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Minutes for the City Council meeting on January 20, 2003

PUBLIC HEARING - 6:10 PM - A public hearing was conducted for the purpose of abandoning a twenty-foot utility easement located in Middlefield Medical Park as requested by Mr. Jerry Halsey of Universal Group Investments. No opposition was voiced.

CITY COUNCIL MINUTES - January 20, 2003

The Jonesboro City Council met Monday, January 20, 2003, at 6:30 p.m. A full quorum was in attendance. Present were: Mayor Hubert Brodell, City Clerk, Donna K. Jackson, City Attorney, Phillip Crego and twelve council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.

Councilman Moore moved, seconded by Councilman Perrin to approve the minutes of January 6, 2003, as previously delivered. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.

Mr. Larry Flowers, Finance Director addressed the City Council regarding the monthly financial report. Councilman Young asked for an explanation on the decline in the collection of fines. Mr. Flowers responded saying it was unclear why there had been a decline and further research was warranted. Mayor Brodell explained that he and Public Safety Director, Floyd Johnson had met with state officials and were told a collection agency could be used to collect fines, but the state would not be responsible for the cost, and any collections up to the \$100.00 court cost would go to the state. He further explained if the fine is not paid and an individual is put in jail, the cost to the city is \$300.00 for every ten days served. Attorney Crego questioned if the 1.5 million dollar in fines reflected the public service work. Councilman Dover questioned if there was a procedure in place and questioned how much of the 1.5 million was outstanding. Councilman Young requested the Finance and Administration Committee look at the situation and make recommendations to the full council.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE TO ABANDON A TWENTY-FOOT UTILITY EASEMENT LOCATED IN MIDDLEFIELD MEDICAL PARK.
(Jerry Halsey, Universal Group Investments)

Councilman Young moved, seconded by Councilman Moore to suspend the rules and place on second reading. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Young moved, seconded by Councilman Perrin to further suspend the rules and place on third and final reading. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Young moved,

seconded by Councilman Moore for the adoption of the ordinance. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The ordinance was assigned ordinance number 3395.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO BECOME A PART OF THE PUBLIC TRANSIT AUTHORITY TO BE KNOWN AS THE NORTHEAST ARKANSAS TRANSIT AUTHORITY (NEAT), AND CONFIRMING AN INTER-LOCAL AGREEMENT TO BE SIGNED BY THE MAYOR

Councilman Young moved, seconded by Councilman Perrin to suspend the rules and place on second reading. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Street questioned what was in the inter-local agreement since one was not provided with the ordinance. Mr. Steve Ewart explained it was establishing the Regional Transit Authority and the selection process as outlined in the Jonesboro Sun. Councilman Moore questioned if it obligated the City of Jonesboro financially, and Mr. Ewart confirmed that the inter-local agreement would not obligate the City of Jonesboro financially. Councilman Young moved, seconded by Councilman Moore to further suspend the rules and place on the third and final reading. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Perrin moved, seconded by Councilman McCall for the adoption of the ordinance. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The ordinance was assigned ordinance number 3396.

Councilman Young moved, seconded by Councilman Perrin for the adoption of a resolution setting a public hearing for February 3, 2003, at 6:15 P.M. for the abandonment of all of (Pardew Street) Keith Drive lying south of E. Matthews of Stallings 5th Addition. The request for a public hearing was made by Earnest and Herbert Stallings. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned resolution number 2003:04.

Councilman Young moved, seconded by Councilman Moore for the adoption of a resolution setting a public hearing for February 3, 2003, at 6:20 P.M. for the abandonment of the right-of-way of Blackberry Lane of the Wilderness Run Subdivision. Mr. John Carter had requested the public hearing. Councilman Farmer prior to the resolution being read, amended the resolution referring to Arkansas Statute Annotated 19-3814 to read Arkansas Code Annotated 14-301-110. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned resolution number 2003:05.

Councilman Young moved, seconded by Councilman Perrin for the adoption of a resolution directing the Mayor and City Clerk to execute contracts and agreements for the following MATA rights-of-way:

- Morris and Pricilla Duffel, 517 W. Nettleton, Parcel 20
- Buck and Barbara Layne, 505 W. Nettleton, Parcel 19
- Stephen LaFrance Pharmacy, Inc. 1400 Flint Street, Parcel 24
- Elwood & Elaine Freeman, 1702 W. Nettleton, Parcel 76

Councilman Farmer questioned the difference in the amount paid for rights-of-way, noting that the amount for Stephen LaFrance Pharmacy, Inc was more than the other contract agreements. Mr. Harry Hardwick responded saying the amount was for required right of way for an additional turn-lane, and explained it was the appraised value. Mr. Hardwick explained the process he goes through for obtaining the rights-of-way. He explained Associated Engineering does the survey, then the survey is supplied to the appraiser, Bob Gibson who appraises the property. Once the property is appraised, Mr. Hardwick takes the agreement to the individuals, has them sign and notarizes their signatures prior to bringing the document to the Council. He explained the right-of-way width is 30 to 33½ feet, with 10 feet being for utilities and the rest for a three-lane street. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned resolution number 2003:06.

