



Legislation Details (With Text)

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Minutes for the City Council meeting on July 6, 1998
CITY COUNCIL MINUTES - July 6, 1998

The Jonesboro City Council met Monday, July 6, 1998, at 6:30 p.m. A full quorum was in attendance. Present were: City Clerk, Donna K. Jackson, City Attorney, Phillip Crego and 10 council members. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Kelton presided over the meeting in the absence of Mayor Brodell who was away on city business.

The minutes for June 15, 1998, were approved as delivered, by Councilman Pratt seconded by Councilman Rorex. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy.

The following ordinance was on third reading:

ORDINANCE TO VACATE ALL ALLEYS LOCATED IN BLOCK B OF EARL KEICH SECOND ADDITION (Kent Gibson)

Councilman Bowers moved, seconded by Councilman Pratt for the adoption of the ordinance. A roll call vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. The ordinance was assigned number 3057.

The following ordinance was on third reading:

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

Councilman Davis moved, seconded by Councilman Tate for the adoption of the ordinance. A roll call vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. The ordinance was assigned number 3058.

The following ordinance was on the second reading:

ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (J. D. Crocker)

Councilman Tate moved, seconded by Councilman Roddy to suspend the rules and place on third reading. A roll call vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Roddy moved, seconded by Councilman Crockett for the adoption of the ordinance. Councilman Tate moved, seconded by Councilman Roddy to limit debate to ten (10) minutes each side. A voice vote was taken resulting in all members voting aye. First to address Council was Mr. Skip Mooney, Sr. attorney for Mr. Crocker. He provided Council with information about the area and explained no one adjacent to the property was in opposition to the rezoning except the school board. Mr. Mooney explained the property had been in the Crocker family for generations and the school board has had every opportunity to purchase the property. It was explained that Commercial (C - 4) zoning is a transitional zoning, allowing for residential as well as commercial property. Mr. Frank Holden, an investor for the property intends to put a bank in the location, a permitted use for Commercial (C-4) zoning. Mr. Mooney stated traffic on Highland Drive is already heavy and therefore traffic should not be an issue in determining the rezoning matter. Pictures were shown of what the purposed bank would look like. Mr. Mooney stated the bank would be like a small industry for Jonesboro offering approximately 35 new jobs. In closing, Mr. Mooney explained his client had accepted the recommendation of the Metropolitan Area Planning Commission, (MAPC) and urged Council to let their decision stand. Next to address Council was Dr. Bill Beasley, Superintendent of Jonesboro Schools, speaking for the school board. It was explained the opposition was not against the bank or the investors, but merely the policy of having commercial zoning around a school. He expressed concern over the security risks for Hillcrest and McArthur Schools if the property is zoned commercial. Dr. Beasley provided Council with a petition of residents opposed to the rezoning, some of which live in the Ivy Green Addition. Mrs. Beth Nixon, a mother of two, expressed concerns over traffic, safety, and securing the campus from outsiders. She gave the example of what would happen if the bank was robbed and the children were used as hostages. She stated a lot has been said about the safety of children since the tragedies at Westside, Kentucky, and Mississippi. She said we cannot control those situations, but we can this particular matter. Councilman Kelton questioned Mrs. Nixon, if given a choice which would she prefer, apartments or a bank. Her response was she preferred nothing be built there. Vice Mayor Kelton explained that was not a possible choice, and no one had the right to deny someone else use of their own property. Mrs. Nixon stated she realized she was being unrealistic. Councilman Tate stated the plans show a fence separating the bank from the school with no access to Hillcrest Drive. One resident noted however, nothing is to prevent access in the future. Mr. Mooney stated the matter to be considered was rezoning, that MAPC would be provided with a property development plan. Vice Mayor Kelton stated he had requested the bank be moved to the right side, but was told it would add a large expense to the project if they had to level the terrain. Mrs. Nixon asked about additional "STOP" lights and was told MATA would not be able to look at the plans until August. Vice Mayor Kelton questioned Mr. Brian Wadley of the Inspection Department about a Quik-Mart store located west of the property. Mr. Wadley stated it was non-conforming use and the owners attempted to rezone the property commercial but were told by MAPC they did not see commercial zoning past Brown's Lane. Council reviewed a land use map of the area. Mr. Aubry Scott urged Council to follow the guidelines of the Land Use Plan, and to encourage the MAPC to follow the same plans. He stated if we are not going to follow the guidelines then we need to let people know they can do whatever they want to do. In response, Councilman Tate stated at the time of adopting the Land Use Plan it was explained the plan was not written in stone and could be worked on as we went along. Councilman Tate stated otherwise he would have voted against the Land Use Plan. Vice Mayor Kelton stated the Land Use Plan is a recommendation based upon study, research, and the efforts of many, and Council should try and follow it as much as possible. However, Mr. Kelton stated the problem with this particular situation was what will the people do if they cannot develop their land commercially. Councilman

