



Legislation Details (With Text)

File #: MIN-05:127 **Version:** 1 **Name:**
Type: Minutes **Status:** Passed
File created: 12/19/2005 **In control:** City Council
On agenda: **Final action:** 1/3/2006
Title: Minutes for the City Council meeting on December 19, 2005

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
1/3/2006	1	City Council	Passed	Pass

Minutes for the City Council meeting on December 19, 2005

PUBLIC HEARING - 6:00 P.M. - A public hearing was conducted for the abandonment of a drainage easement located in Lot 41 of Mardis 2nd Addition as requested by Mr. Roy Jackson. No opposition was voiced.

APPEAL HEARING - 6:10 P.M. - Councilwoman Furr excused herself from the appeal process due to a conflict of interest in that she is related to the Bridger family. An appeal hearing was conducted for the rezoning of property from R-1 to C-3, located on the south side of Highway 49, east of Old Bridger Road as requested by Ray and Alice Bridger. Attorney Skip Mooney represents the Bridgers. He added the property is on Johnson Ave. by the curve in Farville on the corner of Bridger and Johnson. He also added the location where the property is has a five-lane road by it and a lot of traffic. The property is not used, even though it's located in an expanding commercial district. He stated his clients think the best use for the property is for commercial use. It was questioned why the MAPC did not approve the rezoning. Mr. Mooney noted that Mr. George Krennerich stated there is already enough commercial property along Johnson Ave. and it was also stated there was substantial opposition to it from the residences around the Bridgers property. It was also questioned what the adjoining properties are zoned as. Mr. Mooney stated the surrounding areas are residential. It was also noted the interim City Planner did not make a recommendation concerning the property. Attorney Jim Lyons represented the opponents to the rezoning. Several opponents to the rezoning attended the hearing. Mr. Lyons stated all the property adjoining the proposed rezoned area is residential, none of it is commercial. He further stated the Jonesboro Comprehensive Plan shows the property as being residential and the residents should be able to rely upon that plan. He added the rezoning was turned down by the MAPC because of the opposition.

APPEAL HEARING - 6:20 P.M. - Councilman McCall abstained from the appeal process due to a conflict of interest with this property. An appeal hearing was conducted for the rezoning of property from R-1 to C-3, located on the east side of Highway 141, south of Philadelphia Road as requested by Richard and Patsy Foster. Mr. Mooney also represents the Fosters. He noted nearby property has been rezoned commercial years ago. The property has a drainage problem and will need work done to it. He stated Mr. Foster and his son are in the implement business and would like to put implements on the land to sell. They do not wish to put multi-family housing on the property. He further explained his clients do not believe the property has any residential use and its best use is commercial. Mr. Randy Ishmael addressed the Council to voice opposition to the rezoning. He had a list of 75 people who voice opposition to the rezoning. Mr. Joseph Clark, a resident of Philadelphia Road,

also addressed the Council in opposition to the rezoning. He noted there is a commercial lot across from the proposed rezoned area for the family to put their implements on. Mr. Ishmael stated the area residents would like the area to stay residential and that most of the area is residential, except for a few small businesses. He added the business do not have heavy equipment or such. He further added that the City should wait until the City has a planning staff before changes are made so the City Planner can decide what should be done.

CITY COUNCIL MINUTES - December 19, 2005

The Jonesboro City Council met Monday, December 19, 2005, at 6:30 p.m. Members present were: Mayor Doug Formon, City Clerk, Donna K. Jackson, and twelve council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. Assistant City Attorney, Carol Duncan was filling in for City Attorney Phillip Crego who was out due to illness.

Councilman Perrin moved, seconded by Councilman Moore for the adoption of the City Council minutes from December 6, 2005, as provided. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Assistant City Attorney Carol Duncan delivered the legal report. The total number of district court trials in 2005 was 3,350. It was questioned whether a report has been received from Attorney Ralph Ohm. It was stated a report has not been received from Mr. Ohm yet.

