



Legislation Details (With Text)

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Minutes from the City Council meeting on November 17, 1986
CITY COUNCIL MINUTES - NOVEMBER 17, 1986

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

The minutes of November 3, 1986, were approved as mailed on motion by Mr. Hannah, seconded by Mr. Stricklin. All voted aye.

Mr. Nix offered the following ordinance: (Annexation-Industrial Park, AG-1, 2,960 acres)

AN ORDINANCE ACCEPTING CERTAIN LANDS ANNEXED TO THE CITY OF JONESBORO, ARKANSAS BY ORDER OF COUNTY COURT OF CRAIGHEAD COUNTY, ARKANSAS ASSIGNING SAID ANNEXED TERRITORY TO WARD 6; ZONING SAID ANNEXED TERRITORY AGRICULTURAL 1 (AG-1); DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

Attorney Tommy Womack stated the proposal calls for the annexation of 50 acres adjacent to the existing industrial park off E. Highland, 760 acres recently acquired for the new industrial park and 2,150 acres between Commerce Drive and the 760 acre tract. Mayor Stallings asked Mr. Womack to provide the County Clerk with a list of the some 150 petitioners so that they might be added to the voting records. He also asked Mr. Womack to provide the Building Inspector with more detailed maps of the proposed tract. Mr. Womack agreed to both request.

The following ordinance was on third reading: (Annexation-D. Ferguson, Craighills Golf Course, & B. Brooks, Hwy. 1 S.)

AN ORDINANCE ACCEPTING CERTAIN LANDS ANNEXED TO THE CITY OF JONESBORO, ARKANSAS BY ORDER OF THE COUNTY COURT OF CRAIGHEAD COUNTY, ARKANSAS; ASSIGNING SAID ANNEXED TERRITORIES TO WARD 5; ZONING SAID TRACT L RESIDENTIAL (R-2) AND ZONING SAID TRACT 2 RESIDENTIAL (R-2); DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

Mr. Hannah moved, seconded by Mr. Shelton to adopt the ordinance. All voted aye. The ordinance was given the number 2003.

Mr. Park offered a resolution pleading \$50,000 in 1987 and in 1988 from the money forthcoming from Crane for industrial development. Mr. Hannah moved, seconded by Mr. Park to adopt the resolution. All voted aye. The resolution was given the number 1986:40.

The Landfill Closure Plan, also known as the remedial action design describing the steps which the city must take before the landfill is formally closed, including grading and surface water diversion, cover, re-vegetation and sampling of monitoring wells was discussed by the council. Mayor Stallings stated that he had contacted Dr. Phyliss Garnett, with P C & E and told her it was impossible to meet the November 8, deadline of submitting the closure plan until the council could meet and take action. Dr. Garnett concurred and stated the closure plan and cover letter would be acceptable on November 18. The Mayor then recommended that Aldermen approve the closure plan and asked for discussion. Mr. Hannah inquired about the cost of closing the landfill. Jeff Gibson responded by saying that the closure that is being required under the agreement the city has with P C & E with the permits, the city has agreed to do the closure including covering the entire area and seeding would cost in the range of \$150-\$170 thousand dollars. He added that he does not know the cost of monitoring the wells. He further responded to a question concerning sampling of the monitoring wells by stating the city can use EnviroMed or take bids on firms located in Memphis and Little Rock. The closure plan is based upon the EnviroMed findings which includes a monitoring system with monitoring wells. P C & E needed the technical information of the study to come up with the closure plan. Mr. Hannah inquired about the difference in the closure plan that the city submitted and the closure plan that was in the original plan.

Mr. Gibson stated that basically, the closure plan is what we have already agreed to plus the monitoring of the wells. Said wells were not required under the original permit. Mr. Hinson inquired about the frequency with which the samples would have to be taken as set out in the last paragraph of the closure plan. Mr. Gibson stated that P C & E may come back in a year and state a different schedule, but the proposal calls for samples to be taken on a quarterly basis for 1 year, and then semi-annually for 2 years. The Quaternary wells will then be sampled in the spring and fall seasons for 3 consecutive years starting in 1987. Mr. Hinson asked about the date the landfill would be closed and Mr. Gibson responded by stating P C & E had set the deadline of December 1, 1986. Mr. Evans inquired about the threat of contamination. Mr. Gibson stated that through proper placement of the final cover, there should be no threat to the environment.

