



Legislation Details (With Text)

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Minutes for the City Council meeting on May 2, 2006  
CITY COUNCIL MINUTES - May 2, 2006

The Jonesboro City Council met Tuesday, May 2, 2006, at 6:30 p.m. Members present were: Mayor Doug Formon, City Clerk, Donna K. Jackson, City Attorney Crego and twelve council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and Ashley.

Councilman Moore moved, seconded by Councilman Ashley to approve the minutes for the April 18, 2006, City Council meeting as delivered. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and Ashley.

Councilman Moore moved, seconded by Councilman Perrin to provide a legal report on a quarterly basis. Councilman Farmer explained that an ordinance would have to be drafted amending the Rules and Procedures allowing for the quarterly report rather than monthly. City Attorney Crego stated he would draft the ordinance. Councilman Moore requested the emergency clause be included in the drafted ordinance and be placed on the next city council agenda. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and Ashley.

The following ordinance was up for reconsideration:

ORDINANCE TO REZONE PROPERTY FROM AG-1, AGRICULTURAL TO R-1 RESIDENTIAL, LOCATED NORTH OF FLEMEN ROAD, EAST OF WOODSPRINGS ROAD, AND WEST OF FRIENDLY HOPE ROAD. (Jerry McCormick)

Attorney Skip Mooney, Sr., representing Mr. and Mrs. Jerry McCormick stated this was not spot zoning and meets all criteria for residential one zoning. Mr. Mooney stated the property cannot be used for anything as it is currently zoned, AG-1. He stated his clients do not live in Jonesboro, and the sale of the property to Rick and Sherry Turman is contingent on the rezoning. With regard to drainage Mr. Mooney stated Street Superintendent Teddy Hooton had consulted with county officials, and Mr. Carlos Wood, and engineer for the project was available to discuss the drainage issues, but the drainage problems would be addressed by the MAPC once the

property was rezoned. Councilman McCall read from the zoning ordinance pertaining to criteria when considering a rezoning request, part of which was drainage. He explained the city council is held accountable to make sure a zoning change does not have an adverse affect on nearby property owners, utilities , and drainage even though it may meet all the zoning criteria. Attorney Mooney agreed with Councilman McCall, but stated consideration must be given to the proper zoning first with the drainage plan being reviewed and approved following the rezoning. He further stated the City Council must depend on Mayor Formon when he says he will see that his staff will be responsible for correctly handling the drainage issue. Attorney David Tyler, representing the opposition stated his clients are only opposed to the R-1 zoning, not an R-0 which is more restrictive. He stated once a city council rezones property they open the door for development in the neighborhood regardless of promises to hold developer's feet to the fire. Attorney Tyler provided a report from the Department of Agriculture that stated the soil is not conducive for building single family dwellings, or R-1 zoning. Councilman Dover responded asking the question, if the soil is not good for R-1 zoning, then how could it be good for R-0 zoning. Attorney Tyler stated it probably is not, but limit it as much as possible. Councilman Johnson questioned if the homes currently developed in the area would not also have the same soil problems. Attorney Tyler concurred, but stated if R-1 zoning is permitted there would be a higher concentration of homes. Dr. Jim Sanders provided a booklet containing pictures of drainage problems in the area. He referred to a letter dated April 17, 2006, from Mr. Teddy Hooton, Street Superintendent which stated by changing some of the requirements and fixing the down side flow then the State would consider installation of new drainage tiles, but Dr. Sanders contended it would be a very expensive project. He talked about the 1992 Storm Water Drainage Study saying it was outdated, but that some of Mr. Hooton's recommendations came from that study. Councilman Moore questioned Dr. Sanders asking if he would be in favor of the R-0 zoning, as was Attorney Tyler. Dr. Sanders responded saying he would be in favor of anything that would decrease the density. Councilman Moore then asked would Dr. Sanders be in favor of the rezoning if the drainage problems were resolved. Dr. Sanders stated that would be a decision for the Jonesboro City Council to make. He further stated it would be better to have fewer houses because of the drainage issue. Ms. Ann Smith explained she and her sister owned 240 acres in the area, and all she was requesting from the city is an assurance that the drainage problems would be addressed. City Planner, Otis Spriggs stated in February he gave a positive recommendation for the rezoning, and based on the arguments previously given, the highest and best use for the property would be single family. He explained after speaking with city staff and if measures are taken to handle the drainage issue and the design of the detention pond then he would support their request for R-1 zoning. Mr. Teddy Hooton explained the policy of the State Highway Department is to not put a bigger structure upstream than downstream and have not committed to replacing the structure under Hwy 226, however if structures are enlarged west of Hwy 226 (which is upstream), then they would consider enlarging the structure located under Hwy 226. He explained there was no guarantee but the Highway Department would look at it if the other structures were enlarged. He explained the Public Works Committee had approved donating 42 inch plastic pipe (which the City no longer uses) and Craighead County has agreed to install the larger pipe. Mr. Hooton further explained the pipe currently running under Hwy 226 has rusted out and would eventually close itself off. Councilman Farmer questioned the cost of the replacement. Mr. Hooton estimated the cost at \$20,000 depending what the pipe is replaced with. Questions were raised regarding Jonesboro's responsibility for the development cost, over the cost for city owned ditches. Councilwoman Furr questioned the status of the ditch located in front of Beaver Creek, asking if it were cleaned out would it not alleviate some of the drainage problems. Mr. Hooton stated individuals had been requested to clean it out, but have not responded. Mayor Formon suggested the City clean it out and send the bill to the residents. Mayor Formon stated he felt confident that the State would replace the pipes under Hwy 226, if the other work is done by the City and County. Mr. Hooton stated if the detention pond is installed properly there should be no increase in run off as it is today. Councilman Johnson moved, seconded by Councilwoman Furr 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, Dover, Furr, McCall, and Ashley. Councilman Perrin moved, seconded by Councilman Dover 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, Dover, Furr, McCall, and Ashley. The ordinance was assigned number 3634.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM R-2, RESIDENTIAL, TO C-1 COMMERCIAL, LOCATED BETWEEN HOPE AND CREATH. (ST. BERNARD'S HOSPITAL/JONESBORO REAL ESTATE HOLDINGS CO.)

