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Minutes for the City Council meeting on August 16, 1993  
 APPEAL HEARING - 6:45 P.M. - An Appeal Hearing was held regarding the MAPC's denial of a rezoning as well as a site plan for property owned by Mr. Tom Reagan. Mr. Reagan was represented by his attorney, Mr. James McCauley. Attorney McCauley stated that his client was willing to pave his half of Richardson Road as well as give the City of Jonesboro the drainage easement necessary to maintain a ditch in the area. Councilman Mays questioned if a drainage easement could be transferred from one owner to another. Mr. McCauley stated it usually does, but explained the ditch is not in line with the easement. Mr. McCauley stated his client, Mr. Reagan was prepared to give up the easement if provided the rezoning and site plan approval. Several spoke in opposition to the rezoning. Mr. Marlon Henderson stated his home is located next to the area in question and was opposed to the R-2 zoning because such zoning allows for the construction of apartments. Mr. Henderson submitted a petition containing several signatures opposing the rezoning. Others to voice opposition were Ruby Henderson, William Whitmire, Barbra and Ken Shirley, Mike Hanks, Walter Cox, Ross Welch, Steve Clark, and Mr. Phillip Hank Walkley, Administrator of the Methodist Hospital. The reasons given by the opposition were as follows: a decrease in property values, an increase in the water level, which creates an even greater drainage problem. This portion of the appeal hearing was closed. The site plan denial was addressed next. A comparison was made with the trailers and apartments already located in this area, and the poor way they are maintained. Mr. McCauley explained that many are comparing Mr. Reagan's project with what's already there and that is not fair to Mr. Reagan. In closing, Mr. Reagan addressed the Council stating he agreed with the comments made regarding the poor maintenance of the existing trailer park and apartments, but he intended to improve the area. Mr. Reagan stated he would be building a privacy fence to divide his trailer park from the others and would be investing thousands of dollars in the project. However, the opposition expressed concerns over whether or not Mr. Reagan would sell the property once it was completed, leaving the maintenance up to someone else.

CITY COUNCIL MINUTES - August 16, 1993

The Jonesboro City Council met in regular session at 7:30 p.m. Present were the City Clerk, and all council members with the exception of City Attorney who was unable to attend. Vice Mayor Jim Hannah conducted the meeting in the absence of Mayor Brodell who was home after complications with a knee surgery.

The minutes of August 2, 1993, were approved as mailed out by motion of Councilman Harpole seconded by

Councilman Kelton. A roll call vote was taken resulting in all council members voting aye.

Vice Mayor, Jim Hannah addressed item 5 on the agenda first. Mr. Hannah requested City Clerk, Donna Jackson to read a letter from Mr. W. Ray Nickle, the attorney representing Mr. John Prunty. The letter requested the appeal hearing decision, regarding a rezoning denial be tabled until the next council meeting. The reason for this request was due to a family emergency. Councilman Bowers moved, seconded by Councilman Mullenix to table the appeal decision until the next council meeting. A roll call vote was taken resulting in all council members voting aye.

Councilman Evans introduced a group of young athletes known as the Northeast Arkansas Dream Team and their Coach Lester Groves. The Dream Team represented Jonesboro as well as the State of Arkansas in the National Basketball Tournament. The Dream Team placed third in the nation, and beat the number one team which was Oklahoma City. They were given a standing ovation.

Ms. Jill Crews, Marketing Director for the Indian Mall Merchants Association who was to address the City Council regarding police officers holding part-time positions, did not attend the council meeting. Vice Mayor Hannah opened the floor for any comments regarding this matter. No comments were voiced.

Rohnny McDaniel addressed the City Council regarding the recent salary survey compiled by David Eagle, City Auditor. Mr. McDaniel gave Vice Mayor Jim Hannah, a request under the Freedom of Information Act to be notified of the meetings of the "Joint Committee" as well as a Freedom of Information booklet prepared by the Arkansas Attorney General's Office. Vice Mayor Hannah serves as the Chairman for the Joint Committee and Finance Committee. Mr. McDaniel stated he had received a response only from Mr. Hannah on behalf of the Finance Committee, even though he had given the same notification request to the Police Committee Chairman, and the General/Personnel Chairman. Mr. McDaniel stated that in Mr. Hannah's response it was explained, when a special meeting of such a committee is called, only the news media must be notified. Mr. McDaniel argued the holding of only special meetings to avoid notification is a violation of the Freedom of Information Act. Since the "Joint Committee" does not have a schedule of regular meetings, Mr. McDaniel requested to be notified of each "special" meeting it holds. An explanation was given regarding longevity for police officers. Mr. McDaniel stated there were three steps added in the pay range for patrolmen with 8 years' service, 13 years service and 15 years service. For each step a 1%, 2% then 3% increase is given. This totals \$3,047.00 for the whole police department for the year.

Next Mr. McDaniel commented on two separate salary surveys. One done by David Allen, Chairman of the Police Benevolent Association and the other by David Eagle, Assistant Finance Director. Mr. McDaniel stated since police officers were not made aware of the Joint Committee's meetings, they were unable to have any input on the survey done by Mr. Eagle and for that reason he came to the City Council meeting to make his comments known.

Mr. McDaniel explained he was able to obtain a copy of the final survey questions and the results compiled by Mr. Eagle, plus a copy of the questionnaire from Ms. Linda Bullock, the City's Finance Director. However, Mr. McDaniel stated he was told by Mr. Eagle that the originals used to compile the survey had not been retained. Mr. McDaniel listed several flaws with the survey done by Mr. Eagle. Such as, population of the cities surveyed, number and rank of officers, whether or not holiday pay was included in the listed salary quotes of other cities, uniform allowances, and off-duty security jobs.

Mr. McDaniel then stated that Councilman Vance had remarked that the PBA survey had been "tainted". Mr. McDaniel contended the survey done by Mr. Eagle had been "tainted" by the way it was compiled and how the original questions were "reorganized". Mr. McDaniel then submitted a report which he stated was obtained

under the Freedom of Information Act. Mr. McDaniel explained that former Police Chief John Morgan had met with Mayor Brodell and had advised him of a report which named David Eagle as a suspect in the theft of building materials from Ridout Lumber Co. of Searcy, Arkansas. Chief Morgan met with Mayor Brodell at the time Mr. Eagle applied for the position of Finance Director. Mr. McDaniel read from the first and last pages of the report. It stated on March 5, 1987, David Eagle plead guilty to one count of theft of property and given six years probation, 45-days to serve in the Prairie County Jail, and was ordered to pay \$25,000.00 restitution to Mr. Wayne Ridout.

In closing, Mr. McDaniel asked the City Council and the Joint Committee to meet openly and to allow Jonesboro Police Officers to have input to the meetings.

The following ordinance was on the third reading:

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

Councilman Mays 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 2499.

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. (TOM REAGAN)

Councilman Vance 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 Kelton 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. (MULHOLLEN/BRISTOW/PHILLIPS INVESTMENT)

Councilman Vance 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 Mays 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. (B.BENNETTE/WARREN DUPWE)

Councilman Mays moved, seconded by Councilman Mullenix to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Councilman Mays then 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 Mays moved, seconded by Councilman Kelton 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 2500.

Councilman Bowers offered the following ordinance for the first reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 1811 OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS BY ADDING SECTIONS 7.32.07, 7.32.08, AND 7.32.09 TO SET STANDARDS FOR PRIVATELY OWNED YARD HYDRANTS.

Vice Mayor, Hannah recommended at some point a penalty clause may need to be added to this particular ordinance. Councilman Vance 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 then 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 all council members voting aye. Councilman Harpole moved, seconded by Councilman Bowers 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 2501.

Mr. McCauley, Attorney for Mr. Tom Reagan requested the Council to address the site plan portion of his appeal since it had been left off of the agenda. City Clerk, Donna Jackson stated it was her understanding that this was two parts of the same issue. The appeal notice listed both the rezoning and the site plan denial which ran in the Jonesboro Sun. Councilman Vance moved, seconded by Councilwoman Ingram to table the decision regarding the site-plan until the next council meeting, since Mr. Reagan had to come back for the rezoning ordinance anyway, and in order to make sure the public had been fully notified. A roll call vote was taken resulting in all council members voting aye.

Councilman Kelton offered a resolution endorsing the HOPE III program for the City Jonesboro. Councilman Mays moved, seconded by Councilman Perrin 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 1993:39.

Councilwoman Ingram offered a resolution condemning two properties, one located at 108 N. Bridge Street, Owner American Pioneer Life, and the other located at 1420 W. Monroe, Owner Bonnie Renfro. Councilman Perrin moved, seconded by Councilman Kelton 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 1993:40.

