



## Legislation Text

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Minutes for the City Council meeting on December 1, 1997

**PUBLIC HEARING - 6:15 P. M. -** A public hearing was held regarding the relocation of a street easement located across the easterly side of Lot 8 of Block E in the Dunwoody-Huntcliff Estates as requested by Frank Macon. Councilman Kelton stated Mr. Claude Martin, City Engineer had requested more time to study the relocation. No opposition was voiced.

**CITY COUNCIL MINUTES - December 1, 1997**

The Jonesboro City Council met Monday, December 1, 1997, 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 12 council members. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Fletcher, Bowers, and Roddy.

The minutes of November 17, 1997, were approved as delivered, by Councilman Young seconded by Councilman Roddy. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Fletcher, Bowers, and Roddy.

Councilman Roddy offered the following ordinance for the first reading:

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF SALES AND USE TAX REVENUE BONDS FOR THE PURPOSE OF FINANCING THE COST OF CONSTRUCTING STREET AND ROAD IMPROVEMENTS; PLEDGING A 1% SALES AND USE TAX TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY**

Councilman Tate moved, seconded by Councilman Fletcher to waive the reading of the ordinance except by title. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Fletcher, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Roddy to suspend the rules and place on second reading. Mr. Jim Buttry, Bond Counsel, explained an amendment was needed on page 16, Section 8 - b. He explained rather than putting up money in a reserve, the Trustee would be allowed to purchase an insurance policy that would serve as a reserve in the event Jonesboro defaulted on the bond. Councilman Bowers moved, seconded by Councilman Roddy to make such an amendment. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Fletcher, Bowers, and Roddy. A voice vote was taken for the second reading as amended resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Fletcher, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Roddy to further suspend the rules and place on the third and final reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Fletcher, Bowers, and Roddy. Councilman Kelton moved, seconded by Councilman Roddy for the adoption of the ordinance as amended. A voice vote was taken resulting in all council members voting aye with

the exception of Councilman Young who abstained from voting. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was assigned number 3016.

Mayor Brodell opened the floor to Mr. William (Bill) Darmstaedter, II, Director of Public Finance with NationsBanc Montgomery Securities, Inc., St. Louis, Missouri. Mr. Darmstaedter explained in the first bond transaction there was a fully funded debt service reserve fund, where 10% (1.5 million dollars) of the par amount was used to buy securities and not used for proceeds toward road construction. He further explained NationsBanc opted to purchase a policy of insurance for the price of \$60,000.00 (2% of the par amount) releasing 2.9 million dollars more of proceeds for construction. Mr. Darmstaedter reported NationsBanc began pricing bonds at 8:30 a.m. and concluded around 3:30 p.m. with the interest rates ranging on the yield from 3.8% to 4.35%, and sold to a broad variety of investors both retail and institutionally. He explained there was a balance of approximately 2.5 million dollars in reserve for retail investors, and the debt should be retired no later than May 2001, unless the taxes slow down. In closing, Mr. Darmstaedter stated the NationsBanc proposal compared to other proposals saved between Five and Six Million Dollars in taxes which will not have to be collected.

Councilman Fletcher offered the following ordinance for the first reading:

ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (SON-TINA ENTERPRISES, INC.)

Councilman Young moved, seconded by Councilman Tate to suspend the rules and place on second reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Fletcher, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Rorex to further suspend the rules and place on the third and final reading. Discussion followed regarding rezoning ordinances being rushed through. Councilman Crockett stated he did not want to get in the habit of adopting rezoning ordinances in one meeting. It was explained, the area located on Washington, would never be used for residential property. A voice vote was taken resulting in a seven to five vote opposed to the third reading. Those members voting nay were: Kelton, Rorex, Province, Crockett, Rega, Young, and Bowers. Those members voting aye were: Davis, Tate, Pratt, Fletcher, and Roddy. The motion for third reading was denied.

