



Legislation Details (With Text)

**File #:** MIN-05:120    **Version:** 1    **Name:**  
**Type:** Minutes    **Status:** Passed  
**File created:** 9/20/2005    **In control:** City Council  
**On agenda:**    **Final action:** 10/4/2005  
**Title:** Minutes from the City Council meeting on September 20, 2005  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
10/4/2005	1	City Council	Passed	Pass

Minutes from the City Council meeting on September 20, 2005

PUBLIC HEARING - 6:15 P.M. -There was a public hearing on Tuesday, September 20, 2005, at 6:15 p.m. for the purpose of abandoning a utility easement located at Friendly Hope Road south of the intersection with Woodsprings Road as requested by Marshall Morrison.

CITY COUNCIL MINUTES - September 20, 2005

The Jonesboro City Council met Tuesday, September 20, 2005, at 6:30 p.m. Members present were: Mayor Douglas Formon, City Clerk, Donna K. Jackson, City Attorney Phillip Crego and nine council members. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall, and Ashley. Councilmen Alec Farmer, Mitch Johnson, and Councilwoman Judy Furr were unable to attend.

Councilman Perrin moved, seconded by Councilman Street to approve the minutes of the regularly scheduled meeting held September 6, 2005, as provided. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley.

Councilman Moore moved, seconded by Councilman Ashley to approve the minutes of a special called meeting held September 16, 2005, as provided. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley.

City Attorney Phillip Crego provided the Council with the legal report. He informed the Council that Mr. Ralph Ohm has provided a written copy of the cases still pending that he is handling. The list is down to seven and Mr. Crego reported that the results have been good. Mr. Crego’s report included three civil cases that need to be wrapped up. The remaining stats show the number of criminal appeals is growing, but Mr. Crego explained it doesn’t pose a problem.

Item 5A on the agenda was pulled. Councilman Perrin recommended Mayor Formon and Ms. Suzanne Hackney to go ahead and hire someone for the position as is without the amended title, duties and salary as soon as possible. Mayor Formon indicated he would meet with Ms. Hackney regarding hiring someone.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE FOR THE ABANDONMENT OF A UTILITY EASEMENT LOCATED AT FRIENDLY HOPE ROAD SOUTH OF THE INTERSECTION WITH WOODSPRINGS ROAD (Marshall Morrison)

Councilman Moore moved, seconded by Councilman Street to waive the second and third readings. Questions were raised regarding

whether all the utility letters were on file since they were not included in the packet. Ms. Donna Jackson assured the Council the utility letters were on file. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. Councilman Moore moved, seconded by Councilman Street to adopt the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. The ordinance was assigned ordinance number 3574.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-2) TO COMMERCIAL (C-1), LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF BAKER STREET AND HOPE AVENUE. (Keith and Deborah Bennett)

Mr. C.M. Mooney, attorney for Keith and Deborah Bennett, asked the Council to suspend the rules and read the ordinance three times and adopt the emergency clause so the ordinance will immediately go into effect. Mr. Mooney further informed the Council the property had been sold to a health care company and further delays would cost money and time. He discussed that he has been working for a year to get this property rezoned. The reason it was taking so long was because the Planning staff was not able to get the work done in time to get it on the agenda. The delays have resulted in Dr. and Mrs. Bennett to pay for the advertising fee twice. Mr. Mooney also indicated there is no opposition to this rezoning. Questions were raised whether to put the ordinance on the third reading due to a past agreement by the Council members to not waive the second and third readings for rezoning ordinances in order to let the public have time to respond. It was further discussed that since it was the City's fault the ordinance had taken so long to be read the first time that the Council should go ahead and put it on the third reading. Councilman Moore moved, seconded by Councilman Street to place the ordinance on second reading by title only. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM COMMERCIAL (C-5) TO COMMERCIAL (C-4), LOCATED AT 909 SOUTHWEST DRIVE. (Paula Wewers)

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

Item 5E on the agenda, an ordinance to amend the pay plan for the City of Jonesboro by the addition of the position of planning technician, was pulled from the agenda.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE TO AMEND IN PART ORDINANCE NO. 1749 TO PROVIDE FOR LEVYING A FRANCHISE FEE TO BE PAID BY CENTERPOINT ENERGY ARKLA FOR THE YEAR 2006; PROVIDING FOR THE PAYMENT THEREOF.

