



Legislation Text

File #: MIN-03:180, **Version:** 1

Minutes for the City Council meeting on October 6, 2003
CITY COUNCIL MINUTES - OCTOBER 6, 2003

The Jonesboro City Council met Monday, October 6, 2003, at 6:30 p.m. A full quorum was in attendance. Present were: Mayor 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, Furr, McCall, and Roddy. Councilman Young arrived at 6:50 p.m. to the council meeting and was unavailable to vote until Item 5A on the agenda.

Councilman Moore moved, seconded by Councilman Perrin to approve the minutes of the Special Called meeting held September 11, 2003, and the regularly scheduled meeting held September 15, 2003. Both sets of minutes were provided prior to the council meeting. A voice vote was taken resulting in all members voting aye with the exception of Councilman Young who arrived late to the meeting. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, Furr, McCall, and Roddy.

Finance Director Larry Flowers provided an Executive Summary comparing the city's overall revenues and expenditures. He also provided the Collections Report and requested the report be discontinued. No objections were voiced. Mr. Flowers presented a power-point presentation showing actual operating revenue and operating expenses with predictions on future spending based on these figures.

Councilman Street offered the following ordinance for first reading:

ORDINANCE AMENDING THE 2003 BUDGET, ORDINANCE NO. 3390 FOR THE APPROPRIATION OF \$6,020.10 FOR RESERVE OFFICERS EQUIPMENT

Councilman Moore moved, seconded by Councilman Street to suspend with the second and third reading of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Furr, McCall, and Roddy. 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, Young, Dover, Furr, McCall, and Roddy. 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, Street, Young, Dover, Furr, McCall, and Roddy. The ordinance was assigned number 3438.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES AUTHORIZING THE SANITATION INSPECTORS AND CODE ENFORCEMENT OFFICERS TO ENFORCE ALL SECTIONS OF CHAPTER 5.16, ENTITLED GARBAGE, TRASH AND WEEDS

Councilman Moore moved, seconded by Councilman Street to suspend with the second and third reading of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Furr, McCall, and Roddy. Councilman Moore moved, seconded by Councilman Perrin 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, Young, Dover, Furr, McCall, and Roddy. The ordinance was assigned number 3439.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE REQUIRING ALL PRELIMINARY AND FINAL PLATS OF SUBDIVISIONS OF FIVE ACRES OR MORE BE SUBMITTED IN A DIGITAL FORMAT TIED TO AT LEAST TWO OF THE JONESBORO GPS MONUMENTS

Councilman Perrin moved, seconded by Councilman Moore to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Furr, McCall, and Roddy. Councilman Perrin requested the ordinance be held till the next council meeting for third reading.

Councilman Hargis offered the following ordinance for first reading:

ORDINANCE TO AMEND THE CERTIFICATE OF INCORPORATION OF CRAIGHEAD COUNTY SOLID WASTE DISPOSAL AUTHORITY

Councilman Young moved, seconded by Councilman Hargis to suspend with the second and third reading of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Furr, McCall, and Roddy. Councilman Moore moved, seconded by Councilman Perrin 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, Young, Dover, Furr, McCall, and Roddy. The ordinance was assigned number 3440.

At the request of Mayor Brodell, Councilman Moore moved, seconded by Councilman Street to pull the application of a hardship permit for placement of a mobile home at 3021 Glover Road for Mrs. Irene Glover. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Furr, McCall, and Roddy.

Councilman Perrin 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, 2002, and providing for appropriate action on audit findings and recommendations. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Furr, McCall, and Roddy. The resolution was assigned number 2003:67.

Councilman Moore moved, seconded by Councilman Farmer for the adoption of a resolution approving a change order and allocating funds for the MATA Matthews Avenue Construction II Project. A voice vote was taken resulting in all members voting aye with the exception of Councilman Perrin who abstained from voting because he lives in the area. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Young, Dover, Furr, McCall, and Roddy. The resolution was assigned number 2003:68.

