



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, August 19, 2008

6:30 PM

Council Chambers

PUBLIC SAFETY COMMITTEE MEETING AT 5:15 P.M.

City Council Conference Room, Huntington Building

PUBLIC HEARING AT 5:45 P.M.

Regarding the abandonment of all of the 7.5 drainage and utility easement along the west line of Lots 5R and 6R and all of the 15 foot drainage and utility easement along the west line of Lots 2R and 3R of Craighills Fourth Addition as requested by PDW Properties, LLC

No opposition was voiced.

PUBLIC HEARING AT 6:00 P.M.

Regarding the abandonment of a portion of Oliver Street west of Leroy Street and east of Dudley Street as requested by Nettleton Public Schools

No opposition was voiced.

PUBLIC HEARING AT 6:15 P.M.

Regarding the abandonment of an undeveloped portion of Main Street located north of Rose Street in Sugarloaf Key Second Addition as requested by C&O Enterprises

Attorney Skip Mooney discussed the property. He asked for the abandonment ordinance to be put on all three readings at tonight's meeting in order for the transaction to be closed and so development to begin. Councilman Moore stated he was on the Council when the north end was abandoned. He further explained until this abandonment came up he was under the impression the whole area to Rose had been abandoned.

No opposition was voiced.

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

Absent 1 - Judy Furr

4. Special Presentations

COM-08:111 Financial report for January 1, 2008, to August 15, 2008, as handed out by Finance Director Jim Barksdale to the City Council at the meeting on August 19, 2008.

Attachments: [Financial Report](#)

This item was Read.

5. Consent Agenda*Approval of the Consent Agenda*

A motion was made by Councilman Chris Moore, seconded by Councilman Harold Perrin, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote

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

Absent: 1 - Judy Furr

MIN-08:167 Minutes for the City Council meeting on August 5, 2008.

Attachments: [Minutes](#)

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

RES-08:089 A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 101 S. FLOYD ST., JONESBORO, ARKANSAS FOR THE PURPOSE OF CREATING A DETENTION POND.

Sponsors: Mayor's Office and Public Works

Attachments: [Appraisal Report.pdf](#)
[Mayor's Letter.pdf](#)
[Offer and Acceptance.pdf](#)

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

Enactment No: R-EN-108-2008

RES-08:105 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A CONTRACT WITH RSA, INC. d/b/a NRS CONSULTING ENGINEERS TO PROVIDE THE HYDROLOGIC AND HYDRAULIC STUDY FOR THE WILKINS DRIVE DRAINAGE IMPROVEMENTS PROJECT;

Sponsors: Engineering

Attachments: [NRS Agreement](#)

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

Enactment No: R-EN-109-2008

RES-08:110 A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF JONESBORO AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 204 FLOYD STREET, JONESBORO, ARKANSAS FOR THE PURPOSE OF CREATING A DETENTION POND.

Sponsors: Mayor's Office and Public Works

Attachments: [Resolution.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-110-2008

RES-08:126 RESOLUTION SETTING FORTH THE POLICY FOR WITHDRAWALS OF ZONING AMENDMENT APPLICATIONS FOR THE CHANGE OF THE BOUNDARY OF A ZONING DISTRICT, ANNEXATIONS AND CONDITIONAL USES BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS

Sponsors: Metropolitan Area Planning Commission and Planning

Attachments: [Resolution Cover Memo](#) [Withdrawal Policy](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-111-2008

RES-08:129 A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE LEASE NO. DTFASW-09-L-00001 WITH THE FEDERAL AVIATION ADMINISTRATION (FAA)

Sponsors: Mayor's Office and Municipal Airport Commission

Attachments: [FAA Letter](#)
[FAA Lease 2008](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-112-2008

RES-08:130 A RESOLUTION TO APPROVING THE CITY OF JONESBORO, ARKANSAS TO PARTICIPATE UNDER THE 2009 ARKANSAS DEPARTMENT OF PARKS AND TOURISM'S OUTDOOR RECREATION GRANT PROGRAM

Sponsors: Parks & Recreation

This item was PASSED on the consent agenda.

