



## Legislation Text

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**File #:** MIN-93:018, **Version:** 1

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Minutes for the City Council meeting on September 7, 1993

PUBLIC HEARING - 6:45 P.M. - A public hearing was held as requested by Mr. Terry Maxfield regarding the establishment of the "American Cab Company". Mr. Maxfield was represented by his attorney, Mr. Scott Davidson. Mr. Davidson explained to the Council that Jonesboro is in need of a dependable taxi-cab service. One that offers competitive rates, courteous drivers, and well maintained vehicles. Mr. Doug Ferguson, Ms. Latrice Smith and Ms. Addie Rolea' spoke in favor of an additional cab service for Jonesboro. Those opposed to the "American Cab Service" were Mr. Gerald Merideth, owner of Thrifty Cab, and Mr. Harvey Hudspeth, owner of Jonesboro Cab. Mr. Merideth stated he was opposed because he had put a lot of money into his cab service and they had done their best to serve Jonesboro residents. Mr. Hudspeth stated he was opposed to another cab service because it would create price wars, and Jonesboro Cab had not raised its prices in three years. Mr. Jason Meredith, Dispatcher for Thrifty Cab, accused Mr. Maxfield of operating without a license. Councilman Evans questioned Mr. Maxfield regarding this matter, and was told that even though he (Mr. Maxfield) had accepted tips he had stopped once informed this was illegal. Councilman Wise informed the Council that a survey was being done on the regulation of taxi-cab services and as soon as it was complete everyone would be notified.

PUBLIC HEARING - 7:00 P.M. - A public hearing was held regarding the vacating and abandonment of a street easement in Highland Forest Subdivision. Attorney Jim Burton represented Mr. Jerry Craft in the matter. Mr. Bill Stroud spoke in opposition, not to the abandonment, but to rezoning the area to Commercial. Attorney Burton stated they were only dealing with the abandonment and relocation of the street, not with the rezoning issue. Councilman Vance disagreed, and explained the two issues were connected and urged the Council to address the matter with that in mind.

CITY COUNCIL MINUTES - September 7, 1993

The Jonesboro City Council met in regular session at 7:30 p.m. Present were the Mayor, City Clerk, City Attorney and all council members with the exception of Councilman Perrin who was unable to attend.

The minutes of August 16, 1993, and August 30, 1993, were approved as mailed out by motion of Councilman Harpole seconded by Councilman Evans. A roll call vote was taken resulting in all council members voting aye.

Councilman Harpole offered the following ordinance for the first reading:

### AN ORDINANCE TO VACATE AND ABANDON A STREET EASEMENT IN HIGHLAND FOREST SUBDIVISION

Councilman Vance requested that the MAPC minutes, pertaining to the replating of the property in question, be mailed out prior to the next council meeting. No other action was taken on this ordinance.

The following ordinance was on the third reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE, PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND OTHER PURPOSES. (TOM REAGAN/J. McCAULEY)

Councilman Vance moved, seconded by Councilman Harpole for the adoption of the ordinance. Discussion followed. Councilwoman Ingram questioned the drainage problems in the area and was told the area had no drainage easements. However, Mr. Reagan was willing to give drainage easements if the rezoning and site plan were granted. Mr. Phillip Hank Walkley, Administrator of the Methodist Hospital spoke for a group opposed to the rezoning. The concerns listed by Mr. Walkley were drainage problems and decreasing property values. Mr. Steve Clark quoted ordinance number 2224 which states a mobile home subdivision may not be placed on an area less than two acres. Mr. Clark explained that Mr. Reagan's property is only 1.3 acres. A roll call vote was taken resulting in all council members voting nay, with the exception of Councilman Mullenix who voted aye.

Councilman Vance moved, seconded by Councilman Province to uphold the MAPC's decision regarding the site plan. A roll call vote was taken resulting in all council members voting aye, with the exception of Councilman Mullenix who voted nay.

