



Legislation Details (With Text)

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Minutes for the City Council meeting on June 21, 2005
CITY COUNCIL MINUTES - JUNE 21, 2005

The Jonesboro City Council met Tuesday, June 21, 2005, at 6:30 p.m. A full quorum was in attendance. Present were: City Clerk, Donna K. Jackson, City Attorney Phillip Crego and eleven council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. Councilman Ashley was unable to attend. Councilman Perrin conducted the meeting in the absence of Mayor Formon who was home ill.

Councilman Moore moved, seconded by Councilman Street to approve the minutes of June 7, 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, and McCall.

Attorney Crego provided a legal report stating they were unable to get a report from Attorney Ralph Ohm's Office pertaining to the three landfill lawsuits. He stated he would contact Attorney Ohm next week and try and resolve the matter. Attorney Crego mentioned a new landfill lawsuit pertaining to methane gas migrating on to a nearby property, as well as the newest action filed by Mr. Worley on Catherine Drive. Councilman Farmer responded stating the Public Works Committee had a pending appraisal and easement description for the purpose of correcting the drainage problems on Catherine Drive, and requested City Attorney Crego to advise committee members on how to proceed in lieu of the pending Worley lawsuit.

The following ordinance was on the third and final reading:

**ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-2) TO COMMERCIAL (C-3),
LOCATED AT COTTON AND EAST HIGHLAND (Mickey Spencer)**

Councilman Street moved, seconded by Councilman Hargis 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, and McCall. The ordinance was assigned ordinance number 3547.

Councilman Farmer offered the following ordinance for first reading:

ORDINANCE AMENDING THE JONESBORO MUNICIPAL CODE FOR THE PURPOSE OF REORGANIZING THE NORTHEAST ARKANSAS INDUSTRIAL DEVELOPMENT COMMISSION

Councilman Farmer explained the 1986 ordinances passed by Craighead County and the City of Jonesboro conflicted as to the number of commissioners appointed and as to the amount of funds provided by each entity. The previous ordinance allowed for 10 county commissioners while the city ordinance called for seven, but each paid equal amounts of money. He stated the purpose of the amendment was to bring the joint NEA Industrial Development Commission in line with the number of commissioners and funding. Councilman Hargis requested the ordinance provide for a specific reporting date and an annual “written report” as opposed to annual communications. Dr. Paul Copeland, the Community / Economic Development Director explained the Finance Committee would be receiving a purposed ordinance establishing a prescribed reporting policy for all outside agencies, requesting appropriations by the Jonesboro City Council. Councilman Farmer 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, and McCall. Councilman Farmer 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, and McCall. Councilman Farmer moved, seconded by Councilman 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, and McCall. The ordinance was assigned number 3548.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-1), SINGLE FAMILY MEDIUM DENSITY TO RESIDENTIAL (R-2), MULTI-FAMILY LOW DENSITY (David Cook)

The ordinance was read for the first time. Mr. David Harris, City Planner explained the MAPC had approved an R-2 zoning, but with the stipulation there would be a total of four (4) units on the 1.269 acres. Councilman Farmer questioned if during the site plan phase of approval would they consider stipulations regarding drainage given the higher density which could create more run off. Mr. Harris pointed out the four unit maximum was less than the existing R-2 zoning requirements. City Attorney explained if the limit of four (4) units is less than the existing R-2 zoning, then the ordinance should provide for limited use. It was decided since the current ordinance was not recommended by the MAPC it should be pulled. Councilman Dover moved, seconded by Councilman Farmer to pull the ordinance from the agenda. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall.

Councilman Street offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-1), SINGLE FAMILY MEDIUM DENSITY TO COMMERCIAL (C-3), GENERAL COMMERCIAL DISTRICT (Dennis Gambill)

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

Councilman Dover offered the following ordinance for the first reading:

ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE REPAIRS TO THE CITY OF JONESBORO'S 1992 M-B MODEL 245 ROAD STRIPING UNIT

Councilman Moore moved, seconded by Councilman McCall to suspend with the second and third reading 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, and McCall.

Councilman Moore moved, seconded by Councilman McCall 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, and McCall. Councilman Moore moved, seconded by Councilman Johnson 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, and McCall. The ordinance was assigned number 3549.

Councilman Dover moved, seconded by Councilman Johnson for the adoption of a resolution authorizing the destruction of Financial and Accounting records of the Department of Finance in accordance with Resolution No. 1993:59 and Arkansas State Law. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2005:67.

Councilman Farmer moved, seconded by Councilman Dover to pull the resolution accepting the findings and appropriate action of the 2003 annual Legislative Audit. Councilman Farmer explained the wording in the audit regarding the monitoring of the landfill, thirty years after its closure pertains to Class I landfills not Class IV, which only requires monitoring for two years after closure. He requested the resolution be pulled to allow for a correction by the Arkansas Legislative Audit. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall.

