



Legislation Text

File #: MIN-97:009, **Version:** 1

Minutes for the City Council meeting on May 5, 1997

PUBLIC HEARING - 6:15 P.M. - A public hearing was held as requested by Mr. Hubbard King & P. James Houston, regarding the abandonment of the south 171.37 feet of a 72 foot utility easement, located north of and abutting Spring Hollow Drive. Mr. Dan Mulhollen explained that City Water & Light requested the ordinance be amended from 173' to 171.37' to allow for an existing 10 foot sanitary sewer line. Mr. Mulhollen explained the northern portion of the utility easement had been abandoned by Council on March 17, 1997, as requested by Mrs. Suzan Houston. No opposition was voiced.

CITY COUNCIL MINUTES - May 5, 1997

The Jonesboro City Council met Monday, May 5, 1997, at 6:30 p.m. A full quorum was in attendance. Present were: City Clerk, Donna K. Jackson, City Attorney, Phillip Crego and 10 council members. Those members were: Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Young and Councilman Kelton were unable to attend. Councilman Rega presided over the meeting in the absence of Mayor Brodell, and Vice Mayor Kelton.

The minutes of April 21, 1997, 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: Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy.

Councilman Rega presented awards to the Arkansas State University Debate Team who won at the national tournament. The following persons were honored: Chris McCracken, John Holder, Palmer Pellham, Joy Simpson, and Coach Michael Fisher.

The following ordinance was on second 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)

Discussion was held regarding the significance of documentation provided to council members which covered the history of a rezoning request approved with stipulations by the Metropolitan Area Planning Commission (MAPC). Jimmy Doyle Hunt requested approval of rezoning from Residential (R-1) to Commercial (C-3) for Lots 3, 4, 5, 6 & 7 of the David Smith 4th Addition, and for .68 acre located on the west side of North Church Street, south of Ginger Street, and on the east end of Tina Circle. The rezoning was approved by the MAPC with several stipulations. One stipulation was the abandonment of the Tina Circle right of way. City Clerk, Donna Jackson explained because Council wanted to address the rezoning and the abandonment of Tina Circle simultaneously, it was important for Council to know the rezoning ordinance had been tabled twice and pulled once. It was further explained the rezoning request was in conflict with procedures set by Ordinance No. 2605, that states once an item has been tabled or pulled three times, the item may not be brought before Council again for a one year period, and must start the procedural process over. Councilman Tate stated the rezoning had been delayed due to another MAPC stipulation requiring Lots 3 - 7 be replatted with property from 141 and

access provided. Councilman Tate asked City Attorney, Phillip Crego if an exception could be made due to the replat delay. Mr. Crego stated the ordinance could be amended, but the ordinance did not provide for exceptions. Councilman Tate informed Council the landowner was to meet with the opposition in an effort to reach a compromise.

The following ordinance was on the second 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 other action was taken regarding this ordinance.

The following ordinance was on the second reading:

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

Attorney, C. M. Mooney stated the concerns of Fire Chief Wayne Masterson had been resolved and submitted for the record a letter from Chief Masterson approving the alley abandonment. Councilman Tate moved, seconded by Councilman Kelly to suspend the rules and place the ordinance on the third and final reading. A voice vote was taken resulting in all members voting aye. Those members were: Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Kelly for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was given number 2777.

The following ordinance was on the second 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)

Councilman Tate moved, seconded by Councilman Kelly to suspend the rules and place the ordinance on the third and final reading. A voice vote was taken resulting in all members voting aye. Those members were: 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 members voting aye. Those members were: Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was given number 2778.

