



Legislation Text

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Minutes for the City Council meeting on February 6, 2007 CITY COUNCIL MINUTES - February 6, 2007

The Jonesboro City Council met Tuesday, February 6, 2007, at 6:30 p.m. Members present were: Mayor Doug Formon, City Clerk Donna Jackson, City Attorney Phillip Crego and eleven council members. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall.

Councilman Perrin moved seconded by Councilman Moore to approve the minutes of January 16, 2007, as delivered. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-1) TO COMMERCIAL (C-5), LOCATED EAST OF FIELDER ROAD AND SOUTH OF JOHNSON AVE. (Bruce Taylor)

Councilman Moore moved, seconded by Councilman Dover for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The ordinance was assigned number 07-2007.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM AGRICULTURAL (AG-1) TO RESIDENTIAL (R-2, L.U.O.), LOCATED ON KATHLEEN STREET BETWEEN MORTON DR. AND PACIFIC RD. (Troy Coleman / Jay Harmon)

Mr. Louis Stadler of 5300 Pacific Road, Jonesboro spoke in opposition to this rezoning, as did Ms. Karen Hubbard of 5913 Pacific. Reasons given for the opposition were drainage, narrow streets and ditches, traffic, safety of children, and overcrowding of the Nettleton Schools. Mr. Stadler provided additional names on a petition in opposition to the zoning change. Mr. Otis Spriggs agreed there was a lack of infrastructure and a challenge with the drainage. He explained support could be given for the inclusion of single family dwellings as a limited use, but the ordinance did not support it at this time. He state the original request called for a larger number of units with much more acreage which raised questions regarding multi-family units. Mr. Stadler explained they were not opposed to single family dwellings. Attorney Brent Crews, representing Mr. Troy Coleman and Mr. Jay Harmon stated his clients have marketed the land as industrial and single family but it is too close to the airport for those uses. He explained his clients are marking the land to developers. Councilman McCall moved, seconded by Councilman Dover to deny the rezoning. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. Attorney Crews attempted to withdraw the measure from consideration, but the motion and second and vote had already been taken. The ordinance was denied.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM R-1, RESIDENTIAL, TO C-3, COMMERCIAL LUO, FOR 1.18 ACRES LOCATED AT 3000 BROWN'S LANE. (Donald Parker)

Councilman Moore moved, seconded by Councilman Street to suspend with the second reading. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. No further action was taken on this particular ordinance.

Councilman Street offered the following ordinance for first reading:

ORDINANCE ADOPTING BY REFERENCE AMENDMENTS TO CHAPTER 14 AND CHAPTER 15 OF THE JONESBORO CODE OF ORDINANCES KNOWN AS THE ZONING ORDINANCE TO MODIFY RESIDENTIAL AND COMMERCIAL ZONING DISTRICT REGULATIONS.

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: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. Councilman Moore moved, seconded by Councilman Street to suspend the rules for the third and final reading. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. Councilman Moore moved, seconded by Councilman Frierson for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The ordinance was assigned number 08-2007.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE TO WAIVE COMPETITIVE BIDDING FOR THE PURCHASE OF LEGISTAR SOFTWARE FOR THE IMPLEMENTATION OF A COMPREHENSIVE AGENDA WORKFLOW MANAGEMENT AND INFORMATION RETRIEVAL SYSTEM AND AUTHORIZING THE EXECUTION OF THE CONTRACT

Councilman Perrin moved, seconded by Councilman Moore to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. Councilman Moore moved, seconded by Councilman Dover for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. Councilman Moore 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: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The ordinance was assigned number 09-2007.

Councilwoman Williams offered the following ordinance for first reading:

ORDINANCE WAIVING COMPETITIVE BIDDING AND AUTHORIZING PURCHASE OF A SINGLE UNIT GFI GENFARE SYSTEM FOR JETS.

Councilman Moore moved, seconded by Councilman Street to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. Councilman Perrin moved, seconded by Councilman Dover for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. Councilman Perrin moved, seconded by Councilwoman Williams for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The ordinance was assigned number 10-2007.

Councilman Johnson offered the following ordinance for first reading:

ORDINANCE TO AMEND THE BUDGET AND APPROPRIATE FUNDS FOR ARCHITECTURAL SERVICES RELATED TO CONSTRUCTION OF THE ANIMAL SHELTER

Councilman Perrin moved, seconded by Councilman Hargis to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. Councilman Perrin moved, seconded by Councilman Frierson for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The ordinance was assigned number 11-2007.

Councilman Street offered the following ordinance for the first reading:

ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT NORTH PATRICK STREET FOR THE PURPOSE OF ESTABLISHING A FIRE STATION

Councilman Moore moved, seconded by Councilman Street to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson,

Dover, Furr and McCall. Councilman Moore moved, seconded by Councilwoman Williams for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The ordinance was assigned number 12-2007.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE PROVIDING FOR THE APPOINTMENT OF CITY TREASURER FOR THE CITY OF JONESBORO

Councilman Street moved, seconded by Councilman Moore to amend the ordinance to read from “January 1, 2007, to December 31, 2010,” to coincide with the proper election. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. Councilman Street moved, seconded by Councilwoman Williams to suspend with the second and third readings as amended. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. Councilman Perrin moved, seconded by Councilwoman Williams for the adoption of the ordinance as amended. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The ordinance was assigned number 13-2007.

