



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, January 2, 2018

5:30 PM

Municipal Center

SPECIAL CALLED FINANCE COMMITTEE MEETING AT 4:30 P.M.

SPECIAL CALLED NOMINATING & RULES COMMITTEE MEETING AT 4:45 P.M.

PUBLIC WORKS 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 BY CITY CLERK DONNA JACKSON

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Present 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Joe Hafner; David McClain and LJ Bryant

Absent 1 - Bobby Long

4. SPECIAL PRESENTATIONS

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5. CONSENT AGENDA

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Approval of the Consent Agenda

A motion was made by Councilman Mitch Johnson, seconded by Councilman Gene Vance, to Approve the Consent Agenda. The motioned **PASSED**

Aye: 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Joe Hafner; David McClain and LJ Bryant

Absent: 1 - Bobby Long

MIN-17:141

Minutes for the City Council Meeting on December 19, 2017

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Attachments: [CC Minutes 12192017.pdf](#)

This item was APPROVED on the consent agenda.

RES-17:196

A RESOLUTION TO THE CITY OF JONESBORO TO PLACE VARIOUS TRAFFIC SIGNS AT DESIGNATED LOCATIONS AS DETERMINED BY THE TRAFFIC CONTROL COMMITTEE

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This item was APPROVED on the consent agenda.

6. NEW BUSINESS

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7. UNFINISHED BUSINESS

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ORDINANCES ON SECOND READING

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ORD-17:093

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM RESIDENTIAL, R-3 TO GENERAL COMMERCIAL DISTRICT, C-3 FOR PROPERTY LOCATED AT 1607 STONE STREET AS REQUESTED BY JOANNE GURLEY OF LIFE SKILLS K-12 SCHOOL, LLC

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Attachments: [1607 Stone Street Rezoning.pdf](#)
[Stone Plat.pdf](#)
[Staff Summary - Council.pdf](#)
[Summary Conclusions.pdf](#)
[Application.pdf](#)
[Area.pdf](#)
[Aerial View of Location.pdf](#)
[Lease Agreement.pdf](#)
[Adjoining Property Owner Notifications and Signed.pdf](#)
[Rezoning Plat.pdf](#)
[Stone Street Church of Christ Plat.pdf](#)
[Warranty Deed.pdf](#)
[USPS Certified Mail Receipts.pdf](#)
[Pictures of Area 1.pdf.pdf](#)
[Pictures of Area 2.pdf.pdf](#)

Councilmember John Street motioned to hold it and let it go to the third reading.

Held at second reading

ORD-17:096

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR PROPERTY LOCATED EAST OF MAKALA LANE ON THE OLD CRAIGHILLS GOLF COURSE PROPERTY FROM RESIDENTIAL MULTI-FAMILY, R-2 TO MULTI-FAMILY RESIDENTIAL PLANNED DEVELOPMENT, PD-RM AS REQUESTED BY PDW PROPERTIES, LLC

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Attachments: [Staff Summary 17-35 Makala Lane and Old Craighill's Golf Course.pdf](#)
[COJ Rezoning Ordinance.pdf](#)
[17128-002-SIGNED.pdf](#)
[Application.pdf](#)
[Rezoning Map.pdf](#)
[Layout.pdf](#)
[Area.pdf](#)
[Pictures of Area 1.pdf](#)
[Pictures of Area 2.pdf](#)
[Adjoining Property Owner Notifications.pdf](#)
[USPS Green Receipts.pdf](#)
[Ron Blackburn Powerpoint.pdf](#)
[Parker Request.pdf](#)

Mayor Perrin said Mr. Ron Blackburn wants to speak on this rezoning and he has a powerpoint presentation. There was an article in the paper and I know he is probably going to cover a lot of this. This is the second reading and if we could if we can wait until the third reading in two weeks and if you have any comments that deviate or adds to what Mr. Ron Black Blackburn is going to say tonight, that would be good if we could do that just for time sake.

Ron Blackburn, 798 Brownwood Circle, said he thought that would be a good approach to get everything out here on the front and open it up for discussion in the next couple

of weeks or however it gets handled. Obligations that the City Council should consider are as follows: 1) Insure that all storm water issues are addressed; 2) Recognize there are inadequate public roads to support an additional 200 vehicles. Specifically: a) Craighead Forest Road; b) Russell Hill Road; c) Makala Lane; d) Harrisburg Road; 3) The probability of increased crime in affected areas; 4) Decreased property values; 5) An overburdened Nettleton School District; 6) A lack of Quality of Life provisions in the development.

The first item that was going to be discussed was concerns about drainage on Craighead Forest Road and Russell Hill Road. They have had issues in the past. I live two blocks from there so I have not experienced those issues, but others have shared with me their concerns of what has happened in the past and what they fear might happen again. I visited with the Engineering Department and they assure us that they will take measures to keep that from happening, but the unknown is always scary. Their worries about that are justified. I trust that the Engineering Department will make sure that doesn't happen.

The second item is streets. This is Section 117-175 Approval Criteria which is extracted from the land development ordinance for rezoning. Section 117-175 Approval Criteria: a) Preliminary development plan. The following criteria shall serve as conditions that should generally be satisfied before the approval of the preliminary development plan: 1) The PD district and preliminary development plan is consistent with the adopted city land use plan and comprehensive plan; 2) The proposed uses will have a beneficial effect on the community; 3) The internal streets and primary and secondary roads that are proposed properly interconnect with the surrounding existing road network; 4) The site will be accessible from public roads that are generally adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development; 5) The minimum common open space areas have been designated and shall be duly transferred to a legally established homeowners association, where applicable, or have been dedicated to city or another public or quasi-public agency as provided in section 117-171; 6) The preliminary development plan is consistent with the intent and purpose of this division; 7) The preliminary development plan has been transmitted to all other agencies and departments charged with responsibility of review.

It is our contention that these roads are specifically or generally inadequate to handle the extra 200 vehicles that we would see resulting from over 100 apartments added. Those roads are: Craighead Forest Road, Russell Hill Road, the 4200 block of Makala Lane, and Harrisburg Road. The slides that show Russell Hill Road and Makala Lane are very similar. They are very narrow. In the photo on the right, you can see two vehicles and how close it is. In the photo on the left shows the ruts that have formed in the road because people cannot get past each other. I would hate to see these roads with a garbage truck on them and have to pass or a fire truck or an emergency vehicle. It would be impossible. This is Makala lane and it is the same situation. It is very narrow. I did mention that we are dealing with 16 ft. width on Russell Hill. Those roads have got to be improved.

We have already covered one and two with stormwater and traffic. Number three is the probability of crime in the area. The probability of increased crime in affected areas. The Jonesboro Police Department records for the area from Parker Road and south on Harrisburg Road that include four multifamily developments show that there were over 1,200 reported crime incidents in the past year. That speaks for itself. I think everyone here is familiar with what happens with these multifamily developments. It creates a

workload that the Police Department is stressed to handle.

Decreased property values is number four. I think everyone here recognizes that R-1 values decrease when they are encroached by apartments. It is nothing new. We all know it.

Number five is an already overburdened Nettleton School District that is struggling to meet its obligations. I think everyone is pretty much familiar with that one. That school district has been overloaded with growth. More apartments is really going to put stress on them.

Number six is a lack of Quality of Life provisions within the development. This slide shows a natural fence line and a boundary of trees and shrubs along the east and north property lines that already exist. The photo on the left is the north boundary. The orange fence that you see there, that is not the property line. It is about 20 ft. farther back from that line of trees. The tree on the right is on that property line. The developer has submitted site plans that would remove all trees on their side of the property line. That action would eliminate the natural screening that now exists and would jeopardize the homeowners trees by damaging their root systems and overhanging limbs. Many trees on both sides of the property line would be over 100 years old. This is the Harrisburg boundary here. You can see how nice those trees are. 100 year old trees are not something you want to lose.

