



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, June 7, 2011

6:30 PM

Huntington Building

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

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 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent 1 - Darrel Dover

4. SPECIAL PRESENTATIONS

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: 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Darrel Dover

MIN-11:043 Minutes for the City Council meeting on May 17, 2011.

Attachments: [Minutes](#)

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

RES-11:061 AUTHORIZING RESOLUTION FOR IKE-2 DISASTER GRANT

Sponsors: Community Development

Attachments: [JonesboroAUTHRESOLUTION.doc](#)

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

Enactment No: R-EN-057-2011

6. NEW BUSINESS

COM-11:041 Request by Mr. Duyen Tran to set an appeal hearing regarding the denial by the MAPC to rezone property located north of Colony Drive between Antosh and Richardson Road from R-1 to RM-4 LUO.

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

A motion was made by Councilman John Street, seconded by Councilwoman Ann Williams, to set the appeal hearing for 6:15 p.m. on June 21, 2011. The motion PASSED by a unanimous vote

Aye: 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Darrel Dover

ORDINANCES ON FIRST READING

ORD-11:044 AN ORDINANCE ADOPTING BY REFERENCE CHAPTER 66 SECTION 5 ENTITLED SPECIAL EVENT ASSEMBLY PERMIT, FOR THE REGULATION OF SPECIAL EVENT ASSEMBLY/STREET CLOSINGS IN THE CITY OF JONESBORO, ARKANSAS

Sponsors: Police Department

Attachments: [Chapter 66 Section 5 entitled Special Event Assembly Permit](#)
[Chapter 66 Section 5 entitled Special Event Assembly Permit - PDF version](#)
[SPECIAL EVENTS ASSEMBLY APPLICATION.a](#)
[Special Events Street Closing](#)

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

Councilman Vance stated he has heard some public comments regarding the ordinance and would like to give the public at least two more weeks for input.

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

Aye: 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Darrel Dover

RESOLUTIONS TO BE INTRODUCED

RES-11:085 RESOLUTION TO ESTABLISH A PERMIT FEE FOR SPECIAL EVENT ASSEMBLIES AND A FEE FOR STREET CLOSINGS/BLOCK PARTIES WHICH REQUIRE THE USE OF BARRICADES

Sponsors: Police Department

Mayor Perrin noted this resolution is in conjunction with ORD-11:044, which was just held at one reading. He asked for this resolution to be held until the ordinance is voted on.

A motion was made by Councilman Gene Vance, seconded by Councilman John Street, that this matter be Tabled in order to discuss it with ORD-11:044. The motion PASSED by a unanimous vote

Aye: 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Darrel Dover

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-11:042 AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 LUO LOCATED AT 3406 SOUTH CULBERHOUSE STREET AS REQUESTED BY THE FOOD BANK OF NEA

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

Councilman Frierson motioned, seconded by Councilman Vance, to place the ordinance on third reading. All voted aye.

After the third reading was held, Councilman Moore questioned whether the property can be restricted to warehousing only due to it being in a predominantly residential area. Councilman Vance stated he was uncomfortable with what the Council is being asked to do. City Planner Otis Spriggs asked if Councilman Moore wanted to restrict the zoning to just warehousing. Councilman Moore answered yes, warehousing with no retail sales whatsoever. Mr. Spriggs noted the applicant did not prefer to be held to that type of limitation.

Councilman Johnson then questioned what the usage of the property would be if it remained non-conforming and was not rezoned. Mr. Spriggs explained if the property remains non-conforming, future property owners would be restricted to uses of equal intensity such as the office warehouse storage that is currently on the property. Councilman Johnson stated it was indicated to the Council that the rezoning was being requested in order to zone the property to its current use when, in fact, representatives from the Food Bank have stated in the newspaper that they are rezoning the property in order to sell it. He expressed concern over rezoning the property for better marketing purposes considering it is located in a residential area. He also noted there are times when that area of the road is blocked due to big trucks trying to get on to the property, which may worsen with future property owners. He further explained his concerns are regarding protecting the neighborhood in the event of a property sale and if the property is rezoned he is unsure whether or not they

could do that.

Mr. Joe Verser from the Food Bank explained they want the zoning to match what the current use is. Councilman Vance questioned whether they would be willing to limit the zoning down to what is there now, being a large warehouse and small office. Mr. Verser stated he wasn't sure because he thought that was covered under the C-4. Councilman Moore clarified the C-4 zoning is wide open to several commercial uses even with the limited use overlay.

Councilman Vance recommended postponing the ordinance so the Food Bank can meet with Mr. Spriggs to further limit the zoning. Mr. Verser agreed to meet with Mr. Spriggs.

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

Aye: 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Darrel Dover

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

The stoplight at Keller's Chapel was approved at the last Highway Department meeting. L.E.G. out of Cabot will be putting the stoplight up. They are hoping to have it up in the fall.

They are waiting for consultants to come back with a cost figure for the three projects on the bypass (Stadium Blvd, Southwest Drive and Highway 1B). He will send those figures out to the Council after they are notified.

In the next 3-4 weeks they expect to start constructing a double left-hand turn lane from Highway 1B on to Highland Drive.

Starting Monday, they will be extending hours at the landfill to Monday thru Friday from 7 a.m. to 7 p.m. and Saturday from 7 a.m. to 1 p.m. On June 21, the incinerator will be opened up if the scales are synchronized in time.

Pepsi is looking into donating three new flags for the Southside softball complex.

The City has received \$300,000 in grant money due to invoices that weren't filed in the past 2-3 years. They also looked into past invoices and came up with another \$741,000 for CDBG. Also, the 2011 HUD funding is going to be \$505,000.

Total revenues through May were \$17,491,971. Expenses through May were \$17,342,010.

He thanked all of the volunteers who worked at the Mountain Dew Classic, the Biker Classic, as well as another tournament at Joe Mack Campbell Park. The Mountain Dew Classic at Southside netted approximately \$12,000.

The Local Redevelopment Authority tied in their vote regarding the Army Reserve building. He will be filing an application with the Department of Justice tomorrow for the building. Within 60-90 days, they will send the City an answer which will be

forwarded to the Department of Defense, who has the final say on the building.

The monuments for Planning and Engineering have been placed throughout the City.

Wyck Nisbet with Friday Eldredge and Clark will be at the next Finance meeting to discuss the non-uniform pension plan and the new retirement plan they are looking at.

COM-11:043

Discussion concerning the King's Ranch lawsuit (a settlement of \$90,000 was offered by King's Ranch)

City Attorney Phillip Crego explained Burt Newell with APERMA has received another settlement offer, this time for \$90,000. Mr. Newell is asking whether or not the Council wants to accept the proposal. Mr. Crego noted the City lost on the question of liability in that King's Ranch has to be allowed to do what they want to do. Damages will be determined at the July hearing. Mr. Crego stated he is in agreement with Mr. Newell in that the City should agree to the settlement. The damages will cover \$60,000 to \$65,000 in federal lawsuit attorney fees, as well as donations lost due to the lawsuit. Mr. Newell has researched the issue and determined King's Ranch is entitled to attorney's fees, which that figure alone supports the Council settling the lawsuit at this time. He noted with damages to be awarded on top of the attorney's fees, the figure could easily exceed the \$90,000 settlement offer. Mr. Crego explained the City can settle for \$90,000 or the City can wait for the court to decide the damages at the hearing next month. He also explained the City can appeal the matter, but he feels the chances of a successful appeal would be slim if possible at all.

Councilman Frierson motioned, seconded by Councilman Woods, accept the King's Ranch settlement offer of \$90,000. All voted aye.

9. CITY COUNCIL REPORTS

Councilman Street motioned, seconded by Councilman Moore, to suspend the rules and place ORD-11:045 and RES-11:108 on the agenda. All voted aye.

ORD-11:045

AN ORDINANCE TO PROVIDE FOR THE EXECUTION AND MAINTENANCE OF A LETTER OF CREDIT TO BE ISSUED TO THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

Sponsors: Engineering

Attachments: [Letter of Credit Extension \(2\)](#)

Councilman Street motioned, seconded by Councilman Moore, to suspend the rules and waive second and third readings. All voted aye.

After passage of the ordinance, Councilman Johnson motioned, seconded by Councilman Street, to adopt the emergency clause. All voted aye.

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: 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Darrel Dover

Enactment No: O-EN-035-2011

RES-11:108 A RESOLUTION TO APPROVE A REAL ESTATE LEASE BETWEEN THE CITY OF JONESBORO AND THE ARKANSAS GAME AND FISH COMMISSION

Sponsors: Mayor's Office

Attachments: [Lease Agreement](#)

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: 11 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 1 - Darrel Dover

Enactment No: R-EN-058-2011

Councilman Street commended City Water and Light for helping to reopen the downtown post office location.

Councilman Fears motioned, seconded by Councilman Moore, to suspend the rules and add RES-11:096 to the agenda. All voted aye.

RES-11:096 A RESOLUTION APPROVING THE PURCHASE OF FIRE STATION #4 AS PRICED IN BID #2011:19

Sponsors: Fire Department

Attachments: [bid sheet](#)
[Fire Station #4 Draft Contract](#)

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

Aye: 11 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 1 - Darrel Dover

Enactment No: R-EN-059-2011

Councilman Fears commended the Parks Department for their work during the weekend's several events.

Councilman Gibson thanked the Mayor and Parks Director Jeff Owens for recognizing Bob Gibson for his work on the Softball Association by dedicating a pavilion to him. Mayor Perrin congratulated Councilman Gibson for receiving his MBA.

10. PUBLIC COMMENTS

11. ADJOURNMENT

A motion was made by Councilman Chris Moore, seconded by Councilman Mitch Johnson, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.

Aye: 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Darrel Dover

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

Attest:

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