



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Council Agenda City Council

Tuesday, November 15, 2011

6:30 PM

Huntington Building

1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

4. SPECIAL PRESENTATIONS

5. CONSENT AGENDA

All items listed below will be voted on in one motion unless a council member requests a separate action on one or more items.

MIN-11:096 Minutes for the City Council meeting on November 1, 2011

Attachments: [Minutes](#)

RES-11:171 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR WILDWOOD ADDITION PHASE II, A RESIDENTIAL SUBDIVISION

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)

Legislative History

11/1/11	Public Works Council Committee	Recommended to Council
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RES-11:172 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR REES COMMERCE DRIVE, 1ST ADDITION, A RESIDENTIAL SUBDIVISION

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)

Legislative History

11/1/11	Public Works Council Committee	Recommended to Council
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RES-11:173 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM ROBERT J. BRADBERRY & WELTHA M. BRADBERRY FOR THE PURPOSE

OF MAKING DRAINAGE IMPROVEMENTS

Sponsors: Engineering**Attachments:** [Permanent Drainage Easement.pdf](#)**Legislative History**

11/1/11	Public Works Council Committee	Recommended to Council
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RES-11:174 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM ROBERTO MORENO-ROCHA FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

Sponsors: Engineering**Attachments:** [Permanent Drainage Easement.pdf](#)**Legislative History**

11/1/11	Public Works Council Committee	Recommended to Council
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RES-11:175 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM HALSEY LAND COMPANY LLC FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

Sponsors: Engineering**Attachments:** [Permanent Drainage Easement.pdf](#)**Legislative History**

11/1/11	Public Works Council Committee	Recommended to Council
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6. NEW BUSINESS*ORDINANCES ON FIRST READING*

ORD-11:084 AN ORDINANCE TO WAIVE COMPETITIVE BIDDING WITH RELATIVITY, INC., THE SOLE SOURCE PROVIDER OF "NET MOTION" SOFTWARE AND TO AMEND THE CITY OF JONESBORO 2011 BUDGET FOR THE PURCHASE OF SAID SOFTWARE FOR THE POLICE DEPARTMENT; AND DECLARING AN EMERGENCY FOR THE PURPOSE OF MEETING A DEADLINE OF NOVEMBER, 30, 2011 AT WHICH TIME THE TESTING PHASE FOR THE "NET MOTION" SOFTWARE WILL EXPIRE

Sponsors: Finance, Grants and Police Department**EMERGENCY CLAUSE****Legislative History**

11/8/11	Finance & Administration Council Committee	Recommended to Council
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ORD-11:088 AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 FOR PROPERTY LOCATED AT 1075/1709 AIRPORT ROAD AS REQUESTED BY PHILLIPS INVESTMENTS

Attachments: [Revised ordinance submitted 11/15/11](#)
[Plat](#)
[Concept Plan](#)
[MAPC Report](#)

RESOLUTIONS TO BE INTRODUCED

RES-11:177 A RESOLUTION TO condemn property at 906 New Hope Lane

Sponsors: Code Enforcement

Attachments: [CONDEMNATION CHECKLIST](#)
[Inspection Report001](#)
[7-11-11 001](#)
[7-11-11 002](#)
[7-11-11 006](#)
[7-11-11 008](#)
[7-11-11 016](#)

Legislative History

10/20/11	Public Safety Council Committee	Recommended Under New Business
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7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-11:083 AN ORDINANCE REPEALING ORDINANCE 11:044 AND ADOPTING BY REFERENCE CHAPTER 66 SECTION 5 ENTITLED SPECIAL EVENT PERMIT, FOR THE REGULATION OF SPECIAL EVENTS AND STREET CLOSINGS IN THE CITY OF JONESBORO, ARKANSAS

Sponsors: Mayor's Office

Attachments: [Special Event Permit](#)
[ORD 11 044](#)
[Special Event Assembly Permit old version](#)

EMERGENCY CLAUSE

Legislative History

10/20/11	Public Safety Council Committee	Recommended to Council
11/1/11	City Council	Held at one reading

ORDINANCES ON THIRD READING

ORD-11:076 AN ORDINANCE TO AMEND SECTION 2.55 OF THE JONESBORO CODE OF ORDINANCES FOR THE ESTABLISHMENT OF NEW WARD BOUNDARIES BASED ON THE 2010 CENSUS INFORMATION AND UTILIZATION OF THE SECRETARY OF STATE'S SOFTWARE PROGRAM

Sponsors: Mayor's Office

EMERGENCY CLAUSE

Legislative History

10/20/11	City Council	Held at one reading
11/1/11	City Council	Held at second reading

8. MAYOR'S REPORTS

9. CITY COUNCIL REPORTS

10. PUBLIC COMMENTS

Public Comments are limited to 5 minutes per person for a total of 15 minutes.

11. ADJOURNMENT



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-11:096 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 11/3/2011 **In control:** City Council
On agenda: **Final action:**
Title: Minutes for the City Council meeting on November 1, 2011
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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title
Minutes for the City Council meeting on November 1, 2011



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, November 1, 2011

6:30 PM

Huntington Building

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

SPECIAL CALLED FINANCE MEETING AT 6:00 P.M.

NOMINATING & RULES COMMITTEE MEETING AT 6:15 P.M.

1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

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

4. SPECIAL PRESENTATIONS

Presentation to Annie Camp EAST Lab

Mayor Perrin presented the proclamation to the EAST Lab for their contributions during the Downtown Jonesboro Barbecue Fest. Annie Camp EAST Lab donated the \$1,000 they raised to the Foundation of Arts.

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote

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

MIN-11:091

Minutes for the City Council meeting on October 20, 2011.

Attachments: [Minutes](#)

This item was PASSED on the consent agenda.

RES-11:168 RESOLUTION TO FILL THE UNEXPIRED TERM OF RICK TUBBS ON THE STORMWATER MANAGEMENT BOARD WITH AN EXPIRATION DATE OF APRIL 30, 2013

Sponsors: Mayor's Office

Attachments: [Tubbs resignation](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-125-2011

RES-11:183 RESOLUTION FOR A RESIDENTIAL ANTI-DISPLACEMENT PLAN

Sponsors: Grants

Attachments: [24cfr570.496](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-126-2011

RES-11:184 RESOLUTION ESTABLISHING A POLICY PROHIBITING THE USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES WITHIN JONESBORO'S JURISDICTION AGAINST INDIVIDUALS ENGAGED IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS.

Sponsors: Grants

This item was PASSED on the consent agenda.

Enactment No: R-EN-127-2011

RES-11:185 AUTHORIZING RESOLUTION FOR APPLICATION TO THE ARKANSAS ECONOMIC DEVELOPMENT COMMISSION FOR CDBG FUNDS FOR QUAD-GRAPHICS, INC., CREATING 32 NEW, FULL TIME - EQUIVALENT JOBS IN JONESBORO, ARKANSAS, NO LATER THAN AUGUST 1, 2013.

Sponsors: Grants

This item was PASSED on the consent agenda.

Enactment No: R-EN-128-2011

RES-11:186 RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS APPROVING THE 2012-2016 FIVE YEAR CONSOLIDATED PLAN AND THE 2012 ACTION PLAN FOR THE CITY, DATED OCTOBER 31, 2011, INCLUDING THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS AND BUDGET

Sponsors: Community Development

Attachments: [2012 ConPlan Final Version](#)
 [2012 Action Plan with Maps](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-129-2011

RES-11:188 A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO SUPPORTING THE PASSAGE OF THE 2011 INTERSTATE REHABILITATION PROGRAM

Sponsors: Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-130-2011

RES-11:189 A RESOLUTION APPROVING THE IMPLEMENTATION OF 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACT

Sponsors: Community Development

Attachments: [City Youth Ministries](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-131-2011

RES-11:190 A RESOLUTION APPROVING THE IMPLEMENTATION OF 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACT

Sponsors: Community Development

Attachments: [HCSI contract](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-132-2011

RES-11:191 A RESOLUTION APPROVING THE IMPLEMENTATION OF 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACT

Sponsors: Community Development

Attachments: [JURHA - Housing Counseling](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-133-2011

RES-11:192 A RESOLUTION APPROVING THE IMPLEMENTATION OF 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACT

Sponsors: Community Development

Attachments: [JURHA - Subsistence](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-134-2011

RES-11:193 A RESOLUTION APPROVING THE IMPLEMENTATION OF 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACT

Sponsors: Community Development

Attachments: [Mid South Health - Employment](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-135-2011

RES-11:194 A RESOLUTION APPROVING THE IMPLEMENTATION OF 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACT

Sponsors: Community Development

Attachments: [Mid South Contract - Subsistence](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-136-2011

RES-11:196 RESOLUTION TO REAPPOINT DR. DAVID ENGLAND TO THE JONESBORO URBAN RENEWAL AND HOUSING AUTHORITY WITH AN EXPIRATION DATE OF OCTOBER 31, 2016

Sponsors: Mayor's Office

Attachments: [JURHA information](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-137-2011

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-11:083 AN ORDINANCE REPEALING ORDINANCE 11:044 AND ADOPTING BY REFERENCE CHAPTER 66 SECTION 5 ENTITLED SPECIAL EVENT PERMIT, FOR THE REGULATION OF SPECIAL EVENTS AND STREET CLOSINGS IN THE CITY OF JONESBORO, ARKANSAS

Sponsors: Mayor's Office

Attachments: [Special Event Permit](#)
 [ORD 11 044](#)
 [Special Event Assembly Permit old version](#)

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

Councilman Moore questioned the need to pass the ordinance tonight. Police Chief Michael Yates noted the group that had concerns regarding the previous ordinance and helped him revise it are not present tonight, so he would like to wait until the next meeting to move forward with the ordinance.

This item was Held at one reading.

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-11:076 AN ORDINANCE TO AMEND SECTION 2.55 OF THE JONESBORO CODE OF ORDINANCES FOR THE ESTABLISHMENT OF NEW WARD BOUNDARIES BASED ON THE 2010 CENSUS INFORMATION AND UTILIZATION OF THE SECRETARY OF STATE'S SOFTWARE PROGRAM

Sponsors: Mayor's Office

This item was Held at second reading.

ORD-11:080 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 AND R-2 TO RM-12 FOR PROPERTY LOCATED AT 2700 AND 2703 WAKEFIELD DRIVE AS REQUESTED SANDA GREENE

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

Councilman Moore questioned whether there was any opposition to the rezoning. City Planner Otis Spriggs answered no.

