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Minutes from the City Council meeting on June 2, 2003

PUBLIC HEARING - 6:00 P.M. - A public hearing was held regarding the abandonment of an alley located in Culberhouse Subdivision of Knight's 2nd Addition. Mr. Roger Abernathy had requested the abandonment. No opposition was voiced.

APPEAL HEARING - 6:05 P.M. - An appeal hearing was conducted at the request of Mr. Joel Taylor for The Merritt Group regarding the failure of the Metropolitan Area Planning Commission to grant a Conditional Use Permit for a cell tower located at the 2300 block of Brown's Lane. Mr. Taylor's request for the cell tower was filed prior to a moratorium being enforced on permits for the location and construction of off-premises billboards and high-pole signs and for communication towers, Resolution No. 2003:25. City Planner, Glenn Batten explained the matter had been appealed one time before and was returned to the M.A.P.C., but the property owner of record had not signed and should have been pulled from consideration. He also explained the site development plan was only received last Tuesday, with no documentation being received by Alltel. Due to the application being incomplete, Mr. Batten recommended the matter be tabled until all information had been received.

CITY COUNCIL MINUTES - June 2, 2003

The Jonesboro City Council met Monday, June 2, 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, Perrin, Street, Young, Dover, McCall, and Roddy. Councilman Copeland was unable to attend.

Councilman Perrin moved, seconded by Councilman Street to approve the minutes of May 19, 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, McCall, and Roddy.

Finance Director, Larry Flowers provided the monthly financial report stating 32% of the annual budgeted revenues had been received with expenditures being slightly less than this time last year.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL R-1 TO RESIDENTIAL R2A LIMITED USE OVERLAY LOCATED ON THE WEST SIDE OF PARKER ANNEX ROAD, SOUTH OF PARKER ROAD. (Bob Harrison/Jeff Green)

Councilman Young moved, seconded by Councilman Moore 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, McCall, and Roddy. The ordinance was assigned ordinance number 3412.

The following ordinance was on the second reading:

ORDINANCE TO ADOPT BY REFERENCE THE 2002 EDITION OF THE ARKANSAS FIRE CODE INCLUDING THE BUILDING CODE.

No further action was taken regarding this ordinance.

Councilman Young offered the following revised ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL R-1 AND COMMERCIAL C-3 TO COMMERCIAL C-3 LIMITED USE OVERLAY LOCATED ON THE NORTHWEST CORNER OF HIGHLAND DRIVE AND WOFFORD STREET. (INHOC, LLC)

Councilman Farmer questioned the City Attorney, Phillip Crego about the proper Procedure since a revised ordinance had been introduced. Attorney Crego recommended having three readings of the revised ordinance, or to waive the readings of the ordinance. Councilman Perrin moved, seconded by Councilman Moore to suspend the rules and place on second reading. Attorney Jim Lyons, representing INHOC, LLC stated the 1.0 acres located at Highway 1 and Highland Drive had almost 100 feet to the west that was already zoned commercial three without the limited use overlay. He provide a booklet of information which contained the City Planners recommendation to rezone the property; the MAPC's recommendation to rezone the property; the Comprehensive Plan showing Highland as a major arterial street; and a deed of ownership to the property. Mr. Lyons addressed traffic issues saying it was a safe intersection because of the traffic light and police patrolling the area. Giving statistics of traffic accidents at the intersection he stated they believe the small amount of traffic generated as a result of the rezoning will have little to no effect on the intersection. Attorney C. M. Mooney, Sr., representing several citizens in opposition to the zoning change, stated the land use plan classifies the property as medium density residential use. He referred to previous zoning requests mentioning Highland Forest Subdivision which was developed by Mr. Jerry Craft. He stated Mr. Craft attempted to rezone the frontage property as commercial and was told they would have to hold the line on commercial development. He asked the City Council to continue to hold the line on commercial development otherwise it would set precedence for the future. Regarding safety he stated the intersection at Highland and Wofford was a poorly designed intersection with a lot of traffic coming off of Highway 1 to the local schools. The following individuals addressed the Council in opposition to the zoning change:

Dr. Ruth Hawkins, Director of the Delta Heritage Foundation with ASU. She explained Crowley's Ridge is the state's first nationally designated scenic byway and Jonesboro should hold that route to a much higher standard, because not to do so could result in de-designation as a national scenic byway. She state the City of Jonesboro is on record supporting the scenic byway which has brought economic benefit to the city.