The following ordinance was on the third and final 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 Pratt moved, seconded by Councilman Bowers to amend Section 2 of the ordinance requiring the inspection fee be set by resolution, adopted by Council on recommendation of the Inspection Committee. Councilman Pratt cited A.C.A 14-43-502, Subsection (b) (1) entitled "Powers of Council Generally", that states

the Council shall have the management and control of finances, and of all real and personal property belonging to the corporation. Councilman Pratt explained to allow the Inspection Department to set fees without input from Council is an infringement on the Council's authority. A roll call vote was taken resulting in a seven (7) to three (3) vote against the motion to amend. Those members voting nay were: Rorex, Province, Tate, Crockett, Fletcher, Roddy and Rega. Those members voting aye were: Kelly, Pratt and Bowers. The motion to amend failed for lack of a majority vote. 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 with the exception of Councilman Pratt who voted nay. Those members voting aye were: Rorex, Province, Kelly, Tate, Crockett, Rega, Fletcher, Bowers, and Roddy. The ordinance was given number 2779.

The following ordinance was on the third and final 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 Roddy for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was given number 2780.

Councilman Bowers offered the following ordinance for the first reading:

AN ORDINANCE TO VACATE AND ABANDON THE SOUTH 171.37 FEET OF A UTILITY EASEMENT, LOCATED NORTH OF AND ABUTTING SPRING HOLLOW DRIVE AND EAST OF AND ABUTTING AUTUMN DRIVE IN THE WOODSPRINGS ESTATES ADDITION, PHASE IV. (Hubbard King & P. James Houston)

Councilman Tate moved, seconded by Councilman Fletcher to suspend the rules and place on the second reading. A voice vote was taken resulting in all members voting aye. Those members were: Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Roddy to further suspend the rules and place on the third and final reading. A voice vote was taken resulting in all members voting aye. Those members were: Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. Councilman Tate moved, seconded by Councilman Roddy for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The ordinance was given number 2781.

Item H, an ordinance to waive bids allowing the sale of one Jonesboro fire truck to the City of Bay, Arkansas, was pulled from the agenda. The ordinance was pulled based on the legal opinion of City Attorney, Phillip Crego. Mr. Crego explained State Law does not allow for the waiving of bids when selling property.

An Appeal Hearing was set for 6:00 p.m. May 19, 1997, regarding a rezoning denial from Residential (R-1) to Commercial (C-4) by the Metropolitan Area Planning Commission for 2.56 acres located on the east side of Harrisburg Road, south of Medallion Drive.

Councilman Fletcher moved, seconded by Councilman Pratt for the adoption of a resolution endorsing the establishment of a Crowley's Ridge Parkway. A voice vote was taken resulting in all members voting aye. Those members were: Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The resolution was given number 1997:34.

Councilman Roddy moved, seconded by Councilman Bowers for the adoption of a resolution adopting the following traffic signs, as recommended by the Traffic Authority:

"STOP" Signs:

- * Barrett at Matthews
- * Simino at Willow
- * Griggs at Willow
- * Washington at Mahon
- * House at Willow
- * Woolum at Willow
- * Longcrest at Willow
- * Hargis at Willow

20 MPH Speed Signs:

- * Pine from Warren to Church
- * Cedar from Warren to Church
- * Maple from Warren to Church
- * Center from Warren to Church
- * Melrose from Johnson across Belt St. to Marshall to Belt.
- * On Arch Street
- * On Long Street
- * On Irby Street
- * On Duke Street
- * On Henry Street

15 MPH Speed Signs:

- * Warren from Novak to Roseclair
- * Rosedale and Alpine from Bridge through Cayman Housing
- * Bridge from Novak to Roseclair to Rosedale

NO PARKING Signs:

- (Alleys located in the A.S.U. housing area)
- * North/ South Alley between Banks and Danner.
 - * East/west Alley from Whitaker to Driver.

NO TRUCK / NO TURN AROUND sign:

- * Arch and Irby Streets

A voice vote was taken resulting in all members voting aye. Those members were: Rorex, Province, Kelly, Tate, Crockett, Rega, Pratt, Fletcher, Bowers, and Roddy. The resolution was given number 1997:35.

With no further business the meeting was adjourned.