



Legislation Details (With Text)

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Minutes for the City Council meeting on September 15, 2003
CITY COUNCIL MINUTES - SEPTEMBER 15, 2003

The Jonesboro City Council met Monday, September 15, 2003, at 6:30 p.m. A full quorum was in attendance. Present were: Mayor Brodell, City Clerk, Donna K. Jackson, City Attorney, Phillip Crego and eleven council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. Councilman Roddy arrived at 7:45 p.m. to the council meeting and was unavailable to vote until "New Business by the Council".

Councilman Perrin moved, seconded by Councilman Moore to approve the minutes of September 2, 2003, as previously delivered. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, and McCall.

City Attorney Phillip Crego provided a list of ongoing litigation, stating there had been no significant changes since the last legal report. Mr. Crego referred to items 12 (Southwind Development Co. for non-issuance of building permits) and 14 (Vestal Willet alleging unlawful taking of property) of Attorney Ralph Ohm's written report stating these were new filings. Mr. Crego explained he had not heard from the Willet's attorney, Jim Lyons, but was still optimistic that a settlement could be reached. Councilman Farmer questioned Mr. Crego about item 5 of the report which pertained to alleged nuisance and negligence on the part of the City, as well as developers of a nearby subdivision, as a result of water flowing onto their property. The report stated the Court had dismissed the negligence claim, but the nuisance claim was still pending. Councilman Farmer asked if the City had been dismissed from both allegations, or just the negligence claim. Mr. Crego stated it was his understanding that the City had been dismissed of both charges.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-2) TO COMMERCIAL (C-5),
LOCATED AT 837 W. HUNTINGTON AVENUE (David Oesterblad)

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, Young, Dover, and McCall. The ordinance was assigned ordinance number 3437.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-1) TO RESIDENTIAL (R-3), LOCATED ON THE SOUTH SIDE OF GREENSBORO ROAD, EAST OF N. CARAWAY ROAD. (Warren Lamberth and Nina Hedger)

At the request of Mr. George Hamman the engineer representing Rich Smith Development, Councilman Perrin moved, seconded by Councilman Moore to pull the ordinance from the agenda. The notice sent to City Clerk Donna Jackson stated the reason for the postponement was to allow for additional time to complete the necessary research to address the concerns surrounding the rezoning matter at the southeast corner of the intersection of Caraway Road and Old Greensboro Road. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, and McCall.

Councilman Young moved, seconded by Councilman Moore for the adoption of a resolution authorizing the Mayor and City Attorney to accept a grant from the Federal Aviation Administration for the rehabilitation of Runway 5-23 (Overlay) at the Jonesboro Municipal Airport, providing for matching funds equaling less than 10% of the total grant, not to exceed \$75,000.00. The wrong resolution was read at the previous council meeting, so the corrected resolution was submitted and approved. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, and McCall. The resolution was assigned number 2003:65.

Councilman Farmer moved, seconded by Councilman Moore to pull agenda item 7, a resolution documenting the review of the annual audit of the City Jonesboro. Mr. Larry Flowers, Finance Director recommended the resolution be reviewed by the Finance and Administration Committee prior to being voted on by the full council. He explained the State Legislative Audit had provided a revised report, and as a result the council had until October 6, 2003, (the next council meeting) to adopt the resolution. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, and McCall.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution amending Resolution No. 2002:30, to change the times for ONE-WAY traffic on Race Street east bond between Court and Dudley Street as requested by Mr. Mike Johnson with Nettleton Public Schools. Councilman Moore explained the request had been reviewed and recommended by the Street Committee. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, and McCall. The resolution was assigned resolution number 2003:66.

Under new business by the Mayor, it was announced that Deloris Wicker, a long time employee of the Finance Department had been involved in a car accident and was in room 4006 at St. Bernard's Hospital. He referred to a meeting being arranged with Attorney Ralph Ohm, MAPC members, and council members for the purpose of discussing pit falls with rezonings. He stated each individual would be contacted regarding a convenient meeting time in October. Mayor Brodell referred to a letter printed in the Jonesboro Sun pertaining to dead dogs being buried in the (Class IV) landfill. He stated he wanted to make it clear that the dead dogs are buried in the Class I landfill in a designated area. Lastly Mayor Brodell announced he would be meeting with department heads on Wednesday beginning at 1:30 p.m. in preparation for submitting the proposed 2004 budget.

Under new business by the Council, City Attorney Crego explained the process for filling the vacancy in Ward 5. A special called meeting had been conducted earlier on September 11, 2003, for the purpose of interviewing the two applicants, Ms. Judy Furr and Mr. Clifford Toney. Councilman Moore moved, seconded by Councilman Hargis to appoint Ms. Judy Furr of 2205 Oak Hollow Cove to fill the unexpired term of Alderman Paul Copeland, Ward 5, Position 2. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy.

