



Legislation Text

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Minutes for the City Council meeting on July 18, 2006
CITY COUNCIL MINUTES - July 18, 2006

The Jonesboro City Council met Tuesday, July 18, 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 July 6, 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 second reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL R-1 TO INDUSTRIAL I-2 LOCATED SOUTH OF HIGHWAY 18, WEST OF BARNHILL ROAD, NORTH OF C. W. POST ROAD AND EAST OF QUALITY WAY (City Water & Light)

Councilman Moore moved, seconded by Councilman Dover to suspend the rules for the third and final 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. 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, Johnson, Dover, Furr, McCall and Ashley. The ordinance was assigned ordinance number 3656.

Councilman Perrin moved, seconded by Councilman Dover for the adoption of a resolution to enter into a grant agreement with the Arkansas Forestry Commission. 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 number 2006:83.

Councilman Street moved, seconded by Councilman McCall for the adoption of a resolution to amend the agreement with Fisher and Arnold for professional services for extension of Lawson Road. 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 number 2006:84.

Under new business, Mayor Formon announced there would be a ceremonial send off for the 857th Engineer Battalion, (nine city employees), on Thursday, for 6:00 p.m. at ASU Convocation Center, with a parade to follow on Saturday.

Mr. Herb Davis, Interim Finance Director reported for the last three weeks he has been trying to understand how the Springbrook financial software works and how to interpret the reports generated. He explained most of the errors made in 2005 in the initial stages of implementation have been isolated and are waiting for final

approval from the State Legislative Auditors. Mr. Davis explained once Legislative approval is granted, then the information would be entered into the system. He explained the Finance Department was continuing to work on the 2006 errors, and therefore could not guarantee the financial figures provided were accurate. He did explain the financial reports for revenues and expenditures were in the “ball park” but the balances were a little “wacky”. He explained the summary sheet generated by Springbrook has some unresolved issues giving the example of the \$455,308 negative balance, but clarified there were no negative balances in the bank. He admitted he was not prepared to explain why this is happening. He reported the spending appeared to be at 50% which is accurate for this time of year, however there may be big spending expenditures for the second half of the year.

Councilman Street moved, seconded by Councilman Moore to suspend the rules to place two resolutions on the agenda for consideration by the full city council. 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 a resolution accepting bid number 2006:45 for a Tandem Axle Tractor with the low bidder being Tri-State Truck Center, Inc. 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 number 2006:85.

Councilman Street moved, seconded by Councilman Moore for the adoption of a resolution accepting bid number 2006:30 for Tire Recapping with the low bidder being Looney Tire Service (LTS Wholesale). 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 number 2006:86.

Councilwoman announced National Night Out would be held August 1, 2006, from 5:00 p.m. to 8:00 p.m. at Stadium and Highland (entering on Dayton). She thanked everyone for their help, and recognized the Target Corporation for their assistance.

Fire Chief Keller, at the request of Councilman McCall, Chair of the Fire Committee, gave a recap of the ISO rating for the City of Jonesboro. It was explained within the next thirty days Mayor Formon and his staff would provide a plan to the Public Safety committee.

Councilman Farmer introduced Ms. Misty Micenhamer the new Internal Auditor. He added she’s already come up with good ideas for helping the City function more efficiently. He questioned the status of the economic analysis study. Mayor Formon explained they were not able to get it together just yet. He added they worked on it some today. Councilman Farmer stated the storm water ordinance will be a surprise to a lot of developers, but it is a federal mandate that the City does not have control over. He explained a grace period had been recommended for developers and other people who will be affected. Councilman Farmer brought up a recent Jonesboro Sun article where Mr. Martin stated it’s up to the Council to decide on where they will start with drainage projects and clarified they have not received any recommendations, except for the \$17 million recommendation from Carter Burgess. Councilman Farmer questioned when dealing with construction in the FEMA floodplain, when there is a draft or preliminary flood insurance data, if the City has some choices that could be made. He then questioned Mr. Martin’s interpretation of the regulations, if the City just uses the FEMA 1991 flood map in addition to the FEMA-approved letters of map revision. Mr. Martin stated that is what the City uses. Councilman Farmer questioned whether the Carter Burgess information is being used for

