



Legislation Text

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Minutes for the City Council meeting on September 20, 1993
CITY COUNCIL MINUTES - SEPTEMBER 20, 1993

The Jonesboro City Council met in regular session at 7:30 p.m. Present were the Mayor, City Clerk, City Attorney, and all council members.

The minutes of September 7, 1993, were approved as mailed by motion of Councilman Hannah seconded by Councilman Harpole. A roll call vote was taken resulting in all council members voting aye.

Mr. Ken Stacks gave projections on the Safeway Building Project. Mr. Stacks informed the Council of a bid date, October 14, 1993, and stated he would give a full report of those bids at the next council meeting. Many questions followed. Councilman Hannah questioned if the financial projections were the same as previously reported. Mr. Stacks stated it would be difficult to estimate without having all the bids in, but estimated the cost to be 1.25 million dollars, with a ten to fifteen percent slide either way. Councilman Evans questioned if the building would meet A.D.A. guidelines and would be able to expand in the future. Mr. Stacks answered yes to the A.D.A. guidelines, but did not recommend the expansion of the building. Councilwoman Ingram questioned the security system of the building and was told that it would be locked down except in an emergency when quick evacuations would be necessary. Councilman Harpole moved, seconded by Councilman Hannah to proceed with the bidding process on the Safeway Project. A roll call vote was taken resulting in all council members voting aye.

Dr. Larry Rogers Sr. addressed the City Council concerning the removal of three Civil Service Commissioners. Dr. Rogers cited Ark. Statutes, Section 14.51.210 which gives instructions how the City Council may remove Civil Service Commissioners. Dr. Rogers quoted the Jonesboro Review which reported that Commissioner Larry Johnson stated the Civil Service Commission had considered education, training, and certification of each of the applicants for Police Chief and the Commission had chosen eight finalists. One of the final applicants is former Craighead County Sheriff Floyd Johnson. Dr. Rogers maintains that Mr. Floyd Johnson should not be considered because of a lack of certification which is a requirement to apply for the position of Police Chief. Dr. Rogers quoted the Chairman of the Civil Service Commission, Attorney Malcome Culpepper, as saying, "If the Commission considers its' requirements Johnson is no longer a candidate." Dr. Rogers stated he has approximately 100 petitions being circulated requesting the removal of Jim Hoggard, Larry Johnson, and H.C. Todd as Commissioners of the Civil Service because they wrongfully are breaking their own rules. Dr. Rogers stated that the City Council has a responsibility to remove these three Commissioners for their wrong doings, or the Council becomes part of the problem.

Councilman Harpole questioned what Committee rules had been violated, and was told by Dr. Rogers that the Commission set the standards by which the applicants could apply. One of the minimum requirements was certification at the time of applying. Councilman Harpole questioned Dr. Rogers as to whether he was sure Floyd Johnson was not certified, then produced a letter from Mr. Bobby Norman, Director of Law Enforcement which stated Mr. Johnson had well over the 140 hours needed for certification. Councilman Mays questioned Dr. Rogers as to how the Commission's guidelines were obtained since the interviews were held in executive

session. Dr. Rogers stated he could not recall. Councilman Hannah asked if the petitions would be filed with the City Clerk, and was told by Dr. Rogers that at some point he would let two council members certify the number of signatures on the petitions but then the petitions would be destroyed because several citizens feared retaliation if their name was revealed.