Councilman Farmer announced the regularly scheduled Finance and Administration committee meeting for 5:00 p.m. Thursday, September, 18, 2003. It was also announced there would be a CDBG Advisory Committee meeting following the Finance and Administration meeting at 7:00 p.m.

Councilman Farmer introduced Mr. Bernie Auld, a Hydrological Engineer with Carter Burgess who gave a presentation on a drainage hot-spot at 3411 Quail Ridge Drive, located outside the pilot study area. The Infrastructure Committee had requested the area be evaluated as permitted by the drainage study resolution. Three different alternatives were provided, with a recommendation that takes in to consideration the cost and economic loss for the city. The alternative recommended by Mr. Auld was a regional detention basin which involved the purchase of the residence and additional property easements to accommodate the increased storage capabilities and minimize the flooding impact of the adjacent residential structure. He explained the study would provide the city with a mechanism to make an educated decision that would help decrease liability for the city. Councilman Farmer stated he had requested the presentation because he wanted council members to understand the process as hot-spots are identified in developed areas of Jonesboro. He explained solutions may require a unique approach to solving drainage in these already developed areas.

Under public comment, Mr. Jeff Koontz of 2002 Village Drive, requested help in resolving an issue with a general contractor (Mr. Jerry Edger) dumping concrete fill in the ditches. Mayor Brodell stated he and City Planner, Glenn Batten would address the matter first thing in the morning.

Mr. Charles Layne of 2103 W. Parker Road provided pictures of a drainage problem on his property due to work done on the third phase of construction at Woodsprings Estates. He stated the City Of Jonesboro has been aware of the problem since 1993, but allowed the various phases of work to be done anyway. City Attorney Phillip Crego responded stating the City of Jonesboro has refused to issue any building permits and a lawsuit has been filed by Southwind Development.

An announcement was made regarding "International Kids Day" for Saturday, September 20, 2003, from 12:00 p.m. to 3:00 p.m. being sponsored by Dr. McKelroy at 300 Southwest Square, with the proceeds being donated to the Jonesboro School Resource Officers. Council members were invited to attend.

Mr. Don Jenkins addressed the Jonesboro City Council in opposition to the proposed transit system. He stated he was a former chief accountant for the Memphis Transit Authority, and one of his jobs was to pick up a subsidy check each month from the City of Memphis in the amount of \$500,000,000. He stated there would be no cash flow for Jonesboro and it would be cheaper to provide taxi service to individuals needing transportation. He supported the idea that the matter be voted on by the public prior to receiving any federal funds.

Mr. Nathan LaRue, representing the Jonesboro Firefighters, informed the Jonesboro City Council that he has requested a copy of a preliminary report of the salary survey as provided by Condrey and Associates under the Arkansas Freedom of Information Act. Mr. LaRue explained it is to be an independent survey, and when there is communication that is not open to the public or the employees it ceases to be independent. He also contended

that even though the report is not complete it is however, a finished document and should be subject to F.O.I. City Attorney Crego responded saying the information he had been provided by Human Resource Director, Suzanne Hackney was that the report was not complete, and based on that information he advised the incomplete report would not have to be provided. Attorney Crego stated he too had received a request for a copy of the preliminary salary survey, but since he is not the “Keeper of the Record” he does not have the document. Councilman Dover questioned why the report could not be provided. Mayor Brodell responded saying misleading information could stir things and not be accurate. He explained Mr. Condrey has not completed his interviews with the department heads, and they do not want incorrect information going out. Councilman Farmer stated there was a reason the exemptions were placed in the F.O.I.A. Councilman Young stated if the report made a recommendation regarding a pay increase but the increase was not provided it could create a problem. Councilman Hargis responded saying Mr. LaRue’s concern regarding an independent survey was well made and should be documented into the record, but however an incomplete report should not be viewed as the finished product. Councilman Young questioned if they had asked to meet with the consultant. Mr. LaRue explained he thought he could ask for a copy of the preliminary report because it is a finished document. He expressed concern that only the Mayor and Human Resource Director were being allowed to view the preliminary report, and stated it would make a difference if they knew changes were not being made. Mayor Brodell responded saying the preliminary report is not a complete document. City Attorney Crego stated it was his understanding that a preliminary report has not been received. Mr. LaRue questioned what reports have been made available and could he have a copy of those reports. Ms. Hackney responded saying she has not received a full preliminary report, only possible pay grades as they relate to job titles and job descriptions. She stated Condrey and Associates are developing three different option plans (cadillac plan, medium plan and a low plan) for the city, and would provide the completed report to the Finance and Administration Committee. Mr. LaRue stated there were two things on the agenda of Condrey and Associates, one was the preliminary report and then the finalized report. He asked if we do not have the preliminary report, then what has been provided.

Newly, appointed council member, Judy Furr thanked everyone for their support and stated she looks forward to working with the Jonesboro City Council. She was complimentary of, and expressed her appreciation to Mr. Clifford Toney for offering his services to the City Of Jonesboro.

Councilman Street moved, seconded by Councilman Moore for adjournment. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy.