



Legislation Details (With Text)

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Minutes for the City Council meeting on November 9, 2006
CITY COUNCIL MINUTES - November 9, 2006

The Jonesboro City Council met Thursday, November 9, 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: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. Council members Furr, McCall, and Ashley were unable to attend.

Councilman Moore moved seconded by Councilman Johnson to approve the minutes of a regularly scheduled meeting held October 17, 2006, and a special called meeting held October 24, 2006, as delivered. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM R-2, RESIDENTIAL, TO C-5, COMMERCIAL NEIGHBORHOOD OFFICE DISTRICT, LOCATED AT 217 E. CHERRY AVE. (Joanne and Philip Steed)

A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. Councilman Moore 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, and Dover. The ordinance was assigned number 3674.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM AG-1, AGRICULTURAL, TO R-6, LIMITED USE OVERLAY MULTI-FAMILY MEDIUM DENSITY DISTRICT RESTRICTED TO 10 UNITS PER ACRE, LOCATED ON THE EAST SIDE OF KATHLEEN STREET NORTH OF HIGHLAND DRIVE. (TROY COLEMAN/JAY HARMON - BRENT CREWS, ATTORNEY)

Councilman Street 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: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. The ordinance was assigned number 3675.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM R-1, RESIDENTIAL, TO R-6, LIMITED USE OVERLAY MULTI-FAMILY MEDIUM DENSITY DISTRICT RESTRICTED TO 10 UNITS PER ACRE, LOCATED ON NESTLE WAY BETWEEN HIGHLAND DR. AND C. W. POST ROAD. (TROY COLEMAN/JAY HARMON - BRENT CREWS, ATTORNEY)

A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. The ordinance was assigned number 3676.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO CLARIFY THE ENFORCEMENT AUTHORITY OF THE FLOODPLAIN ADMINISTRATOR, CREATING A FLOODPLAIN PERMIT AND FOR OTHER PURPOSES.

Councilman Moore moved, seconded by Councilman Street to suspend the rules for 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, and Dover. 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, and Dover. 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, and Dover. The ordinance was assigned number 3677.

Councilman Moore moved, seconded by Councilman Johnson for the adoption of a resolution setting a public hearing for November 21, 2006, at 6:15 p.m. for the purpose of abandoning a 15 foot utility easement located on the north and east sides of Lot 229 of the Sage Meadows Phase II Subdivision. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. The resolution was assigned number 2006:140.

Councilman Moore moved, seconded by Councilwoman Williams for the adoption of a resolution to contract with the Craighead County Soccer Association. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. The resolution was assigned number 2006:141.

Councilman Moore moved, seconded by Councilman Johnson for the adoption of a resolution promoting the position of JETS Senior Captain to Transportation Supervisor. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. The resolution was assigned number 2006:142.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution to levy a .5 mill on all real and personal property for the Police Pension Fund. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. The resolution was assigned number 2006:143.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution to levy a .5 mill on all real and personal property for the Fire Pension Fund. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. The resolution was assigned number 2006:144.

Councilman Street moved, seconded by Councilman Hargis for the adoption of a resolution to levy 2 mills on all real and personal property for the Craighead/Jonesboro Public Library. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. The resolution was assigned number 2006:145.

Under new business, Mayor Formon asked that everyone remember Mr. Brian Wadley during his time of illness. He announced the resignation of Mr. Claude Martin, Public Works Director effective December 31, 2006. The 2007 preliminary budget which did not contain Capital Improvements was provided to city council members and Mayor Formon explained they had cut over a million dollars from the first draft involving fixed assets. Mr. Don Ray, Finance Director stated he had two goals when he accepted this job, the first being to get accounts reconciled with the bank accounts and secondly to get the budget to council members on time. Mr. Ray provided an over view of the budget information stating the budget does not include restricted funds only maintenance and operations because he was uncomfortable presenting some of the capital improvement requests at this time but would present them either next week or the week after. He explained he felt it was arbitrary to pull fixed assets amounts out so he included them with the departmental requests as well as in a separate appendix. He explained the total of fixed assets was over 1.5 million dollars causing a deficit in operations for 2007. He explained the Administration recommended purchasing thirty police cars rather than utilizing a lease purchase option. He further explained there was concern for the assets wearing out before they are paid for. Councilman Farmer explained the salary schedule did not contain individual names only positions and this was another safe guard for the Council not to become involved in the daily operations of the city. In response to Councilman Dover, Mayor Formon explained the budget does include step increases. Councilman Moore questioned a particular column called "adjustments" as to what that reflected. Mr. Ray stated he suspected it was promotions, but would provide an answer by the next Finance Committee meeting. Councilman Farmer explained while the Administrative side of government (Mayor's Office) needs a detailed list of items, the Legislative Branch (City Council) only needs overall totals for sizeable accounts (salaries, fixed assets, O&M). He explained this would help minimize line item transfer requests being made by department heads. Mr. Ray concurred saying the Legislative Audit is not concerned with individual line items, but rather over spending of the budget as a whole.

Councilman Street moved, seconded by Councilman Moore to suspend the rules and place three resolutions on the agenda. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution authorizing the Mayor and City Clerk to purchase property located at 709 Owens Avenue for the propose of establishing a detention pond. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. The resolution was assigned number 2006:146.

