



Legislation Text

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Minutes for the City Council meeting on August 4, 2003

APPEAL HEARING - 6:00 P.M. - An appeal hearing was conducted at the request of Mr. John Deluca of Spartan Towers, LLC regarding the MAPC failure to approve a Conditional Use Permit to construct a communications tower located at 1421 W. Nettleton Avenue, behind the YMCA. Mr. Deluca explained they were enlisted by Alltel to find a site that specifically addressed certain areas of Jonesboro. A booklet of information was provided detailing specific information. He explained the purpose was to allow Alltel to cover west Jonesboro which is not being served now, with the objective to not construct anymore structures than necessary. Mr. Deluca explained they had met with the Southwest Church of Christ and the YMCA about a long term lease (25 years), but the Church was not interested in anything over a five year commitment. He explained the Church did however consider a one-time construction easement for a monopole. Spartan Towers had received application from Alltel, AT&T Wireless, and Sprint with representation attending the meeting with the exception of AT&T Wireless. Attorney Lance Owens, a member of the Southwest Church of Christ, spoke in opposition to the cell tower, explaining the Church never was interested in having a lease for the cell tower (short or long term) and did not want the structure on the property. He explained the tower would be located very near the Church's property line and parking lot, and would interfere with the Southwest Church of Christ future plans to build. He explained they were hopeful to build a children's building on the northwest side of the property, only a few feet from where the cell tower would be located. Mr. Owens stated a 200 foot pole in a residential neighborhood would have an adverse affect on the area. Others who spoke in opposition to the cell tower were: Mickey Mathis, Derrick Doyle, Joan Holliday, and Larry Deal. Mr. Skip Smith, YMCA Board Member, stated the board unanimously approved the lease with Spartan Towers in March. He stated the board saw it as an opportunity for substantial income for the non-profit organization. In closing, Attorney Don Parker explained the site at the YMCA would reach the most people, limiting the number of cell towers necessary to service the area. He explained that more citizens are using wireless technology instead of land lines and when planning for cell towers consideration must be given to placing them in residential neighborhoods in order to limit the number of towers constructed. He explained that nothing in building the tower would inhibit the church, YMCA, nor the residential neighborhood, and the tower is engineered to fall on itself should anything happen.

PUBLIC HEARING - 6:20 p.m. - A public hearing was conducted for the purpose of vacating right of way located on Leroy Street and Donald Street in Dudley Subdivision as requested by the Nettleton School District. Mr. Fred Flemon of 2701 Fred Street expressed concern for maintaining access to his two back lots which face Leroy Street. No other comments were made.

CITY COUNCIL MINUTES - August 4, 2003

The Jonesboro City Council met Monday, August 4, 2003, at 6:30 p.m. A full quorum was in attendance. Present were: Mayor Hubert Brodell, City Clerk, Donna K. Jackson, City Attorney, Phillip Crego and ten council members. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. Councilman Province was unable to attend.

Councilman Perrin moved, seconded by Councilman Street to approve the minutes of July 21, 2003, as previously delivered. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy.

Finance Director, Larry Flowers reported on the city's finances providing two handouts the first being the 2003 Year End Projected Balances and the second a Collections Report. He explained we were on target for revenues through the month of June with expenditures at 40 % and decreasing due to only 21% spent on project appropriations for Capital Improvements in the Street Maintenance Fund. Mr. Flowers reported there had been an increase in City and County sales tax.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-2) TO COMMERCIAL (C-5), LOCATED AT 812 GLENDALE STREET (Larry Gibson)

Councilman Perrin moved, seconded by Councilman Moore for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The ordinance was assigned ordinance number 3425.

The following ordinance was on the third and final reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-1) TO COMMERCIAL (C-3 LUO), LOCATED ON THE WEST SIDE OF SOUTHWEST DRIVE, SOUTH OF STILLWATER DRIVE. (Gary Ezell)

Councilman Young moved, seconded by Councilman Street for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The ordinance was assigned ordinance number 3426.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE TO VACATE AND ABANDON RIGHT OF WAY LOCATED ON LEROY STREET AND DONALD STREET IN DUDLEY SUBDIVISION. (Nettleton School District)

The decision was made to hold the ordinance allowing City Planner, Glenn Batten time to determine if the abandonment would isolate Mr. Flemon's property.

