



Legislation Text

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Minutes for the City Council meeting on February 17, 2003
CITY COUNCIL MINUTES - FEBRUARY 17, 2003

The Jonesboro City Council met Monday, February 17, 2003, at 6:30 p.m. A full quorum was in attendance. Present were: City Clerk, Donna K. Jackson, City Attorney, Phillip Crego and twelve council members. Those members were: Farmer, Province (Councilman Province arrived late), Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. President Pro Tempore, Harold Perrin presided over the meeting for Mayor Brodell who was unable to attend.

Councilman Young moved, seconded by Councilman Moore to approve the minutes of February 3, 2003, and February 6, 2003, as previously delivered. A roll call vote was taken resulting in all members voting aye, with the exception of Councilman Province. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.

Attorney Phillip Crego addressed the City Council regarding the monthly legal report. A written summary of all cases being handled by Ralph Ohm, the Hot Springs Attorney through Garver & Garver Insurance was provided to council members. Attorney Crego reported on two cases: City of Jonesboro Vs. Sloan in which a settlement had been reached; and the Northworthy Vs City of Jonesboro case which is scheduled for trial March 2, 2003. Councilman Hargis asked for an update on Bill's Fresh Market. Attorney Crego reported at the last Metropolitan Area Planning Commission (MAPC) meeting, Mr. Phillips and his attorney, Jim Lyons had requested further amendments to modifications of the site plan, but were denied. He explained the MAPC requested Mr. Phillips respond to Mr. Glenn Batten, City Planner regarding trees being planted on the east side of the property. Attorney Crego stated if they do not hear anything from Mr. Phillips he would seek litigation.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE AMENDING THE 2003 BUDGET FOR THE APPROPRIATION OF FUNDS FOR THE DEVELOPMENT OF A STRIPE PARK ON MAIN STREET, CONTINGENT ON THE DEDICATION OF THE PROPERTY TO THE CITY OF JONESBORO BY THE BANK OF AMERICA

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 with the exception of Councilman Province who arrived late. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. It was explained by Ms. Nancy Crismon that the Downtown Enhancement Grant would not allow for the development of public parks, and the reason the request was being made to the Jonesboro City Council. Councilman Young moved, seconded by Councilman Moore to further suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye with the exception of Councilman Province. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Copeland moved, seconded by Councilman McCall for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye with the exception of Councilman Province. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin,

Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Copeland moved, seconded by Councilman Moore for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye with the exception of Councilman Province. The ordinance was assigned number 3400.

Councilman Street offered the following ordinance for first reading:

ORDINANCE AMENDING THE 2003 BUDGET FOR THE APPROPRIATION OF FUNDS FOR THE JONESBORO POLICE DEPARTMENT AND PLANNING AND INSPECTION

Councilman Street moved, seconded by Councilman Moore to suspend the second and third readings. A voice vote was taken resulting in all members voting aye with the exception of Councilman Province. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Moore moved, seconded by Councilman Street for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye with the exception of Councilman Province. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Copeland moved, seconded by Councilman Street for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye with the exception of Councilman Province. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The ordinance was assigned ordinance number 3401.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE APPROPRIATING FUNDS FOR THE REMOVAL AND DISPOSAL OF STORM DAMAGE DEBRIS

Councilman Moore moved, seconded by Councilman Dover to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye with the exception of Councilman Province. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Hargis questioned the \$200,000 amount stating the estimate was for \$300,000 with most of that amount to be reimbursed. Councilman Moore stated the job was bid out by the cubic yard and daily receipts would be provided. Councilman Moore moved, seconded by Councilman Street for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye with the exception of Councilman Province. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. Councilman Farmer explained the Arkansas Municipal League emphasized the need to specify what the emergency is in ordinances with an emergency clause. He recommended making the emergency clear when writing future emergency clauses. Councilman Copeland moved, seconded by Councilman Farmer for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye with the exception of Councilman Province. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The ordinance was assigned ordinance number 3402.