Marsh Patton of 2111 Harrisburg Road mentioned all the area churches and schools, saying combined with the problems of heavy traffic it becomes a public health and safety issue.

Andy Peeler of 217 Wilkins stated he was not opposed to progress, but opposed to progress without proper planning. He referred to plans to extend Harrisburg Road north of Highland Drive to Church Street, and stated consideration should be given to these plans prior to rezoning the area.

Robert Ryan representing a group called Respect Our Neighborhoods or R.O.N.'s, stated Attorney Lyons had given traffic accident statistics for the intersection, but he was interested in the accident counts at Church, Rains, Metzler, and Wofford. He suggested crossing Highland Drive at Harrisburg Road to relieve traffic congestion on the other streets.

Others to address the Council were: Carmadine May, 1807 Rains; David Lewis, Physician and Bishop of Church of Christ of Latter-day Saints; and Walter Stewart, 1705 Rains. Each raised issues of traffic, safety, drainage, and poor street construction on Rains Street.

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. No further action was taken.

Councilman Street offered the following ordinance for first reading:

ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF MOTOROLA POLICE RADIOS FOR THE POLICE DEPARTMENT

Councilman Moore moved, seconded by Councilman Street to suspend the rules and place on second and third readings. 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 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, McCall, and Roddy. Councilman Street moved, seconded by Councilman Perrin 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, Young, Dover, McCall, and Roddy. It was explained that the bids were waived because Motorola is currently the only source for the police radios, but the department is researching other providers so bids would not have to be waived. The ordinance was provided ordinance number 3413.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE AMENDING ORDINANCE NO. 3390, THE 2003 BUDGET FOR THE PURPOSE OF TRANSFERRING FUNDS FROM CITY ENGINEER POSITON TO CIVIL ENGINEER II POSITION

Councilman Young moved, seconded by Councilman Moore to suspend the second and third reading. 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. Councilman Young 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: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The ordinance was assigned ordinance number 3414.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE VACATING AN ALLEY LOCATED IN CULBERHOUSE SUBDIVISION OF KNIGHT'S 2ND ADDITION (ROGER ABERNATHY)

Councilman Moore moved, seconded by Councilman Roddy to suspend 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, Young, Dover, McCall, and Roddy. 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, McCall, and Roddy. The ordinance was assigned ordinance number 3415.

Councilman Dover moved, seconded by Councilman Street to table a decision regarding the appeal of Mr. Joel Taylor of the Merritt Group until complete information had been provided. 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.

Councilman Perrin moved, seconded by Councilman Street for the adoption of a resolution requesting City Water and Light to provide free utilities at 400 S. Main Street # B for downtown improvements for a sprinkler system. 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. The resolution was assigned number 2003:29.

Councilman Dover moved, seconded by Councilman Farmer for the adoption of a resolution establishing a Financial Reserve Policy for the City of Jonesboro. Councilman Perrin clarified it was not a spend-down policy and emphasized the words "at least" saying we need at least 90 days or 30% in reserves. Councilman Young contended that even though the intent is not to spend down to the reserve amount it would provide for that possibility. Mr. Young stated the reserves should be five to six months, leaving reserves at its current status. Councilman Young stated he was concerned about how the city's money was being spent, citing \$37,500 for a study of the Salary Administration Plan; \$50,000 to hire an external auditor to study work efficiency and why the Street Department and Engineering Department do not speak to each other; \$525,000 for a drainage pilot to study southeast Jonesboro, and an additional \$624,997 to study the rest of Jonesboro over a three year period. Councilman Young pointed out that excluding the traffic study, the City of Jonesboro has spent a total of \$1,237,497 in studies before any work has been done. He argued if we have a 30% reserve limit but spend one or two million in studies it will deplete Jonesboro's monies. Councilman Young stated it was Councilman Dover who asked the City of Jonesboro to stop studying the problem and fix the flooding of his property. Councilman Young finished by saying the resolution was short-sighted and recommended the Council stop wasting tax-payer money on studies. Councilman Dover responded to Councilman Young's statements saying the money needs to be spent wisely, but it does not solve the City's problems sitting in the bank. He stated it's great to have a big bank account, but when citizen's homes are flooding and people are hurting, and nothing is being done, a big bank account is not much comfort. Councilman Dover reminded Councilman Young that citizens pay