any type of analysis, even though it's not official and hasn't been approved yet. Mr. Martin stated they are using the 1991 maps and the letters of map revision. Councilman Farmer then questioned the process for CLOMRs. He stated his understanding of the process is the private engineer designs the drainage project and prepares a CLOMR, then sends it to the Floodplain Administrator, who reviews the CLOMR, signs it, and returns it to the private engineer, who in turn sends the CLOMR and a check to FEMA. FEMA then reviews and approves the CLOMR, after which the construction phase starts. He added the LOMR process can't start until the construction is complete. He stated the LOMR process is pretty much the same in that Floodplain Administrator reviews the LOMR, makes comments on it and returns it to the private engineer, who then sends the LOMR and a check to FEMA who reviews and approves it and changes the floodplain maps. He questioned if that is when a new floodplain exists. Mr. Martin concurred stating it exists when the LOMR goes. Councilman Farmer then discussed a meeting on January 6, 2005, with him, City staff, Corps of Engineers, Mr. Bernie Auld, in addition to FEMA and Mr. Michael Baker who was working with FEMA on the flood maps joining in via telephone. He stated Carter Burgess asked what responsibility the City has in regards to notifying property owners of floodplain changes as a result of the pilot study. FEMA stated the study could be viewed as best available data and the City would need to have some public awareness or standard policy advising property owners of changes in the floodplain area and the City should advise the public about occurring changes. Councilman Farmer noted that was stated by Mr. Gary Zimmerer from FEMA, who is in charge of the flood hazard maps for Arkansas. He added the reason he's been raising questions about information the City has been using is because of that particular meeting. Councilman Farmer stated it sounds like Mr. Zimmer stated the City should notify people of any changes due to the Carter Burgess study. Mr. Martin stated that's what Councilman Farmer has written down. Councilman Farmer noted that was taken from the minutes of the meeting as provided by Carter Burgess. Councilman Farmer questioned for clarification that the City is just using the 1991 maps and any letters of map revision and not considering any other new data, such as the Carter Burgess information, that could affect people. Mr. Martin stated they haven't changed the maps to his knowledge. Councilman Farmer presented information from FEMA's web site stating information from preliminary insurance re-study does not have to be used. He noted it also states when the base flood elevations increase in the study area, communities have the responsibility to insure that new or substantially new structures are protected particularly if the increases in base flood elevation are significant. He questioned whether Ms. Delamare told the City should use the existing flood maps or if the City made that decision. Mr. Martin stated Ms. Delamare told them to use the Carter Burgess data gathered for the CTP project. Councilman Farmer questioned if someone was building in the floodplain or what could be the floodplain according to new data if Ms. Delamare stated the City should ignore that. Mr. Martin stated she did not discuss it that he is aware of. Councilman Farmer questioned whether Ms. Delamare was aware of the flood study. Mr. Martin stated he supposed she was aware of it. Councilman Farmer stated the three areas he had previously been concerned about potential flooding because of Whiteman's Creek probably will not flood and should not be in the floodplain. He added it doesn't matter what he thinks or what Mr. Martin thinks, it only matters what the flood maps say. He then discussed Whiteman's Creek and where it is located. He noted the Carter Burgess study showed an almost 234% increase from what the Corps of Engineers showed just a few years earlier. Mr. Martin stated he did not know what changed. Councilman Farmer questioned why the Carter Burgess numbers are so high compared to the Corps of Engineers. He explained the differences are significant increases that could affect property owners in the City if someone is not questioning the numbers. He added he and Mr. Auld have been criticized for trying to get someone to start asking questions about the numbers. He stated he doesn't think Ima's, Zaxby's and Temple Baptist should flood. He reiterated it only matters what the flood maps say. He stated he only wants someone to ask some questions. Councilman Farmer then discussed a meeting from September 8th where a map was provided showing Temple Baptist being in the floodplain if the numbers aren't changed and if questions aren't asked. He added they don't want people to go in the floodplain or to embarrass Mr. Martin. He stated they just want something done before a lot of citizens are put in the flood zone that shouldn't be there. He added the almost 234% percent increase in base flood elevation is a significant increase

