



## Legislation Text

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**File #:** MIN-97:008, **Version:** 1

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Minutes for the City Council meeting on April 21, 1997

**PUBLIC HEARING - 5:30 P.M.** - A public hearing was held as requested by Mr. James D. Hunt and his attorney, Berl Smith regarding the abandonment of a ten foot drainage easement between Lots 4 and 5 of the David Smith 4th Addition; and unimproved portions of Tina Circle. On September 10, 1996, the Metropolitan Area Planning Commission (MAPC) approved, with stipulations, a rezoning from Residential R-1 to Commercial C-3 for .68 acre (Lots 3, 4, 5, 6&7) of the David Smith 4th Addition. Those stipulations were: 1) Site Plan being submitted and approved by the MAPC; 2) Right of ways to meet Master Street Plan requirements; 3) No development on Lots 3 - 7 until replatted with property on 141, and provide access; 4) Abandonment of Tina Circle right of way; 5) Ownership be in place prior to 3rd reading of City Council. The rezoning ordinance was read one time on September 16, 1996, and a second time October 7, 1996. On October 21, 1996, the ordinance was tabled for four weeks, again on November 18, 1996, for four weeks, and finally pulled December 16, 1996, each time at the request of Attorney, Berl Smith. Councilman Tate expressed concern over granting an abandonment without granting the rezoning. Mr. Smith explained it was his intent to have the third reading of the rezoning ordinance and the abandonment ordinances heard at the same time. Mr. Dan Mulhollen, engineer for the project, stated even though it was not reflected in the minutes, the rezoning was tabled 7 months because the Council had requested a replat. It was explained to Mr. Mulhollen the minutes only reflect motions and comments made to the Clerk, not private conversations taking place among different parties. Mr. Wayne Miller of 208 Bettie Street spoke in opposition to the abandonment, stating that part of the drainage ditch was abandoned by earlier construction, and granting further abandonment, will cause even more water to drain into his yard. Several expressed concern over a site plan not being provided, which was part of the MAPC stipulations.

**PUBLIC HEARING - 6:10 P.M.** - A public hearing was held as requested by Michael Young and his Attorney, Mr. C. M. Mooney, Sr. to vacate the east 2 of the alley connecting Kitchen and Haltom Streets. It was reported that Fire Chief, Wayne Masterson was concerned with service to residents should the alley be vacated.

**PUBLIC HEARING - 6:15 P.M.** - A public hearing was held as requested by Mrs. Christine Manning to vacate a ten foot utility easement located on Lots 14 through 23 of Patricks Third Addition. No opposition was voiced.

**CITY COUNCIL MINUTES - April 21, 1997**

The Jonesboro City Council met Monday, April 21, 1997, 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 11 council members. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Young was unable to attend.

The minutes of April 7, 1997, were approved as delivered by Councilman Roddy and seconded by Councilman Bowers. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy.

The following ordinance was on the third reading:

AN ORDINANCE AMENDING CHAPTER SIX OF THE JONESBORO CODE OF ORDINANCES PROVIDING THAT ANIMAL CONTROL OFFICERS ASSUME THE PRINCIPAL RESPONSIBILITY FOR ANIMALS; AMENDING THE AGE FOR DOGS BEING KEPT OVER FIVE, AMENDING THE DATE WITHIN WHICH A VACCINATION IS REQUIRED FOR ANIMALS

Two dog breeders addressed Council stating it was their understanding that they could continue to operate their kennels when their property was annexed into Jonesboro. City Attorney, Phillip Crego explained the proposed ordinance amends the age of dogs being kept, not the number they are allowed to keep. Mr. Crego stated they were in violation of an existing ordinance, not the proposed ordinance. Mr. Jim Bowman stated he had researched annexation documents and did not find any record exempting citizens from the law. He stated that there was some confusion at the time of annexation, so one year was granted to allow citizens time to comply. Councilman Crockett moved, seconded by Councilman Kelton to amend the ordinance by deleting the emergency clause, allowing three months to comply before the ordinance would take effect. A roll call vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Kelton moved, seconded by Councilman Bowers for the adoption of the ordinance as amended. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was given the number 2769.

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 FOR OTHER PURPOSES (Mitchell Caldwell)

Councilman Roddy moved, seconded by Councilman Fletcher for the adoption of the ordinance. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was given the number 2770.

