



Legislation Details (With Text)

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Minutes for the City Council meeting on December 17, 1990
CITY COUNCIL MINUTES - DECEMBER 17, 1990

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

Mr. Stricklin moved, seconded by Mr. Hinson for the approval of the minutes of December 3, 1990, as mailed. All voted aye.

Mr. Sanderson offered a resolution commending the nineteen year service of Alderman Harry Park which was read by the Clerk. Mr. Sanderson moved, seconded by Mr. Nix for the adoption of the resolution. All voted aye. The resolution was given the number 1990:57. Mayor Brodell presented Mr. Park a framed copy of said resolution and expressed his appreciation for the tremendous contribution Mr. Park has made to the Municipality.

Mr. Shelton offered the following ordinance for first reading: (Rez / R-1 to R-3, SW corner Scott & Belt Rd. N side Church of Christ)

AN ORDINANCE TO AMEND #954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES AND OTHER PURPOSES

Mr. Stricklin stated a number of individuals had voiced opposition to the proposed zoning. Al Blanks stated the property owners would like to sell to someone interested in a church, but otherwise it would be used as an apartment complex. Mayor Brodell suggested area residents have a meeting concerning the rezoning proposal to discuss the matter. Mr. Blanks concurred. Two individuals voiced opposition to the proposal, Dr. Al Skoog and Mr. Jim Lansford and stated the entire neighborhood is opposed to the rezoning and that a bill of assurance in effect may have expired either last year of this year.

Mr. Nix offered the following ordinance for first reading: (Rez / R-3 to C-5, NE corner Patrick & Matthews, Schrantz)

AN ORDINANCE TO AMEND #954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES AND OTHER PURPOSES

Mr. Stricklin moved, seconded by Mr. Nix to suspend the rules and place on second reading. All voted aye. Mr. Stricklin moved, seconded by Mr. Evans to further suspend the rules and place on third reading. All voted aye. Mr. Nix moved, seconded by Mr. Shelton for the adoption of the ordinance with the emergency clause. All voted aye. The ordinance was given the number 2310.

Mr. Stricklin offered the following ordinance for first reading: (Rez / C-2 to C-1, E side of Church between Buffalo & Oak, St. Bernard's)

AN ORDINANCE TO AMEND #954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES AND OTHER PURPOSES

Mr. Stricklin moved, seconded by Mr. Shelton to suspend the rules and place on second reading. All voted aye. Mr. Stricklin moved, seconded by Mr. Shelton to further suspend the rules and place the ordinance on third reading. All voted aye. Mr. Evans moved, seconded by Mr. Stricklin for the adoption of the ordinance. All voted aye. The ordinance was given the number 2311.

Mr. Shelton offered the following ordinance for first reading: (Rez / R-1 to R-3, E of Harrisburg Rd., W of S. Caraway, Arnold)

AN ORDINANCE TO AMEND #954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES AND OTHER PURPOSES

Mr. Shelton moved, seconded by Mr. Stricklin to suspend the rules and place on second reading. All voted aye. The attorney for the property owner, Jim Lyons requested the third reading be withheld until the second regular meeting in January in order for the MAPC to have an opportunity to review the site development plan before bringing back to the council.

An ordinance regarding the 1991 budget was discussed at length. Mr. Mays moved, seconded by Mr. Nix to pull from the budget the section of City Attorney until further review by a committee. Mr. Hannah stated he would not be supportive of a motion singling one individual out.

Mr. Hannah asked which committee Mr. Mays was referring to in his motion, the committee that hired the City Attorney or the Finance Committee.

Mr. Mays quoted the City Attorney in a letter addressed to Mayor Brodell on December 7, 1990, from Pamela Honeycutt stating that it was her understanding that "my responsibilities would lie solely with representing the city in Municipal Court, the appeals in Circuit Court and on various research issues for the city and drafting deeds and attending City Council meetings." She further added, "If I am required to do so, I will represent the city on these two cases, but I assure you that my preparation and representation of the city will be lacking given the time constraints involved." Mr. Mays stated the Ordinance of record regarding the duties of the City Attorney had not been amended and therefore her position needed to be clarified.

