



## Legislation Text

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Minutes for the City Council meeting on June 5, 1989  
CITY COUNCIL MINUTES - JUNE 5, 1989

The Jonesboro City Council met at 7.30 p.m. at City Hall. Present were Mayor, City Clerk, City Attorney, and all Aldermen, with the exception of Mr. Evans, who was absent.

The minutes of May 15, 1989, were approved as mailed on motion by Mr. Stricklin, seconded by Mr. Park. All voted aye.

The following requests to set hearings were made:

- 1) Public Hearing - to close a portion to Floyd St. 50 ft. in width and bounded on the South by the North right-of-way line of the St. Louis and Southwestern Railroad and on the North by the South right-of-way line of St. Louis and San Francisco Railroad. Mr. Shelton moved, seconded by Mr. Stricklin to set the public hearing at 7:00 p.m. All voted aye.
- 2) Public Hearing - to close the last 175 ft. of Belmont St. behind Wallace and Owens Supermarket by Frank Macon. Mr. Nix moved, seconded by Mr. Shelton to set said hearing. All voted aye.
- 3) Public Hearing - to close a portion of an alley running E from Main and between Jefferson and Jackson to the N/S alley between Jefferson and Jackson, lying between lots 6 and 7 in Block A of the original survey by Woody Freeman at 7:20. Mr. Nix moved, seconded by Mr. Stricklin to set said hearing. All voted aye.
- 4) Appeal Hearing - of a decision of the M.A.P.C. on rezoning property from R-3 to C-1, located at 717 and 719 E. Washington by Lenzy McCullough at 6:30 p.m. Dr. Strauser moved, seconded by Mr. Nix to set the hearing. All voted aye.

The Mayor suggested commencing the first hearing at 6:30 p.m. and hearing the remaining three in succession. However, for legal notice purposes for the newspaper, the City Clerk and City Attorney advised setting precise times for said hearings in order to meet the legal requirements. Mr. Hannah moved, seconded by Mr. Nix to hold said hearings at times originally designated. All voted aye.

The following bid was up for review:

1989-24 - 1. Mosquito Fogger

Mr. Sanderson moved, seconded by Mr. Shelton to accept the second bid from Public Health for \$4,915.00 for a typhoon model with a one year warranty. All voted aye.

The following ordinance was offered for first reading by Mr. Stricklin:

AN ORDINANCE TO AMEND #954 KNOWN AS THE ZONING ORDINANCE, PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES AND FOR OTHER PURPOSES.

Mr. Hannah moved, seconded by Mr. Nix to suspend the rules and place on the second reading. All voted aye.

The following ordinance was offered for the first reading by Mr. Shelton:

AN ORDINANCE TO AMEND #954 KNOWN AS THE ZONING ORDINANCE, PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES AND FOR OTHER PURPOSES

Bob Stuenkle represented the matter and stated the property owner was in agreement with stipulations of the M.A.P.C. Mr. Sanderson moved, seconded by Mr. Hinson to suspend the rules and place the ordinance on the second reading. All voted aye.

The following ordinance was offered for the first reading by Mr. Bridger:

AN ORDINANCE TO AMEND CHAPTER 15.16, SUBDIVISION REGULATIONS - IMPROVEMENTS, SECTION 15.16.01 REQUIRED IMPROVEMENTS OF THE CODE OF ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, BY ADDING A NEW SUB-SECTION (d), REGARDING STREET IMPROVEMENTS

The City Planner stated the ordinance would correct a section omitted from the Code Book as well as clarify a cross-reference. Mr. Hannah moved, seconded by Mr. Stricklin to suspend the rules and place on the second reading. All voted aye. The ordinance was read for the second time. Mr. Hannah moved, seconded by Mr. Sanderson to further suspend the rules and place on the third reading. All voted aye. The ordinance was read for the third time. Mr. Hannah moved, seconded by Mr. Shelton for the adoption of the ordinance with the emergency clause. All voted aye. The ordinance was given the number 2177.

Dr. Strauser offered the following ordinance for the first reading:

AN ORDINANCE TO OFFICIALLY ACCEPT THE AREAS ANNEXED INTO THE CITY OF JONESBORO, ARKANSAS ON APRIL 7, 1989, TO ZONE THOSE AREAS R-1, RESIDENTIAL AND FOR OTHER PURPOSES

Mr. Hannah moved, seconded by Dr. Strauser to suspend the rules and place the ordinance on second reading. All voted aye. The ordinance was read for the second time. Mr. Stricklin moved, seconded by Dr. Strauser to suspend the rules and place on third reading. All voted aye. The ordinance was read for the third time. Mr. Hannah moved, second by Mr. Stricklin for the adoption of the ordinance with the emergency clause. All voted aye. The ordinance was given the number 2178.

