



Legislation Details (With Text)

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Minutes for the City Council meeting on May 17, 2005

PUBLIC HEARING - 6:15 P.M. A public hearing was conducted for the abandonment of a portion of Hacienda Street, located south of its intersection with Russell Hill Drive in Jonesboro, Arkansas. No opposition was voiced. Attorney Bob Gibson, representing VAB Enterprises, explained he would have to pull the ordinance from the agenda because of a utility easement issue.

CITY COUNCIL MINUTES - May 17, 2005

The Jonesboro City Council met Tuesday, May 3, 2005, at 6:30 p.m. A full quorum was in attendance. Present were: Mayor Formon, City Clerk, Donna K. Jackson, City Attorney Phillip Crego and eleven council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. Councilman Ashley was unable to attend.

Councilman Province moved, seconded by Councilman Street to approve the minutes of May 3, 2005, as provided. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall.

A plaque was presented to Mr. Billy Joe Emerson for his efforts in establishing "Babyland" located in the Nettleton Cemetery. Mr. and Mrs. Steve Pryor, parents who are responsible for improvements at Babyland, thanked Mr. Emerson and other city officials for their support with this endeavor.

Attorney Crego provided a report to members of the Jonesboro City Council, stating litigation was going down and was reflected in the report from APERMA. Councilman Farmer questioned at what point are cases removed from the list, referring to a case that had been deemed inactive. Attorney Crego responded explaining when a final order is entered the case is then removed from the list. When questioned about pending APERMA cases regarding the landfill, Mr. Crego explained he could not speak for Attorney Ralph Ohm, but noted the majority of the APERMA cases are not set for trial with no anticipation of doing so. Questions were asked regarding Willett vs. City of Jonesboro. Attorney Crego stated he had not been informed of a settlement. Mayor Formon responded saying the case was in the process of being settled with the terms being as follows: a fence replacement, plant replacement, drainage correction, and paying of attorney fees. He further explained the attorney fees were approximately \$4,000.00 with APERMA covering ½ the cost of the fees. Councilman Moore questioned if the City Council needed to formally abandon the landfill permit in order to stop three pending lawsuits listed by APERMA. Mr. Hooton stated he would check on the status of the landfill. Councilman Moore also requested that Attorney Ohm be contacted regarding his opinion on going back to the original zoning of the Sloan property. City Attorney Crego stated he would contact Attorney Ohm so the matter could be discussed in two weeks.

At the request of Attorney Bobby Gibson the following ordinance was withdrawn from consideration due to a conflict with the utility company:

ORDINANCE TO VACATE AND CLOSE A PORTION OF HACIENDA STREET, LOCATED SOUTH OF ITS INTERSECTION WITH RUSSELL HILL DRIVE IN JONESBORO, ARKANSAS (VAB Enterprises)

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-1) TO RESIDENTIAL (R-6 LUO) LIMITED USE OVERLAY, LOCATED AT 2612 E. JOHNSON. (Madeline Clark Revocable Trust)

Councilman Perrin moved, seconded by Councilman Moore to suspend with the second reading. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-1) TO COMMERCIAL (C-3), LOCATED ON THE WEST SIDE OF HIGHWAY 351 NORTH OF HIGHWAY 49 NEAR RIOS LANE. (Walter Kiser)

Councilman Perrin moved, seconded by Councilman Moore to suspend with the second reading. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin Street, Johnson, Dover, Furr, and McCall.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE TO AMEND ORDINANCE NO. 2035, TO INCREASE AND ESTABLISH FEES FOR THE MAINTENANCE AND OPERATION OF THE CITY OWNED CEMETERIES.

Councilman Moore moved, seconded by Councilman Perrin to suspend with 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, Johnson, Dover, Furr, and McCall. Councilman Moore moved, seconded by Councilman McCall 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, and McCall. The ordinance was assigned ordinance number 3539B.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE FOR THE COMPLIANCE OF A.C.A. 14-42-107 AUTHORIZING TWO SPECIFIC AGREEMENTS BETWEEN THE CITY OF JONESBORO AND CITY EMPLOYEES

Councilman Moore moved, seconded by Councilman Street 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, and McCall. Discussion followed regarding the process for purchasing used equipment and for conducting business with city employees. Mayor Formon explained the Department Head had inspected the used power pruner and was making the recommendation. It was further explained the Public Works Committee had moved to recommend it to the full council. Questions followed regarding guidelines in the bidding process such as mandatory privilege licenses and workman's compensation. City Attorney Crego stated Officer Vernon has a painting business and a city privilege license. He further explained state auditors had determined if this ordinance was adopted it would meet state law requirements. It was determined if more than two employees are employed by Officer Vernon, then workman's compensation would have to be provided. Councilman Hargis questioned the cost of the bids, since no amount appeared in the ordinance. Mayor Formon explained there had been some confusion with the bidding process, and apologized for not understanding the requirements for conducting business with a city employee. He explained Mr. Flowers did not realize Mr. Vernon was a city employee until after the job was complete. Mayor Formon stated he had received three bids, one for \$2,295.00, one for \$4,160.00, and Officer Vernon's bid of \$2,205.00. It was explained the first two bids were for ½ of the upstairs area, while Mr. Vernon's bid was for the entire upstairs area. The first two bids were for labor and materials while the Mr. Vernon's bid was for labor only. Mayor Formon explained Officer Vernon's bid was considerably lower than the other bidders, even with the city furnishing the paint. He explained due to sensitive records in various city offices and having to work after hours Mr. Vernon was the best choice of the three bids taken. Councilman Perrin, recommended the Nominating and Rules Committee review the bidding procedure for future contracts, and explained since painting had already been completed for the upstairs he would make the motion to adopt the ordinance. Councilman Moore seconded the motion for adoption. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. 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 with the exception of Councilman Farmer who voted nay. Those members voting aye were: Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, and McCall. The ordinance was assigned number 3540.

Councilman Dover moved, seconded by Councilman Johnson for the adoption of a resolution authorizing the destruction of financial records, but later withdrew the motion and second because City Attorney Crego ruled the affidavit needed to be signed or notarized.

Councilwoman Williams moved, seconded by Councilman McCall for the adoption of a resolution to contract with Sidney Moncreif to rent Allen, Parker Park and Earl Bell Community Center. Councilman Perrin stated he agreed with Mr. Wilkie that policies and procedures needed to be developed for the leasing of all city owned properties, stating a punch list including liability, and proof of insurance should be mandated for each lease agreement. A voice vote was taken with no nay votes being verbalized, however Councilman Perrin clarified to the City Clerk he had voted nay for the motion. Those members voting for the measure were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2005:57.

Under new business, Councilwoman Furr moved, seconded by Councilman Dover to add a resolution naming the Jonesboro Police Department Firing Range the “Wayne Dowdy Memorial Police Firing Range” to the 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, and McCall. Discussion followed regarding the purpose of being able to place items on the agenda which miss the deadline. It was explained the purpose was for time critical items only. The decision was made to hold the resolution for another meeting.

Councilman Hargis requested the street in front of the library be looked at. He explained due to excessive asphalt on the street, it is a driving hazard to motorists and should be corrected.

Councilman Farmer announced the Finance Committee meeting had been moved to Thursday, May 26th at 4:00 p.m. and requested a Nominating and Rules Committee meeting be scheduled in the next couple of weeks in order to review some proposals.

With no further business, Councilman Perrin moved, seconded by Councilman Farmer 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, and McCall.