



## Legislation Text

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Minutes for the City Council meeting on March 3, 2003  
CITY COUNCIL MINUTES - MARCH 3, 2003

The Jonesboro City Council met Monday, March 3, 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 Copeland moved, seconded by Councilman Perrin to approve the minutes of February 17, 2003, as previously delivered. A voice 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.

At the request of Mr. Carroll Caldwell, Councilman Moore moved, seconded by Councilman Perrin to remove Mr. Caldwell's request to address the City Council regarding support for citizen's right to vote on the issue of "Liquor by the Drink". A voice 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 Financial Report was not provided due to the illness of Mr. Larry Flowers, Finance Director.

Councilman Dover offered the following ordinance for first reading:

**ORDINANCE PROVIDING FOR THE REVIEW OF CERTAIN CITY DEPARTMENTS BY AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTING FIRM; PROVIDING FUNDS; AND DECLARING AN EMERGENCY.**

Councilman Dover moved, seconded by Councilman Moore to suspend the rules for 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, Young, Dover, Copeland, McCall, and Roddy. Councilman Moore moved, seconded by Councilman Street for the adoption of the ordinance. Discussion followed. Councilman Young asked for clarification in Section 1 of the ordinance that stated "Certain City Departments". He asked which city departments did this involve. Councilman Dover explained the intent was to have a review of every department on a rotational basis providing for a complete audit over a period of three years. Councilman Young then asked what Scope of Work would be done. It was explained that the Scope of Work was included in the RFP (Request of Proposal) and Mr. Flowers was going to present the information, but was unable to attend to illness. Councilman Farmer stated it was his understanding that in the past the procedure has been that the Professional Services Committee reviews the Requests for Proposal, ranks the applicants, and provides a recommendation. Councilman Young questioned why an independent auditor would be more beneficial rather than hiring an internal auditor as a full-time employee who would report to the Finance Committee or the full City Council. Councilman Farmer responded saying under state law all department heads are hired and fired by the mayor, and would answer directly to the Chief Executive Officer. He further explained that an internal audit is not an audit at all if it has to answer to management. Councilman Young responded saying he has been in

banking for twenty-five years and any internal auditor they have ever had reported directly to the Board of Directors. Councilman Farmer answered saying if it were the private sector, such as a bank he would agree, but this is government, and state law mandates city department heads answer to the CEO of the city. Councilman Young questioned if the Scope of Work done by the state auditors had been reviewed. Councilman Farmer responded saying he had reviewed the Scope of Work done by the State Legislative Audit, and learned that they typically do audits for smaller cities that are not as complicated as the City of Jonesboro. Councilman Dover stated having an independent audit would help promote public trust. A roll call vote was taken resulting in a ten to two vote in favor of the motion. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Dover, Copeland, McCall, and Roddy. Those members voting nay were: Province and Young. Councilman Copeland moved, seconded by Councilman Perrin for the adoption of the emergency clause. A roll call vote was taken resulting in a ten to two vote in favor of the motion. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Dover, Copeland, McCall, and Roddy. Those members voting nay were: Province and Young. The ordinance was assigned ordinance number 3403.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution authorizing the Mayor and City Clerk to execute the following MATA contracts and rights of way: Jonesboro School District #1, 1814 W. Nettleton, Parcel 79; Jonesboro School District #1, 1307 W. Nettleton, Parcel 25. A voice 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 number 2003:14.

Councilman Young moved, seconded by Councilman Perrin for the adoption of a resolution authorizing acceptance of Federal Transportation Planning Funds from the Arkansas State Highway and Transportation Department; authorizing matching funds necessary to the procurement thereof by Cooperation Agreement; and authorization of JATS Agreement of Understanding. A voice 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 number 2003:15.

Councilman Perrin moved, seconded by Councilman Moore for the adoption of a resolution requesting a “NO PARKING” traffic sign on the north and south sides of Danner Avenue from Lee Drive to Robinson Street, Jonesboro, Arkansas. A voice 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 number 2003:16.

Councilman Dover moved, seconded by Councilman Street for the adoption of a resolution authorizing the implementation for selection of representatives of city departments for the purpose of providing input at committee meetings for the purpose of giving employees a sense of ownership in the decision making process. A voice 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 number 2003:17.

Councilman Moore moved, seconded by Councilman Perrin to remove Bid No. 2003:02, a street sweeper for the Street Department from consideration. A voice 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 announced a public hearing with ADEQ for a Class IV Landfill at 6:00 p.m., Thursday, March 6, 2003, at the Huntington Building. Mayor Brodell reported he was allowing Public Safety Director, Floyd Johnson an opportunity to respond to allegations concerning the McDaniel and Forman

tapes, by 5:00 p.m. Thursday, March 6, 2003. Mayor Brodell explained the reason for delay was based on advice from legal counsel, Ralph Ohm who made the recommendation due to Mr. Johnson having surgery. Mayor Brodell stated he would provide a statement upon receiving and reviewing Mr. Johnson's response.

