



Legislation Details (With Text)

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Minutes for the City Council meeting on July 6, 2006
CITY COUNCIL MINUTES - July 6, 2006

The Jonesboro City Council met Thursday, July 6, 2006, at 6:30 p.m. Members present were: Mayor Doug Formon, City Clerk Donna Jackson, City Attorney Phillip Crego and nine council members. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. Councilmen Farmer, Moore and Ashley were unable to attend.

Councilman Perrin moved seconded by Councilman Street to approve the minutes of June 20, 2006, as delivered. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall.

Councilman McCall offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL R-1 TO INDUSTRIAL I-2 LOCATED SOUTH OF HIGHWAY 18, WEST OF BARNHILL ROAD, NORTH OF C. W. POST ROAD AND EAST OF QUALITY WAY (City Water & Light)

No further action was taken regarding this ordinance.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE TO AMEND AGREEMENT BETWEEN LOCAL POLICE AND FIRE RETIREMENT SYSTEM (LOPFI) AND THE CITY OF JONESBORO TO PROVIDE FOR AN ADDITIONAL RETIREMENT BENEFIT FOR MEMBERS OF THE JONESBORO LOCAL FIRE PENSION FUND

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

were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The ordinance was assigned ordinance number 3648.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE AMENDING ORDINANCE NO. 3239, REMOVING THE CODE ENFORCEMENT OFFICERS RECOGNIZED AS THE CONDEMNATION AND WEEDS/GRASS OFFICERS FROM THE PLANNING, INSPECTION AND CODE ENFORCEMENT DEPARTMENT; ASSIGNING THOSE OFFICERS TO THE POLICE DEPARTMENT; DEFINING THEIR AUTHORITY; AMENDING THE CITY PAY PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

Councilman Street moved, seconded by Councilman Johnson to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. Councilman Dover 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: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. Councilman Perrin 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: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The ordinance was assigned ordinance number 3649.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE AMENDING ORDINANCE NO. 3006 AND THE JONESBORO CODE OF ORDINANCES, ADOPTING THE 2006 ANNUAL BUDGET FOR THE CITY OF JONESBORO AND THE CITY PAY PLAN FOR A HUMAN RESOURCES TECHNICIAN

Councilman Perrin 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: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. Councilman Perrin moved, seconded by Councilwoman Williams for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The ordinance was assigned ordinance number 3650.

Councilman Street offered the following ordinance for first reading:

ORDINANCE APPROPRIATING FUNDS FOR DRAINAGE IMPROVEMENTS AND SIDEWALKS

Councilman Street moved, seconded by Councilman Hargis to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. Councilman Street 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: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The ordinance was assigned ordinance number 3651.

Councilman Street offered the following ordinance for first reading:

ORDINANCE APPROPRIATING FUNDS FOR ADA FUND

Councilman Street moved, seconded by Councilman Dover to suspend with the second and third readings. A

voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. Councilman Street 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: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The ordinance was assigned ordinance number 3652.

Councilman Street offered the following ordinance for first reading:

ORDINANCE APPROPRIATING FUNDS AND ACCEPTING A CONTRACT BID FROM RICHARD BAUGHN FOR ROAD IMPROVEMENTS

Councilman Street moved, seconded by Councilman Hargis to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. 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: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The ordinance was assigned ordinance number 3653.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE AMENDING ORDINANCE NO. 2549 AND CHAPTER 7.84 OF THE JONESBORO CODE OF ORDINANCES CRATING A SMOKE FREE ENVIRONMENT IN ALL MUNICIPAL BUILDINGS EXCEPT IN DESIGNATED SMOKING AREAS AS ASSIGNED BY THE MAYOR OF THE CITY OF JONESBORO, ARKANSAS

Councilman Perrin moved, seconded by Councilwoman Furr to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. Councilman Perrin 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: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The ordinance was assigned ordinance number 3654.