Councilman Farmer offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 TO C-3, LOCATED ON THE EAST SIDE OF HIGHWAY 141, SOUTH OF PHILADELPHIA ROAD (Richard and Patsy Foster)

Councilman McCall recused himself from the reading of the ordinance due to a conflict of interest with this property.

Councilman Johnson offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 TO C-3, LOCATED ON THE SOUTH SIDE OF HIGHWAY 49, EAST OF OLD BRIDGER ROAD (Ray & Alice Bridger)

Councilwoman Furr recused herself from the reading of the ordinance due to a conflict of interest in that she is related to the Bridger family. Mr. Mooney suggested putting the previous rezoning ordinances on second readings and allow people to make presentations at the next Council meeting at the third reading to save time. Councilman Farmer stated the second and third readings will be at the next meeting.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE TO VACATE A PORTION OF A DRAINAGE EASEMENT LOCATED IN LOT 41 OF MARDIS 2ND ADDITION AS REQUESTED BY ROY JACKSON

Councilman Moore moved, seconded by Councilman Perrin to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Moore moved, seconded by Councilman Perrin for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The ordinance was assigned ordinance number 3597.

Councilman Johnson offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-2 MULTI-FAMILY LOW DENSITY TO C-5 NEIGHBORHOOD OFFICE DISTRICT LOCATED AT 800 AND 802 PATRICK STREET (Thad Brown, III)

Councilman Farmer moved, seconded by Councilman Moore to suspend the rules and place on second reading by title only. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-2 MULTI-FAMILY LOW DENSITY TO C-5 NEIGHBORHOOD OFFICE DISTRICT LOCATED ON THE NORTH SIDE OF STALLINGS LAND AND WEST OF STADIUM BOULEVARD (Herb Stallings and Sam Brown)

Councilman Farmer moved, seconded by Councilman Moore to suspend the rules and place on second reading by title only. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Questions were raised concerning what effect the change will have on the dispatch center. Mr. Bob Andrews stated the center does have similar issues with roads in the county and he does anticipate having issues with this road as well. It was explained the affect portion of the road will be north of Highway 18 to the county line, which is not quite half a mile. Councilman Farmer moved, seconded by Councilwoman Furr for the adoption of a resolution renaming a portion of Nestle Road back to Rogers Chapel Road. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2005:148.

Councilman Moore moved, seconded by Councilman Perrin for the adoption of a resolution authorizing procedures for the destruction of specific municipal police records. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2005:149.

Councilman Perrin stated the contract is to not exceed \$62,300 and questioned whether any studies have been done. Mr. Teddy Hooton stated FTN is following up with what ADEQ has requested of the City to close the existing landfill. Councilman Dover moved, seconded by Councilman Perrin for the adoption of a resolution authorizing the Mayor and City Clerk to execute all documentation for a contract with FTN Associates, LTD, for engineering services related to landfill gas collection, control system design and permitting for Class I and Class IV landfills. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2005:150.

It was questioned what the City will have to pay. Temple was the recommended bidder by several people, including the Highway Department but Mr. Hooton explained he could not get anything in writing from the Highway Department. Councilman Street moved, seconded by Councilman Moore for the adoption of a resolution accepting bid no. 2005:76 for LED lights for traffic lights from Temple Inc. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2005:151.

Mr. Hooton explained Barloworld was the lowest bidder. It was asked to attach the bids to the resolutions in the future. Councilman Dover moved, seconded by Councilman Moore for the adoption of a resolution accepting bid no. 2005:77 for a boom truck with Platform & Crane from Barloworld Bid #2. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2005:152.

Mr. Hooton explained the contract was approved in September, but was not brought before Council for ratification. Other procedures to use grant money were also not followed, so grant money cannot be used to pay it. He further explained FEMA was going to take the paper maps and make them digital if the CTP wasn't done, but if CTP is done things done in the pilot study will be included in the new flood maps. Councilman Perrin moved, seconded by Councilman Moore for the adoption of a resolution authorizing the Cooperation Technical Partner (CTP) contract with Carter-Burgess, Inc. for the revision of firm maps. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2005:153.

