



Legislation Text

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Minutes for the City Council meeting on January 18, 2005
CITY COUNCIL MINUTES - January 18, 2005

The Jonesboro City Council met Monday, January 18, 2005, at 6:30 p.m. A full quorum was in attendance. Present were: City Clerk, Donna K. Jackson, City Attorney Phillip Crego, and eleven council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman McCall moved, seconded by Councilman Dover accepting the recommendation of the Nominating and Rules Committee to designate Councilman Farmer to chair the City Council meeting in the absence of Mayor Formon and President Pro Temp, Harold Perrin who were representing the City of Jonesboro at an appreciation dinner being held in Little Rock, Arkansas honoring local legislators.

Councilman Moore moved, seconded by Councilman Street to approve the minutes of January 4, 2004, as provided. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley.

City Attorney Crego provided a legal report stating the lawsuit involving HAML Investments was being handled by Attorney Ralph Ohm who had filed a reply, but was waiting for a trial date to be set. In the Henry Bingham case involving condemnation for right-of-way, a jury verdict found for the plaintiff in the amount of \$42,297.00. Mr. Bingham then filed an appeal stating the appraised value amount of \$21,424.00 should have been in addition to the \$42,297.00. City Attorney Crego explained the Appellate Court ruled in favor of Mr. Bingham's appeal, and the City of Jonesboro had three options: 1) Pay the sum of money; 2) Request a rehearing by the Court of Appeals; 3) Request a petition for review by the Arkansas Supreme Court. Councilman Moore questioned since the City had the property appraised at \$21,424.00 how could the jury determine a higher amount. Attorney Crego explained the City must provide just compensation, and since a corner piece of the property was carved from the rest of the Bingham farm land, additional compensation was deemed necessary. He explained the request must be filed with the Court, by Monday of next week, and would provide information on action taken by the next council meeting.

The following ordinance was on the second reading:

**ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES 6.08.01 DEFINING
"DANGEROUS ANIMAL."**

Councilman Moore moved, seconded by Councilman Hargis to strike the words, "adequately lighted and" from Section 2, Subsection "C" on the first page of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley.

Councilman Street offered the following ordinance for first reading:

ORDINANCE AMENDING THE CITY'S ZONING ORDINANCE TO PROVIDE FOR SEPARATE SINGLE

-FAMILY AND MULTI-FAMILY ZONING CLASSIFICATIONS

Councilman Street moved, seconded by Councilman Moore to suspend with the second and third reading of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Dover moved, seconded by Councilman Ashley 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, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Street moved, seconded by Councilman McCall 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, Street, Johnson, Dover, Furr, McCall and Ashley. The ordinance was assigned ordinance number 3511.

The following ordinance was on the second reading:

ORDINANCE ACCEPTING CERTAIN LAND ANNEXED TO THE CITY OF JONESBORO, ARKANSAS BY ORDER OF THE COUNTY COURT OF CRAIGHEAD COUNTY. (Tyler/Chastain Development)

Councilman Moore moved, seconded by Councilman Dover to strike the words “water and sewage” from Section 5 on page two of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Street moved, seconded by Councilman Moore to change the zoning classification from Residential (R-2) to read “R-1” in Section 4 of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley. Reports were provided by various department heads stating they saw no immediate problem with supplying services to the annexed area but predicted it would increase as the area developed. City Planner, David Harris was asked to research the matter and come prepared to provide a recommendation at the next city council meeting.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM (R-1) TO (C-3), LOCATED ON THE HIGHWAY 63 BYPASS (James & Terri Green)

Councilman Moore moved, seconded by Councilman Dover 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, Street, Johnson, Dover, Furr, McCall and Ashley.

Agenda Item 6 was addressed under “New Business by the Council”.

Councilman Dover moved, seconded by Councilman Hargis for the adoption of a resolution authorizing the Mayor and City Clerk to execute documentation to effectuate a MATA right-of-way contract with J. Peter Sartain, as Bishop of the Catholic Diocese of Little Rock for property located at 614 South Church Street, Parcel Number 42. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2005:03.

Under new business by the Mayor, Councilman Farmer introduced newly appointed, City Planner, David Harris. Mr. Harris began work January 17, 2005.

