



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, June 19, 2012

6:30 PM

Huntington Building

PUBLIC SAFETY COMMITTEE MEETING AT 5:30 P.M.

APPEAL HEARING AT 6:00 P.M.

Requested by Grayson Investments regarding the denial by the MAPC to rezone property located at 3701 East Johnson to modify the existing C-3 L.U.O. to provide for additional uses

Attorney Jim Lyons, representing Grayson Investments, discussed the rezoning. He provided the Council with information regarding the property. He noted the traffic count that is included in the informational packet has gone up since the count in 2010 due to the increase in commercialization in the area and the construction of the fairgrounds and new NEA Hospital nearby. He explained almost every property along the highway is currently commercial or being sold as commercial. Mr. Lyons then discussed the surrounding properties.

Councilman Moore questioned what changes they would like to be seen in the zoning. Mr. Lyons explained they asked for a number of things, but primarily they would like to see allowances for restaurant or retail business. They would be willing to make buffers or fencing at the back of the property. Councilman Moore then questioned what the primary reason was for the rezoning being turned down by MAPC. Mr. Lyons answered it is his understanding the reason for the denial was due to the people in Maplewood Terrace that are opposed to the rezoning changes. Councilman Moore asked if there were questions with the lighting or other issues that can be taken care of during the site plan process. Mr. Lyons stated there were no complaints about lighting, but they are willing to work with the residents to address any issues they have. He noted that the property owner, Mr. Osment, has offered to meet with the neighboring property owners to discuss their concerns, but they never requested a meeting. He added they understand their feelings, but this is an area that has become more commercial due to the Craighead County Fairgrounds and the development of Brookland and Paragould.

Councilman Moore questioned access from the property to Maplewood Terrace. Mr. Lyons explained they have not asked for access to Maplewood Terrace and do not plan on asking for any such ingress or egress. He added they would be willing to put that as a stipulation if needed.

Mr. Jim Carter, a resident on Maplewood Terrace, spoke in opposition to the rezoning. He explained they have a great neighborhood with great people living there. He discussed the history of the previous rezoning of this property and the subsequent court case. He stated they believe the court settlement was fair to the land owner and ask that the Council deny this request in order to comply with the Circuit Court decision. Grayson Investments has owned the property for two or three years and do not care how the neighborhood looks or else they would've kept the property clean. Mr. Carter further explained he owns rental property and it is his responsibility to keep up

that property. Grayson Investments knew the stipulations when they purchased the property. Other commercial businesses referred to by Mr. Lyons do not back up to a residential subdivision or the back of a house. Councilman Moore questioned a piece of property near the location of the rezoning that is also close to their neighborhood. Mr. Carter explained that property is backed by a six foot ditch and will have trees and fencing surrounding the property. He further explained this property abuts a residential property both on the side and front, which will ruin the value of those owners property.

Mr. John Hatcher, 3105 Maplewood Terrace, also spoke in opposition to the rezoning. He discussed the proposed rezoning. He noted the photographs provided by Mr. Lyons fail to show the residential homes nearby. He provided the Council with a photograph showing the homes. He stated he fails to see how the fairgrounds and hospital change the dynamic of the neighborhood and to approve the rezoning will destroy the peace of the neighborhood as well as the properties.

Councilman Dover asked for details regarding the previous court case. It was explained the Gillespie family previously sent the case to Circuit Court and the judge granted their request for C-3 LUO zoning. Councilman Dover then questioned whether the City would be violating the court order by denying the proposed rezoning. Assistant City Attorney Carol Duncan stated that was an issue at the MAPC meeting. She researched the issue and could not find a legal precedence one way or the other that said the City could or couldn't do the rezoning. She added the Council can't take away from the court order, but there is some question in her mind whether or not the City can add to it. Councilman Moore stated he doesn't think there would be any problem with the City changing the limited use overlay to be less restrictive, so long as they don't make it more restrictive.