taxes for services, and Jonesboro needs to provide those services and not pay lip service to the problems. He explained that is what he was referring to when promises were being made to study the problem, but week after week nothing was being done and he was told there was no money to fix the problems. Councilman Farmer responded saying presently there is no reserve policy, so the funds could be spent down to zero under current city law. He explained the Finance and Administration Committee did not go into this blindly and felt it was important to have a reserve policy. He explained the Finance Director, Larry Flowers had polled other cities and reported reserves were 10 to 15 percent, but because Jonesboro is in an earthquake zone and in tornado alley a more conservative approach was taken with the 30% reserve policy. Councilman Farmer then addressed Councilman Young's comments on spending. Referring to the Salary Survey, Councilman Farmer pointed out that Councilman Young was the Chairman of the 2002 Finance Committee who budgeted \$55,000 for the Salary Survey, of which only \$37,000 has been spent for this year's contract. Regarding the External Auditor, Councilman Farmer explained no extra funds would be spent this year because the budget was amended to transfer the funds that were set aside for an internal auditor position to the external auditor. Councilman Farmer addressed the drainage plan saying a lot of the problems the City of Jonesboro has experienced are because drainage was not planned for properly, and if better planning had been done in the past we would not be in the situation we are in now. He stated if a drainage study had been done five years ago Jonesboro would not have had to spend \$650,000 on concrete ditches that have not been designed correctly, and contribute to the drainage problems we currently are experiencing. Councilman Farmer stated proper planning is essential for building a house, building a business, and building a city. He further stated elected officials are not here to hoard tax dollars, but rather to provide services to citizens, and should go about the building of the City of Jonesboro in a well planned, professional manner. He explained the Drainage Plan will benefit the City Of Jonesboro for the next 25 to 30 years.

Councilman Province concurred with Councilman Young stating the reserve should be more than the 30%. Councilman Moore stated the amount wasted on ditch paving was not \$650,000 as stated earlier by Councilman Farmer but rather \$1.2 million. Councilman Moore then questioned Councilman Province as to why in all the years he has served as a city councilman did he not propose a minimum reserve policy rather than having an unlimited spending policy with no minimum. Mr. Larry Flowers, Finance Director was asked to address the proposed minimum budget reserve policy, to which he provided recommendations by a national organization called the Government Finance Officers Association which recommend a reserve policy with a 5% or 1 month minimum by bond raters. He reported Fayetteville has a reserve minimum of 10% and Fort Smith 15%. Mr. Flowers stated it was a tough call and he did not want to be the one to decide, but based on the statistics provided, 30% was a reasonable amount, because it is simply setting a floor as explained earlier. Mayor Brodell responded saying Mr. Flowers has come to him for the last three or four years concerned about possible deficit spending and that the City of Jonesboro would go broke. Mayor Brodell stated no one has come to him about this, and he wanted it understood that the Finance Director is the one who warned about deficit budgeting or the city would go broke. Mayor Brodell stated the Council could go what they wanted to, but the Finance Director is paid to do the figures and he is the one who said it. A roll call vote was taken resulting in an eight to three vote in favor of the motion. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Dover, and McCall. Those voting nay were: Province, Young and Roddy. The resolution was assigned number 2003:30.

Councilman Farmer moved, seconded by Councilman Dover for the adoption of a resolution accepting a contract with Carter-Burgess, Inc. to conduct a Master Storm Water Drainage Plan for a Pilot Study in southeast Jonesboro. A voice vote was taken resulting in all members voting aye with the exception of Councilman Young who voted nay. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall, and Roddy. The resolution was assigned number 2003:31.