Councilman Moore moved, seconded by Councilman Dover for the adoption of a resolution placing a 40 MPH

traffic sign at Barnhill Road from Highland Dr. to C.W. Post Road as recommended by the Police Department and the Infrastructure Committee. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Furr, McCall, and Roddy. The resolution was assigned number 2003:69.

Councilman Street moved, seconded by Councilman Perrin for the adoption of a resolution approving a bid with Knish Corporation for sidewalks and curb cuts under the 2002 Jonesboro Downtown Sidewalk Improvements Projects, Job No. 100557. Councilman Farmer asked for clarification on the matching funds for the grant. Mr. Jim McKinnon reported it was an 80/20 matching grant with the city being obligated for \$120,000.00 as its matching 20%. Councilman Farmer requested in the future that the resolutions provide this information for clarification purposes.

Mayor Brodell called for item 12 on the agenda regarding bids on the construction of tennis courts at Allen Park, however City Attorney Crego read item 11 accepting the bids for playground equipment at North Main, William Evans, Fairview, and Joe Mack Campbell parks; and for a Skate Park in Allen Park. All of which are being funded under the 2003 CDBG Program and the State Department of Parks and Tourism Program Grant. Councilman Young moved, seconded by Councilman Perrin for the adoption of the resolution. Councilman Farmer requested again, information on the city's financial obligations for the grants. Mr. McKinnon reported for CDBG it was 100% federally funded; 50/50 matching for Joe Mack Campbell at \$35,000 for the state and \$40,000 for the city; 80/20 match at Allen Park for a total of \$150,000 (\$75,000.00 for the city). It was determined that Allen Park was located in the floodplain and Councilman Farmer questioned if by paving for a skate park would it not create a drainage problem for the community center and surrounding areas. It was explained that the contractors for Allen Park had only done grading which was their scope of work, leaving the floodplain issues to be handled through the Master Drainage Plan. At the request of Councilman Young, Mr. Mark Brand with Derrick Barton Construction stated it was their understanding that there was a drainage system in place that could handle the drainage problems. Councilman Farmer stressed the east part of Jonesboro is in the floodplain and any time there is elevation, it subtracts from the natural retention of water and recommended having an engineer sign off that the center has been elevated high enough so not to have problems later on. Councilman Hargis questioned Mr. Jason Wilkie, Parks Director about the flooding of the Allen Park Center. Mr. Wilkie stated it had flooded one time, but it was because they had left the sprinkler system on all night. Mr. Teddy Hooten of the Engineering Department stated Mr. Troy Sheets provided an elevation certificate when Allen Park was in the design phase (2 years ago), which shows it was built one foot above the floodplain level. Councilman Farmer questioned Mayor Brodell as to the budgetary plans for ongoing maintenance of improvements. Mayor Brodell asked Mr. Wilkie to respond. Mr. Wilkie stated the NEA Tennis Association was interested in running the programs, maintaining the courts, and taking reservations while the city would be responsible for mowing and repairs. Councilman Farmer questioned how often the courts have to be resurfaced. It was explained by Derrick Barton Construction the average life of a tennis court, before it needs resurfacing, is six to eight years. Councilman Hargis raised the issue of Race Street having no shoulders and no sidewalks and the substandard condition of Briar Street and Matt Street. He stated with the improvements these streets needed to be brought up to standard conditions. Mayor Brodell stated they were looking at widening Race Street and having subdivisions (Matt Street) brought up to code through the court system. Mr. Bernie Auld, a Hydrological Engineer with Carter Burgess working on the city's drainage plan was asked to address the matter. Mr. Auld stated as far as a liability, the city should be concerned with displacement of the water on adjacent property and recommended further review. He also pointed out that it would have an impact on Whitman's Creek and Turtle Creek ditches. Mr. Wilkie responded saying the water would not be dispersed on other people's property but rather in the surrounding ditches. He stressed the urgency in getting the job started, stating Parks and Tourism had given an ultimatum that if the project is not started by November 13, 2003 they would not get funding for 2004. Mr. Auld clarified the difference in local run-off and the full

floodplain issue. Mayor Brodell stated he did not want to be disrespectful, but the City of Jonesboro has two certified engineers on staff and were relying on them for proper information. Councilman Young called for a point of order. Several members questioned which item was being considered, item 11 or item 12 on the agenda. Councilman Perrin stated it was his understanding that it was item 12 while others argued it was item 11. Mayor Brodell called for a voice vote with no verbal objections made. The resolution was assigned resolution number 2003:71.

Mayor Brodell called for item 13 on the agenda, to review bid numbers 2003:45 (Concrete Labor) and 2003:46 (ADA Project Downtown), however City Attorney Crego read item 12, resolution approving the bid with Derrick Barton Tennis Court Construction for 12 tennis courts and lighting at Allen Park under the 2001 and 2002 State of Arkansas Department of Parks and Tourism Program Grant. Discussion followed with Councilman Young stating agenda item 12 (Resolution for tennis courts) had already been reviewed, and now the Council was considering agenda item 11 (Resolution for skate park and playground equipment). City Attorney clarified saying he already read agenda item 11 (skate park and playground equipment) previously and was now on agenda item 12 (tennis courts). Mayor Brodell and Councilman Perrin stated they both understood that agenda item 12 had already been read. Attorney Crego proceeded to read agenda item 12 (tennis courts). Councilman Young moved, seconded by Councilman Hargis for adoption of the resolution. Mayor Brodell called for a voice vote. No one voiced an objection. Councilman Farmer questioned Section 7.6 of the contract entitled, "Other Provisions" which reads as follows: "Mayor Hubert Brodell will sign all contracts and change orders for the City of Jonesboro; Donna Jackson will attest all contracts for the City of Jonesboro; Jim McKinnon will attest all change orders for the City of Jonesboro. Councilman Farmer questioned if it was not state law that requires the City Clerk to attest contracts, and change orders would be part of the contract. City Attorney Crego stated this was the first he had seen the contract, but agreed state law requires the City Clerk to attest all contracts and change orders. City Clerk Donna Jackson questioned who prepared the contract and Mr. Matt Silas, the Architect stated he had prepared the contract. Clerk Jackson questioned why he worded Section 7.6 of the contract in that way. Mr. Silas stated Mr. McKinnon, Grants Coordinator had requested he be named as the person to attest all change orders. Clerk Jackson read from the right side of the margin next to Section 7.6 as follows, "This document has important legal consequences. Consultation with an attorney is encouraged . . ." She recommended the contract be reviewed by City Attorney Crego. Attorney Crego asked what timeline the Parks and Grant Departments were on. No response was provided. Mr. Jason Wilkie, Parks Director had already left the council meeting. Mayor Brodell recommended approving the resolution subject to approval by the City Attorney, however it was determined that the resolution had already been approved. Councilman Farmer questioned if the motion could not be withdrawn. Discussion followed with Councilman Perrin recommending an amendment to the motion, and Councilman Young contending since the language was not in the resolution an amendment was not necessary. Mayor Brodell stated if the council would agree to adopt the resolution subject to approval of the contract by City Attorney Crego it would be on record. Councilman Perrin agreed with Mayor Brodell's recommendation. Councilman Young so moved, seconded by Councilman Moore. Councilmember Furr questioned Mr. McKinnon about the four addendums mentioned in the contract, but were not attached. Matt Silas, the Architect responded giving an explanation of the addendums and stating Mr. McKinnon and Jason Wilkie had been provided the addendums. Mr. Mayor Brodell called for a voice vote. No objections were voiced. The attached letter of review and approval was provided by City Attorney Phillip Crego on October 7, 2003. The resolution was assigned number 2003: 72.

Councilman Moore moved, seconded by Councilman Perrin to accept the recommendation of the Infrastructure Committee for the bid of Barber Construction, Bid Number 2003:45 for concrete labor. A voice vote was taken with all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Furr, McCall, and Roddy.

Councilman Young moved, seconded by Councilman Perrin to accept the recommendation of the Infrastructure Committee for the bid of Cameron Construction (the only bidder), Bid Number 2003:46 for the ADA Downtown Project. A voice vote was taken with all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Furr, McCall, and Roddy.

Under new business by the Mayor, Mayor Brodell announced a joint meeting of the MAPC and Jonesboro City Council at 5:30 p.m. at the Huntington Building with Attorney Ralph Ohm for the purpose of discussing zoning regulations. Mayor Brodell offered his condolences to Mr. Jim Bowman, Animal Control and Mr. Brad Wellborn, Parks Assistant at the recent passing of each of their spouses. He announced that a preliminary budget would be provided to council members and he or Mr. Flowers would answer any questions the Council may have.

Under new business by the Council, Councilman Street reported that Mayor Brodell had started negotiations with Associated Engineering on the traffic study, and it would possibly be ready by the next council meeting. He also stated the MAPC would conduct a public hearing regarding an ordinance regulating cell towers/billboards which would then be brought to city council.

Councilman Dover moved, seconded by Councilman Perrin for the adoption of a resolution approving the City of Jonesboro, Arkansas to participate under the Department of Health and Human Services SAMHSA Grant Program. Councilman Young questioned the urgency of addressing the resolution tonight. Mr. McKinnon, Grants Coordinator stated the application had to be in by the 15th of October. He explained the State was going to prepare an application for the grant, but was informed the State could not prepare two applications. Mayor Brodell stated the reason the County did not apply for the grant is because they did not have a meeting before the grant deadline (October 15, 2003). Ms. Marilyn Copeland with the Jonesboro School District reported four years ago the School District received a nine (9) million dollar Safe Schools Grant, and there had been a collaborative effort between mental health services and the Jonesboro, Westside, Valley View, and Nettleton school districts. She explained that grant ended September 30, 2003. The Mental Health Grant would aid eight school districts in the county, as well as the juvenile and probation centers, and the Department of Human Services. Mayor Brodell stated the city could be held responsible for providing funding and recommended an agreement from the school whereby the city would not be held liable for the funding. Councilman Young read from documentation provided, "By statutory mandate, this program requires the applicant entity to provide, directly or through donations from public or private entities, non federal contributions". Councilman Young questioned what assurances are in place over the next six years that the funds would be available and the city would not be obligated. Ms. Copeland stated both the agencies involved would provide in-kind match, with no money involved. Councilman Moore questioned City Attorney Crego regarding the City's ability to break the contract if the school board did not fulfill the matching share. Mr. Crego stated if the city is the applicant, then the city is responsible to the funding agency. Councilman Farmer questioned Attorney Crego about a written agreement from MidSouth and the School Board Districts in order to protect the City of Jonesboro from any liability. Ms. Copeland responded saying there would be a governing board, and Mayor Brodell had recommended Mr. McKinnon, Grants Coordinator and Mr. Flowers, Finance Director to serve as voting members of the board. Councilman Young questioned the budget process for Health Services regarding the grant over the next six years. Ms. Copeland stated it was a reapplication process and nothing is guaranteed but one year at a time based on the performance and being able to show the matching funds. Attorney Scott Waddell stated the liabilities could be contracted away if everyone was in agreement. Councilman Hargis asked for clarification of the terms of "applicant" and "sponsor", and expressed concern over the legal and financial obligation placed on the city. Councilwoman Furr questioned if the City of Jonesboro becomes the recipient of the grant would there not have to be a sub-recipient agreement between MidSouth Health and county schools. Attorney Waddell was uncertain about the wording of the grant in that respect. Councilman Farmer asked, and

it was confirmed, that the only thing being done was the application process and the City Council would have time to negotiate the approval process of the grant. Ms. Copeland stated over the last four years, the Safe Schools Grant provided Jonesboro Parks and Recreation about \$350,000.00 for the rock climbing wall which came through the Jonesboro School District. City Attorney Crego advised that the resolution be amended to authorize the City Clerk Donna Jackson to sign with Mayor Brodell. Mr. McKinnon stated it was only an application for assurances and Mayor Brodell's signature was the only signature needed and that is why he wrote the resolution that way. City Attorney Crego responded saying he had not seen the application, so he could not address that point. He explained it would be better to have the authorization and not need it, than need it and not have it since time was an issue. At the request of Mayor Brodell, Councilman Dover and Councilman Perrin withdrew their original motion. Councilman Dover moved, seconded by Councilman Perrin to amend the resolution authorizing the City Clerk to attest the application. A voice vote was taken resulting in all members voting aye with the exception of Councilman Young, Councilman Province, and Councilman Dover who abstained from voting. Those voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Furr, McCall, and Roddy. Councilman Moore moved, seconded by Councilman Street for the adoption of the resolution as amended. A voice vote was taken resulting in all members voting aye with the exception of Councilman Young, Councilman Province, and Councilman Dover who abstained from voting. Those voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Furr, McCall, and Roddy. The resolution was assigned number 2003:73.

Councilwoman Furr requested in the future items for Council consideration be provided in a timely manner so there is sufficient time for review.

Councilman Young moved, seconded by Councilman Moore to approve the following committee appointments and changes:

- Cecil Province to replace Paul Copeland on the Nominating and Rules Committee and on the Infrastructure Committee, with the Parking Subcommittee to be under the Infrastructure Committee instead of the Transportation Committee.
- Judy Furr to replace Cecil Province on the Public Services Committee.
- Judy Furr to replace Paul Copeland on the Public Safety Committee.

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

Councilman Farmer questioned if Mayor Brodell wanted to update the Council on the inspection of the Justice Complex. Mayor Brodell responded saying as of yet he does not have anything in writing from Mr. Gavin, but he would check on it this coming week.

Councilman Farmer reported the Infrastructure Committee had recommended appraisals for the Quail Ridge which is located out of the pilot study area, but approved with the adoption of the drainage study. He explained they would be using the appraiser hired by the City of Jonesboro for the MATA projects.

Councilman Farmer stated when the Airport Grant (Resolution No. 2003:63 and 2003:65) was introduced to the Council, it was his understanding and others that there would be no additional cost to the city and was approved under that assumption. However, after it was approved, it was discovered the money allocated in the airport commission budget had been designated for a runway apron at a maintenance building, and there was not enough money to do both the runway apron and the \$75,000.00 matching share of the grant. He explained the \$75,000.00 matching share had to be appropriated in the 2004 budget. Councilman Farmer stated he and Mayor

Brodell had spoken with a couple of the Airport Commissioners about some questions regarding works being done at the airport. Mayor Brodell stated the road work and fill dirt was being completed. Mayor Brodell stated on another project they were getting the gas line run and the gas supplied. Councilman McCall reported the county had agreed to do some work, but pulled off the project, leaving the City of Jonesboro responsible. Councilman Farmer made the recommendation that when there is a vacancy on the Airport Commission the Council be notified so they could appoint a member of the council to serve on the Airport Commission. Mayor Brodell stated the Chairman of the Airport Committee is always invited to attend and should be notified of the meetings. Councilman McCall stated the last two Chairmen of the Airport Committee have not been notified of the meetings. Mayor Brodell stated he would be notified in the future.

Councilwoman Williams announced there would be a meeting of the Personnel Subcommittee on October 21st at 5:00 p.m. for the purpose of hearing from Condrey and Associates regarding the salary survey. The meeting will be held at the Huntington Building in the Haworth Room.

Councilman Perrin announced a meeting with Motorola, at 9:00 a.m. at on the 9th of October in the Training Room of the Justice Complex.

Under new business by the Public, Mr. Mike Ebbert submitted a petition containing 62 signatures, requesting appropriate action be taken on Ferrell Street with regard to no sidewalks into Annie Camp School. In addition to no sidewalks, Mr. Ebbert stated there was a drainage problem as well. He explained there had already been two accidents in the area, and it was a liability for the school board as well as the City of Jonesboro. He requested immediate attention to the situation.

Mr. Curtis Tate stated the City of Jonesboro made improvements to a ditch located between Logan and Washington Street, but since that time the ditch has not been maintained, and questioned who is responsible for its up keep. Mayor Brodell stated they would look at it tomorrow and get back with him.

Councilman Perrin moved, seconded by Councilman Moore for the adjournment of the meeting. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Furr, McCall, and Roddy.