Councilman Moore moved, seconded by Councilwoman Furr for the adoption of a resolution placing a 35 MPH traffic sign on West Nettleton Avenue between South Madison Street and Overhill Road as recommended by the Permanent Traffic Control Review Committee and the Public Safety Committee. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2005:68.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution authorizing the Mayor and City Clerk to execute and accept the agreement for engineering services from RSA, Inc. dba NRS Consulting Engineers for property located at 611 E. Nettleton Ave., Jonesboro, Arkansas. A voice vote was taken resulting in all members voting aye with the exception of Councilman Dover who abstained from voting. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and McCall. The resolution was assigned number 2005:69.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution authorizing the Mayor and City Clerk to execute and accept the agreement for engineering services from RSA, Inc. dba NRS Consulting Engineers for property located at 732 and 734 Valley Drive, Jonesboro, Arkansas. Councilman Farmer explained he was absent from the Public Works Committee meeting when this resolution was proposed. He stated the proposed resolution was a result of City Engineer Claude Martin, questioning the previous recommendations of BA Engineering. He stated the minutes of the Public Works Committee stated Mr. Martin

had suggested a second opinion was necessary due to flooding occurring further down Culberhouse. Councilman Farmer explained the purpose for purchasing homes was to alleviate flooding downstream not just because a home has the worst flooding problem. He stated it was his understanding that NRS was refusing any information from the first engineer without certification, and would cost more than the original survey. Councilman Farmer stated he wanted to make sure correct information was being relayed to NRS, that they were not purchasing homes with the most flooding but rather trying to find the most feasible way to make the greatest impact on the drainage problem. A voice vote was taken resulting in all members voting aye with the exception of Councilman Farmer and Councilwoman Furr who voted nay. Those members voting aye were: Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and McCall. The resolution was assigned number 2005:70.

Councilman Moore moved, seconded by Councilman Johnson for the adoption of a resolution to amend Resolution No. 2005:58, Section three changing the amount from \$2,728.24 to \$3,728.24 in the Vestal Willett lawsuit. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2005:71.

Councilman Street moved, seconded by Councilman Moore for the adoption of a resolution to lease the building at 1103 Cobb Street to WCCNEA, the Women's Crisis Center of Northeast Arkansas. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2005:72.

Councilwoman Williams moved, seconded by Councilwoman Furr for the adoption of a resolution authorizing the Mayor and City Clerk to execute a contract with the Department of Parks & Tourism for the construction of ball fields at Joe Mack Campbell Park. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2005:73.

Councilman Johnson moved, seconded by Councilman Farmer for the adoption of a resolution authorizing the Mayor and City Clerk to execute all documentation necessary to effectuate a MATA right-of-way contract with the State of Arkansas, Department of Human Services, Division of Developmental Disabilities Services, at Caraway Road and Colony Drive, Jonesboro, Arkansas, parcel number "L". A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2005:74.

Councilman Moore moved, seconded by Councilman McCall for the adoption of a resolution authorizing the Mayor and City Clerk to execute all documentation necessary to effectuate a MATA right-of-way contract with Debbie Hannah property at 4505 South Caraway Road, parcel number "J". A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2005:75.

Councilman Farmer moved, seconded by Councilman Street for the adoption of a resolution (as read) authorizing the City of Jonesboro to enter a lease agreement with First Continental Leasing, for the lease/purchase of three (3) Mack Dump Trucks and one (1) Mack Tandem Tractor. The original resolution was amended to include the phrase in Section 1, ". . . subject to inclusion of buy back provision contained in bid numbers 2005:44 and 2005:45." A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2005:76.

Under new business, Councilman Perrin announced that Mayor Formon was unable to attend due to illness.

Councilman Street announced the MPO was conducting public hearings and encouraged everyone to provide their suggestions and comments.

Councilman McCall questioned if the city was still maintaining the ditch at Murray Creek stating he had received several calls. Mr. Hooton responded saying they were currently working at Moore Ditch Lateral and planned to be back in the Murray Creek area by the end of July.

Councilwoman Williams moved, seconded by Councilman Province to suspend the rules and place the Jonesboro Economical Transportation System (J.E.T.S.) ordinance on the agenda for consideration as recommended by the Public Services Committee. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall.

Councilwoman Williams offered the following ordinance for first reading:

ORDINANCE CREATING THE JONESBORO ECONOMICAL TRANSPORTATION SYSTEM (J.E.T.S.)

No further action was taken on this ordinance.

Councilman Farmer stated the Finance Committee meeting had been moved to Thursday, June 23, 2005, at 4:00 p.m. due to several attending the Arkansas Municipal League meeting. He also reported City Attorney, Phillip Crego had been named First Vice President of the City Attorney's Association and Jonesboro had gotten honorable mention for its work with TIF districts and Storm Water Phase II regulations. Councilman Farmer reminded everyone a resolution had been adopted by the Jonesboro City Council, requiring the dollar amount and the account numbers of where the funds are to come from when submitting requests for contracts and agreements.

Under Public Comment Mr. Pat Austin, Driver for Arkansas Cab & Courier spoke in opposition to the transit ordinance stating it would cut into his business, while Ms. Sheila Redick, of the Jonesboro Housing Authority spoke in favor of it stating it will directly affect her clients who are trying to achieve the basic necessities of life. She explained they must develop a family self sufficiency program which includes transportation to and from work.

With no further business, Councilman Moore moved, seconded by Councilman Johnson 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, and McCall.