Councilman Street reported nine bids had been received for the traffic study for South Jonesboro and the Infrastructure Committee would be reviewing those bids at their next committee meeting.

Councilman Dover requested an explanation of City Attorney Crego's written legal opinion regarding responsibility for the jail bill. Mr. Crego stated the City of Jonesboro has been operating for a number of years under an agreement between the City of Jonesboro and Craighead County for payment of prisoners incarcerated by the Jonesboro Police Department. Mr. Crego described the circumstance as odd in that the current sheriff, Jack McCann was a prior Assistant Police Chief to the City of Jonesboro; and Public Safety Director, Floyd Johnson as well as County Judge Dale Hass both served as former Craighead County sheriffs. He explained given the circumstances these individuals were at one time or the other were charging or being charged for the jail bill. Attorney Crego stated no one knew the precise terms of the agreement, or when it came into effect, just that an agreement existed. Attorney Crego referred to A.C.A. 12-41-502 (and following) saying the statutes provide for an agreement, but do not specify a written agreement so therefore the City of Jonesboro has not been making improper payments to Craighead County. However, Attorney Crego did recommend a written agreement for future jail bills with the Jonesboro City Council forming a committee to include members of the county government for the purpose of reaching terms of a new agreement. He stated there is some pending state legislation that may address this matter, but was unsure of its progress. Mayor Brodell stated with a written agreement there is no bargaining availability unless provided for in the written agreement. Councilman Dover questioned what he would be bargaining for. Mayor Brodell deferred the question to Attorney Crego who explained according to state law, absent an agreement, the county can pass an ordinance setting the fee based on actual cost. Councilman Moore questioned if the county sets the fee would it be a county-wide fee. Attorney Crego concurred that it would be set by a county ordinance.

Councilman Copeland announced that the Nominating and Rules Committee had met and approved Mayor Brodell's recommendation to reappoint Harry Hardwick (Ward 3) and Kathleen Pruitt (Ward 5) to the City Water and Light Board with an expiration date of March, 2006. A voice 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 explained since there is concern over budget deficits for 2003, it is important to keep in mind that the clean-up ordinance recently adopted by the Jonesboro City Council shows that the 2002 actual revenues exceeded the budgeted revenues by 1.6 million dollars for both restricted and unrestricted funds. He also stated the actual expenditures were 4 million dollars under budgeted for 2002 for both restricted and unrestricted funds.

Councilman Hargis reported that the Federal Register lists Jonesboro as one of 456 metropolitan areas in the United States with only 17 smaller in population. He stated the average metropolitan area is over 400,000 in population, which means Jonesboro can expand and move forward with its participation in the Metropolitan Planning Organization.

Councilman Moore expressed his appreciation to Mayor Brodell for his letter regarding Public Safety Director Floyd Johnson and stated the Public Safety Committee takes the accusations seriously and will wait for the Mayor's response at the next council meeting.

Attorney Jim Lyons addressed the Jonesboro City Council about a new proposal for settlement regarding his client Barry Phillips of Phillips Investments and Bill's Fresh Market. Dr. Ken Beadles, Ms. Stacy Schratz, and Mr. Jim Pinson also addressed the Jonesboro City Council regarding this matter. It was determined that the proper appeal process had not been followed by Attorney Lyons. Councilman Moore moved, seconded by Councilman Copeland to set an appeal hearing for 5:45 p.m. April 7, 2003. A voice vote was taken resulting in all members voting aye with the exception of Councilman Young and Councilman Perrin. Councilman Young stated he would have to recuse himself because within the last thirty days (30) First Community Bank, Councilman Young's employer, has entered into an agreement to purchase property from Phillips Investments. Councilman Perrin recused himself because he serves on the Board of Directors for First Community Bank. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Street, Dover, Copeland, McCall, and Roddy.

Councilman Farmer moved, seconded by Councilman Moore to suspend the rules to extend the public comment portion of the agenda for an additional fifteen minutes. A voice 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.

Next to address the Council was Reverend Tommy Stacy, pastor of the North Main Baptist Church regarding HB 1728. Pastor Stacy stated there has already been a vote to have Craighead County dry, and that Craighead County includes Jonesboro. He stated because of the private clubs, we are known as the wettest dry county in the state of Arkansas and explained that HB 1728 would ask the Jonesboro City Council/Quorum Court to vote on an option allowing the public to vote on the issue. Pastor Stacy contended this was not about the right to vote but rather about bars and bringing more alcohol into Jonesboro. Councilman Young moved, seconded by Councilman Roddy allowing Reverend Stacy additional time. A voice 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. In closing, Pastor Stacy requested, even if HB 1728 passes, the Jonesboro City Council recuse themselves from voting forcing an initiative to be filed on the issue.

With no further discussion, Councilman Perrin moved, seconded by Councilman Moore for adjournment of the meeting. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.