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 FOR OTHER PURPOSES (Jim Pyle / Mooney, Sr.)

Councilman Tate moved, seconded by Councilman Roddy to amend the ordinance to allow the Residential R-1 property to be zoned Residential R-2 instead of Residential R-3. Councilman Tate moved, seconded by Councilman Rorex for the adoption of the ordinance as amended. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was given the number 2771.

The following ordinance was on the third reading:

AN ORDINANCE TO VACATE AND ABANDON AN UNDEVELOPED STREET, PLATTED AS AZALEA COVE, LOCATED IN BLOCK D OF AGGIE VILLAGE AND A PORTION OF A CUL-DE-SAC ON AZALEA LANE, LOCATED IN BLOCK A OF AGGIE VILLAGE (Mike Cameron)

Councilman Bowers moved, seconded by Councilman Pratt for the adoption of the ordinance. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was given the number 2772.

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 FOR OTHER PURPOSES (Max Dacus, Jr.)

Councilman Tate moved, seconded by Councilman Fletcher for the adoption of the ordinance. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was given the number 2773.

Councilman Bowers offered the following ordinance for the first reading:

AN ORDINANCE TO ABANDON UNIMPROVED PORTIONS OF A TEN FOOT DRAINAGE EASEMENT BETWEEN LOTS 4 AND 5 OF THE DAVID SMITH 4TH ADDITION (Jimmy Doyle Hunt / Berl Smith)

No further action was taken regarding this ordinance.

Councilman Rega offered the following ordinance for the first reading:

AN ORDINANCE TO ABANDON UNIMPROVED PORTIONS OF TINA CIRCLE LYING EAST OF LOTS 4 AND 5 OF THE DAVID SMITH 4TH ADDITION (Jimmy Doyle Hunt / Berl Smith)

No further action was taken regarding this ordinance.

Councilman Bowers offered the following ordinance for the first reading:

AN ORDINANCE TO ABANDON THE EAST ONE-HALF OF THE ALLEY CONNECTING KITCHEN AND HALTOM STREETS (Michael Young)

Councilman Bowers moved, seconded by Councilman Pratt to further suspend the rules and place on second reading, but later withdrew the motion.

Councilman Rega offered the following ordinance for the first reading:

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

No further action was taken regarding this ordinance.

Councilman Roddy offered the following ordinance for the first reading:

AN ORDINANCE TO ABANDON A TEN FOOT UTILITY EASEMENT LOCATED ON LOTS 14 THROUGH 23 OF PATRICKS THIRD ADDITION (Christine Manning)

Councilman Tate moved, seconded by Councilman Rega to amend the ordinance to replace lot number 24 with lot number 23. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Kelton to suspend the rules and place on second reading. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Kelly to suspend the rules and place on the third and final reading. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Bowers for the adoption of the ordinance as amended. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was given the number 2774.

Councilman Roddy offered the following ordinance for the first reading:

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

Councilman Bowers moved, seconded by Councilman Kelly to suspend the rules and place on second reading. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Kelly moved, seconded by Councilman Fletcher to suspend the rules and place on the third and final reading. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Fletcher for the adoption of the ordinance. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was given the number 2775.

Councilman Bowers offered the following ordinance for the first reading:

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF TORNADO SIRENS FOR THE CITY OF JONESBORO

Councilman Tate moved, seconded by Councilman Fletcher to suspend the rules and place on second reading. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Kelly to suspend the rules and place on the third and final reading. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Rega moved, seconded by Councilman Fletcher for the adoption of the ordinance. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was given the number 2776.

The following ordinance was on the second reading:

AN ORDINANCE TO AMEND SECTION 9.08.02 ENTITLED "APPLICATION FOR PERMIT" OF THE JONESBORO CODE OF ORDINANCES, TO ESTABLISH AN INSPECTION FEE AND FOR OTHER

## PURPOSES

Councilman Tate moved, seconded by Councilman Crockett to amend the ordinance to eliminate the emergency clause, allowing ninety (90) days before the ordinance would go into effect. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Roddy to suspend the rules and place the ordinance on the third and final reading, but later withdrew the motion.

Councilman Rega offered the following ordinance for the first reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (G. S. Brant Perkins)

Councilman Tate moved, seconded by Councilman Rega to suspend the rules and place on the second reading. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was read a second time.