Councilman Street moved, seconded by Councilman Ashley to accept the recommendations of the Nominating and Rules Committee, reappointing Councilman Perrin as President Pro Temp, and the following council committee assignments:

Finance & Administration	Public Works	Public Safety
Darrel Dover	Cecil Province	Judy Furr
Alec Farmer	Chris Moore	Chris Moore
Jim Hargis	John Street	Harold Perrin
Ann Williams	Darrel Dover	Mitch Johnson
Harold Perrin	Alec Farmer	Jim Hargis
John Street	Jimmy Ashley	Tim McCall

Public Services	Nominating & Rules
Ann Williams	Alec Farmer
Tim McCall	Tim McCall
Cecil Province	Chris Moore
Judy Furr	Cecil Province
Jimmy Ashley	
Mitch Johnson	

A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley.

Councilman Farmer announced the Finance & Administration Committee meeting had been rescheduled for January 27, 2005, at 4:00 p.m. due to Finance Director, Larry Flowers and Grants Coordinator, Jim McKinnon being unable to attend the regularly scheduled meeting.

Councilman Street moved, seconded by Councilman Dover to suspend the rules for consideration of a resolution to appoint an individual to represent the Council; to provide guidance in the mitigation actions, and to adopt the Hazard (Disaster) Mitigation Plan. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Moore moved, seconded by Councilman Ashley for the adoption of the resolution. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley. The resolution was assigned number 2005:04.

Councilman Moore moved, seconded by Councilman Street to suspend the rules for consideration of appointing an ad hoc committee for filling the vacate position of Police Chief. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley.

Councilman Street moved, seconded by Councilman Dover to accept the recommendation of the Public Safety Committee to appoint the following individuals to the Police Search Advisory Committee: Councilwoman Judy Furr, Councilman Harold Perrin, Captain Kelly Baggett, Lieutenant Lynn Waterworth, Sergeant Ken Oldham, Patrolman Jeff Vernon, Ms. Maggie Guinn, and Mr. Eric Woodruff. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley.

Councilman Moore moved, seconded by Councilman Johnson to add to the agenda and bring back to the table an ordinance to vacate and abandon the unimproved street right of way for Union Street as requested by Mr. Gary Tyner of Union Pacific Railroad. Discussion followed regarding a temporary agreement which allowed the city to enter the property for the purpose of cleaning out the ditches. This agreement expired December 31, 2004, but it was explained they were in the process of drawing up another agreement. Councilman Street questioned if such an agreement circumvents the City's policy of doing drainage work on private property. City Attorney Crego explained the determination will be if the benefit to the public outweighs the advantage of a single property owner. Attorney Crego explained they were drawing up a use agreement and a waiver of fees which would amend the original ordinance and would have to be read three times as amended or waive the readings. Councilman Farmer explained if the ordinance was read a third time at this particular time, they could not pass the emergency clause due to the missing amendments and therefore it would not go into effect for 30 days. It was determined it would benefit Union Pacific Railroad to clean the ordinance up, and bring it back in two weeks with the amendments, and an emergency clause. Mr. Tyner stated he felt he could get these amendments prior to the next council meeting.

Councilman Hargis moved, seconded by Councilman Moore to suspend the rules and place on the agenda consideration for the establishment of an ad hoc committee to review a proposed Vicious Animal Ordinance and other animal control issues. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley. Councilman Dover moved, seconded by Councilman McCall to appoint the Vicious Animal Ordinance Advisory Committee. The recommended members named were: Roger Watkins, Kim Johnson, Glenn Gossett, Wanda Turner, Glen Joiner, Dr. Jack Jones, Ruth Scroggin, Dr. Kevin Reed, Dr. Roger McMillan, David Martin, and Ted O. Fortenberry. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley.

Councilman Dover reported they had attended a meeting that provided unique ideas for funding trucks for the Street Department and would hopefully submit that plan at the next Finance Committee meeting.

Councilwoman Furr announced the Police Chief Search Committee would be meeting tomorrow, January 19, 2005, at 2:00 p.m. in the Mayor's Conference Room.

Chairman Farmer recognized anyone wishing to address the City Council. No one addressed the Council.

With no further business, Councilman Moore moved, seconded by Councilman McCall for adjournment. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Street, Johnson, Dover, Furr, McCall and Ashley.