Councilman Moore motioned, seconded by Councilman Coleman, to suspend the rules and waive the third reading. All voted aye.

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

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

Enactment No: O-EN-066-2011

ORD-11:082 AN ORDINANCE TO AMEND CHAPTER 117 OF THE JONESBORO MUNICIPAL CODE KNOWN AS THE ZONING ORDINANCE PROVIDING FOR A CHANGE IN ZONE DISTRICT BOUNDARIES FROM C-2 TO C-1 FOR PROPERTY LOCATED AT 901 SOUTH MAIN STREET AS REQUESTED BY FIRST UNITED METHODIST CHURCH

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

Councilman Moore asked if there had been any opposition to the rezoning. Mr. Spriggs answered no.

Councilman Moore motioned, seconded by Councilman Street, to suspend the rules and waive the third reading. All voted aye, with the exception of Councilman Vance who abstained from voting.

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

Abstain: 1 - Gene Vance

Enactment No: O-EN-067-2011

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

They met with the Highway Department concerning the Johnson Avenue/Highway 49 North intersection. The Highway Department will give the City a double left-hand turning lane from Johnson onto Highway 49 North early next year. The City will only have to work on the signals.

The signal at Johnson and University Loop is up and should be flashing by the end of the week. A signal was also put in at Stadium and Fox Meadow School. They should be operable next week. The signal for Kellers Chapel Road will be up around the end of November.

They are compiling a list of all property liens due to mowing or condemnation. He will send the list to the Council members and come back with a recommendation concerning possibly changes in the fees.

They received a letter concerning the landfill post-closure and then sent it back to ADEQ for revision. ADEQ wanted to hold off on the post-closure until the gas is off the property, but that is not in line with the plan that was already agreed upon with ADEQ. After they receive the letter, they will be meeting with legal counsel and going to Little Rock to meet with ADEQ.

Milling and resurfacing on Main Street and College should happen by the end of this week.

The construction of the public works buildings on Lacy is going well. Bids will be going out at the end of the week for fencing on the property.

Winter Wonderland will be at 215 West Monroe. Students from Nettleton and Valley View have been working on the decorations. There will be a soft opening on November 21st. Invitations will be sent out.

A disaster recovery and business continuity audit will take place for the City. It will help the City re-write any policies that need revision.

Sales tax is up through October by \$967,000 over budget.

They are expecting the exit interview with Legislative Audit sometime next week. Finance Committee Chairwoman Ann Williams and Chief Financial Officer Ben Barylske will sit in on the exit interview.

9. CITY COUNCIL REPORTS

Councilman Moore asked for an update on the Old Indian Mall property. Mayor Perrin explained they have secured the property and are waiting on the state to receive a report concerning asbestos on the property. Chief Inspections Officer Terry Adams stated around mid-November they should start working on the property.

10. PUBLIC COMMENTS

11. ADJOURNMENT

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

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

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

Attest:

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



Legislation Details (With Text)

File #:	RES-11:171	Version:	1	Name:	Maintenance agreement for Wildwood Addition, Phase II
Type:	Resolution	Status:		Status:	Recommended to Council
File created:	9/29/2011	In control:		In control:	Public Works Council Committee
On agenda:		Final action:		Final action:	
Title:	A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR WILDWOOD ADDITION PHASE II, A RESIDENTIAL SUBDIVISION				
Sponsors:	Engineering				
Indexes:	Contract				
Code sections:					
Attachments:	Maintenance Agreement.pdf				

Date	Ver.	Action By	Action	Result
11/1/2011	1	Public Works Council Committee		

Title

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR WILDWOOD ADDITION PHASE II, A RESIDENTIAL SUBDIVISION

Body

WHEREAS, the Section 112-157 of the Jonesboro Municipal Code requires that a Maintenance Agreement be executed between the Developer and the City prior to recording the final plat;

WHEREAS, RWT Land Development, Inc. has submitted a Maintenance Agreement for Stormwater Management Facilities for Wildwood Addition Phase II development;

WHEREAS, the City Engineer and City Attorney have reviewed the attached Maintenance Agreement and find it to be in compliance with the Stormwater Management Regulations.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: That the City of Jonesboro accepts a Maintenance Agreement for Stormwater Management Facilities with RWT Land Development, Inc. and authorizes the filing of a record plat for Wildwood Addition Phase II development.

SECTION 2: The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.

**MAINTENANCE AGREEMENT
FOR STORMWATER MANAGEMENT FACILITIES**

Property Identification

Project Name: Wildwood Addition Phase II
Project Address: Wildwood Addition Phase II
Owner(s): RWT Land Development, Inc. (Bob Troutt)
Owner Address: 2209A Grant Ave.
City: Jonesboro State: AR Zip Code: 72401

In accordance with Section 112-157 of the Jonesboro Municipal Code, this agreement is made and entered into this 28 day of September, 2011, by and between the City of Jonesboro, an Arkansas municipal corporation, hereinafter called the "City" and RWT Land Development, Inc., hereinafter called the "Developer".

WITNESSTH, that:

WHEREAS, The Developer is proceeding to build on and develop the property in accordance with the Stormwater Management Plan (the "Plan") approved by the City and the recorded plat (the "Plat") for Wildwood Addition Phase II as recorded in the records of Craighead County, Arkansas.

WHEREAS, the City and the Developer, its successors and assigns, including any homeowner association, agree that the health, safety, and welfare of the residents of the City of Jonesboro, Arkansas require that on-site stormwater runoff management facilities be constructed and maintained on the property.

WHEREAS, the City requires that on-site stormwater runoff management facilities as shown on the plan be constructed and adequately maintained by the Developer, its successors and assigns, including any homeowner association.

WHEREAS, adequate maintenance is defined herein as the general upkeep of the facilities, specifically the mowing and trimming of grasses or other vegetative cover and the removal of litter and other minor debris that could impact the functionality of the facility or that would otherwise be considered unsightly or a nuisance.


WHEREAS, the City of Jonesboro shall be responsible, after construction and final acceptance of the development, for the operation and long-term maintenance of all drainage structures and improved watercourses which are part of the City of Jonesboro Stormwater Management System and which are not constructed and maintained by or under the jurisdiction of any State or Federal agency.

WHEREAS, Long-term maintenance is defined herein as the removal of sediment deposits, re-grading or shaping of embankments, drainage channels, and detention areas, and the repair or replacement of piping networks, and other underground drainage structures.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties agree as follows:

1. The on-site stormwater runoff management facilities shall be constructed by the Developer, its successors and assigns, in accordance with the plans and specifications identified in the Plan.

2. The Developer, its successors and assigns, including any homeowner association, shall adequately maintain the on-site stormwater runoff management facilities.
3. The Developer, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property to inspect and perform long-term maintenance of the on-site stormwater runoff management facilities whenever the City deems necessary.
4. In the event the Developer, its successors and assigns, fails to adequately maintain the stormwater runoff management facilities, the City may enter upon the Property upon thirty (30) days written notification or earlier, if deemed an emergency, and take whatever steps necessary to correct the deficiencies and charge the costs of such corrective action to the Developer, its successors and assigns. The Developer, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City including all labor, equipment, supplies, materials, and the like. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Developer outside of the easement for the on-site stormwater runoff management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this agreement be construed to impose any such obligation on the City.
5. This agreement shall be recorded among the land records of Craighead County, Arkansas and shall constitute a covenant running with the land, and shall be binding on the Developer, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowner association.
6. This Agreement is binding upon and inures to the benefit of the City, and the Developer, the Developer's successors and assigns, any property owners' association or homeowners' association created which pertains to all or any part of the property and any individual lot owner who has purchased all or any part of the property referred to in this Agreement. The terms of this Agreement are enforceable on all of the above parties.
7. In the event any party to this Maintenance Agreement must employ a lawyer to enforce the terms and obligations set out in this Agreement and litigation ensue, the prevailing party, as determined under Arkansas Law, shall be entitled to recover not only court costs as defined under Arkansas Law but all costs of litigation, including a reasonable attorney's fee.
8. This Agreement is the complete agreement and understanding between the parties who have executed this Agreement. There are no other agreements, either oral or written. All prior or contemporaneous statements, representations, or guarantees are declared void. This Agreement may be amended only by a written document signed by all parties.

Owner/Agent:	<u>Robert W. Jones II</u> Printed Name	 Signature	<u>9/28/11</u> Date
Owner/Agent:	_____ Printed Name	_____ Signature	_____ Date

STATE OF ARKANSAS
 COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared ROBERT. W. TRANT, to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 28 day of September, 2011.

Jeanine Bare
Notary Public (Printed Name)

Jeanine Bare
Notary Public (Signature)



My Commission Expires: 11/2/14

Accepted by:

Mayor

Date

City Clerk

Date



Legislation Details (With Text)

File #:	RES-11:172	Version:	1	Name:	Maintenance agreement for Rees Commerce Drive, First Addition
Type:	Resolution	Status:		Status:	Recommended to Council
File created:	10/3/2011	In control:		In control:	Public Works Council Committee
On agenda:		Final action:			
Title:	A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR REES COMMERCE DRIVE, 1ST ADDITION, A RESIDENTIAL SUBDIVISION				
Sponsors:	Engineering				
Indexes:	Contract				
Code sections:					
Attachments:	Maintenance Agreement.pdf				

Date	Ver.	Action By	Action	Result
11/1/2011	1	Public Works Council Committee		

Title

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR REES COMMERCE DRIVE, 1ST ADDITION, A RESIDENTIAL SUBDIVISION

Body

WHEREAS, the Section 112-157 of the Jonesboro Municipal Code requires that a Maintenance Agreement be executed between the Developer and the City prior to recording the final plat;

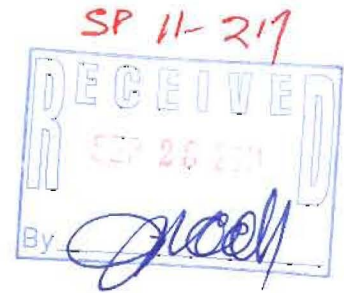
WHEREAS, Robert Rees has submitted a Maintenance Agreement for Stormwater Management Facilities for Rees Commerce Drive, 1st Addition development;

WHEREAS, the City Engineer and City Attorney have reviewed the attached Maintenance Agreement and find it to be in compliance with the Stormwater Management Regulations.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: That the City of Jonesboro accepts a Maintenance Agreement for Stormwater Management Facilities with Robert Rees and authorizes the filing of a record plat for Rees Commerce Drive 1st Addition development.