Councilman Farmer moved, seconded by Councilman Dover 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, Dover, Furr, McCall, and Ashley. The ordinance was assigned number 3635.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM AG, AGRICULTURAL, TO C-1 COMMERCIAL, LOCATED NORTH OF HIGHWAY 49 SOUTH BETWEEN WILKINSON DRIVE AND MAPLE VALLEY DRIVE (THREE SISTERS LLC)

Councilman Street 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, Johnson, Dover, Furr, McCall, and Ashley. Councilman Moore moved, seconded by Councilman Johnson for the adoption of the emergency clause. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and Ashley. The ordinance was assigned number 3636.

Councilman Street offered the following ordinance for first reading:

ORDINANCE TO WAIVE FORMAL BIDDING AND AUTHORIZE THE PURCHASING OF FUEL FOR THE PUBLIC WORKS DEPARTMENT.

Councilman Moore moved, seconded by Councilman Ashley to suspend with 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, Dover, Furr, McCall, and Ashley. 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, Dover, Furr, McCall, and Ashley. 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, Dover, Furr, McCall, and Ashley. The ordinance was assigned number 3637.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO CONTRACT WITH VAN HORN ASSOCIATES FOR THE DOWNTOWN SIDEWALK IMPROVEMENTS PHASE II PROJECT AND TO APPROPRIATE ADDITIONAL FUNDING

Councilman Street moved, seconded by Councilman Moore to suspend with 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, Dover, Furr, McCall, and Ashley. Councilman Street 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, Johnson, Dover, Furr, McCall, and Ashley. 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, Dover, Furr, McCall, and Ashley. The ordinance was assigned number 3638.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution accepting the following bids:

2006:31 - Thermoplastic Paving Markings - low bidder being Traf-Mark  
2006:32 - Reflectorized Paint Paving Markings - low bidder being Anderson Striping  
2006:33 - Removal of Permanent Pavement Markings - low bidder being Traf-Mark

A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and Ashley. The resolution was assigned number 2006:60A.

Under new business, Mayor Formon announced reimbursement FEMA forms would be provided to the various department heads; that the JETS kickoff would be at 11:00 a.m. at the Chamber of Commerce; and that everyone was back in the Justice Complex except for the Court, Warrants Division, and City Attorney's Office. He explained they were trying to fix a leak in the City Attorney's Office.

Councilman Farmer reported the Finance Committee was conducting interviews for the position of Internal Auditor, and to this point they had reviewed four candidates. He reported discussion had been held with a representative of the Firemen's Pension, and because of legal issues regarding the previous lowering of the millage from 1% to ½%, and which fireman's fund it should go into, a decision has not been reached. Mr. Farmer explained they were asking for a friendly lawsuit where both parties are working together to resolve this matter and for clarification.

Councilman Moore moved, seconded by Councilman Street to suspend the rules and add an ordinance to the agenda that had been approved by the Finance Committee but had missed the agenda deadline. It was explained the ordinance was dealing with employees who were being called away to active duty. Councilman Farmer stated it was budget neutral, but eleven positions had to be added to the City's budget. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and Ashley. Prior to the ordinance being read, Mayor Formon requested it be amended increasing the total number to 12 total city employees instead of 11, and increasing 3 police officers to 4 police officers. Councilman Farmer moved, seconded by Councilman Street for the amendment.

Councilman Farmer offered the following ordinance for first reading:

AN ORDINANCE AMENDING THE ORDINANCE NUMBER 3006 ADOPTING A 2006 ANNUAL BUDGET FOR THE CITY OF JONESBORO, ARKANSAS (Military Active Duty)

Councilman Moore moved, seconded by Councilman Ashley to suspend with 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, Dover, Furr, McCall, and Ashley. Councilman Moore moved, seconded by Councilman Ashley 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, Dover, Furr, McCall, and Ashley. Councilman Moore moved, seconded by Councilman Ashley 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, Dover, Furr, McCall, and Ashley. The ordinance was assigned number 3639.

