



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Agenda Public Services Council Committee

Tuesday, March 20, 2018

4:30 PM

Municipal Center

Election of Chair

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

3. Approval of minutes

[MIN-17:143](#)

Minutes for the Public Services Committee meeting on December 19, 2017

Attachments: [Public Services Minutes 121917](#)

4. New Business

5. Pending Items

6. Other Business

7. Public Comments

8. Adjournment



City of Jonesboro

300 S. Church Street
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Legislation Details (With Text)

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Minutes for the Public Services Committee meeting on December 19, 2017



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Public Services Council Committee

Tuesday, December 19, 2017

4:30 PM

Municipal Center

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

Present 4 - Charles Frierson; Ann Williams; Bobby Long and Joe Hafner

Absent 1 - Chris Gibson

3. Approval of minutes

[MIN-17:070](#)

Minutes for the Public Services Committee meeting on June 20, 2017

Attachments: [Minutes](#)

A motion was made by Councilwoman Ann Williams, seconded by Councilman Charles Frierson, that this matter be Passed. The motion PASSED with the following vote.

Aye: 3 - Charles Frierson; Ann Williams and Bobby Long

Absent: 1 - Chris Gibson

[MIN-17:084](#)

Minutes for the Special Called Public Services Committee Meeting on July 18, 2017

Attachments: [Minutes](#)

A motion was made by Councilwoman Ann Williams, seconded by Councilman Charles Frierson, that this matter be Passed. The motion PASSED with the following vote.

Aye: 3 - Charles Frierson; Ann Williams and Bobby Long

Absent: 1 - Chris Gibson

[MIN-17:094](#)

Minutes for the special called Public Services Committee meeting on August 15, 2017

Attachments: [Minutes](#)

A motion was made by Councilwoman Ann Williams, seconded by Councilman Charles Frierson, that this matter be Passed. The motion PASSED with the following vote.

Aye: 3 - Charles Frierson; Ann Williams and Bobby Long

Absent: 1 - Chris Gibson

MIN-17:128

Minutes for the Special Called Public Services Committee Meeting on November 7, 2017

Attachments: [SC Public Services Minutes 11072017.pdf](#)

A motion was made by Councilwoman Ann Williams, seconded by Councilman Charles Frierson, that this matter be Passed. The motion PASSED with the following vote.

Aye: 3 - Charles Frierson; Ann Williams and Bobby Long

Absent: 1 - Chris Gibson

4. New Business

ORDINANCES TO BE INTRODUCED

ORD-17:088

AN ORDINANCE TO AMEND THE ALCOHOL ORDINANCE OF THE CITY OF JONESBORO AND CHANGE THE LANGUAGE OF SECTION 6-30(e) AND MOVE THE ORIGINAL SUBSECTION (e) TO SUBSECTION (f) IN ARTICLE II PERMITS

Chairmember Joe Hafner asked City Attorney Carol Duncan if we need to read this first. Ms. Duncan said no. It's a committee meeting so we don't have to do that. I will say though, I think it's been noted by a couple people, in Subsection (e) there is a typo where it says therefore not item is required it should say therefore not every item is required to be given the same importance or weight. So, before it goes to council we need to make that amendment to correct that typo. City Clerk Donna Jackson said we can do that. Councilmember Charles Frierson said I move that amendment. Ms. Duncan said City Clerk Donna Jackson can just correct that as a typo. So, I think we are good.

Chairmember Hafner said I think Councilmember Bobby Long wants to say a few words about this before we hear other comments. Councilmember Long said yes. The reason this amendment was brought forth was to establish further criteria for us to examine granting new alcohol permits or transfers mainly because that I believe that adding this criteria would just add to the information that we are allowed to have. So, there is nothing wrong with more information. Several of these will allow for, I think, a more robust discussion on the alcohol permits, or granting new alcohol permits or even transferring. So, I believe that was the whole idea behind these. Chairmember Hafner said we probably need to have more discussion. We can make a movement and then have more discussion, but I think there may be people in the audience who wish to speak on this and the committee probably has some comments too.

Councilmember Charles Frierson said so, Councilmember Long, if I heard you right, we're not taking anything out? We're moving it to another section? Councilmember Long said the idea behind this was to expand the criteria that can be reviewed in either granting or not granting an alcohol permit. It adds to the existing criteria that is already there.

