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Minutes for the City Council meeting on November 6, 1995

PUBLIC HEARING - 6:10 P.M. - A Public hearing was conducted for the purpose of establishing the North East Arkansas Taxicab Inc., located at 410 S. Church (on the Church side, Suite B) Mrs. Barbara Halsey, an attorney, was also the applicant along with her husband requesting a taxicab permit, from the Council. Mrs. Halsey stated Jonesboro was in need of a safe, clean, reliable taxicab service, by citing a 1992 study regarding a public transit system in Jonesboro. She explained even though this was not a public transit system, the study in itself shows transportation is a priority need for residents and a key element for agencies offering services to local residents. The application met the requirements regarding a \$25,000.00 bond (or cash), along with the other requirements set forth in Ordinance 2644. Mr. and Mrs. Gerald Meredith spoke in opposition to the NEA Taxicab, Inc. It would place a hardship on the other two already operational taxicab services in Jonesboro, was the reason given by Mr. and Mrs. Meredith. Mr. Meredith stated his cab company; the Thrifty Cab Company would suffer cut backs if this application was approved.

CITY COUNCIL MINUTES, NOVEMBER 6, 1995

The Jonesboro City Council met Monday, November 6, 1995, at 6:30 p.m. A full quorum was in attendance. Present were Mayor Brodell, City Clerk, Donna Jackson, City Attorney, Phillip Crego and eleven council members. Those Councilmen were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. Councilmen Evans was away on city business.

The minutes of October 16, 1995, were approved as mailed by Councilman Young seconded by Councilman Wise. A roll call vote was taken resulting in all council members voting aye. Those Councilmen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah.

Mr. Bill Ebbert, Jr. came before the Council, requesting an extension for construction on a condemned piece of property located at 1210 S. Madison. Mr. Brian Wadley and Mr. Doug Little, both of the Planning and Inspection Department explained, Mr. Ebbert, Jr. had been granted three previous extensions and the fourth must be granted by the Council. The property had been in poor condition for the past eleven years. Councilman Hannah questioned how much money had been invested in this project, and Mr. Hardy Little, the Architect for the project estimated the investment at about \$60,000.00. Councilman Tate questioned what will be done if an

extension is granted and Mr. Ebbert, Jr. comes back with the project only 75% completed, with a larger investment but requesting another extension. The Council is in deeper, suffers a greater loss, it places a hardship on the neighbors and city employees the longer this is allowed to continue. There comes a point where builders are required to meet the city regulations, or suffer the consequences. Mr. Perrin moved, seconded by Councilman Young to grant a six months extension date of May 15, 1996, with the stipulation that Mr. Brian Wadley monitor the progress of the project and report every thirty days to the Council. Should progress stop on the project the six month extension will be revoked. A roll call vote was taken resulting in all council members voting aye. Those Councilmen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah.

Councilman Vance moved, seconded by Councilman Young to grant an application for a permit to NEA Taxicab, Inc. A roll call vote was taken resulting in all council members voting aye. Those Councilmen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. The motion was approved.

A report was given on the progress of mosquito control, by Dr. Allen Lowe. Afterwards Councilman Province requested a report be given by Dr. Olsen, Jonesboro's Mosquito Control Consultant.

Councilman Perrin 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 FOR OTHER PURPOSES (Schwan's Sales Ent.\Troy Sheets)

Councilman Vance moved, seconded by Councilman Perrin to suspend the rules and place on a second reading. A roll call vote was taken resulting in all council members voting aye. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. The ordinance was read a second time.

The following ordinance was on the second reading:

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

Councilman Vance moved, seconded by Councilman Harpole to 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 Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. The ordinance was read a third time.

Councilman Harpole moved, seconded by Councilman Perrin for the adoption of the ordinance. A roll call vote was taken resulting in all council members voting aye. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. The ordinance was given the number 2662.

Attorney, Bobby Gibson requested the rezoning for Mr. Pete Gasaway be tabled for two weeks. Attorney Gibson requested any local resident concerned with this matter should contact the Law Offices of Mixon & McCauly. Mr. Gibson was reminded of an ordinance may only be tabled three times, before it is pulled from the agenda for a year. Mr. Brian Wadley was asked to check and see if this property was registered for Non-Conforming Use., prior to the next meeting. Councilman Vance moved, seconded by Councilman Wise to table the ordinance until November 20, 1995. A roll call vote was taken resulting in all council members voting aye.

Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah.

The following ordinance was on the second reading:

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

Councilman Vance moved, seconded by Councilman Young to 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 Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. The ordinance was read a third time. Councilman Young moved, seconded by Councilman Perrin for the adoption of the ordinance. A roll call vote was taken resulting in all council members voting aye. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. The ordinance was given the number 2663.

