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Minutes for the City Council meeting on April 18, 1994  
CITY COUNCIL MINUTES - APRIL 18, 1994

The Jonesboro City Council met at 7:30 p.m. Present were the Mayor, City Clerk, and all council members. The City Attorney, Pam Honeycutt was unable to attend due to illness.

The minutes of April 4, 1994, were approved as mailed by motion of Councilman Harpole seconded by Councilman Perrin. A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah.

The following ordinance was on the third reading:

AN ORDINANCE VACATING, CLOSING AND ABANDONING A 40 FEET WIDE DRIVE (UNNAMED STREET) BETWEEN BELMONT STREET AND CONCORD STREET, A DISTANCE OF 200 FEET, LOCATED IN RIDGECREST ADDITION TO THE CITY OF JONESBORO

Councilman Harpole moved, seconded by Councilman Vance for the adoption of the ordinance, contingent on the acquisition of proper drainage easements. A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah. The ordinance was given the number 2548.

Councilman Bowers 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. (CLAY KENWARD/BOB ADAMS)

Councilman Vance moved, seconded by Councilman Mays to suspend the rules and place on second reading. A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah. No further action was

taken on this ordinance.

Councilman Wise 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. (MAX DACUS JR.)

Councilman Vance moved, seconded by Councilman Mays to suspend the rules and place on second reading. A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah. No further action was taken on this ordinance.

Councilman Evans 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. (JOE RANKIN)

Councilman Evans moved, seconded by Councilman Mays to suspend the rules and place on second reading. A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah. No further action was taken on this ordinance.

The following ordinance was on the third reading

AN ORDINANCE TO PROVIDE A SMOKE FREE ENVIRONMENT FOR ALL MUNICIPAL BUILDINGS

Councilman Vance moved, seconded by Councilman Bowers to table the ordinance indefinitely. A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah.

Councilman Evans offered the following ordinance for the first reading:

AN ORDINANCE CREATING A SMOKE FREE ENVIRONMENT IN ALL MUNICIPAL BUILDINGS EXCEPT IN DESIGNATED SMOKING AREAS AS ASSIGNED BY THE GENERAL AND PERSONNEL COMMITTEE.

Discussion followed with Councilman Mullenix recommending the whole Council make the decision regarding the placement of designated smoking areas rather than just the General and Personnel Committee. Councilman Hannah questioned how the decision was reached as to who should make the decision regarding the designated smoking area. Councilman Evans stated the decision was made based on the fact that the City does not have a Building Committee. Mayor Brodell stated he had made the General and Personnel Committee recommendation. Councilman Kelton suggested a compromise by having the General and Personnel Committee designate the smoking area, but have the full Council vote on the final decision. Councilman Mullenix stated he had a problem allowing one committee to make the decision for all city employees. Councilman Vance stated he felt the General and Personnel Committee would be a steady source and would consider each department as a whole and listen to the comments of each department head. Councilman Hannah stated Mayor Brodell would be the best choice for deciding where the designated area should be, because of his knowledge of each city building. Councilman Harpole moved, seconded by Councilman Vance to suspend the rules and place on the second reading. However, this motion and second was pulled, with Councilman Harpole

stating we (the Council) have gone from thinking three could make the decision, to twelve, now to placing the responsibility on one person. Councilman Harpole stated he felt the committee as a whole (the Council) lacked maturity in handling the problem. Mayor Brodell stated he did not mind taking on the responsibility, but wanted the Council to understand if there is a cost factor he would be coming to them for financing. Councilman Vance moved, seconded by Councilman Harpole to amend the ordinance in Section One from "Designated smoking areas as assigned by the General and Personnel Committee" to read "Designated smoking areas as assigned by the Mayor of the City of Jonesboro, Arkansas." A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah. Councilman Harpole moved, seconded by Councilman Vance to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah. Councilman Harpole moved, seconded by Councilman Vance 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. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah. Councilman Vance moved, seconded by Councilman Harpole for the adoption of the ordinance as amended. A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah. The ordinance was given the number 2549.

Councilman Bowers moved, seconded by Councilman Mullenix to table Item G (Ordinance separating Planning and Inspection Department from the Public Works Department) until the next council meeting. A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah. Councilman Province was temporarily out of the room and did not vote.

Bid 94:23 - Wash Building for the Street & Sanitation Department was reviewed. Councilman Mays moved, seconded by Councilman Perrin to accept low bid which met specifications. A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Harpole, Mays and Hannah. Councilman Vance was temporarily out of the room and did not vote.

Councilman Perrin offered a resolution requesting Congress to pass anti-crime legislation. Councilman Harpole moved, seconded by Councilman Kelton to amend the resolution by deleting the following: "Creation of a Federal Anti-Crime Trust fund financed by dedicated revenues retrieved by licensing fees levied on weapons, ammunition, and weapons dealers." A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah. Councilman Harpole moved, seconded by Councilman Bowers for the adoption of the resolution as amended. A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah. The resolution was given the number 1994:18.