It was discussed that questions had been posed to the council members by citizens in the City about the effect of the ordinance on the end consumer. It was also explained that some of the questions were from people getting the franchise fees confused with privilege licenses. Other cities the size of Jonesboro are already charging the fees. It was further explained that that Arkla is currently on a flat rate (\$140,000). Mr. Larry Flowers informed the Council and has not had their fees increased since 1981 and the increased fees will bring in approximately \$730,000 annually. Councilman Perrin moved, seconded by Councilman McCall to suspend the rules and waive the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. Councilman Perrin moved, seconded by Councilman Dover to adopt the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. The ordinance was assigned ordinance number 3575.

Councilman Moore the following ordinance for first reading:

ORDINANCE FIXING THE AGGREGATE AMOUNT OF LICENSE FEES, OCCUPATION FRANCHISE FEES, CHARGES, AND SPECIAL FRANCHISE FEES ON PUBLIC UTILITIES OPERATING WITHIN THE CITY OF JONESBORO, ARKANSAS WITH THE EXCEPTION OF SBC, CENTERPOINT ENERGY; COX COMMUNICATION AND CITY WATER AND LIGHT; AND FOR OTHER PURPOSES.

It was discussed whether there was a list of all the utility companies other than those mentioned that the ordinance would affect. Mr. Flowers explained he received a list from Little Rock of 150 to 175 companies operating within the state. Currently, Ms. Becky Sharp

is going through the list to find out which companies are operating within the City. Mr. Crego explained if the company is acting as a public utility, then the company is subject to the ordinance. It was also questioned how the companies would be informing the City of how many customers they have, so the City would know how much the fee would be. The Council was informed the companies would provide a monthly audit report to base figures on. Councilman Moore moved, seconded by Councilman Dover to suspend the rules and waive the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. Councilman Moore moved, seconded by Councilman Perrin to adopt the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. The ordinance was assigned ordinance number 3576.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE LEVYING FRANCHISE FEE TO BE PAID FOR THE YEAR 2006 BY ALL CARRIERS PROVIDING LOCAL ACCESS TELEPHONE SERVICE; PROVIDING FOR THE PAYMENT THEREOF, AND FOR OTHER PURPOSES.

Councilman Perrin assured the Council that the ordinance was for land lines only and would not affect cellular phone service. Councilman Perrin moved, seconded by Councilman Moore to suspend the rules and waive the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. Councilman Perrin moved, seconded by Councilman Moore to adopt the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. The ordinance was assigned ordinance number 3577.

Councilman Dover moved, seconded by Councilman Perrin for the adoption of a resolution to set a public hearing for the abandonment of a portion of a utility easement located in Rossland Hills Subdivision as requested by John McCarthy. The public hearing was set for October 4, 2005, at 6:15 p.m. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. The resolution was assigned number 2005:109.

Item number 7 on the agenda was pulled so that the Council could look into the effect the new guidelines would have on the current names. Concern was expressed that the guidelines covers more than what was originally asked for. It was asked to pull the item so Council members would have time to further look into the resolution.

Councilman Perrin moved, seconded by Councilman Hargis for the adoption of a resolution certifying local government endorsement of Hi-Tech Properties, LLC, located at 4405 East Parker Road to participate in the tax back program. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. The resolution was assigned number 2005:110.

Councilman Moore moved, seconded by Councilman McCall for the adopting of a resolution amending Resolution No. 2004:113 setting fees for the Parks and Recreation Department. It was asked whether it was possible to present a print out of the amount the City has collected from the fees. Mr. Jason Wilkie said he would gather that information. Discussion followed asking if the Allen Park Tennis Courts were per person per court, or if it was just per court. Mr. Wilkie specified the fees were per person per hour. Councilman Perrin moved, seconded by Councilman Dover to amend the resolution to say per court, per person for the Allen Park courts. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. Councilman Moore moved, seconded by Councilwoman Williams for the adoption of the ordinance as amended. The resolution was assigned number 2005:111.

