



Legislation Text

File #: MIN-06:068, **Version:** 1

Minutes for the City Council meeting on October 3, 2006
CITY COUNCIL MINUTES - October 3, 2006

The Jonesboro City Council met Tuesday, October 3, 2006, at 6:30 p.m. Members present were: Mayor Doug Formon, City Clerk Donna 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.

Councilman Perrin moved seconded by Councilman Moore to approve the minutes of September 19, 2006, as delivered. 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 following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM INDUSTRIAL I-1 AND RESIDENTIAL R-1 TO COMMERCIAL C-3, LOCATED ON THE NORTH SIDE OF HIGHWAY 18 EAST. (Berney Halsell)

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. Questions were raised regarding the need for an emergency clause. No reason was given and therefore the emergency clause was not adopted. The ordinance was assigned number 3668.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL R-2 TO COMMERCIAL C-5, NEIGHBORHOOD OFFICE, LOCATED AT 904 E. OAK STREET (Dr. Bryan M. Harvey)

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. Questions were raised regarding the need for an emergency clause. No reason was given and therefore the emergency clause was not adopted. The ordinance was assigned number 3669.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM R-1, SINGLE FAMILY MEDIUM DENSITY TO C-3 L.U.O., GENERAL COMMERCIAL DISTRICT WITH LIMITED USE OVERLAY, LOCATED ON WILLOW ROAD BETWEEN LONG CREST DRIVE AND JOE N. MARTIN EXPRESSWAY. (Elizabeth Moore)

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. Questions were raised regarding the need for an emergency clause. No reason was given and therefore the emergency clause was not adopted. The ordinance was assigned number 3670.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-1, SINGLE FAMILY RESIDENTIAL, TO R-2 MULTI-FAMILY, LOCATED AT 2204 NEEDHAM STREET. (Brian Allred)

Councilman Moore moved, seconded by Councilman Street 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. No further action was taken.

A resolution to enter into a contract with FTN Associates, Ltd. to perform a borrow source investigation for the final cover system materials for the City of Jonesboro Landfill facility was offered. Councilman Street moved, seconded by Councilman Moore to amend the following:

- Scope of work by repealing Exhibit B, number 8 in its entirety.
- Amend Exhibit C under Direct Expenses by deleting the wording “plus 10 percent” to read “not to exceed \$15,000 “.
- Amend Payment Terms from 12% to read ½ %.

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 resolution as amended. 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 2006:130.

Councilman Moore moved, seconded by Councilman Street to table a resolution to void Resolution No. 2006:77 and contract with FTN Associates, Ltd. to provide construction management services. 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 Street to table a resolution to contract with FTN Associates, Ltd. for construction management services. 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.

Under new business, Mayor Formon thanked everyone for their cards, letters and prayers while in the hospital. He explained they have him on blood thinner that makes him weak in the afternoons. Mayor Formon introduced Mr. Don Ray the new Finance Director. Lastly, Mayor Formon stated once he had gotten out of the hospital he discovered a letter had been distributed by War Room Communications who for the past several months has been helping with a Mayor’s Medal of Merit program. He explained this was an event that will take place in mid November to raise money for this year’s charity, Court Appointed Special Advocates (CASA). He explained the charity would change on a yearly basis. Mayor Formon stated he was disturbed to find out a letter had been handed out without his approval, his signature, or proper logo, but had his name on it. He stated he

hoped the Mayor's Medal of Merit program would be passed on to the next Mayor and continued for years to come. He stated it had been reported in the Jonesboro Sun city stationery had been used for the letter, but rather the city logo had been cut and pasted from the city web site. Mayor Formon stated he knew the letter offended some people because there were sections of the letter that offended him personally. He stated there were no bad intentions; they were trying to raise money for abused kids. Mayor Formon stated he has had a conversation with Mr. Brad Hyde of War Room Communications regarding putting a letter like that out without his approval. Mayor Formon apologized to everyone who had seen the letter who was offended by it, as was he. He stated ultimately they hoped it would be a good event that would raise money for CASA. He explained grant funds have been cut from this program, and he was passionate about CASA due to his past police work and would like to help them out. Mayor Formon stated in days to come there would be an apology letter or follow up letter that would actually come from him that would contain his statements and signature. He stated it bothers him that something like that is sent out while he is in the Intensive Care Unit (ICU). Councilman Moore introduced a letter (Exhibit A attached) which was read into the record by City Attorney Crego and signed by all twelve city council members. Mayor Formon agreed with the statements made by the City Council and again stated he was very disturbed by the letter sent out by Mr. Hyde and War Room Communications. He stated he believed his wife, Cindy, was trying to protect him by not letting him know anything till the latter part of the weekend, since his stress level had landed him in the hospital. Mayor Formon apologized if the letter caused embarrassment to anyone on the city council or the city, and guaranteed it would not happen again. Councilman McCall questioned if Mayor Formon's foundation had been registered as a 501C. In response Mayor Formon stated it had not been, but they were in the process of getting it started. He explained it was going to be a different way in which it is formed, and apologized for not knowing the legal terminology. Councilwoman Furr stated according to the Jonesboro Sun Mayor Formon had a draft of the letter some time ago, and questioned if the City Attorney should not be consulted and the matter treated as a criminal act if the draft was anything like the letter sent out by Mr. Hyde. Mayor Formon responded saying he had not seen the letter in its entirety, like what was sent out. He stated the letter he saw had verbiage he did not like and did not have the proper logo. Councilman McCall stated he realized Mr. Hyde is Mayor Formon's best friend and campaign manager, but suggested Mayor Formon start getting advice from other people if Mr. Hyde was going to be sending out this kind of letter. Mayor Formon agreed. Councilman Province stated Mayor Formon as the Chief Executive Officer of the City of Jonesboro has the final say, and the letter should have never been initiated much less finished without his approval. He stated he felt the citizens of Jonesboro have been slammed and do not deserve it. Councilman Province stated the confidence in city government is of utmost importance, and city council members feel the whole thing was mishandled with Mayor Formon's prior knowledge of the letter being sent out. Mayor Formon responded saying he did not have prior knowledge of the letter being sent out because it was offensive to him and did not have his approval. Councilman Farmer questioned if the city council should approve something when it is being done based on the City of Jonesboro. Mayor Formon responded saying it is not being done based on the City of Jonesboro but based on his title of Mayor. Councilman Farmer referred the question to City Attorney Crego, saying he understands if it is the Doug Formon Foundation, but by saying it is the Mayor's Medal of Merit does not the City Council have some responsibility. Attorney Crego responded saying there are some issues of proprietary use of the City Logo, and any city money expended in the effort. Mr. Crego explained the letter as sent out suggested special access and privilege based on monetary donations, and would need city council approval to the extent that city funds, expenses, city logo, and the name of the City of Jonesboro are used. Councilman Farmer stated in his opinion the term "Mayor's Medal of Merit" implies it is a city function. Mayor Formon responded saying it is like the President's Physical Fitness Award" started by President Regan. Councilman Moore stated an apology is warranted by Mr. Brad Hyde of War Room Communications since the letter was sent out without Mayor Formon's approval. Councilman Dover questioned a phrase in the letter that stated all money (minus expenses) would go to CASA. He questioned what those expenses were. Mayor Formon stated it would be based on the overall cost, with a portion going to Mr. Hyde. Councilman Perrin stated individuals receiving the first letter, would need to be notified by Mayor

