the comments before the vote if the Mayor forgets to ask for any comments. Councilman Dover said we are going to have to do that to be able to enforce it on the back end. Ms. Jackson said you need to do it in order to be consistent.

Chairman Burton thanked everyone for their feedback on the discussion.

4. ADJOURNMENT

A motion was made by John Street, seconded by Darrel Dover, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 3 - Darrel Dover; John Street and Robert Long

Absent: 2 - Mitch Johnson and Rennell Woods