Councilman Rega offered the following ordinance for the first reading:

ORDINANCE TO AMEND SECTION 2.20.01, KNOWN AS "COUNCIL MEETINGS REGULAR", FOR THE PURPOSE OF AMENDING THE JONESBORO CODE BOOK CHANGING THE REGULARLY SCHEDULED COUNCIL MEETING TIME FROM 7:30 P.M. TO 6:30 P.M.

Councilman Wise 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. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. Councilman Wise moved, seconded by Councilman Young 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, with the exception of Councilman Vance who left the room. Aldermen voting aye were: Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. Councilman Perrin moved, seconded by Councilman Young for the adoption of the ordinance. The ordinance was given the number 2664.

Councilman Harpole offered the following ordinance for the first reading:

ORDINANCE TO AMEND ORDINANCES 1445, 2106 AND CHAPTER 3.04, OF THE JONESBORO CODE BOOK, KNOWN AS "PURCHASES", INCREASING THE DOLLAR AMOUNT OF PURCHASES, BEFORE BIDS ARE REQUIRED, AS RECOMMENDED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS BY ACT 812.

Councilman Harpole moved, seconded by Councilman Perrin to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. Councilman Tate moved, seconded by Councilman Young 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 Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. Councilman Tate moved, seconded by Councilman Perrin for the adoption of the ordinance. The ordinance was given the number 2665.

Councilman Perrin offered the following ordinance for the first reading:

ORDINANCE TO AMEND ORDINANCE 989 OF THE JONESBORO CODE OF ORDINANCES, SECTION 5.08.01, KNOWN AS "LITTERING ILLEGALLY", TO INCREASE THE AMOUNT CHARGED FOR DUMPING AND BURNING, AND FOR THE PROTECTION OF ALL JONESBORO PUBLIC PROPERTY.

Councilman Perrin moved, seconded by Councilman Rega to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. Councilman Vance moved, seconded by Councilman Young 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 Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. Councilman Tate and Councilman Rega questioned that part of the ordinance which makes it illegal to park on a public street where no signs are posted. Other concerns raised were paying \$250.00 to any citizen turning in another citizen for any of these violations if a conviction is reached. Councilman Perrin moved, seconded by Councilman Harpole for the adoption of the ordinance. A roll call vote was taken resulting in all council members voting nay. Those Aldermen voting nay were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. The ordinance was denied.

Councilman Vance offered the following ordinance for the first reading:

ORDINANCE TO AMEND TITLE NINE, KNOWN AS "STREETS AND SIDEWALKS", BY ADDING SECTION 9.38 KNOWN AS "STREET SPECIFICATIONS", FOR THE PURPOSE OF INCORPORATING THE RECOMMENDED GARVER & GARVER STREET SPECIFICATIONS PLAN INTO THE JONESBORO CODE OF ORDINANCES.

Councilman Tate stated many developers prefer drive over curbing, compared to the larger curb for reasons of cost and labor in tearing out and replacing the larger curbing. Councilman Vance moved, seconded by Councilman Perrin to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah.

The following bids were reviewed:

95:43 Ridgecrest Drainage Project

Councilman Young moved, seconded by Councilman Wise to accept the Street Committee's recommendation to accept the low bid meeting specifications of Meadows Construction for \$346,648.50. The Street Committee also requested Mayor Brodell stress to the contractor the importance of getting streets reopened after making a street cut, and not leave until the cut culvert is replaced, and the street is opened back up. Councilman Vance explained \$150,000.00 was appropriated from unappropriated sales tax for the Ridgecrest Drainage Project, that plus a balance of \$200,000.00 from the Street Budget would be enough to cover this expenditure.

95:45 Side Load Containers - Sanitation

Councilman Hannah moved, seconded by Councilman Perrin to accept the low bid meeting specifications. A roll call vote was taken resulting in all council members voting aye. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah.

The following bids were tabled till November 20, 1995, for further research.

95:46 Commercial Garbage Truck - Sanitation

95:47 Residential Garbage Truck - Sanitation

95:48 Knuckleboom Truck - Sanitation

Councilman Hannah moved, seconded by Councilman Perrin to adopt a resolution to condemn three Jonesboro properties: 702 N. Church - Roger Watkins, Owner; 502 S. Patrick - James Butler, Owner; and 728 W. Cherry - Doug Arnold, Owner. A roll call vote was taken resulting in all council members voting aye. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. The resolution was given the number 1995:63.