Councilman Moore moved, seconded by Councilman Perrin to accept the confirmation of Ms. Cherice Crawford to the Board of Directors of the Jonesboro Urban renewal and Housing Authority to fill the unexpired term of Ms. Daisy Dixon with an expiration date of October 31, 2005. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.

Under new business, Mayor Brodell delivered his State of the City Address as required by state law. He read from a list of Capital Improvement Projects provided by the Parks and Recreation department (attached), and mentioned the following projects: Downtown

Revitalization (to be completed soon); the new mall (to be open by the end of the year); Great Dane purchasing Trail Mobile; the loss of Lincoln and Dana; Thomas and Betts expansion; School Resource Officers; Copps Program and Project 365; City Stars Program; Mays Street blacktop & sewer projects; and Nestle & Millard. In closing, Mayor Brodell reported that new housing was up 18% and there had been an increase in sales tax. He stated bids had been open on the Nature Center on Lawson Road and expressed his desire to utilize the funds, \$50,000.00 per year for the last ten years, to enhance Craighead Forrest. Emphasis was placed on the need to bring jobs, industry, and retail to Jonesboro to help with sales tax.

Councilman Street announced two planning sessions scheduled by the Metropolitan Area Planning Commission for the purpose of providing public input on the streets near the new mall. Mr. Street reported the first meeting was scheduled for 5:00 p.m. January 21, 2003, at the Huntington Building, and the other at Valley View School January 28, 2003, at 6:30 p.m. He encouraged everyone to attend.

Councilman Young announced a Parks Advisory Committee meeting for 12:00 noon at the Earl Bell Center. Mr. Young raised two questions pertaining to the Rules and Procedures Ordinance. He asked if a roll call vote was necessary every time a vote is taken. Councilman Farmer answered saying page three (3) details the process where a roll call vote is optional except when required by state law. Secondly, Councilman Young questioned if discussion of an item must have a first and second. Councilman Copeland read from the procedures on page six, stating discussion may be conducted after the first reading. Councilman Young stated he was referring to page five, Section C, Subsection 1, where it states when a motion is made and seconded, it shall be stated by the Presiding Officer before debate. Councilman Copeland stated he would take it under advisement and have the Nominations and Rules Committee provide clarification to the full Council.

Councilman Dover questioned if the fixed assets approved in the 2003 budget, namely the police cars had been purchased. Mayor Brodell stated he was sitting still till the Council or the committee gave him the freedom to do it. Councilman Farmer explained Resolution 2003:03, asking for a delay of expenditures, specifically referred to "unspecified expenditures over ten-thousand dollars", and since the police cars are specified expenditures they could be purchased.

Councilman Dover questioned the progress on the drainage and street work, and asked for a list of projects under \$10,000.00 that could be started immediately. It was explained that the Mayor had met with Councilman Farmer and Claude Martin, City Engineer was preparing the list. Councilman Dover questioned if the City had gone back to cleaning the ditches, after delays due to Mayor Brodell needing clarification of Resolution No. 2003: 03. Mayor Brodell explained the work on the ditches and streets had presumed.

Councilman Copeland announced the Infrastructure Committee meeting, scheduled for 5:15 p.m., February 3, 2003, would be held after the City Council meeting that same day due to a function being sponsored by First Community Bank for council members.

Councilman Farmer announced the Finance and Administration committee would meet Tuesday, January 28, 2003, at 4:30 p.m. at the Huntington Building for a budget review session. Mr. Farmer welcomed all council members and encouraged their participation.

Councilman Hargis recommended the audio system be looked at because people in the audience were having a difficult time hearing. He stated it is difficult for people to participate if they cannot hear what is being said. Mayor Brodell explained if everyone would speak in to a microphone there were no problems with the sound system. The decision was made to refer the matter to the Infrastructure Committee for review.

Councilman Williams moved, seconded by Councilman Moore to accept the recommendation of the Finance & Administration Committee to accept the low bid meeting bid specifications of Delta Dental Insurance. A voice vote was taken resulting in all members voting aye, with the exception of Councilman Perrin who recused himself from voting because he serves on the Board of Directors for Delta Dental. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy.

