



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, October 16, 2012

6:30 PM

Huntington Building

PUBLIC SAFETY 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

Councilman Woods showed up at 6:40 p.m.

Present 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

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 with the exception of RES-12:180. A motion was made that these files be approved by consent voice vote

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

Absent: 1 - Rennell Woods

MIN-12:083 Minutes for the City Council meeting on October 1, 2012

Attachments: [Minutes](#)

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

RES-12:169 A RESOLUTION TO CONTRACT WITH BILL'S FRESH MARKET FOR SPONSORSHIP OF A OUTFIELD SIGN AT SOUTHSIDE SOFTBALL COMPLEX

Sponsors: Parks & Recreation

Attachments: [Bill's Fresh Market](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-160-2012

RES-12:171 A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ARKANSAS STATE UNIVERSITY TO USE LAND FOR PARKS AND RECREATION SOCCER PRACTICE ACTIVITIES.

Sponsors: Parks & Recreation

Attachments: [Contract with ASU for soccer fields](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-161-2012

RES-12:172 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR COOTS MINOR PLAT, BEING A PART OF THE SOUTHEAST OF SECTION 35, TOWNSHIP 14 NORTH, RANGE 3 EAST, JONESBORO, ARKANSAS, A RESIDENTAL DEVELOPMENT

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)
 [12-13 Coots Minor Plat.PDF](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-162-2012

RES-12:174 A RESOLUTION APPROVING THE IMPLEMENTATION OF 2012 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOMELESSNESS PREVENTION CONTRACT WITH THE SALVATION ARMY

Sponsors: Grants

Attachments: [2012 Salvation Army Agreement](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-163-2012

RES-12:175 RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE STATE OF ARKANSAS DEPARTMENT OF HUMAN SERVICES FOR THE AMERICORPS PROGRAM

Sponsors: Grants

Attachments: [Grant Agreement](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-164-2012

RES-12:176 A RESOLUTION APPROVING THE RECOMMENDATION OF THE JONESBORO POLICE PENSION BOARD AND TO LEVY A ONE-HALF (.5) MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE JONESBORO POLICE PENSION FUND

Sponsors: Finance

This item was PASSED on the consent agenda.

Enactment No: R-EN-165-2012

RES-12:177 A RESOLUTION APPROVING THE RECOMMENDATION OF THE LOCAL FIREMENS PENSION BOARD AND TO LEVY A ONE-HALF (.5) MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE LOCAL FIREMENS PENSION AND RELIEF FUND

Sponsors: Finance

This item was PASSED on the consent agenda.

Enactment No: R-EN-166-2012

RES-12:178 A RESOLUTION TO LEVY A 2 MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE PUBLIC LIBRARY TAX

Sponsors: Finance

This item was PASSED on the consent agenda.

Enactment No: R-EN-167-2012

RES-12:179 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS IN SUPPORT OF STATUTORY AMENDMENTS TO AUTHORIZE IMPROVEMENTS IN THE INFORMATION PROVIDED TO LOCAL GOVERNMENTS BY THE STATE OF ARKANSAS RELATED TO COLLECTIONS OF LOCAL SALES AND USE TAXES.

Sponsors: Finance

This item was PASSED on the consent agenda.

Enactment No: R-EN-168-2012

6. NEW BUSINESS

RES-12:180 A RESOLUTION TO AMEND THE CITY SALARY & ADMINISTRATION PLAN FOR THE PURPOSE OF CHANGING THE SALARY GRADE AND RANGE FOR THE YOUTH SPORTS COORDINATOR

Sponsors: Finance

Councilwoman Williams motioned, seconded by Councilman Moore, to amend the resolution to make it effective January 1, 2013. All voted aye.

A motion was made by Councilwoman Ann Williams, seconded by Councilman Mitch Johnson, that this matter be Passed as Amended . The motion PASSED by a unanimous vote

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

Absent: 1 - Rennell Woods

Enactment No: R-EN-169-2012

ORDINANCES ON FIRST READING

ORD-12:057

AN ORDINANCE TO AMEND THE 2012 ANNUAL BUDGET KNOWN AS ORDINANCE NUMBER O-EN-072-2011 FOR THE PURPOSE OF ADDING 2 YOUTH SPORTS COORDINATORS IN THE JONESBORO PARKS & RECREATION DEPARTMENT; AND FOR THE APPROPRIATION OF FUNDS; AND DECLARING AN EMERGENCY FOR THE CONTINUITY OF SERVICES IN THE PARKS & RECREATION DEPARTMENT AND THE SPORTS PROGRAMS.

Sponsors: Finance

Councilwoman Williams offered the ordinance for first reading by title only.