Councilmember Ann Williams said I have a question. Why is this in this committee rather than like Public Safety? I'm just curious. Or Finance? This doesn't seem like it's under the purview of this committee. I'm just curious if there was a reason.

Councilmember Long said we had a question concerning which committee that that would be under and counsel put that under this committee, put this amendment under that committee. Councilmember Williams said I'm curious as far as the subject matter why this, because this is not usually what's defined as what's in this particular committee. Chairmember Joe Hafner said I was a little confused by that, as well, but the fact is it's in our committee now so I think we need to address it. I would like to make a few comments as we go through these. I guess I'll just go bullet point by bullet point. Number one, is the desired location is adequately served with respect to existing establishments offering intoxicating beverages. This is one that I find subjective. I think when it comes to adequately served that's very subjective and how are we to determine that? If somebody stays in business, I would think the customers desire to have that place. If they don't stay in business, then the customers, patrons, citizens, visitors determine that they weren't needed. I think it comes down to types of food. Businesses close all the time. Downtown is a perfect example of that. We have businesses come in and out. How are we to determine at any place and time that no, you can't have a business because we're adequately served right now when they meet every other criteria that is presently out there. Councilmember Long said I think number one was actually taken from the criteria that the State would look at. So, in part of the State's approval of this, they would look at whether or not the desired location is adequately served with respect to the existing establishments. I think when you take a look at that you can expand that, as well, to other areas not just to the one that is hitting us in the face. This number one criteria was actually a criteria that the State used in determining whether or not they would accept or reject an alcohol permit. Chairmember Hafner said if it's something the State already looks at why do we need to look at it? Councilmember Long said no, because we're now the authority that approves the application so we thought that this would be one that if we're going to approve it before it ever gets there. Chairmember Hafner said so how do you determine if someone is adequately served or not? I'm asking from legal standpoint, from personal. Ms. Duncan said I will say that when we discussed this one and Councilmember Long asked about putting this in, it is a criteria. The State looks at saturation, basically, in the area. That is a criteria that they look at. I don't know what they look at to make that determination. I don't know what factors they consider. I don't think they provide us that information. One thing I suggest is that, this council, because I'm assuming you're not gonna want to go out and determine how many places have an alcohol license within a certain radius of the new location. That is something that you're gonna expect staff to do, and I really don't feel comfortable with staff making, sort of like we do on a rezoning, checking a box yes or no, adequately served, not adequately served. I don't feel comfortable with staff doing that. I think council needs to say we want to know how many establishments are within a half mile, a mile, two miles, whatever your criteria is so that staff knows what information you're asking from them, if you keep this criteria. Then you can have that report when you come in. It will tell you how many are within half a mile, a mile, whatever it is that you establish as your radius of the location, if you all decide to keep that. At least then you have numbers that you're looking at. Chairmember Hafner said I think, at the very least, there needs to be more meat. Ms. Duncan said but I need the desire of the council as far as what you want. Chairmember Hafner said desire of the council or desire of the committee? Ms. Duncan said or committee, or both. I mean committee first, obviously, and then council. I'm happy to make edits, but I just don't think it needs to be left up to staff. Chairmember Hafner said I just think number one is too subjective.

Chairmember Hafner state that on number two the establishment enhances the location in which they wish to be located and fits the current development in the area. I mean, once again, how is the enhancement factor defined? If someone is against

alcohol, it's never going to enhance the location. Councilmember Long said couldn't you say that for point number one? Chairmember Hafner said yes. It's too subjective. It's hard if someone is against something. That's the other reason I want more meat in number one if we go this route, because if someone is against alcohol or for alcohol they could say this location is adequately served or they could say this location needs more.

Chairmember Hafner said number three states the originator of the non-profit organization of which the establishment is seeking the alcohol permit. I understand the person submitting the application goes through a background process, and I believe the local police and state police look at that as far as ABC, so what are we to use to determine the fitness of the originator? Councilmember Long said I think that point is not speaking to the fitness of the originator. What it's speaking to is the practice of those seeking alcohol permits will many times go and buy not-for-profit companies that have never been in existence and never been on a storefront, and the requirement for them to be in existence for one year can be met when they purchase one that's already been established for a year, but it may have not been in a storefront for a year. So, I think it's important to know whether or not the establishment that's seeking it is the one that actually applied for the not-for-profit because if it didn't and they went out and purchased one, then that speaks volumes as to, sort of, their intent. Chairmember Hafner said is the purchase of one currently within the realm of the ABC law? Ms. Duncan said it's not illegal to go purchase another person's non-profit if that's what you're asking. I mean that's perfectly legal. Councilmember Long said it's not. It's just more information. I'm not for sure how or why we would want to reduce the ability to gain information because, as you'll see, provisions of this ordinance are not required to be given the same importance or weight for any council. You may weigh more of these points more than me and I may weigh one of them more than you, but information is never a bad thing, and to reduce these to where it restricts our ability to ask questions or to get information that may not be important to you, but may be important to me, I think is doing a disservice.