Councilwoman Williams moved, seconded by Councilman Hargis for the adoption of a resolution to approve the JETS Operator Handbook. Councilwoman Furr questioned if the resolution had been approved by Mayor Formon and City Attorney Crego. Mr. Gardner responded saying both Mayor Formon and City Attorney Crego had approved the documents (resolution and handbook). A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:79.

Councilwoman Williams moved, seconded by Councilman Perrin for the adoption of a resolution to approve the JETS Para-Transit Plan and ADA Para-Transit Application. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:80.

Councilman Street moved, seconded by Councilman Dover to pull a resolution to amend the agreement with Fisher and Arnold for professional services for extension of Lawson Road. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall.

Councilman Street moved, seconded by Councilman Dover for the adoption of a resolution to proceed with the U.S. Department of Justice "Secure Our Schools" (S.O.S.) grant in cooperation with the Jonesboro, Valley View, Nettleton and Westside Public Schools. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:81.

Councilman Perrin moved, seconded by Councilman Street for the adoption of a resolution authorizing the Mayor and City Clerk to execute documents for the purchase of property located at 736 Valley Drive for the construction of a detention pond. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:82.

Councilman Street moved, seconded by Councilman Perrin to table a resolution accepting temporary and permanent drainage easements from Scurlock Industries, Larry Roberson Irrevocable Trust, and City Water & Light, all for Lost Creek Drainage. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The resolution was tabled until July 18, 2006, for review by the Public Works Committee.

Under new business, Mayor Formon stated Mr. Brian Wadley would be off work due to illness and explained Mr. Wadley was having tests run and waiting on the results.

Mayor Formon introduced Mr. Herb Davis, the previous Finance Director who is filling in as Interim Finance Director until a replacement is found. Mayor Formon welcomed Mr. Davis saying it was taking a step back in time.

Mayor Formon announced a ground breaking ceremony for St. Bernard's Sr. Life Center located at the intersection of Hope and Barber for 10:00 a.m.

Councilman Street announced a special called Public Works Committee meeting for Thursday, July 13, 2006, at 3:00 p.m.

Councilman Street inquired about a ditch that had been dug on Cedar Ridge, stating Mr. Cooper had ask him about it. Mayor Formon responded saying he was scheduled to meet with Mr. Cooper tomorrow regarding the ditch.

Councilman Dover moved, seconded by Councilman Perrin to suspend the rules allowing an ordinance to be placed on the agenda for consideration, in accordance with city council bylaws. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall.

Councilman Perrin offered the following ordinance for first reading:

AN ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING A CONTRACT WITH ASAI ARCHITECTURE, FOR ARCHITECTURAL SERVICES TO CONDUCT A SPATIAL ANALYSIS OF CITY GOVERNMENT FACILITIES

Councilman Perrin moved, seconded by Councilman Dover to suspend with the second and third readings. Mr. Otis Spriggs explained Whittenburg Delony and Associates did not agree with the recommended changes of having the cost not to exceed \$40,000, so he and Mayor Formon negotiated with the next consultant who

submitted an RFQ which was ASIA. He explained the reimbursables will fall under the \$40,000, and would have an approximate seven week turnaround on the work. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. Councilman Perrin moved, seconded by Councilman Johnson for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The ordinance was assigned ordinance number 3655.

Councilman Dover thanked Carter-Burgess for coming and answering questions regarding the procedures they used. Councilman Dover questioned when someone applies for a building permit which maps are used, 1991 or 1999 FEMA maps. He also questioned when new information is received can the city change it before FEMA approves it. Mr. Martin explained we are using the existing 1991 flood maps. Both Mayor Formon and Mr. Martin explained the FEMA maps must be officially approved and adopted by FEMA before they can be used. Councilman Dover questioned if the buildings on Fair Park were under the 1991 FEMA maps. Mr. Claude Martin confirmed they were.

Councilman Hargis inquired on the status of the animal shelter. Mayor Formon explained Mr. Vance was to come forward with plans and Mr. George Krennerich had been selected as the architect. Mayor Formon explained Mr. Krennerich was selected during the time of the Municipal League meeting.

