



Legislation Text

File #: MIN-01:231, **Version:** 1

Minutes for the City Council meeting on August 6, 2001

APPEAL HEARING 6:00 P.M. - An appeal hearing was conducted regarding the Metropolitan Area Planning Commission's recommendation to deny rezoning from Residential (R-1) to Commercial (C-3) for property located on the north side of Dan Avenue (Hwy 91), on both sides of Walpole Lane. Mr. David Best was represented by his attorney, Mr. C.M. Mooney. Mr. Mooney stated his client was agreeable to commercial limited use zoning, with the understanding that the property would not be used as a truck stop. Attorney Mooney explained the property was annexed as residential but had been used as commercial since the annexation. Attorney Chris Averitt spoke in opposition to the rezoning stating he represented several residents of the Shady Park Heights area. He explained annexation of Shady Park Heights was welcomed by residents, not only for fire and police protection, but for zoning protection as well. Attorney Averitt mentioned an existing truck stop located in the Shady Park Heights area, and stated it was an unsafe environment. He explained there had been a stabbing at the truck stop as early as last month and twenty two (22) other arrest reports involving vandalism, drugs, people passed out in the parking lot, and vagrancy. He explained these problems will be eliminated by the State Highway Department, but expressed concern that the zoning request was an attempt to relocate the truck stop business. He further stated there had always been suggestions by the owners of the property that it was not a truck stop even though there are trucks parked there with their motors running twenty-four hours a day. Attorney Averitt stated a C-3 zoning would allow for a truck stop, and it was his understanding the Metropolitan Area Planning Commission had rejected the commercial limited use proposal as mentioned earlier by Attorney Mooney. He explained the MAPC had rejected the proposal of a limited use overlay because it did not fit the residential character of the location, and because it would be premature to rezone property on the basis of a future change that has not occurred yet. Lastly, he stated no one is sure what restrictions can be placed on limited use zoned property. Attorney Mooney reassured Council that the area was not going to be used as a truck stop, and the current truck stop would be torn down. Councilman Kelton questioned if Mr. Best and Attorney Mooney would have any objections to including specific wording in the ordinance that would prohibit a truck stop. Both Mr. Best and Attorney Mooney agreed to Councilman Kelton's proposal. Councilman Rorex questioned if they would agree to prohibit a car wash. Attorney Mooney stated they plan to put a car wash in the location.

CITY COUNCIL MINUTES - August 6, 2001

The Jonesboro City Council met Monday, August 6, 2001, at 6:30 p.m. A full quorum was in attendance. Present were: Mayor Hubert Brodell, City Attorney Phillip Crego, City Clerk, Donna K. Jackson, and ten council members. Those members were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy. Councilmen Young and Councilman Crockett were not in attendance.

Councilman Roddy moved, seconded by Councilman Perrin to approve the minutes as previously delivered. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-1) TO COMMERCIAL (C-3 LIMITED USE), LOCATED ON THE NORTH SIDE OF DAN AVENUE (HWY 91), ON BOTH SIDES OF WALPOLE LANE. (DAVID BEST, BEST PETROLEUM)

Councilman Tate moved, seconded by Councilman Rega to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-2) TO COMMERCIAL (C-3), LOCATED ON THE NORTHEAST CORNER OF JOHNSON AVENUE AND SCOTT STREET (MAX DACUS, JR.)

Councilman Tate moved, seconded by Councilman Roddy to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy. Councilman Rega moved seconded by Councilman Tate to further suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy. Councilman Tate moved, seconded by Councilman Roddy for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy. The ordinance was assigned ordinance number 3308.

Councilman Tate offered the following ordinance for first reading:

ORDINANCE DEFINING “PROFESSIONAL SERVICES” FOR THE PURPOSE OF PROVIDING FOR THE ANNUAL NEGOTIATION OF CONTRACTS WHICH PROHIBITS THE USE OF COMPETITIVE BIDDING FOR THE PROCUREMENT OF PROFESSIONAL SERVICES.

Councilman Perrin moved, seconded by Councilman Moore to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy.

Councilman Rega offered the following ordinance for first reading:

ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF MOWERS FOR THE PARKS DEPARTMENT