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

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

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

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

Absent: 1 - Rennell Woods

Enactment No: O-EN-044-2012

ORD-12:058

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 FOR PROPERTY LOCATED AT 4309 EAST JOHNSON AS REQUESTED BY O'REILLY AUTO PARTS

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

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

Councilman Moore questioned whether there had been any opposition to the rezoning. Mayor Perrin answered no. City Planner Otis Spriggs also answered no.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, to Waive Second Reading . The motion PASSED by a unanimous vote

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

Absent: 1 - Rennell Woods

7. UNFINISHED BUSINESS**ORDINANCES ON THIRD READING**

ORD-12:050 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO R-8 LUO FOR PROPERTY LOCATED ON AGGIE ROAD AS REQUESTED BY DEAN TYRER

Attachments: [Plat](#)
[MAPC Report](#)
[Maps](#)
[Lot Layout](#)
[10/1/2012 Supporting information](#)
[Map provided by Todd Burton](#)

Dr. Dean Tyrer spoke concerning the rezoning request. He explained he will be the developer on the property with David Onstead being one of the builders. They will also have a bill of assurance and homeowner's association in order to keep it a nice subdivision. He addressed concerns about setting precedence and noted he is the only property owner next to the mobile home park. He added the property has been on the market for three years at a fair price zoned at R-1, but they have not received an offer. He asked that the Council follow the MAPC's unanimous vote.

Mr. Todd Burton, 303 Cypress Springs Road, spoke in opposition to the rezoning. He presented the Council with a map of the area showing the proposed rezoning, surrounding zonings and a recently denied rezoning. He expressed concern over the potential for high-density. He stated this proposed rezoning doesn't fit the area it is in. He asked that the Council listen to the constituents and that they take that into consideration when deciding on the rezoning.

Mr. Mickey Bridger, chairman of the Country Woods Subdivision, stated he is representing about ten people from Country Woods that are in attendance. He spoke in opposition to the rezoning. He discussed the traffic problem in the area and noted that even though Aggie Road is a state highway it is still very narrow.

Mr. Joshua Robellus, from B&G Land Co. and P&J Development Co., spoke in opposition to the rezoning. He asked if the Council decides to approve the rezoning that the MAPC restrictions be adhered to. He questioned the reasoning for having an RS-8 zoning instead of Dr. Tyrer developing on the R-1 zoning. He noted it was his understanding that Dr. Tyrer previously owned the neighboring trailer park. He added that City Council's are not permitted to rezone property solely to zone it to its most profitable use. Mr. Robellus ended by saying that B&G and P&J respectfully ask that the Council deny the rezoning request.

Attorney Chris Woodard, representing the property owners, he quoted the staff report from City Planner Otis Spriggs regarding the rezoning that recommended approval by the City Council. It stated the rezoning would allow for affordable housing as recommended by the housing study. Mr. Woodard explained those statements show that the rezoning does fit the area. He discussed nearby commercial developments and further discussed the rezoning. He further explained the rezoning will allow people to purchase affordable homes instead of renting apartments. He then discussed the traffic concerns and noted R-1 lots are larger lots and are typically

families. Just because the number of homes under R-1 is smaller than RS-8 that doesn't mean there will be less traffic. Mr. Woodard noted the RS-8 housing is more affordable so it will probably be people who are just starting their careers.

Councilman Frierson stated that at the last meeting towards the end of the discussion a comment was made that the developer would be willing to put a stipulation in the bill of assurance requiring minimum square footage in the homes. Mr. Woodard explained they would be willing to add that into the ordinance to require the homes to be at least 1,100 square feet. He added they would also be willing to add that the density be limited to 4.23 lots per acre, which would be 160 lots. He added those stipulations would be reflected in the subdivision plan that will be presented to the MAPC.

Christy Lemmons asked if other RS-8 rezonings in this area will have similar stipulations to this one. She noted she has lived in that area for twelve years while her children have attended Nettleton Schools and the traffic has gotten worse. She noted the Intermediate Center is moving to the corner of Aggie and Airport, which will make the problems in the area worse.

Debbie Davault stated there are other pieces of property that could hold this development. She added she bought her home in good faith and asked the Council to leave the zoning the same.

Councilman Dover noted that he had asked Attorney Jim Lyons to provide the number of lots that would be developed if the property stayed R-1. At the last meeting, Mr. Lyons did not have that information. He questioned if that information had been obtained. Mr. Woodard explained that on an initial drawing, which could be changed during the MAPC process, there would be an estimated 137 lots developed under R-1. He added there is little difference in the size of the lots in that the footage under RS-8 is 7,100 square feet, while it will be 8,000 square feet under R-1. He further discussed the property and the old R-1 zoning versus the new R-1 zoning. Mr. Woodard added there is a crucial need for affordable housing because not everyone can afford more expensive homes.

