



Legislation Text

File #: MIN-07:036, **Version:** 1

Minutes for the City Council meeting on March 6, 2007

PUBLIC HEARING - 6:15 P.M. - A public hearing was held concerning the abandonment of a 60 foot drainage easement located in Technology Park for the Alberto-Culver Project. No opposition was voiced.

CITY COUNCIL MINUTES - March 6, 2007

The Jonesboro City Council met Tuesday, March 6, 2007, 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: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and McCall.

Councilman Perrin moved, seconded by Councilman Moore, to approve the minutes of February 20, 2007, February 19, 2007, and February 23, 2007, meetings 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, McCall, and McCall.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM R-1, SINGLE FAMILY MEDIUM DENSITY DISTRICT TO C-2 LIMITED USE, DOWNTOWN FRINGE COMMERCIAL DISTRICT, LOCATED SOUTH OF RACE STREET AND BETWEEN BRIAR LANE AND MIDDLEFIELD DRIVE. (NEA Clinic)

Councilman Street 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: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and McCall. The ordinance was assigned number 21-2007.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 RESIDENTIAL TO C-3 COMMERCIAL FOR PROPERTY LOCATED SOUTH OF RACE STREET AND WEST OF STADIUM BLVD. (Hermie G. Plunk)

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, McCall, and McCall. The ordinance was assigned number 22-2007.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE AMENDING CHAPTER 3.08 OF THE JONESBORO CODE OF ORDINANCES LEVYING A 3% GROSS RECEIPT TAX ON THE RENTING, LEASING, OR OTHERWISE FURNISHING OF HOTEL AND MOTEL ACCOMMODATIONS

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, McCall, and McCall. Councilman Moore moved seconded by Councilman Tim McCall 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, McCall, and McCall. The ordinance was assigned number 23-2007.

Councilman Street offered the following ordinance for first reading:

ORDINANCE TO AMEND ORDINANCE NO. 2665 AND THE JONESBORO CODE OF ORDINANCES, TITLE 3, CHAPTER 3.04, KNOWN AS "PURCHASES".

Councilman Street moved, seconded by Councilman Tim McCall 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, McCall, and McCall. Councilman Street 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: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, 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, McCall, and McCall. The ordinance was assigned number 24-2007.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE TO AMEND AGREEMENT DATED SEPTEMBER 2, 1997, BETWEEN LOPFI AND THE CITY OF JONESBORO TO PROVIDE FOR AN ADDITIONAL RETIREMENT BENEFIT FOR MEMBERS OF THE JONESBORO LOCAL FIRE PENSION FUND.

Councilman Moore moved, seconded by Councilman McCall 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, McCall, and McCall. 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: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and McCall. Councilman Perrin moved, seconded by Councilman Moore 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, McCall, and McCall. The ordinance was assigned number 25-2007.

Councilman Street offered the following ordinance for first reading:

ORDINANCE TO ABANDON A 60 FOOT DRAINAGE EASEMENT LOCATED IN TECHNOLOGY PARK FOR THE ALBERTO -CULVER PROJECT.

Councilman Street 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, McCall, and McCall. Councilman Street 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, McCall, and McCall. The ordinance was assigned number 26-2007.

Councilman Moore moved, seconded by Councilman Frierson to postpone indefinitely agenda item 5, a resolution authorizing the Mayor and City Clerk to execute a contract with the Jonesboro Central Planning Association (JCPA). Mr. Brian Sneed, President of the Downtown Jonesboro Association (DJA) addressed city council members stating the membership of the DJA is 150 people. He requested the contract with JCPA be tabled until clarification could be provided as to how the money will be appropriated. Councilman Street and Councilman Moore requested the contract needed to be reviewed by the Finance Committee. Mr. Tony Thomas, Project Coordinator explained at the last Finance Committee meeting they were instructed to bring the contracts to the full city council since there was not an appointed board to review the contracts. Councilman Perrin explained since there was a need for clarification of funds between JCPA and DJA, the contract needed to be reviewed by the Finance Committee. Councilwoman Furr questioned Mr. Sneed about the possibility of the two organizations merging, which had been reported to the Finance Committee earlier. Mr. Sneed explained no official action was taken to merge the two organizations, and DJA was left out of the funding for the activities they produce. He explained DJA does not just plan, but also produces events to which JCPA has contributed, but are not the sole provider. Councilwoman Furr proposed an ordinance that would combine the two organizations which was discussed by city council members last year. She explained there is an Attorney General's opinion which states funding may be provided to outside agencies that provide a service which the city cannot or does not provide. She further explained since both organizations provide basically the same service, the City of Jonesboro could not provide funding to both organizations.

Councilman Street moved, seconded by Councilman Moore to postpone indefinitely agenda item 6, a resolution to place traffic signs at various locations as recommended by the Permanent Traffic Control Review Committee. The item had not been to the Public Safety Committee as required by city ordinances. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and McCall.

Councilman Moore moved, seconded by Councilwoman Williams for the adoption of a resolution to amend the travel policy for 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, McCall, and McCall. The resolution was assigned number 2007:35.

Councilman Dover moved, seconded by Councilman Perrin for the adoption of a resolution defining capital asset and setting guidelines for items to be charged to a capital account in 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, McCall, and McCall. The resolution was assigned number 2007:36.