Councilman Frierson offered the following ordinance for first reading:

ORDINANCE ADOPTING BY REFERENCE CHAPTER 32 CONCERNING THE REGULATION AND CONTROL OF ALCOHOLIC BEVERAGES TO THE OFFICIAL CODE OF THE CITY OF JONESBORO

Mr. Steve Jacobson of 4011 Friendly Hope Road spoke in favor of the measure and encouraged members of the city council to attend ABC Board meeting, stating they make decisions that affect the community. Mr. Timothy S. Goodrich, also known as Skeeter Nash, President of the Fraternal Order of Eagles spoke in opposition to the ordinance, stating it was unfair to compare the Eagles to other clubs because of their charitable contributions. He stated by requiring the clubs to close at 2:00 a.m. it would cost them ½ million dollars in revenue which could be used for charity. Councilman Dover moved, seconded by Councilwoman Furr to suspend with the second reading of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE AMENDING THE 2006 BUDGET ORDINANCE FOR THE CITY OF JONESBORO

Councilman Perrin moved, seconded by Councilman Dover to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. Councilman Perrin moved, seconded by Councilwoman Williams for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. Councilman Johnson moved, seconded by Councilwoman Williams for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The ordinance was assigned number 14-2007.

Councilman Moore moved, seconded by Councilwoman Williams for the adoption of a resolution creating the position of Advertising and Marketing Representative for JETS. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The resolution was assigned number 2007:15.

Earlier in the city council meeting, discussion was held regarding the pulling of items 6 and 7. Councilman Perrin stated he was unclear on the scope of work for item 6, a resolution to contract with B.B. Vance, a division of Nabholz Construction, for construction management services for fire station additions, and relocations. He stated it appeared that some of the work for the construction manager was covered in the architectural contract. Councilman Johnson stated there was a time line on item 7, a resolution to contract with Brackett-Krennerich for architectural services for fire stations, and the delay would have a negative effect on the citizens of Jonesboro. Councilman McCall agreed. Councilman Frierson stated he had substantial questions regarding the contract for item 6.

Councilman Moore moved, seconded by Councilman Johnson to pull agenda item 6, a resolution to contract with B. B. Vance, a division of Nabholz Construction for construction management services related to the construction of the Jonesboro Fire Department station additions and relocations. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall.

Councilman Moore moved, seconded by Councilman Perrin for the adoption of a resolution to contract with Brackett-Krennerich and Associates, P.A. for architectural services related to the construction of Jonesboro fire stations. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The resolution was assigned number 2007:16.

Councilman Moore moved, seconded by Councilwoman Williams for the adoption of a resolution to contract with A to Z Lawn Care for the mowing of the Jonesboro fire stations. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The resolution was assigned number 2007:17.

Councilman Perrin moved, seconded by Councilwoman Williams for the adoption of a resolution to contract with R & R Services for the mowing of the Jonesboro retention ponds. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The resolution was assigned number 2007:18.

Councilman Moore moved, seconded by Councilwoman Williams for the adoption of a resolution to contract with S & S Landscaping for the mowing of the Jonesboro city offices and vacant lots. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The resolution was assigned number 2007:19.

Councilman Perrin moved, seconded by Councilman Moore for the adoption of a resolution in support of the disposition of land in the Bono area owned by the Arkansas Game and Fish Commission that was designated as the "Bono Lake Project". A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The resolution was assigned number 2007:20.

Councilman Street moved, seconded by Councilwoman Williams for the adoption of a resolution adopting and accepting the findings of the Jonesboro Southwest Transportation Study. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The resolution was assigned number 2007:21.

Councilman Perrin moved, seconded by Councilman Moore for the adoption of a resolution to repeal Resolution No. 2006:130, voiding the contract and purchase order with FTN Associates, Ltd. To perform a borrow source investigation for the final cover system materials for the City landfill facility. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The resolution was assigned number 2007:22.

Councilman Johnson moved, seconded by Councilman Street to pull agenda items 14 through 21, various land purchases for establishing detention ponds. The items were pulled so a letter of justification could be provided by Mayor Formon regarding the appraised value plus 10% as established by city legislation. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall.

Councilman Johnson moved, seconded by Councilman Street for the adoption of a resolution naming judges, clerks, and alternate workers to serve in the election for directors for Positions 7, 8, and 9 of the City Water and Light Plant. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The resolution was assigned number 2007:23.

Under new business, Mayor Formon introduced Mr. Kelly Pannick, Interim City Engineer.

