



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, May 17, 2016

5:30 PM

Municipal Center

PUBLIC SAFETY COMMITTEE MEETING AT 5:00 P.M.

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1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.

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2. PLEDGE OF ALLEGIANCE AND INVOCATION

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3. ROLL CALL

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Present 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods and Todd Burton

Absent 1 - Charles Coleman

4. SPECIAL PRESENTATIONS

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COM-16:030

APERMA Attorney Burt Newell address council regarding Tyrer case.

[play video](#)

Sponsors: Mayor's Office and City Attorney's Office

APERMA Attorney Burt Newell addressed the City Council concerning the recent ruling regarding the Dr. Dean Tyrer rezoning. He asked if the aldermen had any questions.

Councilman Frierson asked if an order has been entered because the City Council doesn't have it. Mr. Newell answered yes, they entered an order on April 27th. Councilman Frierson explained he was told by someone in the office that the city had not received the order. Mr. Newell stated the order was entered on April 27th and the city does have that documentation. If an appeal is filed, it will need to be done within 30 days of that.

Councilman Burton questioned what the process would be going forward. Mr. Newell explained the city would need to file an appeal with the circuit court to the Arkansas Supreme Court of Appeals. This would be a record review, not another trial. Briefs would be written, with the city having the burden of proving the circuit court ruling was clearly erroneous. He noted the appeals process takes about a year. He added there's no new proof needed; rather, it would just be about arguing the case to another tribunal.

Councilman Moore then asked how successful the city would be with an appeal. Mr. Newell stated, in general, it is an uphill battle to appeal a circuit judge's ruling because the ruling would be reversed only if it was clearly erroneous or clearly against the preponderance of the evidence, which can be tough to prove. Specifically to this case, he thought they made a good argument with the circuit judge. If the City Council advises him to proceed with an appeal, then they will do their best to argue it. Councilman Moore asked if Mr. Newell thought they could win an appeal or if he found any significant facts or errors that may justify an appeal. Mr. Newell explained the judge took the brief he wrote, which specifically detailed a meeting on March 8th, and he thought that would be convincing that they considered all of the factors that the Planning Commission is bound to consider by ordinance. But, the judge's response was that the Council mentioned those factors but didn't consider them.

Discussion was held concerning how the Council reached their decision. Mr. Newell stated he thinks the judge's position was that while the city presented those criteria, there weren't any facts to dispute them. He noted the rezoning was found to be consistent with the city's 2012 Master Plan by the MAPC. He explained going forward the opinion can be used as a road map to make sure the Council asks the right questions and commissions the right studies, such as a traffic studies or absorption rate studies, to take things out of the theoretical realm to factual. Mayor Perrin asked if the MAPC could request a traffic study. Mr. Newell answered yes. He further explained it's been mentioned to him that the Council could look at revising the criteria for rezonings as set by city ordinance, but he doesn't think that's necessary. He ensured the Council that the ruling doesn't mean they shouldn't vote opposite of an MAPC ruling because each case is fact driven.

Councilman Frierson asked if the rezoning criteria could be changed so that the court system would allow for speculation such as crime and affect on property value. Mr. Newell answered no, but things such as crime statistics are discernible. He noted the city has performed crime statistics before. Mayor Perrin stated the crime analyst does crime statistics every month.

Mr. Newell noted that if the city appealed this decision and lost, it could set a bad precedence for the future since appeals create bodies of case law.

Councilman Moore motioned, seconded by Councilman Burton, to appeal. All voted nay, with the exception of Councilman Burton who voted aye. Motion failed.

Filed

5. CONSENT AGENDA

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Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilwoman

Ann Williams, to Approve the Consent Agenda. The motioned PASSED

Aye: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods and Todd Burton

Absent: 1 - Charles Coleman

MIN-16:053

Minutes for the City Council meeting on May 3, 2016

[play video](#)

Attachments: [Minutes](#)

This item was APPROVED on the consent agenda.

RES-16:036

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH ABILITIES UNLIMITED OF JONESBORO, INC. TO PERFORM RECYCLING SERVICES FOR THE RESIDENTS OF THE CITY

[play video](#)

Sponsors: Mayor's Office

Attachments: [Abilities Unlimited Recycling Contract](#)
[Recycling points](#)

This item was APPROVED on the consent agenda.

Enactment No: R-EN-049-2016

RES-16:052

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH ALL SCAPES IRRIGATION & LAWNCARE, LLC FOR THE BELT STREET SIDEWALK (BID NO. 2016:21)

[play video](#)

Sponsors: Engineering and Grants

Attachments: [Bid Tab](#)
[Contract Documents 2016 21](#)

This item was APPROVED on the consent agenda.

