



Legislation Details (With Text)

File #: MIN-90:514 **Version:** 1 **Name:**

Type: Minutes **Status:** Passed

File created: 8/6/1990 **In control:** City Council

On agenda: **Final action:** 8/20/1990

Title: Minutes for the City Council meeting on August 6, 1990

Sponsors:

Indexes:

Code sections:

Attachments: 1. Information Systems letter

Date	Ver.	Action By	Action	Result
8/20/1990	1	City Council	Passed	Pass

Minutes for the City Council meeting on August 6, 1990

PUBLIC HEARING - ISLAND ANNEXATION

6:50 p.m. - N side of Wood Springs Rd. 4 Hwy 225, approximately 1/4 mile E of Hwy 226 Spur and island located E of Hwy 226 Spur approximately 1/2 Mile S of Wood Springs Rd. Hwy 226 Jonesboro Investment Co. No objections were voiced.

7:10 p.m. - Approximately 1/4 mile N of Wood Springs Rd. and S of Casey Springs Rd., Tyrer and Boyd. No objections were voiced.

7:10 p.m. - W side of Hwy 63 Bypass, S of Hwy 91, Troy Coleman. Attorney Keith Blackman objected to the closing on behalf of his client. He stated they had not had the property surveyed to determine if it was an island. Mayor Brodell asked Mr. Blackman if he had seen a copy of the letter from Clay Kenward of Haywood, Kenward Engineering Associates, dated June 15, 1990, stating the property described owned by Mr. Coleman is an island completely surrounded by property previously annexed to the city. Mr. Blackman stated he had seen the letter.

City Council Minutes - August 6, 1990

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

Members of Boy Scout Troop #2 were in attendance from First Baptist Church and Todd Williams let the Pledge of Allegiance. Alderman Park gave the invocation.

The minutes of July 16, 1990, were approved as mailed on motion by Mr. Stricklin, seconded by Mr. Nix. All voted aye.

Mr. Mays offered the following ordinance for first reading:

AN ORDINANCE ANNEXING CERTAIN LANDS THAT ARE COMPLETELY SURROUNDED BY THE

INCORPORATED LIMITS OF THE CITY OF JONESBORO; ASSIGNING SAID ANNEXED TERRITORIES TO WARD 4 DECLARING THE ZONING FOR THE ANNEXED TRACT; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

Mr. Hannah moved, seconded by Mr. Stricklin to suspend the rules and place on the ordinance on second reading. All voted aye. Mr. Hannah moved, seconded by Mr. Stricklin to suspend the rules and place the ordinance on third reading. All voted aye. Mr. Hannah moved, seconded by Mr. Evans for the adoption of the ordinance with the emergency clause. All voted aye. The ordinance was given the number 2286.

Mr. Evans offered the following ordinance for first reading:

AN ORDINANCE ACCEPTING CERTAIN LANDS ANNEXED TO THE CITY OF JONESBORO, AR: ASSIGNING SAID ANNEXED TERRITORIES TO WARD 2; DECLARING THE ZONING FOR THE ANNEXED TRACT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

Mayor Brodell asked Attorney Keith Blackman if he would stipulate that the property is an island. Mr. Blackman answered he could not concede it is an island at this point. Mayor Brodell then asked Mr. Blackman if he would stipulate that the property is not an island. Mr. Blackman stated he cannot state for the record one way or another until they have the property surveyed. Mr. Evans moved, seconded by Mr. Hinson to suspend the rule and place the ordinance on second reading. All voted aye. Mr. Mays moved, seconded by Mr. Evans to suspend the rules and place on third reading. All voted aye. Mr. Hannah moved, seconded by Mr. Nix for the adoption of the ordinance with the emergency clause. All voted aye with the exception of Mr. Shelton who voted nay. The ordinance was given the number 2287.

Mr. Evans offered the following ordinance for first reading:

AN ORDINANCE ESTABLISHING THE SOUTH CARAWAY ROAD STREET IMPROVEMENT DISTRICT NUMBER 2; AND FOR OTHER PURPOSES

A Public Hearing was held to determine if the petition for the South Caraway Rd. Improvement District contained the required number of signatures and majority of value. Attorney Skip Mooney, Jr. addressed the Council for the petitioners and stated the following: 1) 2.7 miles of gravel road from Bypass to new Hwy 1 would be included in the district 2) improvement district was needed to help fund paving of road 3) Property owners along Caraway would be assessed \$81,000.00 over a 5 year period to pay for the paving 4) Mercantile Bank has agreed to finance the Improvement District 5) meetings had been held for over a year on the matter 6) petitions had been filed with the office of the City Clerk 7) statement from Tom Lynne, of the Tax Assessors Office of Craighead County, AR in charge of the records pertaining to tax assessments against real property stated that he had reviewed the affidavit of Dan Mulhollen pertaining to the proposed improvement district for South Caraway Rd. as well as the plat prepared by his office and that the total assessed value for all the real property located in the boundaries of the proposed district is the sum of \$521,999.00 and the total assessed value of each tract of land as set forth in the affidavit are correct and represent over 61% 7 State law required Aldermen to approve the district if the petition contains sufficient number of signatures 8) Mr. Herbert Spence is deceased and this name should be removed from the petition 9) CWL, Jonesboro Human Development Center and the State of Arkansas have agreed to assist in financing the project as represented by the affidavit.

