



## Legislation Text

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Minutes for the City Council meeting on August 3, 1998

PUBLIC HEARING - 6:15 P.M. - A public hearing was held for the purpose of vacating two drainage easements located in Block D and Block E of Dunwoody-Huntcliff Estates. No opposition was voiced. (Frank (Skip) Macon)

CITY COUNCIL MINUTES - August 3, 1998

The Jonesboro City Council met Monday, August 3, 1998, at 6:30 p.m. A full quorum was in attendance. Present were: Mayor Brodell, City Clerk, Donna K. Jackson, City Attorney, Phillip Crego and 12 council members. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. Councilman Rega moved, seconded by Councilman Bowers to appoint Mr. Harold Perrin to fill the unexpired term of Ward 3, Position 2 (Chuck Fletcher). A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Bowers, and Roddy. The Oath of Office was administered to Mr. Perrin, who then took his place on the Council.

The minutes for July 20, 1998, and for the Special Called Meeting on July 27, 1998, were approved as delivered, by Councilman Tate seconded by Councilman Roddy. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy.

The following ordinance had been read three times:

**ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (J. D. Crocker)**

Attorney, C. M. Mooney who represented Mr. and Mrs. Crocker addressed Council first. He explained an agreement had been reached by the Jonesboro School Board, Walden Holding Company and the Crocker's. A copy of the agreement was provided to Council. The following points were noted in the agreement: 1) The School District will publicly withdraw its objections to the rezoning of the Crocker's property to Commercial. 2) The Crocker's and Walden Holding Company agree that if the land is rezoned Commercial then the property shall be purchased by Walden Holding Company and developed as the location for a bank. 3) Walden Holding Company agrees that it shall convey fee simple absolute title to the Jonesboro School District (1.35 acres plus a 1' X 401' strip of land. A plat was provided). 4) School District agrees the property (mentioned in point 3) shall be used for school purposes and further agrees that if a parking lot is to be built upon Tract 1 that Walden Holding Company may use the parking lot as long as the School District is not using it. Further the property shall be a gift (from Walden Holding to Jonesboro School District) and that the value of the property shall be determined solely by Walden Holding based upon an appraisal at the time of conveyance, which shall be made on or about January 1, 1999. Attorney Mooney explained the compromise was to rezone the west property where the bank will be located to Commercial C-4, with the remainder of the property being rezoned Commercial C-3, the subject of the amendment. In addition, Mr. Mooney initiated a new ordinance rezoning

the donated property to Commercial C-3. Mr. Mooney submitted a letter from the President of the Ivy Green Property Owners Association, John Shannon, D.D.S. The letter stated the association had no objections to the property being zoned commercial. Next to address Council was Attorney Donn Mixon who represented the Jonesboro School Board. Attorney Mixon stated the property in question was unique in its situation and unlike any other Jonesboro school location. He stated for this reason, the Jonesboro School Board decided to deal with the matter realistically and agreed to the compromise. He explained the Principle of Hillcrest School, the parents, and local residents were notified (the best they could) of a "hurry up" meeting, to gain input from everyone involved. Mr. Mixon then stated a special school board meeting was held by telephone conference hook up, with the press involved, and not until noon today (August 3, 1998) was an agreement finalized. He explained the importance of the agreement is the control the school receives over the commercial zone. He explained the 1.35 acres and the one foot strip of land would perpetually be owned by the school district, and even though it will be zoned Commercial C-3 for purposes of getting a higher value for Mr. Walden's donation, the property will be used for school purposes only. Attorney Mixon explained the property cannot be resold or leased for other commercial uses which stops the spread of commercial zoning in the area. He stated that it was important to have a Commercial C-4 zone on the side of Hillcrest Drive to prevent intensive traffic use, and for Mr. Walden to agree to have a buffer (plants and a fence) between Hillcrest School and the bank. Councilman Young questioned if the Commercial C-4 zoning would allow for the original site building of the bank. City Attorney, Phillip Crego stated the Jonesboro Code of Ordinances allows for the building of banks in Commercial C-4 zoning. He stated one provision of the C - 4 zoning provides for retail businesses to be limited to a maximum of 3000 square feet of floor space. Mr. Crego explained, in his legal opinion, a bank does not constitute a retail business in that they do not sell goods or merchandise. He further stated since the bank is not a retail business it would not be limited to the 3000 square feet of floor space provision. Attorney Mooney concurred with City Attorney Crego. The final person to address Council was Mr. Bill Stroud who represented residents living near the area. Mr. Stroud stated the agreement between the Jonesboro School Board and Walden Holding Company does not alleviate all of their (property owners) concerns. He stated his group felt there were more suitable locations for a bank other than in front of the school. He reported the Metropolitan Area Planning Commission decision was a split vote and they (the MAPC) were unsure how to handle this particular case. Mr. Stroud stated it was not good planning in that it goes against the suggested land use and the comprehensive plan, and that it is opening the door for strip commercial zoning along Highland Drive. Attorney Mooney reminded Council that the ordinance had been read three times and tabled until August 3, 1998. He requested the ordinance be amended, (allowing for the west property where the bank will be located to be rezoned Commercial C-4, with the remainder of the property being rezoned Commercial C-3, the subject of the amendment), then read three times, and adopted. Attorney Mooney then requested a new ordinance be adopted which would rezone the donated property to Commercial C-3. Questions followed regarding the proper procedure for the amendment and adoption of the ordinance. City Attorney, Phillip Crego stated a motion was needed to amend the ordinance, and then the ordinance should be read three times before a vote to adopt as amended. Attorney Mooney concurred. Councilman Rega questioned if Council had been provided a copy of the amended ordinance. Attorney Mooney explained the City Attorney had been provided a copy. Councilman Young moved, seconded by Councilman Davis to amend the ordinance to comply with the C-4 zoning. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. Councilman Tate offered the ordinance as amended for first reading. Councilman Tate moved, seconded by Councilman Crockett for the second reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Roddy for the third reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. Councilman Young moved, seconded by Councilman Roddy for the adoption of the ordinance as amended. A voice vote was taken resulting in all