Ms. Honeycutt stated she never said that she would not represent the city and there was a misunderstanding as to what her job consist of. She added she had not shirked her responsibility and asked for assistance because of the backlog of things to do. She also stated that she understood the office would be restructured.

Dr. Strauser stated the city had made some adjustments since the last City Attorney. Mr. Shelton asked what the responsibilities of the City Attorney consisted of. Mayor Brodell stated the ordinance clearly spells out the duties of the City Attorney. Ms. Honeycutt stated she had an Attorney General's opinion that the Prosecuting Attorney authorizes the City Attorney to handle appeals to the Circuit Court, but this was not the issue in this matter.

The Mayor asked Ms. Honeycutt if it was her responsibility to perform whatever the ordinance calls for. She responded she would do what the ordinance required.

Dr. Strauser stated there are (2) current cases that Ms. Honeycutt requested additional legal counsel be hired and that she is not representing the city.

Ms. Honeycutt added other cities routinely farm their cases out. She stated she is in court sixteen (16) hours a week and cannot handle everything.

Mr. Nix inquired as to the provisions for Municipal Court of paying for a substitute when she is not present. Ms. Honeycutt stated she will appoint a deputy and pay him out of her salary and that the AR State Code will authorize it. Mr. Nix added the city has paid for a substitute for Municipal Court regardless of the reason Ms. Honeycutt did not attend.

Dr. Strauser stated the city cannot sub-contract.

Ms. Honeycutt added that she can pay a deputy out of her \$24,000 budget but not out of her \$16,000 present budget, and that the AR State Code specifically states the City Attorney can hire a deputy if it is a part-time job. She stated she has Municipal Court, Bankruptcy Court and conflicts she cannot avoid. Mr. Honeycutt stated the part-time deputy would be used only in special circumstances.

Mr. Evans asked Ms. Honeycutt if she had a civil matter, who would fill in her place in Municipal Court. She stated a substitute would take her place. She added Judge Webster is considering adding an additional court day.

Ms. Honeycutt stated that her budget had a line item - Professional Services that she did not know was to be used for the audit and assumed it was for additional legal assistance. She stated she was told by Finance Director, Herb Davis that the hiring of additional attorneys to replace her in Municipal Court would be paid by the city.

Dr. Strauser stated the motion was not intended to be derogatory, but that too many unanswered questions needed resolving.

Ms. Honeycutt inquired the amount she would be paid.

Dr. Strauser responded that a special meeting to iron out the matter may be required to respond to her question. Mr. Nix suggested having a meeting on January 7, since no pay day would occur until the 15th. Mr. Hinson asked if the committee would make the amount of the City Attorney Budget retroactive to January 1st. Dr. Strauser stated an analysis and review could be made and the City Attorney budget reinstated and modified. Mr. Sanderson suggested appointing a committee to review the budget, as the committee that hired the City Attorney is not a standing committee.

Mayor Brodell stated the committee had not gotten back with Ms. Honeycutt to discuss the matter. The Mayor read from the minutes of June 18, 1990, Mr. Hannah stated he felt a 50% salary increase was pretty good and

Mr. Sanderson urged the committee to meet with Ms. Honeycutt regarding her recommendations that might be combined with the earlier recommendations.

Mr. Sanderson urged the Mayor to appoint a new committee. The Mayor stated he would appoint a new committee by 9:00 a.m., Tuesday, December 18, 1990. (On Tuesday morning following the meeting Mayor Brodell appointed a committee consisting of Mr. Mays, Chairman; Mr. Province, Mr. Shelton and Mr. Stricklin)

The Clerk restated the motion by Mr. Mays, seconded by Mr. Nix to pull from the 1991 budget the section of City Attorney until further review to a committee. A roll call was taken and voting aye were Alderman Park, Stricklin, Bridger, Province, Mays, Strauser, Hinson and Nix. Voting nay were Hannah, Evans, Shelton and Sanderson. The motion passed 8-4.

Dr. Strauser moved to adopt a budget of \$10,349,326.00. There was no second.