Chairmember Hafner said number four states for existing licenses the amount given to their designated non-profit purpose annually in either money or other tangible donations. I guess my question there was, obviously, if you have a non-profit you should have an organization that you're giving to, but are we going to establish criteria if they're not giving x percent of their revenue or x percent of their profits? Councilmember Long said I think there again it goes back to more information. You know, if you have a company out there who grosses four or five million dollars a year, but you look at what percentage of gross is given to their designated non-profit, you know, is less than 1/100ths of a percent. I just think that's more information you can go by to determine whether or not this is good or if they're really gonna meet the requirements of the not-for-profit. I think there's no harm in requiring someone who is operating under a non-profit to actually act like one. Chairmember Hafner said so is part of that process on number four, would that be that when they request a transfer that they have to provide a copy of their non-profit tax return? I mean how else are you going to get that information? Ms. Duncan said that would be something the council would have to determine if this is going to be for new applications or if it's going to also apply to transfers or change of business operations. That's a council decision. Chairmember Hafner said my question there is, if we go this route, what would be the instrument used to determine that information? Is it simply they write in on the application we give \$100,000 per year or do we actually have something that shows that, that has some meat to it? I'm just asking for procedural purposes. Ms. Duncan said I mean our alcohol ordinance currently has something built in that has some teeth to it as far as allowing us to review their records and their receipts and things like that

to make sure they're paying their taxes correctly. I don't know if that would assist in this. Councilmember Long said I know if I was an establishment requesting an alcohol permit that I would do my homework and look at the criteria that is going to be required of me and I would be ready to give an answer. Chairmember Hafner said but we don't really have that criteria in place right now, do we? Ms. Duncan said not now. Councilmember Long said if I was asked the amount given the designated non-profit purpose annually in either monetary or other tangible donations, I think as an owner of a business I would know what percentage of my gross profits were given to that designated charity and be able to answer that question. Ms. Duncan said to answer your question Chairmember Hafner, this is the criteria that Councilmember Long is asking to add to the criteria. It's not an existing criteria. Chairmember Hafner said I'm just wanting to make sure if we go a route like this, I mean, more information is good. I agree with that, but I think we have to have procedures in place to make sure we use that information properly and that it actually has teeth to it is what I am getting at. Chairmember Hafner said number five, for existing licenses any violations of state or local laws or ordinances occurring on the current premises. I think that one makes perfectly good sense. Chairmember Hafner said number six, opposition or support comments from adjacent property owners or nearby area residents. I guess the comment I wrote down on this one when I went through it was opposition could be self-serving. Like downtown, if there were more restaurants moving in that served alcohol then that could be considered competition and the opposition could be purely I don't want any more restaurants because it's going to take away from my business. Councilmember Charles Frierson said I think we can determine the source of that and rule out the competition from being against it.

Chairmember Hafner said number seven states comments, recommendation by city staff reviewing the application. I don't have any issue with that. Like I just said, my main issues with these are what criteria is going to be used, and once we have this information what hurdles are we going to put in place, if we go this route, that actually enhances the process? Councilmember Frierson said can we go back up and look at one, two and three, again, please? I definitely support Chairmember Hafner's opinion on number one. I don't think this council needs to be in that business and we wouldn't do it correctly if we were in it. I will resist number one. Two and three will be a little bit troublesome, but I can live with those. Chairmember Hafner asked if there are any comments from anyone in the audience? If there is, please come to the podium and state your name and address for the record.