Mr. Stricklin offered the following ordinance for the first reading:

AN ORDINANCE TO AMEND CHAPTER 11.20, ELECTRICAL CODE, SECTION 11.20.02, 11.20.06, 11.20.08, CHAPTER 11.24, LICENSING OF ELECTRICIANS, CONTRACTORS, ETC., SECTION 11.24.05, 11.24.06, 11.24.07, 11.24.08, 11.24.09, 11.24.10, 11.24.11, 11.24.12, AND 11.24.13, OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS, TO STREAMLINE THE ELECTRICAL CODE AND ITS ADMINISTRATION, AND FOR OTHER PURPOSES.

Mr. Park offered the following ordinance for the first reading:

AN ORDINANCE TO AMEND CHAPTER 11.12, PLUMBING CODE, SECTION 11.12.04 (b), PERMITS

AND FEES - NOTICE OF INSPECTION REQUIRED, AND CHAPTERS 11.04, BUILDING IN GENERAL, SECTION 11.04.06 (b), PERMITS FEES, OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS, TO LEVY FEES FOR BACK-FLOW PROTECTION INSPECTIONS FOR SPRINKLER SYSTEMS AND FOR ISSUANCE OF BUILDING PERMITS

Mr. Park moved, seconded by Mr. Shelton to suspend the rules and place on the second reading. All voted aye.

Mr. Mays offered the following ordinance for the first reading:

AN ORDINANCE TO AMEND CHAPTER 14.08, ZONING DISTRICT REGULATIONS, SECTION 14.08.02 (c) 4, R - 1 RESIDENTIAL DISTRICT - PROHIBITED USES, OF THE CODE OF ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, BY ELIMINATING EXCEPTIONS FOR HOME OCCUPATIONS

The City Planner stated this ordinance in effect prescribes a written policy for residential district zoning and would include those annexed areas grand fathered into the City.

The following ordinance was on third reading:

AN ORDINANCE TO CLOSE A TEN-FOOT ALLEY RUNNING EAST AND WEST BETWEEN LOTS 1-7 AND LOTS 8-13 IN BLOCK 1 OF GREGG AND HOUGHTON'S SUBDIVISION OF KITCHEN'S PLACE

Mr. Stricklin moved, seconded by Mr. Hinson for the adoption of the ordinance with the emergency clause. All voted aye. The ordinance was given the number 2179.

An ordinance regarding rezoning property R-2 to I-1 by Citizens Bank, North of Belt St., formerly ARCO Insulation was pulled from the agenda at the request of the attorney, Ray Nickle, who stated the bank was reviewing the matter and would announce final plans for the property by the next meeting. Aldermen requested that if the matter was pulled from the agenda, to notify the Clerk so that the newspaper would not publish the matter for consideration by the Council and inconvenience the citizens interested in the matter.

Mr. Park moved, seconded by Mr. Province to appoint Ron Blackburn to the unexpired term of Dwayne Winters to the Civil Service Commission with term to expire 4/1/93. All voted aye.

Mr. Shelton moved, seconded by Mr. Hannah to sale 2.2 acres of land to the Boy Scouts to property located on Airport Rd. for \$7,500 for the block to build executive offices. There was discussion and disagreement concerning whether selling the property for said amount would be establishing a precedent. A roll call vote was taken and all voted aye.

The following requests for the placement of mobile homes were made:

- 1) Eddie Stepp, Mays Rd., lot #2 on a vacant lot Mr. Hinson moved, seconded by Mr. Shelton to approve said placement. All voted aye.
- 2) Melvin and Becky Henderson, 1408 Mays Rd., on a vacant lot. Mr. Park moved, seconded by Mr. Shelton to approve said placement. All voted aye.
- 3) Marie Perry, 1008 French, on a vacant lot Mr. Shelton moved, seconded by Mr. Hinson to approve said placement. All voted aye.
- 4) Ray and Lana King, 6701 E. Highland, on a lot with an existing structure. Mr. Park moved, seconded by Mr.

Shelton to approve said placement. All voted aye.

Mr. Bridger moved, seconded by Mr. Stricklin to allow the study and design for traffic signalization at the intersection of Phillips Dr. and Stadium be undertaken and if a contract is not let in October for the stadium overpass, the city will request that City Water and Light install the light. All voted aye.

Attorney Skip Mooney presented a report regarding the municipality's power to contract for the purpose of providing water and other public utility necessities for the City and its inhabitants:

In order to serve the best interest of the public at large, the Mayor and City Council have the power to contract for the purpose of providing water and other public utility necessities for the City and the inhabitants of the municipality.