Under new business, Mayor Brodell stated he had received a legal opinion from the Attorney General regarding the number of votes needed (majority of members present or number of members elected) to overturn a decision by the Metropolitan Planning Area Planning Commission. Phillip Crego, City Attorney, stated he did not agree with the Attorney General's opinion, because one of the statues cited A.C.A. 14-55-203 makes it clear a majority of the **elected body** is needed, and the matter would have to be decided in a court of law. City Attorney, Phillip Crego, explained he was unable to find one of the cases cited in the Attorney General's opinion, and was trying to find out if there had been a typo or where to find this cited case. Attorney, Skip Mooney, Sr. had requested in a letter to Mayor Brodell a permit be issued to his client, Mr. Mike Watson to build two apartment buildings, based on the Attorney General's opinion. Mayor Brodell requested from the Council some direction on whether or not to require the Planning and Inspection Department to issue the permit, because he did not want to make the decision on his own. Councilman Hannah moved, seconded by Councilman Province to follow the City Attorney's advice regarding issuing Mike Watson a building permit. A roll call vote was taken resulting in eight Aldermen voting aye. Those voting aye were: Vance, Wise, Rega, Province, Perrin, Kelton, Roddy, and Hannah. Councilman Young voted nay. Councilman Tate passed on his vote, and Councilman Harpole abstained from voting. The three Aldermen who did not vote aye explained they did not feel comfortable voting, when it was not clear what they were voting for. Councilman Harpole explained he did not believe Council should vote on matters which fall under the control of Executive Power. The motion passed.

In other business, Mayor Brodell stated bids to sell, had been taken separately on the city\county Justice Building and then on the adjoining parking lot. The Quorum Court received one bid on the city\county owned Justice Building for \$160,000.00. Councilman Vance moved, seconded by Councilman Perrin to approve only the bid of sale for the Justice Complex for \$160,000.00. In Councilman Vance's motion he also moved to do away with the Facility Board and divide the funds left over from the Facility Board (\$140,000.00) as well as the \$160,000.00 from the sale of the city\county Justice Complex, making the total amount approximately \$300,000.00 to be divided equally between the City and the County. A roll call vote was taken resulting in all council members voting aye. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah.

Mayor Brodell informed Council of a law suit between the City of Jonesboro and property owners, involving condemnation action taken on the northwest corner of Brown's Lane and Race Street. The City of Jonesboro was ordered to pay \$17,000.00 plus interest to the property owners. In addition, the City of Jonesboro must pay attorney fees. Mayor Brodell stated this matter would be addressed at the next council meeting.

Councilman Vance requested an ordinance, be prepared dealing with State Law which allows municipalities to ban hand guns, on and in all city buildings and property. Councilman Vance also questioned City Attorney, Phillip Crego about amending the previously adopted, **Ordinance 2664 (Changing council meeting time from 7:30 p.m. to 6:30 p.m.)** to include an alternate meeting place. Mr. Crego explained to Councilman Vance, since it was uncertain when council meetings would be moved to the alternate location, it would be best to wait to amend Ordinance No. 2664 till that time.

Councilman Rega moved, seconded by Councilman Tate for the appropriation of \$7,400.00 from unappropriated sales tax to go to the E-911 equipment line item in the Capital Improvement Fund. A roll call vote was taken resulting in all council members voting aye. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah.

Councilman Perrin, Chairman of the Police Committee, reported funds were available in the 1995 Police Budget to cover the expenses for the retaining of one police dog named, "Rocky", and the purchase of a newly trained narcotics dog. Councilman Perrin explained "Rocky" had minor behavioral problems which could be easily corrected.

Councilman Harpole, Chairman of the Personnel Committee requested the Council bring any questions regarding the Salary Administration Plan to the Personnel Committee prior to the November 20, 1995, council meeting, for the purpose of adopting or rejecting the Salary Administration Plan in a timely manner.

Councilman Hannah moved, seconded by Councilman Young to appropriate \$44,000.00 to come from unappropriated sales tax to repair the roof, heating and air-conditioning of the Senior Citizens building. A roll call vote was taken resulting in all council members voting aye. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Young, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah.

Councilman Hannah moved, seconded by Councilman Harpole to let the record show the Council has reviewed the City of Jonesboro Audit and the Airport Commissions Audit and accepts its findings. A roll call vote was taken resulting in all council members voting aye, with the exception of Councilman Young who voted nay. Those Aldermen voting aye were: Vance, Wise, Rega, Province, Perrin, Tate, Kelton, Roddy, Harpole, and Hannah. The motion passed.

Councilman Vance offered the following ordinance for the first reading:

AN ORDINANCE TO WAIVE BIDS FOR THE PURCHASE OF BRIDGE PANELS (EASLY STREET)

Councilman Vance questioned why the ordinance was not on the agenda. Mayor Brodell explained the ordinance was not prepared until that morning, and the deadline is 10:00 a.m. the Thursday prior to a council meeting. Councilman Vance requested the ordinance be held over till the next meeting for the second and third readings.

With no further business the meeting was adjourned.