Mayor Stallings announced a Public Hearing would be held on November 24, 1986, at 6:00 p.m. at City Hall to discuss the permitting of a .992 acre tract adjacent to the landfill.

Mike Cameron, former Public Works Director addressed the council and inquired about the findings of the City Attorney with regard to compliance with the administrative order. Jim Burton responded by saying the Administrative Consent Order is an order setting out a set of agreements or terms of compliance between a city, or an individual, or commercial, i.e. an entity as it might be and P C & E. They are given certain authority by the State of Arkansas to make those agreements. A consent order is not a self-enforcing or self-actuating document. A party that signs a consent order is not necessarily waiving any of its legal remedies, if for some reason they felt compelled at a later date not to comply. All that is being done in these stages and the City of Jonesboro is providing P E & E with those elements that heretofore it agreed to provide at given deadlines. When the consent order was entered, it set forth the steps that are taking place now, one of which is the submission of the closure plan. Mr. Cameron asked if the consent order was voted upon by the council. Mr. Burton responded by saying the order was entered and voted upon October 8, 1985. (The council vote was taken at the October 7, 1985, council meeting according to the permanent record of the minutes.) Mr. Cameron

added in September of 1985, a Public Hearing was held regarding reclassification and P C & E made the decision to reclassify from Class I to Class IV. He asked if the council has ever appealed or tried to override the ruling made by P C & E. The Mayor responded that he felt the city had no choice, and still feels that we don't. Mr. Cameron asked, based upon EnviroMed study that there was no contamination and no health threat, would that not be grounds enough to appeal the closure of the landfill? Jeff responded by saying the study indicates we are not contaminating the water, but it does not say we are an acceptable landfill that should continue as an operating landfill. The study found that the existing sand and gravel does not meet the landfill requirements of today and that the conditions under which the landfill was permitted in 1978 are different from 1986, which says it is not an acceptable landfill. Mr. Cameron asked the City Attorney if there was an intermediate step the council could take asking for a hearing from the commission. Mr. Burton responded that he believed that was available. The Mayor stated that the city has, in effect, no alternative. He added that municipal officials have won concessions from P C & E during the past 18 months, and hope to secure an amendment to the landfill permit. He added that approval of the closure plan in essence was a vote on how we are going to close it, and the vote would have no bearing on what could be done in the future.

Mr. Hannah asked Mr. Sanderson, Chairman of the Sanitation Committee if the committee had met on the closure plan. Mr. Sanderson stated he felt each member of the committee was in favor of the plan, but they had not met collectively to discuss it. A voice vote was taken. All voted aye. Mr. Sanderson suggested a roll call vote. All voted aye, with the exception of Dr. Strauser who abstained. Mr. Hannah expressed a sad lack of communication within this body of officials on the matter. Mr. Sanderson concurred. The Mayor stated that he did not know of a subject that had been more thoroughly covered than the landfill and newspaper articles regarding the city's problems with the landfill filled a scrapbook.

Mr. Hannah moved, seconded by Mr. Evans to allow the placement of mobile homes at 1709 and 1711 Irby by Harold Ray Simpson. All voted aye. Mr. Sanderson asked Mr. Simpson if he was aware of the water problems on the property, and would not hold the city liable for any damages to the trailers. Mr. Simpson stated he was aware of the problem existing and would not hold the city liable.

Mr. Bridger stated the council should take some direction with regard to rehabbing of house trailers and action has been delayed too long on the matter and policies should be established regarding them.

Mr. Hannah stated the Finance Committee recommends repair work be done on the stage at the Forum by an engineer to correct structural problems. He moved to allocate \$7,500 in capital improvement monies for emergency structural work underneath the stage which includes engineering fees, and material, with the city performing the labor; and to have the City Attorney prepare an ordinance by the next meeting to waive bidding on cost of material for stage repair @ \$4,409.27 Mr. Evans seconded the motion. All voted aye.

With no further business, the meeting adjourned.