Councilman Vance moved, seconded by Councilman Kelton to change the regularly scheduled council meeting to September 7, 1993, due to the Labor Day holiday. A roll call vote was taken resulting in all council members voting aye.

Councilman Harpole moved, seconded by Councilman Evans to set a public hearing regarding the establishment of the "American Cab Company". The public hearing was set for 6:45 p.m. September 7, 1993, at City Hall. A roll call vote was taken resulting in all council members voting aye.

The following bid was reviewed: 93:47 - Public Officials Liability - Gallagher was the only bid offered. Councilman Evans moved, seconded by Councilman Province to accept the low bid which met specifications. A roll call vote was taken resulting in all council members voting aye.

Under new business, Vice Mayor, Jim Hannah reported to the Council that nothing had been done regarding the Roger Moore property, but a lot at Logan and Fisher had been cleaned up. Mr. Hannah responded to Mr. McDaniel's request to be notified of special meetings. Vice Mayor Hannah stated he had gotten an opinion from Pam Honeycutt, City Attorney stating that the Finance Committee does not have to notify anyone but the media

of special meetings. However, Vice Mayor Hannah stated he would be glad to notify Mr. McDaniel of special meetings if Mr. McDaniel would provide a home telephone number. It was explained the only thing furnished in Mr. McDaniel's request was a home address, and it is not always possible to notify individuals by mail, due to short time limits.

Councilman Evans moved, seconded by Councilwoman Ingram for the purchase of lots to provide an equipment storage building for Parks and Recreation, in the sum of \$7,000.00 from the Capital Improvement Fund. A roll call vote was taken resulting in all council members voting aye.

Councilwoman Ingram reported that the Insurance Committee had received thirty bids, seven of which were self-insured plans. Ms. Ingram stated according to a recent survey, most cities pay 100% of the employee's insurance, plus 66% for family coverage. However, she stated this would cause a significant increase in the City's monthly premiums, from \$41,000.00 to \$60,000.00 for a total of \$223,000.00 above what is being paid at the present time. Of the \$223,000.00, \$55,000.00 would provide coverage for the 21 city retirees. Councilwoman Ingram explained, should the Council decide to do this, it would mean an increase in bring home pay of \$35.00 to \$40.00 a pay period for each City employee. It was decided by the Insurance Committee that more time is needed to research the subject. Councilwoman Ingram moved, seconded by Councilman Bowers to renew the Blue Cross-Blue Shield Insurance Policy. A roll call vote was taken resulting in all council members voting aye.

Councilman Mullenix informed the Council of a legal opinion from Pam Honeycutt, City Attorney regarding the Justice Complex. In the opinion it was determined that the covenant was meant to run with the land, and that any subsequent owner would be bound by the covenant contained in the deed.

Councilman Bowers handed out a copy of an ordinance establishing a curfew for Jonesboro youth. Councilman Bowers requested the Council to review the ordinance with their respective wards and offer any suggestions or comments regarding the same. A time limit of thirty days was established. At that time the subject will be brought before the Council again.

Councilman Kelton announced a Planning and Inspection meeting for Monday, August 30, 1993, at 7:00 p.m. regarding Yard Sales. Also, Councilman Kelton stated there would be a Public Hearing regarding Accessory Buildings.

Councilman Vance announced a General and Personnel Committee meeting for Monday, August 23, 1993, at 5:30 p.m.

Councilman Harpole handed out a copy of scheduled "Neighborhood Meetings". Councilman Harpole stated due to slow attendance the meetings had been prolonged in order to allow the city council time to take action, and the public time to develop an interest into the workings of the City Council.

Councilman Mays announced there would be a Street Committee meeting August 23, 1993, at 6:30 p.m. and asked if there were any comments regarding the Overlay Maintenance Program which was handed out at the last council meeting. Councilman Kelton stated he had several questions regarding the matter.

Finance Director, Linda Bullock gave a review of Financial Statements for Month Ending July 31, 1993. Ms. Bullock reported that 58% of the budget year has expired and listed percentages for Revenues and Expenditures. Councilman Kelton questioned the City's financial condition at the present time. Ms. Bullock stated we are holding our own. Councilman Kelton questioned if there were any specific problems, and was told not at this time.

Councilman Evans reported on the new American Disabilities Act Guidelines. He stated that he would make sure each department received a copy.

With no further business the meeting was adjourned.