and someone should be asking questions why there is such a wide disparity in the flows. He stated he doesn't know if that's been done yet, but if not citizens could be hurt by it. Councilman Farmer then discussed the 400 homes near the Mall at Turtle Creek that are in the floodplain. He stated they determined the Turtle Creek Mall detention pond is still under construction, so the LOMR can't be completed until the pond is completed which means the homes will not be taken out of the floodplain until the LOMR is approved and the maps are revised. Mr. Martin stated they could do a LOMR on the mall site. Councilman Farmer questioned whether it was Mr. Martin's opinion as Floodplain Administrator if building the mall and paving 80 acres would remove 400 homes from the floodplain. Mr. Martin stated he did not know how many it would remove. He added the relocation and widening of the ditch is what removed them. Councilman Farmer stated that now it's the ditch being widened and not the detention pond that will take the homes out of the floodplain and serve the mall purposes. Mr. Martin stated that was his understanding. He added the 9-acre detention pond is downstream from the mall. Councilman Farmer questioned whether Mr. Martin had any engineering data that said building a mall and paving 80 acres will take those homes out of the floodplain and take care of the mall. Mr. Martin questioned whether Councilman Farmer thinks the detention pond is the sole reason for taking the homes out of the floodplain. He then questioned why that same reasoning didn't work on the Kohl's site when they widened the ditch and made it longer. Councilman Farmer stated he thinks him and Mr. Bruce Burrow have been unfairly dragged through the mud in recent weeks. He added the City should be thanking Mr. Burrow for the things he's done for Jonesboro. Councilman Farmer then asked the Council to allow him to draft a letter to whoever the superior is of Ms. Delamare and Mr. Zimmerer to get some clarification as to what they should be doing with the data as they get it. He added due to Mr. Zimmerer's comments he thinks they have a duty to the property owners who could be hurt by the floodplain. Councilman Farmer stated he's done all he can do concerning the matter. Councilman McCall questioned if the City moves forward with the maps then those people will not be taken out of the floodplain as promised. Mr. Hooton stated the maps are preliminary. He added with the Lost Creek project they wanted to review the City Water and Light CLOMR, so he got the flow information and passed it on to Mr. Auld. Mr. Hooton added they sent information about two weeks ago and the flows are decreasing, so the maps are still changing. He added they do not have a final preliminary map until they get through with their study and get a final number. Councilman Farmer stated they were told no one at the City level was reviewing them as they were sent to FEMA. Councilman Farmer stated the review process only lasts for 90-days and there has to be technical information to back you up if you're going to challenge the data. He added 90-days period is not long enough to hire engineers to defend the City against the study. He stated if it's not done now, then there won't be time during the appeal process to do it. Councilman Farmer stated the reason he's been advocating for an engineer with hydrological experience is because of situations like this. Councilman Dover stated at the last meeting Carter Burgess was present and the committee questioned why the numbers increased. He explained Carter Burgess stated some of the change is because of new measurement techniques and they also stated it was not an exact science. He explained the committee told them they doubted some of Carter Burgess numbers. Mayor Formon stated Carter Burgess stated they have 13 engineers who have worked on the study for over a year. He then discussed a situation where they questioned some of the numbers and asked for Mr. Auld's assistance, but couldn't get them to show up for a meeting. Councilman Hargis stated Councilman Farmer is just asking for a professional response from the City's engineer who also is the Floodplain Administrator. Councilman Farmer explained Mr. Auld used Carter Burgess' numbers because he did not study Whiteman's Creek; rather, he studied Turtle Creek. Councilman Dover stated part of the problem is semantics, as in the case where the Council was led to believe that there were no maps made. He added a preliminary map was made and he hoped the staff would have mentioned that there was an increase in flow and asked for someone to check into it. He stated they initially hired Carter Burgess to make recommendations on how to solve some drainage problems and report back to them. He added they have not received a report yet regarding recommendations and somewhere along the way they changed their scope and became pre-occupied. Councilwoman Furr questioned whether Ms. Sue Washington's property is one of the hot spots. She then questioned if since Carter Burgess has become involved in the CTP Project, if things like Ms. Washington's