Councilman Young offered the following ordinance for the first reading:

ORDINANCE TO ABANDON A PORTION OF A THIRTY FOOT (30') SANITARY SEWER AND DRAINAGE EASEMENT LOCATED OFF LACOSTE DRIVE IN THE RIDGEPONTE COUNTRY CLUB. (John Lovelace and Todd Holt)

Councilman Moore moved, seconded by Councilman Perrin to suspend with the second and third readings of the ordinance. Councilman Young questioned the procedures stating it was his understanding that ordinances would not be read three times in one meeting. It was explained the rule applies only to rezonings and annexations. A voice vote was taken resulting in all members voting aye, with the exception of Councilman Young who voted nay. Those members voting aye were: Farmer, Hargis, Moore, Williams, Perrin, Street, Dover, McCall, and Roddy. Councilman Moore moved, seconded by Councilman Perrin for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The ordinance was assigned ordinance number 3427.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF CONCRETE BOX CULVERT FOR THE EMERGENCY REPLACEMENT OF VALLEY VIEW DRIVE FOR THE MAIN DITCH # 2

Councilman Street moved, seconded by Councilman Perrin to suspend with the second and third readings of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. Councilman Street moved, seconded by Councilman Perrin for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. Councilman Perrin moved, seconded by Councilman Moore for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The ordinance was assigned number 3428.

Councilman Young offered the following ordinance for first reading:

ORDINANCE TO AMEND TITLE 14, § 14.20.20 (c) TO PERMIT “INDOOR FIRING RANGE” AS A CONDITIONAL USE IN INDUSTRIAL 1 LIMITED INDUSTRIAL DISTRICT AND IN INDUSTRIAL 2, GENERAL INDUSTRIAL DISTRICT

No further action was taken on this ordinance.

Councilman Street offered the following ordinance for first reading:

ORDINANCE TO AMEND TITLE 14, § 14.44.02 REQUIRING DESIGN PROFESSIONALS PREPARING SITE PLANS TO VERIFY THAT SITE IMPROVEMENTS HAVE BEEN INSTALLED AND COMPLETED IN ACCORDANCE WITH THE APPROVED SITE PLAN

Councilman Street moved, seconded by Councilman Moore to suspend with the second and third readings of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. Councilman Perrin moved, seconded by Councilman Young for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The ordinance was assigned number 3429.

Councilman Street offered the following ordinance for first reading:

ORDINANCE TO AMEND TITLE 14, § 14.44.03 (b) REQUIRING A BOND BE POSTED TO ENSURE COMPLETION OF REQUIRED BUILDING AND/OR SITE IMPROVEMENTS BEFORE A TEMPORARY CERTIFICATION OF OCCUPANCY MAY BE ISSUED

Councilman Street moved, seconded by Councilman Young to suspend with the second and third readings of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. Councilman Young moved, seconded by Councilman Street for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The ordinance was assigned ordinance number 3430.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE ESTABLISHING A DEFERRED COMPENSATION PLAN FOR THE CITY OF JONESBORO (457 Plan)

Councilman Dover moved, seconded by Councilwoman Williams to suspend with the second and third readings of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. Councilman Young moved, seconded by Councilman Dover for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. Councilman Young moved, seconded by Councilman Perrin for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The ordinance was assigned ordinance number 3431.

Councilman Farmer offered the following ordinance for first reading:

ORDINANCE AMENDING THE JONESBORO CITY COUNCIL RULES OF ORDER AND PROCEDURES, JONESBORO CODE 2.20.12 “D” RECOGNIZING THE CHAIR AS A VOTING MEMBER OF THE COMMITTEE.

Councilman Farmer moved, seconded by Councilman Moore to suspend with the second and third readings of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. As a matter of clarification, Councilman Farmer read from the Rules and Procedures, page 7, entitled “Quorum” which states a majority of the committee shall be necessary to constitute a quorum to do business. He explained if there are five members in a committee, then three members present constitute a quorum. Councilman Farmer further explained even though the previous rules established by the 2002 City Council called for the Chair not to vote, the Nominating and Rules Committee decided to recommend the amendment allowing the Chair to vote because the Chair should be the one most familiar with the issues of that committee. Councilman Young commented since there is so much confusion with the new rules, if a special council session should not be called for the purpose of reviewing the procedures. Councilman Farmer responded saying most of the committees have not had

a problem understanding the rules, and asked if Councilman Young wanted to make a motion to that effect. No such motion was made. Councilman Dover moved, seconded by Councilman Farmer for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. Councilman Moore moved, seconded by Councilman Dover for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The ordinance was assigned ordinance number 3432.

Councilman Street moved, seconded by Councilman Moore to deny the construction of a cell tower located behind the YMCA as requested by Mr. John Deluca of Spartan Towers. A roll call vote was taken resulting in eight (8) members voting aye, Councilman Hargis voting nay, and Councilman Young abstaining because he is a member of Southwest Church of Christ, and because Mr. Deluca does business with First Community Bank. Those members voting aye were: Farmer, Moore, Williams, Perrin, Street, Dover, McCall, and Roddy.

Discussion was held regarding a resolution declaring a vacancy on the Jonesboro City Council for Ward 5, Position 2, establishing a procedure for filling the vacancy. Councilman Young moved, seconded by Councilman Dover for adoption but later withdrew the motion. Councilman Perrin moved, seconded by Councilman Young to amend the dates of the resolution as follows: In the 6th paragraph, “. . . submitted to the City Clerk of the City of Jonesboro, no later than 10:00 a.m. on Monday, September 1, 2003, shall be considered for election; In the 7th paragraph, “. . . shall meet in special session, during the week of September 8th through September 12th, 2003”; and in paragraph 8 “. . . at its next regularly scheduled meeting, on Monday, September 15, 2003.” A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. Councilman Perrin moved, seconded by Councilman Dover for the adoption of the resolution as amended. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The resolution was assigned number 2003:50.

Councilman Young moved, seconded by Councilman Dover for the adoption of a resolution repealing Resolution No. 1995:11 and amending the Employee Handbook, Appendix B, entitled “Travel Reimbursement Policy”. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The resolution was assigned number 2003:51.

Councilman Perrin moved, seconded by Councilman Dover for the adoption of a resolution endorsing “Your Webpress.com”, located at 3405 One Place to participate in the “Tax Back Program”. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The resolution was assigned number 2003:52.

Mayor Brodell asked for a motion to pull agenda item number 9, a resolution authorizing the construction of curb and gutter and sidewalks by the Arkansas State Highway and Transportation Department. The request was for work located on Washington, Church, Union, Aggie, Madison, Flint, and Huntington, Job number 100557. Councilman Moore moved, seconded by Councilman Street to pull the resolution from the agenda. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy.

Councilman Young moved, seconded by Councilman Hargis for the adoption of a resolution authorizing the Mayor to execute an Agreement of Understanding between the City of Jonesboro and the Arkansas State Highway and Transportation Department to develop ATV recreational facilities at Craighead Forest Park, Job Number 100571. The question was asked how much would it cost the city. Mr. Jim McKinnon explained it was an 80/20 match with the total cost being \$68,000.00 with the City of Jonesboro paying \$20,000.00. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The resolution was assigned resolution number 2003:53.

Councilman Young moved, seconded by Councilman McCall for the adoption of a resolution authorizing a five year exclusive pouring contract with Coca Cola in the Earl Bell Community Center and the Earl Bell Pool. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The resolution was assigned resolution number 2003:54.

Mayor Brodell requested a motion to pull agenda items 12 and 13, resolutions for exclusive pouring contracts with Pepsi Americas for Allen Park Community Center and Parker Park Community Center. Councilman Young moved, seconded by Councilman Moore to pull agenda items 12 and 13 from the agenda. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy.

Councilman Young moved, seconded by Councilman Perrin for the adoption of a resolution authorizing a five year contract with RESP, Inc. to operate and maintain the E. Boone Watson Community Center. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Hargis, Moore, Williams, Perrin, Street, Young, Dover, McCall, and Roddy. The resolution was assigned resolution number 2003:55.

Under new business, at the request of Mayor Brodell, Councilman Perrin reported the City of Jonesboro is well ahead of schedule on GASB 34. He stated the Street Department has completed 80% of the infrastructure listing requirements, and explained the City of Jonesboro could enter the data on an excel spreadsheet instead of purchasing additional financial software.

At the request of Mayor Brodell, Mr. Jim McKinnon, Grants Coordinator and Ms. Suzanne Hackney, Human Resources Director gave a report regarding ADA. Ms Hackney reported as part of the ADA court settlement she was instructed to provide a Transition Plan which was completed and accepted by the courts. A copy was provided to council members. Ms. Hackney explained the City of Jonesboro has two years to come into ADA compliance and was well on the way of meeting that goal. She explained curb cuts were not included in the report, but to date approximately 109 corners have been completed (a corner could contain as much as four curb cuts). She explained by the next council meeting 114 to 130 curb cuts would be let for bid by the Engineering Department, and Mr. McKinnon was working on the down town project consisting of 43 curb cuts. She stated there should be no problem in completing everything in the two year and five year expiration dates. Mr. McKinnon reported that he had been working with Associated Engineering regarding 8,458 linear feet of sidewalks on various streets with in Jonesboro. He stated the specs and plans have been sent to the Arkansas State Highway Department and hopefully would be let for bid sometime in September. Mayor Brodell stated ADA had recommended the City of Jonesboro establish a pattern for how they are going to measure its sidewalks. The attorney in the ADA lawsuit used a 2 foot measure, but Mayor Brodell contended it was difficult to measure a sidewalk with a two foot level. He explained that a two foot level was used to measure sidewalk forms, and while in the forms everything measured correctly, but once the form was removed, the sidewalk did not meet specifications. He stated City Engineer, Claude Martin was unsure as to why this occurs, but they were working on getting clarification so they could better defend themselves. Councilman Moore questioned Mr. McKinnon as to procedures for new construction, naming Parker Park and Allen Park, to assure compliance with ADA regulations. Mr. McKinnon stated they are making sure everyone knows what the ADA requirements are. Mayor Brodell stated they were holding architects liable for the ADA regulations. Councilman Farmer questioned if they were confident the requirements under the ADA settlement were being met within the proper time frame. Both Mayor Brodell and Mr. McKinnon stated they were.

Mayor Brodell stated at the next council meeting he would have Public Safety Director Floyd Johnson, Assistant Police Chief Rusty Grigsby, and Finance Director Larry Flowers report on court fines.

Under new business by the Council, Councilman Street reported he and City Planner, Glenn Batten would be meeting with Mayor Brodell in an effort to begin negotiations on the traffic study. He also reported recommendations had come in regarding the cell tower ordinance, and once all had been received a public hearing would be established.

Councilman Young, addressing City Engineer, Claude Martin, stated his neighbors had requested a right turn lane at the intersection of Wood Street and Parker Road next to the fire station. Mr. Martin stated he would have the Arkansas State Highway Department to look in to it.

Councilman Dover questioned Mayor Brodell on the following matters:

Jail Bill - Mayor Brodell stated he had spoken with Judge Spurell and they would discuss the matter when they meet regarding the court fines.

Parker Park - Willett Litigation - City Attorney Crego reported that he had met with the Willett's attorney, Jim Lyons, and was hopeful he would have a proposal which would resolve the situation by the next council meeting.

Filing deeds with the City Clerk - Mayor Brodell stated his office was working on separating the deeds out (copies from originals) and would provide them to the City Clerk's Office.

Councilman Farmer recognized Judge Ray Spruell, who stated at the appropriate time he would like to address the Council regarding a proposal for an additional \$5.00 case fee.

Councilman Farmer clarified the process for the budget calendar, saying council committees should refrain from making any recommendations at this time. He explained committees do not want to mislead anyone regarding department budgets, and the schedule was designed as a three to five year plan for capital improvements. He stated once the Mayor and department heads submit the budget, then the council would review and make recommendations.

Councilman Moore asked for clarification on the report (fines and jail bill) scheduled for next council meeting. He asked if the report would include uncollected fines or the drop in revenue on fines issued, and would it include the jail bill. Mayor Brodell stated he would have a complete report available.

Under public comment, Ms Judy Furr, one of the organizers for “National Night Out”, reported smaller towns are participating in this year’s event, naming Bono, Marked Tree, and Monette. She explained the purpose was to establish a good relationship between police officers and the community. Ms. Furr named several site locations and gave special recognition to the Stotts Park site, and a Hispanic site located on the soccer field south of the ASU Armory. She invited council members to attend the activities starting with the kick-off at 5:45 p.m., Tuesday, August 5, 2003, in front of City Hall where Mayor Brodell would present the “Citizen of Year” award. In closing, Ms. Furr reported on Project 365. She stated they had over 200 members and growing. Consideration was being given to changing the name to Project Jonesboro and multiple work areas due to the success of the program.

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