Mr. Lyons noted that he also was not able to find any precedence in this area that would say the City can't approve the rezoning request. Assistant City Attorney Duncan added they also agree that there wasn't anything saying the City could approve the request. Mr. Lyons agreed. Councilman Moore stated he also doesn't see any reason why the petitioner couldn't take this rezoning request back to Circuit Court for approval depending on what the City Council decided.

Ms. Stacy Schratz, 3104 Maplewood Terrace, spoke in opposition to the rezoning. She stated in the rezoning application the petitioners indicated no one lived at that address. But, she has pictures that were turned into City Planner Otis Spriggs showing that people have lived on the property almost the whole time. She also noted the application indicated the petitioners talked with the nearby property owners who have an eyeglass business on their property and they did not have a problem with the rezoning. But, the petitioners did not speak with those property owners. She explained the property has not been maintained, so the nearby residents have maintained the property. Grayson Investments was aware of the zoning when they purchased the property.

PUBLIC HEARING AT 6:15 P.M.

Requested by Jonesboro Real Estate Holdings to vacate and abandon Roland Street (a 50' road right-of-way) and Logan Street east of Roland Street (a 50' road right-of-way)

No opposition was voiced.

1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION**3. ROLL CALL BY CITY CLERK DONNA JACKSON**

Present 10 - Darrel Dover; Ann Williams; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent 2 - Charles Frierson and Charles Coleman

4. SPECIAL PRESENTATIONS

COM-12:039 Jason Franken, consulting actuary, of Foster & Foster will make a presentation on the most recent actuarial valuation for the closed Principal Plan and possible future obligations.

Sponsors: Finance

Attachments: [Actuarial Evaluation Report](#)

Mr. Franken discussed the actuarial report for the non-uniform pension plan. He noted this plan currently has funds with Principal and Stephens. The valuation is required every year to figure out the funding requirements in order to pay future payments from the plan. He explained last year the City contributed \$625,256, but this year the contribution will be \$0 due to the Principal plan being frozen. Assets last year were \$8 million. This year the assets are just over \$8.42 million, so there has been a \$4 million increase since last year. Liabilities for last year were \$13.1 million. This year liabilities are just under \$7 million. As long as the assets continue to exceed the liabilities, the City will not need to make contributions. Mr. Franken noted this will depend on stock market performance. He also explained the Principal plan requires \$4.4 million to meet the benefit index, so as long as the City's assets in the Principal plan stay above \$4.4 million no contributions will be required. Right now, the assets are at \$6.6 million, leaving the City a \$2.2 million cushion.

Councilman Moore referred to the cushion with the plans. Mr. Franken stated the funding ratio for the City is 120% this year, while last year it was 87%. The ratio increased due to the Principal plan being frozen. He explained a ratio between 80% and 100% is comfortable.

Councilman Fears questioned why the information wasn't presented to the Finance Committee before going to the City Council. Mayor Perrin explained the actuarial evaluation has always gone to the City Council rather than going to a committee.

Councilman Dover then questioned who is managing the City's pension money. Mr. Franken answered Principal is managing the majority of the money, about \$6.6 million as of March 31st. Stephens is managing about \$2.2 million.

This item was Read.

COM-12:042 Proclamation presentation by the Mayor

Sponsors: Mayor's Office

Mayor Perrin presented Finance employee Christy Wall with the Mayor's Citation for

Distinguished Service for 2012.

This item was Read.

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilman Chris Gibson, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote

Aye: 10 - Darrel Dover; Ann Williams; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 2 - Charles Frierson and Charles Coleman

MIN-12:048 Minutes for the City Council meeting on June 5, 2012.

Attachments: [Minutes](#)

This item was PASSED on the consent agenda.

RES-12:073 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO APPROVE CHANGE ORDER NO. 1 FOR RENOVATIONS TO THE OLD JONESBORO YMCA

Sponsors: Engineering

Attachments: [Change Order #1.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-083-2012

RES-12:074 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT CONSTRUCTION EASEMENT FROM JONESBORO PUBLIC SCHOOLS FOR THE CONSTRUCTION AND MAINTENANCE OF A SIDEWALK

Sponsors: Engineering

Attachments: [Permanent Construction Easement](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-084-2012

RES-12:078 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN ENGAGEMENT LETTER FOR AUDIT SERVICES OF FEDERAL AWARDS WITH FREEMAN & COMPANY, CPA

Sponsors: Finance

Attachments: [Freeman engagement letter 2011 audit](#)

This item was **PASSED** on the consent agenda.

Enactment No: R-EN-085-2012

RES-12:080 A RESOLUTION TO CONTRACT WITH COACH JOEY'S FASTPITCH ACADEMY FOR SPONSORSHIP OF A OUTFIELD SIGN AT SOUTHSIDE SOFTBALL COMPLEX

Sponsors: Parks & Recreation

Attachments: [Coach Joey's Fast Pitch Academy](#)

This item was **PASSED** on the consent agenda.

Enactment No: R-EN-086-2012

RES-12:081 A RESOLUTION TO CONTRACT WITH JONESBORO RADIO GROUP FOR RENTAL OF SOUTHSIDE SOFTBALL COMPLEX

Sponsors: Parks & Recreation

Attachments: [4th of July southside contract](#)
[FW Fourth of July](#)

This item was **PASSED** on the consent agenda.

Enactment No: R-EN-087-2012

RES-12:093 A RESOLUTION TO CONTRACT WITH EAB BROADCASTORS INC FOR RENTAL OF CRAIGHEAD FORREST PARK

Sponsors: Parks & Recreation

Attachments: [EAB Broadcastors 4th in the Forrest Contract](#)

This item was **PASSED** on the consent agenda.

Enactment No: R-EN-088-2012

RES-12:101 A RESOLUTION TO CONTRACT WITH OLDHAM LAW FIRM FOR SPONSORSHIP OF A CONCESSION STAND SIGN AT JOE MACK CAMPBELL PARK

Sponsors: Parks & Recreation

Attachments: [Oldham Law Firm](#)

This item was **PASSED** on the consent agenda.

Enactment No: R-EN-089-2012

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-12:033 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING

BOUNDARIES FOR PROPERTY LOCATED AT 3701 EAST JOHNSON AVENUE AS REQUESTED BY GRAYSON INVESTMENTS

Attachments: [Plat](#)
[MAPC Report](#)
[MAPC Record of Proceedings](#)
[Appeal Letter](#)

Councilman Street offered the ordinance for first reading by title only.

This item was Held at one reading.

ORD-12:034

AN ORDINANCE TO VACATE AND ABANDON ROLAND STREET (A 50' RIGHT OF WAY) AND LOGAN STREET EAST OF ROLAND STREET (A 50' ROAD RIGHT OF WAY) AS REQUESTED BY JONESBORO REAL ESTATE HOLDINGS

Attachments: [Plat](#)
[Plat 2](#)
[Utilities](#)
[Petition](#)
[Engineering letter](#)
[Planning letter](#)
[Application](#)

Councilman Street offered the ordinance for first reading by title only.

Councilman Street questioned whether all the paperwork for the abandonment has been turned in to the City. City Planner Otis Spriggs answered yes, they received all the communications from the utility companies as well as letters from Planning and Engineering to concur with the abandonment.

Councilman Street discussed the rezoning and noted the Council had previously approved an adjoining abandonment. He added this abandonment has also been through the Public Works Committee. Councilman Moore questioned whether there was any opposition. Councilman Street answered no.

Councilman Street motioned, seconded by Councilman Moore, to suspend the rules and waive the second and third readings. All voted aye, with the exception of Councilman Vance who abstained from voting.