Under public comment, Ms. Mada McKinney asked about a rezoning west of Barnhill Road. She explained they were concerned what was being proposed, and stated they had heard it would be a rice drying plant. She asked about the details, and expressed concern over the truck entrance. Mr. Otis Spriggs stated Mr. Kevin Imboden was the representative for the zoning change to I-2, but explained he did not believe it was a rice mill, but rather a manufacturing business that will use the product. He stated the code restrictions have greater setbacks of 100 feet from residential zonings. Mayor Formon requested Mr. Spriggs assist Ms. McKinney in accessing the information from Mr. Imboden.

Mayor Formon introduced Ms. Linda Delmar, FEMA Representative from Benton, Texas. Ms. Delmar stated she had been asked by city staff to come and audit the city's records which does not happen often. She stated a couple of faxes had been received that implied Jonesboro was not doing the flood plain management job and putting people in harms way, which raises a red flag with FEMA. She explained in the last two days she met with Mayor Formon who requested she not leave before briefing the City Council on her findings. Ms. Delmar stated she checked Zaxby's, Ima's, Butler's ditch, and other areas. She stated Ima's and Temple Baptist Church were both located outside the flood plain, and found no violations with Zaxby's, even though it is in the flood plain, but had examined their elevation certificate and it had been built to base flood elevation. She stated Butler's Ditch was in the flood plain, but was in compliance because a Conditional Letter of Map Revision (CLOMR) had been filed. Ms. Delmar found the City of Jonesboro to have an "Administrative Deficiency for allowing engineers to proceed in the rechannelization and alignment of Jonesboro Flood Ways and not doing Letters of Map Revision (LOMOR) as requested by city staff. She explained she would be returning to her office and next week a final report would be sent to Mayor Formon and the Flood Plain Administrator (Claude Martin) which would provide viable options and directions in implementing and adopting an administrative action that will correct the program deficiency and protect Jonesboro citizens from flood risk. Ms. Delmar commended the City of Jonesboro for being a part of the CRS Program and stated Jonesboro goes beyond the minimum requirements. Mayor Formon questioned if the City would be placed on probation, to which Ms. Delmar stated she did not want to use the word "probation", but rather a "program deficiency". She explained ordinarily it would be called a violation because it should have been reported six months after its completion. She further explained there were two locations: Kohl's and Turtle Creek Mall requiring LOMR'S to be filed with FEMA for their records. She explained the importance of filing LOMR's stating failure to do so could cause home owners to pay for flood insurance when it is not necessary. She explained she would provide

