



Legislation Text

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Minutes for the City Council meeting on August 16, 2005
CITY COUNCIL MINUTES - AUGUST 16, 2005

The Jonesboro City Council met Tuesday, August 16, 2005, at 6:30 p.m. Members present were: Mayor Douglas Formon, City Clerk, Donna K. Jackson, City Attorney Phillip Crego and ten council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. Councilman Darrel Dover and Councilman Tim McCall were unable to attend absent.

Councilman Perrin moved, seconded by Councilman Moore to approve the minutes of the regularly scheduled meeting held August 2, 2005, as provided. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley.

City Attorney Phillip Crego discussed the legal report. He explained the civil cases are going down with three old cases that just needed to be closed. However, the criminal cases reported are increasing with the reason unknown. The APERMA report by Mr. Ralph Ohm shows several cases that are resolved, but there are some old cases still open and new cases that are being filed.

The Kenyon Huggins vs. Jonesboro case. The next scheduled appearance before Judge Wilson is scheduled for September 16, 2005. It has been indicated in the APERMA report that the City is requesting another extension. Mr. Claude Martin stated the barriers in the core area will be completed, which would be in compliance with ADA requirements. It was asked that Mr. Jeremy Bevill prepare a report to show the work that has been done and still needs to be done to the area.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM C-4, NEIGHBORHOOD, TO C-3, GENERAL COMMERCIAL DISTRICT, LOCATED AT 3425 EAST HIGHLAND. (Ronnie Johnson)

Councilman Farmer moved, seconded by Councilman Johnson for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. The ordinance was assigned ordinance number 3567.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM R-1, SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO R-5 WITH A (10) UNIT PER ACRE RESTRICTION, LOCATED ON THE WEST SIDE OF NORTH PATRICK STREET NORTH OF BELT STREET. (Randy Simpkins and Danny Wallis)

Councilman Farmer moved, seconded by Councilman Moore, to adopt for the purpose of discussion. Ms. Carolyn Tinsley spoke in opposition to the rezoning stating that she was concerned about how the increased traffic and crime from the apartments would affect the existing neighborhood. Ms. Tinsley stated that Patrick

Street already is narrow with large ditches on each side, as well as a blind spot. She also explained that currently there are several apartments that are neither managed nor maintained, which has decreased the property value of the surrounding neighborhood. Mr. Randy Simpkins explained that the surrounding areas were all zoned either Residential-2 or Residential-3 properties and the drainage will comply with City of Jonesboro requirements. It was explained that the developer is willing to grant the needed right of way to make improvements on the street as needed. City Planner David Harris agreed that the zoning is multi-family, but the predominate land use in the area is single-family. Multi-family use is possible if it redevelops. Mr. Harris did think it would exacerbate the existing traffic on Patrick and Belt. Mr. Harris explained the unusual shape of the property it would make it complicated to use for single-family, but might not make it unusable. However, a leg of the property could also relieve some traffic pressure, allowing traffic to flow west on to Fisher to get to Johnson. Mr. Harris' recommendation was to not change the zoning. It was also discussed how the excess traffic may affect a nearby school who drop off and pick up a large number of students. A roll call vote was taken resulting in all members voting nay. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. The motion was denied.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM R-1 RESIDENTIAL, TO C-3 COMMERCIAL, LOCATED AT 2001 E. NETTLETON. (Berl Smith/Bobby Gibson, Attorney)

Councilman Perrin moved, seconded by Councilman Moore for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. The ordinance was assigned ordinance number 3568.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM COMMERCIAL C-3, TO RESIDENTIAL R-6, LOCATED ON THE WEST SIDE OF DARA DRIVE JUST NORTH OF HIGHLAND DRIVE. (Robert Rees)

Councilman Moore moved, seconded by Councilman Street to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley.

Councilman Farmer offered the following ordinance for first reading:

ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE OUTSOURCING FOR THE CONSTRUCTION OF S. MATTHEWS AVE.

Councilman Street moved, seconded by Councilman Farmer to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. Councilman Moore moved, seconded by Councilman Street for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. Councilman Street moved, seconded by Councilman Johnson for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. The ordinance was assigned number 3569.

Councilman Perrin moved, seconded by Councilman Moore for the adoption of a resolution to accept a

temporary construction easement from City Water and Light for the purpose of realigning Hanley Drive to intersect with the newly constructed Highway 63B (Dan Avenue). Mr. Brian Wadley specified that the property currently belongs to City Water and Light. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. The resolution was assigned number 2005:94.

Councilman Moore moved, seconded by Councilwoman Williams for the adoption of a resolution authorizing the sale of property located at 1118 Creath Avenue to Mr. Curtis Tate for the sum of \$6,000.00. Mr. Curtis Tate was the only bidder. It was discussed whether there was a formal policy regarding appraisals for property before being purchased or sold by the City. Mr. Crego advised that there are no formal policies regarding appraisals. Concern was also expressed regarding the value of the house that is currently standing on the property. Plans were made to tear the house down if the City maintained ownership of the property. Councilman Hargis had sent a letter stating his concerns regarding the sale of the 1118 Creath property. A copy of Councilman Hargis's letter is attached as an addendum to the official record. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. The resolution was assigned number 2005:95.