Mr. Claude Martin explained the detention pond by Washington and Matthews needs to be enlarged in order to divert more water towards it. It was also stated the detention pond is related to the ASU overpass project. Councilman Perrin moved, seconded by Councilwoman Furr for the adoption of a resolution to extend the contract with Carter-Burgess, Inc. for additional services, pilot phase, located west of the Washington-Matthews intersection. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2005:154.

Councilman Moore moved, seconded by Councilman Johnson for the adoption of a resolution setting a public hearing for January 3,

2006, at 6:20 p.m. for the purpose of abandoning a 20 foot and 15 foot utility easement, located at Matthew Medical Park as requested by J. Matt Parker. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2005:155.

Under new business, Mayor Formon added the budget is ready. Fire Chief Aaron Keller announced a fire truck will be in town for the City to view to possibly purchase. He explained the truck the Fire Department has now is hard to find parts for. He questioned whether the Council wants him to put \$20,000 in the truck and then trade it in to put money towards another truck. He also questioned whether the new truck should be financed or paid for in cash. He added he's looking for a demo truck so he can get a truck as soon as possible. Questions were also raised how the City would purchase a used piece of equipment. It was explained in the past, the Council would waive competitive bidding for used equipment.

Councilwoman Furr questioned if the City would be able to use Osceola prison inmates to clean up Lost Creek. She added they worked for one day and then left. Mr. Teddy Hooton stated he's called two or three times and has not received a response. Mayor Formon stated he'd call them.

Councilman Perrin discussed having a special Council meeting to discuss the budget. He suggested having the meeting on Wednesday, December 28, 2005, at 5:30 p.m.

Councilman Perrin moved, seconded by Councilman Moore to place two ordinances on the agenda for consideration by the full council. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE DELETING THE POSITION OF DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT FROM THE CITY OF JONESBORO PAY PLAN

Councilman Moore moved, seconded by Councilman Street to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Moore moved, seconded by Councilman Street for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Moore moved, seconded by Councilwoman Street for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The ordinance was assigned ordinance number 3598.

Mr. Bob Andrews explained in 2005, 16 AVL units were budgeted for fire trucks and purchased 100 software licenses. They need to purchase more licenses. Relativity is the sole source for the units.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF AVL UNITS FOR THE E911 DEPARTMENT

Councilman Moore moved, seconded by Councilman Ashley to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Moore moved, seconded by Councilman Farmer for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Moore moved, seconded by Councilwoman Williams for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley. The ordinance was assigned ordinance number 3599.

Councilman Farmer discussed the Council moving to a committee of the whole. He suggested meeting the Thursday before each Council meeting so the Council can review the agenda and discuss what is going on with the departments. He stated he would e-mail the Council members to get suggestions. He added the Nominating and Rules committee would need to stay in place, but the rest of the committees wouldn't be needed anymore. Police Chief Michael Yates discussed what the committee of the whole system he took part in while he was in Atlanta.

Mr. Dan Melton, retired fire fighter, addressed members of the Jonesboro City Council. Mr. Melton stated he had received a copy of last year's actuary from LOPFI and it showed their pension fund was 88% funded. He questioned how the money that is being

currently collected is being used. Mr. Larry Flowers stated the money goes back to LOPFI at a contribution rate they tell the City. It was questioned how much of the money is being put into the fund for the old pension plan. Mr. Flowers explained the City only contributes 21% of the current fire fighters covered by the old pension plan, which only covers two current fire fighters. He further explained the fund was building up while the fire fighters were still working and has built up. It was questioned whether the City's legal staff has reviewed it. It was stated Mr. Crego and Mr. Ohm have been given the information, but nothing has been said about it. It was asked for Mayor Formon to confer with Attorney Crego and Attorney Ohm on the matter. Mr. Flowers stated that LOPFI executive director told him the City is doing the same thing as many other cities and is not doing anything wrong.

With no further business, Councilman Moore moved, seconded by Councilman Ashley to adjourn the meeting. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall and Ashley.