property has fallen to the side. Mr. Martin stated Ms. Washington's property is one of the hot spots. Councilman McCall questioned the status of resolving some of the hot spot issues. Mr. Martin stated they have worked on some of the issues and are waiting on the cost benefit analysis to start working on other projects. Councilman Moore questioned whether there is a plan to address the 17 hot spots. Mayor Formon stated they're going through the projects one by one. He added in two years they have done four projects out of the 17. Ms. Washington questioned so far in two years the City has only fixed three areas out of 17 hot spots. Mayor Formon stated they've worked on five since he came into office. Ms. Washington stated he did not understand that because of the severity of the problem. She added when they bought the house, they were told they didn't need flood insurance because they're not in the flood zone. She explained she just spent a lot of money to work on their house and now it's gone because of recent flooding. Mayor Formon stated based on the time and the amount of staff that's available. Ms. Washington stated a City staff member told her she cannot expect any compensation or help because the City doesn't know when it's going to flood and is not responsible. She stated she understood that the City doesn't know when it's going to flood, but it did know her area is a hot spot and so they're responsible. Councilwoman Furr questioned who told her she wouldn't receive any compensation or help from the City. Ms. Washington explained Mr. Steve Kent told her that after he took down her details to send them to Little Rock. But, she further explained, he told her Little Rock will say the damage done to her home was by a flood and the City is not responsible because the City doesn't know when it's going to flood. Ms. Washington spoke of one of her neighbors who paid out of his pocket to fix a drain about two years ago. Councilman Moore stated he can't understand why the City doesn't have a plan or solution in line for the rest of the 17 hot spots. Councilman Johnson also questioned how projects are being rated, whether some of the cheaper projects could have already been done. Mayor Formon stated they're working on the cost benefit economic analysis that will help them. Ms. Washington stated she contacted her builder for help during the flooding, who sent his workers out to remove the grates on the drains because of them being covered up with debris. She added the workers had to tie themselves to trees because of the whirlpool effect that occurred. She stated if they hadn't done that to help the water flow, then more homes would have gone under in her area. Councilwoman Furr discussed the drainage area around Ms. Washington's home. Councilman Dover said they lost their focus. He stated they have money in the bank that needs to be spent to help with the drainage problem. Councilman Farmer stated they have to have plans brought to them by the City staff before they can do anything. Councilwoman Furr concurred stating they have to have a plan and have to have someone tell them what to do. Councilman Dover questioned whether there can be a Public Works special meeting at noon on Friday to discuss the drainage situation. Discussion was held regarding the cost benefit analysis. Councilman Farmer explained it's only used if an improved property is being purchased. Mayor Formon stated he thought it was used for anything, including purchasing vacant lots. Mr. Tony Keller discussed the drainage problem at his property. He stated he's been working for 13 years to get something done at his home. He added he's not on the City's hot spot list, but they do have a drainage problem. Mr. Keller stated the City did not get permission to put the ditch in his yard. He explained the foundation is cracking in his house and he's even had to build barriers to keep dumpsters from floating into his home. Mr. Keller also discussed the City pool's water being drained, saying he can smell the bleach and chlorine from his yard. Mr. Wilkie explained they do not drain the pool during the summer, but they do drain it in the springs. He stated he will look into it. Councilwoman Furr questioned how long Mr. Keller has been contacting the City and who he has been talking with. Mr. Keller stated he's been calling the City for 13 years. He explained he's talked with the former mayor and former City Council. He further stated one day he came home from work and there was a concrete ditch in his yard and the City even used his lumber to build the forms.

Councilman Farmer apologized and it's time someone else in the committee start addressing drainage because he does not know what else to say.

Councilman Perrin moved, seconded by Councilman Johnson to suspend the rules adding two more resolutions

to the agenda for consideration by the full council. 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 Perrin moved, seconded by Councilman Moore for the adoption of a resolution extending the lease at 107 Flint Street, the Best Building. 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 number 2006:87.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution extending the lease for St. Bernard's Senior Citizens Center located at the Huntington Building. 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 number 2006:88.

Under public comment, Mr. Mike Cameron discussed him asking the committee for help concerning the Lost Creek project with City Water and Light. He reported City Water and Light has been fair and has given him time to get the CLOMR they had done. He added he's anticipating getting the preliminary information and then personally hire a reviewer to review the information. Mr. Cameron stated after that time he hopes his problem on Lost Creek will be solved. He added before he was given the time by City Water and Light, he started building a levy around his shop and noticed the City putting rip-rap in Christian Creek. Mr. Cameron stated Christian Creek comes into Lost Creek just below his shops. He added as he's trying to reconcile the Lost Creek project, the City rip-rapped that part of Christian Creek which will just speed up the flow of water faster than Lost Creek. He asked the Mayor to ask the Street Department, who did not speak with the Engineering Department before doing the project and a CLOMR was not done on the rip-rap, to quit until Mr. Cameron can get caught up on other problems. Mr. Cameron also stated the City is going through the fifth revision of flood maps that he's been through during his career. He stated the effort the City is putting in will be worth it for years to come. He also stated the flows on Lost Creek fell after he objected because the engineers from Dallas were encouraged by people from Jonesboro to look at things they may have overlooked. He noted it's not a violation of anyone's ethics, rather its people who are more familiar. Mr. Cameron explained during the 90-day review period people will say it's too late to do anything about it now because the technical data is done. He added the only thing the Mayor will be able to tell people is how to solve the problem with their own money after the maps become official.

With no further business, Councilman Perrin moved, seconded by Councilman Johnson 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.