Mr. Evans moved to amend the budget to provide for a pay increase for Betty Marlar, Secretary to Planning and Inspection to \$15,000.00, seconded by Mr. Shelton. A roll call vote was taken and all voted aye with the exception of Mr. Bridger who voted nay. The motion passed 11-1.

Mr. Bridger voiced opposition to the budget in that department heads were unaware that could put into their budget raises and in fact were told not to include raises. He stated the addition of a Personnel Director on board would make the matter more equitable. He added he did not doubt some adjustment should be made. Mr. Bridger moved, seconded by Mr. Hannah that all proposed salary adjustments be removed from the budget at this time and to go with the 4 1/2% raise across the board, subject to the entire salary raises being reviewed. Mr. Hinson stated that the budget and all salaries were reviewed by the Finance Committee at two (2) previous meetings and each department head took into consideration the raises at that time and that he felt they should remain in the present budget.

Mr. Hannah suggested a committee review salaries consisting of the Mayor, Dept. Head, Chairman of the committee and the Finance Committee to see if any salary adjustments are warranted.

Mr. Nix asked if the committee could not make recommendations of salary adjustments and the Council go ahead and adopt the budget and add the salary adjustments after the review. The Mayor stated that could be done. Mr. Nix asked if Mr. Bridger was stating he did not agree with some getting raises and to consider some additional personnel for salary increases. The Mayor stated that Gene Barnett, Street Supt. asked at the last Finance Committee of Dr. Strauser, Chairman if additional raises could be considered. The Chairman responded yes, and the members of the committee also said yes to the Mayor's recollection. Mr. Bridger asked when the Mayor proposed that this be done. The Mayor responded "At any time."

Herb Davis, Finance Director stated there is a lot of additional work that goes into the final draft of the budget to get in the computer and in closing out the year of 1990 and the setting up of 1991.

A roll call vote was taken on the motion by Mr. Bridger which was restated by the Mayor. Voting aye were Hannah, Bridger, and Sanderson. Voting nay were Park, Stricklin, Evans, Shelton, Province, Mays, Strauser, Hinson and Nix. The motion failed 3-9.

Mr. Shelton offered the following ordinance for first reading:

AN ORDINANCE ADOPTING A 1991 BUDGET FOR THE CITY OF JONESBORO, ARKANSAS

Mr. Shelton moved, seconded by Mr. Evans to suspend the rules and place on second reading. All voted aye. Mr. Evans moved, seconded by Dr. Strauser to further suspend the rules and place the ordinance on third reading. All voted aye. Mr. Evans moved, seconded by Dr. Strauser to adopt the ordinance with the emergency clause. A roll call vote was taken and all voted aye with the exception of Mr. Hannah who voted nay. The motion passed 11-1. The ordinance was given the number 2312

Mr. Stricklin offered a resolution for the condemnation of property located at 818 E. Matthews. Following discussion, Mr. Stricklin moved, seconded by Mr. Evans for the adoption of the resolution. All voted aye. The resolution was given the number 1990:58.

Mr. Hannah offered a resolution for placement of traffic control signs as requested by the Traffic Control Officer as follows: 40 mph signs from U.S. 63 on Caraway Road to Hwy 1 B with a School 25 mph when children are present: on Caraway Road from Englewood to W entrance of the Human Development Center and a yield sign on Tall Birch St. at its intersection with Strawfloor Rd. Mr. Hannah moved, seconded by Mr. Stricklin for the adoption of the resolution. A roll call vote was taken. All voted aye. The resolution was given the number 1990:59.

Mr. Brodell introduced Donnie Wise who was in attendance in the audience and who will replace Mr. Park as Alderman for Ward 5.

Harry Park was commended by several Aldermen for his outstanding service and sincerity in devotion to the job of Alderman to the citizens of Jonesboro.

Mr. Park noted an article commending Chief John Morgan that appeared in the Arkansas Gazette for his leadership as Police Chief in the City.

Mr. Stricklin noted a report placed on the Alderman's desks concerning the location of parks throughout the municipality.

With no further business, the meeting adjourned.