Councilman Rega moved, seconded by Councilman Perrin to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy. Councilman Kelton moved, seconded by Councilman Rega to further suspend the rules and place on third and final reading. Discussion followed regarding the purchase of the mowers without waiving the bids and without a purchase order. Councilman Rorex stated he objected to waiving the bid after the mowers had already been purchased. Councilman Rega responded by saying he was open to any suggestions on how the Council could solve this problem without further breaking any more laws. Councilman Rorex suggested the person who broke the law be held responsible for paying the bill. City Attorney, Phillip Crego stated the only other option would be to declare the

contract void and return the mowers, but then the City would be open for a lawsuit. A voice vote was taken for the third and final reading, resulting in all members voting aye with the exception of Councilman Rorex and Councilman Moore. Those members voting aye were: Kelton, Tate, McCall, Rega, Province, Copeland, Perrin and Roddy. Councilman Rega moved, seconded by Councilman Tate for the adoption of the ordinance. Councilman Rega stated the City Council must take responsibility for the purchase of the mowers because a parks department employee acted inappropriately with regard to purchasing procedures. The recommendation was made to have Purchasing Agent, Steve Kent to send certified letters to all vendors that do business with the City of Jonesboro, reminding them of the purchasing requirements. Mayor Brodell stated he would send a notice to the purchasing agent requesting the certified letters, and provide council members a copy. Councilman Rega questioned when might the Council exercise some control over whether or not to purchase from a vendor who does not get a purchase order. City Attorney, Phillip Crego stated the questions that would need to be answered regarding legal responsibility are whether or not this particular vendor had been told by the purchasing agent of the procedures, prior to the purchase of the mowers and whether or not the Parks Director who made the purchase had the authority to do so in the eyes of the vendor. Councilman Rega clarified by asking if certified letters were sent to every vendor would it satisfy the notification responsibility of the City of Jonesboro. Attorney Crego concurred with Councilman Rega's statement. A roll call vote was taken resulting in an eight to two vote in favor of the adoption of the ordinance. Those members voting aye were: Kelton, Tate, McCall, Rega, Province, Copeland, Perrin, and Roddy. Those members voting nay were: Rorex and Moore. Councilman Rega moved, seconded by Councilman Perrin for the adoption of the emergency clause. A roll call vote was taken resulting in a seven to three vote in favor of the motion, but failed due to the two-thirds requirement for the passage of the emergency clause. The ordinance was assigned ordinance number 3309.

Councilman Rega moved, seconded by Councilman Roddy approving modifications to the Wage and Salary Management Plan for Exempt and Non-Exempt pay grades and authorizing the Human Resources Director and Finance Director to implement the changes. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy. The resolution was assigned resolution number 2001:32.

Councilman Tate moved, seconded by Councilman Moore for the adoption of a resolution requesting City Water and Light to provide free utility service at the following locations:

- 3609 Race Street for Allen Park
- 311 Forest Park Circle, for the annual 4th in the Forest
- 4514 South Caraway Road and 1400 E. Matthews for National Night Out.

A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy. The resolution was assigned resolution number 2001:33.

Councilman Tate moved, seconded by Councilman Copeland for the adoption of a resolution authorizing the Mayor and City Clerk to sell 0.027 acres located at 2216 Wilkins Street, to Mr. Skip Highfill for \$2,700.00. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy. The resolution was assigned resolution number 2001:34.

Councilman Rega addressed Council regarding Agenda Item Number 8 regarding the leasing of 127 acres located in Craighead Forest Park to the Arkansas Game and Fish Commission for a Nature Center. Councilman Rega explained that at the Parks Committee meeting, held August 1, 2001, several expressed concern for the "cyclists" (Bicycles, ATVs, Motorcycles) who use the park for riding and competition purposes. Councilman Rega moved, seconded by Councilman Moore to designate city property located on the north side of Craighead

Forest Park as a “Rider’s” Park to accommodate cyclists and riders of many different types. This motion was later amended to, “Designate at least 127 acres on the north side of Craighead Forest Park as a “Rider’s” Park to accommodate cyclists and riders of many different types. Several citizens expressed opinion regarding how the rider’s park should be designed. Mayor Brodell requested representatives meet with the Parks Committee and provide input for the design of the new riders’ area. Several citizens requested the Council to delay the passage of the resolution in order to allow time to research the matter and clearly stipulate the design of the park area. It was explained that Jonesboro could lose the Nature Center if it was delayed. Councilman Tate moved, seconded by Councilman Moore for the adoption of the resolution. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy. The resolution was assigned resolution number 2001:35.

Councilman Kelton moved, seconded by Councilman Rega to accept the appointment of Mr. John Street to the Metropolitan Area Planning Commission, replacing Mr. Ron Bennett with an expiration date of December 15, 2001. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy.

Councilman Perrin moved, seconded by Councilman Moore to accept appointments/reappointments of the restructuring of the Solid Waste Authority. They are as follows:

Kevin Orr with an expiration date of 2003
Paul Bookout with an expiration date of 2004
Carla Carlson replacing B. Wade with an expiration date of 2002
Bill Roddy with an expiration date of 2002
Tom Rainwater replacing H. Davis with an expiration date of 2004
Rick Wyatt replacing D. Mulhollen expiration date of 2004
Danny Harlan with an expiration date of 2003.
Kevan Inboden with an expiration date of 2003.

A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy.

With no further business, the meeting was adjourned.