Formon with a follow up letter for clarification purposes. Mayor Formon stated donations for this year would go directly to CASA which is a registered 501C. Councilman Hargis questioned if the other companies (Triple FM and KAIT) whose logos appeared on the letter were in support of the project. Mayor Formon stated he had been interviewed by both Triple FM and Channel 8 and neither one had a problem with it, and were “on board” with the free advertising. Councilwoman Furr stated Mr. Tony Thomas had indicated to Councilmen Province and McCall that he knew about the letter last week. Mr. Thomas explained he had heard it mentioned, but had not seen any correspondence or worked on it in the office. After clarifying that Mayor Formon had not seen the letter until Sunday, October 1, 2006, Councilwoman Furr questioned how this matter got to this point, stating she was taking Mayor Formon at his word, but believed someone from his office had to have known about the letter. Councilwoman Furr questioned if this was not an ethics violation. Mayor Formon responded saying a professional firm would have waited for written approval from him before sending the letter, indicating War Room Communications is not a professional firm. Councilman Moore questioned City Attorney Crego on what action the City Council should take against Brad Hyde, of War Room Communications for solicitations of the City of Jonesboro without the approval of Mayor Formon or the Jonesboro City Council. Mayor Formon clarified he approved solicitations for the event, but the letter in the form in which it was done, was not. City Attorney Crego stated he did not have an answer to that question, and explained he had received a copy of the letter Friday morning through the media. Councilman Moore moved, seconded by Councilwoman Furr requested Mr. Brad Hyde come to the next city council meeting to answer questions pertaining to the letter. 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 Farmer recognized the competitive nature of other fundraising organizations and expressed concern over the potential conflicts and potential appearance of favoritism that could be portrayed from businesses that give directly to a mayor’s foundation that might have business coming before the City of Jonesboro. Councilman Farmer stated he could not endorse this project as a city council member, given the good organizations the City of Jonesboro already has, and the good works they do. Councilman Farmer requested Mayor Formon rethink this endeavor. Councilwoman Williams expressed concern over the accounting of expenses and the funds raised, not to mention the 501C status. Councilman McCall suggested Mayor Formon may want to look at how his office is structured because as Chief Executive Officer for the City of Jonesboro he should have known about this matter given there were four days in which he should have been informed of this situation. Mayor Formon responded saying he had a TIA, similar to a stroke that was related to stress. He explained he had lost part of the use of his left arm, his speech and some vision. He stated he imagined anything stress related everyone was trying to protect him. Mayor Formon stated he was on blood thinner and doing better. Councilwoman Furr requested Mayor Formon rethink his position on this endeavor, listing the various pit falls associated with it. Councilman Street stated while he believes Mayor Formon’s heart was in the right place, he suggested he check with the Attorney General’s Office because of the ethics laws. City Attorney Crego asked for clarification on what the City Council wanted from him with regard to a legal opinion. Councilman Moore stated more of the facts would be available once Mr. Hyde addressed the City Council.

Councilman Moore moved, seconded by Councilman Perrin to suspend the rules and place two resolutions on the agenda under new business, however, one of the resolutions did not have a contract with it. 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 Street for the adoption of a resolution accepting contracts with Randy S. Callahan Construction for the following bids:

2006:56 - Vegetation Removal

2006:57 - Rechanneling / modifying channels and slopes.

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 2006:131.

Councilman Ashley reported he would not be at the next city council meeting.

Councilman Farmer suggested a Capital Improvement Program involving Streets and Drainage projects. Mayor Formon stated he would have the proposed budget ready by October 19, 2006.

With no further business, Councilman Perrin 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.