Enactment No: R-EN-113-2008

6. New Business

Ordinances on First Reading

ORD-08:053 AN ORDINANCE TO AMEND 2008 BUDGET WITH APPROPRIATIONS FOR PAYMENT OF FINAL MATA BILLING FROM CITY WATER AND LIGHT OF JONESBORO, ARKANSAS

Sponsors: Public Works, Mayor's Office and Engineering

Attachments: [CWL Mata Bill Fox Meadow](#)
[CWL Mata Bill Matthews](#)
[CWL Mata Bill Nettleton](#)

Councilman Street offered the ordinance for first reading by title only.

Councilman Moore motioned, seconded by Councilman Street, to suspend the rules and waive second and third readings. All voted aye.

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

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

Absent: 1 - Judy Furr

Enactment No: O-EN-043-2008

ORD-08:055

AN ORDINANCE TO APPROPRIATE MONEY FROM THE UNALLOCATED CAPITAL IMPROVEMENTS FUND FOR THE PURPOSE OF ENGINEERING DESIGN FOR DRAINAGE IMPROVEMENTS AT WILKINS /NETTLETON EAST OF FRANKLIN IN THE 2008 BUDGET

Sponsors: Engineering

Councilman Moore offered the ordinance for first reading by title only.

Councilman Moore motioned, seconded by Councilman Street, to suspend the rules and waive second and third readings. All voted aye.

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

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

Absent: 1 - Judy Furr

Enactment No: O-EN-044-2008

ORD-08:064

AN ORDINANCE TO WAIVE BIDDING REQUIREMENTS FOR THE PURCHASE OF A 2007 CATERPILLAR TRACK TYPE TRACTOR (DOZER)

Sponsors: Streets

Attachments: [Scan-25-Jul-2008:02:47:50](#)

Councilman Street offered the ordinance for first reading by title only.

Street Superintendent Tony Davis discussed the purchase. He explained since the start of the Alberto Culver project they have been renting a dozer. He further explained because the City has so much money invested in the rental and it is budgeted for the City to purchase a dozer, they would like to purchase the dozer. He added if the dozer is bid out then the City would lose the \$40,000 they already have spent in renting the dozer. He stated he would not be able to get a dozer for the same price if it is bid out. Mayor Formon questioned whether all the rental money will go

towards the purchase price. Mr. Davis said the majority would, which would be about \$40,000. Councilman Perrin questioned whether the interest was added into the price. Mr. Davis answered yes, but if the City acts now they can save money by not making another rental payment on the dozer. Councilman Street asked what the balance is for the dozer. Mr. Davis stated it is \$80,684.38 and that would be the purchase price. He added the rental payments toward the purchase price are \$48,510. Councilman Moore questioned what the purchase price would be for the dozer on the open market. Mr. Davis stated it would be \$120,948.

Councilman Street motioned, seconded by Councilman Dover, to suspend the rules and waive second and third readings. All voted aye.

Councilman Johnson motioned, seconded by Councilman Dover, to adopt the emergency clause. All voted aye.

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

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

Absent: 1 - Judy Furr

Enactment No: O-EN-045-2008

ORD-08:067

AN ORDINANCE ABANDONING A PORTION OF MAIN STREET, RUNNING NORTH OF ROSE STREET IN THE CITY OF JONESBORO, ARKANSAS

Attachments: [Petition](#)
[Plat](#)
[Affidavit & Suddenlink Utility Letter](#)

Councilman Moore offered the ordinance for first reading by title only.

Councilman Moore motioned, seconded by Councilman Perrin, to suspend the rules and waive second and third readings. All voted aye.