council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. The ordinance was assigned number 3069.

Councilman Crockett offered the following ordinance for first reading:

ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (J. D. Crocker - The C-3 donated property)

Councilman Young moved, seconded by Councilman Crockett to suspend the rules and place on second reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. Councilman Young moved, seconded by Councilman Bowers to further suspend the rules and place on third and final reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. Councilman Crockett moved, seconded by Councilman Tate for the adoption of the ordinance. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. The ordinance was assigned number 3070.

The following ordinance was on the third reading:

ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (Sage Meadows)

Councilman Tate moved, seconded by Councilman Davis for the adoption of the ordinance. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. The ordinance was assigned number 3071.

Councilman Bowers offered the following ordinance for the first reading:

ORDINANCE VACATING AND ABANDONING TWO EASEMENTS LOCATED IN BLOCK D AND BLOCK E OF DUNWOODY-HUNTCLIFF ESTATES (Skip Macon)

Councilman Young moved, seconded by Councilman Crockett to suspend the rules and place on second reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Roddy to further suspend the rules and place on third and final reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Davis for the adoption of the ordinance. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. The ordinance was assigned number 3072.

Councilman Kelton offered the following ordinance for the first reading:

ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (Charles Layne)

Councilman Tate moved, seconded by Councilman Crockett to suspend the rules and place on third and final reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. Councilman Rega requested the third reading of the ordinance be held till the next council meeting (August 17, 1998) to allow for public comment on the rezoning matter.

At the request of Mayor Brodell, Councilman Young moved, seconded by Councilman Rega to allocate \$600,000.00 dollars from the unappropriated general fund for the purpose of building a new airport terminal. Both the Airport Committee and the Finance Committee had met prior to the regularly scheduled council meeting and heard a presentation given by the Airport Commission Chairman, Wallace Fowler. Both the Finance and Airport Committees had previously voted and approved the allocation. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy.

Councilman Tate moved, seconded by Councilman Province for the adoption of a resolution to proceed with condemnation action on two Jonesboro properties located at 512 N. Bridge and at 4935 E. Nettleton. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. The resolution was assigned number 1998:45.

Council reviewed the following bids:

•98:26 - Scott Air Packs - Fire Department

Councilman Davis moved, seconded by Councilman Kelton to accept the bid of Vallen Safety for \$13,038.84 which was the low bid meeting bid specifications. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy.

•98:27 - Uniform Rental - Cemetery, Street, Sanitation, & Parks Departments

Councilman Davis moved, seconded by Councilman Roddy to accept the bid of G&K Services for a three year contract, which was the low bid meeting bid specifications. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy.

Councilman Davis moved, seconded by Councilman Tate for the adoption of a resolution to establish a policy for the collection of amounts due to the City of Jonesboro for services and/or materials. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. The resolution was assigned number 1998:46.

Councilman Young moved, seconded by Councilman Tate for the adoption of a resolution authorizing the removal of uncollectible proof-of-publication and mowing accounts receivable from the financial records. Mayor Brodell clarified this resolution would not prevent the City of Jonesboro from continuing to try and collect the debt. Councilman Davis questioned if any benefit would come from publishing a list of the overdue accounts. Councilman Kelton responded saying it would require a large advertisement due to the numerous overdue accounts. Councilman Pratt questioned the continuation of mowing lots with overdue accounts. Mayor Brodell stated a plan would be introduced at the next council meeting that would address the matter. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex,

Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. The resolution was assigned number 1998:47.

Councilman Bowers moved, seconded by Councilman Roddy for the adoption of a resolution to provide “STOP” signs at the following locations:

On Kara at Rozanne  
On Rozanne at Peach Tree  
On Pebblewood at Peach Tree  
On Nicole at Bridger  
On Tracy at Bridger  
On Kara at Peach Tree  
On Allison at Kristal  
On Oakland Cv. At Oakland Dr.

A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. The resolution was assigned number 1998:48.

Councilman Davis moved, seconded by Councilman Crockett for the adoption of a resolution requesting City Water & Light to provide services for the COPPS Program, located at 817 N. Church Street. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Davis, Tate, Crockett, Rega, Pratt, Young, Perrin, Bowers, and Roddy. The resolution was assigned number 1998:49.

With no further business the meeting was adjourned.