Section 2: The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this agreement.



**MAINTENANCE AGREEMENT
FOR STORMWATER MANAGEMENT FACILITIES**

Property Identification

Project Name: Rees Commerce Drive 1st Addition
Project Address: 1200 Commerce Drive, Jonesboro, AR
Owner(s): Robert Rees
Owner Address: PO Box 2516
City: Jonesboro State: AR Zip Code: 72402

In accordance with Section 112-157 of the Jonesboro Municipal Code, this agreement is made and entered into this 2 day of September, 2011, by and between the City of Jonesboro, an Arkansas municipal corporation, hereinafter called the "City" and Robert Rees, hereinafter called the "Developer".

WITNESSTH, that:

WHEREAS, The Developer is proceeding to build on and develop the property in accordance with the Stormwater Management Plan (the "Plan") approved by the City and the recorded plat (the "Plat") for Rees Commerce Drive 1st Addition as recorded in the records of Craighead County, Arkansas.

WHEREAS, the City and the Developer, its successors and assigns, including any homeowner association, agree that the health, safety, and welfare of the residents of the City of Jonesboro, Arkansas require that on-site stormwater runoff management facilities be constructed and maintained on the property.

WHEREAS, the City requires that on-site stormwater runoff management facilities as shown on the plan be constructed and adequately maintained by the Developer, its successors and assigns, including any homeowner association.

WHEREAS, adequate maintenance is defined herein as the general upkeep of the facilities, specifically the mowing and trimming of grasses or other vegetative cover and the removal of litter and other minor debris that could impact the functionality of the facility or that would otherwise be considered unsightly or a nuisance.


WHEREAS, the City of Jonesboro shall be responsible, after construction and final acceptance of the development, for the operation and long-term maintenance of all drainage structures and improved watercourses which are part of the City of Jonesboro Stormwater Management System and which are not constructed and maintained by or under the jurisdiction of any State or Federal agency.

WHEREAS, Long-term maintenance is defined herein as the removal of sediment deposits, re-grading or shaping of embankments, drainage channels, and detention areas, and the repair or replacement of piping networks, and other underground drainage structures.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties agree as follows:

1. The on-site stormwater runoff management facilities shall be constructed by the Developer, its successors and assigns, in accordance with the plans and specifications identified in the Plan.

2. The Developer, its successors and assigns, including any homeowner association, shall adequately maintain the on-site stormwater runoff management facilities.
3. The Developer, its successors and assigns, hereby grant permission to the City, its authorized agents and employees, to enter upon the Property to inspect and perform long-term maintenance of the on-site stormwater runoff management facilities whenever the City deems necessary.
4. In the event the Developer, its successors and assigns, fails to adequately maintain the stormwater runoff management facilities, the City may enter upon the Property upon thirty (30) days written notification or earlier, if deemed an emergency, and take whatever steps necessary to correct the deficiencies and charge the costs of such corrective action to the Developer, its successors and assigns. The Developer, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City including all labor, equipment, supplies, materials, and the like. This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Developer outside of the easement for the on-site stormwater runoff management facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said facilities, and in no event shall this agreement be construed to impose any such obligation on the City.
5. This agreement shall be recorded among the land records of Craighead County, Arkansas and shall constitute a covenant running with the land, and shall be binding on the Developer, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowner association.
6. This Agreement is binding upon and inures to the benefit of the City, and the Developer, the Developer's successors and assigns, any property owners' association or homeowners' association created which pertains to all or any part of the property and any individual lot owner who has purchased all or any part of the property referred to in this Agreement. The terms of this Agreement are enforceable on all of the above parties.
7. In the event any party to this Maintenance Agreement must employ a lawyer to enforce the terms and obligations set out in this Agreement and litigation ensue, the prevailing party, as determined under Arkansas Law, shall be entitled to recover not only court costs as defined under Arkansas Law but all costs of litigation, including a reasonable attorney's fee.
8. This Agreement is the complete agreement and understanding between the parties who have executed this Agreement. There are no other agreements, either oral or written. All prior or contemporaneous statements, representations, or guarantees are declared void. This Agreement may be amended only by a written document signed by all parties.

Owner/Agent:	Robert Rees		2SEP11
	Printed Name	Signature	Date
Owner/Agent:			
	Printed Name	Signature	Date

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Robert Ross to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 8 day of Sept, 2011.

B. Diane Crews
Notary Public (Printed Name)

B. Diane Crews
Notary Public (Signature)



My Commission Expires: 6-01-21

Accepted by:

Mayor

Date

City Clerk

Date



Legislation Details (With Text)

File #:	RES-11:173	Version:	1	Name:	Permanent drainage easement from Roberty & Weltha Bradberry
Type:	Resolution	Status:			Recommended to Council
File created:	10/4/2011	In control:			Public Works Council Committee
On agenda:		Final action:			
Title:	A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM ROBERT J. BRADBERRY & WELTHA M. BRADBERRY FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS				
Sponsors:	Engineering				
Indexes:	Easement				
Code sections:					
Attachments:	Permanent Drainage Easement.pdf				

Date	Ver.	Action By	Action	Result
11/1/2011	1	Public Works Council Committee		

Title

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM ROBERT J. BRADBERRY & WELTHA M. BRADBERRY FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

Body

WHEREAS, the City of Jonesboro, Arkansas desires to accept the following described easement for the purpose of making drainage improvements to the Viney Slough Tributary in the area of Limestone and Richardson Road:

A part of the North Half of the Northwest Quarter of Section 10, Township 13 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows: The North 65 feet of the East 900 feet of the North Half of the Northwest Quarter of Section 10, Township 13 North, Range 4 East, Jonesboro, Craighead County, Arkansas.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the easement described above.

Return recorded document to:
CITY OF JONESBORO
515 WEST WASHINGTON
JONESBORO, AR 72401

Perm Easement #1

The above space is reserved for Craighead County recording information.

PERMANENT DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

For good and valuable consideration acknowledged being of value by the Grantors, receipt of which is hereby acknowledged, the undersigned GRANTORS **Robert J. Bradberry & Weltha M. Bradberry**, do hereby grant, convey and release unto City of Jonesboro, Jonesboro, Arkansas and unto its successors and assigns, an easement and right of entry in, over and across the following described land situated in the City of Jonesboro, County of Craighead, State of Arkansas, to-wit:

A part of the North Half of the Northwest Quarter of Section 10, Township 13 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows: The North 65 feet of the East 900 feet of the North Half of the Northwest Quarter of Section 10, Township 13 North, Range 4 East, Jonesboro, Craighead County, Arkansas.

This easement and right of way is for the purpose of making drainage improvements and maintaining said improvements within the City of Jonesboro. Any other use of this area, other than by record owners, shall only be granted by record owners, but they are not precluded from using or granting other use, so long as same does not interfere unreasonably with the express purpose intended.

This grant of easement and right of way shall be binding upon the heirs, successors, administrators and assigns of the grantors.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument on the 4th day of October, 2011.

Signature Deceased
Robert J. Bradberry

Signature Weltha M. Bradberry
Weltha M. Bradberry

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared **Robert J. Bradberry & Weltha M. Bradberry**, to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 4th day of October, 2011.

Chrystal Leigh Glisson
Notary Public (Signature)

My Commission Expires: 11-20-13





Legislation Details (With Text)

File #:	RES-11:174	Version:	1	Name:	Permanent drainage easement from Roberto Moreno-Rocha
Type:	Resolution	Status:		Status:	Recommended to Council
File created:	10/4/2011	In control:		In control:	Public Works Council Committee
On agenda:		Final action:			
Title:	A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM ROBERTO MORENO-ROCHA FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS				
Sponsors:	Engineering				
Indexes:	Easement				
Code sections:					
Attachments:	Permanent Drainage Easement.pdf				

Date	Ver.	Action By	Action	Result
11/1/2011	1	Public Works Council Committee		

Title

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM ROBERTO MORENO-ROCHA FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

Body

WHEREAS, the City of Jonesboro, Arkansas desires to accept the following described easement for the purpose of making drainage improvements to the Viney Slough Tributary in the area of Limestone and Richardson Road:

A part of the Southeast Quarter of the Southwest Quarter of Section 3, Township 13 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows: Commencing at the Southwest Corner of said Section 3; thence East along the South line of said Section 3 a distance of 1669.0 feet to the point of beginning; thence North 01°06' East a distance of 165.0 feet; thence South 41°40' East a distance of 220.9 feet to a point on the south line of said Section 3; thence West along the Section line a distance of 150.0 feet to the point of beginning.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the easement described above.

Return recorded document to:
CITY OF JONESBORO
515 WEST WASHINGTON
JONESBORO, AR 72401

Perm Easement #2

The above space is reserved for Craighead County recording information.

PERMANENT DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

For good and valuable consideration acknowledged being of value by the Grantors, receipt of which is hereby acknowledged, the undersigned GRANTORS Roberto Moreno-Rocha, do hereby grant, convey and release unto City of Jonesboro, Jonesboro, Arkansas and unto its successors and assigns, an easement and right of entry in, over and across the following described land situated in the City of Jonesboro, County of Craighead, State of Arkansas, to-wit:

A part of the Southeast Quarter of the Southwest Quarter of Section 3, Township 13 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows: Commencing at the Southwest Corner of said Section 3; thence East along the South line of said Section 3 a distance of 1669.0 feet to the point of beginning; thence North 01°06' East a distance of 165.0 feet; thence South 41°40' East a distance of 220.9 feet to a point on the south line of said Section 3; thence West along the Section line a distance of 150.0 feet to the point of beginning.

This easement and right of way is for the purpose of making drainage improvements and maintaining said improvements within the City of Jonesboro. Any other use of this area, other than by record owners, shall only be granted by record owners, but they are not precluded from using or granting other use, so long as same does not interfere unreasonably with the express purpose intended.

This grant of easement and right of way shall be binding upon the heirs, successors, administrators and assigns of the grantors.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument on the 4th day of October, 2011.

Signature Roberto Moreno-Rocha
Roberto Moreno-Rocha

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared Roberto Moreno-Rocha, to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 4th day of October, 2011.