Councilman Rega moved, seconded by Councilman Pratt for the adoption of a resolution to set a public hearing for May 5, 1997, at 6:15 p.m. in Municipal Court, located at 410 W. Washington, Jonesboro, Arkansas. The public hearing was requested by Mr. Hubbard King & P. James Houston, for the vacating of a 173 foot utility easement, located north of Spring Hollow Drive. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The resolution was assigned number 1997:31.

The resolution to proceed with condemnation action on property located at 409 Belt Street, owned by Mr. Jack O'Brian, was pulled from the agenda.

Councilman Rega moved, seconded by Councilman Pratt for the adoption of a resolution requesting City Water & Light to provide free electrical service for traffic signals at the following locations:

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|---|--------------------------|
| * Matthews & Union                        | * Johnson & Stadium      |
| * Hwy. 49 & Airport                       | * Church & Cherry        |
| * Stadium & Matthews                      | * Stadium & Forrest Home |
| * Stadium & Race                          | * Washington & Church    |
| * Washington & Gee                        | * Washington & Matthews  |
| * Matthews & Gee                          | * Nettleton & Church     |
| * Nettleton & Rains                       | * Nettleton & Kitchen    |
| * Nettleton & Nettleton Circle / Frierson | * Main & Oak             |
| * Main & College                          | * Airport & Aggie        |
| * Main & Campus / High School             |                          |

A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The resolution was assigned number 1997:32.

Councilman Kelton moved, seconded by Councilman Tate for the adoption of a resolution requesting City

Water & Light to provide free utility services to the Earl Bell Center at 1212 S. Church (Circus), and to the Public Works Department at 1624 Strawfloor Drive for new gas pumps. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The resolution was assigned number 1997:33.

Council reviewed the following bids:

**•97:16 13 CY GARBAGE TRUCK - SANITATION DEPARTMENT**

Councilman Tate moved, seconded by Councilman Bowers to accept the low bid meeting bid specifications of Town & Country #1 for \$63,855.00 plus an extra \$310.00 for an extended warranty. A voice vote was taken resulting in all council members voting aye, with the exception of Councilman Roddy who abstained from voting. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers.

**•97:17 TENNIS COURT REPAIR - PARKS & RECREATION**

Councilman Rega moved, seconded by Councilman Crockett to accept the low bid meeting bid specifications of Arkansas Stripping for \$19,600.00. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy.

**•97:18 PAVEMENT MARKINGS - STREET DEPARTMENT**

Councilman Tate moved, seconded by Councilman Crockett to accept the low bid meeting bid specifications of the 3M Company for \$13,500.00. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy.

**•97:19 PAVEMENT MARKINGS - STREET DEPARTMENT**

Councilman Tate moved, seconded by Councilman Pratt to accept the low bid meeting bid specifications of the 3M Company. A voice vote was taken resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy.

Under new business, Councilman Kelton revisions to the Land Development Code are being reviewed and should be ready for Council in six to eight weeks. Also, Councilman Kelton requested a status report on Dr. Jack Jones and Mr. Bill Ebbert from City Attorney, Phillip Crego before the next council meeting. Mr. Crego stated he would have the information ready for Councilman Kelton.

Councilman Rorex asked about the Sanitation Study. Mayor Brodell stated recommendations would be presented to the Sanitation Committee in thirty days. Mayor Brodell stated he was hopeful that the Sanitation Committee would approve the recommendations, and present them for the Council's approval.

Councilman Kelly reported on the Information Systems & 911 Committee. Dr. Kelly stated the committee discussed a Computer Aided Dispatch that would allow Police Chief, Floyd Johnson the ability to know where his officers are and be able to dispatch the closest unit to a specific area. Councilman Kelly also stated the committee was looking at ways to integrate city software and computers. He stated it would cut down on maintenance agreements and make departments less fragmented. Councilman Kelly explained there was concern for cross training of city employees and a need for more computer programmers.

Councilman Rega moved, seconded by Councilman Kelton to accept the Audits & Grants Committee recommendation to hire Mr. Jim McKinnin as the new Grants Coordinator with a starting salary of \$42,000.00 increasing to \$45,000.00 in six months, to supply a city car, and a part-time secretary. A voice vote was taken

resulting in all council members voting aye. Those members were: Kelton, Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy.

With no further business the meeting was adjourned.