Enactment No: R-EN-050-2016

RES-16:054

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO PROVIDE FOR THE EXECUTION AND MAINTENANCE OF A LETTER OF CREDIT TO BE ISSUED TO THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ)

[play video](#)

Sponsors: Finance

Attachments: [FinanceDept@jonesboro.org_20160429_150245](#)

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

Enactment No: R-EN-051-2016

RES-16:055

A RESOLUTION TO SUBMIT TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR FEDERAL-AID THROUGH THE TRANSPORTATION ALTERNATIVES PROGRAM FOR SAFE ROUTES TO SCHOOLS FOR THE THORN STREET SIDEWALKS PROJECT.

[play video](#)

Sponsors: Grants

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

Enactment No: R-EN-052-2016

RES-16:056

A RESOLUTION TO SUBMIT TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR FEDERAL-AID THROUGH THE TRANSPORTATION ALTERNATIVES PROGRAM FOR SAFE ROUTES TO SCHOOLS FOR THE RAINS STREET PEDESTRIAN ROUTE.

[play video](#)

Sponsors: Grants

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

Enactment No: R-EN-053-2016

RES-16:057

A RESOLUTION TO SUBMIT TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR FEDERAL-AID THROUGH THE RECREATIONAL TRAILS PROGRAM FOR CRAIGHEAD FOREST PARK TRAIL PHASE 3 PROJECT.

[play video](#)

Sponsors: Grants

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

Enactment No: R-EN-054-2016

RES-16:059

A RESOLUTION TO SUBMIT TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR FEDERAL-AID THROUGH THE RECREATIONAL MOTORIZED TRAILS PROGRAM FOR THE ATV PARK TRAIL PROJECT

[play video](#)

Sponsors: Grants and Parks & Recreation

Attachments: [RMTP - ATV Park Trail Map](#)

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

Enactment No: R-EN-055-2016

RES-16:060

A RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO APPLY FOR THE 2016 GENERAL IMPROVEMENT FUNDS (GIF) FOR THE MIRACLE LEAGUE PARK THROUGH EAST ARKANSAS PLANNING AND DEVELOPMENT DISTRICT (EAPPD)

[play video](#)

Sponsors: Grants

Attachments: [Miracle League GIF 05202016](#)

This item was APPROVED on the consent agenda.

Enactment No: R-EN-056-2016

RES-16:061

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR 2016 ADVANCED TRANSPORTATION AND CONGESTION MANAGEMENT TECHNOLOGY DEPLOYMENT INITIATIVE (ATCMTD) GRANT IN REQUESTING FUNDS FOR THE JONESBORO URBANIZED AREA INTELLIGENT TECHNOLOGY TRAFFIC SYSTEM PROJECT

[play video](#)

Sponsors: Grants and Engineering

This item was APPROVED on the consent agenda.

Enactment No: R-EN-057-2016

6. NEW BUSINESS

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ORDINANCES ON FIRST READING

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ORD-16:026

AN ORDINANCE AMENDING THE 2015 BUDGET ORDINANCE FOR THE CITY OF JONESBORO

[play video](#)

Sponsors: Finance

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

Mayor Perrin noted this is the cleanup ordinance for the 2015 budget. It was discussed in detail at the Finance Committee meeting.

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

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

A motion was made by Councilman John Street, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED with the

following vote.

Aye: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods and Todd Burton

Absent: 1 - Charles Coleman

Enactment No: O-EN-022-2016

ORD-16:027

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 LUO FOR PROPERTY LOCATED AT 1400-1410 EAST HIGHLAND AS REQUESTED BY ROUNDTABLE HOLDINGS, LLC

[play video](#)

Attachments: [Plat](#)
[Planning Dept. Staff Report](#)

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

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

Aye: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods and Todd Burton

Absent: 1 - Charles Coleman

ORD-16:028

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 1822 OLD GREENSBORO ROAD AS REQUESTED BY TERRY TROTTER

[play video](#)

Attachments: [Plat](#)
[Planning Dept. Staff Report](#)

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

A motion was made by Councilman John Street, seconded by Councilman Darrel Dover, to Waive Second Reading. The motion PASSED with the following vote.

Aye: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods and Todd Burton

Absent: 1 - Charles Coleman

RESOLUTIONS TO BE INTRODUCED

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RES-16:063

RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF AN UNDEVELOPED, ERRONEOUS EASEMENT IN LOT 9 OF WINDOVER GARDENS AS REQUESTED BY GUY PATTESON

[play video](#)

- Attachments:** [Petition](#)
[Plat](#)
[Engineering & Planning Letters](#)
[Utility Letters](#)

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

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods and Todd Burton

Absent: 1 - Charles Coleman

Enactment No: R-EN-058-2016

7. UNFINISHED BUSINESS

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ORDINANCES ON THIRD READING

[play video](#)

ORD-16:024

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE GRANTS AND COMMUNITY DEVELOPMENT DEPARTMENT TO PURCHASE SOLE SOURCE FROM CONSOLIDATED TRAFFIC CONTROLS, INC.

