



Legislation Text

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Minutes for the City Council meeting on December 6, 1993
CITY COUNCIL MINUTES - DECEMBER 6, 1993

The Jonesboro City Council met in regular session at 7:30 p.m. Present were the Mayor, City Clerk, City Attorney, and all council members with the exception of Councilman Vance and Councilman Mays who were unable to attend.

The minutes of November 15, 1993, were approved as mailed out by motion of Councilman Bowers, seconded by Councilman Harpole. A roll call vote was taken resulting in all council members voting aye.

The following was tabled till a later date:

- * Certificate of Appreciation to Elaine Bartee, due to illness.
- * Judy Schales to address Council regarding gang related activities.

The next order of business was a decision regarding the findings of the majority in value pertaining to Kellers Chapel Road Improvement District No. Six (6). Skip Mooney Jr. represented citizens in favor of the Improvement District while Charles Frierson represented citizens opposed to the Improvement District. Mr. Mooney submitted a notarized amended verification, claiming 57 % of the total assessed value. Mr. Frierson argued not only is 51 % of the assessed property value needed, but also a majority in number of property owners as well as acreage. Mr. Frierson submitted a petition claiming a majority in property owners opposed to the Improvement District, as well as a petition of signatures requesting to have their names removed from the petition Mr. Mooney submitted. Debate took place between the two attorneys on the proper procedure for Improvement Districts. Mayor Brodell stated it was unclear which procedure should be followed and referred the matter to City Attorney, Pam Honeycutt for a legal opinion. Ms. Honeycutt explained the law was not absolute regarding procedures for Improvement Districts. But, Ms. Honeycutt gave the following requirements in this particular case:

1. The City to enact a study showing the approximate cost and approximate amount assessed for each lot.
2. Then place this information in the form of a resolution and publish it in the paper.
3. Next within 50 days of the notice, petitions are received and the City Clerk is to determine the sufficiency of the petitions in number, value and area based on the findings.
4. Once this is done, then the Clerk shall set a public hearing.

Ms. Honeycutt explained the public hearing has already been set and in her opinion the Council should proceed. Therefore, it was recommended to the Council to make a determination regarding the majority in dollar amount based on the petitions filed with the Clerk. Councilwoman Ingram questioned which petition should be considered. Attorney Honeycutt stated the issue was dollar amount therefore, the petition giving dollar amounts should be considered. Ms. Honeycutt also stated unless there is proof of fraud or signed under duress then names should not be removed from the original petition. Attorney Frierson reminded the Council of

signatures which were removed on a prior petition for a previous Improvement District. He stated the rules should be equal for everyone. City Attorney, Pam Honeycutt explained she was not in favor of removing the names from the petitions in that particular case either. Councilwoman Ingram stated she had a problem with not allowing the names to be removed since the Council allowed names removed from the last Improvement District. She stated until the Council adopts a set procedure for Improvement Districts we should allow the names to be removed. Councilman Harpole moved, seconded by Councilman Wise to approve the amended verification and make a finding that the petitions filed in favor of Kellers Chapel Improvement District No. 6 contain a majority in assessed property value. A roll call vote was taken resulting in a six (6) to four (4) vote in favor of the motion. Those voting for the motion were: Wise, Evans, Bowers, Perrin, Kelton, and Harpole. Those voting nay to the motion were: Ingram, Province, Mullenix and Hannah.

Councilman Bowers offered the following ordinance for the first reading:

AN ORDINANCE ESTABLISHING THE KELLERS CHAPEL ROAD STREET IMPROVEMENT DISTRICT NUMBER 6; AND FOR OTHER PURPOSES.

Councilman Hannah moved, seconded by Councilman Harpole to suspend the rules and place on the second reading. Mr. Keller objected to the Commissioners listed in the ordinance. Attorney Honeycutt read two code sections regarding the appointment of Commissioners. It was determined that the Council had the authority to appoint Commissioners to Improvement Districts. A roll call vote was taken regarding the motion to suspend the rules. The vote resulted in a nine (9) to one (1) vote in favor of the second reading. All council members voted aye with the exception of Councilman Mullenix who voted nay. The ordinance was read a second time. Councilman Hannah moved, seconded by Councilman Harpole to amend the ordinance to replace Mr. Froensdorf with Mr. Keller as Commissioner. A roll call vote was taken resulting in all council members voting aye. Councilman Hannah moved, seconded by Councilman Bowers to further suspend the rules and place on the third and final reading as amended. A roll call vote was taken resulting in all council members voting aye. Councilman Harpole moved, seconded by Councilman Wise to adopt the ordinance as amended. A roll call vote was taken resulting in a seven (7) to (3) vote in favor of the motion. Those voting aye were: Wise, Evans, Province, Bowers, Perrin, Kelton and Harpole. Those opposed were: Ingram, Mullenix and Hannah. The ordinance was given the number 2526.

Councilman Hannah moved, seconded by Councilman Kelton to not consider anymore Improvement Districts until a committee could draft an ordinance laying out the proper procedure for forming Improvement Districts. The committee would include the City Attorney, Pam Honeycutt, City Clerk, Donna K. Jackson and Planning Chairman, Ron Kelton. A roll call vote was taken resulting in all council members voting aye.

Mayor Brodell recessed for a 10 minute break then called the meeting back to order.

A presentation was given by Mr. Ron Nunez regarding Mosquito Control. Mr. Nunez described the various ways to larvicide for mosquitoes. Mr. Nunez who is Director of Mosquito Control in Stuttgart, made the recommendation to the full council to hire a certified Mosquito Control Coordinator for reasons of safety and to prevent payment of unnecessary penalties in the future. Mr. Nunez reported of their \$280,000.00 budget there is a \$3.00 return to the city for every dollar spent. He contributed this to increased revenues from ballpark, swimming pool and recreational fees. Mr. Nunez answered several questions pertaining the importance of using drip buckets and explained their use, and when they are most effective.

The following ordinance was on the third reading:

AN ORDINANCE TO VACATE AND ABANDON A PORTION OF MCCLURE STREET BETWEEN JOHNSON AVENUE AND WORD STREET (JON COLEMAN)

Councilman Harpole moved, seconded by Councilman Perrin for the adoption of the ordinance with utility easement stipulations. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2523.

The following ordinance was on the third reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE, PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND OTHER PURPOSES. (HUBERT SPENCE JR.)

Councilman Hannah moved, seconded by Councilman Bowers for the adoption of the ordinance with MAPC stipulations. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2524.

Councilman Bowers offered the following ordinance for the first reading:

AN ORDINANCE TO PLACE "NO PARKING" SIGNS ON THE SOUTH SIDE OF ALLEN AVENUE.

Councilman Bowers moved, seconded by Councilman Harpole to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Councilman Evans moved, seconded by Councilman Bowers to further suspend the rules and place on the third and final reading. A roll call vote was taken resulting in all council members voting aye. Councilman Evans moved, seconded by Councilman Kelton for the adoption of the ordinance. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2525.

Councilman Kelton offered the following ordinance for the first reading:

AN ORDINANCE TO INCREASE THE NUMBER OF COMMISSIONERS ON THE CIVIL SERVICE COMMISSION FROM FIVE TO SEVEN

Councilman Kelton moved, seconded by Councilwoman Ingram to suspend the rules and place on second reading. Discussion followed. Councilman Evans questioned the reason for wanting the increase in Commissioners. Councilman Kelton explained, for the best interest of Jonesboro, and to keep politics out of the Fire and Police Departments this ordinance was necessary. A roll call vote was taken resulting in all council members voting aye. The ordinance was read a second time.

Councilman Hannah moved, seconded by Councilman Perrin for the adoption of a resolution establishing a public hearing regarding the abandonment of Jordan Street and a portion of Hill Drive. Councilman Hannah requested that the Fire and Street Departments review this request and be prepared to give a report on the matter at the next Council meeting. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:60.

The following bids were reviewed:

93:51 - Property and General Liability Insurance - All Departments

Councilman Evans moved, seconded by Councilman Perrin to accept the low bid which met specifications. A roll call vote was taken resulting in all council members voting aye.

93:52 - New Building - Parks Department

This bid was tabled for rebid

93:53 - Uniform Cleaning - Police Department

Councilman Evans moved, seconded by Councilman Harpole to accept the low bid which met specifications. A roll call vote was taken resulting in all council members voting aye.

93:54 - Pest Control - Various locations

Councilman Hannah moved, seconded by Councilman Harpole to accept the low bid which met specifications. A roll call vote was taken resulting in all council members voting aye.

Under new business Mayor Brodell gave a report on the Southwest Drive Project. It was reported that the Highway Department is committed to completing the box culvert at Southwest Drive in 1994 and based on that information the City is committed to improve the drainage problems which now exist.

Councilman Mullenix moved, seconded by Councilman to transfer \$18,000.00 out of the General Unappropriated Tax Fund and place in Mosquito Control Fund. A roll call vote was taken resulting in all council members voting aye.

Councilman Mullenix offered the following ordinance for the first reading:

AN ORDINANCE AMENDING ORDINANCE 2343, CHAPTER 5.12 OF THE JONESBORO CODE OF ORDINANCES, LABELED MOSQUITO AND BLACKBIRD CONTROL, AND FOR OTHER PURPOSES

Councilman Mullenix explained the problems which existed in 1993 were due to a lack of funds, and the ordinance was needed to correct this problem. Councilman Mullenix moved, seconded by Councilman Bowers to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye with the exception of Councilman Hannah who voted nay.

Councilman Perrin moved, seconded by Councilman Bowers to adopt a resolution certifying local government endorsement of Partner Investments, Inc. in the Arkansas Enterprise Zone Program. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:61.

Mr. Ken Stacks gave a presentation regarding renegotiations on bids for the Safeway Project. Two items were submitted by Mr. Stacks, a bid tabulation sheet and recommended changes within the building project. Councilman Perrin questioned Mr. Stacks regarding a \$64,050 change in the elimination of the sprinkler system and the unit heaters in the attic. Mr. Stacks stated there would be no difference in insurance premiums for the City if the sprinkler system was not installed. Mr. Stacks also stated that the sprinkler system was not part of the building code. Councilman Kelton questioned the safety of the building by not having the sprinkler system. Mr. Stacks stated that office buildings are at less risk than other work places.

Councilman Hannah offered a resolution requesting water meter service to an island at Highland and Main. Councilman Hannah moved, seconded by Councilman Perrin for adoption of the resolution. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:62.

Councilman Hannah moved, seconded by Councilman Perrin to appropriate \$6,981.00 from the Unappropriated Fixed Assets line item in the Sanitation Department for new equipment to be used for a new position in Sanitation at City Water and Light. A roll call vote was taken resulting in all council members voting aye.

Councilman Wise moved, seconded by Councilman Kelton to table the decision regarding the Joint Committee's recommendations on the Police Benefit Package until similar considerations have been made for the Fire Department. Councilman Wise and Councilman Province stated this was due to parity for the Police and Fire Departments. Councilman Hannah explained that the Finance Committee may make the recommendation to fund these benefits 50 to 60 percent in 1994 and the balance of the funding in 1995. A roll call vote was taken resulting in all council members voting aye.

Councilman Perrin moved, seconded by Councilman Kelton to replace two wrecked police cars for the Police Department. A roll call vote was taken resulting in all council members voting aye.

With no further business the meeting was adjourned at 11:10 p.m.