



## Legislation Text

---

**File #:** MIN-05:122, **Version:** 1

---

Minutes from the City Council meeting on October 4, 2005

**PUBLIC HEARING - 6:15 P.M.** - A public hearing was conducted for the abandonment of a fifteen foot utility easement located in Sage Meadows, Phase II-A as requested by Delane Hogan. No opposition was voiced.

**PUBLIC HEARING - 6:20 P.M.** - A public hearing was conducted for the abandonment of a portion of utility easement located in Rossland Hills Subdivision as requested by John McCarthy. Mr. George Hamman explained the request did not include abandonment of a drainage easement, as recommended by City Attorney Crego and Mr. Claude Martin, Public Works Director. No opposition was voiced.

**CITY COUNCIL MINUTES - October 4, 2005**

The Jonesboro City Council met Tuesday, October 4, 2005, at 6:30 p.m. Members present were: City Clerk, Donna K. Jackson, City Attorney Phillip Crego and twelve council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and Ashley. Vice President Pro Tempore, Harold Perrin presided over the meeting in the absence of Mayor Formon who was out due to illness.

Councilman Ashley moved, seconded by Councilman Moore to approve the minutes of the regularly scheduled meeting held September 20, 2005, and for the Special Called meeting held September 27, 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, McCall, and Ashley.

Councilman Ashley moved, seconded by Councilwoman Furr to move agenda item 9, a resolution for establishing guidelines for naming facilities, and agenda item 10, a resolution naming the Jonesboro Police Department Firing Range to the front of the 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 Moore moved, seconded by Councilman McCall for the adoption of a resolution to establish guidelines for the naming of public parks, streets, public facilities and any parts thereof. 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 2005:120.

Councilman Moore moved, seconded by Councilman Hargis for the adoption of a resolution naming the Jonesboro Police Department firing range, "The Wayne Dowdy Memorial Police Firing Range". Councilwoman Furr made the presentation to Mrs. Wayne Dowdy and daughter Michelle, stating for the record and setting precedence that when and if a new firing range is constructed it too be named in honor of Captain Wayne Dowdy. She explained a framed, certified copy would be provided to the family after its execution. Former Police Captain Bob Smith stated Captain Wayne Dowdy saw the need for a safe place for officers to qualify for weapon usage and took the initiative to raise funds and labored to get it accomplished. Captain Smith thanked the Jonesboro City Council for honoring such a well deserving individual. The resolution was assigned number 2005:121.

The following ordinance was on the third and final reading:

**ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-2) TO COMMERCIAL (C-1), LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF BAKER STREET AND HOPE AVENUE. (Keith and Deborah Bennett)**

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 Street moved, seconded by Councilman Johnson 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 3580.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM COMMERCIAL (C-5) TO COMMERCIAL (C-4), LOCATED AT 909 SOUTHWEST DRIVE. (Paula Wewers)

Councilman Street moved, seconded by Councilman Johnson 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 ordinance number 3581.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE FOR THE ABANDONMENT OF A FIFTEEN FOOT UTILITY EASEMENT LOCATED IN SAGE MEADOWS, PHASE II-A (Delane Hogan)

Councilman Moore moved, seconded by Councilman Hargis 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 Dover 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. The ordinance was assigned ordinance number 3582.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE FOR THE ABANDONMENT OF A PORTION OF UTILITY EASEMENT LOCATED IN ROSSLAND HILLS SUBDIVISION (John McCarthy)

The decision was made to hold the ordinance to allow time for Public Works Director, Claude Martin, and Street Superintendent Teddy Hooton to look at it.

Councilman Ashley offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-2, MULTI-FAMILY LOW DENSITY DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT, FOR PROPERTY LOCATED AT 3807 EAST HIGHLAND DRIVE. (Duyen Tran)

Councilman Hargis moved, seconded by Councilman Farmer to suspend the rules for 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, McCall, and Ashley.

Councilman Street moved, seconded by Councilman Johnson for the adoption of a resolution setting a public hearing on November 1, 2005, at 5:30 p.m. for the purpose of adopting a Second Amendment to the project plan for the Turtle Creek Redevelopment District. 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 resolution number 2005:117.

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

15' PERMANENT DRAINAGE EASEMENTS:

- 1719 W. Matthews - Mr. & Mrs. Ben Elam
- 5517 Caribbean Place - Mr. Jared Bassham
- 5521 Caribbean Place - Ms. Karen Bradley

20' PERMANENT DRAINAGE EASEMENTS:

- 5624 Valley Ridge Trail - Mr. Travis Grantham
- 5627 Valley Ridge Trail - Mr. Michael Perry
- 5628 Valley Ridge Trail - Ms. Diane Rushing
- 5632 Valley Ridge Trail - Ms. Carla Nichols

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 resolution number 2005:118.

Councilman Ashley moved, seconded by Councilman Street for the adoption of a resolution to amend the City of Jonesboro Employee Handbook, specifically amending the sick leave accrual for firefighters to comply with amendments to Arkansas Code 14-53-108. 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 resolution number 2005:119.

Under new business, Councilman Perrin announced Mayor Formon was unable to attend due to illness and wished him a speedy recovery. Mr. Brian Wadley, Director of Operations was asked if he had anything to present to the City Council. Mr. Wadley indicated he had nothing for this particular meeting.

