



Legislation Details (With Text)

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Minutes for the City Council meeting on January 6, 2003

OATH OF OFFICE - On January 1, 2003, the following individuals were administered the Oath of Office by Judge David Laser: Alec Farmer, John Street, Jim Hargis, Darrel Dover, Ann Williams, Tim McCall, and Phillip Crego.

CITY COUNCIL MINUTES - January 6, 2003

The Jonesboro City Council met Monday, January 6, 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 twelve council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.

Councilman Moore moved, seconded by Councilman Young to approve the minutes of December 16, 2002, and the Special Called meeting on December 23, 2002, as previously delivered. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.

Councilman Farmer offered the following ordinance:

ORDINANCE TO AMEND THE JONESBORO CODE OF ORDINANCES, CHAPTER 2.20 FOR THE PURPOSE OF ESTABLISHING THE 2003 JONESBORO CITY COUNCIL, RULES AND PROCEDURES IN ACCORDANCE WITH A.C.A. 14-43-501. (Sponsor of Legislation, Alec Farmer. Co-sponsors: Paul Copeland, Tim McCall, Chris Moore, Ann Williams, John Street, Darrel Dover, and Jim Hargis).

Councilman Farmer moved, seconded by Councilman Moore to suspend with the second and third reading of the ordinance. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Moore moved, seconded by Councilman Street for the adoption of the ordinance. A roll call vote was taken resulting in a nine (9) to three (3) vote in favor of adoption. Those members voting aye were: Farmer, Hargis, Street, Williams, McCall, Dover, Moore, Perrin, and Copeland. Those members voting nay were: Province, Young, and Roddy. Councilman Province read a statement prior to voting. He stated he was incensed in the way the ordinance was presented. He explained part of the Council was not allowed to provide input and never saw the ordinance until it was received in the mail. Councilman Province stated while parts of the ordinance have merit, other parts are questionable in its intent. He recommended having the citizens of Jonesboro vote on the initiative, because he felt it changed the Mayor-Council form of government. Councilman Young questioned Councilman Farmer if he had discussed the ordinance with any other council member from January 1, 2003, until January 6, 2003. Councilman Farmer stated he answered questions asked of him regarding the ordinance. Councilman Young proceeded to explain to Councilman Farmer the requirements of the Freedom of Information Act. Councilman Young then questioned the wording of the ordinance on page 2, subsection (G) preventing smoking in the council chambers or any other committee meeting

room. Councilman Young was concerned that the ordinance did not specify other city buildings. Councilman Farmer explained there was no change with that portion of the Rules and Procedures that was voted on and approved by 2002 city council members. Councilman Farmer moved, seconded by Councilman Moore for the adoption of the emergency clause. A roll call vote was taken resulting in a nine (9) to three (3) vote in favor of the emergency clause. Those members voting aye were: Farmer, Hargis, Street, Williams, McCall, Dover, Moore, Perrin, and Copeland. Those members voting nay were: Province, Young, and Roddy. The ordinance was assigned ordinance number 3394.

Councilman Copeland moved, seconded by Councilman Perrin for the adoption of a resolution authorizing the Mayor and City Clerk to execute the following MATA contract and right-of-way agreement: George H. Watson, 1430 Flint Street, Parcel Number 12A. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned resolution number 2003:01.

Councilman Copeland moved, seconded by Councilman Moore for the adoption of a resolution setting a public hearing for January 20, 2003, at 6:10 p.m. in Council Chambers, located at 900 W. Monroe, Jonesboro, Arkansas. The hearing was requested by Mr. Jerry Halsey, of Universal Group Investments for the purpose of vacating a twenty-foot utility easement located in Middlefield Medical Park. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned resolution number 2003:02.

A resolution authorizing the implementation for selection of representatives from each department to provide input at committee meetings for the purpose of giving employees a sense of ownership in the decision making process was discussed by council members. Councilman Dover moved, seconded by Councilman Hargis for the adoption of the resolution. First to address Council regarding this resolution was Public Safety Director, Floyd Johnson questioning the wording in section one. He stated if he followed the democratic process someone would be responsible for paying overtime. Mr. Johnson questioned what was being accomplished, other than what already exists, since committee and council meetings are public meetings and his employees are welcome to come to any meeting. Mayor Brodell expressed concern with the selection process saying people would not be happy no matter how it was done. Councilman Dover explained the intent was to encourage involvement by employees and develop communication between the Council and each individual department. Councilman Young stated in the past eight years there has not been a committee meeting where employees were not welcome to attend and express their opinions. Councilman Young expressed concern over having to pay overtime. City Attorney, Phillip Crego cited a legal case in which restaurant employees participated in a non-for-profit organization on a voluntary basis, but the business still had to pay overtime. Mr. Crego stated if challenged the question would be, was this a truly voluntary situation. Attorney Crego recommended developing a process for documenting the selection of employees in order to contradict the idea that participation was coerced. Councilman Young called on Suzanne Hackney, Human Resource Director who stated in her opinion the process should be consistent throughout each department to avoid a lawsuit. Councilman Young explained how Council has operated in the past, saying new legislation was brought to a committee first, so all legal aspects could be covered prior to making a recommendation to the full Council. Mayor Brodell recommended it be given to Human Resources for research. Councilman Dover after questioning City Attorney Phillip Crego, moved to amend the wording in Section 1 to include the word "together". The motion failed for lack of a second. Councilman Young moved, seconded by Councilman Province to table the resolution. A point of order was raised and it was determined that the original motion to adopt would have to be considered first. Councilman Dover withdrew his motion for adoption, and Councilman Hargis withdrew his second. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.