Councilman Farmer moved, seconded by Councilman McCall to refer to the Nominating and Rules Committee the issue of the election process for Jonesboro's City Government with a target date of June 20, 2006, for consideration of the proposal by the full city council. 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, Dover, Furr, McCall, and Ashley.

Councilman Farmer moved, seconded by Councilman Dover for reconsideration of the ordinance dealing with the Special Election and the ordinance levying a 1% sales tax for the convention center to be placed on the May 16, 2006, agenda. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and Ashley.

Councilman Street announced a public drainage meeting for May 11, 2006, from 4:00 p.m. to 7:00 p.m. at the west end of the Huntington Building. He explained this pertains to the Master Drainage Study.

Councilman Johnson expressed concern that City Council members were not informed in a timely manner regarding the withdrawal of the convention center. He stated a Jonesboro Sun reporter, Keith Inman had informed him, and did not receive an email from Mr. Wadley till 6:00 p.m. He stated the City Council hears about city business from the media before they hear it from city hall. Mayor Formon responded saying Mr. Inman had advised his office about 4:00 p.m., and he personally did not get the information until 4:30 p.m. because he was not in the office. Mayor Formon contended by the time he called each council member and talked five minutes it would take an hour, and email was the quickest form of notification. Councilman Johnson stated he felt comments made by members of the committee for the convention center were out of line since they were provided the final draft of the ordinance five minutes before the meeting. He stated comments were made on television that the City Council had the ordinance two months prior to voting on it. Mayor Formon responded saying there had been no change to the ordinance with the exception of the dates.

Councilwoman Furr read from the April 4, 2006, city council minutes where Councilman Farmer questioned when the proposal for the new convention center would be presented to city council members, with Mayor Formon stating it would be presented at the April 18<sup>th</sup> city council meeting. Councilwoman Furr explained the city council packets arrived on Saturday morning prior to the April 18<sup>th</sup> meeting, only to have an amended ordinance presented to them five minutes to it being read. She explained she was concerned with statements being made that city council members had the ordinances and knew of their content months in advance, because they did not.

Councilman Moore moved, seconded by Councilman Perrin to add two resolutions to the agenda that had been approved by the Public Safety Committee, but had missed the agenda deadline. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and Ashley.

Councilman Moore moved, seconded by Councilman Perrin for the adoption of a resolution appointing the following members to the Jonesboro Local Redevelopment Authority with terms to expire upon completion of the task: Stephanie Greenham, Tom Barnes, Everett Fair, Margaret Holloway, Mark Hackney, and Cecil Province. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and Ashley. The resolution was assigned

number 2006:51.

Councilman Moore moved, seconded by Councilman Perrin for the adoption of a resolution appointing the following members to the Civil Service Commission with the following expiration dates: Glenda Frankenberg is hereby reappointed to a two (2) year term with an expiration of April 2008; Rohn Craft is hereby reappointed to a four (4) year term with an expiration of April, 2010; Dennis Zolper is hereby reappointed to a six (6) year term with an expiration of April, 2012; Jay Blackshare is hereby reappointed to an eight (8) year term with an expiration of April, 2014; Tim Rook is hereby appointed, replacing Bill Waldrip, to a ten (10) year term with an expiration of April, 2016. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and Ashley. The resolution was assigned number 2006:52.

Councilman Farmer apologized to the City Council if any of his comments in last week's Jonesboro Sun were out of line and for speaking rather harshly. Councilman Province responded saying Mr. Farmer's comments were well spoken and needed to be said. Councilman Farmer stated it is frustrating when council members are trying to do their jobs, follow the democratic process, and keep things open and accountable to the citizens only to be criticized for it. He explained every member of the Jonesboro City Council wants a convention center in Jonesboro, and was not opposed to a convention center. He explained he could understand how individuals in the business sector could argue that a convention center's benefit is worth any cost to the community, however financial consideration must be given to current needs of the city. He explained knowing the history of the proposal and how it continually changed over a two year period, getting worse for the City of Jonesboro, he had to question if a bad deal was better than no deal. He further explained he could not answer that question, and is why he was in favor of letting the public decide. Councilman Farmer stated this City Council has done many good things in the last three and half years and should be about doing what is best for the City of Jonesboro.

Under public comment, Mr. Doug Griffin presented a CD for public record stating he felt his rights had been abused. He explained he had been trying to deliver the CD to Mayor Formon, but no one had returned his calls. Mr. Griffin stated it pertained to a place he worked at and a current city council member. The CD was reviewed by Attorney Phillip Crego, City Clerk Donna Jackson, and City Council member Jimmy Ashley the next day following the city council meeting. The CD contained pictures of Mr. Griffin and a digital recording. It was determined this was a personnel matter between Mr. Griffin, a bouncer at Club Red, and Councilman Jimmy Ashley who is the manager.

With no further business, Councilman Perrin moved, seconded by Councilman Ashley 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, Dover, Furr, McCall, and Ashley.