In response to a question by Mr. Evans regarding proper notification to the public, Mr. Mooney stated a public notice appeared on July 23 and 30 as required by law in the Jonesboro Sun and that by statute they are not required to serve notice by certified letter. The commissioners would be Bruce Rhiddlehoover, Clarence Hurst and Dan Murphy and will actually establish the assessments and submit financial plan to Council for review.

Mr. Mooney asked the Council to suspend the rules and place the ordinance on three readings. Mr. Warren Dupwe, attorney for some of the property owners opposing the district said his clients have limited resources and argued that naming three supporters of the project or district as commissioners is unfair. He added that the owner of a lot 50' to 100' wide might be assessed as much as the owner of 100 acres because the proposal calls for the assessments to be based on front footage and questioned the petition containing proper number of signatures.

Mr. Nix stated that a similar district established on N Caraway calls for all individuals benefitting from paving to assist in paying the paving bill. Mr. Mooney stated the committee overseeing the project determined frontage foot was the best way to assess. Dr. Strauser added the reality of it is that come people will benefit and never pay a penny.

Mayor Brodell stated cross-drains will be put in by the city, no curbs and gutters and the city and county will contribute almost \$90,000.00, plus some work on the roadbed to complete the project.

Mr. Sanderson moved, seconded by Mr. Stricklin to suspend the rules and place the ordinance on second reading. All voted aye. Mr. Evans moved, seconded by Mr. Stricklin to further suspend the rules and place the ordinance on third reading. All voted aye. Mr. Stricklin moved, seconded by Mr. Hinson for the adoption of the ordinance with the emergency clause. All voted aye. The ordinance was given the number 2288.

Mr. Evans offered the following ordinance for first reading: (Rezoning R -1 to R -3, R. Chastain)

AN ORDINANCE TO REZONE LOTS 1 THROUGH 5 OF THE WEST HALF OF LOT 5 OF COBB AND LEE SURVEY, JONESBORO, CRAIGHEAD COUNTY, AR, FROM R -1 TO R -3

Mr. Hannah moved, seconded by Mr. Hinson to suspend the rules and place the ordinance on second reading. All voted aye. Mr. Hannah moved, seconded by Mr. Nix to further suspend the rules and place the ordinance on third reading. All voted aye. Mr. Nix moved, seconded by Mr. Hannah for the adoption of the ordinance with the emergency clause. All voted aye. The ordinance was given the number 2289.

Mr. Hannah offered the following ordinance for first reading:

AN ORDINANCE TO AMEND TITLE 14, CHAPTER 14.08 OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, AR, BY AMENDING VARIOUS SECTIONS AND SUBSECTIONS THERETO REGARDING DISTRICT REGULATIONS

Mr. Hannah stated the ordinance was a result of a study by the used car dealers in association with a committee composed of the Mayor, Mr. Shelton, Mr. Hannah and others to bring the ordinance up to date and in an effort to enforce what we need to enforce. He indicated many are operating without a privilege license in residential areas. The organization has promised to help in the enforcement of the ordinance. It may take a series of violations to determine whether the ordinance is judgmental. Mr. Hannah moved, seconded by Mr. Park to suspend the rules and place the ordinance on second reading.

Mr. Hannah offered the following ordinance for first reading:

AN ORDINANCE TO AMEND TITLE 4 CHAPTER 4.04 BUSINESS LICENSE AND REGULATIONS - OCCUPATIONAL LICENSE, OF THE CODE OF ORDINANCE OF THE CITY OF JONESBORO, AR, BY ADOPTING A NEW SUBSECTION (a) TO SECTION 4.04.11 REGARDING OCCUPATIONAL LICENSES

Mr. Hannah moved, seconded by Mr. Shelton to suspend the rules and place the ordinance on second reading. All voted aye.

The following ordinance was on third reading:

AN ORDINANCE TO AMEND CHAPTER 11.12, PLUMBING CODE, SECTION 11.12.02 - STATE PLUMB-CODE ADOPTED BY REFERENCE; AMENDMENTS, SUBSECTION (b) AND TO REPEAL SECTION 11.12.11, PROHIBITION OF NON-METALLIC PIPING OR FITTINGS. OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS TO ALLOW THE USE OF NON-METALLIC PIPE, AND FOR OTHER PURPOSES

Mr. Nix stated he had strong reservations against the proposed ordinance change and that master plumbers, fire marshal, and plumbing inspector oppose plastic pipe and the small amount of money saved would not be worth the change. He added this city has one of two best codes in the state and felt the city's current ordinance should remain in effect. Mr. Park concurred.