Crockett stated the total responsibility of children's safety should not fall on Mr. Crocker, making his property useless in the process. Councilman Pratt stated Council should be concerned with what is best for all the residents of Jonesboro not one individual. He expressed concern over the traffic situation in the area. Councilman Pratt then moved to table the ordinance till the second meeting in August until the MATA Committee can make a recommendation to Council. The motion was not recognized by Vice Mayor Kelton, and no second was offered. Mr. Mooney stated in all his time as an attorney he did not recall a time when MATA was called in to consider a rezoning matter. Again he explained the development of the property will have to go back to the planning commission. Mr. Mooney recommended since several council members were absent the ordinance be presented without an emergency clause. He explained that with an emergency clause Council would have to have eight votes to pass the ordinance, but without an emergency clause Council could pass the ordinance with seven votes. He explained an emergency clause determines when an ordinance would take effect. Vice Mayor Kelton questioned City Attorney, Phillip Crego as to the proper procedure for doing what Mr. Mooney had requested. Mr. Crego stated the ordinance would have to be amended to remove the emergency clause. Councilman Pratt questioned if the ordinance was amended, would it not have to be read three times as amended. Mr. Crego answered by stating the ordinance could be adopted as amended without re-reading the ordinance. Vice Mayor Kelton recognized a member of the audience, Mr. Steve Orr, President of the School Board, who stated he felt Council should not have their votes manipulated, referring to the omission of the emergency clause. Councilman Bowers questioned Mr. Orr as to his preference to apartments verses a bank. Mr. Orr stated he was not opposed to the bank, but rather concerned about setting a precedence for further commercial development in the area. Mr. Mooney stated in his opinion the time limit was not being honored. Vice Mayor Kelton responded by saying there was no limitation on Council asking questions. Councilman Rorex questioned Mr. Orr as to the possibility of the School Board buying the property from Mr. Crocker. Mr. Orr stated the property would be too expensive, and even though the school is building, it is building on property it all ready owns. One recommendation was made by a woman from the audience for Council to raise taxes and buy the property for a community park. She expressed concern over traffic and the safety of her children. Councilman Tate moved, seconded by Councilman Crockett to amend the ordinance by removing the emergency clause. A roll call vote was taken resulting in a six (6) to four (4) vote against the amendment. Those members voting nay were: Rorex, Province, Davis, Rega, Pratt, and Bowers. Those members voting aye were: Kelton, Tate, Crockett, and Roddy. Mr. Mooney requested the matter be tabled till the first meeting in August. Councilman Tate withdrew his motion, and Councilman Crockett his second for the adoption of the ordinance. Councilman Tate moved, seconded by Councilman Rega to table the ordinance till August 3, 1998. A roll call vote was taken resulting in a six (6) to four (4) vote in favor of tabling the ordinance. Those members voting aye were: Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Those members voting nay were: Kelton, Rorex, Province, and Davis. The ordinance was tabled.

Councilman Davis offered the following ordinance for the first reading:

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

No further action was taken regarding this ordinance.