Lt. Rohnny McDaniel addressed the Council regarding appointments of the Civil Service Commission and memos which have changed police job benefits. Lt. McDaniel read the original Ordinance which adopted the Civil Service Commission and reported on how the original Ordinance had been amended, removing all civilian, non-uniformed employees, dispatchers, and animal control officers from Civil Service. Lt. McDaniel stated in his opinion the original Civil Service Ordinance was amended to allow the Mayor and City Council to control personnel and give jobs to friends and cronies. Mayor Brodell replied he had nothing to do with the hiring or firing of any city employee, nor does he have anything to do with the interview process. Lt. McDaniel asked the present Council to repeal the amended ordinance and place these jobs once again under the authority of the Civil Service. Lt. McDaniel also commented on the problems with the Civil Service Commission stating that they do not follow the guidelines under which the Commission was formed. Lt. McDaniel reported that the City has no resume' or job application on David Eagle and complained that Mr. Eagle was hired on the word of a former City Alderman. McDaniel gave a report obtained under the Freedom of Information Act on the former City Auditor. The report revealed several warrants for his arrest and a suspended driver's license. Lt. McDaniel expressed concern over the method of hiring city employees. Several questions were asked by Lt. McDaniel to Mayor Brodell regarding the hiring of Attorney Bristow. Lt. McDaniel in closing stated the "Joint Committee" has done nothing to solve these problems. Councilman Hannah responded by explaining on several different occasions he had tried to establish a meeting with any police officer through Chief Jack McCann but had no response. Councilman Vance requested Lt. McDaniel to read Arkansas Statute 2.11 which refers to filling vacancies on the Civil Service Commission. Lt. McDaniel read the section. In this section nothing is mentioned of filling vacancies by Ordinance, only the original Commission is filled by Ordinance. Councilman Harpole questioned where the Council stands legally regarding the appointment process of the Civil Service Commissioners. City Attorney, Pam Honeycutt stated she would give a written legal opinion. Ms. Honeycutt stated that whether or not the present Commissioners are legal would have to come from a judge. Attorney Bristol agreed with the City Attorney but stated for the Council to take action on the present Commissioners at this time would be premature. Attorney Bristol also stated if the Council has a problem paying his fee, he would settle the matter by taking the case gratis. Dr. Larry Rogers stated based on Attorney Bristow's opinion he would see his attorney in the morning, and if his attorney agrees with Attorney Bristow, then Dr. Roger said he would drop the petitions.

Councilman Vance read a prepared statement to the Council requesting responsible news media's to research the validity of claims before lending accountability to them. Councilman Vance requested the media to report facts not rumors and gossip. Patrolman George Hulett addressed the Council stating that rules had been changed in the way police officers are promoted. At one point promotions were given in sequence according to a list. However this procedure was changed to allow hiring from the top three on the list. With no other comments Mayor Brodell called for a ten minute recess.

Mayor Brodell called the meeting back to order.

Councilman Vance offered the following ordinance for the first reading:

AN ORDINANCE ESTABLISHING THE METHOD OF PAYMENT OF ASSESSED BENEFITS AND OTHER MATTERS FOR FARM CREEK SUBDIVISION ROAD IMPROVEMENT DISTRICT NO. 5.

Councilman Hannah moved, seconded by Councilman Harpole to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Councilman Hannah then moved, seconded by Councilman Harpole to further suspend the rules and place on the third and final reading. A roll call vote was taken resulting in all council members voting aye. Councilman Hannah moved, seconded by Councilman Harpole for the adoption of the ordinance with the emergency clause. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2510.

Councilman Harpole offered the following ordinance for the first reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE, PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND OTHER PURPOSES. (WILSON COX)

Councilman Hannah moved, seconded by Councilman Harpole to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Councilman Evans moved, seconded by Councilman Wise to further suspend the rules and place on the third and final reading. A roll call vote was taken resulting in a ten (10) to two (2) vote opposed to the motion. All council members voted nay with the exception of Councilman Wise and Councilman Evans who voted aye. No further action was taken regarding this ordinance.

Item "C" on the agenda was tabled at the request of Jim Burton, Attorney for Mr. Jerry Craft. Mayor Brodell stated a letter requesting the withdrawal would be sent to the Clerk's office.

The following ordinance was on the second reading:

AN ORDINANCE TO ESTABLISH A CURFEW APPLICABLE TO JUVENILES AND REGULATING THEIR PRESENCE ON PUBLIC STREETS AND OTHER PLACES

No further action was taken.

The following ordinance was on the

AN ORDINANCE TO IMPROVE THE TRAFFIC FLOW IN THE CITY OF JONESBORO BY REMOVING UN-NECESSARY MULTI-WAY STOP INTERSECTIONS.

Councilman Mays moved, seconded by Councilman Vance for the adoption of the ordinance. A roll call vote was taken resulting in a ten (10) to two (2) vote in favor of the motion. All council members voted aye with the exception of Councilwoman Ingram and Councilman Kelton who voted nay. The ordinance was given the number 2511.

Councilman Evans moved, seconded by Councilman Kelton to accept the Corp. of Engineers Drainage Project. A roll call vote was taken resulting in all council members voting aye. The motion carried.