Crystal Leigh Glisson

My Commission Expires: 11-20-13

Notary Public (Signature)





Legislation Details (With Text)

File #:	RES-11:175	Version:	1	Name:	Permanent drainage easement from Halsey Land Co.
Type:	Resolution	Status:		Status:	Recommended to Council
File created:	10/4/2011	In control:		In control:	Public Works Council Committee
On agenda:		Final action:			
Title:	A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM HALSEY LAND COMPANY LLC FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS				
Sponsors:	Engineering				
Indexes:	Easement				
Code sections:					
Attachments:	Permanent Drainage Easement.pdf				

Date	Ver.	Action By	Action	Result
11/1/2011	1	Public Works Council Committee		

Title

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM HALSEY LAND COMPANY LLC FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

Body

WHEREAS, the City of Jonesboro, Arkansas desires to accept the following described easement for the purpose of making drainage improvements to the Viney Slough Tributary in the area of Limestone and Richardson Road:

A part of the Southwest Quarter of Section 3, Township 13 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows: A 75 foot wide tract of land parallel and adjacent to the existing ditch along the southern boundary of a 26.38 acre tract of property as shown on a plat of survey recorded on 09/29/2003 in Book I Page 147 in the office of the Circuit Clerk in Craighead County.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to accept the easement described above.

Return recorded document to:
CITY OF JONESBORO
515 WEST WASHINGTON
JONESBORO, AR 72401

Perm Easement #3

The above space is reserved for Craighead County recording information.

PERMANENT DRAINAGE EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

For good and valuable consideration acknowledged being of value by the Grantors, receipt of which is hereby acknowledged, the undersigned GRANTORS **Halsey Land Company LLC**, do hereby grant, convey and release unto City of Jonesboro, Jonesboro, Arkansas and unto its successors and assigns, an easement and right of entry in, over and across the following described land situated in the City of Jonesboro, County of Craighead, State of Arkansas, to-wit:

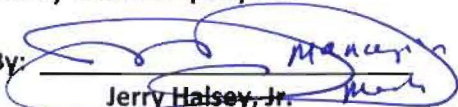
A part of the Southwest Quarter of Section 3, Township 13 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows: A 75 foot wide tract of land parallel and adjacent to the existing ditch along the southern boundary of a 26.38 acre tract of property as shown on a plat of survey recorded on 09/29/2003 in Book I Page 147 in the office of the Circuit Clerk in Craighead County.

This easement and right of way is for the purpose of making drainage improvements and maintaining said improvements within the City of Jonesboro. Any other use of this area, other than by record owners, shall only be granted by record owners, but they are not precluded from using or granting other use, so long as same does not interfere unreasonably with the express purpose intended.

This grant of easement and right of way shall be binding upon the heirs, successors, administrators and assigns of the grantors.

IN WITNESS WHEREOF, the GRANTORS have executed this instrument on the 3rd day of October, 2011.

Halsey Land Company LLC

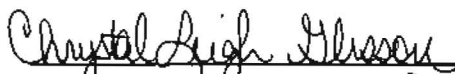
By: 
Jerry Halsey, Jr.

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

On this day before me, the undersigned officer, personally appeared **Jerry Halsey, Jr.** to me well known to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had executed the same for the purposes therein stated and set forth.

WITNESS my hand and seal this 3rd day of October, 2011.



My Commission Expires: 11-20-13

Notary Public (Signature)
OFFICIAL SEAL
CRYSTAL LEIGH GLISSON
NOTARY PUBLIC - ARKANSAS
CRAIGHEAD COUNTY
MY COMMISSION EXPIRES 11-20-13



Legislation Details (With Text)

File #:	ORD-11:084	Version:	1	Name:	Waive bidding for Relativity software and amend the budget for the purchase
Type:	Ordinance	Status:		Status:	First Reading
File created:	11/7/2011	In control:		In control:	Finance & Administration Council Committee
On agenda:		Final action:		Final action:	
Title:	AN ORDINANCE TO WAIVE COMPETITIVE BIDDING WITH RELATIVITY, INC., THE SOLE SOURCE PROVIDER OF "NET MOTION" SOFTWARE AND TO AMEND THE CITY OF JONESBORO 2011 BUDGET FOR THE PURCHASE OF SAID SOFTWARE FOR THE POLICE DEPARTMENT; AND DECLARING AN EMERGENCY FOR THE PURPOSE OF MEETING A DEADLINE OF NOVEMBER, 30, 2011 AT WHICH TIME THE TESTING PHASE FOR THE "NET MOTION" SOFTWARE WILL EXPIRE				
Sponsors:	Finance, Grants, Police Department				
Indexes:	Budget amendment, Property purchase - other, Waive competitive bidding				
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result
11/8/2011	1	Finance & Administration Council Committee		

title
AN ORDINANCE TO WAIVE COMPETITIVE BIDDING WITH RELATIVITY, INC., THE SOLE SOURCE PROVIDER OF "NET MOTION" SOFTWARE AND TO AMEND THE CITY OF JONESBORO 2011 BUDGET FOR THE PURCHASE OF SAID SOFTWARE FOR THE POLICE DEPARTMENT; AND DECLARING AN EMERGENCY FOR THE PURPOSE OF MEETING A DEADLINE OF NOVEMBER, 30, 2011 AT WHICH TIME THE TESTING PHASE FOR THE "NET MOTION" SOFTWARE WILL EXPIRE
body
BE IT ORDAINED by the City Council for the City of Jonesboro, Arkansas that:

Section 1. The Jonesboro Police Department is in need of the "Net Motion" software which can be purchased from Relativity, Inc. for the sum of \$42, 532.00. This cost will include the "Net Motion" software, three (3) years of support, and the tax.

Section 2. The funding for the "Net Motion" software will come from 2009, 2010, and 2011 Justice Assistance Grant funding.

Section 3. The Jonesboro City Council in accordance with the terms of A.C.A. § 14-58-303, hereby waives the requirement of competitive bidding and directs the Purchasing Agent to purchase the "Net Motion" software for the price of \$42, 532.00, and to amend the 2011 budget to include this said amount.

Section 4. Due to the deadline of November 30, 2011, at which time the testing phase for the "Net Motion" software shall expire with Relativity, Inc. the sole source provider, it is vital to purchase said software prior to November 30, 2011 to avoid an interruption in services. Therefore, it is found that an emergency is declared to exist and this ordinance being necessary, shall take affect from and after its passage and approval.



Legislation Details (With Text)

File #:	ORD-11:088	Version:	1	Name:	Rezoning by Phillips Investments
Type:	Ordinance	Status:		Status:	First Reading
File created:	11/10/2011	In control:		In control:	City Council
On agenda:		Final action:		Final action:	
Title:	AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 FOR PROPERTY LOCATED AT 1075/1709 AIRPORT ROAD AS REQUESTED BY PHILLIPS INVESTMENTS				
Sponsors:					
Indexes:	Rezoning				
Code sections:					
Attachments:	Revised ordinance submitted 11/15/11 Plat Concept Plan MAPC Report				

Date	Ver.	Action By	Action	Result
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title
AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES.

body
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

SECTION 1: CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATIONS AS FOLLOWS:

From Residential, R-1, To General Commercial, C-3, THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1

Commencing at the center of said Section 10; thence North 2°00'00" East 637.00 feet; thence North 86°08'00" West 30.00 feet; thence North 2°00'00" East 128.5 feet; to the point of beginning proper; thence continue North 2°00'00" East 114.10 feet; thence South 85°53'00" West 201.11 feet; thence South 02°01'07" West 82.90 feet; thence South 85°12'10" East 200.23 feet; to the point of beginning proper, having an area of 19697.81 square feet, 0.45 acres more or less.

TRACT 2

Commencing at the center of said Section 10; thence North 2°00'00" East 637.00 feet; thence North 86°08'00" West 30.00 feet; thence North 2°00'00" East 128.5 feet; to the point of beginning proper; thence North 85°

12'10" West 200.23 feet; thence South 02°01'07" West 129.96 feet; thence South 88°10'35" East 200.04 feet; thence North 02°00'00" East 119.57 feet; to the point of beginning proper, having an area of 24955.04 square feet, 0.57 acres more or less.

SECTION 2: THE REZONING OF THIS PROPERTY DOES NOT HAVE STIPULATIONS.

Please wait...

LINE	BEARING	DISTANCE
L1	N 02°00'00" E	114.10'
L2	S 85°53'00" W	201.11'
L3	S 02°01'07" W	82.90'
L4	S 85°12'10" E	200.23'
L5	N 02°00'00" E	119.57'
L6	N 85°12'10" W	200.23'
L7	S 01°49'25" W	129.96'
L8	S 88°10'35" E	199.59'
L9	N 02°00'00" E	128.50'
L10	N 86°08'00" W	30.00'

C-3
C/L HIGHWAY No. 49

TRACT 1

PHILLIPS INVESTMENTS PROPERTY
19697.8 SQ. FT.
0.45 ACRES

TRACT 2

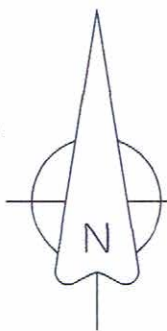
24926.3 SQ. FT.
0.57 ACRES

C/L AIRPORT RD.

C-3 LU0

R-1

R-1



BEARINGS ASSM'D. TO
MATCH OLD SURVEY

DESCRIPTION: TRACT 1
A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Center of said Section 10; thence North 2°00'00" East 637.00 feet; thence North 86°08'00" West 30.00 feet; thence North 2°00'00" East 128.5 feet; to the point of beginning proper; thence continue North 02°00'00" East 114.10 feet; thence South 85°53'00" West 201.11 feet; thence South 02°01'07" West 82.90 feet; thence South 85°12'10" East 200.23 feet; to the point of beginning proper, having an area of 19697.81 square feet, 0.45 acres more or less

DESCRIPTION: TRACT 2
A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 14 NORTH, RANGE 4 EAST, CRAIGHEAD COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the Center of said Section 10; thence North 2°00'00" East 637.00 feet; thence North 86°08'00" West 30.00 feet; thence North 2°00'00" East 128.5 feet; to the point of beginning proper; thence North 85°12'10" West 200.23 feet; thence South 02°01'07" West 129.96 feet; thence South 88°10'35" East 200.04 feet; thence North 02°00'00" East 119.57 feet; to the point of beginning proper, having an area of 24955.04 square feet, 0.57 acres more or less.

OWNER CERTIFICATION:
WE HEREBY CERTIFY THAT WE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE REQUEST THE ZONING CHANGES AS NOTED HEREON.

SURVEYOR'S CERTIFICATION:
THIS IS TO CERTIFY I HAVE ON THIS DATE SURVEYED THE ABOVE DESCRIBED PROPERTY IN ACCORDANCE WITH MONUMENTS FOUND AND THIS PLAT CONFORMS TO THAT SURVEYED.

