



Legislation Text

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Minutes for the City Council meeting on February 21, 2006

PUBLIC HEARING - 6:15 P.M. - A public hearing was conducted for the purpose of vacating and closing a 10 foot alley, and all of Baker Street south of Hope Avenue and north of Washington Avenue. The hearing was requested by Jonesboro Real Estate Holdings and their attorney Robert Gibson. No opposition was voiced.

CITY COUNCIL MINUTES - February 21, 2006

The Jonesboro City Council met Tuesday, February 21, 2006, at 6:30 p.m. Members present were: Mayor Doug Formon, City Clerk, Donna K. Jackson, and ten council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Johnson, Dover, Furr, and McCall. Councilmen Perrin and Ashley were absent.

Councilman Farmer moved, seconded by Councilman Hargis to amend the minutes for the February 7, 2006, meeting on page 3 to read, "No action was taken regarding Agenda Item "F", an ordinance to accept the bid of J. A. Riggs # 1 and to appropriate funds for a 2003 Caterpillar Hydraulic Excavator." A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Johnson, Dover, Furr, and McCall. Councilman Farmer moved, seconded by Councilman Hargis to adopt the minutes as amended. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Johnson, Dover, Furr, and McCall.

No legal report was provided. City Attorney Crego explained the report was not available due to his hospitalization and having to move his office to the Huntington Building during the repair of the Justice Complex.

The following ordinance was on the third and final reading:

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

Councilman Moore moved, seconded by Councilman Street for the adoption of the ordinance. A roll call vote was taken resulting in a five to five tie. Those members voting aye were: Province, Moore, Williams, Street, and Johnson. Those members voting nay were: Farmer, Hargis, Dover, Furr, and McCall. It was explained the Mayor votes to pass a measure or to make a quorum, so Mayor Formon cast an aye vote. However, it was later determined according to State law in order to pass any measure a majority of the elected body is required. In Jonesboro that number is seven (7), and therefore the motion failed.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE VACATING AND ABANDONING ALL OF BAKER STREET SOUTH OF HOPE AVENUE AND NORTH OF WASHINGTON AVENUE, AND TO CLOSE A 10 FOOT ALLEY (Jonesboro Real Estate Holdings Company)

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, Johnson, Dover, Furr, and McCall. Councilman Moore moved, seconded by Councilwoman Williams for adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Johnson, Dover, Furr, and McCall. The ordinance was assigned ordinance number 3613.

At Mayor Formon's request, Councilman Johnson moved, seconded by Councilman Moore to pull agenda items C and D from the agenda.

Agenda Item C: **ORDINANCE PROVIDING FOR THE LEVY OF A ONE PERCENT (1%) SALES AND USE TAX FOR A MAXIMUM PERIOD OF TWENTY (20) MONTHS WITHIN THE CITY OF JONESBORO, ARKANSAS, TO FINANCE THE**

ACQUISITION AND SUBSEQUENT LEASING OF CONVENTION, MEETING AND EVENT FACILITIES, RELATED PARKING FACILITIES, AND OTHER CAPITAL IMPROVEMENTS RELATED THERETO; TO FINANCE THE CONSTRUCTION, EQUIPPING, STAFFING, AND OPERATION OF A CENTRALLY-LOCATED FIRE STATION AND RELATED PARKING FACILITIES; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

Agenda Item D: ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF JONESBORO, ARKANSAS, ON THE QUESTION OF LEVYING A ONE PERCENT (1%) SALES TAX AND USE TAX FOR A MAXIMUM PERIOD OF TWENTY (20) MONTHS WITHIN THE CITY OF JONESBORO, ARKANSAS, TO FINANCE THE ACQUISITION AND SUBSEQUENT LEASING OF CONVENTION, MEETING AND EVENT FACILITIES, RELATED PARKING FACILITIES, AND OTHER CAPITAL IMPROVEMENTS RELATED THERETO; TO FINANCE THE CONSTRUCTION, EQUIPPING, STAFFING AND OPERATION OF A CENTRALLY-LOCATED FIRE STATION AND RELATED PARKING FACILITIES; DEFINING THE TERM "SINGLE TRANSACTION;" PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Johnson, Dover, Furr, and McCall.

Councilman Street offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 RESIDENTIAL TO C-3 COMMERCIAL, LOCATED AT THE INTERSECTION OF ARKANSAS HIGHWAY 18 EAST, NESTLE WAY AND COTTAGE HOME ROAD. (James Best/Mooney)

Councilman Farmer moved, seconded by Councilman Johnson 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, Johnson, Dover, Furr, and McCall.