Councilman Moore moved, seconded by Councilman Hargis for the adoption of a resolution revising the Parks and Tourism's Outdoor Recreation Grant Program and entering into a binding agreement based on the Land and Water Conservation Fund Grants Manual. A voice vote was taken resulting in all members voting aye with the exception of Councilman Province. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned number 2003:10.

Councilman Moore moved, seconded by Councilman Street for the adoption of a resolution placing a 30 M.P.H.

traffic sign at the location of Washington Avenue between Church and Houghton Road. A voice vote was taken resulting in all members voting aye with the exception of Councilman Province. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned number 2003:11.

Councilman Dover moved, seconded by Councilman McCall for the adoption of a resolution authorizing the Mayor and City Clerk to execute the following MATA contracts and right-of-ways: Alma Jeanette Bohna, 1401 Angelus Street, Parcel 46; and First Baptist Church, Union Street access to Parking Lot, Parcel 22B. A voice vote was taken resulting in all members voting aye with the exception of Councilman Province. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned number 2003:12.

Councilman Street moved, seconded by Councilman Moore for the adoption of a resolution naming the following persons as judges, clerks and alternate workers to serve in the election of Directors for Positions 4, 5, and 6 of City Water and Light Board:

JUDGE:

Martha Secrease 935-5802

CLERKS:

Carroll Gott 932-2744

Dorothy Johnson 972-5177

Barbara McCauley 932-2324

ALTERNATES:

Alma Burk 935-5824

Clyann Ellis 932-1058

George Penter 932-4859

Lawrence Schneider 932-4469

Roy Secrease 935-5802

A voice vote was taken resulting in all members voting aye with the exception of Councilman Province. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy. The resolution was assigned number 2003:13.

Councilman Farmer moved, seconded by Councilman Hargis to table a resolution authorizing acceptance of state planning and research funds from the Arkansas Highway and Transportation Department for the establishment of a Metropolitan Planning Organization (MPO). The decision was made to postpone the resolution until more information could be provided about the MPO. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.

Councilman Young moved, seconded by Councilman Street to refer the Conditional Use Permit for The Merritt Group (Joel Taylor, Proprietor) back to the Metropolitan Area Planning Commission. City Planner, Glenn Batten explained the property owner must sign the application for conditional use and this requirement had not been met. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.

Councilman Moore moved, seconded by Councilman Street to pull Bid No. 2003:02 - Street Sweeper for the Street Department until the next council meeting, March 3, 2003. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.

Councilman Young moved, seconded by Councilman Street to refer the reappointments of Harry Hardwick (Ward 3) and Kathleen Pruitt (Ward 5) to the City Water and Light Board for consideration by the Nominating and Rules Committee. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.

Under new business, Councilman Dover, Chairman of the Audit Subcommittee reported they would be considering details of an independent audit and staff survey at the next Finance & Administration Committee meeting scheduled for Thursday, February 20, 2003, at 4:30 p.m. in the Huntington Building.

Councilman Farmer requested a legal opinion from City Attorney, Phillip Crego regarding the Council's financial obligation for jail fees, and requested Attorney Crego, based on the financial obligations, draft an agreement. Attorney Crego responded saying there is an agreement even though it is not a written agreement. He said the question is how long has the agreement been in place and what are the details of that agreement. Attorney Crego suggested the Council assign a committee to make recommendations on what the agreement should be beyond what state law provides. Mr. Crego agreed to provide a legal opinion by the next council meeting.

Mr. Jim Pinson addressed the Council regarding Bill's Fresh Market. Mr. Pinson questioned City Attorney, Crego about the Statute of Limitations regarding litigation, and was assured by Attorney Crego that was not a concern at the present time. Mr. Pinson then questioned if written notification was required since the last Metropolitan Area Planning Commission meeting. Attorney Crego responded saying no written notification was necessary since Mr. Phillips and his attorney, Jim Lyons were present at the MAPC meeting.

With no further discussion, Councilman Moore moved, seconded by Councilman Street for adjournment of the meeting. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Young, Dover, Copeland, McCall, and Roddy.