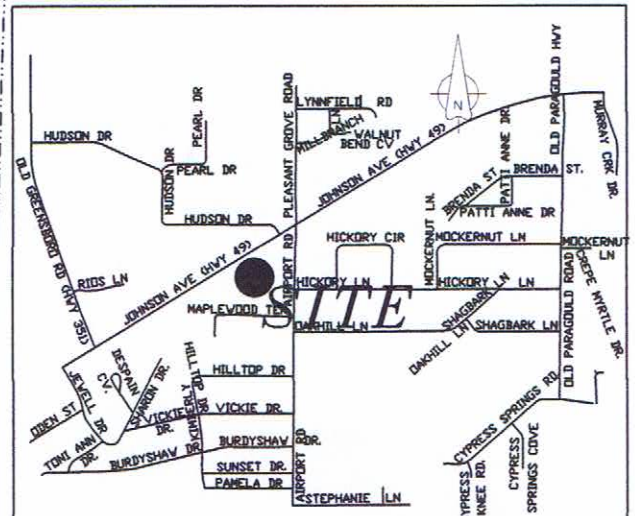
H&S HIME PROFESSIONAL SURVEYING SERVICES
POB No. 353
BROOKLAND, ARKANSAS 72417



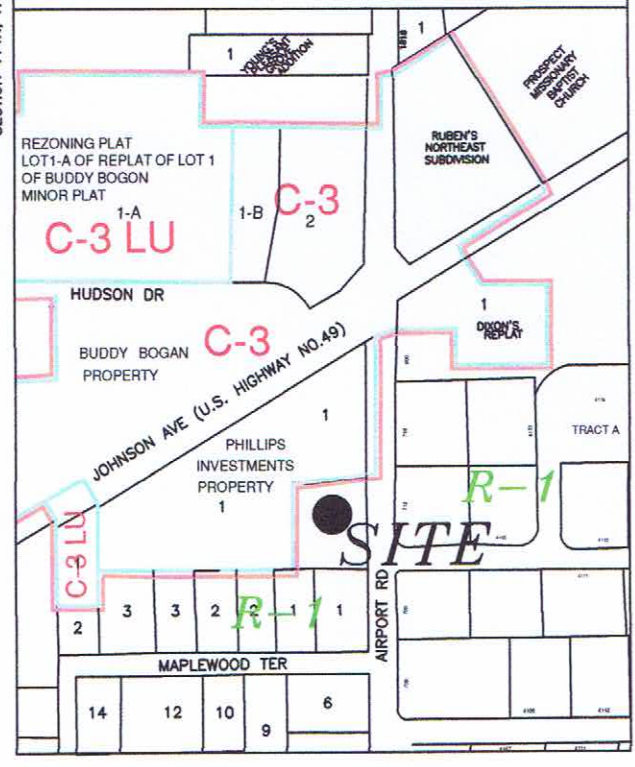
ROBERT C. HIME

H AND S HIME
PROFESSIONAL SURVEYING SERVICES
No. 1432

N 02°00'00" E 637.00'



VICINITY MAP

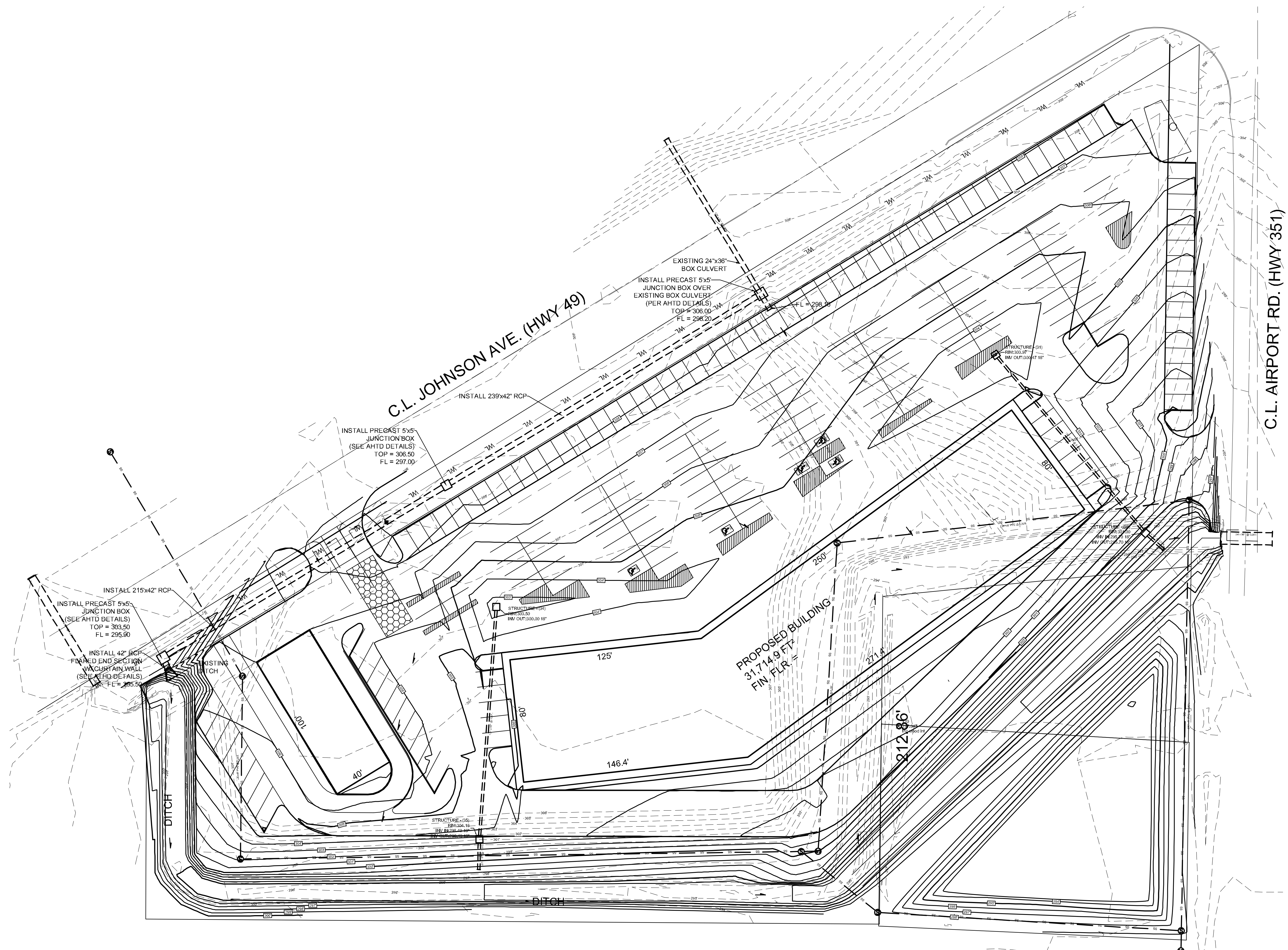


H&S Hime Professional Surveying Services
POB No. 353
BROOKLAND, ARKANSAS 72417

PHONE: 870 972 1288
FAX: 870 972 1011
E-MAIL: hshime_butch@yahoo.com

REZONING PLAT

drawn by: HH	R-1 EXISTING C-3 REQUESTED
date: 10-16-2011	
scale: 1"=200'	client: PHILLIPS INVESTMENTS



C.L. JOHNSON AVE. (HWY 49)

C.L. AIRPORT RD. (HWY 351)

PROPOSED BUILDING
31,714.9 FT²
FIN. FLR =

INSTALL 215x42" RCP
INSTALL PRECAST 5x5' JUNCTION BOX (SEE AHTD DETAILS) TOP = 303.50 FL = 295.90
INSTALL 42" RCP FLARED END SECTION WITH CURTAIN WALL (SEE AHTD DETAILS) FL = 295.50

INSTALL PRECAST 5x5' JUNCTION BOX (SEE AHTD DETAILS) TOP = 306.50 FL = 297.00

EXISTING 24"x36" BOX CULVERT
INSTALL PRECAST 5x5' JUNCTION BOX OVER EXISTING BOX CULVERT (PER AHTD DETAILS) TOP = 306.00 FL = 298.20

INSTALL 239x42" RCP

DITCH

DITCH

40'

125'

146.4'

212.86'

271.4'

STRUCTURE (154)
FIN. 304.16
INV. 320.00-340.00

STRUCTURE (31)
FIN. 305.37
INV. 320.00-340.00

STRUCTURE (31)
FIN. 305.37
INV. 320.00-340.00



City of Jonesboro City Council
Staff Report – RZ 11-25: Phillips Investments- Airport Rd.
Huntington Building - 900 W. Monroe
For Consideration by the Council on November 15, 2011

REQUEST: To consider a rezoning of a parcel of property containing approximately 1.02 acres more or less from R-1 Single Family Residential to C-3 General Commercial and make recommendation to City Council.

PURPOSE: A request to consider approval by the Metropolitan Area Planning Commission, as recommended to City Council for final action as C-3- General Commercial.

APPLICANT/ OWNER: Phillips Investments & Construction, Inc., P.O. Box 19298, Jonesboro AR

LOCATION: 1705/1709 Airport Rd., Jonesboro, AR (Corner of E. Johnson Ave. /Hwy. 49N)

SITE DESCRIPTION: Tract Size: Approx. 1.02 +/- acres, 44,624 Sq. ft. +/-
 Frontage: Approx. 234 ft. along Airport Rd.
 Topography: Predominantly Flat.
 Existing Development. 2 single family homes surrounded by vacant commercial.

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	C-3	Commercial
South:	R-1	Residential
East:	R-1	Residential
West:	C-3	Commercial

HISTORY: None.

ZONING ANALYSIS: City Planning Staff has reviewed the proposed Zone Change and offers the following findings.

Approval Criteria- Section 117-34- Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;

- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;
- (f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and
- (g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Future Land Use Map adopted on January 5, 2010 shows this area to be within the Northwest Sector and to be recommended as a Single Family Residential. Currently the City is updating the Comprehensive Plan, which is predicted to be adopted by April 2012. Consistency is not achieved, however the change can be justified if constraints are placed on the subject tracts of land limiting the site area only to storm water detention or greenspace or openspace associated with the principal future uses on the adjacent C-3 tracts. This area is at a major Commercial node intersection and has been consistently redeveloped as commercial along Johnson Ave.