Mayor Formon also presented two resolutions for consideration by the Jonesboro City Council requesting they be placed on the agenda. The first was a resolution entering an agreement to issue bonds for Alberto-Culver, and the second resolution was for an economic infrastructure fund grant for site preparation from the Arkansas Department of Economic Development. Attorney David Menz was the bond attorney in this matter. Questions were raised regarding 2.5 million dollars for site preparation and other work. Mr. Teddy Hooton explained the work is representative of in-kind work being done by the City of Jonesboro, Craighead County and City Water and Light. City Attorney Crego stated the 2.5 million is not a cash sum of money but rather site preparation work being done. Councilman Dover questioned if the cost included any materials. Mr. Hooton stated the City of Jonesboro would not be providing any materials, only labor. Councilman Frierson stated the City of Jonesboro is not obligated to do 2.5 million dollars worth

of work, only the specific jobs it is assigned, and the value of the work has already been determined by Alberto-Culver. Councilwoman Furr responded saying the City of Jonesboro does not need to get items such as this the day before or the day of voting on them. She stated it creates contentious problems. Several council members agreed. Councilman Dover moved, seconded by Councilwoman Williams to place the two resolutions on the agenda. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall.

Councilman Dover moved, seconded by Councilman McCall for the adoption of a resolution authorizing the entry into an agreement to issue bonds for the purpose of securing and developing the Alberto Culver industry within or near the City of Jonesboro. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The resolution was assigned number 2007:27.

Councilman Perrin moved, seconded by Councilman Frierson for the adoption of a resolution accepting an economical infrastructure fund grant to assist with site preparation with the Alberto-Culver project from the Arkansas Department of Economic Development. A voice vote was taken resulting in all members voting aye with the exception of Councilwoman Furr who abstained from voting. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, and McCall. The resolution was assigned number 2007:28.

Councilman Street moved, seconded by Councilman Moore to place a resolution and an ordinance on the city council agenda. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall.

Councilman Street moved, seconded by Councilman Moore for the adoption of a resolution authorizing the Mayor and City Clerk to execute all documentation to contract with FTN Associates, LTD for construction management services. A voice vote was taken resulting in all members voting aye, with the exception of Councilwoman Furr who abstained from voting. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, and McCall. The resolution was assigned number 2007:24.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE REPAIR WORK ON A CASE DOZER.

Councilman Moore moved, seconded by Councilman Dover to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. 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: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The ordinance was assigned ordinance number 15-2007.

Councilman Dover announced the regular Finance Committee meeting for Thursday, February 15, 2007, at 4:00 p.m. He asked that all agenda items be submitted to him by 3:00 p.m. Tuesday.

Councilwoman Furr questioned if the FTN contract for design of the gas collection system came before the Jonesboro City Council. It was explained it went before the Public Works Committee around June, 2005. Councilwoman Furr questioned who submitted the plan to ADEQ. Mr. Royce Leonard responded saying FTN submitted the plan to ADEQ on behalf of the City of Jonesboro.

Councilwoman Furr questioned if it has been decided how funds will be dispersed to outside agencies. Mr. Tony Thomas stated there has not been a consensus and no process has been established. He explained he has received two requests for funding and they have tried to funnel those through the Finance Department. Councilwoman Furr questioned if they would be using the AG Opinion to determine who qualifies for funding. Mr. Thomas stated they would and before money can be dispersed it must first come before the Jonesboro City Council.

Councilman Frierson and Councilman Perrin moved to suspend the rules and place two resolutions on the agenda. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall.

Councilman Moore moved, seconded by Councilwoman Williams for the adoption of a resolution to appoint Joe Tomlinson to fill the unexpired term of with an expiration date of March 31, 2008. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The resolution was

assigned number 2007:25.

Councilwoman Williams moved, seconded by Councilman Perrin for the adoption of a resolution to appoint Jay Clevenger and Fred Hargett to the Parks and Recreation Planning and Advisory Committee with an expiration date of December 31, 2007. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall. The resolution was assigned number 2007:26.

Councilman McCall provided council members with information on four applicants who wish to be considered for the appointment to fill the unexpired term of Ward 6, Position 2. A special called meeting was set for Monday, February 19, 2007, at 3:00 p.m. at City Council Chambers for the purpose of conducting interviews with the four applicants.

Councilman Province questioned advertising that was being done by CGI Video on Jonesboro's website. Mayor Formon explained it was first introduced by the Arkansas Municipal League. He stated the advertising is not sold on the City of Jonesboro website. He explained initially there should have been, and now is, a popup window clarifying the user is leaving the City of Jonesboro's website to a private CGI site. Councilman Perrin explained the Chamber of Commerce has a similar marketing tool. Mayor Formon stated it was researched by Attorney Mark Hayes with the Arkansas Municipal League and implemented by Mr. Brian Wadley. Mayor Formon stated he had not seen it until a few days ago. He stated the production and storage of the videos was free to the City of Jonesboro and that is why it was done through the Arkansas Municipal League. Councilman Province stated the Chamber had a video at one time, and questioned why the City of Jonesboro did not have its own video. Councilman Province expressed concern that this type of advertising creates a disadvantage for some businesses and does not promote a "level playing field". Concerns were expressed regarding the impression of the City of Jonesboro endorsing the ads.

With no further business, Councilman Moore moved, seconded by Councilman Street to adjourn the meeting. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr and McCall.