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Minutes for the City Council meeting on April 7, 2003  
CITY COUNCIL MINUTES - APRIL 7, 2003

The Jonesboro City Council met Monday, April 7, 2003, at 6:30 p.m. A full quorum was in attendance. Present were: Mayor Hubert Brodell, City Clerk, Donna K. Jackson, City Attorney, Phillip Crego and eleven council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Perrin was unable to attend.

Councilman Moore moved, seconded by Councilman Street to approve the minutes of March 17, 2003, as previously delivered. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy.

Mayor Brodell recognized two girl-scout troops, the first being Cadet Girl Scot Troop No. 193 and their leader, Laura McCain with the seconded being Brownie Girl Scout Troop No. 15 and their leader Sandra Risi. Both received certificates from the Arkansas Department of Volunteerism for their involvement in various projects.

Mayor Brodell read a letter from Attorney Jim Lyons confirming that Phillips Investments & Construction, Inc. and the City of Jonesboro had reached a settlement on the matter of City of Jonesboro Vs. Phillips Investments & Construction (Bill's Fresh Market) and as a result the appeal hearing scheduled for April 7, 2003, could be removed.

Finance Director, Larry Flowers presented the monthly financial report as required by state law. The report contained the following information: Summary Financial Report, Condensed Statement of Operations, One-Cent Sales Tax History, County Sales Tax History, Expenditures - Drainage & Ditch Projects (Schedule A), February Vendor Payments Exceeding \$10,000 (Schedule B), and February Purchase Orders Exceeding \$10,000 (Schedule C).

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM I-1 LIMITED INDUSTRIAL DISTRICT TO C-3, LUO

LIMITED USE OVERLAY DISTRICT, LOCATED ON THE NORTHEAST SIDE OF HIGHWAY 63, AT THE SOUTH END OF MOORE ROAD. (Wayne Long)

The previous ordinance read one time on March 17, 2003, had been revised, and the new ordinance was offered. City Planner, Glenn Planner reported the Metropolitan Area Planning Commission had stipulated public utilities (water and sewer) be provided prior to the issuance of a building permit since these utilities were located some distance from the site. Councilman Moore moved, seconded by Councilman Hargis to suspend the rules and place on second and third reading, but later both withdrew their original motion, due to the newly adopted Rules and Procedures, Ordinance No. 3394. Councilman Moore moved, seconded by Councilman Hargis to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy.

Councilman Farmer offered the following ordinance for first reading:

ORDINANCE AMENDING ORDINANCE NO. 3390, THE 2003 BUDGET ORDINANCE PROVIDING FOR THE POSITIONS OF CITY COLLECTOR AND ACCOUNTING TECHNICIAN I, AND APPROPRIATING NECESSARY FUNDS

Councilman Farmer moved, seconded by Councilman Street to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy.

Mr. Flowers explained for the last several years Mr. Ken Saddler had been utilized in the collections department due to the heavy workload, and the transfer of his position, from parking enforcement to collections, would allow Ms. Becky Sharp to visit businesses and collect unpaid finds. Mr. Flowers explained according to other cities the size of Jonesboro, it has proven to be a cost effective way to enhance city revenues. Councilman Young questioned the additional cost for creating the position. It was explained the cost for this year would be \$25,000 with the cost being offset by the additional revenue generated with collections. Councilman Young requested the collections be provided in the monthly financial report, to which Mr. Flowers responded saying, in addition to the financial report, he would provide a report to the Finance Committee as well. Councilman Province questioned how this would affect enforcement of downtown parking. Mr. Flowers referred to the proposed ordinance stating downtown parking would be monitored as needed, and the enforcement on a more permanent nature needed to be reviewed by the committee. Councilman Young read from the rules and procedures stating the ordinance could be read three times and voted on. The ordinance was held on the third reading at the request of Councilman Province, who explained he had received questions regarding parking enforcement by the downtown merchants.

Councilman Province moved, seconded by Councilman McCall for the adoption of a resolution authorizing the Mayor and City Clerk to execute the following MATA Contract and right-of-way: Louie, Billie, and Randal Ulmer of 221 W. Nettleton, Parcel Number 11. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned number 2003:20.

Councilman Farmer moved, seconded by Councilman McCall to table a resolution to condemn property located on Flint Street. The motion was made until further information could be provided by Mr. Aubrey Scott, MATA Director, or his Assistant Mr. Harry Hartwick, who were unable to attend the council meeting. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy.

Councilman Moore moved, seconded by Councilman Street for the adoption of a traffic resolution placing traffic signs at the following locations:

- STOP signs on the southeast corners of Derby at Rook Road; Preakness Drive at Rook Road, and Oaklawn at Rook Road.
- 35 MPH on Fair Park Blvd. From Highland Drive to Race Street.
- 25 MPH on Keely Drive going east from Richardson Street.
- 40 MPH on Commerce Drive from Highland Drive going north to Pacific Road.

A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned number 2003:21.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution enacting support for troops on active duty, in the guard and reserves by writing letters, sending care packages, and wearing yellow ribbons. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned number 2003:22.

The following appointments were reviewed:

- Councilman Copeland moved, seconded by Councilman Moore to appoint the Office of Mayor, Hubert Brodell; Transportation Chair, Ann Williams; and Planning Chair, John Street to serve on the Policy Committee of the Metropolitan Planning Organization, with no expiration date. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy.
- Councilman Farmer moved, seconded by Councilman Copeland to appoint Mayor Brodell, City Attorney Crego, Audit Chair, Darrel Dover, and Finance Director, Larry Flowers to serve on an ad hoc committee responsible for reducing to writing the verbal contract for fines and jail fees, as recommended by City Attorney, Phillip Crego. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy.