Councilman McCall and Councilman Ashley moved to add an ordinance and a resolution to the agenda as recommended by the Nominating and Rules Committee. 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 Dover offered the following ordinance for first reading:

**ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF TRUCK REPAIRS TO TOWER 1 IN THE AMOUNT OF \$12,000.00 (Plus freight and sales tax)**

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, 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 Street moved, seconded by Councilman Moore 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 ordinance number 3583.

Councilman Street moved, seconded by Councilman Ashley for the adoption of a resolution accepting the recommendation of the APERMA Legal Defense Group to resolve the matter of the resignation of Paul Copeland. Discussion followed with Councilman Farmer asking if the resolution had been prepared by Attorney Ralph Ohm. Mr. Wadley indicated Mr. Ohm had not prepared the resolution. Councilman Farmer responded saying the resolution calls the action a “resignation” and authorizes money to be paid to the resigning employee. He contended this was not a precedence the city council should be setting. Councilman Farmer further contended the only way the City Council should be allowed to proceed with negotiations for paying a severance package is to determine this was a “termination” not a “resignation”. Several council members concurred with Councilman Farmer’s statement. Councilman Farmer suggested the City Council find that Mr. Paul Copeland was terminated from his position. Councilman Hargis stated the action taken was between the Mayor and a department head. He further contended it was a recommendation from Attorney Ralph Ohm, and he personally had received an email from Mr. Paul Copeland in keeping with the proposed resolution. Councilman Farmer explained he did not disagree with Councilman Hargis, but if the resolution is adopted the City Council is recognizing the action taken as a resignation. Councilman Province stated the City Council was told Attorney Ohm’s opinion would be given to them, but he did not consider this resolution as Mr. Ohm’s legal opinion, and stated it would be a mistake to take action at this time. Councilman Province went on to say he has lost confidence with the leadership of the council over this issue, and in his opinion the issue has not been resolved. Councilman Moore concurred with Councilman Farmer, to find Mr. Paul Copeland was terminated and authorize Attorney Ohm to spend up to \$5,000.00 to settle the case. Councilman Hargis argued Mayor Formon has gone on record saying this was a resignation rather than a termination, to which Councilman Dover responded saying the City Council should not pay for someone who resigns. Councilman Dover questioned if the City Council has the responsibility to decide if this was a termination or a resignation. Councilman Farmer explained the City Council has the power to over ride a termination, but not a resignation. City Attorney Crego recommended amending the resolution to use the term “employment status” in place of “resignation” or “termination”. He further stated given the fact that Mayor Formon is calling the action a resignation, but Dr. Copeland contends it was a termination, he did not feel the City Council had the ability to make a determination. Attorney Crego did explain however, the City Council does have the ability to reject the resolution until the issue of termination versus resignation is resolved. Councilman Johnson agreed with statements made by Councilman Province, that council members were told Attorney Ohm’s decisions would be provided to them by Mayor Formon, but in the absence of Mayor Formon he could not approve the resolution. After discussion regarding procedure Councilman Street withdrew his motion, and Councilman Ashley withdrew his second with no opposition being voiced by members of the City Council for the withdrawal. Presiding Officer, Perrin questioned how council members wished to proceed.

Councilman Hargis expressed concern for delaying the matter another two weeks and suggested amending the resolution to read “employment status” and giving Attorney Ohm the leverage to proceed. Councilman Dover responded saying if Mayor Formon says it is a resignation, then he takes the Mayor at his word. Councilwoman Furr contended the City Council did not start this, and did not know how they could resolve the matter since the Council does not know what happened. Councilman Farmer explained in speaking with Attorney Ohm, Mr. Ohm’s concern was getting the potential litigation resolved, and has had this concern for several weeks. Councilman Farmer moved, seconded by Councilman Hargis to give authority to Ralph Ohm to negotiate the settlement of this for \$5,000.00 with the condition that no future litigation will occur against the City based on a termination. 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.

Fire Chief Aaron Keller introduced the newest member of the Jonesboro Fire Department, “Sparky” a robot used as a training tool for fire safety.

Councilman Farmer reiterated comments made by Councilman McCall in a previous meeting, regarding the City Council “Rules and Procedures”. It was explained that if a Department Head has a problem with the rules and procedures, rather than complaining about it, they should contact a committee member so it may be addressed. He explained committee members need to know what the problem is before it can be resolved. Councilman Farmer further stated the Rules and Procedures were in place for a reason-to provide accountability.

Councilman Farmer informed City Council members that the Public Works Committee had made some recommendations regarding South School sidewalks for improved safety and access and would be coming before the City Council for a decision. He also reported the committee made recommendations and heard reports on: condemnation of a couple of homes for an area detention pond, the methane gas situation at the landfill, a report on the Justice Complex, a recommendation on ADA to meet the obligation under the court order meeting all the curb cuts setting those as a priority rather than building more sidewalks, progress report on the closing of the landfill.

Councilman Farmer explained so much of the time only a portion of the Council knows the business being discussed by other committees and suggested consideration for a Committee of the Whole to meet twice a month.

Under “Public Comment” Ms. Ann Patton at 2117 Harrisburg Road addressed the City Council regarding items being pulled from the MAPC agenda only to be placed back on the agenda. She stated she had been informed that the Mayor’s Office does not control the MAPC but questioned what could be done to correct this problem.

With no further business, Councilman Ashley moved, seconded by Councilman Street 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.