The Mayor and the City Council may grant an exclusive franchise to a provider of utility services and charge a reasonable franchise fee therefore.

It is the obligation of the City to determine the quality and character of service to be furnished by any public utility within the City limits and the terms and conditions upon which the public utility may be permitted to occupy the streets, highways, or other public places within the municipality.

For those citizens located within the newly annexed area, it is critical that they have the quality water system which will afford them ample water, not only for the purpose of domestic living but for adequate fire protection.

The City Council is presently studying the water systems available to the newly annexed area of the City for the purpose of setting reasonable standards and possible issuance of an exclusive franchise to a public utility to furnish water to the newly annexed portions of the City. The City would require of any possible utility franchise to make such additions to his physical plant within the municipality as shall be reasonable and necessary in the interest of the public for the purpose of supplying adequate water for domestic use and fire protection.

At the present time a 10% water assessment is paid by each resident user in the City which is served by City Water & Light. This assessment is levied by an Ordinance passed by the City Council directing City Water and Light to collect the assessment. The City Council is studying the proposal of collecting such an assessment through water utilities which serve customers inside the City limits.

Mr. Mooney added that CWL is a separate improvement district, utility and entity that performs a service for the City of Jonesboro. With the ordinance setting forth obligations of the city regarding the newly annexed area, the city is legally obligated to service the new area with water and fire protection. If the new area is serviced by a utility that presently exists, the water district must comply with water standards for commercial and domestic use. If only one of the water companies can meet the standards, they could be awarded the franchise to operate exclusively. An ordinance adopted July 6, 1970, requires that a 10% water tax be paid by each resident of Jonesboro which is served by CWL and proceeds given to the City. He urged the Council to empower the Mayor to appoint a specific committee to set up standards for utilities that would provide adequate water power for domestic and commercial use, as well as fire protection. Mr. Park moved, seconded by Mr. Shelton to empower the Mayor to formulate said committee to set-up standards and qualifications for the water systems. All voted aye.

Mr. Hannah moved, seconded by Mr. Park to remove from the Police Department's fixed assets and/or

insurance the following: 01-101-128, 1980 food, ltd. #OU61F107358 (Street Dept.) and 01-101-117, 1982 Chev. Malibu #1G1AW69K8CR179827 (City Planner) and 01\*101-135, 1982 Chev. Imp. #2G1AL69LOC1187600 (vehicle used for body and/or mechanical parts in 1986 that failed to be removed from asset list). The following vehicles are to be stored for body and/or mechanical parts unless some other Department has need of them, as they were replaced by 1989 models: 01-101-130, 1983 Chev. Imp. #21AL691D1166584; 01-101-133, 1983 Chev. Imp. #21A16969D1166560; 01-101-124, 1985 Chev. Imp. #1G1BL6966FY158291; and 01-101-121, 1985 Chev. Imp. # 1G1BL696XFY158262, All voted aye.

Mr. Mays moved, seconded by Mr. Nix to transfer \$7,500 check from sale of land to Boy Scouts on Airport Rd. to Airport Commission earmarked for renovation. A roll call vote was taken and all voted aye.

Chairman of Finance, Dr. Strauser moved to acquire a fire truck for Valley View in the amount of \$13,700 by appropriating from unappropriated sales tax monies and to have an ordinance drawn by the next meeting for formal approval of this amount, seconded by Mr. Stricklin. All voted aye.

Mr. Hinson offered a resolution to remove the first two parking spaces on the S side of E. Washington, just West of Carson to allow motorists better vision to the W. Mr. Hinson moved, seconded by Mr. Nix to adopt the resolution. All voted aye. The resolution was given the number 1989-24.

Mr. Nix asked Eric Winter to take a look at hauling dirt, contractors digging, overgrown weeds and dust along South Culberhouse as well as Woodsprings Rd.

The Mayor reported on a legal opinion from the Attorney General regarding bingo games in which bingo playing is allowed under a specific definition. The City does not have anything on record for a privilege license for the operators of said games. He personally feels we should have a specific privilege license dealing with this game that would spell-out the prohibitions as indicated by the Supreme Court definition. To be considered legal, no charge for playing can be made, all individuals have the same right in a chance to win a prize. There can be no discrimination to the number of cards distributed. Donations may be accepted but not required. Only private operators are affected as the private clubs are not playing bingo. Following discussion, it was suggested that the Aldermen express their views to the Mayor by the next meeting and an ordinance drawn to establish a set amount for the type operation and to have the County Prosecutor review same.

With no further business the meeting adjourned