Item 4C was tabled at the request of Mr. Ray Nickle, Attorney of Mr. John Prunty.

The following ordinance was on the third reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE, PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND OTHER PURPOSES. (DAN MULHOLLEN/PHILLIPS)

Councilman Hannah moved, seconded by Councilman Kelton for the adoption of the ordinance. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2502.

Councilman Bowers offered the following ordinance for the first reading:

AN ORDINANCE TO ESTABLISH A CURFEW APPLICABLE TO JUVENILES AND REGULATING THEIR PRESENCE ON PUBLIC STREETS AND OTHER PLACES

Discussion followed with Mayor Brodell stating that some military officers are under eighteen years of age and this should be considered when addressing the issue of curfew. City Attorney, Pam Honeycutt expressed concern over the enforcement of the curfew. Ms. Honeycutt stated when tickets are issued it will involve her office, court time, clerks, police officers and many other personnel and the matter of personnel to enforce this law should be considered. Interim Police Chief Jack McCann stated he had not received a copy of the ordinance and was concerned over the number of police officers needed to enforce the curfew law. Councilman Evans stated that many young people will get a friend who is 21 to act as the guardian and that the City of Jonesboro could have lawsuits of harassment filed against it. Councilman Province stated the ordinance needed to be fine tuned. He explained as Administrator of Jonesboro High School he has to deal with the age issue and written excuses and it is difficult to determine the authenticity of either. Councilwoman Ingram agreed the ordinance needed to be fine tuned and the ordinance as is would make the Police Department babysitters, and there is not enough police personnel to enforce the law. Mayor Brodell stated that the Municipal League has a difference of opinion on the legalities of a 12 month curfew. The Mayor stated that in most cities a curfew is established for 90 to 120 days as a trial period to see how it will work, then get feedback from other City Officials. Councilman Hannah, speaking in favor of the ordinance, stated this would give police officers a reason to stop

juveniles and possibly prevent potential gang related activity. Councilwoman Ingram made the recommendation that the Council study the issue further and come back with recommendations at the next Council meeting.

Councilman Kelton offered the following ordinance for the first reading:

AN ORDINANCE AMENDING SECTION 503.2.1 OF THE 1991 STANDARD MECHANICAL CODE AS ADOPTED BY THE STATE OF ARKANSAS

Councilman Vance moved, seconded by Councilman Wise to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Councilman Wise then moved, seconded by Councilman Kelton 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. Councilman Harpole moved, seconded by Councilman Bowers for the adoption of the ordinance with the emergency clause. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2503.

Councilman Mays offered the following ordinance for the first reading:

AN ORDINANCE TO IMPROVE THE TRAFFIC FLOW IN THE CITY OF JONESBORO BY REMOVING UNNECESSARY MULTI-WAY STOP INTERSECTIONS.

Dr. Michael Dougan addressed the Council regarding the removal of "STOP" signs along Madison at Cherry and Oak streets. Dr. Dougan submitted a petition including the names of local residents and contended that very few residents were questioned regarding the removal of the "STOP" signs. Dr. Dougan explained prior to the placement of the "STOP" sign there had been numerous accidents in the area, some of which were severe. Mr. Scott Mixon, spokesman for the MATA group explained to solve the traffic problem in Jonesboro, some tough decisions would have to be made. Councilman Mays moved, seconded by Councilman Wise to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. No further action was taken.

Councilman Evans offered the following ordinance for the first reading:

AN ORDINANCE TO SECURE RIGHT-OF-WAYS IN DEVELOPING AND REDEVELOPING AREAS OF THE CITY OF JONESBORO.

Councilman Evans 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. Councilman Evans then moved, seconded by Councilman Harpole 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. Councilwoman Ingram questioned if builders were in agreement with the ordinance and was told by Councilman Kelton that yes they were. Councilman Harpole moved, seconded by Councilman Vance for the adoption of the ordinance. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2504.