Councilman Harpole moved, seconded by Councilman Perrin to set an appeal hearing for 7:00 p.m. at City Hall on May 2, 1994, regarding the MAPC rezoning denial of property owned by Ms. Betsy Butler. A roll call vote was taken resulting in all council members voting aye. Those voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers, Perrin, Kelton, Vance, Harpole, Mays and Hannah.

Councilman Perrin moved, seconded by Councilman Harpole to appoint Joann Taylor to replace Darah Rees on the Library Board with the term to expire January 1, 1997. A roll call vote was taken resulting in a ten to two vote in favor of the motion. Those council members voting aye were: Wise, Evans, Province, Bowers, Perrin,

Kelton, Vance, Harpole, Mays and Hannah. Councilwoman Ingram, after passing her vote twice voted nay. Councilman Mullenix after passing his vote one time voted nay.

The Clerk's certification of Quarter ended March 31, 1994, Financial Statement was presented to the Council in open session as required by State Law.

Under new business Councilman Perrin stated the Finance Committee is in the process of considering new hires for each department, and when that is completed he plans to introduce a resolution to add five new positions in the Police Department.

Councilman Kelton reported there would be a Public Hearing May 10, 1994, at 7:00 p.m. for the purpose of discussing changes in Residential Two (R-2) and Residential Three (R-3) zoning. Also, the committee responsible for reviewing nine proposals of a Comprehensive Land Use Plan Consultant are as follows: Ron Kelton, Aubry Scott, Lloyd McCracken, John Trott, Doris Mantooth, Dr. Calvin Smith, Russell Hendrix, George Kendricks and Barry Forrest. This committee will be making recommendations to the Council for approval.

Councilman Vance reported an unexpected expense of up to \$8,200.00 on the Safeway Project due to truss work.

Councilman Harpole read a proclamation declaring May 1, 1994, through May 7, 1994, Municipal Clerk's Week. Councilman Harpole presented the proclamation, signed by Mayor Brodell to the City Clerk, Donna Jackson.

Councilman Mays offered a resolution authorizing Mayor Brodell to contract with Mr. Troy Sheets Surveying for federally funded drainage improvements at Whiteman's Creek, Turtle Creek, Higginbottom Creek and Moore's Ditch. Mr. Lowes stated he had negotiated with three out of four surveying firms. It was explained that Mr. Lowes requested proposals from Dan Mulhollen, Clay Kenward, and Troy Sheets on separate projects. After getting information from each and meeting with the Street Committee, negotiations were terminated, and the job was given to Mr. Sheets. Dan Mulhollen stated he had been asked to submit a contract of proposal on Moore's Ditch. Mr. Mulhollen argued his firm had been told they had been selected to do the work on Moore's Ditch, thereby preparing a contract in draft form as the first step of negotiations. However, the negotiations were terminated. Mr. Mulhollen stated he felt the Street Committee made their selection based on price rather than competence and qualifications, which is in violation of Act 616 (Prohibiting the use of competitive bidding for the procurement of professional services). Mr. Lowes explained no firm was asked to compete with one another, and each was terminated before negotiations began with another.

Mr. Clay Kenward stated he did not know of the other proposals until this morning (April 4, 1994). Mr. Kenward stated he had been asked to submit a proposal for qualifications on the Higginbottom Creek project, and just like Mr. Mulhollen thought he had been selected to do the project. Mr. Kenward stated he was told to put a cap on the job without knowing what it would take to complete the work. Councilman Mays moved, seconded by Councilman Harpole for the adoption of the resolution. A roll call vote was taken resulting in a seven to five vote against the resolution. Those council members voting nay were: Ingram, Province, Mullenix, Perrin, Kelton, Harpole and Hannah. Those council members voting aye were: Wise, Evans, Bowers, Vance and Mays. The resolution was denied.

Councilman Hannah moved, seconded by Councilman Kelton to appropriate \$4,050.00 from unappropriated sales tax to pay for condemned property in the Industrial Park. A roll call vote was taken resulting in all council members voting aye. Those members voting aye were: Wise, Evans, Ingram, Province, Mullenix, Bowers,

Perrin, Kelton, Vance, Harpole, Mays and Hannah.

Mayor Brodell announced that Gov. Jim Guy Tucker would be presenting \$150,000.00 to the Northeast Arkansas Fire Fighters Association. This was due to the efforts of Senator Jerry Bookout getting the proper legislation adopted. Mayor Brodell announced this was a plus for the Fire Fighters Association as well as Jonesboro.

With no further business the meeting was adjourned.