During the roll call vote, Councilman McCall explained tonight Dr. Tyrer indicated he would develop the property while at previous meetings they were told the property was going to be sold to developers. He also stated that he has spoken with a developer that indicated he had discussions with Dr. Tyrer concerning the property in the past, yet Dr. Tyrer says he hasn't had any offers on the property. He further explained that in the Planning Department staff report Mr. Spriggs recommended the rezoning partially based on the housing study, but the housing study has yet to be approved by Council. Councilman McCall expressed concern about the rezoning setting a precedence for high density zoning.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Passed. The motion failed by the following vote:

Aye: 3 - Charles Frierson; Gene Vance and Rennell Woods

Nay: 9 - Darrel Dover; Ann Williams; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson; Mikel Fears and Charles Coleman

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

The City auction was held this past weekend. The City collected \$113,800. They will clean out the buildings at the Strawfloor location and auction off the buildings, with the exception of the transfer station, materials needed during bad weather and possible materials needed by the Police Department.

They are still waiting on information from the railroad companies concerning the Fisher Street crossing. They have not heard from either company yet.

He thanked Riceland Foods for the Harvest Cup. Three states participated in the tournament. The concession stands made \$6,500. 40 more teams took part in the tournament compared to last year.

The concession stand at Southside should have the final inspection within the next two weeks. There will be a tournament there the weekend before Halloween.

The field sponsorships are being sold again. They will go for \$12,500 per field for a period of five years. Any interested parties can contact him or the Parks Department.

The bid opens will be held this week for the Industrial Park expansion with CWL. This was made possible with grant funding leftover from Nordex. A main waterline will be expanded, which will be a big improvement for everyone in the Industrial Park.

They received a call from Wolverine's legal counsel. On the last title search, they found a warranty deed to the City for a certain portion of the property. Wolverine sold portions of the building over the years even though the City was supposed to own it. They sent a letter to Wolverine to clear the title up. They asked for Wolverine to deed all of the property to the City, including the facility, a warehouse and all of the parking. Wolverine's counsel expressed interest but with stipulations. They will be looking at the stipulations in order to move forward.

9. CITY COUNCIL REPORTS

Councilman Street motioned, seconded by Councilman Dover, to suspend the rules and place RES-12:183 on the agenda. All voted aye.

RES-12:183

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO SELL APPROXIMATELY 23.25 ACRES LOCATED AT 2217 W. PARKER ROAD IN JONESBORO, ARKANSAS TO ST. BERNARDS VILLAGE, INC AND ENTER INTO A REAL ESTATE PURCHASE CONTRACT

Sponsors: Mayor's Office

Attachments: [Real Estate Purchase Agreement with St. Bernards Village, Inc.](#)
[Parker Road appraisal](#)

Councilman Frierson abstained from discussion and voting due to being on the board at St. Bernard's.

Councilman Vance also abstained from discussion and voting due to business relations with St. Bernard's.

A motion was made by Councilman John Street, seconded by Councilman Chris Gibson, 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;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Abstain: 2 - Charles Frierson and Gene Vance

Enactment No: R-EN-170-2012

Councilman Street commended Councilman McCall and Mr. Jack Turner for their work with the recent Barbecue Festival. Mayor Perrin added they received the Betty Sloan advertising award from the Chamber of Commerce.

Councilman Fears motioned, seconded by Councilman Moore, to suspend the rules and place RES-12:181, RES-12:182 and RES-12:184 to the agenda. All voted aye.

RES-12:181 RESOLUTION TO APPOINT JACK SAMPLE AND ROBERT WELLS TO THE JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY

Sponsors: Mayor's Office

Attachments: [JURHA letter](#)
[Jack Sample information](#)
[Robert Wells information](#)

Councilman Moore stated it is his understanding Mayor Perrin had some questions concerning the appointments and may need more time in order to speak with Ms. Sharon Poe, the executive director, about it. He asked that the resolution be voted down in order for the Mayor to have more time to speak with Ms. Poe.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Passed. The motion failed by the following vote.

Nay: 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Enactment No:

RES-12:182 RESOLUTION TO APPOINT DAISY FREEMAN TO THE CITY WATER & LIGHT BOARD TO FILL THE UNEXPIRED TERM OF JOE CULLUM

Sponsors: Mayor's Office

Councilman Frierson abstained from voting and discussion due to being the attorney for City Water & Light.

Councilman Street also abstained from voting and discussion because he serves on the board for City Water & Light.

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

Abstain: 2 - Charles Frierson and John Street

Enactment No: R-EN-171-2012

RES-12:184 RESOLUTION TO APPOINT MICHAEL POLK TO THE CRAIGHEAD COUNTY SOLID WASTE DISPOSAL AUTHORITY TO FILL THE UNEXPIRED TERM OF JOE HARBUCK

Sponsors: Mayor's Office

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

Enactment No: R-EN-172-2012

Councilman Moore noted the next meeting is on Election Day, so he suggested moving the time of the meeting. Mayor Perrin added they will have a presentation on the Miracle League at the next meeting. Councilman Moore motioned, seconded by Councilman Gibson, to move the Public Works meeting to 5:00 p.m. and the City Council meeting to 5:30 p.m. on November 6, 2012.

10. PUBLIC COMMENTS

11. ADJOURNMENT

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

Aye: 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman