



# City of Jonesboro

900 West Monroe  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, May 28, 2013

5:30 PM

Huntington Building

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### Special Called Meeting

#### FINANCE COMMITTEE MEETING AT 4:30 P.M.

#### SPECIAL CALLED PUBLIC SAFETY COMMITTEE MEETING AT 5:00 P.M.

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

#### 2. PLEDGE OF ALLEGIANCE AND INVOCATION

#### 3. ROLL CALL BY CITY CLERK DONNA JACKSON

**Present** 10 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

**Absent** 2 - Darrel Dover and Gene Vance

#### 4. SPECIAL PRESENTATIONS

##### Proclamation to the ASU Lady Red Wolves Softball Team

*Mayor Perrin presented the proclamation to the ASU women's softball team for their achievements during the recent season. Coach Chris Powers thanked Mayor Perrin for his support.*

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

**Absent:** 2 - Darrel Dover and Gene Vance

**MIN-13:039**

Minutes for the City Council meeting on May 7, 2013

**Attachments:** [Minutes](#)

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

**RES-13:060** A RESOLUTION TO CONTRACT WITH FOCUS INC. FOR SPONSORSHIP OF A OUTFIELD SIGN AT SOUTHSIDE SOFTBALL COMPLEX

**Sponsors:** Parks & Recreation

**Attachments:** [Focus Inc](#)

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

Enactment No: R-EN-064-2013

**RES-13:063** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR TREAD STONE INVESTMENTS, LLC. REPLAT OF PART OF LOTS 1 - 4, BLOCK "B" OF SIGLERS COLLEGE ADDITION, A (COMMERCIAL DEVELOPMENT)

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)  
[Tread Stone Inv Replat.pdf](#)

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

Enactment No: R-EN-065-2013

**RES-13:065** 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 TURTLE CREEK RETAINING WALL REPAIR PROJECT

**Sponsors:** Engineering

**Attachments:** [Contract Documents 2013 24.pdf](#)

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

Enactment No: R-EN-066-2013

**RES-13:066** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR MCKNIGHT FALLS REPLAT, A COMMERCIAL DEVELOPMENT

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)  
[McKnight Falls Replat.pdf](#)

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

Enactment No: R-EN-067-2013

**RES-13:072** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR SUMO PLANNED

DEVELOPMENT ADDITION, A COMMERCIAL DEVELOPMENT

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)  
[Plat.pdf](#)

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

Enactment No: R-EN-068-2013

## **6. NEW BUSINESS**

### *ORDINANCES ON FIRST READING*

**ORD-13:018**

AN ORDINANCE TO AMEND SECTION 117-33 OF CHAPTER 117 OF THE JONESBORO CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS FOR THE PURPOSE OF CLARIFICATION ON THE PERMIT REQUIREMENTS AS IT RELATES TO REQUIREMENTS FOR TEMPORARY CERTIFICATES OF OCCUPANCY

**Sponsors:** Planning and Inspections

**Attachments:** [CertificateofOccupancy Ordinance Mark Up Copy](#)

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

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

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

**Absent:** 2 - Darrel Dover and Gene Vance

Enactment No: O-EN-018-2013

**ORD-13:020**

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RS-7 AND R-1 TO PD-RM FOR PROPERTY LOCATED AT KEELY AND LEXEE STREETS AS REQUESTED BY UNICO BANK

**Attachments:** [Plat](#)  
[MAPC Report](#)  
[MAPC Record of Proceedings December 11 2012](#)  
[MAPC Record of Proceedings March 12 2013](#)  
[Opposition material](#)  
[Opposition petition](#)

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

*Attorney Don Parker, representing Unico Bank and the Watson Family Trust,*

discussed the rezoning. The rezoning covers two tracts that include 48.26 acres. The 9.9 acres they are requesting be rezoned to RS-7 will be compatible with the density existing in Caldwell Acres. Caldwell Acres is zoned R-3 with a limited use overlay, which is the current equivalent of RS-7. The density in that tract would be 5.2, identical to Caldwell Acres. The planned development proposal, which is the other tract, is 39.45 acres. There will be 22 single-level duplexes along the northern boundary with single-level fourplexes on the south. Towards Ingels Road, there will be two-level fourplexes of the townhome variety. On the entire rezoning property, there will be 177 units of mixed use breaking down into 37 units in single family lots, 22 single level duplexes, 12 single family fourplexes and 22 townhome fourplexes, for a total of 140 duplexes/fourplexes and 37 single family units.

Almost 8.4 acres of the property will be set aside for a common area, which is higher than the 7.9 acres which is the minimum required for planned developments. Next to the entrance at Ingels Road they have two parcels set aside for a common area. One is designated as an area for school or MATA bus stop access. The density in the planned development is very similar to the density in the single-family residential to the north. The density in the multi-family and duplex area in the planned development is 5.4 units. The density in the single-family residential is 5.2 units. So, from a traffic standpoint, there won't be any more pressure than if it were being presented as a single-family development.

If this is approved as a planned development, the property will have to be developed as stated. There will be no changes, unless the developer goes back before the Planning Commission and the City Council to change it.