options and direction. She requested the City Council read and adopt some procedures that will give engineering staff more resources when they can't get someone to file a LOMR. Ms. Delmar stated the City of Jonesboro had a good program and explained the CRS Coordinator had met with Mr. Martin and as a result Jonesboro had been re-verified which could result in a bigger deduction on insurance. Councilman Dover questioned the length of time for removing homes from the flood plain when a major improvement occurs. Ms. Delmar stated if the engineer doing the work submits the LOMR and provides the FEMA Contractor all the information it is suppose to be about 90 days. Councilman Street questioned as a result of her analysis could building permits and certificates of occupancy be issued. She stated she could not order a stop order, but would strongly recommend it, stating it would be a negative thing to continue to develop property not knowing the flood risk. Ms. Delmar stated it would be the decision of the Flood Plain Administrator with input from the city council, and would be a decision by the City to assess what the risks are and if they should proceed. Mayor Formon stated there had been some confusion previously regarding the stop order for building permits in the flood plain. Ms. Delmar stated it was a failure to communicate, because FEMA cannot take over the program, only strongly recommend. Mayor Formon explained he and Councilman Perrin met with Mr. Bruce Burrows, the developer, who stated it was always his intent to put in a detention pond if required by the city. Mayor Formon further stated Mr. Tom Black, a third party consultant was hired by Mr. Auld with approval of the City Council to pay ½ the contract, who agreed with the staff findings regarding the need for a detention pond. He stated Mr. Burrows wants to uphold that third opinion making sure it is done correctly so not to put anyone in harm's way. Councilwoman Furr questioned how complaints are handled and wanted to know if the City is advised of those complaints. Ms. Delmar stated she was approached the first time in March of 2006, but there had been a problem a year ago getting the engineer to do a LOMR. She further stated there had been some engineers within the community that had complained that certain areas were not compliant, but no violation was found. She stated when a complaint comes to her attention she would normally notify the Flood Plain Administrator, Claude Martin. Mayor Formon questioned if the complaints were made by citizens how it would be handled. Ms. Delmar stated they would contact the Flood Plain Administrator to investigate the complaints. Mayor Formon questioned how it is handled if the complaint is about the Flood Plain Administrator. Ms. Delmar responded saying if the person is certified, like Mr. Martin, she does not put a lot of weight in to it because they are known, have had training, and can be trusted. Councilman Perrin questioned if the first contact was by letter in March of this year. She explained it was a physical contact by an engineer that's doing development, and was approached by the city in an effort to motivate the person to do a revision; they wanted a revision and were not getting it. Mayor Formon asked for further explanation. She responded saying she was approached by one of his staff who stated they had a LOMR situation that needs to be filed, but having problems with the engineer filing it. Mr. Cameron agreed with Mayor Formon that Mr. Burrows wanted everything done correctly, but further explained the engineer felt he had submitted the information, but had checked the wrong box on the cover sheet, checked as a LOMR rather than a CLOMR and had submitted to Public Works staff. Mr. Cameron stated on the other project the information was submitted, but was suggested it be held until the Carter Burgess study was complete. He stated he was convinced both the city staff and consultant had tried to accomplish what the Mayor wanted done, but there had been some misunderstanding. He stated the engineer had submitted, or thought he had submitted what he had been directed (either in error or otherwise) to do. Councilwoman Furr asked for clarification from Mr. Cameron regarding the submittal of the documentation to city staff. Mr. Cameron stated he believed the city engineer thought he had requested additional information in addition to the CLOMR that would be forwarded on to FEMA. Mr. Cameron stated he believed it should have been made clear what was being submitted and he should have demanded action be taken, but the project engineer was not trying to get around the system. Ms. Delmar disagreed saying in her evaluation she had to identify if it had been submitted. She explained city staff provided copies of emails where they had requested the information that had not been responded to, that there had been no communication. Councilman Hargis questioned if she had spoken to both parties. Ms. Delmar stated she had spoken with the engineer who stated he thought it had been submitted. She stated an engineer would know if it had been done because money would be paid in order for it to be processed. She stated she questioned the engineer if he had a

cancelled check or a case number, but he had neither. Mr. Cameron responded saying the emails were asking for information that had already been submitted, and the check is issued only after city staff has reviewed the CLOMR and sent it back to the project engineer, which did not occur. Mr. Martin responded saying whether it is a CLOMR or a LOMR it is submitted to FEMA with a copy sent to the City Engineer for his records, with a check sent to FEMA. Mayor Formon stated several times the project engineer was asked to provide the CLOMR and they tried to meet with him, but a representative was sent in his place. Mayor Formon stated the crime the city staff is guilty of is being too nice, but everything is submitted at one time. Mr. Martin stated everything including the check is submitted to FEMA with a copy to him. Councilman Dover questioned if an engineer should be stopped when they fail to meet requirements. Ms. Delmar stated enforcement is what is lacking in the program, but she would be making recommendations in her report. She stated the acknowledgement form is part of the CLOMR/LOMR process and the Flood Plain Administrator is suppose to review it and sign it if he agrees with the work being done by the project engineer. She explained this is scary because sometimes you do not know what the affect will be until it is evaluated by FEMA and if it is signed it means you will live with the consequences.

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