The following ordinance was being reconsidered

ORDINANCE TO REZONE PROPERTY FROM C-3, GENERAL COMMERCIAL DISTRICT TO C-5 NEIGHBORHOOD OFFICE DISTRICT, DESCRIBED AS LOT 5 OF SOUTH CARAWAY VILLAGE ADDITION BETWEEN LATOURETTE LANE AND CARAWAY ROAD (Camtri Ross Investments/Lovett)

City Attorney Phillip Crego discussed reconsideration and stated the Municipal League's definition of reconsideration, as well as Robert's Rule of Order. He indicated both sides could be able to discuss the rezoning issues and present their comments to the Council. Attorney Glen Lovett, representing Camtri Ross, discussed postponing the third reading for a month in order for them to reproduce traffic count data from different locations in the area. He indicated they thought they originally thought they could use the City's equipment to perform the traffic counts to present the data at the current meeting, but were told they were not able to use the City's equipment on for private matters so they have had to look elsewhere to get the traffic count done. He stated the opponents principle concern is traffic concerns, so they are willing to collect the traffic data and present it to the Council. He asked the Council to pull the item until the third Tuesday in March, if not they were willing to discuss the proposal. Councilman Johnson questioned the traffic count and why the traffic count had not been performed earlier since the reconsideration was originally scheduled to be heard a month ago. Mr. Lovett indicated he was not responsible for getting the traffic count arranged, but the traffic count was not considered to be significant until after the meeting he was not present for. It was asked what Mr. Crego's opinion is regarding the reconsideration. He indicated the item could be postponed, but the full Council would have to determine whether or not to postpone it. Mr. Lovett stated they would like to present the Council with as much information as possible to make an informed decision, but if the Council did not want the reconsideration, they were prepared to go ahead with the proposal. Councilman Moore motioned, seconded by Councilwoman Furr, to hear the proposal and not postpone it. All voted aye. Mr. Carroll Caldwell discussed the R-1 zoning and C-3 zonings and what has happened in the past when they clashed. He also discussed C-5 zoning and the advantages of C-5 zoning. He indicated C-5 zoning decreased density and increased quality. Councilman Dover asked City Planner Otis Spriggs what the difference is between C-3 and C-5 zonings. Mr. Spriggs indicated C-3 is general commercial C-5 is meant to be neighborhood office district, but there was a discrepancy in the code that allows for multi-family or attached. Mr. Dan Latourette, representing the development, stated they are strictly selling property not developing any. Councilman Dover questioned if he is just selling the land, why the presentation was made about what would be on the land. Mr. Latourette indicated he is just selling land and wants to zone it C-5 to restrict what will be going on the property to eliminate undesirable options being next to a residential area. He also discussed the units that would be built. Mr. Curtis Shatley discussed his opposition to the rezoning. He stated the traffic was not the major concern, although it was one of the concerns. He further stated the main concern was the high density of people already in the area. He discussed the Gladiolas and Links apartment complexes. He was also concerned about the value of the property in the area decreasing. Mayor Formon

questioned the number of apartments are in the area compared to the number of apartments in apartment city. It was indicated an official count had not been done. Mayor Formon then questioned Police Chief Michael Yates as to what his experience has been in density populated apartment areas. Chief Yates indicated any place where you increase population concentration, there will be an increase in calls to the police department with exception to higher than normal priced rentals. Mayor Formon questioned how many four-plexes could be put on the land. Mr. Caldwell indicated 16 could be put on the lot. Mr. Jim Hall discussed the traffic problem on Harrisburg Road and Caraway Road past the bypass. Mr. John Fowler questioned whether Mr. Lovett received an e-mail from the City regarding the change in date of the Council meeting in January. Mr. Latourette stated the traffic issue had been addressed through recommendations from the Planning Commission. Mr. Carroll Caldwell indicated 16 or 17 four-plexes would probably be built, give or take one or two, and the rest of it would be small office. He stated Mr. Latourette would not build the items, rather individuals owners would build them. Mr. Caldwell stated Mr. Latourette misunderstood Councilman Dover with his previous statement regarding not knowing what would be on the land. Councilman Johnson motioned, seconded by Councilman Dover, to deny the rezoning. All voted aye.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO AMEND ORDINANCE NO. 3558, AN ORDINANCE CREATING THE JONESBORO ECONOMICAL TRANSPORTATION SYSTEM (J.E.T.S.)