Councilman Dover moved, seconded by Councilman Moore for the adoption of a resolution authorizing the Mayor and City Clerk to execute two contracts for culvert work at the Mardis Drainage Project and Shadow Ridge Drainage Project. Councilman Perrin questioned if the study had been approved by the Engineering Department. Councilman Farmer questioned City Attorney, Phillip Crego if he was reviewing all contracts prior to them coming to the city council for adoption. Mr. Crego stated he was not. Councilman Farmer questioned how the Council would know who is preparing the contracts and if they meet the requirements of the city. Mr. Crego stated he does not review contracts unless asked to do so. Mayor Brodell explained it is the job of the Purchasing Agent, Steve Kent to do bidding and prepare the contracts. Councilman Perrin questioned who prepared this particular contract. City Clerk, Donna Jackson explained she had asked Mr. Kent for the contracts, but received them from the MATA Secretary, Tracey Cooper. Councilman Perrin raised the issue of surety bonds and if anyone was following through. Councilman Young responded saying we should have qualified department heads who can see that the work is carried out, then questioned the city attorney as to how many contract lawsuits the city has had in the past twelve years. Councilman Farmer explained there are a lot of competent people who do not have the legal background to make sure the city does not get into a bad situation. A voice vote was taken resulting in all members voting aye with the exception of Councilman Young who voted nay. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall, and Roddy. The resolution was assigned number 2003:32.

Councilman Street moved, seconded by Councilman Hargis for the adoption of a resolution authorizing the Mayor and City Clerk to execute a contract with Condrey and Associates, Inc. to review and revise the city's classification and compensation system. A voice vote was taken resulting in all members voting aye with the exception of Councilman Young who voted nay. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall, and Roddy. The resolution was assigned number

2003:33.

Councilman Young moved, seconded by Councilman Province for the adoption of a resolution authorizing the Mayor and City Clerk to execute a contract with ETC Engineers, Inc. for engineering services for a water spray ground at Allen Park Community Center and bathhouse at Earl Bell Community Center Pool. A voice vote was taken resulting in all members voting aye with the exception of Councilman Young who voted nay. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, McCall, and Roddy. The resolution was assigned number 2003:34.

Mayor Brodell changed the order of the agenda and went to new business by the Council. Councilman Dover questioned Mayor Brodell as to why in the past four or five council meetings he has not had any new business. Mayor Brodell responded saying he did not say he did not have any new business; he just skipped down to new business by the Council.

Councilman Young questioned City Engineer Claude Martin on the status of establishing a crew to do maintenance on ditches. Mr. Martin explained he and Street Superintendent, Gene Barnett were discussing which personnel would be responsible for the maintenance work and were considering different options.

Councilman Moore questioned the status of the Clean Sweep program. Mayor Brodell responded saying hopefully it would be on the next city council agenda. He commended the work of Royce Leonard and Alderman Bill Roddy regarding clean sweep. Councilman Hargis stated he has been trying to get questions answered regarding the Sanitation Department, but was told by Mr. Royce Leonard, Director of Sanitation that it would be June 18th before he could provide an overview. Councilman Hargis stated he had written a letter regarding this matter and had not gotten a satisfactory response, so he questioned Mayor Brodell why this was. Mayor Brodell responded saying he thought they had discussed the matter as some length, but not all the way. Councilman Hargis stated the discussion was not clear, and requested the Mayor's response in writing. Mayor Brodell stated he would respond in writing. Councilman Hargis explained he was being asked questions by the public and needed a clear understanding of the workings of the Sanitation Department.

Councilman Farmer reminded Infrastructure Committee members they would reconvene after the city council meeting for the purpose of discussing legislation issues with City Attorney, Crego, and announced the Finance and Administration Committee meeting would be changed from Thursday, June 19th to Tuesday, June 17th because several council members would be attending the Arkansas Municipal League. Councilman Farmer reported the Infrastructure Committee had recommended amending the budget to address the Drainage Plan and would be discussing the matter in the Finance Committee. Councilman Farmer raised several questions regarding the latest landfill lawsuit. He questioned, given the previous railroad ownership of the landfill property, if Phase II of the environmental study should not be considered so there would be no question that the property was clean. Councilman Farmer also questioned, given the possibility the city could lose the latest landfill lawsuit, if it would not be prudent to consider an alternate landfill site because the process with ADEQ would have to start over. Lastly, Councilman Farmer provided copies of Attorney General's questions he intends to submit. He explained there has been several FOI and ethical questions raised in the past and stated if anyone else had questions he would add them to the list.