Councilman Moore questioned whether there will be access from Caldwell Acres to the planned development area. Mr. Parker answered no.

Councilman Fears asked how this proposal lines up with the Land Use Plan. City Planner Otis Spriggs explained the proposal is partially consistent in that the 9 acres for single-family would be consistent, but the multi-family is inconsistent with the Land Use Plan. However, Caldwell Acres is zoned R-3, but on the Land Use Plan it is listed as high-density residential.

Doug Ward, 3407 Colony Drive, spoke in opposition to the rezoning. He provided the Council with a petition with 289 signatures of people that are opposed to the rezoning. He expressed concern that this part of the City will come before the Council for rezoning if this is allowed to happen. He requested this petition be put on record and they will be relevant for future opposition to rezonings in the area.

Mr. Ward then discussed crime in rental areas. He referred to page two of the material he presented and noted the two largest circles south of the bypass that indicate crime instances are not low-rent, cheap, small rental properties. They are about the same size as what is being proposed tonight.

Mr. Ward then discussed a past proposal on Colony Drive that was voted down in one night by the City Council. He noted that was a strong sentiment about the Council's feelings towards apartments in this part of town. He thanked the Council for that vote and added he hopes the Council stays with that sentiment. Mr. Ward then mentioned the three deaths in the area that have occurred at the railroad tracks.

He then questioned what would happen to the large amount of open land south of the proposed area if this rezoning is approved. He explained the Council won't be able to stop further rezoning because it will set a precedence, so the property owners to the south, east and west will have a claim to apartments as well. He asked the Council to

*continue not letting apartments in the area because they will spread in every direction and it will be hard to tell them no.*

*Mr. Ward then referred to the MAPC report. He read from it and noted it talks about the area adjacent to the unstudied floodway. He also stated that it recommends Nettleton Public Schools be contacted for a letter of review and recommendation and that has not been done as of noon today. He explained about a year and a half ago, there was a proposal to annex some property adjacent to the school farm on the edge of the Brookland School District. At the meeting, the superintendent of the school district stated his opposition to the annexation due to the hundreds of thousands of dollars it would cost the school district. The Brookland Council allowed it anyways. At a recent Brookland School Board meeting, they discussed asking for a millage increase because they need more classrooms, staffing and transportation. He noted that will affect even farmers that live outside of the city limits, but still in Brookland School District. They will be asked to pay higher taxes due to a vote by the Brookland City Council where they had no representation. He explained the same thing applies here. Mr. Ward asked the Council to think about the ripple effect on the school districts and how they will be impacted.*

*Mr. Ward then questioned whether the Council will stick with the decisions they have made four times in the past to not allow apartment in this area of the City.*

*Mayor Perrin stated the City Clerk has requested the original petition of opposition signatures. Mr. Ward explained he does not have the original with him, but will provide it to the Clerk.*

**This item was Held at one reading.**

## **7. UNFINISHED BUSINESS**

## **8. MAYOR'S REPORTS**

*Mayor Perrin reported on the following items:*

*There will be 98 teams participating in the Mt. Dew Classic. Fields are being used at Jonesboro Public Schools, Nettleton Public Schools and Valley View Public Schools in order to do the tournament. 50 teams will be at Joe Mack Campbell Park. Hotels in the area are full.*

*Groundbreaking was done today for the Miracle League Field.*

*He encouraged everyone to participate in the Parker Road extension survey. The City is doing a study to extend Parker to Washington and the survey is part of the study. If the City can move forward, they will transfer \$450,000 of federal money in order to complete the project. The survey will be on the website.*

*There is signalization at Matthews and Kitchen. There are poles at Oak and Church and those will have new signalization with cast aluminum. It should be done during June.*

*Church & Nettleton, Main & Nettleton and Main & Oak loops were broken in the past. But, the team is fixing them and will be finished in the next week or so.*

*The City has completed numerous overlays. There are seven left to complete this year.*

**9. CITY COUNCIL REPORTS**

*Councilman Fears asked for an update concerning the roundabout for Airport and Aggie. Mayor Perrin explained the City is putting together more information to send back to the Highway Department. They are also negotiating the dollar cost of the survey.*

*Councilman Gibson stated he has received phone calls from Country Club Terrace concerning ditch issues. He has spoken with Street Superintendent Steve Tippett and City Engineer Craig Light about those issues and they have plans to remedy the problem.*

*Councilwoman Williams motioned, seconded by Councilman Gibson, to suspend the rules and place RES-13:079 on the agenda. All voted aye.*

**RES-13:079** A RESOLUTION TO AMEND THE CITY SALARY & ADMINISTRATION PLAN FOR THE PURPOSE OF CREATING A DIGITAL MEDIA SPECIALISTS

**Sponsors:** Information Systems

**Attachments:** [Digital Media Specialists](#)

*Mayor Perrin explained when Mr. Jack Turner left they changed his position to Media Specialist. The grade is lower, but the individual will work more in the field. The interviews will be done by people at KAIT. Councilman Gibson asked if Mr. Turner's position is being eliminated from the budget or if it can be filled at a later time. Mayor Perrin stated that position is still there.*

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

**Absent:** 2 - Darrel Dover and Gene Vance

Enactment No: R-EN-069-2013

*Councilman Moore motioned, seconded by Councilman Johnson, to suspend the rules and place ORD-13:021 on the agenda. All voted aye.*

**ORD-13:021** AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF DIGITAL CAR CAMERA SYSTEMS FOR THE POLICE DEPARTMENT FLEET; AND TO DECLARE AN EMERGENCY TO EXPEDITE THE PURCHASE OF THE EQUIPMENT IN ORDER TO HAVE THE NEWLY ORDERED POLICE CARS ON CITY STREETS AS SOON AS POSSIBLE

**Sponsors:** Police Department

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

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

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

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

**Absent:** 2 - Darrel Dover and Gene Vance

Enactment No: O-EN-019-2013

*Councilman Moore explained he received a copy of the letter Legislative Audit sent to the Mayor notifying the Mayor of their intent to request information related to the upcoming audit. Councilman Moore pointed out that the letter was regarding the City of Harrison. He stated someone may want to clarify with Legislative Audit that the city was supposed to be Jonesboro. Mayor Perrin stated Chief Financial Office Ben Barylske will take care of that tomorrow.*

*Councilman Moore stated Mr. Mike Cameron spoke to the Finance Committee concerning the non-completion of Interstate 555. He recommended the Council and City should go to the Capitol to state the case for Interstate 555 to be finished. Mayor Perrin explained they have talked about it at MPO meetings. The Highway Commission will be meeting the third week of June and he will ask to be put on the agenda to discuss why the funding wasn't received for I-555. Councilman Moore added if cities and counties along I-555 would show support for the completion then that may help it be funded.*

*Councilman Coleman stated the light on Johnson and Fisher takes too long to change. He asked that it be looked at. Mayor Perrin noted they will look at it tomorrow. Councilman Coleman also stated on June 6th from 6-8 p.m. the Fisher Street Community in Action will have an extravaganza to inform people what they do. There will also be booths from around the community. It will be held in the parking lot at the church at 301 North Fisher.*

*Councilman Coleman then asked for an update concerning widening Patrick Street to Washington. Mayor Perrin explained he has received the file from Terry Bare. They are going to study the information. It looks like they are going to need about 20 feet to widen Patrick Street. They will be doing a walk-through to see what utilities will have to be moved.*

## **10. PUBLIC COMMENTS**

*Steve Ewart, 603 Centre Grove Circle, discussed a nearby home at 605 Centre Grove Circle. He explained they have worked with Code Enforcement for the past year concerning the home. The home has been in foreclosure for the past year. The lawn goes unmowed and when it is mowed it is below the twelve inch standard. Ferrel cats are in the house, along with squatters, and the fences are falling in. Councilman Frierson questioned what can be done about the property. City Attorney Phillip Crego explained if a foreclosure has not occurred then it's not Bank of America that the City should be dealing with; rather, Bank of America is the mortgage holder, but the City should be dealing with the title owner. Code Enforcement Officer Ronnie*

Shaver stated one of the owners is deceased and the other is in a retirement home. Mr. Ewart added it is beyond Code Enforcement's ability to be able to respond to the problem. City Attorney Crego reiterated until the property is foreclosed he would be surprised if the bank does anything until it is out of the property owner's name. Mayor Perrin stated the City can file a lien against the owner. He added the City has experienced problems with mortgage companies outside of Jonesboro and, in fact, Bank of America still owes the City \$30,000 for tearing down an apartment complex on Nettleton Avenue. Police Chief Michael Yates explained they may have another option in that the Fire Marshal and Code Enforcement could look at it in terms of an emergency condemnation. He stated they will look into that because it is the best way to go if it meets the criteria.

Mr. Henry Clampit, a neighbor of Mr. Ewart's, stated he appreciates anything the City can do to help them. He lives directly across from the property in question. He added any kind of help and direction the City can give would be appreciated.

Mr. Phillip Cook, a resident on Limestone Drive, stated he tried to contact the City Council members via email links on the City website. He stated he emailed some of the members and only received one answer out of three and that one answer was from the Mayor. He expressed concern that he had not heard back from anyone. Mayor Perrin noted each of the Council member's email addresses are on the website, but they will look at it tomorrow. Mr. Cook stated he wanted to speak with the Council members concerning the rezoning on Ingels Road. He noted that when he emailed the Mayor he let the Mayor know that some emails had bounced back and asked that he forward those Council members copies of his email. Several Council members indicated they did not receive his email. Mr. Clampit added that his emails have been sent out over the last three months.

## **11. ADJOURNMENT**

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

**Aye:** 10 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

**Absent:** 2 - Darrel Dover and Gene Vance



\_\_\_\_\_ Date: \_\_\_\_\_

**Harold Perrin, Mayor**

**Attest:**

\_\_\_\_\_ Date: \_\_\_\_\_

**Donna Jackson, City Clerk**