Zoning/Vicinity Map

Master Street Plan

The property is located along Airport Road which is recommended as a Minor Arterial street on the adopted Master Street Plan from its current status. While a 120 ft. - R.O.W. is recommended, a 30 ft.

right of way easement is denoted on the submitted rezoning plat. Engineering has reported that no future needs to expand the right of way width of Airport Rd. at this site are necessary.

Findings:

The proposal will result in the existing R-1 Single Family Residentially zoned property to be rezoned to C-3 General Commercial District. This site currently serves as an entry way into a single family neighborhood. The applicant has noted in the application that the land will be used solely to provide an storm water detention/impoundment area for the existing C-3 property currently owned by the same, and to provide for a buffer area for the residential area to the south of the property.

The applicant is proposing to consolidate the 2 lots within the larger tract for future development. Staff feels that the proposal can be achieved without causing any negative impact on the surrounding area. Controls can be placed on the petition that will require final site plan to be submitted to the Planning Commission to assure that the subject tracts are preserved for the use intended.

MAPC Record of Proceedings for Public Hearing Held on November 8, 2011:

Applicant: Applicant's Agent, Mr. Carlos Wood: Noted that the owner is here and we are asking for rezoning for 2 lots that were purchased, to an existing large C-3 tract.

Mr. Wood: We want to do the development as one lot. These 2 lots are residential homes on the southeast corner. The Planning Department is requiring all of the property to be in the same zoning classification. We proposed to create an area for detention for the entire site.

Staff: Mr. Spriggs gave the Staff Summary. Noting the vast amount of commercial along the principle arterial. It is not typical in land use planning to have major commercial at major intersections with no transitional area to separate it from a single family residential area. With that said, to utilize the tracts of property primarily for storm water drainage detention would add to justification for changing the land use. Consistency is not achieved however it is justified. The C-3 portion currently existing can be developed as such without this petition; however, the plan will address the drainage problems in the immediate site area.

Under the proposed layout, the access complies with good access management in terms of approximation from a signalized intersection. Mr. Spriggs noted the 20 ft. buffer is listed in the conditions in conjunction with required fencing.

In terms of the Master Street Plan, the property is located along Airport Road which is recommended as a Minor Arterial street on the adopted Master Street Plan from its current status. While a 120 ft. - R.O.W. is recommended, a 30 ft. right of way easement is denoted on the submitted rezoning plat. Engineering has reported that no future needs to expand the right of way width of Airport Rd. at this site are necessary, therefore the R.O.W. can be adjusted to 80 ft. to achieve any future widening of the intersection. The applicant noted a wish to donate an additional 10 ft. of R.O.W.

In terms of the C-3 General Commercial request the MAPC may include a stipulation that a site plan be submitted before you. Staff feels confident that we can assure the development will proceed as promised.

Mr. Wood asked if the developer could receive a grading plan approval under staff review; if issues then it could go before the MAPC.

Mr. Spriggs if recommended to City Council for approval and the process is completed, you can do that.

Public Input:

Mr. Jimmy Ashley, 1701 Airport Rd.: Stated that he is right next door to the lot on the south on Airport Rd. He abuts it right next door and is already having a drainage problem. Mr. Phillips developed Bills Fresh Market and didn't not do everything he was suppose to do. He was suppose to put up fencing and berms and none of that ever happened. Now he is saying he's going to do this and that. The City doesn't hold him to it. We are opposed to him rezoning it; if he puts the detention pond in where he has built it up so high, where is all the water and rain going. He can say that he will do that but the ditch is already eroding away. If he wants to do the one lot, that is fine. I am against the rezoning.

Stacey Schratz, 3104 Maplewood Terrace: She noted that she concurs with Mr. Ashley. We have a privacy fence along the existing ditch where his commercial is there; and it is eroding away and will go under our fence. We have lived there for 17 years. Why would you approve C-3 General when it is going more into our residential area. They will say why can't we get more C-3 General. It is just way too close. I've been before City Council before. There was a certificate of occupancy issued before things got done. It doesn't need to be general commercial.

Barry Phillips, Phillips Investments and Construction: As Mr. Ashley mentioned he said that the area floods. We will put the detention there and we are trying to help the property and not trying to cause it to be worse. She doesn't want commercial to go out there but she has a culvert running into the ditch which is 5 feet on to me. She wants to drain into the ditch. The property to the south of them is a lot higher and all of that water drains on to them, then to me. He mentioned that they are not taking into consideration the water coming off of Bills Fresh Market and draining it in this pond. Mr. Phillips noted that he has designed this detention larger than required for this site. One of the reason we are doing this is so that detention can be done, and to square the property up. We are willing to do the fence and do it on our property line. We will do some pine trees to keep the noise down that might go into the neighborhood. We have no tenants yet to lease with; we are talking to some people but no confirmations have been made. We are preparing the site for future development and are going to take care of the water problems. On the north side of Highway 49 there is redevelopment; so we will end up with more water for across the street.

Mr. White clarified that all we are considering tonight is the rezoning; we will address specific details under the site plan approval.

Mr. Ashley: If he didn't think he could get this done, why did he purchase the lots. Make him put it in black and white what he's going to do.

Ms. Phyllis Hankins, 3108 Maple wood: She lives in the house at the end of the streets next to the C-3 LUO. When Mr. Phillips was building Bill's Market, I had numerous occasions when I had problems from him. After they got through building the market; I visited Council and he promised faithfully a lot of things and he never did them. The buffer never occurred. She still has problems with drainage coming off of the Bill's Market.

Inaudible comments were made regarding the Bill's Market problems.

Mr. Spriggs asked the chair if we could restrict the comments to this case and not Bill's Market. The Bill's Market case was a separate issue. We had no Stormwater Regulations at that time; now we do. The MAPC can tie the site plan to the Limited Use Overlay. Any conditions of approval will be implemented, built and inspected per the site plan process. The site plan details will be adhered to and all of concerns raised will be addressed and coordinated.

Mr. Kelton asked questions concerning the soil and the detention. Mr. Carlos explained that the design will control the release of the water under Airport Rd. through a culvert and will drain to the east. It is relatively flat in that area. It rises towards Highway 49 and drains towards the east toward Airport Rd.

Mr. Kelton: Is there anyway drainage problems could occur?

Mr. Carlos Wood: not unless something blocked the culvert under the road.

Mr. Ashley: When we get a lot off of water off of Airport Road; if he puts in the detention it will have to be built up. Where will that water go? He has to build it up. The water runs off of Airport Rd. and Maple Wood Terrace. I've seen water in the yard next to mine.

Mr. Roberts: Reiterated the drainage in the past had no regulations. Mr. Wood we will enlarge the area so the elevation of the water spreads out and reach an elevation that will not exceed or overtop Airport Rd. The city will review and make sure we do it according to the standards.

Stacey Schratz: If you are going to rezoning it please make it where he has to develop these to lots in conjunction with the existing C-3 as a limited use overlay, that it not be general commercial.

Mr. Roberts: We need to discuss Mr. Wood's request regarding the grading permit though the City Staff.

Mr. Spriggs: Mr. Spriggs noted that the acreage if platted into one lot has to be on zoning classification. You would have the liberty to deny any site plan that does not comply with the intent here.

Mr. Tomlinson asked if the concept site plan reflect compliance with the Master Street Plan. Mr. Wood noted that the owner concurs that the additional 10 ft. will be added when it is replatted into one lot. Mr. Kelton asked if the City Engineer has been consulted concerning this? Yes. And his comments concerning the R.O.W. and access have been addressed; the storm water design will have to comply with the code.

Mr. Spriggs: Mr. Wood can you clarify whether you intend to submit the drainage plan at the same time of your request for a grading plan? Will the detention pond be designed at the same time? Mr. Carlos added that it is required that both be submitted at the same time.

Commission's Action:

Mr. White made a motion to place Case: RZ-11-25 on the floor consideration and for the recommendation to City Council for a rezoning from R-1 Single Family to C-3, subject to the following conditions noted by Staff:

1. That the proposed development shall satisfy all requirements of the City Engineer, satisfying all requirements of the current Stormwater Drainage Design Manual.
2. That the final replat be submitted before the issuance of a building permit.
3. That a final site plan shall be presented to the MAPC for final approval including details on lighting, landscaping, parking/loading, and signage, perimeter fencing/ to the South.

Motion was seconded by Mr. Scurlock.

Roll Call Vote: Mr. Dover- Aye; Mr. White- Aye; Ms. Nix- Aye; Ms. Norris- Aye; Mr. Scurlock- Aye; Mr. Kelton- Aye. Mr. Tomlinson- Aye; Mr. Roberts- Chair. Motion passed with a 6-0 Vote in favor.

Conclusion:

The MAPC and Planning Department Staff recommend the requested Zone Change as submitted by Phillips Investments Construction, Inc., Case RZ 11-25, C-3 should be approved by the City Council for rezoning with the stipulations above in the record of proceedings.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

SITE PHOTOGRAPHS



View looking Northeast of abutting property frontage along Johnson Ave.



View looking North of adjacent property.



View looking South of subject prop



View looking South toward subject property (Johnson/Airport Rd intersection).



View looking North along Pleasant Grove Rd.



View looking West of subject property (1709 Airport Rd.)



View looking West of subject property (1705 Airport Rd.)



View looking West of subject property (drainage ditch abutting).



Legislation Details (With Text)

File #: RES-11:177 **Version:** 1 **Name:** Condemnation for 906 New Hope Lane
Type: Resolution **Status:** Recommended Under New Business
File created: 10/5/2011 **In control:** Public Safety Council Committee
On agenda: 11/15/2011 **Final action:**
Title: A RESOLUTION TO condemn property at 906 New Hope Lane
Sponsors: Code Enforcement
Indexes: Condemnation
Code sections:
Attachments: [CONDEMNATION CHECKLIST](#)
[Inspection Report001](#)
[7-11-11 001](#)
[7-11-11 002](#)
[7-11-11 006](#)
[7-11-11 008](#)
[7-11-11 016](#)

Date	Ver.	Action By	Action	Result
10/20/2011	1	Public Safety Council Committee		

Title

A RESOLUTION TO condemn property at 906 New Hope Lane

Body

WHEREAS, the above property has been inspected and has been determined unsuited for human habitation

WHEREAS, all the stipulations have been met in the condemnation process to proceed with condemnation of this property.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT: the city council should proceed with the condemnation of the property at: 906 New Hope Lane



DEPARTMENT OF PLANNING, INSPECTION AND CODE ENFORCEMENT

RESIDENTIAL BUILDING INSPECTION REPORT

DATE OF INSPECTION: 7-11-11
 PROPERTY ADDRESS: 906 New Hope
 PROPERTY OWNER: Phillip + Brenda Tucker 578-5625 / 253-3432
 OCCUPIED: YES NO

BUILDING ELEMENT	CONDITION					NOTES & COMMENTS
	VERY POOR				VERY GOOD	
Foundation	1	2	③	4	5	Block partially laid
Front Porch	①	2	3	4	5	wood rotted
Exterior Doors and Windows	1	2	3	4	⑤	vinyl & steel
Roof Underlay	1	2	③	4	5	new but shows signs of detor.
Roof Surface	1	2	3	④	5	new 3 TAB
Chimney	1	2	3	4	5	N/A
Siding	①	2	3	4	5	new - existing
Facia and Trim	①	2	3	4	5	" "
Interior Doors	①	2	3	4	5	" "
Interior Walls	1	②	3	4	5	Base Framing no s/r up sta.