Mr. Jim Lyons, with Lyons and Cone, 407 S. Main Street, Jonesboro, said in regard to number three, the originator of the non-profit organization, if you, for example, let's suppose the Jonesboro Country Club wanted to move, the originator of Jonesboro Country Club is long since dead. The originator of many of these clubs are long since dead, and so that's something you're going to say that counts as a strike against you because they guy who formed this in 1923 is no longer around? That has nothing to do with this. The other thing that is getting mixed up here, I believe, is that, although these are Arkansas non-profits, they are not true non-profits. They pay taxes. Chairmember Hafner can tell you. They pay taxes just like you do in your business, I do in my business, or anybody else does in their business. They are only Arkansas non-profits in that they are required to make a donation to a non-profit organization. For example, the Foundation at Arkansas State University is what a lot of the entities that I represent give to. Some of them give to the American Cancer Society. Some of them give to the Muscular Dystrophy organization. They make donations to a lot of these, and you're talking about gross profit, if you look at the criteria, it's only the profit on alcohol that is even accounted and it's the net profit, not gross. Because you might have an organization that grosses \$5,000,000 and has a gross profit of \$1,000,000,

but has a net loss of \$1,000,000. Do you expect that entity that lost \$1,000,000, to give the same percentage that Chili's or Outback or somebody like that who makes \$500,000 per year or \$1,000,000 per year? I'm making numbers up because I have no idea what they make, but are they going to have to give the same amount in order to be considered a good citizen in the City of Jonesboro? These things do need, in my opinion, something that is very specific for this council.

As you know, I have filed several times to have this council overturned, and they reason it gets overturned is because the decisions are considered to be arbitrary and capricious. They are arbitrary and capricious because there are no criteria which specifically set out what you have to do and what you have to consider. Chairmember Hafner has the point that if there's nothing there, then it is going to be considered to be arbitrary and capricious if you just say, I'm just against alcohol therefore I'm going to vote against this, or even if you say, I consider the location to be adequately served without stating anything else. What is adequately served? I can tell you what the ABC looks at. The ABC looks at the location and the type of establishment, and says is this type of establishment being properly served in this particular area. In other words, if it's a different type of restaurant, for example, Omar's as opposed to Skinny J's, or Omar's as opposed to Godsey's. They're going to say those are two entirely different animals in their viewpoint. You have one that I would consider fine dining, and then the other two, Skinny J's is a step down from that, in other words, it's more laid back but has good steaks, and then Godsey's I would consider a step down from that in that it's sandwiches and that sort of thing. So, if you don't have some criteria, then all you're doing is opening yourselves up to more lawsuits, and if that's what you want, then that's what you're going to get because if there aren't any criteria setting these things out that specifically define exactly what you have to do and what we have to prove, then I can assure you we will be back in court, if you just say, well, I'm against this. Because the originator under which the establishment is seeking the alcohol permit, doesn't matter he died, or doesn't matter he moved away 10 years ago. The originator has nothing to do with it when you have many of these establishments have been in existence for years and years and years. So, to me, if you don't put some teeth in this, you're going to be acting arbitrarily and capriciously again, and we're gonna be right back where we started from in that there will be a lawsuit, and then we'll be determining whether Judge Fogelman or whoever the judge may be will be determining again whether the City is acting arbitrarily and capriciously. I don't think the City of Jonesboro wants to be considered to be a city where it is hard to develop and you all act in a manner arbitrarily and capriciously in projecting the view to others coming into the City that it's hard to develop and that's it hard to get anything done here because the City Council acts arbitrarily and capriciously.

I want the City of Jonesboro to grow, and I want it to grow well and I want it to grow nicely. I am 64 years old. I have lived here all but about 5 or 6 years of my life. My father lived here for years before that. My mother moved here when she was 14 years of age. So, I have a long history in this city, and I want the City of Jonesboro to be extremely, extremely successful. I want to be more successful than Northwest Arkansas, and you're not going to get there if you restrict development by the City Council being arbitrary and capricious. If the City Council comes up with legitimate criteria and says these are the things you have to do to prove it, and then it will make sense, you will be able to back it up. The developers will know exactly what they have to do and not come up here and just hope that oh, gee, I hope there are enough people there tonight who are in favor of alcohol because I know I'm gonna win. It's not going to be the anti-alcohol versus those in favor of alcohol. It's going to be people truly considering the criteria because you have to look at each one of those, and it's not something just arbitrary where you all can make up, oh well, I'm against alcohol

therefore I get to vote against it.