Councilman Roddy offered the following ordinance for first reading:

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

Councilman Rega moved, seconded by Councilman Bowers to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Rorex,

Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Roddy to further suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Davis for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. The ordinance was assigned number 3059.

Councilman Rorex offered the following ordinance for first reading:

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

Councilman Tate moved, seconded by Councilman Crockett to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Davis to further suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Davis moved, seconded by Councilman Crockett for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. The ordinance was assigned number 3060.

Councilman Rega offered the following ordinance for first reading:

ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (V.T. Walker)

Councilman Rega moved, seconded by Councilman Pratt to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Davis to further suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Rega moved, seconded by Councilman Davis for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. The ordinance was assigned number 3061.

Councilman Bowers offered the following ordinance for the first reading:

ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF A 1998 BOMAG BASE ROLLER BW 213

Councilman Tate moved, seconded by Councilman Crockett to amend the ordinance to read \$43,000 instead of \$42,000 in Section 2. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Rega moved, seconded by Councilman Pratt to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Crockett to

further suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Crockett for the adoption of the ordinance as amended. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. The ordinance was assigned number 3062.

Item I - Ordinance to waive bidding on bridge panels and concrete pilings for a bridge located on Dorton Road was pulled from the agenda.

Councilman Bowers offered the following ordinance for first reading:

ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF TUCK-POINTING WORK LOCATED AT 407 UNION STREET

Councilman Bowers moved, seconded by Councilman Tate to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Rega moved, seconded by Councilman Pratt to further suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. Councilman Bowers moved, seconded by Councilman Tate for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. The ordinance was assigned number 3063.

Councilman Rorex offered the following ordinance for first reading:

ORDINANCE TO REPEAL SECTION 8.44.14, SUBSECTION (F) (2), AND TO ADD SUBSECTION (A) TO SECTION 8.40.14 TO THE JONESBORO CODE OF ORDINANCES FOR THE PURPOSE OF CREATING FOURTEEN RENTAL PARKING SPACES

Councilman Bowers moved, seconded by Councilman Rorex to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. The ordinance was read twice.

Councilman Tate moved, seconded by Councilman Davis for the adoption of a resolution to proceed with condemnation action on the following Jonesboro properties:

202 E Gordon	Owner	John Marcom
523 W Forrest	Owner	Jimmie Broadway
1115 Hope	Owner	Leland Harris & Greg Porter
313 E Gordon	Owner	Robert Jackson
915 W Oak	Owner	Janet Graham
241 Hickory	Owner	Gail Osterblad
1915 N. Culberhouse	Owner	Donna Sexton

A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. The resolution was assigned number 1998:39.

Councilman Bowers moved, seconded by Councilman Roddy for the adoption of a resolution to set a public

hearing for July 20, 1998, at 6:15 p.m. for the purpose of hearing comments regarding the vacating of Broken Hill Road and Queensland Road located in the Outback Second Addition. The request was made by Jack Poling. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. The resolution was assigned number 1998:40.

Item 7 a resolution to utilize Federal-Aid monies for signalization of Highway 49 and Highway 49B was pulled from the agenda. It was explained this is part of Johnson Ave. and would be state funded.

Councilman Rega moved, seconded by Councilman Rorex for the adoption of a resolution authorizing the sale of approximately seven acres of a nineteen acre track to Richie and Kim Herral, owners of Windchimes by Russco, III, Inc. Councilman Crockett moved, seconded by Councilman Tate to amend the resolution to include the option agreement to purchase the other twelve acres for two years at \$12,500.00 per acre with nothing being charged for the option to purchase agreement. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. A voice vote was called for the adoption of the resolution as amended resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Bowers, and Roddy. The resolution was assigned number 1998:41.

Under new business, Vice Mayor Kelton explained Mayor Brodell was absent due to possible industry prospects for Jonesboro, and announced a fire committee meeting for July 7, 1998, at 6:00 p.m. in the old council chambers.

With no further business the meeting was adjourned.