Ceilings	1	2	3	4	5
Flooring Underlay	1	2	3	4	5
Flooring Surfaces	1	2	3	4	5
Electrical	1	2	3	4	5
Heating	1	2	3	4	5
Plumbing	1	2	3	4	5

15	16	17	18	19
FAIR				
NON-EXISTING				
NOT TO CODE				
11				

- In my opinion, this structure is is not Suitable for human habitation.
- In my opinion this structure is is not Physically feasible for rehabilitation.
- In my opinion, this structure is is not Economically feasible for rehabilitation.
- In my opinion, this structure is is not A public safety hazard and should be condemned immediately.

STRUCTURE IS A SAFETY & HEALTH ISSUE.
 EST. COST TO FIX 65,000.00 - 70,000.00.
 STRUCTURE NEEDS TO BE CONDEMNED IMMEDIATELY.

EMERGENCY ACTION IS WARRANTED: YES NO

Terry Adams

Terry Adams, Certified Building Inspector

Craig Davenport, Fire Marshal

Other Signature

CITY HALL • 515 WEST WASHINGTON AVE • JONESBORO, AR 72401 • TEL 870-933-4602 • FAX 870-933-4636



07/11/2011



07/11/2011



07/11/2011



07/11/2011



07/11/2011



Legislation Details (With Text)

File #: ORD-11:083 **Version:** 1 **Name:** Repeal of ORD-11:044 and adoption of Chapter 66 Section 5 concerning special events

Type: Ordinance **Status:** Second Reading

File created: 10/13/2011 **In control:** Public Safety Council Committee

On agenda: **Final action:**

Title: AN ORDINANCE REPEALING ORDINANCE 11:044 AND ADOPTING BY REFERENCE CHAPTER 66 SECTION 5 ENTITLED SPECIAL EVENT PERMIT, FOR THE REGULATION OF SPECIAL EVENTS AND STREET CLOSINGS IN THE CITY OF JONESBORO, ARKANSAS

Sponsors: Mayor's Office

Indexes:

Code sections:

Attachments: [Special Event Permit](#)
[ORD 11 044](#)
[Special Event Assembly Permit old version](#)

Date	Ver.	Action By	Action	Result
11/1/2011	1	City Council		
10/20/2011	1	Public Safety Council Committee		

Title
AN ORDINANCE REPEALING ORDINANCE 11:044 AND ADOPTING BY REFERENCE CHAPTER 66 SECTION 5 ENTITLED SPECIAL EVENT PERMIT, FOR THE REGULATION OF SPECIAL EVENTS AND STREET CLOSINGS IN THE CITY OF JONESBORO, ARKANSAS

Body
WHEREAS, pursuant to ACA 14-55-207, public notice was given of the City's intent to repeal ordinance 11:044 and to adopt Chapter 66 Section 5 entitled Special Event Permit by reference, and advised that three (3) copies of the document were on file and available for public review and examination in the Office of the City Clerk; and

WHEREAS, all comments, views, suggestions and recommendations have been considered and addressed,

WHEREAS, the City of Jonesboro previously adopted Ordinance 11:044 entitled Special Event Assembly Permit on June 21, 2011,

WHEREAS, the City of Jonesboro desires to repeal said Ordinance and adopt by reference Chapter 66 Section 5 entitled Special Events Permit,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

1. That Ordinance 11:044 is hereby repealed.
2. That Chapter 66-5 entitled Special Event Permit concerning the regulation of special/street closings in the City of Jonesboro, Arkansas is hereby adopted by reference and shall become a part of the Jonesboro Municipal Code.

3. All other ordinances and/or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.
4. That this ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the date of its passage and approval.



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Text File

File Number: ORD-11:044

Introduced: 5/17/2011

Version: 1

Current Status: Passed

Matter Type: Ordinance

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

WHEREAS, pursuant to ACA 14-55-207, public notice was given of the City's intent to adopt said code by reference, and advised that three (3) copies of the document were on file and available for public review and examination in the Office of the City Clerk, and

WHEREAS, all comments, views, suggestions and recommendations have been considered and addressed,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS:

SECTION ONE: That Chapter 66-5 entitled Special Event Assembly Permit concerning the regulation of special event assembly/street closings in the City of Jonesboro, Arkansas is hereby adopted by reference and shall become a part of the Jonesboro Municipal Code.

SECTION TWO: That in the event any title, subtitle, section, subsection, subdivision, paragraph, subparagraph, item sentence, clause, phrase or work of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

SECTION THREE: All ordinances and/or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION FOUR: That this ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the date of its passage and approval.

PASSED AND ADOPTED this 21st day of June, 2011.

SPECIAL EVENT ASSEMBLY PERMIT

Sections:

Sec. 1 - Definitions.
Sec. 2 - Permit required.
Sec. 3 - Exceptions.
Sec. 4 - Application for permit.
Sec. 5 - Fees.
Sec. 6 - Police protection.
Sec. 7 - Standards for issuance.
Sec. 8 - Nondiscrimination.
Sec. 9 - Notice of denial of application.
Sec. 10 - Alternative permit.
Sec. 11 - Appeal procedure.
Sec. 12 - Notice to city and other officials.
Sec. 13 - Contents of permit.
Sec. 14 - Duties of permittee.
Sec. 15 - Prohibitions.
Sec. 16 - Public conduct during parades or special events.
Sec. 17 - Revocation of permit.

Sec. 1 - Definitions.

As used in this chapter:

"City" is the city of Jonesboro, Arkansas.

"Chief of Police" is the chief of police for the city or his or her designee.

"Special Event Assembly" is any march, demonstration, walk, run, bike ride/race, procession or motorcade consisting of persons, animals, or vehicles or a combination thereof upon the streets, *or within the parks or other public grounds within the city with an intent of attracting public attention that interferes with or has a tendency to interfere substantially interferes with the normal flow or regulation of traffic upon the streets, and/or public parks.* ~~or other public grounds. Special Event Assemblies may also include any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open to the general public, to the hindrance of others. Special Event Assemblies do not include a private motorcade of vehicles transporting persons within the city limits from one destination to another destination with no intent to attract public attention or interfere with the normal flow or regulation of traffic upon the public streets.~~

"Special Event Assembly Permit" is a permit as required by this chapter.

The "City Collector" is the office or department responsible for the issuance of any and all permits required under this chapter.

"Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

"Sidewalk" is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

"Street" is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

Sec. 2 - Permit required.

No person shall engage in or conduct any Special Event Assembly unless a permit is issued by the city collector's office.

Sec. 3 - Exceptions.

This chapter shall not apply to the following:

A. Funeral processions/proceeding by vehicle under the most reasonable route from the funeral home, church or residence of the deceased to the place of interment;

B. Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;

C. A governmental agency acting within the scope of its functions;

~~D. Spontaneous events occasioned by news or affairs coming into public knowledge within three days of such public Assembly, provided that the organizer thereof gives written notice to the city at least twenty-four (24) hours prior to such Special Event Assembly; and~~

E. Private gatherings, affairs or activities on private property that may inadvertently interfere with the normal flow or regulation of traffic upon the public streets.

F. Peaceful and Non-Violent Political Speeches, Gatherings, Rallies or protest conducted in a manner so as not to disturb the peace, prevent other parties from the free exercise of their free speech and/or rights to access public properties and the conduct of which does not block the streets and/or roadways in such a manner as to adversely affect the free passage and transport of others.

Sec. 4 - Application for permit.

A. A person seeking a Special Event Assembly Permit shall file an application with the city collector's office on forms provided by such office and the application shall be signed by the applicant under oath.

B. For Special Events Assemblies, an application for a permit shall be filed with the collector's office at least ~~sixty (60)~~ *forty-five (45)* business days and not more than one hundred eighty (180) days before the Special Event Assembly is proposed to commence. ~~The Chief of Police or his designee may waive the minimum sixty (60) business day filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place and nature of the Special Event Assembly, the anticipated number of participants, and the city services required in connection with the event, the Chief of Police or his designee determines that the waiver will not present a hazard to public safety, health and welfare.~~

C. The application for a Special Event Assembly permit shall set forth the following information:

1. The name, address, and telephone number of the person, group of persons, firm, partnership, association, company or organization seeking to conduct such Special Event Assembly;
2. The requested date of the Special Event Assembly;
3. The route to be traveled, including the starting point and the termination point;
4. The approximate number of persons who, and animals and vehicles which, will constitute such Special Event Assembly and the type of animals and description of the vehicles;
5. The hours when such Special Event Assembly will start and terminate;
6. A statement as to whether the Special Event Assembly will occupy all or only a portion of the width of the streets proposed to be traversed;
7. The approximate number of participants (spectators are by definition not participants);
8. The approximate number of spectators;

9. A designation of any public facilities or equipment to be utilized; and

~~10. Any additional information that either the city collector's office or Chief of Police or his designee finds reasonably necessary to make a fair determination as to whether a permit should be issued.~~

Sec. 5 - Fees.

~~There shall be paid at time of the filing the application for a Special Event Assembly permit. This fee may be waived in whole if it is a city sponsored event. Street closings and block parties which require the closing of public streets and diversion of the normal flow of pedestrian or vehicular traffic with barricades, are available for non-refundable fee. The Special Event Assembly permit fee and the non-refundable barricade fee will be set by the City Council in the form of a resolution.~~

Sec. -6 - Police Protection.