The long range plan for the City of Jonesboro is to grow and to do well. That's what I want. I simply think that we're making a mistake if we put a bunch of additions on this that don't have criteria which make it so that it is not so arbitrary and not so easy for you all just to say oh, we get to vote against this because we don't like alcohol. I'll be glad to answer any questions. Tell you what they do at the ABC. Needless to say, I've been down there many, many times, and can try to answer any questions that you all have about what they do down there. If you've got questions Councilmember Long, I'd be glad to try and answer those or anyone else.

Ms. Duncan said I will say, and that's why I said on number one, for example, we're looking for guidance from the council as to what, and that is developing the criteria. This is a jumping off point and if you want to set the parameters of it, for example, I said if you want to know how many are within a half a mile, a mile or two miles. I don't think this is necessarily specific enough. I think it was a starting point to start the discussion and develop criteria that would be easily discussed and easily enforced, but I think, no one person, not Councilmember Long, and certainly not me as City Attorney can establish that for you. You all are going to have to give us some feedback and some guidelines. I think that's the way the committee should work. I think the committee needs to give feedback on what they would like to see to enhance the criteria that you're looking at.

Chairmember Hafner said maybe I would like to suggest we hold this in committee and have at least another meeting or two on it before we present it to council. Ms. Duncan said, which is fine, but again I don't think we're going to get anywhere unless somebody gives some feedback. You can't discuss it amongst yourselves obviously, other than at a meeting, but I do think if you have specific ideas you could individually e-mail ideas to me and I can see if there is a way to merge them together or at least put them together in a form where we could present those ideas at the next council meeting as to what you would want to see enhanced or not enhanced. I think you all could adequately say at the meeting which criteria you like and don't like, but if there is a criteria that you just think needs enhancement, I think you could send those ideas. I'm happy to try to draft whatever you all request me to draft.

Councilmember Williams said I would have to say number two. I don't know if it could actually every be corrected or get away from being subjective because that's always gonna be subjective based up on what it's trying to establish, so I don't know if it's possible to have some type of criteria that would make two workable. Because that's always gonna be an opinion. Ms. Duncan said the only thing I could think of was if you turned it into more of zoning situation where you said it's compatible with the zoning of the area. I think that's really what, I don't want to speak for you, whether that's what you were trying to get to or not get to, but I thought that's what you said.

Councilmember Long said yes. Just to be respectful to you and to comment on some of the things you said, I think it's interesting that when the council deliberates and then it goes before the judge and the judge says we didn't deliberate enough. We ask what is enough. We don't get an answer. So, that seems a little bit subjective, as well. When we look at zoning issues. If you look at some of the criteria, like noise level. That's subjective, too. There are a lot of things that happen in deliberation that aren't strictly by the book. Not strictly by the book, but strictly by a number. If we had numbers on every single criteria then we wouldn't need to approve anything, or we couldn't deliberate on anything because if they meet a certain threshold then it's an automatic. Deliberation is just deliberation. There's gotta be a little bit of subjectivity I think in decisions, and deliberation is how we achieve that. Councilmember Frierson,

Councilmember Williams may not hold any of these with any weight, but I may hold some of them as weight. That's what we are elected to do. We are elected to represent the people. They put us in office, and if we represent those people then I think we are doing our job. To say that we have to have a strict objectivity on everything then deliberation is null and void because at that point it just becomes a meeting of threshold and we don't need to do anything. Arbitrary and capricious, that in itself, I believe, is an arbitrary and capricious statement because that is in itself subjective.

Mr. Lyons said that's the standard. Ms. Duncan said that's the legal standard. Councilmember Long said well that's the standard, but what I'm saying is you're trying to say we want to try to not be arbitrary and capricious and if any one of these get by then it's gonna be seen as arbitrary and capricious. Yet, we deliberate for an hour on an instance and if it doesn't turn out the same way then all of a sudden our decision is arbitrary and capricious. What I was trying to do was set forth other criteria other than whether or not someone can dot an "i" and cross a "t" on whether or not these things should be granted. If you look back, I believe the people of Jonesboro said twice that they don't want this. Mr. Lyons said last time they said it was 1978. That was 40 years ago. Councilmember Long said do you have anything prior to that that says that it does not? Mr. Lyons said there has been numerous studies where it's about 50%. Councilmember Long asked has there been a vote that says otherwise? Mr. Lyons said there hasn't been a vote because it hasn't been raised. Councilmember Long said okay, there is a process by which to raise that. Is that correct? Mr. Lyons said that is correct.