This is an aerial photo of the proposal. You can see the property lines shown there outlined. The north is Russell Hill Road and Harrisburg Road is on the east. I would guesstimate that there is probably an acre of trees that are sitting there in that northeast corner that are going to be gone and never to be retrieved. The rest of these issues that we want to bring up are going to be Quality of Life issues. I am going to present those on behalf of our fellow Jonesboro citizens that live or will live in Savannah Hills. I do care about my neighbors. The current Savannah Development consists of 300+ Apartments and provide none of the following Quality of Life items: an onsite office, clubhouse/community meeting facility, playgrounds, ball fields or basketball courts, tree shaded picnic areas, outdoor pavilions, walking or bike paths, sidewalks.

We request the city council to: 1) vote no to this rezoning request; 2) refuse to grant any future grading or building permit for PDW/Sid Pickle until the City: a) provides adequate streets; b) approves a multifamily residential plan and the ordinances, codes, regulations and laws that are necessary to enforce that plan; c) implements a tree preservation ordinance; d) acquires the ability to levy impact fees when necessary. I think this goes on all of the time. We need to be stepping into that direction. We have a petition drive on course to present those at the third reading two weeks from now.

Mayor Perrin said thank you Mr. Blackburn. He asked if City Planner Derrel Smith was there. Planner Jonathan Smith came to the podium to address questions for Mayor Perrin. Mayor Perrin asked if the developer had lowered this rezoning. The way that it is zoned now, how many units can be built there? Do you know? Mr. Smith said to keep it simple he could originally put 12 units per acre. To answer your question, by rezoning this, he is lowering it a little bit. That is not speaking for any development of roads or having to subdivide it. If you just look at the straight math, he is requesting less than what he could actually put on there now. It is not really a question of can he put apartments on there. It is a question of what kind of development he can put there.

Mayor Perrin asked about the site plan and if he had submitted one yet. Mr. Smith said no. I think he is referring to a layout, a conceptual layout that was voluntarily submitted, but we can't hold him to that at a rezoning. Mayor Perrin said he understands. Mr. Smith said as far as all of this stuff that he is requesting, the Council can do what they wish with as far as attaching any stipulations to it I guess. You all can do what you want. From a staff standpoint, we will address the site plan and any code issues or any of that stuff after this is approved or denied.

Councilmember Gene Vance asked under Planned Unit Development, are there not some requirements that the gentleman mentioned that are included in the Planned Unit Development that are not in our normal zoning ordinances. Mr. Smith said that he would have to refresh just real quick on that, but to answer your question yes. I believe there is an increased requirement in green space. I would be lying to you if I said exactly how big that increase was. There are certain aspects to it like the green space and stuff like that, that tend to make them more visually pleasing to the eye. So, it is more attractive essentially. There is more area to work with.

Councilmember Vance said I don't know what all exactly because it has been too many years, but when that Planned Unit Development ordinance was developed, there were a lot of restrictions put in it. Mr. Smith said, again, if it gets approved, at the staff level so we don't have to spend time here talking about it. We will address all of that stuff when it comes to commercial plan review when they submit an actual site plan. After we have all of the requirements or the requests from the Council and from the applicant, we will take care of all of that at the staff level. Mayor Perrin said you have answered my questions. He asked Mr. Blackburn if he would get a copy of the powerpoint presentation to the City Clerk Donna Jackson. He said it is pretty detailed and he would like a copy.

Councilmember Chris Moore asked that the Planning Department present at the next Council meeting, the differences Councilmember Vance asked about. Mayor Perrin said that is why I asked for a copy and we can do an overlay. Mr. Smith said he can send it out through email if the Council would like to review it before the meeting so you all can have a chance to review it. Mayor Perrin said it would be better if you could.

Richard Long, 1010 Russell Hill Drive, said he lived there for quite some time. He said he has had water issues in his yard and driveway a few times. The City has since put in a curb through that yard. I sold the house, but I still live on the street. The City has put a culvert in the yard to alleviate any water damage in the future. My concern is where they are putting in more asphalt and there is not going to be ground to soak it up. I don't know what they are going to do with the trees. It's just things like that. There are other ditches coming down from the apartment complex that have been washed out, even in the street. The dirt off of that property that is vacant right now is still washing out into the streets. Some of the fencing that is up looks really bad. I think you all saw some of the pictures of that tonight. Mayor Perrin said we did. I think I have been out there with you and walked that several times on Russell Hill Road. Actually, we have been out there twice and have dug that up if I am not mistaken. Street Director Steve Tippitt was out there. I know I have been out there more than twice. Mr. Long said my concern is the progress that we have made in doing those improvements will be wiped out by the developer, depending on how he does his landscaping. Mayor Perrin said they will look at all of that when they get there. Again, he has it on his comments and that is why I want a copy of that powerpoint to take every one of those lists and go back and lay it side by side on all of the ordinances that we have got in place to make sure and send that out to all of the Councilmembers so they can look at it. Mr. Long said thank you. Mayor Perrin said Mr. Blackburn made good points and it was a good

presentation as far as that is concerned.

Michael Boggs, with Tralan Engineering, said he represents the owner on this. Just to clarify for the PUD rezoning, we are to submit a preliminary site plan that shows the layout with common space. With the PUD, they want 20% common space of the open area that is there. That can be many different things, but there are like walking trails, picnic tables, things of that nature that he addressed will be some of the things that can be added whereas the other development does not require any of that. This is R-2 property that we are trying to rezone that does allow for twelve units an acre as it is at this point in time. If the rezoning is approved, everything will be handled through the site plan review and also back before MAPC for their final review as well to meet all of their criteria. Mayor Perrin said thank you.

Mayor Perrin said we have seen a lot of these issues. Probably 60% or 70% of the work that we do in the Street Department is going back and taking care of things we didn't address in the beginning. I am not taking this particular project, I am telling you as a general, if you look at anything you look to build on, is that we build these things and then the Street Department has got three or four streets that we are going to spend money on. In most cities, you have an impact fee that the builder pays for. As we go forward and we look at these developments and projects is we need to take a look at some of these things. If you look at Russell Hill, I think that is a 16 ft. width road. I would hate to pass a garbage truck on that. I think we need to look at some of these things and look at these traffic counts and look deeply into these projects before we just come in and take a quick vote. I think we have done a good job in the past, that is not what I am saying. All I am saying to you is that I have seen three roads here and obviously two of them I know need to be adjusted quickly and should be done now. They should be widened. They should be curbed and guttered. There should be drainage. There is millions of dollars worth of work to be done. There is no question when you add more building, you are going to have more runoff water. You are going to have more of all of the things that we have been talking about. We are going to be looking at these things pretty hard. We need to make sure we are doing it correctly on our drainage, on our detention/retention ponds, and things of that nature.

Councilmember Ann Williams asked Mayor Perrin if he was possibly suggesting impact fees or the possibility of us looking at impact fees. Mayor Perrin said we did this probably five or six years ago and I am not for sure if we might not want to look at that now. We need to look at it again because this city is growing so fast and we are building all of this construction. What we are trying to do is keep up and we can't even keep up infrastructure on roads and highways and things of this nature. It is good news/bad news. The good news is that you are growing. The issue is that we have to have enough money to get these things done in infrastructure. That is the whole key right there. We got \$90 million in the STIP plan to do these things. But, let me give you a quick example of that. When the bypass was put in many, many years ago, every overpass and cloverleaf is five lanes, but it dead ends into two lanes. What we are doing now is going back and correcting that problem and adding five lanes on Harrisburg Road, 49N, and all of those things. Had we not gotten that money from the Highway Department, there is no way that this city could have done those projects because you do not have enough revenue coming in this city to even think about even doing one of them, nevertheless doing all of them on the \$90 million. As we look at development, let's just look at the best use development that we have and let's see how it affects everything and let's tie it all together and bundle it up. If in fact we have to go to an impact fee, and I am not saying we are going to an impact fee right now, but I am saying to you that most cities our size do have an impact fee. The developer will assist and help us in paying for those developments. We are giving them the

opportunity to build what they want on a certain particular piece of property that is zoned properly and correctly by this Council and this City. They should possibly help assist in the development of that project. Those roads would be a major impact on this development that I just saw. I can tell you if you built that, Russell Hill Road and the other one would have to be widened and curbed and guttered and all of that. And, particularly sidewalks and etc.