Councilman Johnson questioned the need for the emergency clause. Attorney Skip Mooney explained there is a sale pending on the property and it is contingent on the sale being closed. He added delays will push the timeline back to when bad weather might be occurring. Mayor Formon clarified all adjacent land owners have been contacted. Mr. Mooney stated everyone has been contacted, including the utility companies, and there are no objections.

Councilman Frierson motioned, seconded by Councilman McCall, to adopt the emergency clause. All voted aye.

A motion was made by Councilman Chris Moore, seconded by Councilman Harold Perrin, that this matter be Passed . The motion PASSED by an unanimous vote

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

Absent: 1 - Judy Furr

Enactment No: O-EN-046-2008

ORD-08:068 AN ORDINANCE VACATING AND ABANDONING A PORTION OF OLIVER STREET WEST OF LEROY STREET AND EAST OF DUDLEY STREET AS REQUESTED BY NETTLETON PUBLIC SCHOOLS

Attachments: [Utility Letters](#)
[Suddenlink Utility Letter](#)
[Plat](#)
[Petition](#)

Councilman Street offered the ordinance for first reading by title only.

Councilman Street motioned, seconded by Councilman Perrin, to suspend the rules and waive second and third readings. All voted aye.

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

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

Absent: 1 - Judy Furr

Enactment No: O-EN-047-2008

ORD-08:069 AN ORDINANCE TO VACATE AND ABANDON THE 7.5 FOOT DRAINAGE AND UTILITY EASEMENT ALONG THE WEST LINE OF LOTS 5R AND 6R AND THE 15 FOOT DRAINAGE AND UTILITY EASEMENT ALONG THE WEST LINE OF LOTS 2R AND 3R OF CRAIGHILLS FOURTH ADDITION AS REQUESTED BY PDW PROPERTIES, LLC

Attachments: [Utility Letters](#)
[Plats](#)
[Petition](#)

Councilman Street offered the ordinance for first reading by title only.

Councilman Street motioned, seconded by Councilman Moore, to suspend the rules and waive second and third readings. All voted aye.

A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED by an unanimous vote

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

Absent: 1 - Judy Furr

Enactment No: O-EN-048-2008

ORD-08:071 AN ORDINANCE TO AMEND TITLE 14 OF THE JONESBORO MUNICIPAL CODE KNOWN AS THE ZONING ORDINANCE PROVIDING FOR A CHANGE IN ZONE DISTRICT BOUNDARIES FROM R-1 MULTI-FAMILY LOW DENSITY DISTRICT TO C-1 LIMITED USE OVERLAY DOWNTOWN CORE COMMERCIAL DISTRICT LOCATED ON EAST WASHINGTON AVENUE AS REQUESTED BY ST. BERNARD'S

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

Councilman Street offered the ordinance for first reading by title only.

Mr. Patrick Lemley with Associated Engineering discussed the property. He asked for second and third readings with the emergency clause added. He explained construction has already started on the sight. He added the easements and replat are being held up from being recorded. Councilman Moore expressed concern over rezoning the property from R-1 to C-1 when the building on the property is half built already. He questioned how they were issued a building permit on an R-1 lot. City Planner Otis Spriggs explained the property owner thought this particular property was included in a rezoning that took place earlier this year. He added the portion that will be re-developed will be for landscaping and a parking area. He further explained it was just a matter of procedure in order for it to be zoned similar to what was previously rezoned. Mr. Lemley added the tract to be rezoned is only 30 by 70 feet.

Councilman Moore motioned, seconded by Councilman Perrin, to suspend the rules and waive second and third readings. All voted aye.

Councilman Moore motioned, seconded by Councilman Perrin, to adopt the emergency clause. All voted aye, with the exception of Councilman Frierson who abstained.