Councilman Kelton offered the following ordinance for the first reading:

ORDINANCE TO RELOCATE A PORTION OF STREET EASEMENT LOCATED ACROSS THE EASTERLY SIDE OF LOT 8, BLOCK E IN THE DUNWOODY-HUNTCLIFF ESTATES (FRANK MACON)

Councilman Tate moved, seconded by Councilman Roddy to suspend the rules and place on third and final reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Fletcher, Bowers, and Roddy.

Under new business, Councilman Province moved, seconded by Councilman Rorex to appropriate \$10,223.91 from unappropriated sales tax for election costs. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Fletcher, Bowers, and Roddy.

Councilman Kelton offered a resolution to amend the moratorium placed on all construction of off premise advertising. The correction was as follows: "Except for locations along the Highway 63 Bypass the following height and width restrictions shall apply to all areas of the incorporated limits of Jonesboro: maximum height of 42 feet measured from the top of the sign, and a maximum width of 24 feet. The existing land contours may require adjustments in height limitation. In such cases however, the owner, developer, installer shall be required to furnish certified elevation drawings demonstrating such need." Mayor Brodell questioned when the thirty day moratorium would begin. Councilman Kelton stated the Planning Committee needed thirty days from December 1, 1997. Councilman Rega questioned why an additional two weeks was needed since the original moratorium was adopted on November 17, 1997. Councilman Kelton explained it had taken two weeks to get the committee together, and because of the confusion. Councilman Tate moved, seconded by Councilman Bowers to amend the resolution to begin the thirty day moratorium from November 17, 1997, to December 1, 1997. A voice vote was taken resulting in all council members voting aye, with the exception of Councilman Rega who voted nay. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Pratt, Young, Fletcher, Bowers, and Roddy. Councilman Rorex moved, seconded by Councilman Kelton to adopt the resolution as amended. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Fletcher, Bowers, and Roddy. The resolution was assigned number 1997:80.

Councilman Pratt questioned City Attorney, Phillip Crego regarding confusion with the wording of the resolution stating Highway 63 Bypass to mean Parker Road or the easement between the two roads. City Attorney, Crego stated if there are questions of it being off the Bypass, it could be handled in the application process.

Councilman Kelton pointed out a revision in the 1998 Budget for Municipal Court of \$60,000.00 for a maximum budget amount of \$250,000.00. Mr. Kelton stated of the \$60,000.00, \$21,000.00 was for computer software, and \$40,000.00 was for two additional employees, signifying Jonesboro's 70% share to be paid to Craighead County. Municipal Judge, Pam Honeycutt reading from the 1998 County Budget stated 70 % would be \$274,991.54, not including the additional help she had requested. She pointed out Jonesboro was only appropriating \$250,000.00, and that would not cover Jonesboro's share, much less two additional employees. Mayor Brodell questioned what would run the figure up from \$190,000.00 to \$274,000.00. Judge Honeycutt stated the increases were discussed in the Joint Finance Committee meeting, and recommended Council get a copy of the 1998 County Budget. Councilman Pratt questioned if Jonesboro was responsible for 70% of workers compensation and other expenses. Judge Honeycutt explained the 70% is determined by use, and if a line item is not used up the City is only billed for what was spent. Councilman Young, Chairman of the Finance Committee, stated after the joint committee meeting, (Quorum Court and City Finance Committee) Mr. Larry Flowers, Finance Director revised the budget to reflect the increases. Councilman Young stated the \$250,000.00 represents the additional expense for computer equipment and two additional employees. Judge Honeycutt stated \$250,000.00 does not reflect 70% of the County's budget. Councilman Young answered by saying the Council cannot vote on the County budget, only the City budget. Judge Honeycutt acknowledged Councilman Young's response, but reminded him the City by law is required to reimburse the County for necessary expenses of Municipal Court, and if the City does not appropriate the funds now, they will have to appropriate the money at a later date. Councilman Young stated he did not understand the difference in the amounts as stated in the joint committee meeting and the amounts reflected in the County's adopted budget. Judge Honeycutt reading from the County budget reported the totals vary due to increases in contract labor, travel for Clerks and Municipal Judge, and the addition of a Court Clerk at Lake City. Mayor Brodell questioned the increase in the overall budget of \$100,000.00, without additional employees. Judge Honeycutt stated she had not prepared the previous county budget, and provided Mayor Brodell a copy. Councilman Young stated he did not understand how the figures continually changed each time his committee met regarding the Municipal