When you start that drainage and start putting those boxes in, you are looking at \$30,000 and \$40,000 and \$50,000 a pop. We are going to talk about it at the next Council meeting. I am talking about any development. It is not just this development. It is development in the future of Jonesboro of what we want and how we want it. Councilmember Williams said she thinks it is inevitable as far as impact fees because what we have been presented in MPO in regard to availability of federal funds, I don't see any alternative. Mayor Perrin said he needed to make that comment. Councilmember Gene Vance said we need to get impact fees. I really believe in impact fees and they should be assessed on developments and not at the rezoning level because that is the wrong way to do it because then you are only touching the ones that are rezoning. Commercial, multifamily, single-family even when the developer develops a single-family development that they have impact. If you take this property here, if he went in and developed single-family homes on it, he would still have impact on these streets and so forth. Mayor Perrin said he agrees with him. I am not picking on this. I am talking about any development. We are going to have to start doing that. I am going to ask Chief Financial Officer Bill Reznicek to look into the impact fees. We have several cities that we have looked at before. Let's do what we need here. We have 81 sq. miles in this city to build. Last year, we did \$147 million worth of building permits in the City of Jonesboro. The year before that was \$185 million in building permits. With the Convention Center coming in this year, we will hit over \$200 million.

The people coming in here that use our roads are not paying that fee. The hospital came in here and questioned why we didn't have an impact fee because they pay it everywhere. You saw what happened to that area out on 49. How many cars did we increase on 49 when the hospital went in? All of that property has become commercial. Probably one-half of that is already developed. You have cars coming in and out of businesses. I want growth. Let's do it to where it justifies the need and that we also collect what we need in order to do that development.

Councilmember Joe Hafner asked about the Council looking at impact fees five or six years ago. Was an impact fee study done? What was actually done? Is that something that we need to look at doing? Mayor Perrin said yes. Councilmember Hafner said we can talk about this and that, but if you don't actually do an impact fee study that is based on development in Jonesboro, I don't think we are addressing the issue. Mayor Perrin said that he would pull his notes, but an actual study was done. We looked at Conway. Your school districts and your churches do not pay an impact fee. We went through every line item on residential, commercial, and multifamily. We will pull those notes, but I think it needs to be updated. I'm sure those cities have updated theirs. I want to go back and circle those again. We have a big file on impact fees. Councilmember Hafner said that he wanted to make sure if the Council is presented with impact fees to look at that we are presented with updated information. Mayor Perrin said he understands.

Councilmember David McClain asked about if the city could go back and assess impact fees on current or existing developments or is this only new? Mayor Perrin said only when you go forward. I am just making a general statement and I would say the same thing if I was sitting in your seat out there as a citizen. I have to have empathy

when as Mayor you look at and vote on a particular item. You have to look at what the effect is on your city. That is exactly what I am doing here. We have had tremendous growth and we are going to continue to have growth. Statistics show that three people per day move into Jonesboro. If you look at your building permits, you are going to see that it is going way up. What you are going to see is that your sales tax is flat and I am going to talk about that in the Mayor's Report. What I am saying to you is that what is coming in is not going to be as good as what is going out.

Councilmember Moore said he would like to request three pieces of information for the next meeting for discussion. They all address points that Mr. Blackburn made and for due diligence. One was the school objection. I noticed in our packet, there showed no objection from the Nettleton Public Schools, but on the previous multifamily rezoning on S. Caraway, they issued a letter stating that they would be objecting to any future development. I would like clarification at the next meeting. City Attorney Carol Duncan said I think what happens is that we send them the letter and often we don't get anything back. That one came later. They didn't object on that one either when they got their official notice, but then a citizen brought in an objection. Councilmember Moore said well, then they went back and they issued a letter saying that they would be objecting to any future multifamily in their district. If you will just have clarification on that. Mayor Perrin said ok. Councilmember Moore said the second contention he had was an increase in crime so I would like a report by the Police Chief. Is there a link between multifamily and increase in crime? His third point was on the road so I would like someone to speak on traffic and get some idea if those roads are overloaded on Russell Hill and Makala or are they not overloaded. If you will have those three pieces of information at the next meeting. Mayor Perrin asked Chief Executive Officer Ed Tanner if he got that. Mr. Tanner said yes. Mayor Perrin said we will certainly have those for you. We will discuss and debate and talk about this ordinance at the next council meeting.

Held at second reading

ORDINANCES ON THIRD READING

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ORD-17:086

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT TO RM-8, RESIDENTIAL MULTI-FAMILY FOR PROPERTY LOCATED AT 800 SCOTT STREET AS REQUESTED BY BARBARA TOSH

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Attachments: [Amended Letter of Appeal.pdf](#)
[Appeal Letter.pdf](#)
[AN ORDINANCE TO AMEND CHAPTER 117\(Tosh\).docx](#)
[Plat.pdf](#)
[Application.pdf](#)
[Staff Report.pdf](#)
[Staff Summary 17-27 800 Scott Street APPREAL.pdf](#)
[Lambert opponent to rezoning on Scott.pdf](#)

Mayor Perrin said this ordinance is on the third reading.

Scott Troutt, Troutt Law Firm, said since we were here last, I did have an opportunity to

ask around down in that general area. What I found is that Scott Street from Johnson to basically where it terminates, it comes up and then kind of starts again off of Greensboro Road. That entire area is nothing, but with the exception of my client's house, is nothing but rental homes. I did have an opportunity to talk to at least a few of the renters. I may be mistaken, there may be one mixed in there. I had the opportunity to talk to a few of the renters to the extent that I could talk to them at all and there didn't seem to be much objection. I'm not surprised by that. The people that I found that are primarily objecting to this particular proposal and I am just adding on the things that I have learned since the last few times we have been here, the people who do have some objections largely live along Greensboro Road. There are a few single-family houses that are not for rental purposes along Greensboro Road. Their main concerns are pretty much what I would expect from everybody. An increase in traffic on Greensboro Road. One of the more interesting ones was a change in the character or a change in the scenery. That was one that I didn't expect. There is a tree line that is in the right-of-way of the city. There is a tree line that runs all along the line of Ms. Tosh's property. A lot of people were very concerned about losing that. I don't have a problem with it staying there of course. It is a typical tree line that you would find along a pasture, which is basically what this property is.

The other issue that some of the residents that had single-family houses had was again, the increase in the traffic. I think that can be alleviated somewhat by insuring that the entrance of the whatever development may go there be connected to Scott Street rather than Greensboro Road. With that said, my understanding is that there is some RM-16 that is actually behind this property that is going to have its entrance onto Greensboro Road. That is going to be a problem no matter what. However, I think that we can help that a little bit. Scott Street from my extremely anecdotal evidence of being out there, it doesn't look horrendously overburdened. I am certain that at times, people would disagree with me. I have not seen it in the mornings, but at the same time, I think that there is adequate ingress/egress from Scott Street for an RM-8 development.

The other concern, of course, was crime. I can say that when this originally went through the MAPC, it looks like the Chief of Police had no problem with it for whatever that is worth. Crime is inherently anecdotal whenever you are talking to a person who has been personally affected by it. I do know that the Police had no objection to it. The other thing that I did want to discuss and I am a little confused on this, it looks like for the factor checklist that I received on this particular property, the city had indicated that Criteria A would go to a check to the property complying to that if it went from an RM-16 to an RM-8, which we did. That did not change criteria B, C, or D. I still kind of get D. It still can be used as a single-family property. In fact, it is used as a single-family property at the current time. I don't think that is the highest and best use by any stretch of the imagination. With B and C, I actually had an opportunity to read the Section of and this is on B, the consistency. Councilmember Joe Hafner said on B, the explanation says the proposal will achieve consistency with the purpose of Chapter 117. They just didn't put a check mark there. Mr. Troutt said ok. That makes me feel much better. Councilmember Hafner said he thought he asked about that at the last meeting and it was left off. Mr. Troutt said I might have missed that and I do appreciate that. In the compatibility with the proposal with the zoning uses and character of the surrounding area, it is actually my suggestion that in moving to RM-8, most of the property around it is either R-2 or single-family rental houses, at least on Scott Street. I am not entirely sure that that is not consistent, that RM-8 on that property is non-consistent, especially given that that is supposed to be a medium intensity zoning area.

I think the last time we were here, it was indicated that it wouldn't comply with two of these. I can understand D because that is broad. You can still live on that property. But with C, I would actually suggest that the property now complies with part C which merely leaves us with part D. Can you live on the property? Yes. It is entirely possible, but at the same time, I think that it is not the highest and best use of the property. Ultimately, as more and more multifamily properties are built around it, including the RM-16 that will be immediately behind it, that will become increasingly difficult to impossible to maintain.

I also wanted to note that my clients are not against adding further restrictions. I would welcome commentary from the Council for the further restrictions. In fact, I have even discussed and I understand that the Council even lately has had some reticent, and maybe I am wrong, on approving things in large part because we are on the precipice of approving these site design guidelines for future properties. My clients are not completely opposed to literally writing those into our zoning request. That can be done and that would deal with that particular issue and we don't have a problem with it. If the City Council so wishes for that to be included, we can do that. With that, I will answer any questions that the Council may have.

Mayor Perrin said this is an appeal as you all may know. It is an appeal to the Council. This is on the third reading. Do you all have any questions for Mr. Troutt? Councilmember Joe Hafner said that his was more for the City Attorney. Can we include conditions that are not ordinances yet? City Attorney Carol Duncan said no, not anything that is not adopted and you haven't adopted the multifamily guidelines so you can't include those. Councilmember Hafner said even though they are willing to do it, we can't include it? Ms. Duncan said no. Councilmember Gene Vance said that does put us in a quandary because we are considering something major as far as multifamily guidelines. I don't know. I think Mr. Troutt should possibly confer with his clients and rather than have to wait six months if and that's a big if we turn it down, rather than waiting six months to possibly let us table it until we go through our consideration of the multifamily guidelines. Councilmember Hafner asked Mr. Troutt if they are wanting to break ground and start building tomorrow? Councilmember Vance said if we deny the appeal, he can't go back and ask for the same rezoning for six months. Mr. Troutt said that is correct. Councilmember Vance said we should be able within six weeks to two months have something on the table if we are going to have anything, we will have it in six weeks or two months on the multifamily guidelines so it could be the possibility that a table would be better for his client.

Councilmember Hafner said that was kind of his question on timing. Are they going to start building right now in the wintertime or would they wait? Ms. Duncan said it is important to keep in mind too that there are two different criteria. This isn't are you approving what MAPC has approved. This is an appeal to determine whether MAPC acted inappropriately based upon our ordinances. This is an appeal of a denial which is a little bit different than just approving a rezoning that came from MAPC that is an approved rezoning. So, keep that in mind.

Councilmember Hafner asked if we vote positively, are we saying that MAPC was wrong? Are we approving the rezoning ordinance? Ms. Duncan said yes. You are saying MAPC acted inappropriately by denying the rezoning. Councilmember Chris Moore said a lack of action will leave the MAPC's decision to stand. Ms. Duncan said I believe it would. Councilmember Moore said if no action is taken, MAPC's decision will stand until we address it again. Councilmember Hafner asked if we have three different options. Councilmember Moore said that is correct. Ms. Duncan said you can do nothing. Councilmember Hafner said you can do nothing or vote. Councilmember

Moore said you can vote it up or down or we can take no action. Mayor Perrin said that was correct or you can table it. Councilmember Moore said you can table it or postpone it indefinitely. Ms. Duncan said the criteria that you are looking at then is the same as what you are looking at now. Did the MAPC act appropriately based on the ordinance as they existed at the time? Mayor Perrin said that is right. Councilmember Vance said that it would also put maybe some difference in attitude toward the rezoning if the multifamily ordinance was in place. Ms. Duncan said possibly. Councilmember Hafner said then we could incorporate that. Councilmember Vance said we wouldn't have to incorporate, that will be done on the planning and inspections levels. So, we would never see it again once we passed that ordinance. I just wanted to make sure it was out that if we take action tonight, that it may very well be that it may be six months before his client could come back to the City for a rezoning request.

Councilmember Moore said that Councilmember Vance is correct. If we postpone temporary until we consider the additions to our criteria, if we approve those additions, then we take this back up, would those automatically be attached to this? Those are going to be exempt since this was considered before we took action. Councilmember Vance asked will those not be actual requirements for planning and inspections on what we are thinking we are going to pass? Ms. Duncan said I don't think those specifications on multifamily and/or duplexes and triplexes have anything to do really with zoning. They are attached to you getting your building permit and your site plans. Councilmember Charles Frierson said they are applied when the site plan reappears to the MAPC and building permits are applied for. Ms. Duncan said that is correct.

Councilmember Vance said when they submit plans to be approved for a building permit then it will reflect whatever is in effect at that time no matter when the rezoning took place even if we have got one to be rezoned, but no permits have been issued. If we pass the new requirements, then when they go for a building permit, they would be in effect. Ms. Duncan said that was correct. Councilmember Moore said I have yet to see evidence that the MAPC acted inappropriately. That is the hang-up that I have. There are lots of things to consider. I haven't seen the evidence that says that the MAPC acted inappropriately.

Mr. Troutt said he would be glad to address that if the council will entertain it. Councilmember Moore said by all means. Mayor Perrin said yes, go ahead. Mr. Troutt said my principle problem with regard to the MAPC was that they did not have the benefit of a full consideration of the approval criteria from the city. This was kind of done in a quick amendment type of situation. My suggestion is that had they had that information, I believe it would have gone differently. That is a large part of it. The appeal requirements in the code from my reading of it, for whatever that might be worth, seemed to indicate that if there is not an up or down vote within three months of the filing of the appeal, then it is denied anyway automatically. It just stands. I am kind of on that time budget, as well, for whatever it might be worth. The other thing that I found that is a little bit interesting was the quorum requirements for MAPC. I am not 100% clear from a reading of the ordinance and maybe I am completely wrong and maybe I missed it, but I am not 100% clear.

The code is not specific on what constitutes a quorum for the MAPC itself. Where it is usually quite consistent in saying what constitutes a quorum for each respective department, everything else that is like the MAPC that isn't the MAPC, seems to have this particular requirement. Yes, there is a broad requirement for quorum, but that falls back onto the city to the role for the city council itself. Of course, the MAPC is not the city council. That part is a little bit disconcerting. I think it is something that should be considered within the code in the event that I am right at all, which I can't say that I

am. Ms. Duncan said that MAPC has their own rules and usually I carry those with me in this notebook and for some reason they are not here tonight. Maybe because it is not an MAPC meeting. They have their own rules that set out what their quorums are. Mr. Troutt said maybe I was missing it somewhere, but I did find it very odd how the requirements deal with the MAPC itself and that part is a little bit disconcerting. As far as how vacancies are filled and those kinds of things, there were a lot of things going on.

Ms. Duncan said she was curious what vacancy filling has to do with this application. Mr. Troutt said that was a very good question. There were several vacancies moving back and forth at the time with the MAPC and that is why I bring it up. How that relates to the quorum requirements and all of those things, I am not clear on it. I have had a great deal of difficulty figuring it out to be frank. One thing I can say for sure is that none of this has any case law on it. My suggestion is that the degree of the inappropriateness came from the quick handling and the lack of information and likely from an issue with the quorum requirements that may or may not exist anyways within the Jonesboro City Code. I think those are the three issues to take into consideration, plus the broad based issue of whether or not the city has. It is whether or not the MAPC did something wrong, but the city can ultimately take a look at this and say ok, with this information in front of us, would we decide differently. If the answer is yes, then the rezoning can be approved as an appeal. The word wrong is as a lawyer I am not fond of using it. There is correct and incorrect, for whatever that is worth.

Councilmember Moore asked Mr. Troutt to sum it up for him. The reason you are saying we should overthrow it is because the MAPC acted too fast in haste and they lacked adequate information to make an informed decision. Mr. Troutt said that is completely correct and with the information that was in front of them that the decision perhaps should have been different anyways, but I think that also plays into the adequacy of the information they had in the first place. Councilmember Moore asked in the inadequacy of the information what specific item was that? Was that the change from RM-16 to RM-8? Mr. Troutt said that was correct and the city's analysis of that. Councilmember Moore said the information you think they lacked was simply your client changing their mind from RM-16 to RM-8 would have swayed the decision to have five votes. Mr. Troutt said no. The information that they lacked was based upon that change from RM-16 to RM-8. What the city's analysis under the approval criteria would have been. What they got was kind of a spot analysis on that particular issue. My suggestion is that because that would have I think if the city had taken a further look at it that all of the approval criteria or at least all but one of the approval criteria would have moved to a compliant phase. That is probably a very long way of saying what I was trying to say.

Councilmember Moore said I want to make sure we are clear here. One of the denials was over traffic, causing an increase in traffic. You contend that changing from RM-16 to RM-8 would have alleviated that. The other was if the property could be developed as single-family residential, of course changing from RM-16 to RM-8, it would have no affect on that requirement. On item B, Councilmember Hafner already cleared up. It does and so that should be checked. I have no more questions. Thank you.

Councilmember David McClain asked if he could ask questions of our planning department. Just so I am clear, when you go to RM-8, that is eight per acre correct? Planner Jonathan Smith said yes. Councilmember McClain said correct me if I am wrong, but we are looking at a little over 60 doors in that area possibly. Mr. Smith said he didn't do the math before he showed up here this afternoon. Councilmember McClain said it was 7.66 acres or something like that. The reason I ask that is looking

at what we looked at before in this area, the number of apartments in that area, I know it gives me and some of the residents I have spoken with in the area pause. Mr. Smith said a lot of what Mr. Troutt said is true. It went through the MAPC as an RM-16. Toward the end of the meeting, he saw that there was a lot of negative feedback from that so he, probably in the last 5-10 minutes of the meeting, is when we decided it would be better going RM-8. They still denied it, but I don't think it was based off of, if you look on the chart it says these are the criteria, and they are not all given equal weight. D might seem small to the applicant, but when he was at the meeting, there were a lot of people who opposed it. A lot of surrounding property owners and they showed up in opposition. I don't know if they are here today to oppose. With D, surrounding property owners think that it can stay residential. I feel that played a big role in the MAPC's decision. As far as all of the other x's and all that stuff, we ran it through them and I don't want to speak on their behalf, but as far as the planning goes, we told them at the meeting if they changed it to RM-8, it would meet our land use plan. But, again, that is just us giving them feedback. There was a lot of opposition to it. And, I personally feel like that played a role in their decision. Again, you don't have to give equal weight to every single criteria. If the majority of the surrounding property owners felt like it should stay R-1 and the Commission felt that way, then they could vote and do that.

City Attorney Carol Duncan said that Planner Tracey McGaha sent her the bylaws and quorum for the transaction of business is five members as stipulated by ordinance. So long as you have five members there, you have a quorum and beyond that the vote is a majority of those present, a simple majority of those present. Councilmember McClain asked if there were five there. Ms. Duncan said that there were five there. Councilmember Hafner said there were six there. It looks like there were six there because there were three votes for and two against and it doesn't appear like the other person voted. Ms. Duncan said we wouldn't have had a meeting without a quorum.

Mr. Troutt asked if he heard correctly in that it required a majority of those present. Ms. Duncan said that she will keep reading, but that is in the first thing that she has. Mr. Troutt said in which case they definitely made an error. Ms. Duncan said she thinks it is a simple majority on some things and 2/3 on others. She said she will look and keep reading. She said you have to have five yes votes. Councilmember Moore said his records show that there were five members present which were Kevin Bailey, Dennis Zolper, Jim Little, Jerry Reece, and Jim Scurlock. Ms. Duncan said that is a quorum. Councilmember Moore said it is a quorum with Jerry Reece and Jim Scurlock voting no and Kevin Bailey, Dennis Zolper and Jim Little voting yes. Councilmember Hafner asked if Lonnie Roberts, the chair, was there. Councilmember Moore said he was not according to the minutes. Ms. Duncan said yes, he was there. Councilmember McClain said he just didn't vote.

Mr. Troutt said that maybe where he is getting a little bit confused. On the basis of the bylaws, does it indicate a majority of the people present or a majority of the people. Ms. Duncan said no. A simple majority is on administrative and procedural actions. It is 2/3 on rezonings I believe. Mayor Perrin stated that on the bottom of this paper, it states that to forward it to council, the votes have to be five in the affirmative. It states that this rezoning was not forwarded to the council because of that. Mr. Troutt said he saw that as well, but in the event that their bylaws say otherwise. Ms. Duncan said they don't. It was talking about administrative. Mr. Troutt asked if that was purely talking about administrative on and it was a majority of those present, but not for rezoning. Ms. Duncan said you have to have an overall of the full body. Councilmember Vance said it was a majority of the membership is what he remembers. Ms. Duncan said correct. Mr. Troutt said that would make sense. Ms. Duncan said that would make it

five.

Mr. Troutt said that for what it is worth, I think the statement that there was a lot of opposition was provided, as I looked back, there were some people present in opposition, but as I recall there were only two people present in opposition. Ms. Frazier, Ms. Lack, and Mr. Garcia and then there was a letter I believe. So, there was three plus one. I just wanted to clarify that.

Councilmember L.J. Bryant asked Mr. Troutt when his 90 days are up. Ms. Duncan said it is getting close. Mr. Troutt said it would be 90 days from when the appeal was filed. Councilmember Moore asked Ms. Duncan if that started on November 21, 2017. Mr. Troutt said that it would be the day that it was appealed. Ms. Duncan asked City Clerk Donna Jackson if that was the day that it was appealed. Councilmember Hafner said that the date on the first letter is October 3, 2017. Ms. Duncan said that we had the one tabling and we decided that was still within it. Mayor Perrin said January 3, 2018. Mr. Troutt stated so I am right on it and that is kind of part of the problem that I find the property in. Now, I did want to come back around. It is my understanding that amendments can be made to the plan by the Council so long as it is restricting it and not increasing what is being requested. I believe that is perfectly allowed for the Council itself to do. And, as I indicated, that is something that we would be willing to accept.

Councilmember Hafner said that he thinks the problem today is that things that we would probably add are not part of our ordinances yet. Mr. Troutt said that is ok. Anything can be added. This is my understanding, for example, if the City Council wanted to add that a privacy fence needed to be installed, and I am not saying there needs to be one out there because there is a good tree row already there, but something to that effect would be a restriction that the Council can actually add that to the proposal that we have made, including everything that is in front of us right now. That could just be added as a part of the proposed amendment to the zoning. Ms. Duncan stated she said Council can always make changes to a rezoning that were not considered by MAPC. They can make it more restrictive.

Councilmember Hafner asked if there was a date when they can apply for a building permit? I'm just asking. Ms. Duncan said no. Mayor Perrin said I think the situation he is in here is that you are either going to turn it down or again the three things we just mentioned a while ago. Councilmember Moore said he had a point of order before we proceed. He just said that the appeal started on October 3, 2017. I think we need a counting of the days, but I think we are one day out of the 90 days if my math is right. I don't think we can consider it tonight. Mr. Troutt said he couldn't remember if it was three months or 90 days. I believe that one distinguishes between a month and a day. Councilmember Moore said that is an important consideration because one way you are one day past it which means we can't consider it anyway. Mr. Troutt said just give me a moment and I will look that up. Mayor Perrin said you have to go back and look at the days.

Councilmember Frierson said this deadline of some action or else it is dead, does that specify that the action has to be either up or down or can it be postponed for a period of time by this Council and avoid that deadline? Ms. Duncan said that she doesn't know if you can avoid that deadline. I think it says if no action is taken by Council. Councilmember Frierson said action is what I am asking you about. Why can't the action by Council be a postponement? Ms. Duncan said I don't know. I was trying to get to that part of the ordinance when you asked the question. Councilmember Moore said that it probably can, but if the time ran out yesterday, that action wasn't taken.

Councilmember Vance said if time ran out yesterday, then it is out, but if it was tabled, that would be effective action by the Council that should override the 90 days or three months. But, if it is like you say and it is 90 days, that ran out yesterday. Councilmember Moore said the point of order has to be answered before we can have any more discussion. We can't have any more discussion until the City Attorney addresses the point of order under our rules. Until she tells us if it is 90 days or three months, we can't have any other discussion until that is answered.

Ms. Duncan said she is looking to see if there is something different on this. They have 30 days from when MAPC rules on it to file their appeal. Then from the date of the appeal is filed, your rules under Section 2-92 says the City Council shall either approve or reject the appeal decision by a majority vote. Failure to act on the appeal within 60 days after the same is filed will be deemed as the approval of the decision of the Board and/or Commission. So, it is really 60 days from the time the appeal is filed. Where we are getting the 90 days is from the time MAPC acted on it. If it was filed on October 3, 2017, it is well past. Does that make sense? Councilmember Moore said the answer to my point of order is that it has exceeded its time and we cannot make a decision on it. Ms. Duncan said that was right.

Mr. Troutt said it says failure of the city to act on it and what I would suggest is that the city did in fact act on it by having a reading, a second reading, and by tabling it. What we are discussing right now is whether or not the Council can table it and thus supersede the time limit anyways. It would be my suggestion if that is the issue, it has already done that. In fact, I think there is kind of an issue on that because our original third reading would have fallen after the 60 days anyways and we were just doing a regular amount of time. This was the schedule set by the city itself. It would have been past December 3, 2017 anyways. I think that is problematic in itself. Ms. Duncan said that is problematic. Mr. Troutt said it is not something that there is any control over in that is actually handled by the statute itself. That is why I would suggest to read that in harmony with all of the rest of code. You would have to assume that act is any action whatsoever. So, I guess coming around to it, yes the City Council could table this right now and we can just wait until something moved forward on some of these requirements.

Councilmember Frierson said he thinks he agrees with Mr. Troutt. Any action including putting the item on the agenda in common sense tells me that ought to disgorge the time limit of 60 days. I agree with that. Ms. Duncan said it is possible, but as usual when you all adopted your rules, you didn't define what an act was. Councilmember Frierson said we don't have to worry about that. He and his clients have to worry about that if someone takes the City to Circuit Court. Ms. Duncan said we may want to clarify that. Rules and Nominating Committee may want to look at that and make a clarification on the rules. Councilmember Frierson said that doesn't help us now. Ms. Duncan said it doesn't, but for the future you all may want to look at that. City Clerk Donna Jackson asked if that was part of MAPC rules or part of City Council? Ms. Duncan said she is reading from the City Council rules. Councilmember Frierson asked Mr. Troutt if they wanted to postpone that. Mr. Troutt said that they are fine with that.

Councilmember McClain asked if we were postponing the appeal hearing. Mayor Perrin said we are postponing the whole issue so you can come back and make a decision. Ms. Duncan said it is still an appeal. Councilmember McClain asked what we are postponing. Councilmember Vance said we are postponing the third reading. Mayor Perrin said that it is an appeal that is on the third reading which is being postponed for 60 days.

A motion was made by Councilman Charles Frierson, seconded by Councilman Chris Moore, that this matter be Postponed Temporarily . The motion PASSED with the following vote.

Aye: 11 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Joe Hafner;David McClain and LJ Bryant

Absent: 1 - Bobby Long

ORD-17:091

AN ORDINANCE FOR THE TRANSFER OF LOCATION OF PRIVATE CLUB PERMIT FROM THERAPY OF JONESBORO, INC. d/b/a THERAPY

[play video](#)

Attachments: [Ordinance.pdf](#)
[Application for Transfer of Location of Private Club Permit.pdf](#)
[Private Club License Transfer or Change of Business Review and Conditions](#)
[JPD Approval.pdf](#)
[Lease Agreement.pdf](#)
[Alcohol Application Fee Receipt.pdf](#)
[Copy of ORD-17-071.pdf](#)

Mayor Perrin said that they moved about a block away if I am not mistaken. They are transferring from 241 S. Main to 223 S. Main.

Bob Hester, 7096 CR 333, said he had a question. Based on what you all did two weeks ago on this amendment to this ordinance, is the only thing you can consider what is already in your ordinance? Mayor Perrin said yes. Mr. Hester said you can't consider adequately served or anything like that? City Attorney Carol Duncan said that is not in the current ordinance. Mr. Hester said well, I wasted my time tonight. See you all later.

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

Aye: 11 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Joe Hafner;David McClain and LJ Bryant

Absent: 1 - Bobby Long

ORD-17:095

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-2 DOWNTOWN FRINGE COMMERCIAL DISTRICT TO C-1 DOWNTOWN CORE COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 527 W. WASHINGTON AVENUE AS REQUESTED BY PAUL FORD

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Attachments: [ORD-95 AMENDED.pdf](#)
[527 W. Washington Plat.pdf](#)
[527 W. Washington Rezoning Ordinance.pdf](#)
[Staff Summary - Council.pdf](#)
[Application.pdf](#)
[Plans.pdf](#)
[Plat.pdf](#)
[Rezoning Plat.pdf](#)
[Pictures of Area.pdf](#)
[Area.pdf](#)
[USPS Green Returned Cards.pdf](#)
[USPS Certified Mail Receipts.pdf](#)
[Adjoining Property Owner Notifications and Signed.pdf](#)

Councilmember Gene Vance asked if we had received the amended ordinance. Councilmember Ann Williams asked if he was referring to the emergency clause. Councilmember Vance said yes. We were supposed to get an amended ordinance with the emergency clause. City Attorney Carol Duncan said that it is listed on the agenda. Mayor Perrin said the answer is yes.

Councilmember David McClain said that he had a comment about the emergency clause. The only issue I have with the emergency clause is that this does not help us run the city more effectively. I understand that Mr. Ford has a project that he is wanting to work on. However, I feel like we are going to get into a pattern again to set ourselves up for if I give it to him, I have to give it to someone else and if I don't give it for somebody else then maybe we put ourselves in a situation where legally we could get into trouble. I have no problem with the rezoning, but I do have a problem with the emergency clause and would ask that we consider that.

Councilmember Ann Williams motioned, seconded by Councilmember Gene Vance, to adopt the emergency clause. All voted aye except Councilmember Chris Moore, Councilmember Joe Hafner, and Councilmember David McClain who voted No. Also, there was no vote from Councilmember Bobby Long who was absent from the meeting. The vote was 8-3 in favor of passing the emergency clause.

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

Aye: 11 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Joe Hafner;David McClain and LJ Bryant

Absent: 1 - Bobby Long

8. MAYOR'S REPORTS

[play video](#)

Mayor Perrin reported on the following items:

Mayor Perrin said the Inspections Department has moved to the third floor so now you have your Planning Department, Engineering Department, and Inspections Department all in one area, which I think is going to be good for the citizens of Jonesboro.

Mayor Perrin said he called Game & Fish today and spoke with Caroline Cone, who is the Chief of Staff and Deputy Director, and got an update. She asked that I read this short email, which is good news for us. It says: Mayor Perrin, it was great to visit with you this morning about the Jonesboro Range Project. Earlier today, I spoke with our U.S. Fish and Wildlife Service Grant Liaison who has been working with Game & Fish Grant Manager for final approval of the range grant. The approval process is going smoothly and our U.S. Fish and Wildlife Service Grant Liaison was complementary about the progression and the detail included in the grant submission. In fact, he wanted me to pass on the message to you all that he looks forward to coming to Jonesboro and visiting. It is anticipated that next week, the grant will be reviewed and have final approval by the Southwest Regional Chief of the Wildlife, Sports, Fish and Restoration Program. We look forward to the groundbreaking for this exciting project.