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

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

Absent: 1 - Judy Furr

Abstain: 1 - Charles Frierson

Enactment No: O-EN-049-2008

Resolutions To Be Introduced

RES-08:155

Attachments: [Plat](#)
[Utility Letters](#)
[Petition](#)

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

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

Absent: 1 - Judy Furr

Enactment No: R-EN-114-2008

7. Unfinished Business

Ordinances on Second Reading

ORD-08:045 AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO

THE CITY OF JONESBORO, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF JONESBORO, ARKANSAS, AND ASSIGNING SAME TO WARDS AS REQUESTED BY PAULETTE QUINN

Attachments: [Plat](#)
[MAPC Report](#)
[Submission Letter](#)
[Petition For Annexation](#)
[Exhibit A](#)
[Exhibit B](#)
[Resolution](#)
[Pre-Annexation Questionnaire](#)
[Kevin Carpenter Statement](#)
[Letter To Planning](#)

Attorney Bobby Gibson presented an amended copy of the Ordinance. He discussed the annexation. He explained an issue with the zoning has come up since the last time the ordinance was discussed, which prompted them to make the zoning change to RS-1. He further explained in the future when undeveloped property is taken into the city it will be with the most restrictive zoning available. Councilman Moore questioned whether a precedence would be set to allow more annexations into the city with the intent to resell the property. City Attorney Phillip Crego agreed saying it does set a precedence, but the process is already there to request annexation. He explained better guidelines are being developed or have been developed by staff to provide better information to Council. He noted MAPC reviews it first with information from Police and Fire. He added each annexation is considered a separate issue, so each one would have to argue each is similar. He stated in the past courts have viewed real property as being unique so each circumstance would have to stand on its own merit. Councilman Hargis questioned the property across from the proposed annexation. Mr. Spriggs the property across the street is in city limits and formal plans have been submitted to the Planning Office.

Councilman Hargis motioned, seconded by Councilman Moore, to amend the ordinance to the more restrictive zoning, RS-1. All voted aye.

Councilman Perrin offered the amended ordinance for first reading by title only.

Councilman Perrin motioned, seconded by Councilman Williams, to suspend the rules and waive second and third readings. All voted aye.

A motion was made by Councilman Harold Perrin, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED by an unanimous vote

Aye: 7 - Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Jim Hargis;Harold Perrin and Tim McCall

Nay: 4 - Cecil Province;Chris Moore;John Street and Mitch Johnson

Absent: 1 - Judy Furr

Enactment No: O-EN-050-2008

ORD-08:060

AN ORDINANCE TO AMEND THE 2008 ANNUAL BUDGET FOR THE CITY OF JONESBORO

Sponsors: Finance and Mayor's Office

Attachments: [Appropriation Adjustment 2008-7-7-08](#)

Councilwoman Williams explained changes will be presented at the Finance Committee meeting. She asked for the ordinance to be tabled until the next meeting.

A motion was made by Councilwoman Ann Williams, seconded by Councilman Harold Perrin, that this matter be Tabled . The motion PASSED by an unanimous vote

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

Absent: 1 - Judy Furr

8. Mayor's Reports

Mayor Formon noted the Alberto Culver plant tour that was held earlier in the day. He stated at full capacity it will turn out about one million units per day. He added they are turning out about twelve million a month right now.

He wished Fire Chief Aaron Keller the best with his retirement. He expressed his appreciation for Chief Keller's service to the City.

9. City Council Reports

RES-08:157

A RESOLUTION AMENDING RESOLUTION NUMBER 08:099, ESTABLISHING RECOMMENDED LANGUAGE TO BE USED IN PREPARATION OF THE JONESBORO ECONOMICAL TRANSPORTATION SYSTEM REFERENDUM FOR THE 2008 GENERAL ELECTION

Councilwoman Williams motioned, seconded by Councilman Frierson, to place a resolution on the agenda. All voted aye.

Councilman Perrin stated there appears to be some misinterpretation concerning the wording on the JETS issue for the November ballot. Councilman McCall added the word "initiative" was stated in the original wording. He explained the issue is not an initiative; rather, it is a referendum. Mr. Crego agreed, saying referendum is the correct term.