Councilman Street moved, seconded by Councilman Johnson for the adoption of a resolution authorizing the Mayor and City Clerk to purchase property located at 1801 West Oak for the propose of establishing a detention pond. Councilman Farmer questioned City Attorney Crego if additional legislation was needed since the property was owned by a city employee (Ken Saddler). Attorney Crego stated no additional ordinance was

needed, and they were in compliance based on an ordinance requiring property be purchased based on appraised value plus 10%. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. The resolution was assigned number 2006:147.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution authorizing the Mayor and City Clerk to purchase property located at 1803 W. Oak Avenue for the propose of establishing a detention pond. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover. The resolution was assigned number 2006:148.

Councilwoman Williams asked Mr. Joel Gardner to discuss a financial discrepancy concerning JETS that was recently brought up. Mr. Gardner explained he had been asked to provide a list of contributors to JETS and then was asked what is being done with the money. He stated nothing is being done with the money because the money was not transferred when the account prefix numbers were changed. He noted the money included \$130,000 from 2005 and another \$104,500 brought in from community donations. He questioned how he can get the money into a revolving account. He explained he was told by the former Finance Directors, Mr. Larry Flowers and Mr. Herb Davis that they would look into it but they didn't get to it. He added he has spoke with Mr. Don Ray, Finance Director, and Mr. Ray indicated he would look into the matter. Councilman Dover clarified the 2005 donation from the City in the amount of \$130,000 and another \$104,500 in donations is what is missing. Mr. Gardner agreed, stating those are the amounts of money missing. Councilman Dover then questioned if there were deposit receipts for the \$104,500. Mr. Gardner stated he has the canceled checks. Councilman Farmer clarified that the money did not disappear; rather they're having problems finding the money within the financial software. Mr. Tony Thomas stated it was his understanding the money has always been there. He further explained after talking with individuals in the Finance Department the money from the cash donations is in the budget and there has always been a revenue account, but no expense account has been made. He stated they need to create an expense account so Mr. Gardner can use the funds. Councilman Farmer questioned how the cash flow is being handled. Mr. Gardner stated right now he has \$99,000 from the sale of advertisement, \$20,000 from the Arkansas Highway and Transportation Department and \$130,000 from the 2006 City subsidy. He noted when the account numbers change there is a difficulty with the system in allowing them have a revolving account so they can spend the money as it is coming in as opposed to it being set aside in a back account. He added the financial software as seen by him, Mr. Flowers and Mr. Davis is not conducive to how JETS needs to operate. Councilman Farmer questioned whether Mr. Gardner feels like the money is there. Mr. Gardner stated the money is somewhere. Mayor Formon stated he thought when the \$130,000 for 2005 wasn't spent that it was put back in the General Fund and another \$130,000 was budgeted for 2006. Councilman Farmer stated the \$130,000 should've stayed in the JETS account and should not have been put in the General Fund. He added the money is in the City fund instead of being in a JETS account. He then questioned whether the money for the private pledges was separate from the money for advertising. He asked if anyone made a pledge and then received advertising. Mr. Gardner stated he did not recall anyone making a pledge and then getting advertising. He added they did encourage some companies who made pledges in 2005 to purchase advertising.

Councilman Moore reported on the closure of the city landfill. He explained numerous reports have been given to city council members estimating the cost from \$400,000 to \$5,000,000. He explained several attended a meeting in Little Rock with ADEQ requesting the December 31st deadline be extended and to consider different alternatives. He explained Mayor Formon and City Attorney Crego would submit the proposed plan to ADEQ by December 1, 2006.

Councilman Hargis announced a Public Safety meeting for November 15, 2006, from 9:00 a.m. to 12:00 noon

in the City Council Conference Room. The purpose of the meeting was to hear presentations from three different mosquito control vendors.

Councilman Farmer announced the regularly scheduled Finance Committee meeting for November 16, 2006, at 4:00 p.m. He explained the budget schedule would be finalized at that meeting.

Councilman Farmer moved, seconded by Councilman Street setting the date of Thursday, December 14, 2006, at 6:00 p.m. for a public hearing for the purpose of discussing the Capital Improvement Program. Mayor Formon stated there was a possibility that council members will be asked to testify in the Worley lawsuit, but expected it to be over by 6:00 p.m. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, and Dover.

Councilman Farmer asked for clarification regarding a Jonesboro Sun article dated November 1, 2006, which quoted the Chairman of the ad hoc committee as saying Mayor Formon had approved city funds for a study conducted by ASU for the convention center. Councilman Farmer stated money had been spent for the study, polling, and attorney's fees and questioned if city funds were used for these expenses. Mayor Formon stated he gave no authorization for any city funds to be used. He stated there was possibly a fee for the writing of the ordinances and resolutions but no city funds were used.

Ms. Wanda Turner, Executive Director of Northeast Arkansas For Animals (NAFA) provided a written position on the proposed cat ordinance. She explained they had received 389 calls involving cats and warned against adopting an ordinance that could not be enforced. Ms. Turner was asked to participate in discussions with the ad hoc committee.

With no further business, Councilman Perrin 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, and Dover.