A motion was made by Councilman Mitch Johnson, seconded by Councilman John Street, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 9 - Darrel Dover; Ann Williams; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 2 - Charles Frierson and Charles Coleman

Abstain: 1 - Gene Vance

Enactment No: O-EN-025-2012

RESOLUTIONS TO BE INTRODUCED

RES-12:053

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS

to Condemn property at 3301 Fairview

Sponsors: Code Enforcement

Attachments: [CONDEMNATION CHECKLIST](#)
[Inspections001](#)
[100_3686](#)
[100_3685](#)
[100_3687](#)
[100_3689](#)
[100_3684](#)
[100_3692](#)

A motion was made by Councilman Chris Moore, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 2 - Charles Frierson and Charles Coleman

Enactment No: R-EN-090-2012

RES-12:065

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property at 202 Mulberry Owners James and Jacqueline Butler

Sponsors: Code Enforcement

Attachments: [CONDEMNATION CHECKLIST](#)
[Inspection Report001](#)
[101E0637](#)
[101E0636](#)
[101E0632](#)
[101E0629](#)
[101E0628](#)

Code Enforcement Officer Ronnie Shaver explained the owner purchased a demolition permit last week. He inspected the property today and found the structure to be on the ground, so they are just waiting for the owner to haul it off.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 2 - Charles Frierson and Charles Coleman

Enactment No: R-EN-091-2012

RES-12:066

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property at 204 Mulberry Owner Vanessa Gomez

Sponsors: Code Enforcement

Attachments: [CONDEMNATION CHECKLIST](#)
[Inspection Report001](#)
[101E0613](#)
[101E0614](#)
[101E0624](#)
[101E0626](#)
[101E0620](#)

Ms. Gomez explained she used to rent the property out, but the property burned two years ago. She stated she used to live in a big house, but it is currently in foreclosure. She and her three kids are currently living with her father at 216 Miller. She further explained this house is all she has left to her name. She noted she should've done something sooner concerning the house, but because her house was so big she didn't care about this property. But, she needs this property now and is having problems getting the electricity going. She stated she can't get the sheetrock up or anything else done until the electricity is running. She added there is also an issue with flooding that will have to be taken care of.

Mr. Shaver explained during the condemnation process he only looks at whether or not the home is inhabitable, not the floodplain. But, it was brought to his attention that house is partially in the floodplain. He also noted Ms. Gomez has not purchased permits to do any improvements.

Chief Building Official Terry Adams explained the home is halfway in the floodplain, halfway out so a licensed contractor will have to be hired to give them an estimate as to the 50% ratio. He said if it meets the benchmark then the whole house will have to be lifted and made flood proof. As to feasibility, if the house has to be lifted it may be better to abate the property and build a new structure.

Ms. Gomez stated the materials she has so far has been donated to her and Habitat for Humanity is going to help her out with the electricity. She explained she understands the house may not be worth lifting, but she has no other options because she is homeless. She further explained she doesn't have the money to raise the house up and is depending on help from the community to make improvements on the home.

Councilman Fears asked how the house was built considering the floodplain issue. Mr. Adams explained the house is several years old, so floodplains were not discussed when the house was built. Councilman Fears then questioned whether 45 days will be long enough for Ms. Gomez to get an engineer to look at the home to determine whether it has to be raised or not. Mr. Adams answered yes.

Ms. Gomez indicated she will be doing a lot of the improvements herself, except for the electricity which is going to be funded by Habitat for Humanity. Mr. Shaver noted Ms. Gomez will need to hire a licensed plumber because the copper plumbing has been stolen from the house. He added that Ms. Gomez is leaving out the fact that she owns a lot of vacant properties in town that have had structures taken down in the past.