A representative of a firm selling cast-iron pipe from Tyler, Texas, Tony Wade, addressed the Council and cited several reasons for rejecting plastic pipe but agreed when questioned by the Mayor, that the primary argument was not the material but the installation of the pipe and fittings, but voiced reservations about the material. When asked by Dr. Strauser which type of pipe would hold up best in the event of an earthquake, Mr. Wade responded cast iron. Mr. Evans added the health conditions should be a consideration and that cast iron was superior in this area. Gaylon Cooper, a local plumber stated the State required lead free sorters to alleviate the health problems and that although plastic pipe might save a typical homeowner \$250.00 - \$400.00 in construction costs, over the life of a house, plastic pipe could cost the property owner more than any individual savings.

Mr. Nix added that while he wore both hats of plumber and builder, that more builders than plumbers were members of the state association and had stronger lobbyist.

Mr. Mays asked the City Attorney the legal implications of restricting the industry. Ms. Honeycutt stated we weren't restricting anyone by keeping it as it is, and does not think there would be any legality against us. Mr. Mays disagreed and cited a case with the City of Pittsburg, Pa whereby CARLON, a manufacturer of thermoplastic conduit filed suit because of the restriction and feels we can better our code by allowing it.

A representative of a Siloam Springs firm that manufacturers of plastic pipe addressed the council in favor of the proposed change and cited Branson, Mo and Springdale, AR as cities that are successfully using the material.

Mr. Hannah moved, seconded by Mr. Shelton for the adoption of the ordinance with emergency clause. Mr. Carroll Caldwell addressed the council requesting the ordinance be tabled until they could research use of plastic pipe in the city through records maintained at CWL and stated this is a matter of freedom of choice. Mr. Hannah stated he could withdraw his motion and Mr. Shelton agreed to withdraw his second in order for said information could be obtained. Mr. Nix voiced opposition to the tabling and moved to reject the proposed change. Mayor Brodell stated that the motion should be for the adoption of the ordinance and then Aldermen could vote either for or against its adoption. The City Attorney concurred. Mr. Nix moved, seconded by Mr. Shelton for the adoption of the ordinance. Voting for the proposed changes were Hannah, Bridger, Mays, Strauser and Hinson. Voting against were Park, Stricklin, Evans, Shelton, Province, Sanderson and Nix. The ordinance failed 5 - 7

Mr. Hannah offered a resolution as requested by the Traffic Safety Officer to place (a) No Parking on S side of Washington Ave. directly across from Central Fire Station (b) one way, no left, no right turn and hours in effect signs on Race St. between Dudley, High and Court Streets and intersection thereof. Mr. Hannah moved, seconded by Mr. Shelton for the adoption of the resolution. All voted aye. The resolution was given the number 1990:42.

An appeal by Joseph Foster of MAPC of 235 LF street extension in a cul-de-sac on property located near intersection of Prospect Rd .and Old Paragould Hwy and widening of Jettyl Drive was discussed. Mr. Mays moved, seconded by Mr. Nix to waive the curb and gutter requirements on the 135' of new street dedication and the 100' cul-de-sac with Mr. Foster to improve this section as well as the existing 359' to city standards for a gravel street at this time. It is further stipulated the Mr. Foster will furnish some form of assurance that the entire 494 ft. of street, including the cul-de-sac, will be paved with a service of 24' within five (5) years at property owner's expense. The Mayor state the city will maintain the street when it is brought up to city standards. City Attorney stated the ordinance regarding regulation of this type matter was poor and suggested it be rewritten and this is a compromise. Mr. Hannah asked if this was not the identical compromise offered at the previous meeting to which Mr. Mays responded in the affirmative. Mr. Hannah asked if Mr. Vance of the MAPC had not stated it would be setting a precedent. Mr. Wadley, MAPC liason stated Mr. Vance and a committee had reconsidered the proposed change and were in agreement that the ordinance is weak and support the motion as stated. All voted aye.

Under New Business by Council, Chairman of the Police Committee, Mr. Hannah presented the following:

- a) distribute proposed Police Dept. Policy changes and asked Council to review by the next meeting;
- b) committee recommendation to appropriate \$2,495.00 to purchase computer equipment to re-interface with the Police Dept. system with the Craighead County System. Mr. Evans moved, seconded by Mr. Nix to approve the recommendation. All voted aye;
- c) committee recommendation to employ an additional dispatcher for the Police Dept. Mr. Nix moved, seconded by Mr. Shelton to approve the recommendation. All voted aye;
- d) Police Dept. Plans to advertize for bids for a 12 passenger van for the public service worker program supervised by the Police Dept. The van will be paid for from fees of public service workers @ \$45.00 each for participation in the program.

Mayor Brodell announced the Post Office, Fire Dept. and CWL will have all street numbering and naming completed by first of September in time for E-911 election with Don Stone, serving as Chairman of the committee working in association with Fire and Police Chiefs.

With no further business, the meeting adjourned.