Councilman Hargis moved, seconded by Councilman Moore for the adoption of a resolution authorizing the purchase of property from the Northeast Arkansas Humane Society for the construction of facilities to house the Street, Sanitation, and Animal Control Departments. A discussion followed regarding what the cost of construction to the land would cost the city to house the departments and whether the property would be ready to build on without any big financial costs. It was also explained that several different properties were considered, but met opposition because no one wanted the sanitation department near their homes or businesses. However, this particular property had no opposition from the surrounding area. A roll call vote was taken resulting in a six to three vote in favor of the motion; however seven votes are needed to pass a measure, so Mayor Formon cast the passing vote. Those members voting aye were: Province, Hargis, Moore, Williams, Street, Ashley and Mayor Formon. Those members voting nay were: Perrin, Johnson, and Furr. Councilman Farmer abstained from discussion and voting due to indirect interest by virtue of owning the property where the Humane Society is currently located. The resolution was assigned number 2005:96.

Councilman Moore moved, seconded by Councilman Hargis for the adoption of a resolution approving amendment number 9 for the Community Development Block Grant Program. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. The resolution was assigned number 2005:97.

Agenda Item number 10, a resolution accepting an architectural contract with Matt Silas for the renovation of the former fire station building for the Community/Transportation Center, was pulled for further review at the request made earlier in the day, by Mr. Paul Copeland.

Councilwoman Williams moved, seconded by Councilman Hargis for the adoption of a resolution accepting the bid for automated transit fareboxes. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. The resolution was assigned number 2005:98.

Councilman Perrin moved, seconded by Councilwoman Williams for the adoption of a resolution accepting the bid for transit shelters. It was discussed whether the shelters were movable and it was mentioned that it had already been decided to test the routes before the shelters are stabilized. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson,

Furr, and Ashley. The resolution was assigned number 2005:99.

Councilwoman Williams moved, seconded by Councilman Moore for the adoption of a resolution to enter into a grant agreement with the Arkansas Forestry Commission. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. The resolution was assigned number 2005:100.

Councilman Perrin moved, seconded by Councilman Hargis for the adoption of a resolution requesting free utility service from City Water and Light for the property located at 107 Flint Street at the following metered locations: 628 Burke Avenue, 628 Burke Avenue rear, and 630 Burke Avenue. It was discussed whether the utilities at the new facility would be more conservative, but since the building is larger the cost of utilities would increase. However, the new building will be as conservative as possible. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. The resolution was assigned number 2005:101.

Councilman Johnson moved, seconded by Councilwoman Furr for the adoption of a resolution creating and appointing members to the ad hoc Mayor's Taskforce Convention Center Committee. A voice vote was taken resulting in all members voting aye, with the exception of Councilman Perrin who abstained from voting. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Furr, and Ashley. The resolution was assigned number 2005:102.

Councilman Moore moved, seconded by Councilwoman Williams for the adoption of a resolution amending Resolution No. 2004:113 setting fees for the Parks and Recreation Department. Mr. Jason Wilkie explained the fee schedule contained existing fees with new ones added, with no added increase in the cost. There was also some concern about the Allen Tennis Facility, whether it was per court per hour or per person per court per hour. Mr. Wilkie also noted that the Allen Tennis Facility should be per hour and a half, not per hour. He also indicated that when people rent out Craighead Forest Park, the general public can still use the park without paying an admission fee. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley. The resolution was assigned number 2005:103.

In new business by the Mayor, Mr. Formon discussed setting a yearly date to have an auction. An auction will be held on the first Saturday in October, but the yearly date will probably be in the spring and will be set at a later time.

Councilman Farmer announced the Finance Committee meeting for August 18th at 4:00 p.m. and requested all agenda items be provided prior to the meeting.

Under public comment Mr. Will Earnhart addressed a drainage problem on Patrick Street by the intersection near Belt Street. Mayor Formon requested Mr. Claude Martin, Public Works Director to meet with Mr. Earnhart and set up a time to visit the intersection in question, and provide a written report to Mr. Earnhart.

Dr. Robin Anderson addressed a problem with a recent buyer of a lot in her neighborhood on Sunnybrook Drive. Dr. Anderson explained while the letter of the law was not broken the spirit of the law was. She further explained MAPC had denied her request to address the matter, but was advised by Mr. Crego that although the buyer was in compliance with City Code, she may pursue the matter privately. City Planner David Harris stated based on the past he had no choice but to allow property to be replated into smaller lots. Discussion was held regarding the need to look at establishing guidelines for the replating of property, and it was explained that just

because it was done in the past does not mean it is the best recourse to take. Ms. Janice Hart and Mr. Howard Kell both spoke in opposition of the replating at Sunnybrook and requested something be done to prevent this from happening in the future.

With no further business, Councilman Moore moved, seconded by Councilman Ashley to adjourn the meeting. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Johnson, Furr, and Ashley.