Councilman Moore moved, seconded by Councilman Frierson to amend a contract for a drainage easement on property located at Jonesboro School District No. 1 for the purpose of establishing a detention area. The amendment was for striking the last sentence in Section 3 which read, "City agrees that any dirt to be removed from the site as part of construction shall be transported to and disposed of at a location to be designated by School District on the Hillcrest Elementary School campus." A voice vote was taken resulting in all members voting aye with the exception of Councilman Dover who voted nay and Councilman Province who abstained from voting because he serves on the school board. Those members voting aye for the amendment were: Frierson, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, McCall, and McCall. Councilman Moore moved, seconded by Councilman Johnson for the adoption of the resolution with the amended contract. A voice vote was taken resulting in all members voting aye with the exception of Councilman Perrin and Councilman Dover who voted nay, and Councilman Province who abstained from voting. Those members voting aye were: Frierson, Hargis, Moore, Williams, Street, Johnson, Furr, McCall, and McCall. The resolution was assigned number 2007:37.

Discussion was held regarding a previous resolution, Resolution No. 2007:34 which amended Resolution 2006:62, establishing standards for acquisition of real property. Councilwoman stated she and others had concerns regarding Subsection C of the resolution stating it was very broad as to what expenses may be included. She explained there were three items included in the closing cost that were not actual closing costs, but rather pre-pays. Councilwoman Furr warned caution should be taken for these allowances that could set precedence for lawsuits. Councilman Perrin stated they needed to rescind the resolution or at least clarify Subsection C. Councilman Johnson stated he was in favor of rescinding the resolution until corrections are made, explaining it would be a "blank check" in the negotiation process. Councilman Frierson questioned if Subsection C does not require invoices to be provided to a particular committee for approval or disapproval. Councilman Street responded saying it is not a uniform policy. Councilman Province stated by not having a uniform policy it creates legal liability for the City of Jonesboro. Councilman Province moved, seconded by Councilman McCall for reconsideration of Resolution No. 2007:34. Councilwoman Williams stated Resolution No. 2007:34 was brought up at a special called meeting of the Jonesboro City Council, which was called for the purpose of discussing construction management. She stated she had a problem with items such as this being brought up when the meeting had been called for a specific purpose. Councilwoman Williams explained it is not fair to the ones who could not attend to bring up items other than what was specified for the special called meeting with no notice. Councilman Johnson, reading from the Rules and Procedures, stated we are violating our own ordinance by not stating the purpose of the special called meeting and sticking with that subject matter. He explained it does not allow time for council members to make an informed decision. Councilwoman Williams stated she has asked repeatedly that meetings not be conducted at noon, because she and others are unable to attend. A voice vote was taken resulting in all members voting aye with the exception of Councilman Dover who abstained from voting. Those members voting aye were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, McCall, and McCall.

Councilman Moore moved, seconded by Councilman Johnson to postpone indefinitely agenda items 10 through 18 which were resolutions for the acquisition of various properties for the purpose of establishing detention ponds. Discussion was held regarding the process for acquiring the properties. City Attorney Crego stressed if a policy is established it needs to be followed. He explained the most recent resolution leaves the guidelines open ended, and does not provide a clear definition of what will or will not be paid. Attorney Crego recommended specifying the term "closing cost". Internal Auditor, Misty Micenhamer recommended using a HUD 1 Statement which breaks out the standardized closing costs. It was requested that Ms. Micenhamer, Councilman Street, Councilman Frierson, Mayor Formon, Mr. Hardwick, and City Attorney Crego develop a policy for acquiring property. Councilwoman Furr requested the resolutions be approved by the Finance Committee prior to coming to the full council. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and McCall.

Councilman Moore moved, seconded by Councilman Frierson to suspend the rules to place a resolution 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, McCall, and McCall.

Councilman Moore moved, seconded by Councilman Frierson for the adoption of a resolution expressing appreciation to Senator Paul Bookout and Representative Chris Thyer for their assistance in coordinating a meeting with and securing an extension from ADEQ. A voice vote was taken resulting in all members voting aye. Those members were: Frierson, Province, Hargis, Moore, Williams, Perrin,

Street, Johnson, Dover, Furr, McCall, and McCall. The resolution was assigned number 2007:38.

Councilman Moore moved, seconded by Councilwoman Williams to suspend the rules to place a resolution 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, McCall, and McCall. Councilman Hargis questioned if adequate notice had been given for this item, and stated he wanted his question as part of the record.

Councilwoman Williams moved, seconded by Councilman Moore for the adoption of a resolution naming the following council members to the City Water and Light Board:

<u>Ward</u>	<u>Name</u>	<u>Term</u>	<u>Expiration Date</u>
4	Alderman John Street	3 years	March 22, 2010
6	Alderman Tim McCall	3 years	March 22, 2010

A voice vote was taken resulting in all members voting aye with the exception of Councilman Frierson who abstained due to a potential conflict of interest. Those members voting aye were: Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Dover, Furr, McCall, and McCall. Councilwoman Williams announced a letter explaining procedure of the resolution and referenced ordinance would be going out to all board and commission members. The resolution was assigned number 2007:139.

Councilwoman Furr questioned the status of the Employee Abuse of Power ordinance. Ms. Suzanne Hackney, Human Resource Director stated she and the City Attorney have written two options which will be presented at the next Finance Committee meeting.

Councilman Johnson announced he would not be able to attend the next City Council meeting due to knee surgery in Little Rock. Councilwoman Furr announced she would be in New Mexico and would not be able to attend as well.

With no further business, Councilman Moore moved, seconded by Councilman Johnson, 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, McCall and McCall.