Councilwoman Williams stated there is possible confusion in that people may think the issue is proposing a new tax, which it isn't. She explained she would like to alleviate any possible confusion the voters may have. Councilman Moore stated there was no mention in the original resolution concerning levying a new tax. Councilman McCall stated the issue on the ballot should be as unbiased as possible. He added he doesn't want anyone to vote for or against the issue just because they think there is a new tax that will be levied against them. Councilman Frierson stated the City Council would be blamed for misleading the public if the issue failed. Councilman Dover questioned how much money will be spent by the City on JETS if the issue passes. Councilwoman Williams explained neither a maximum nor minimum will be set, so the City could potentially decide to spend less than the \$130,000. She added it will be part of the budgetary process.

City Attorney Crego stated he will send the Election Commission the new language and confirm in writing that this is the language the Council is requesting be placed on the ballot.

A motion was made by Councilwoman Ann Williams, seconded by Councilman Harold Perrin, that this Resolution be Passed. The motion CARRIED by a Voice Vote.

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

Nay: 1 - Chris Moore

Absent: 1 - Judy Furr

Enactment No: R-EN-115-2008

COM-08:110 Statement regarding the JETS ballot title for the November 2008 General Election as read by Councilman Moore at the City Council meeting on August 19, 2008.

Attachments: [Statement](#)

Councilman Moore read the statement.

Councilwoman Williams reminded the Council of the Finance meeting on Thursday, August 21, 2008, at 4 p.m.

Councilman Moore thanked Councilman Johnson for requesting an explanation regarding the emergency clause used an abandonment ordinance passed earlier in the meeting. He stated every emergency clause should have an explanation. He recommended putting explanations for emergency clauses be put in the ordinance because he will be questioning it in the future if not explanation is provided. Councilman Frierson stated the emergency clause is to be used for peace, health and safety, but has been used for things beyond that reasoning.

Councilman Street announced a Stormwater Drainage Committee meeting at 8:30 a.m. tomorrow, August 20.

Councilman Street motioned, seconded by Councilman Johnson, to suspend the rules to place a resolution and an ordinance on the agenda. All voted aye.

RES-08:158 A RESOLUTION OF THE CITY OF JONESBORO TO PARTICIPATE IN THE RELOCATION OF UTILITIES FOR THE INSTALLATION OF DRAINAGE IMPROVEMENTS ALONG CARAWAY ROAD, NORTH OF THE JOHNSON AVENUE INTERSECTION AND FOR OTHER PURPOSES

Councilman Street explained the resolution and ordinance deal with drainage improvements and utility relocations near the Grove on Johnson Avenue. He stated City Water and Light has indicated the utility line needs to be moved to the utility easement on the side of the road and it needs to be upgraded to a 12 inch line. He further explained the drainage can't be installed until the line is moved, but CWL won't cut the line because it affects everybody along the west side of Johnson.

Councilman Perrin stated he contacted CWL concerning the matter and it appears there is a conflict of information between CWL and the City engineers. He explained he's not sure the City has to pay the cost and questioned being ready to go forward with the resolution. Councilman Street stated the improvements will be part of the basin and without the money from Campus Crest the City would've had to incur the total cost. He added originally the water line was not part of the drainage agreement with Campus Crest, but the drainage can't be done until the water line is moved which will cost an additional \$130,000. City Engineer Craig Light stated the drainage project needs to be done. He added he has no opinion as to whether or not the City should pay an additional \$130,000. He explained the work needs to be done, but it is currently stalled. He referred to the resolution passed last year in which the City was capped out as contributing \$75,000 to the project. Mayor Formon questioned who

missed the utility relocation in the original plan. Mr. Light stated the plan was submitted to CWL for approval before it was submitted to the City. He added since that time additional conflicts have been found with the utility lines, but that happened three months after the City agreed to the \$75,000 agreement. He stated final plans were approved in March of this year. Councilman Perrin stated CWL indicated to him the cost may not be accurate and could actually be more costly than the \$130,000. Mr. Light explained CWL has not completed their cost estimate of the relocation. Councilman Perrin questioned whether anyone has contacted the State because Johnson is considered to be a state highway. Mr. Light stated the contractor has a permit to work on the state highway right-of-way. Councilman Perrin stated CWL suggested everyone get together again to review the project before bringing it back up at Council. He added another question is whether the City should be paying the \$130,000 cost because the original agreement only cost the City \$75,000. Mr. Light explained the City is benefiting from the project and Campus Crest could not have proceeded with the drainage the way it was. He further explained with the rainy season coming up if the drainage is not completed than businesses along Johnson Avenue could be flooded. Councilman Perrin reiterated they should get together with CWL one more time to look at the project. Councilman Johnson expressed concern about not everyone being informed of the matter, yet some people have had conversations with people about it. He stated he will not decide on the matter tonight. Councilman Street explained they just heard about it yesterday. City Attorney Crego noted the court hearing tomorrow involves the issue of drainage, but does not involve whether the City will pay the \$130,000. Councilman Moore questioned when it was discovered that the City would have to spend another \$130,000. Councilman Street stated the first time he knew about it was last week when Public Works Director Erick Woodruff contacted him. Councilman Johnson questioned how long it's been known that there is litigation pending. City Attorney Crego answered it was filed yesterday afternoon around 2 p.m. Councilman Johnson then questioned whether the litigation was out of the blue or if they had talked with people before filing. City Attorney Crego stated that has yet to be determined at the hearing tomorrow. He added the plaintiffs indicated they spoke with the City concerning the matter. Mayor Formon stated the papers were filed yesterday and they were served about forty minutes later. Councilman Johnson stated he is not saying the administration is hiding anything; rather, he just questioned why the members of the Public Works Committee did not hear about anything until tonight even though conversations have occurred between individuals. Councilman Province agreed with Councilman Johnson in that they need more time to decide the matter. Mr. Light reiterated CWL has not completed their cost estimate. He explained the amount is based on the current contractor's cost estimate. He further explained he has spoken with the person at CWL that is preparing the cost estimate and he indicated the \$130,000 is probably going to be more than what it will cost. He stated CWL prepared a drawing and the contractor based his estimate on the drawing. Discussion was held concerning the drainage project.

Attorney Jim Lyons stated there are two issues. He explained Campus Crest agreed to pay \$75,000 towards the storm water drainage project. He further explained the moving of the utility line was not included in the agreement because it does not have anything to do with storm water drainage. Councilman Moore questioned whether the utility line has to be moved in order for the City's obligation to be finished. Mr. Lyons answered it is his understanding the line does not have to be moved, but it will improve the water system which is what CWL wants. Mr. Light stated Mr. Lyons is misleading the Council. He explained the water line is laid directly on top of the drainage pipe, so it has to come out in order to get the new pipe in. He further explained CWL is not asking to move the line; rather, it's because the two are in direct conflict with each other. Councilman Frierson stated it would be unusual for CWL to require anybody to pay for the extra cost of upgrading the pipe to 12. He explained in most parts of the city that he's familiar with if they want to upgrade to a

bigger pipe, then CWL bears the cost of the upgrade. Councilman Johnson questioned who is doing the work. Mr. Lyons stated Mr. Mike Cameron is doing the work. Mr. Cameron stated this subject should've been before the City Council two or three months ago. He discussed the drainage issue on Johnson. He noted Mr. Light sees that there is a problem that needs to be fixed. He stated there is no way they can lay the pipe because the pipe will not go in without moving the water mains. He apologized for his part in the Council not knowing about the \$130,000 additional cost. Councilman Hargis questioned how long it will take to do the work if they receive the okay to do it. Mr. Cameron stated he would like to get it done as soon as possible. He added CWL has to do their work before they can proceed with their work. Councilman Frierson stated the work needs to be done and the City is committed.