Councilman Evans moved, seconded by Councilman Harpole to adopt a resolution establishing a public hearing regarding the vacating and abandonment of Martinbrook Drive for 7:15 p.m. on October 4, 1993. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:45.

Councilman Evans offered a resolution requesting City Water and Light to provide electrical services to the Nettleton Tennis Courts. Councilman Evans moved, seconded by Councilman Harpole for the adoption of the

resolution. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:44.

Councilman Vance moved, seconded by Councilman Perrin to table the Millage Resolutions till the next Council meeting to allow the City Attorney time to determine the legalities of the millage resolutions. A roll call vote was taken resulting in all council members voting aye.

Brian Wadley gave a report regarding a 60 day condemnation extension for property owned by Mr. Roger Moore. Councilman Hannah stated he had been to look at the property with Mr. Moore and there was no doubt that a tremendous amount of work had already been done, and this project would take a lot of time and money. Councilman Mays objected stating Mr. Moore had been given extensions since October 17, 1988, and nothing had been done. Mayor Brodell questioned Mr. Moore as to when he thought the project could be completed. Mr. Moore responded by stating he thought within 45 to 60 days. Councilman Hannah moved, seconded by Councilman Kelton to grant another thirty (30) day extension to Mr. Roger Moore. Councilman Hannah also requested Brian Wadley and Doug Little to check on the property and give an update at the end of the thirty days. A roll call vote was taken resulting in all council members voting aye with the exception of Councilman Evans and Councilman Mays who voted nay. The motion carried.

Councilman Wise offered the following ordinance for the first reading:

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZED PURCHASE OF RADIO EQUIPMENT FOR THE FIRE DEPARTMENT

Councilman Hannah moved, seconded by Councilman Wise to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Councilman Hannah moved, seconded by Councilman Harpole to further suspend the rules and place on the third and final reading. A roll call vote was taken resulting in all council members voting aye. Councilman Vance moved, seconded by Councilman Harpole for the adoption of the ordinance. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2506.

Councilman Wise offered the following ordinance for the first reading:

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZED PURCHASE OF A 1992 DEMO FIRE TRUCK FOR THE JONESBORO FIRE DEPARTMENT

Councilman Hannah moved, seconded by Councilman Bowers to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Councilman Mullenix moved, seconded by Councilman Bowers to further suspend the rules and place on the third and final reading. A roll call vote was taken resulting in all council members voting aye. Councilman Harpole moved, seconded by Councilman Vance for the adoption of the ordinance. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2507.

Councilman Hannah moved, seconded by Councilman Vance to move \$19,000.00 from the Capital Improvement Fund Unappropriated Reserves to the Fire Department Fixed Assets. A roll call vote was taken resulting in all council members voting aye.

Councilman Vance moved, seconded by Councilman Harpole to table two resolutions pertaining to Health and Dental Insurance until the Finance Committee has a chance to review the both resolutions. A roll call vote was

taken resulting in all council members voting aye.

Councilman Perrin offered the following ordinance for the first reading:

AN ORDINANCE ALLOCATING AND TRANSFERRING MONEY FROM THE UNAPPROPRIATED GENERAL FUND RESERVE OF THE OPERATING BUDGET TO THE E911 DEPARTMENT BUDGET, FOR THE PURPOSE OF HIRING ONE E911 CENTER POLICE DEPARTMENT PERSONNEL

Councilman Vance moved, seconded by Councilman Hannah to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Councilman Vance moved, seconded by Councilman Kelton to further suspend the rules and place on the third and final reading. A roll call vote was taken resulting in all council members voting aye. Councilman Vance moved, seconded by Councilman Harpole for the adoption of the ordinance. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2509.

Councilman Vance moved, seconded by Councilman Harpole to read the resolution which adopts the Family Leave Policy. At the last council meeting the resolution had not been read. Another roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:41.

Councilman Hannah offered an ordinance for the first reading:

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF WASTE TIRE REMOVAL SERVICES

Councilman Hannah moved, seconded by Councilman Harpole to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Councilman Hannah moved, seconded by Councilman Harpole to further suspend the rules and place on the third and final reading. A roll call vote was taken resulting in all council members voting aye. Councilman Hannah moved, seconded by Councilman Vance for the adoption of the ordinance. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2508.

With no further business the meeting was adjourned at 11:45 p.m.