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Sponsors: Grants and Engineering

- Attachments:** [Invoice and Sole Source Justification](#)
[GIF- Opticoms Grant Agreement](#)

Mayor Perrin explained this is for the Opticoms for the fire trucks.

A motion was made by Councilman Darrel Dover, seconded by Councilman Todd Burton, that this matter be Passed . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods and Todd Burton

Absent: 1 - Charles Coleman

Enactment No: O-EN-023-2016

ORD-16:025

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 5915 EAST JOHNSON AS REQUESTED BY SUKUP MANUFACTURING COMPANY

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

Councilman Street asked if there was any opposition to the ordinance. City Planner Otis Spriggs answered no.

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

Aye: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods and Todd Burton

Absent: 1 - Charles Coleman

Enactment No: O-EN-024-2016

8. MAYOR'S REPORTS

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Mayor Perrin reported on the following items:

The Kid's Day Expo was held this past weekend. It was a tremendous success. He thanked E-911 Director Jeff Presley and the police officers in attendance for their work.

On Thursday, he will be hosting the Arkansas World Trade Center. They will be touring plants in the area as well as have lunch with the Secretary of Agriculture and a reception that evening for other companies who would like to start exporting.

Hytrol Conveyors will have a special tour of their expansion this Friday.

Last week, he met with the Highway Department concerning the intersection of Highland Drive and Southwest Drive. Improvements to the intersection are in the 2019 STIP, but he asked that it be moved. The Highway Department approved advanced construction for those improvements. They will be getting a cost for the engineering study. They would like to improve the intersection due to the three new businesses being constructed at that intersection. They are looking at widening the street to allow for a right-turn lane onto Highland Drive, as well as two straight lanes going onto Main Street. The Highway Department suggested using Fisher & Arnold since they had already drawn up preliminary plans. The city will have to pay for the engineering, but will be reimbursed by the Highway Department.

They received an announcement from the White House that Jonesboro was selected for a program that will help kids work during the summer. It will be for ages 16-24 and will show them how to work, when to show up, etc. The program will start June 1st and end August 15th. Councilman Woods is working with Human Resources Director Dewayne Douglas on the program.

The old bowling alley on Nettleton Avenue is set for demolition on May 19th.

He recently received a complimentary letter concerning the Miracle League.

May is National Bicycle Month. Bill Smith attended the MPO meeting earlier today and had some recommendations concerning bicycle safety and the current bicycle trails.

[COM-16:033](#) Financial statements for the Airport Commission for April 30, 2016

[play video](#)

Sponsors: Municipal Airport Commission

Attachments: [Financial statement](#)

This item was Filed.

9. CITY COUNCIL REPORTS

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Councilwoman Williams referred to questions at previous Council meetings concerning access to Joe Mack Campbell Park from the adjacent subdivision. She asked if that issue has been addressed. Mayor Perrin explained he spoke with Parks Director Wixson Huffstetler. An entrance was put in while the city constructed a detention pond, but was not intended to be used by the subdivision. They are trying to lock it down when the park closes at 10 p.m. He noted they can look at it further.

Councilman Moore asked about the environmental study with the firing range. Mayor Perrin stated that has been sent to Fisher & Arnold. Police Chief Rick Elliott explained he had a conference call with Fisher & Arnold yesterday. They are trying to expedite things as best as they can so the study can be done as soon as possible. They hope to have Phase 1 done within the next 30 days. The Game & Fish Commission's legal department is in the process of drawing up a memo of understanding at this time, which the city can go ahead and sign pending the environmental study. Fisher & Arnold will be here next week to get a first-hand look at the land.

Councilman Moore stated he thought a woman was developing a cul-de-sac by the front gate next to Joe Mack Campbell Park and had offered to give the city an easement. Mr. Spriggs answered yes. Councilman Moore explained that may be something to look at because it was his understanding the city would just have to put in a small pipe for drainage. Mayor Perrin noted they will look into it.

Councilman Frierson asked about the law enforcement appreciation event scheduled for this weekend. Jamie Easley stated the event will be Saturday from 12-4 p.m. in the downtown lot next to Abilities Unlimited.

Councilman Burton motioned, seconded by Councilman Woods, to suspend the rules and place RES-16:064 on the agenda. All voted aye.

[RES-16:064](#) RESOLUTION TO ESTABLISH A POLICE OFFICER COMPENSATION COMMITTEE AND TO APPOINT MEMBERS

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

Aye: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods and Todd Burton

Absent: 1 - Charles Coleman

Enactment No: R-EN-059-2016

10. PUBLIC COMMENTS

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11. ADJOURNMENT

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A motion was made by Councilman Rennell Woods, seconded by Councilman Chris Moore, that this matter be Adjourned . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods and Todd Burton

Absent: 1 - Charles Coleman

_____ **Date:** _____

Harold Perrin, Mayor

Attest:

_____ **Date:** _____

Donna Jackson, City Clerk