Councilman Frierson motioned, seconded by Councilman Street, to adopt the original resolution as passed out by Mr. Light.

Councilman Dover questioned Campus Crest going to the utilities to let them know about the drainage situation. City Attorney Crego stated it was part of site plan review. He explained each development has to take care of the water that is made from their site. He further explained it's his understanding Campus Crest had to develop sufficient capacity onsite or develop sufficient capacity somewhere else. He added they opted to go with off-site property the City already has. Mr. Light stated the site development plan would've been much different if the City had not agreed to do downstream improvements because they would've had to hold quite a bit more water. He explained the improvements to be made. Councilman Dover questioned who, in making the plans, didn't get it right. City Attorney Crego stated he didn't know. He explained he guesses the location of the water lines is what was missed. Mr. Light stated the agreement made by the City for the \$75,000 was made prior to the December, 2007, letter. Councilman Perrin stated after the letter Campus Crest should've come back and found out, at that time, all the utilities for CWL and inform the City about the cost. City Attorney Crego noted it's been indicated the \$75,000 agreed to originally was half of the cost at that time. He then questioned why the City is now being asked to pay \$130,000, which is the total cost of the utility relocation, instead of paying half. Mr. Cameron explained the piping that was there when the area was just a pasture was not sufficient. He further explained when you go from a pasture to a development, then the development must contain the water that they generate. He stated Campus Crest has met that with the detention pond they have now. He added Campus Crest met the City ordinance and wanted to help the City to pay towards the improvements. Mr. Cameron explained it wasn't the City trying to help out a developer; rather, it was the developer trying to help the City to improve the basin. Mr. Light disagreed, stating the pond does not function as it was designed. He explained it is missing two outlet pipes. He stated the downstream improvements benefit both the City and Campus Crest because without the pond Campus Crest more of their property would be detention pond. He further explained Campus Crest would not have been able to develop as densely as they without the downstream improvements. Mr. Light stated Campus Crest thought it was beneficial to them to contribute to the downstream improvements so they could develop their property as densely as they did. Mr. Cameron questioned why the site plans were approved if they didn't meet requirements. Mr. Light stated the plans met the requirements, but they are not constructed at this time. He added the pond that is out there now does not meet requirements because it's not complete, so it does not operate the way it was designed. He explained without the outlet pipes it is not a functional pond for its purpose. Mr. Cameron disagreed, stating they have met the Code of Ordinances by containing the water that was generated.

Councilman McCall questioned if the Campus Crest had not developed the property, but the relocation was still taking place then who would be paying for it. Councilman

Street stated it would be like any other utility relocation in that the City would have to pay for it. He explained it is a drainage improvement project, so the City should be paying the whole bill. Mr. Light stated the downstream area needed work, but it was not on the priority list. Further discussion was held concerning the drainage improvements. City Attorney Crego stated there is a court hearing tomorrow, but it will not solve this problem. Mr. Lyons agreed, stating the hearing is just to get the inspections done. Discussion was held concerning the court hearing.

Councilman Frierson withdrew his motion to adopt.

A motion was made by Councilman Charles Frierson, seconded by Councilman Harold Perrin, that this Resolution be Tabled. The motion CARRIED by a Voice Vote.

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

Absent: 1 - Judy Furr

ORD-08:073

AN ORDINANCE TO APPROPRIATE MONEY FROM THE UNALLOCATED CAPITAL IMPROVEMENTS FUND FOR THE PURPOSE OF RELOCATING NECESSARY UTILITIES FOR DRAINAGE IMPROVEMENTS ALONG CARAWAY ROAD, NORTH OF THE JOHNSON AVENUE INTERSECTION

A motion was made by Councilman Charles Frierson, seconded by Councilman Harold Perrin, that this Ordinance be Tabled. The motion CARRIED by a Voice Vote.