Councilman Hannah moved, seconded by Councilman Province to approve Mr. Terry Maxfield's request to establish the "American Cab Company." A roll call vote was taken resulting in all council members voting aye.

Councilman Hannah moved, seconded by Councilman Mullenix to approve a contract between Total Tire Reclamation and the City of Jonesboro as recommended by the Solid Waste Authority. A roll call vote was

taken resulting in all council members voting aye.

Councilman Hannah offered the following ordinance for the first reading:

AN ORDINANCE TO AMEND ORDINANCES NO. 778 AND 1957 AND TO AMEND SECTIONS 5.16.10 AND 5.16.11 OF THE CODE OF ORDINANCES TO THE CITY OF JONESBORO, ARKANSAS.

Councilman Hannah moved, seconded by Councilman Bowers to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Councilman Hannah then moved, seconded by Councilman Harpole 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. Councilman Hannah moved, seconded by Councilman Harpole for the adoption of the ordinance. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2505.

Councilman Vance moved, seconded by Councilman Bowers to approve a proposal by Attorney Jim Lyons that the persons in favor of the formation of the Farm Creek Improvement District Number Five will be liable for a majority of the accessed benefits. A roll call vote was taken resulting in all council members voting aye. The proposal was adopted.

Councilman Bowers offered a resolution to adopt the Jonesboro Family and Medical Leave Policy to establish uniform procedures in enforcement of the Family and Medical Leave Act. Councilman Vance moved, seconded by Councilman Kelton for the adoption of the resolution. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:41.

Councilman Vance moved, seconded by Councilman Mays to table a resolution placing "STOP" signs at various locations in Jonesboro, and to have all traffic resolutions approved by the Long Range Planning Commission prior to being addressed by the Council. A roll call vote was taken resulting in all council members voting aye.

Councilman Hannah moved, seconded by Councilman Harpole to condemn two properties located at 216 Chestnut and 1008 Burke Street. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:43.

Councilman Hannah offered a resolution to establish the Keller's Chapel Street Improvement District. Councilman Mays moved, seconded by Councilman Bowers for the adoption of the resolution. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:42.

Under new business Mayor Brodell reported in the weeks to come the City of Jonesboro shall complete their Fire Rating evaluation and information shall be available at that time. Mayor Brodell informed the Council that any appointments he recommends will be provided to the Council two weeks in advance.

Councilman Mays moved, seconded by Councilman Harpole to approve the filing of Form 328 which allows the Council to regulate basic cable rates in the City of Jonesboro. A roll call vote was taken resulting in all council members voting aye.

Councilman Bowers moved, seconded by Councilman Harpole to appropriate \$20,829.00 for equipment for a fire truck. A roll call vote was taken resulting in all council members voting aye.

Mayor Brodell informed the Council regarding the 833 Act lawsuit which was filed in the county courts by Mike Walden, Attorney. Mr. Walden informed Mayor Brodell to secure legal counsel because Jonesboro had been named as a plaintiff in the case. Since this case falls under the County a meeting was set up with Tom Bennette an attorney with the Mooney and Mooney Law Firm.

Councilman Mays moved, seconded by Councilman Vance to move \$430,999.00 from the Street Unappropriated Funds to the Street Contracts Budget for street overlays. A roll call vote was taken resulting in all council members voting aye. The motion was adopted.

Councilman Hannah addressed an article which appeared in the Jonesboro Review written by Councilwoman Ingram. Councilman Hannah stated that it was his desire to get the Council to work together, but he must respond to the criticism cited in the newspaper article. The issues raised were meeting with individuals to drink coffee and discussing local politics, complaints regarding the Called Meeting on August 30, 1993, to discuss garbage rates, and Sanitation Committee meetings. Councilman Hannah urged Councilwoman Ingram to come and address her complaints to the committee.

With no further business the meeting was adjourned at 10:45 p.m.