A motion was made by Councilman Chris Moore, seconded by Councilman Mikel Fears, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 2 - Charles Frierson and Charles Coleman

Enactment No: R-EN-092-2012

RES-12:067 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property at 507 Krewson
Owner: Brenda L Richards

Sponsors: Code Enforcement

Attachments: [CONDEMNATION CHECKLIST](#)
[Inspection Report001](#)
[101E0234](#)
[101E0230](#)
[101E0222](#)
[101E0227](#)
[101E0224](#)

A motion was made by Councilman Chris Moore, seconded by Councilman Gene Vance, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 2 - Charles Frierson and Charles Coleman

Enactment No: R-EN-093-2012

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-12:028 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 2217 WEST PARKER ROAD AS REQUESTED BY THE CITY OF JONESBORO

Attachments: [Plat](#)
[Application](#)
[MAPC Report](#)

A motion was made by Councilman John Street, seconded by Councilman Chris Moore, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 2 - Charles Frierson and Charles Coleman

Enactment No: O-EN-026-2012

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

He noted the first Council meeting in July will fall on July 3rd, the day before the 4th of July holiday. He suggested moving the meeting to July 2nd. Councilman Moore motioned, seconded by Councilman Dover, to reschedule the next City Council meeting to July 2nd. All voted aye.

Consolidated Youth Services has agreed to purchase Fire Station #4 on Stadium for the appraisal price of \$178,000 with the stipulation that the City rezone the property to C-3. They are starting on the rezoning process.

They anticipate the YMCA pool should be turned over to the City a few days before the deadline of July 2nd. They met with Home Depot and some other businesses to furnish the pool and other areas in the building.

Tomorrow they are opening bids for the enhancement project on Phillips Drive. Sidewalks will be put in with additional lighting.

They have closed on all of the properties concerning the encroachments on the Edwards property, with the exception of one piece of property. They expect to sign the papers for that next week. He has received calls from interested bidders. The property appraised for \$500,000.

The Ward 5 meeting went well and they got a lot of useful information. The Ward 6 meeting will be held on Tuesday at 6:00 p.m. at the fire station on Brazos.

Crime analyst report was given at the Public Safety meeting. They will be working with several people to curtail crime in areas of town. He will schedule the presentation for the full Council.

COM-12:044

Financial reports as provided by Chief Financial Officer Ben Barylske on June 19, 2012

Sponsors: Finance

Attachments: [2012 Franchise Fees Comparison](#)
[2012 Hotel tax Comparison Report](#)
[2012 Hotel tax \(cash \) Report](#)
[2012 Sales Tax Revenue Ben - Cash Basis](#)
[2012 State Turnback Report](#)
[Deposit Collateralization Report](#)
[May 2012 Expense Report](#)
[May 2012 Revenue Report](#)
[May Statement of Rev, Exp and Changes in FB](#)
[Required Reserves 5-31-2012](#)

Through May, revenues over expenditures are \$1,117,000 not including capital improvements. Including capital improvements, revenues are over expenditures by \$256,000. Reserve requirements are far being exceeded. Sales tax was up 7.31%. Franchise fees are down about \$48,000. Hotel tax is up 14.67% from this time last year. Funds are earning 1.26%.

This item was Read.

9. CITY COUNCIL REPORTS

Councilman Woods asked for everyone to keep Councilman Coleman in their thoughts due to the loss of his sister today.

Councilman Fears noted Jonesboro Police held the Dare to Ride event on June 7, 8, and 9. Over \$50,000 was raised and was a big success. Proceeds will go to Jonesboro DARE.

Councilman Gibson stated the double left-hand turn at Johnson and Stadium is coming along nicely and they will probably have it done sometime next week.

10. PUBLIC COMMENTS

Employee Representative Chairman Larry Jackson stated it was good to hear the report from Foster & Foster. He is glad the City has gotten away from Principal. Further discussion was held concerning the Principal plan. He also stated the employees are thankful for the new public works facility on Dan Avenue.

11. ADJOURNMENT

A motion was made by Councilman Mitch Johnson, seconded by Councilman Tim McCall, that this meeting be Adjourned . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Chris Moore;John Street;Mitch Johnson; Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 2 - Charles Frierson and Charles Coleman

_____ **Date:** _____
Harold Perrin, Mayor

Attest:

_____ **Date:** _____
Donna Jackson, City Clerk