Court Budget. Judge Honeycutt answered because every month more money is collected by her staff. Councilman Young stated the Jonesboro Sun quoted the amount collected as \$1,900,000.00 which does not reflect what the City shows. Judge Honeycutt explained that is the amount collected, but out of that amount it has to be divided and disbursed to various agencies and to the state. Councilman Young stated he did not understand where the money is coming from, nor did he want an explanation due to time. Councilman Young questioned whether or not she (Judge Honeycutt) had an audit done. It was explained an audit had been done for 1996 and one is done on an annual basis (the audit for 1997 will be done in 1998). Because Judge Honeycutt pointed out difficulties in the Court Clerk's Office, Councilman Young recommended a work audit for the purpose of seeing what employees are doing, and why they are doing it. Councilman Young stated because other than the Judge being different, personnel is the same. Judge Honeycutt responded there were different personnel working in the Court Clerk's Office. Councilman Young explained in order to approve an increase in the Municipal Court budget it would be helpful to the Council to know the Office was being run as efficiently as it could be. Councilman Young reassured Judge Honeycutt this was no reflection on her as a Judge, but because there were changes in the budget he felt it was warranted. Judge Honeycutt again stated she had nothing to do with the changes in the line item amounts, that they were done by the Quorum Court. Judge Honeycutt informed Council that according to the opinion of Mr. Keith Cavanus, Attorney for the Administrative Office of the Courts, that the only thing legally the City has control over, with regard to Municipal Court, is the Judges salary, not the day to day operations of the Court. Councilman Young responded by saying maybe it was time to look at how the municipal court system is set up, because Jonesboro could justify its own municipal court. Judge Honeycutt agreed. In closing, Councilman Young stated he did not understand why the members of the Quorum Court completely reversed themselves after meeting together and reaching an agreement on the budget. Mayor Brodell questioned City Attorney, Phillip Crego regarding the City having no say in the expenses of Municipal Court. Mr. Crego stated based on the Act provided it does say the salary is determined by Quorum Court and the governing body of the city, and the necessary expenses appropriated, apportioned among them. Mr. Crego questioned what are considered necessary expenses. Judge Honeycutt stated she was told by the County they would not look at her budget until the Council had approved it, but when she researched the law and had spoken with Mr. Cavanus she found out differently. She also stated she was trying to cooperate either way, if she needs Council's approval so be it, if not she would not be back. Councilman Young left the council meeting early, due to another meeting, and requested the budget be voted on at the next council meeting. In response to a question by Councilman Kelton regarding the Council's portion of the budget, Judge Honeycutt stated the Quorum Court had appropriated enough money for five additional employees, but would be willing to amend that number at the request of the Council.

Councilman Province reported he had spoken with Mike Foster, Director for the Metropolitan Area Traffic Authority (MATA), regarding problems with Southwest Drive. It was explained three entrances were closed off Main Street six weeks ago and the only progress made has been 30 to 40 feet. Councilman Tate stated it was causing tardiness in the school due to increased traffic and recommended Council request the MATA Committee to open the far north entrance on Main Street, and once they pass the South entrance open it as well. Councilman Province stated it was poor public relations, and with so many other MATA projects to do it was the last thing MATA and Council needed. Mayor Brodell stated it was the first statement made to him by the Public School system, or anyone else. It was explained he (Mayor Brodell) would be speaking with the contractor and would try and resolve the problem.

Councilman Pratt questioned City Attorney, Phillip Crego about his legal opinion regarding the Attorney General's opinion on Jonesboro's Inspection Fee. Attorney, Crego stated he does have an opinion coming out, that Council will have to amend the ordinance. Mr. Crego apologized for the three week delay, and stated his written opinion would go out to the Council this week.

With no further business the meeting was adjourned.