Mayor Perrin said I hope, and we have said in our extension, that we will close within three days or 72 hours after we get the grant approval. So, they anticipate coming up here to Jonesboro and having a signing ceremony and a groundbreaking that day. Then, we will close within 72 hours of that. It has been a long journey.

Mayor Perrin said that January 21-24, 2018, myself, Community Development Director Tiffany Calloway, and Chief Financial Officer Bill Reznicek will be visiting with all of our agencies. We will show them all of the grants that we have received from their agencies, what we have done with that money, leverage that money, and also ask for additional new money based on the agencies budget that has been approved by Congress and the Senate.

Mayor Perrin stated that the Winter Conference is January 10, 2018 in Ft. Smith. Myself, Ms. Calloway, Mr. Campbell, and Mr. Reznicek will be attending, as well as several councilmembers. It is always a good meeting. We will pick up an award. The City of Jonesboro won the Volunteerism of the Year Award and we will pick that up at the conference next week.

Mayor Perrin stated that all of the overlays that we wanted to do have been done. I want to compliment Streets Director Steve Tippitt and Atlas because all of those overlays have been done and completed and they were done by 12/31. Hats off to you Steve and the Street Department.

Mayor Perrin stated that the CDBG ads will go out tomorrow and this is encouraging any non-profit organization to apply for funding. Through the CDBG money that we got for this year, the three areas they will be looking for is benefit to low and moderate income persons, aided and prevention of slum or blighted areas, and address urgent needs that are recent in origin and pose an imminent threat to health and safety. I would encourage any nonprofit organization to please look at that ad and apply for the funds for CDBG.

Mayor Perrin stated that we will be sending out an invitation possibly tomorrow or the next day for a grand opening for January 17, 2018. Please put that on your calendar. At 11:00 a.m., we have the Highway Department coming here. We have Blue Cross and Blue Shield and the Federal Highway Administration, and all of those that were involved in giving us funds and working on this project. The Craighead Forest Park 3.2 mile walking trail is complete. We have new signage going up. That has been an incredible deal for the City of Jonesboro. I would say that we have at least doubled our attendance at Craighead Forest since then. We will be adding some features to that because we got the grant from the Parks and Tourism for the Pump Track. We are

going to be adding more stuff to the park.

Mayor Perrin asked that Chief Financial Officer Bill Reznicek come up and speak about the financial reports. Mr. Reznicek said we did distribute the financials through November. You should have those. If you have any questions on those, please contact me. We did want to give you an update on sales tax. We have the twelve months figures now. Through twelve months on a combined basis, we were up \$933,000 over last year. For the city, we were up \$504,000 and for the county up \$430,000. We did want to point out that we looked at the trend of our increases over several years. If you go back three and four years, and you look at the year over year increases, there was an escalating rate this past year that diminished. So, although in the past, our sales tax collections have been increasing, we are seeing a diminishing basis of that increase last year despite the fact that we did have an increase. There is some concern there that if that pattern continues that we could see continuing diminishing returns on the increases year over year in the sales tax and that would result in an obviously an even greater shortfall because we are seeing expenses increasing on a year over year basis. We did want to point that out.

On the state turnback money, we finished the twelve months up \$130,000 over the prior year. We did see an increase there, as well. The percentages of the sales tax were all about 3% both on the combined basis and the breakdown between the city and the county. They all showed about a 3% increase year over year compared to last year. Again, if you have any questions on that, I can email this out to everyone if they want this information before you get the actual fiscal reports. We did want to share that since we just received this data and it is a complete twelve-month data.

Mayor Perrin said what Mr. Reznicek is saying to you is that we are looking at this very closely because in 2015 to 2016 your spread was \$735,000. I always say are you better off from one year to the next. From 2014 to 2015, it was \$711,000 and it dropped down. In 2013 to 2014, it dropped down to \$506,000. This year it stood at \$504,000. You have gone down overall and the city's sales tax part has gone down over \$200,000 in a three-year period. So, you see a pattern of the sales tax going down. Even on the budget figures that we budgeted for last year, we will do that cleanup in February. We are down about \$90,000 or 0.5%. This budget was very tight in the way we budget every line item. The biggest concern I had was that the sales tax has gone down again over \$200,000 in three years.

Councilmember John Street said I know you probably don't have figures on it, but the decline probably has something to do with online purchases that are not taxed. Mayor Perrin said I think it does and I also think the county's tax is up due to the portability act. The state legislature passed a law where it is the drop off instead of the point-of-sale. A lot of things are bought in Jonesboro, but if it is delivered to Bono or Brookland, they get the sales tax by zip code if it is delivered there. If you look at the others, they have gone up because of that. Again, there are several things in there and I just want you to be aware of that. We watch it very closely. I will say that we have renegotiated and had a bank depository meeting, and we started the year at 0.55% on our checking account on interest. Currently, we are at 1.92% so we have picked up 140 basis points by continuously negotiating with all of the banks. I will say this, they all participated, I think, except maybe one. All of them sent a bid in on our money. But, that is good because 140 basis points on \$40 million is a lot of money. In fact, that is about two or three police cars. That is good. We are leveraging everything we can in order to make that budget.

Councilmember Joe Hafner said I think you are starting to see a trickle down effect

from not only people shopping online not only affecting local retailers, but affecting restaurants, etc. People used to get out and go shopping and now they sit at home and shop. Now, they are not getting out to support the restaurants and stuff. I think you are really starting to see the impact. The other thing is that you can save money by shopping online by not paying sales tax in a lot of cases, but Amazon and a lot of those other online retailers are not supporting the community. They do not have their signs up at Joe Mack Campbell Park or they are not providing you a service if you have a return. So, shop local if you can. Mayor Perrin said the National League of Cities is on top of that. I am on the Fair Committee, but again, I know we have been working on this for at least ten years on what is called the Fair Market Tax Credit. Until you start taxing people, and Amazon did pay theirs last year to the state and had they not done it, the state of Arkansas would not have had a balanced budget. That is something we are looking for very closely with our money with that deal.

COM-17:088

NOVEMBER 2017 FINANCIAL REPORTS

[play video](#)**Attachments:**[11-2017 Expenditure Report.pdf](#)[11-2017 Revenue Report.pdf](#)[11-2017 Sales tax.pdf](#)[11-2017 State Turnback Report.pdf](#)[Nov 2017 Franchise Fees .pdf](#)[Nov 2017 Hotel Tax comparion .pdf](#)[November 2017 Deposit Collateralization Report - Copy.pdf](#)[November 2017 Revenues, Expenditures and Changes in Fund Balance.pdf](#)[Required Reserves November 2017.pdf](#)

Filed

9. CITY COUNCIL REPORTS[play video](#)

Councilmember John Street said that earlier at the Public Works Committee meeting, it was asked that we move RES-17:199 on to tonight's agenda. It deals with the last phase of Turtle Creek bridge and walk way.

RES-17:199

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT CONSTRUCTION EASEMENT FROM RPI TURTLE CREEK MALL, LLC. FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A WALKING TRAIL

Attachments:[Permanent Construction Easement](#)

Councilmember John Street motioned, seconded by Councilmember Ann Williams, to suspend the rules and walk on RES-17:199. All voted aye.

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: 11 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Joe Hafner;David McClain and LJ Bryant

Absent: 1 - Bobby Long

RES-17:191

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO MAKE APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS AS RECOMMENDED BY MAYOR PERRIN

Councilmember David McClain said that tonight the Nominating and Rules Committee met.

Councilmember David McClain motioned, seconded by Councilmember LJ Bryant, to suspend the rules and walk on RES-17:191. All voted aye.