Under new business, Mayor Brodell stated he would have the Public Transportation Ordinance on the agenda for the next council meeting for the purpose of establishing a Regional Transit Authority (RTA). He also stated each council member would be receiving information regarding a trip to Washington, D.C. with the Chamber of Commerce.

Councilman Farmer addressed earlier comments regarding the Rules and Procedures ordinance, stating he regrets that Councilman Province and Councilman Young feel so strongly about the ordinance, but explained the ordinance was sent out a week in advance. Councilman Farmer pointed out there were five new council members because citizens were not happy with the way things were being done and expected council members to be informed and involved. He explained the new ordinance promotes checks and balances and provides for a stronger city council. He explained according to State law the city council is responsible for the finances and property of the City of Jonesboro, and for setting policy. Mr. Farmer further stated the ordinance gives authority to the City Council to direct its own council and committee meetings and establishes a tougher code of ethics, which is supported by many in the community.

Councilman Farmer moved, seconded by Councilman Province to appoint Councilman Harold Perrin as President Pro Tempore. A roll call vote was taken resulting in all members voting aye with the exception of Councilman Perrin who abstained from voting. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy.

Councilman Dover moved, seconded by Councilman Street to appoint Tim McCall, Alec Farmer, Chris Moore, and Paul Copeland as the Nominating Committee. A roll call vote was taken resulting in all members voting aye with the exception of Councilman Perrin who abstained from voting. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Copeland, McCall, and Roddy.

Councilman Farmer moved, seconded by Councilman Perrin to suspend the rules, offering a resolution requesting the Mayor of the City of Jonesboro to postpone the expenditure of funds for any unspecified street, drainage or landfill improvements in excess of \$10,000.00; postpone the expenditure of funds for any professional services contracts in excess of \$10,000.00; and postpone the expenditure of funds for the hiring of new personnel, including but not limited to the positions of Public Works Director and Internal Auditor, for a period of thirty (30) days through February 5, 2003. Councilman Farmer expressed concern over the million-dollar allocation for drainage without any explanation as to how the money would be distributed and for what. He explained the postponement would allow council committees to be enacted and give them time to determine if changes needed to be made. Mayor Brodell asked if the postponement included the cleanup of streets and ditches. Councilman Farmer explained that was not the intent, and should not prevent clean up of Jonesboro streets and ditches. Councilman Young began explaining the process for waiving bids, and made the statement that Mayor Brodell has never been provided a “blank check” to spend city funds. Mayor Brodell questioned previous appropriations for three trucks and two chippers. Councilman Farmer responded saying if appropriate bidding procedures are followed, then the thirty-day postponement should not be a problem. Councilman Young countered saying there has never been a problem with the bidding process, to which Councilman Farmer referred to the current audit findings regarding problems with Jonesboro’s bidding practices. Councilman Young praised the MATA program, and other city projects, saying he resented the statement that people are not happy with the way things have been done. Councilman Young said he regrets the mistakes that were made, but believed no one ever intended for any wrong doing or ever profited from the decisions made. Councilman Young also addressed the ditch work saying only \$55,000.00 (approximately) had been spent for corrections to the ditches, rather than \$600,000.00. Mayor Brodell called for a roll call vote for the suspension of the rules. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Farmer moved, seconded by Councilman Dover for the adoption of the resolution. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned resolution number 2003:03.

Councilman Dover questioned the status of the Steele Street Project, explaining only two days work had been done. Mayor Brodell referred the question to Mr. Claude Martin, City Engineer who stated work was to begin again tomorrow (January 7, 2003) at 9:30 a.m.

Councilman Moore stated there were two projects he wanted reviewed by the proper committees. The first being the City’s position on the proposed new landfill, the other being consideration by the Police and Fire Committees to consider elimination of the position of Public Safety Director, returning to Police and Fire Chief positions. Councilman Moore then addressed Councilman Young about his earlier comments regarding the \$44,000,000 MATA Project, saying currently there are nine of the roads that do not meet specifications. Councilman Moore also referred to Councilman Young’s statement that repairs to the ditches only cost \$55,000.00. He explained he resented the statement because the ditches could not be repaired, and the \$55,000.00 was used for temporary measures. Councilman Moore was a member of the Street Committee during the time the ditch work was being completed.

Under Ordinance No. 3394, which was adopted with the emergency clause, the public is allotted fifteen minutes to discuss non-agenda items. Several citizens attending the council meeting responded with a round of applause with the recognition of this new practice. First to utilize this new policy was Mr. Jerry Larkin who urged council members to act quickly in correcting the drainage problems and expressed dissatisfaction with City’s involvement in creating man-made flood zones. The second citizen recognized by Mayor Brodell was allowed to address the Council without first identifying himself. He spoke regarding his dissatisfaction with the City’s Landfill, saying there were problems in 1974, which have progressively gotten worse with time. He stated more work has been done since March, 2002, than ever before due to the community drawing attention to the problem. He alleged the landfill contains contaminated water and urged the city council to find a solution.

Mayor Brodell distributed minutes from the drainage committee.

With no further business, the meeting was adjourned.