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

Absent: 1 - Judy Furr

RES-08:159

A RESOLUTION OF THE CITY OF JONESBORO TO PARTICIPATE IN THE RELOCATION OF UTILITIES FOR THE INSTALLATION OF DRAINAGE IMPROVEMENTS ALONG CARAWAY ROAD, NORTH OF THE JOHNSON AVENUE INTERSECTION AND FOR OTHER PURPOSES

Attorney Jim Lyons presented another version of the resolution. He explained he doesn't want anything in the resolution consider being misleading on his part or Campus Crest's part, so he presented an alternative resolution he made. He stated the critical point is the part concerning the current legal proceedings that is in the fifth "Whereas" statement. Mayor Formon stated he doesn't have a problem with the statement. Mr. Lyons explained that his language clears up the language. City Attorney Crego stated the City has done what it's supposed to do with inspections. He explained the issue regarding drainage is Campus Crest submitted plans to the City and the City approved those plans. He further explained those plans called for the drainage in that area. He added the engineers submitted a letter in December of 2007 which asked for a utility relocation plan and also asked for the utility relocation plan to be submitted to the utility providers for review and approval. He clarified City engineers advised Campus Crest in December of 2007 that there are utilities where drainage will be constructed. He stated he doesn't think the increased cost of drainage is something the City has occasioned. Councilman Frierson and Councilman Perrin stated they are not ready to pass the measure. Discussion was held concerning the December, 2007, letter. Mr. Cameron stated he thinks the plans were submitted to CWL. He added the letter does not state that Campus Crest has the full responsibility to move the utilities. City Attorney Crego noted the resolution in which the City agreed to pay \$75,000 did not say the City would pay half; rather, it

just stated the City would pay a specific dollar amount. He added the City maintains the drainage has to be done before a certificate of occupancy is rendered. Councilman Frierson expressed concern over the Council doing anything tonight that would affect the outcome at the hearing tomorrow. City Attorney Crego the language in the resolution conditions the City going forward with the additional monies for the project on Campus Crest dismissing their litigation. Mr. Lyons explained changes were made in the fourth and fifth paragraphs.

10. Public Comment

Mr. Earl Songer, 107 Woodrow, explained the home has been condemned by the City. He asked for an extension to fix his home up. He stated since the home was condemned the yard has been fixed up, but there are still holes in the floor. Mayor Formon questioned how long it would take before the work is done. Mr. Songer answered six weeks. Councilman Frierson questioned how much work has been done since May and also questioned why, all the sudden, he can get it done in the next six weeks. Mr. Songer stated he hasn't had the finances until now. Mayor Formon questioned whether Mr. Songer will live in the home. Mr. Songer answered no, he will probably make a rent house out of it. He added he's not sure. Mr. Light noted everything on the south side of Woodrow is in the floodway and if Mr. Songer is intending to do more than 50% improvements to the structure it will have to be brought up to the floodplain guidelines. He explained the building may have to be lifted and the utilities may need to be elevated. Mayor Formon stated he has not seen the house, but he assumes it will be more than a 50% improvement which would mean raising the house and utilities. Councilman Moore stated it could cost \$40,000 to \$50,000 to raise the house and make the improvements. Mayor Formon asked where Mr. Songer is in the condemnation process. City Attorney Crego explained condemnation has been done and the timeline for him to get a permit has lapsed. He added unless the Council gives Mr. Songer an extension then the house will be torn down. Councilman Moore noted if Mr. Songer had purchased a building permit, then he would've been told about meeting floodplain guidelines.

11. Adjournment.

A motion was made by Councilman Mitch Johnson, seconded by Councilman Harold Perrin, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.

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

Absent: 1 - Judy Furr

Doug Formon, Mayor

Date: _____

Donna Jackson, City Clerk

Date: _____