Under new business, Councilman Street suggested a resolution establishing a moratorium on “for lease” commercial signage. He explained he had received complaints from citizens regarding the billboard signs, and after researching the matter discovered the City of Jonesboro has no regulations in place. He explained a moratorium would allow time to do a comparison with other cities and establish some regulations. Councilman Street stated he would have a resolution prepared and presented to the full city council.

Councilman Young referred to the letter presented at the last city council meeting from Mrs. J. C. Vestal Willet regarding her property located at Miles Park. Mr. Young reported a letter had been received from the Willet’s Attorney Mike Gott on October 10, 2001, asking for a date as to when the City of Jonesboro would install a six-foot chain link fence and stating the drainage issue appeared to be resolved. Mr. Raymond Bednar, son-in-law to Mrs. Willet responded saying the drainage issue had not been resolved because the City of Jonesboro installed two eight inch pipes which are inadequate to drain the land. He explained according to the Soil

Conservation Service in order to drain 55 acres of land, a 3' deep X 4' wide X 15 inch pipe with a slope needed to be installed. Councilman Young made the recommendation that a date be set for the Parks Committee to look at the site for the purpose of gaining more information. Ms. Gayle Barnett objected to prolonging the matter, stating the Council was provided the information two weeks ago and were to have an answer this evening. She further explained family members had to come from out of town to attend the meetings. Councilman Farmer called for a point of order. According to Ordinance No. 3394 the agenda allows for public comment after New Business by the Council. Ms Barnett and Mr. Bednar both agreed to wait until the public comment portion of the agenda. Discussion continued by council members. Councilman Moore explained he and Councilman Hargis had looked at the property and determined the problem to be two fold. The first being a physical problem citing the drainage, the fence, and buffer zone. The second being a problem with the dirt work being done without an engineer and without taking bids on the project. Councilman Moore suggested the Parks Committee should address the physical problems and the Finance Committee address the engineering and bidding problems. Councilman Hargis asked where the report was from the Mayor's Assistant, Larry Johnson. Mayor Brodell responded saying due to doctor's orders, Mr. Johnson had to go home. Councilman Hargis stated if Mr. Johnson has work to do, and unable to complete it, then someone else needs to finish the work. Mayor Brodell responded saying Mr. Johnson had called Councilman Moore two or three times last week to set a time to go look at the property but Councilman Moore would not return his calls, therefore the report was provided to Councilman Young. Councilman Moore stated he had spoken with Mr. Johnson, but the issue is the City of Jonesboro created the drainage situation, tore down their fence, tore down their buffer zone, did not bid out the dirt work, did not have engineers sign off on the drainage, drainage work, or the installation of the pipe. Councilman Young responded saying he would like the Parks Committee to look at the area. Councilman Moore asked that he and Councilman Hargis be notified when the Parks Committee goes to look at the site. Councilman Young stated notice would be provided to everyone.

Councilman Copeland moved, seconded by Councilman Moore to accept the Mayor's recommendation, approved by the Nominating and Rules Committee, for the replacement of Mr. John Street by Mr. Mitch Johnson on the Metropolitan Area Planning Commission and Mr. Garry Tate to replace Ms. Carla Carson on the Solid Waste Authority with an expiration date of August 1, 2005. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy.

Councilman Copeland moved, seconded by Councilman Dover, as recommended by the Infrastructure Committee, to accept the low bid, and only bid of Professional Audio for an upgrade to the sound system in Council Chambers for a cost of \$19,996.44 to come from the Capital Improvement fund. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy.

Councilman McCall questioned who was responsible for follow-up on the cleanup of ditch work. He explained there is still debris around and in the ditches. City Engineer, Claude Martin stated no one had discussed with him who or how the debris should be removed, even though he had previously asked the question.

Councilman Farmer gave the example of Whitman's Creek, and stated Mayor Brodell had told him it was the City's responsibility to remove the debris. Councilman Farmer explained if the debris is not removed, it will wash down to the next culvert and cause a problem. Mayor Brodell concurred and explained poor weather had been the reason the work had not been done, but assured the council that the work would be done.

Under the public comment portion of the agenda, Mr. Chris West addressed Council regarding city plumbing inspector Lowell Gragg. He provided a petition containing 132 signatures, representing 40 organizations opposed to the firing of Mr. Lowell Gragg as City Plumbing Inspector, and requested he be reinstated. Mr. West

stated the plumbers wanted to meet with the Inspection Committee and have them hear their concerns. He also stated they wanted to be consulted if the codes are going to change. Mr. John Hazlewood also spoke in favor of Mr. Gragg and his reinstatement.

Next to address the Council under public comment was Ms. Gayle Barnett who began by asking questions of Mayor Brodell. She asked had Mayor Brodell ever gone to discuss the problem with her mother or father. Mayor Brodell responded saying he had met with Randy Willet who was representing the family. Ms. Barnett questioned Alderman Roddy as to who ordered the work to be done, and Councilman Roddy responded saying Mayor Brodell had requested the work. Ms. Barnett stated the equipment that was used to do the work belonged to Alderman Roddy, according to his son, David Roddy, but Councilman Roddy stated that it was not his equipment.

With no further business, Councilman Copeland moved, seconded by Councilman Moore to adjourn. A voice vote was taken resulting in all members voting aye.