



## Legislation Text

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**File #:** MIN-93:021, **Version:** 1

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Minutes for the City Council meeting on October 18, 1993

PUBLIC HEARING - 7:15 P.M. - A public hearing was held regarding the vacating and abandonment of a utility easement in the West Branch Commercial Addition. Mr. Dan Mulhollen speaking for Wal-Mart in the matter, demonstrated the change in location of the utility easement. No opposition was voiced.

CITY COUNCIL MINUTES - OCTOBER 18, 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.

The minutes of October 4, 1993, were approved as amended by motion of Councilman Harpole seconded by Councilman Perrin. The amendments were as follows: Page five (5) amending the name "Doug Foreman" to "Steve Finnegan"; Page One (1) Paragraph Four (4); "Councilman Evans asked how soon the audit could begin and was told as soon as possible." Amended to read, "Councilman Evans asked how soon the audit could begin and how much it would cost." A roll call vote was taken resulting in all council members voting aye.

The address to be given by Lt. Rohnny McDaniel regarding the Civil Service Commission and changes in vacation policy, sick leave policy, and compensatory time was tabled at the request of Lt. McDaniel.

The following ordinance was on the third reading:

**AN ORDINANCE TO VACATE AND ABANDON MARTINBROOK DRIVE (CLAY KENWARD/HILLPOINT)**

Mr. Ron McCullers questioned how the land is to be utilized. Mr. Kenward explained the property would be used for single family dwelling. Councilman Hannah moved, seconded by Councilman Harpole 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 2514.

Councilman Hannah moved, seconded by Councilman Mays to adopt a resolution to set a public hearing for November 1, 1993, at 6:45 p.m. regarding the vacating and abandonment of a street easement in Highland Forest Subdivision at the request of Mr. Jerry Craft and his attorney Jim Burton. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:56.

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 OTHER PURPOSES. (RALPH WADDELL/MARK KELLER)**

Councilman Vance moved, seconded by Councilman Harpole to suspend the rules and place on the third and

final reading. A roll call vote was taken resulting in all council members voting aye with the exception of Councilman Mullenix who voted nay. Councilman Vance moved, seconded by Councilman Harpole for the adoption of the ordinance with the stipulations of the Planning Commission. A roll call vote was taken resulting in all council members voting aye, with the exception of Councilman Mullenix who voted nay. The ordinance was given the number 2515.

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. (BOB HUFFORD)

Councilman Vance 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 2516

The following ordinance was on the second reading:

AN ORDINANCE AMENDING SECTION 14.04 BY ADDING SECTION 14.04.13 FOR THE PURPOSE OF REGULATING YARD SALES.

Discussion followed. Councilman Evans recommended having a \$5.00 fee for rummage sales. Councilman Kelton explained it is difficult to regulate yard sales in commercial areas, unlike residential zoning where a business is prohibited. Councilman Kelton stated the purpose of the ordinance was to help regulate yard sales, not to raise revenues. Mr. Ben Cooper questioned the effect this would have on local church rummage sales. It was determined that all rummage sales should be reported to the Planning and Inspection Department, and limited to four a year.

Councilman Bowers offered the following ordinance for the first reading:

AN ORDINANCE TO VACATE AND ABANDON UTILITY EASEMENTS IN THE WEST BRANCH COMMERCIAL ADDITION

Councilman Hannah moved, seconded by Councilman Wise to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. Councilman Hannah moved, seconded by Councilman Vance 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 Vance moved, seconded by Councilman Harpole for the adoption of the ordinance with the emergency clause. A roll call vote was taken resulting in all council members voting aye. The ordinance was given the number 2517.

Councilman Kelton offered the following ordinance for the first reading:

AN ORDINANCE GOVERNING THE PROCEDURES AND STANDARDS FOR THE REGULATIONS OF CABLE TELEVISION RATES PURSUANT TO THE RULES OF THE FEDERAL COMMUNICATIONS COMMISSION AND THE CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1992.

Mayor Brodell stated he spoke with the Mayor of Paragould regarding their cable system, and Paragould's Mayor would be checking to see if it could be expanded to Jonesboro. Mr. Clyde Anderson, General Manager of KAIT, stated the ordinance would allow the Council to regulate basic rates only, which is a small percentage

of the total charges. However, Mayor Brodell explained without the ordinance the Council has no control at all. Councilman Vance moved, seconded by Councilman Mays to suspend the rules and place on second reading. A roll call vote was taken resulting in all council members voting aye. Councilman Harpole moved, seconded by Councilman Vance 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 Harpole 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 2518.

Councilman Mays 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 OTHER PURPOSES. (KEN & BARBARA SHIRLEY)

Councilman Mays moved, seconded by Councilman Vance to suspend the rules and place on the second reading. A roll call vote was taken resulting in all council members voting aye. No further action was taken.

The following millage resolutions were reviewed:

Police Millage - Councilman Hannah moved, seconded by Councilman Mays for the adoption of the resolution. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:52.

Library Millage - Councilman Hannah moved, seconded by Councilman Harpole for the adoption of the resolution. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:53.

City Millage - Councilman Hannah moved, seconded by Councilman Harpole for the adoption of the resolution. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:54.

Fire Millage - Councilman Vance moved, seconded by Councilman Perrin for the adoption of the resolution. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:55.

The following bids were reviewed:

93:48 - Oversized copier - Street Department

Councilman Mays 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.

93:49 - Leaf Vacuum - Sanitation Department

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

Councilman Evans moved, seconded by Councilman Vance to adopt a resolution requesting City Water and Light to provide electrical service to the Earl Bell Center (for Christmas Lights), at the Southside Softball

Center (Trailer), and at the Parking lot at Church and Cate streets. A roll call vote was taken resulting in all council members voting aye. The resolution was given the number 1993:57.

Under new business Councilwoman Ingram stated she would table her motion to notify the public of appointments to Commissions, Boards and Committees till a later date.

Councilman Bowers read a statement from the citizens of Jonesboro offering a \$1000.00 reward for information leading to the arrest and conviction of the person or persons responsible for vandalism in Jonesboro's cemetery.

Councilman Kelton informed the Council of a Comprehensive Plan meeting on October 20th and 27th at 5:30 p.m., and a Planning and Inspection meeting for 7:00 a.m. for Wednesday October 20, 1993. At Councilman Kelton's request Doug Little, Code Enforcement Officer gave an update on the condemnation extension granted to Roger Moore. Mr. Little reported there had been very little work done on the property since the last extension. Mr. Moore responded by stating vandals had broken out windows costing him approximately \$1600.00. Mr. Moore asked the Council to drop the condemnation proceedings so he could have the property insured. Councilman Perrin questioned how many extensions were actually given to Mr. Moore since the original owner was a financial institution. Pam Honeycutt, City Attorney reminded the Council this condemnation had gone on ever since she was appointed City Attorney and if they grant Mr. Moore this kind of extension then they must be prepared to grant the same extension to everyone else. Mr. Moore informed the Council he had renters ready to move in by December 1, 1993. Due to Mr. Moore's circumstances regarding vandalism Councilman Perrin moved, seconded by Mr. Kelton to extend Mr. Moore's building permit 30 days. A roll call vote was taken resulting in a six to six tie. Those voting in favor of the motion were: Ingram, Province, Mullenix, Perrin, Kelton, and Hannah. Those voting against the motion were: Wise, Evans, Bowers, Vance, Harpole, and Mays. Mayor Brodell broke the tie by voting in favor of the motion. Mayor Brodell explained the Council had responsibility to support its Code Enforcement Officers and this would be the last extension the Mayor would approve. The motion carried.

At this time Councilman Kelton moved, seconded by Councilman Mullenix to adjourn to executive session to discuss personnel matters regarding the resignation of City Planner, Jim Shaw. Councilman Kelton requested the attendance of Mr. Shaw's immediate supervisors, Brian Wadley and Guy Lowes at the executive session. Councilman Hannah and Councilman Mays questioned if this was a reason to call an executive session. It was determined that an executive session may be called for resignation purposes. It was questioned as to whether Mr. Wadley and Mr. Lowes should be allowed in an executive session. City Attorney, Pam Honeycutt stated she had researched the matter earlier, and it was up to the committee calling for the executive session. It was determined the committee calling for the executive session was the full Council in this matter. Mr. Larry Fugate, reporter for the Jonesboro Sun, gave an opinion from the Arkansas Supreme Court which echoed Ms. Honeycutt's decision. A roll call vote was taken with all council members voting aye. After a five minute recess the Council went into executive session for approximately fifty minutes.

Mayor Brodell called the regular council meeting was back to order. Councilman Vance reported he had reviewed a breakdown of the bids on the Safeway Project. The bids were approximately \$700,000.00 higher than earlier estimated. Councilman Vance stated he felt this was due to "extras" such as \$20,000.00 for security cameras and \$200,000.00 over budget on the heat and air conditioning unit. Councilman Vance contended he felt it was still a good idea to renovate the Safeway building but maybe expectations were too high.

Councilman Hannah reported the Residential Housing and Health Care Facilities Board had received a total \$1,404,992.38 from the refinancing of bond issues and the Board recommends applying these funds to capital

projects rather than general fund expenses. Councilman Hannah also, informed the Council of a resolution to be introduced at the next council meeting establishing procedures for destroying old finance records.

Councilman Hannah moved, seconded by Councilman Kelton to appropriate to Group Insurance a total of \$21,995.00, to come from the following Unappropriated Reserves:

General: 11,660

Street: 5,160

Sanitation: 4,750

Parking Meter: 25

Parks & Rec.: 400

With no further business the meeting was adjourned at 10:20 p.m.