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

Aye: 11 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Joe Hafner;David McClain and LJ Bryant

Absent: 1 - Bobby Long

Councilmember Ann Williams said she was returning to the issue that came up earlier about the impact fees. I want to double check on how we are going to go about pursuing that and ask Councilmember Joe Hafner if this was something we could pursue in the Finance Committee as far as the study that you mentioned previously and some of the figures that we have because I think it is imperative that we look at this at this point. Mayor Perrin said that was right. He said he wants to get Chief Financial Officer Bill Reznicek to go ahead and start pulling from all of the cities and go back and make sure that they are updated. And, obviously, look at more than just that and come back with a chart and spreadsheet on that. Then, he will make a full presentation to the Finance Committee. They will study that and then they will forward that onto the full council. Councilmember Hafner asked if the approach is going to be to see what other cities are doing and then at some point, if we feel fit, request an updated study be done for Jonesboro. I think we need to have an updated study done before we can really move forward. Mayor Perrin said that is what I am talking about. With an updated study, we will go back and pull everything that we have done in the past. We will update that information, but we will also go farther than that. We will even probably add more cities to that list that have adopted an impact fee. Once that is done, we will send all of that information to the full council. But, I think it needs to go to the Finance Committee first to be discussed about the impact fees.

Councilmember Hafner said I may be off base here, but the impact fee study that I was referring to is how the different areas would be addressed for Jonesboro as far as pricing, etc. Mayor Perrin said the study will show you how the impact policies are set up in each city. It will show you what they charge based on residential, commercial, and things of that nature. I will give an example, Conway's study is probably 600 pages long. They paid over \$100,000 to get someone from Texas to come in and do it for them. They threw that away and came back with their own study and came back with a scale on that to set in for their city. We have both of those. You can look at impact fees all day long. It is just like stormwater. Does everyone pay the same price? Well, no. If someone has more land, then obviously that's the way it would be. It will all be in that study. I appreciate you bringing that up and we will go ahead and get started on it.

Councilmember Gene Vance said he had a question. The overlay of Harrisburg Road between Parker and Highland Drive, is that a state job? Mayor Perrin said he believes it is. Yes, it is. Councilmember Vance said it is in a heck of a mess. Mayor Perrin said they have milled it down, but haven't come back and fixed it. Councilmember Vance said they milled it and left it and it's in a heck of a mess. Some of the jumpups are too big and need some addressing if you could get somebody to talk to them. Mayor Perrin said that we will call Brad Smithee tomorrow and we will work on that. I had the same issue today.

Councilmember John Street said in our first regular meeting, again, part of our rules call for election of a Vice-Mayor. Councilmember Street motioned, seconded by Councilmember Williams, to appoint Councilmember Chris Moore as Mayor Pro-temp. All voted aye. Mayor Perrin said he appreciates Councilmember Moore serving as Mayor Pro-temp. Sometimes I have to lean on him to get information and stuff and I appreciate that.

Councilmember Hafner stated that in the Finance Committee meeting, they didn't elect a chair. Councilmember Street said that it wasn't a regular meeting. City Clerk Donna Jackson said that it will be on your next agenda.

10. PUBLIC COMMENTS

[play video](#)

Judy Casteel, 1902 Independence Cove, said that she is here on behalf of the Scenic Hills Neighborhood Association. She wanted to touch bases on the new rezoning. She has questions about the RIU that is being proposed. I heard Planning Director Derrel Smith say earlier at the committee meeting that these are going to be compatible in scale. Can you explain that to me? Planner Jonathan Smith said he would have had to been in on his conversation. I don't want to speak for him. I will give you a background as to why it is being developed and maybe you can apply it to whatever situation you are referring to. There are a lot of older lots in the downtown area. We have had a couple of developers come to us and based off of some developments in Rogers and Northwest Arkansas, there are some really cool ideas about putting single-family housing on lots, but the lots they have to work with are smaller. You will notice these are obviously smaller than what our standard requirements are. There is some fluctuation as far as to build to lines and not necessarily setbacks. You are going to have some fluctuations in that. It is smaller lots, but it gives your developers more flexibility to put something smaller in scale, but maybe more high quality in development. Ms. Casteel said that is the concern of her neighbors in that this is just a backdoor to doing what has already been turned down for the property on Loberg. That is our concern. Mr. Smith said to address that specifically, yes. You will have two things that will address that. Number one is if he does want to come through obviously, he does have to apply for a building permit and things like this that they are discussing as far as sight lines that will help us regulate quality of development. And, then, the lot sizes will help us as far as the layout. Mr. Smith asked if that made sense. Ms. Casteel said that it does make sense. Mr. Smith said I don't think it is a backdoor for him to come in and put duplexes in your front yard. Ms. Casteel asked if the guidelines are going to be as stringent for these as far as are we talking about houses that are going to end up going down sideways or are they going to be facing the street? Mr. Smith said it depends. If he applies for his building permit right now, there is nothing I can do about that. If he applies for his building permit after this is approved, there are sections taking bits and pieces from both this new zoning and these design guidelines that I can use to force him or whomever that he sells it to, to put a house facing a

street and things like that. Ms. Casteel said that is one of the questions she had. Is this automatically passed tonight, this new IRU? City Attorney Carol Duncan said that it was just at committee. It hasn't even made it to council yet. So, it will come to council at the next meeting. Ms. Casteel asked this can't be implemented until it has? Ms. Duncan said that is correct. Mayor Perrin said that is right. Councilmember Gene Vance said it goes to the Council in two weeks and if we do what we normally do, then it will be three readings. Ms. Duncan said about six weeks. Ms. Casteel said ok and thank you. I appreciate that. Mayor Perrin said it probably has two months. Mr. Smith said if he applies for a building permit, I will hold him to the standards that we currently have on the books which means he would have to build if he wanted to do the same layout where he did the cul-de-sac, he would have to build a street to street standards. We would make sure the lot sizes were ok as far as 60 ft. of street frontage and stuff like that, but I can't speak for the quality of development as far as building materials or anything like that. Ms. Casteel said right, but this can't be implemented yet? Mayor Perrin said no, it cannot. Ms. Casteel said ok. I appreciate it.

Patti Lack, 4108 Forrest Hill Road, said there are two things that she wants to say. I know at the last meeting, you said you were going to get on the fast track with all of these guidelines. I have talked to a lot of people over the last couple of weeks about this. They are looking at the wording and stuff like that where it says maybe suggest versus has to. I don't know where the guidelines can turn more into code. I think there are a lot of people who are concerned about their grade and they are going to look good. Councilmember Joe Hafner asked Ms. Lack if she was at the committee meeting. Councilmember Gene Vance said what is going to come before the Council will say shall not should, not may. Mayor Perrin stated that all of that was changed. Ms. Lack said that was something a lot of people were contacting her about and she thinks that was a really good point. I don't know if you have seen it, but I know in the last couple of weeks, there has been some building permits issued for multifamily housing. There are three duplexes that are going up on High Street and on Kendall Street. I really don't know how many, but the gentleman that is building them is going to build \$1.5 million worth of multifamily complexes and they are all in Nettleton School district. I know we can't do anything about these things because they are already zoned. I kind of feel what people say in that they are trying to push them through as fast as they can before this is pushed in there. I just want that fast track to go a little bit faster on there. The second thing is, and I think it is really important too, is that we need to bring in more activities for our young people to do. We need to start creating things that college kids can do to enjoy being here in Jonesboro. I think they will stay longer and we will keep on doing that. If we don't, then we are going to lose a lot of those students. I think there needs to be more things to do in this town.

11. ADJOURNMENT

[play video](#)

A motion was made by Councilman Mitch Johnson, seconded by Councilman Joe Hafner, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 11 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Joe Hafner;David McClain and LJ Bryant

Absent: 1 - Bobby Long

_____ Date: _____

Harold Perrin, Mayor

Attest:

_____ Date: _____

Donna Jackson, City Clerk