Councilmember Long said you know, ambition, desire and conviction without putting feet to it is not much conviction or desire. So, I have two votes that says they don't and you have no vote that says they do. What I was trying to do is enable a means by which we can deliberate and get to the point and find out some of these things and whether they're weighted or not weighted by any member of the council. Councilmember Frierson said, I'm sorry, Councilmember Long. Are you against establishing the criteria so the applicants can see them and know what they have to face? Councilmember Long said no, I am not. Councilmember Frierson said are you for this council sitting down, either in a committee meeting like this or in the full council, and establishing those criteria? Councilmember Long said I think that's great. Councilmember Frierson said I think we have to have some body charged with developing some of them and bringing them to us to consider don't you? Councilmember Long said I agree with that. Councilmember Frierson said okay, we're on the same page, except for number one. Councilmember Long said I like number one.

Chairmember Hafner said are there any other comments for Mr. Lyons? Ms. Duncan said let me throw two suggestions out because I have a feeling we'll be back in this same spot next time. On number two, I think you maybe could fix part of that problem if you said, "the establishment's location fits with the zoning in which they wish to be located and fits with current development in the area." At least then you would know what you're looking at. You're not just looking at we want it or we don't want it. You're looking at the zoning and whether it fits and whether it's going to seamlessly meet the neighborhood. A place where you would locate a Chili's might not be a place where you'd locate the Vault. I think that might help that one. I don't know how you all feel about it, but I think that might help that one. I also think on number three if the council chooses to keep the information about the originator of the non-profit that should be limited only to new alcohol permits. I don't know that you're intending that to imply to like the Jonesboro Country Club that has been here for 20 years. Councilmember Long said that was the intent. My intent was new applicants. Ms.

Duncan said also, on number four, I think I knew we would be talking about the net profit on alcohol only, but I think maybe we need to say that to the council, and that's maybe an oversight on my part because I just assumed everyone knew that that's what you're looking at, but it would be "an amount given to a designated non-profit annually in either money or tangible donations from the net profit on alcohol." Now the question then becomes, as Mr. Lyons said, what's enough and what's not enough. I don't know how you do set that criteria other than looking at the guidelines, if there are any from the ABC, and I can certainly look at that in more depth. If anybody else has suggestions that they want me to work that would be helpful before the next committee meeting. Otherwise, I'll sit back and wait. Councilmember Frierson said I have a suggestion now Mr. Chairman or acting Chairman. I believe you are correct. We need to look at this some more. I'm personally not ready to pass it on. Chairmember Hafner said any other comments from the public. We need to be conscious of time. It's 5:05 and we've got another meeting.

Mr. Harold Carter, 902 Tony, said I just had one quick question. Is there really any criteria on how much they're gonna contribute? Is this just a nominal amount or no amount at all? Is it all just gonna turn into, in some cases, trivia? Chairmember Hafner said that was one of my questions too Mr. Carter. Mr. Carter said it may be legal, but it's just a bad idea in general, and if the state allows it then they can do it. I just get tired of talking about somebody that's gonna work as hard as they can, in some mysterious way to me, to not produce anything, and some of them would be more interested. It just sounds random to me.

Mr. Bob Hester, 7096 CR 333, said regarding the vote about two or three years ago they couldn't even get 35% of people to sign signatures to get this on the ballot. People, I believe, still want it dry here, and as I told you before people wonder why they even vote with so much alcohol here. There's one type of permit. There's not a permit for a steakhouse, for a pizza place, or this or that. There's one type and that's a private club. That's all. They're not different kinds. Everything on Main Street is the same kind of permit, and you've had 20 of them shut down that's had permits down there, and some more of them are gonna go. Two of them I told them before they went in that they were gonna go. They shut down about less than a year later, I think. So, more of them are gonna go. That place is way over served. You can go down there any time and never see lines waiting to get into any of those places. I believe it's easy to tell where the place is adequately served if people can go at any time and go and get alcohol. They should be adequately served. I think Jonesboro with 53, I think it is, is more than adequately served. I think anybody that is reasonably would have to admit that. As far as growth of Jonesboro, that's one of the biggest jokes. That's not a joke, but we're talking about the growth and I think I might have had some of that material and gave it out between wet and dry counties. Dry counties have always drawn better and they always will. Nobody can show me, none of these folks out here can show me, where alcohol has been a good development tool. It's not true, and they can't show me that, but I can show you where it's the opposite if you want to look at the facts. I had no clue what was gonna be said tonight. I just wanted to make those few points right quick.

Mr. Jason Willett, 1804 Starling, said I'll be very brief. I consult in this industry. With your ordinance, I think what you have already passed up to this point is sufficient. Councilmember Long there are a lot of parts to this that are already state law and what Mr. Lyons has said I concur with. At the same time, when you look at seven of these things and some of the stuff you're trying to add, you're getting into a business here that I think you've got to be a bit cautious on, and I think as you look at this state law is already there. These private clubs that are in existence are in existence for a

reason. The idea that you look at with what Mr. Hester talks about on the wet/dry vote. It didn't get the signatures because we worked against them getting the signatures. If they want to gather the signatures and put it on the ballot, this is the kind of stuff that will vote the county wet. I think that might be some of the reasoning behind it, but on behalf of a lot of private clubs in this community and around the state, we know what's behind this. We know what it's about. State law already states 100% what we need to know about these permits. The idea to add seven more things, and I agree, there's two or three things that make sense, but there's three that don't. So, I would hope you all would get out of this kind of business and get into doing the job of the city and leave the ordinance the way it is and not just be because some people happen to be against alcohol.

Mr. Joe Clay Young said I believe the ordinance is sufficient the way it is currently written as stated by the other gentleman before me. I've worked as a developer in bringing a lot of restaurants that add jobs, increase our tax base, and work intimately with a lot of those folks that are wanting to come to Jonesboro and invest millions of dollars in creating jobs and making our town a place where you can find good work and good food. I want to say that so much of what you're talking about here is state law in working on multiple permits over the last 20 years. This is covered by the Alcohol Beverage Control Board. Almost everything you've got here is covered. We're getting into redundancy here and making a lot more work for you guys. I'm just in support of the existing ordinance the way it's written now.

Councilmember Long said does anybody know what the existing reject rate is for alcohol permits by the ABC board in Little Rock? Do you know what it is? Chairmember Hafner said I think maybe we can find that out. Councilmember Long said my point is that the state put this back on the city in order to do its due diligence. More information is never a bad thing. Less information can lead to arbitrary and capricious. If it stands right now, there's very few criteria we can even look at. We may as well just approve everything that comes by that's approved by the police station because other than that, that's all we have to look at whether or not it was approved or not. Whether the i's are dotted, t's are crossed. They're not a felon. Just general, general criteria. When it's our responsibility to take a look at this, I'm not really concerned with redundancy. I'm concerned with doing and representing the people adequately and doing that to the best of my ability. More information is never a bad thing in my viewpoint.

Mayor Harold Perrin said I think would of the next steps would be for our city attorney, police chief and myself to go to the ABC, sit down and go through these because what I have been hearing is that some of these are already in the state law and some are already in the permit. Arbitrary and capricious, obviously we know all about that on our rezoning, as Mr. Lyons said that. Again, we could sit here all night and talk about should you put a number in there, should you put a type of business in there, should you do what. State legislature passed this on to us without any direction. We've had to call the ABC ourselves and even ask for the type of permit they're looking for in which for us to type up to be filled out and which to send to them. There was an article in the Democrat-Gazette on North Little Rock on a permit that just come up, which I think was shot back, which I'm not for sure. It's not gonna hurt for us to take a trip, in my opinion, to just sit down. That's what the chief and I did last week when we went on a different agency. The only way I know how to do it is to just go straight to the agency and sit down with the director and say here's my issue, answer it. We can come back and report that back to you. I will be glad to. Ms. Duncan said I don't think they're gonna give us legal advice. These are all in their criteria. I don't think there's any question about that. Mayor Perrin said then why are we repeating them? Ms. Duncan said that's the question.

A motion was made by Councilman Charles Frierson, seconded by Councilwoman Ann Williams, that this matter be Postponed Indefinitely . The motion **PASSED** with the following vote.

Aye: 3 - Charles Frierson;Ann Williams and Joe Hafner

Nay: 1 - Bobby Long

5. Pending Items

6. Other Business

7. Public Comments

8. Adjournment

A motion was made by Councilman Bobby Long, seconded by Councilwoman Ann Williams, that this meeting be Adjourned . The meeting was **ADJOURNED**.

Aye: 3 - Charles Frierson;Ann Williams and Bobby Long