Councilman Farmer moved, seconded by Councilman Dover 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, Johnson, Dover, Furr, and McCall. 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, Johnson, Dover, Furr, and McCall. Councilman Farmer moved, seconded by Councilman Dover for the inclusion of an emergency clause. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Johnson, Dover, Furr, and McCall. Councilman Farmer 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, Johnson, Dover, Furr, and McCall. The ordinance was assigned 3614.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE TO AMEND ORDINANCE NO. 3588, AN ORDINANCE CREATING THE JONESBORO URBAN FORESTRY COUNCIL

Councilman Farmer moved, seconded by Councilman McCall 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, Johnson, Dover, Furr, and McCall. Councilman Farmer moved, seconded by Councilman Moore for the adoption of the ordinance. The ordinance was assigned ordinance number 3615.

Councilman Johnson offered the following ordinance for first reading:

ORDINANCE AMENDING THE 2006 ANNUAL BUDGET ORDINANCE, BY THE APPROPRIATION OF FUNDS FOR GIS PARCEL DEVELOPMENT

Councilman Farmer 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, Johnson, Dover, Furr, and McCall. It was requested that a review be done on past contracts with Fisher and Arnold.

Councilman Moore moved, seconded by Councilman Farmer to pull the following ordinance:

ORDINANCE TO APPROPRIATE ADDITIONAL FUNDS FOR INDUSTRIAL DEVELOPMENT THROUGH THE NORTHEAST ARKANSAS INDUSTRIAL DEVELOPMENT COUNCIL

A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Johnson, Dover, Furr, and McCall.

Councilman Street offered the following ordinance for first reading:

ORDINANCE TO APPROPRIATE ADDITIONAL FUNDING FOR THE 2006 PAYMENT UNDER THE ARKANSAS MASTER LEASE AND OPTION AGREEMENT WITH BANC OF AMERICA LEASING & CAPITAL, LLC

Councilman Farmer 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, Street, Johnson, Dover, Furr, and McCall. 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, Street, Johnson, Dover, Furr, and McCall. Councilman Moore 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, Street, Johnson, Dover, Furr, and McCall. The ordinance was assigned ordinance number 3616.

Councilman Johnson offered the following ordinance for first reading:

ORDINANCE PROVIDING FOR THE EXECUTION AND DELIVERY OF AN ARKANSAS MASTER LEASE AND OPTION AGREEMENT FOR THE PURPOSE OF FUNDING THE ACQUISITION AND INSTALLATION OF MUNICIPAL EQUIPMENT AND OTHER RELATED FACILITIES IN THE CITY OF JONESBORO, ARKANSAS; PROVIDING FOR THE PAYMENT OF LEASE PAYMENTS PURSUANT TO SUCH AGREEMENT; AND PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY

Councilman Street moved, seconded by Councilwoman Furr 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, Street, Johnson, Dover, Furr, and McCall. 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, Street, Johnson, Dover, Furr, and McCall. Councilman Johnson 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, Street, Johnson, Dover, Furr, and McCall. The ordinance was assigned ordinance number 3617.

Councilman Street moved, seconded by Councilman Moore for the adoption of a resolution adopting the Substance Abuse Testing Program Policy of the Jonesboro Economical Transit System. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:16.

Councilman McCall moved, seconded by Councilwoman Furr for the adoption of a resolution to contract with the Jonesboro Baseball Boosters. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:17.

Councilman Farmer moved, seconded by Councilman Moore to pull a resolution to proceed with condemnation at the following locations: 2109 Greenwood, David Kimmel, Owner; 525 W. Matthews, Larry D. Clark; 1327 S. Main, Larry Hampton, Owner; 517 W. Woodrow, Doug and Opal Taggart. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall.

Councilman Dover moved, seconded by Councilman Moore for the adoption of a resolution documenting the review of the annual audit of the City of Jonesboro for the year ended December 31, 2004, and providing for appropriate action on audit findings and recommendations. Questions were raised concerning the letter attached to the back of the audit. It was noted that the letter was the City's response to the audit findings.

A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:18.

Councilman Moore moved, seconded by Councilman Farmer for the adoption of a resolution accepting a permanent drainage easement donation from Turtle Creek Partners, LLC, located on the northeastern corner of Turtle Creek Mall, Stadium and Highland Drive. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:19.