Mayor Brodell called on City Engineer, Claude Martin and City Planner, Glenn Batten to report on the GIS System. Mr. Batten reported there had been a meeting between himself, Claude Martin, Mayor Brodell, Alderman Perrin, Alan Young of the Information Systems Department, and Vic Young of Fisher and Arnold. He stated they had agreed Claude would send Melissa Houston from Engineering, and the Planning Department would send Boyd Cardwell to Fisher & Arnold in Memphis for a three day seminar on the total cad system. Mr. Batten then questioned Mayor Brodell regarding the intent to send Boyd and Melissa to the field to collect data. Mayor Brodell responded saying they were going out to bring up what is current along with Alan, and once that was done then the engineering work would be turned in. Mayor Brodell stated Mr. Batten and Mr. Martin would have to sign off before the information was entered into the cad system. Mr. Batten stated it was not his understanding nor Mr. Martin's that Boyd and Melissa would be pulled off their regular job and be sent to the field to collect data that has been the responsibility of Information Systems. Mr. Martin stated he thought the misunderstanding was with Allen Young of Information Systems. He explained he had contacted Vic of Fisher and Arnold and was told it was strictly to get Boyd and Melissa familiar with the equipment, and not the intent for them to go out in the field and do the work. Mayor Brodell responded saying he thought they had an understanding, but nobody had said anything to him about a problem. He stated they would have another meeting tomorrow morning to clear the air because this is the first time he has heard of a problem since the agreement was made. Mr. Batten questioned Mayor Brodell as to what the agreement was. Mr. Batten then asked were Boyd and Melissa supposed to go to the field with the GPS equipment and survey and bring the data up to date. Mayor Brodell referred the question to Mr. Alan Young of Information Systems. Mr. Young said his understanding was they would take the GPS device, drive along the streets that have been added since the GIS was delivered. He stated he asked both Claude and Glenn for someone from each of their departments to learn the GPS device for the purpose of sending them out to collect the points, the center lines, along the new streets. Mr. Batten responded saying that was the part that failed to be mentioned in that meeting. Mr. Young apologized for the misunderstanding. Mayor Brodell again stated he would meet with them tomorrow morning. Mr. Batten commented it was a very misleading situation. Mayor Brodell asked Alderman Perrin to respond since he was in the

meeting. Alderman Perrin stated his understanding was that two people needed to be trained on the cad operation to make sure all the data comes in prior to being sent to Mr. Street's committee, that an ordinance would be set up by Mr. Claude Martin, and the information provided by the surveyors would be going into the cad directly. Mayor Brodell again stated Mr. Martin and Mr. Batten would sign off on the work. Mr. Batten responded they did not agree their employees would be doing field work that was supposed to have been done by Information Systems for the last two years. Alderman Perrin agreed saying to his understanding it would take one day to check the data and bring it up to date. Mr. Batten responded saying he heard one day, but not 3 months, 6 months as told by Mr. Alan Young to Boyd and Melissa. Mr. Alan Young reported he had spent Friday afternoon working with Melissa and Randy from the engineering department, and this morning working with Melissa and Boyd. Mr. Batten questioned Mr. Young if it was his intention that Melissa and Boyd would out in the field. Mr. Young responded saying yes, because it had to be done and he did not have the staff to do it. Mr. Batten replied back, so we do? Mayor Brodell stated they would address the issue in the morning, and that was enough. Mr. Batten responded saying the Mayor owed them an apology for misleading them. Mayor Brodell apologized.

Mayor Brodell reported he had been trying to get a vicious dog ordinance in place for the last four or five years, and felt it was time for the city council to do something. He stated he had spoken to Councilman Hargis about the situation. He explained there had been 21 serious dog bites since the first of the year. City Attorney Crego gave an overview of the current cases involving dogs. Councilman Dover questioned if there was a current vicious dog ordinance on the books. Councilman Hargis responded saying the city has an ordinance regarding biting dogs. He explained the committee were reviewing ordinances from six other cities concerning vicious dogs, but they did not want to establish an ordinance for the majority based on something that may be caused by the handler. Alderman Hargis explained in the first incident, which precipitated the second incident, it involved an altercation between two 23 or 24 year old adult males. He stated there are things involved here other than just dogs.

Under public comment, Mrs. Virginia Randall of 1301 Wilmar Circle reported that since last year every time it rains 2½ inches, Wilmar Circle floods from Cherry Street to Walnut Street, and even the streets behind them, Nettleton Circle and Belwood. She requested something be done soon to correct the drainage system.

Next was Marsha Patton of 2111 Harrisburg Road who addressed council members regarding the rezoning at Highland Drive and Wofford Street by INHOC, LLC. She stated it was not about scenic byways or about the value of their homes, but a safety issue.

With no further business, Councilman Farmer moved, seconded by Councilman Williams 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.