Mr. Jim Pinson addressed the Jonesboro City Council regarding Phillips Investments, owned by Herman and Barry Phillips. He gave a history of the property being occupied by Bill's Fresh Market located at 3605 E. Johnson. He explained that Bill's Fresh Market was allowed to open without a Certificate of Occupancy and Phillips Investments were charged with eleven code violations, however, on May 5, 2002, the case was thrown out because the city had failed to provide proper notification. Mr. Pinson explained on November 12, 2002, a notice to comply was again issued by the Inspection Department, and discussed by the Metropolitan Area Planning Commission (MAPC) on January 14, 2003. Mr. Pinson stated at that meeting of the MAPC, City Attorney Crego recommended filing civil action, but when questioned by Mr. Gene Vance, a member of MAPC, if notification had been sent within the sixty (60) day time limit, neither the City Attorney nor City Planner had provided the necessary notification. Mr. Pinson stated proper notice and adequate documentation are necessary in court action and expressed concern that the City Attorney should know this. Mr. Pinson also informed the City Council of another piece of property owned by Phillips Investments, located at 5707 Commerce Square in which the building was occupied without a Certificate of Occupancy. Councilman Copeland questioned City Planner, Glenn Batten about the property.

Mr. Batten explained the Certificate of Occupancy was not provided because required curbing and paving of the parking lot had not been completed, but an agreement had been reached and the building, a warehouse shop building, is not being occupied at the present time. Mr. Batten stated in most cities the power companies will not turn on power until a Certificate of Occupancy has been issued, but to date City Water and Light has not been convinced to cooperate with that effort. Mr. Pinson addressed previous comments made by Councilman Young pertaining to the amount of taxes paid by the Phillips' and a 38-acre track they sold to the City of Jonesboro at a discount price. Mr. Pinson questioned if Councilman Young was implying he and his neighbors were not worthy of Mr. Young's support since they don't pay as much in taxes. Councilman Young apologized and explained he was only pointing out that Phillips have been good citizens. Mr. Pinson responded saying he and his neighbors are good honest citizens as well and do not run over others in the neighborhood. Mr. Pinson also expressed concern that he had received no response from Mayor Brodell in resolving this matter. Councilman Farmer reminded Mayor Brodell of the five-minute time limit and asked that it be enforced so everyone would have an opportunity to speak.

Next to address Council was Ms. Jodi Hutchison who referred to Mayor Brodell's State of the City Address saying she is not opposed to growth within the City of Jonesboro, but the lack of respect for citizens' investments will have an adverse effect on new families coming to Jonesboro and ultimately Jonesboro's growth. Mr. Hutchison complained that Bill's Fresh Market had a bright light shining in her home, and when she asked them to lower the light they told her to take it up with the Jonesboro City Council. She asked the Council for consideration when allowing commercial businesses to build in residential areas. City Attorney Crego reported notice had been sent last week to the attorney representing Phillips Investments, Jim Lyons, and followed up by a phone call and fax. Attorney Crego stated he anticipates a response by Attorney Lyon shortly, or file litigation. When asked about notification, Attorney Crego explained several were involved in the negotiations and requested one person be designated to negotiate on the City's behalf. He explained the question he had was determining the compliance and settling the matter. Mr. Crego stated it was his understanding that once Phillips Investment complies they will be entitled to a Certificate of Occupancy. Mr. Batten, City Planner added there must be a new inspection of the building. Councilman Moore moved, seconded by Councilman Street to reaffirm the request to have City Attorney, Crego to enforce the MAPC's amended specifications as presented with the added authority to resolve the Certificate of Occupancy. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.

Last to address the Jonesboro City Council was Mr. Doug Formon. Mr. Formon clarified he was there speaking as a citizen of Jonesboro, not as a member of the Jonesboro Police Department. He spoke on the collection of fines and jail fees as discussed earlier in the meeting, and questioned why the City of Jonesboro was paying the fees. Mr. Formon questioned Mayor Brodell on the amount being paid by the City of Jonesboro, saying it was his understanding that between \$40,000.00 and \$60,000.00 was being paid per month. Mayor Brodell answered saying it was \$850,000.00 a year. Mr. Formon explained Jonesboro pays \$30.00 per day to house prisoners, but once they go to court and found guilty the City should no longer have to fund this expense. He stated the City of Jonesboro is paying for the entire time a prisoner is incarcerated, and wanted to know why. Mr. Formon also questioned the calculations, saying if you divide the money out it averages 50 people or more a day. He argued the Jonesboro Police Department are not incarcerating that many people a day.

Mayor Brodell responded saying he has had this discussion with the Public Safety Officer, Assistant Police Chief, and Sheriff. He questioned City Attorney, Crego if failure to appear would affect the jail billing equation. Mr. Crego responded saying failure to appear is a misdemeanor offense and would be a new charge. When asked the question, when does a city prisoner become the county's responsibility? Mr. Crego responded saying with an arrest and conviction. However he then stated to his knowledge there is no city ordinance that provides for jail time. Mr. Formon reported that Bay, Brooklyn, and Monette pay nothing past the time someone is convicted and asked the Jonesboro City Council to look at this and try to get the cost lowered. Mayor Brodell responded saying he would have the Finance Director, Public Safety Officer, and Assistant Police Chief to research the matter.

Councilman Perrin moved, seconded by Councilman Moore to adjourn the meeting.