Councilman Street moved, seconded by Councilman Johnson for the adoption of a resolution accepting the bid and approving the contract for installation and/or replacement of culverts, curb and gutter, driveways, and inlets with Northeast Arkansas Contractors, Inc. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:20.

Councilman Farmer moved, seconded by Councilman Moore to suspend the rules placing the following resolutions and ordinances on the agenda. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall.

Councilman Street moved, seconded by Councilman Moore for the adoption of a resolution approving a contract with Thomas L. Lloyd, Jr. for services to work on traffic signals. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:21.

Councilman Dover moved, seconded by Councilwoman Furr for the adoption of a resolution accepting Bid No. 2006:05 - a lease/purchase agreement with River City #3 for six (6) 28 CY Auto Loading trucks for the Sanitation Department. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:22.

Councilman Moore moved, seconded by Councilman Farmer for the adoption of a resolution accepting Bid No. 2006:06 - a lease/purchase agreement with Barloworld for two (2) twenty-four yard Knuckleboom trucks for the Sanitation Department. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:23.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution accepting Bid No. 2006:07 for 720 roll out containers for the Sanitation Department. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:24.

Councilman Street moved, seconded by Councilman Moore for the adoption of a resolution accepting Bid No. 2006:10 for curb cuts and ramp work from Cameron Construction for the Engineering Department. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned number 2006:25.

Councilman Street offered the following ordinance:

ORDINANCE AMENDING THE 2006 ANNUAL BUDGET ORDINANCE FOR THE CITY OF JONESBORO BY THE TRANSFER OF FUNDS FOR FULL TIME POSITIONS.

Councilman Farmer 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, Street, Johnson, Dover, Furr, and McCall. Councilman Dover moved, seconded by Councilman Farmer 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, Street, Johnson, Dover, Furr, and McCall. Councilman Farmer 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, Street, Johnson, Dover, Furr, and McCall. The ordinance was assigned ordinance number 3618.

Under new business, Mayor Formon gave his State of the City Address. A copy of Mayor Formon's address is attached and is part of the record.

Councilman Moore moved, seconded by Councilman Dover to suspend the rules to allow for a resolution to be placed on the agenda. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution for the appointment of a facilities board to develop a plan to meet the current and future needs of Jonesboro. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, and McCall. The resolution was assigned resolution number 2006:26.

Councilman Dover questioned whether the approximately \$30,000 that was estimated to be used on the Justice Complex would increase due to recent events. Councilman Moore indicated to his knowledge, the amount would stay the same. Mayor Formon indicated the bore samples came back better than expected, so possibly the costs wouldn't be as high. Plus, now that no one will be in the building while it's being worked on, the process may proceed quicker than expected.

Councilman McCall noted the Advertising and Promotions committee is going to meet in the Mayor's conference room. He stated they've been working a lot on the funding criteria for hotels and motels. He also stated there will be a public hearing regarding finding a solution to the skateboarding problem and invited everyone to attend.

Councilman Hargis discussed the move from the Justice Complex. He also mentioned that after having talked with the County Clerk, he indicated the sales tax vote could be held during regular voting time so more people would possibly vote on the matter.

Councilman Farmer commended Mayor Formon and the City's staff for the move from the Justice Complex. He recommended moving the committee meetings to the Mayor's conference room. Councilman Farmer also discussed a recent article in the Arkansas Democrat Gazette that contained an interview with Mr. Ken Stacks, the architect for the renovation of the Justice Complex. Councilman Farmer motioned, seconded by Councilman Moore, for Mr. Stacks to be formally invited to the next Council meeting to speak with the Council during the Public Comment section regarding the Justice Complex and the comments made in the newspaper article. All voted aye. Councilman Farmer asked for Mayor Formon's office to extend the invitation.

Under Public Comment, Mr. David Jackson discussed a passage from Luke 18:2-5, which concerned a widow who repeatedly went before a judge about injustices done to her and the judge, who was ungodly, finally adhered to her request. Mr. Jackson requested the at large voting be overturned. He also indicted the issue is not racial; rather it's a matter of equal representation. He stated an alderman should be elected by the ward he's in, not the City at large. Councilman Moore stated he was offended by being called ungodly. Mr. Jackson stated the reference was just to the scripture, not meant to be pointed at anyone in particular. Councilman McCall stated there were several council members questioning ward voting and how to get it started. He added there are several issues, including the census that could complicate ward voting.

With no further business, Councilman moved, seconded by Councilman to adjourn the meeting. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Johnson, Dover, Furr, and McCall.