Councilman Perrin moved, seconded by Councilman Ashley for adoption of a resolution to adopt a change order with NRS Consulting Engineers for the completion of Joe Mack Campbell Baseball Park. Mr. Wilkie explained the engineers' first construction design came in above the budget, so the department asked the engineers to redesign the baseball park for two fields instead of three. The resolution is to pay for the redesign the engineers had to do. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. The resolution was assigned number 2005:112.

Councilman Moore moved, seconded by Councilman Dover to adopt a resolution to accept the bids for playground equipment at Craighead Forest Park. It was discussed that the design by Landscape Structures II was not the lowest bidder. Questions were raised what the difference was between Landscape Structures and the lowest bidder and why the lowest bidder wasn't accepted. Mr. Wilkie explained that the lowest bid did not include all the equipment they were looking for and the quality was not good. He added the resolution has been approved by the Parks and Recreation committee. A voice vote was taken resulting in eight members voting aye and one member voting nay. The members voting aye were: Province, Hargis, Moore, Williams, Street, Dover McCall and Ashley. The member voting nay was Perrin. The resolution passed and was assigned number 2005:113.

Councilman Moore moved, seconded by Councilman Ashley to adopt a resolution endorsing and supporting the Rotary Club's "Adopt Hancock County" project. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. The resolution was assigned number 2005:114.

Councilman Perrin moved, seconded by Councilwoman Williams for adoption of a resolution to accept permanent drainage easements, located in Clearview Subdivision. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. The resolution was assigned number 2005:115.

Under new business, Mayor Formon indicated to the Council that the budget process has begun and he's hoping to have a report back to the Council in the second week of October.

Under new Council business, Councilman Hargis clarified his statement regarding the future of the Department of Community and Economic Development from the special meeting held on September 16, 2005. He explained that because the department does so much with grants with a Director of Transit and a Director of Grants it might decrease the level of bureaucracy.

Councilman McCall moved, seconded by Councilman Moore to place two ordinances on the agenda. The items had been approved by the Nominating and Rules committee in their meeting just before the Council meeting. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley.

Councilman Dover offered the following ordinance for first reading:

#### ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF A SMOKE TRAILER

Councilman Moore moved, seconded by Councilman Dover to suspend the rules and waive the second and third reading. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. Councilman Moore moved, seconded by Councilman Dover to adopt the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. Councilman Moore moved, seconded by Councilman Dover to adopt the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. The ordinance was given ordinance number 3578.

Councilman Street offered the following ordinance for first reading:

#### ORDINANCE TO AMEND THE 2005 ANNUAL BUDGET FOR THE CITY OF JONESBORO

Councilman Moore moved, seconded by Councilman Street to suspend the rules and waive the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. Councilman Moore moved, seconded by Councilman Street to adopt the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. Councilman Moore moved, seconded by Councilman Street to adopt the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley. The ordinance was given ordinance number 3579.

Under public comment, Dr. Coleman addressed the Council for help to clean up the side of the roads from Patrick to Belt. Dr. Coleman explained that the bushes are overgrown and children are finding drug paraphernalia. He informed the Council the neighborhood is also willing to help clean things up if the City cannot help. He also discussed a lighting problem in the area and explained more lighting might help with the problem in that area. He also stated a four way stop is needed on Belt and Patrick because people do not stop. He informed the Council of the great need for sidewalks in the area because the cars do not watch out for pedestrians on the street as well as the streets being so small that two cars cannot comfortably get down at the same time. Mr. Ron Shipley and Chief Yates were asked to assist Dr. Coleman with cleaning the area up and to give him specifics about PROWL.

Mr. Teddy Hooton informed the Council that the Street and Sanitation departments have moved to their new location, 107 Flint Street, the former Best Building, and getting set up. He explained the Street Department had purchased the new dump truck from the lease program and was available if anyone wanted to see it.

Fire Chief Aaron Keller discussed problems they were having at the fire station. He informed the Council his phone lines and computers had been down all day.

With no further business, Councilman Moore moved, seconded by Councilman Perrin to adjourn the meeting. A voice vote was taken

resulting in all members voting aye. Those members were: Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall and Ashley.