The Chief of Police or his designee shall determine whether and to what extent additional police protection is reasonably necessary for the Special Event Assembly for traffic control and public safety. The Chief of Police or his designee shall base this decision on the size, location, duration, time and date of the event, the number of streets and intersections blocked, and the need to detour or preempt citizen travel and use of the streets and sidewalks. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel may police the event. If additional police protection for the public assembly is deemed necessary by the Chief of Police or his designee, he or she shall so inform the applicant for the permit. The applicant then shall have the duty to secure the police protection deemed necessary by the Chief of Police or his designee at the sole expense of the applicant.

Sec. 7 - Standards for issuance.

A. The Chief of Police or his designee, after consultation, shall approve or deny a permit as provided for herein when, from a consideration of application and from such other information as may otherwise be obtained, it finds that:

1. The conduct of the Special Event Assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
2. The conduct of the Special Event Assembly will not require the diversion of so great a number of city police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the city;
3. The concentration of persons, animals, and vehicles at public assembly points of the Special Event Assembly will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such public assembly areas;
4. The conduct of the Special Event Assembly is not reasonably likely to cause injury to persons or property;
5. The Special Event Assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
6. Adequate sanitation and other required health facilities are or will be made available in or adjacent to any public assembly areas;
7. There are sufficient parking places near the site of the Special Event Assembly to accommodate the number of vehicles reasonably expected;
8. The applicant has secured the police protection, if any, required under subsection (A)(6) of this section;
9. Such Special Event Assembly is not for the primary purpose of advertising any product, goods, or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;

10. No Special Event Assembly permit application for the same time and location is already granted or has been received and will be granted;

11. No Special Event Assembly permit application for the same time but not location is already granted or has been received and will be granted, and the police resources required for that prior Special Event Assembly are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and

12. No event is scheduled elsewhere in the city where the police resources required for that event are so great that the deployment of police services for the proposed Special Event Assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

B. No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a city street, sidewalk or right-of-way unless advance approval for the erection or placement of the structure is obtained.

Sec. 8 - Nondiscrimination.

The police department, after consultation with the Chief of Police or his designee, shall uniformly consider each application upon its merits and shall not discriminate in granting or denying permits under this chapter based upon political, religious, ethnic, race, disability, sexual orientation or gender-related grounds.

Sec. 9 - Notice of denial of application.

The police department shall act promptly upon a timely filed application for a Special Event Assembly permit. If the police department, after consultation with the Chief of Police or his designee, disapproves the application, it shall notify the applicant either by telephone, facsimile, personal delivery or certified mail prior to the event and state the reasons for the denial.

Sec. 10 - Alternative permit.

A. The police department, after consultation with the Chief of Police or his designee, in denying an application for a Special Event Assembly permit, may authorize the conduct of the Special Event Assembly at a date, time, location or route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within forty-eight (48) hours after notice of the changes to the permit, file a written notice of acceptance with the collector's office.

B. An alternate Special Event Assembly permit shall conform to the requirements of, and shall have the effect of, Special Event Assembly permits issued under this chapter.

Sec. 11 - Appeal procedure.

Any applicant shall have the right to appeal the denial *by the Chief of Police* of a Special Event Assembly permit *to the Mayor and a denial by the Mayor to the Craighead County Circuit Court.*

Sec. 12 - Notice to city and other officials.

Immediately upon the issuance of a Special Event Assembly permit, the collector's office shall send a copy thereof to the following:

- A. The mayor;
- B. The city attorney;
- C. The chief of police;
- D. The fire chief;

- E. The JETS director;
- F. The Street Department director; and
- G. The Sanitation Department director.

Sec.13 - Contents of permit.

Each Special Event Assembly permit shall state the following information:

- A. Starting and approximate ending time;
- B. The portions of the streets that may be occupied by the Special Event Assembly;
- C. The maximum length of the parade in miles or fractions thereof; and
- D. Such other information as either the city collector or the Chief of Police or his designee shall find necessary to the enforcement of this chapter.

Sec. 14 - Duties of permittee.

- A. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. The Special Event Assembly chairperson or other person heading such activity shall carry the Special Event Assembly permit upon his or her person during the conduct of the Special Event Assembly.

Sec. 15 - Prohibitions.

The following prohibitions shall apply to all Special Events Assemblies:

- A. It is unlawful for any person to stage, present or conduct any Special Event Assembly without first having obtained a permit as herein provided;
- B. It is unlawful for any person to participate in a Special Event Assembly for which the person knows a permit has not been granted;
- C. It is unlawful for any person in charge of, or responsible for the conduct of, a duly licensed Special Event Assembly to knowingly fail to comply with any condition of the permit;
- D. It is unlawful for any person to engage in any Special Event Assembly activity that would constitute a substantial hazard to the public health, safety or welfare, or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;
- E. It is unlawful for any person to ride, drive or cause to be ridden or driven any animal or any animal drawn vehicle upon any public street, unless specifically authorized by the permit; and
- F. Violation of this chapter shall be punishable by fines and costs of no less than \$200.00 nor greater than \$500.00.

Sec. 16 - Public conduct during parades or public assemblies special events.

- A. No person shall unreasonably hamper, obstruct or impede, or interfere with any Special Event Assembly or with any person, vehicle or animal participating or used in a Special Event Assembly.
- B. No driver of a vehicle shall drive between the vehicles or persons comprising a Special Event Assembly when such vehicles or persons are in motion and are conspicuously designated as a Special Event Assembly.

The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street constituting a part of the route of a Special Event Assembly. The Chief of Police or his designee shall post signs to that effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

Sec. 17 - Revocation of permit.

The Chief of Police or his designee shall have the authority to revoke a Special Event Assembly permit instantly upon violation of the conditions or standards for issuance as set forth in this chapter or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the Special Event Assembly would have an immediate and adverse effect upon the welfare and safety of persons or property.



Legislation Details (With Text)

File #:	ORD-11:076	Version:	1	Name:	Establishing new ward boundaries
Type:	Ordinance	Status:		Status:	Third Reading
File created:	9/14/2011	In control:		In control:	City Council
On agenda:		Final action:			
Title:	AN ORDINANCE TO AMEND SECTION 2.55 OF THE JONESBORO CODE OF ORDINANCES FOR THE ESTABLISHMENT OF NEW WARD BOUNDARIES BASED ON THE 2010 CENSUS INFORMATION AND UTILIZATION OF THE SECRETARY OF STATE'S SOFTWARE PROGRAM				
Sponsors:	Mayor's Office				
Indexes:	Other				
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result
11/1/2011	1	City Council		
10/20/2011	1	City Council	Held at one reading	

title

AN ORDINANCE TO AMEND SECTION 2.55 OF THE JONESBORO CODE OF ORDINANCES FOR THE ESTABLISHMENT OF NEW WARD BOUNDARIES BASED ON THE 2010 CENSUS INFORMATION AND UTILIZATION OF THE SECRETARY OF STATE'S SOFTWARE PROGRAM

body

WHEREAS, the Jonesboro City Council adopted resolution file number RES-11:133 on August 2, 2011, authorizing the Mayor and City Clerk to utilize the assistance of computer software through the Secretary of State's Office for the establishment of new ward boundaries; And

WHEREAS, criteria was submitted based on information from the 2010 census; And

WHEREAS, all effort is being made to have the new ward boundaries completed by mandated State deadlines for the 2012 election.

BE IT THEREFORE ORDAINED by the City Council for the City of Jonesboro, Arkansas:

SECTION 1: That Section 2.55 of the City of Jonesboro Code of Ordinances is hereby amended to read as follows:

WARD 1: Beginning at the intersection of the Railroad and the Corporate Limits (near Mahon Drive); thence easterly along the Railroad to the centerline of South Culberhouse Street; thence south along the centerline of South Culberhouse Street to the centerline of West Oak Street; thence west along the centerline of West Oak Street to the centerline of Flint Street; thence south along the centerline of Flint Street to the centerline of West Nettleton Avenue; thence west along the centerline of West Nettleton to the centerline of Cole Street; thence south along the centerline of Cole Street to the centerline of Wood Street; thence southwesterly along the centerline of Wood Street to the centerline of US Highway 63 (Joe N Martin Expressway); thence easterly along the centerline of US Highway 63 (Joe N Martin Expressway) to the centerline of US Highway 49

(Southwest Drive); thence southerly along the centerline of US Highway 49 (Southwest Drive) to the centerline of Wood Street; thence northwesterly along the centerline of Wood Street to the centerline of Neely Road; thence westerly along the centerline of Neely Road to the centerline of Woodsprings Road; thence westerly along the centerline of Woodsprings Road to the centerline of Friendly Hope Road; thence southerly along the centerline of Friendly Hope Road to the centerline of Flemon Road; thence easterly along the centerline of Flemon Road to the intersection of Flemon Road, Kellers Chapel Road and Maple Valley Drive; thence southerly along the centerline of Maple Valley Drive to the intersection of Maple Valley Drive, US Highway 49 (Southwest Drive) and Wimpy Lane; thence southerly along the centerline of Wimpy Lane to the Corporate Limits; thence westerly along the Corporate Limits to the point of beginning.

WARD 2: Beginning at the intersection of Culberhouse Street and the Railroad; thence south along the centerline of South Culberhouse Street to the centerline of West Oak Street ; thence east along the centerline of West Oak Street to the centerline of Flint Street; thence south along the centerline of Flint Street to the centerline of West Nettleton Avenue; thence east along the centerline of Nettleton Avenue to the centerline of Kitchen Street; thence north along the centerline of Kitchen Street to the centerline of East Oak Avenue; thence east along the centerline of East Oak Avenue to the centerline of South Patrick Street; thence north along the centerline of South Patrick Street to the Railroad; thence westerly along the Railroad to the centerline of North Fisher Street; thence Northerly along the centerline of North Fisher Street to the centerline of Aggie Road; thence easterly along the centerline of Aggie Road to the centerline of Howard Street; thence north along the centerline of Howard Street to the centerline of AR Highway 91 (East Johnson Avenue); thence east along the centerline of AR Highway 91 (East Johnson Avenue) to the centerline of Howard Street; thence north along the centerline of Howard Street to the centerline of Calion Street; thence west and north along the centerline of Calion Street to the centerline of Belt Street; thence east along the centerline of Belt Street to the centerline of Greensboro Road; thence northeasterly along the centerline of Greensboro Road to the centerline of North Caraway Road; thence north to the centerline of Lost Creek; thence northeasterly along the centerline of Lost Creek to the intersection of Lost Creek and the Corporate Limits; thence westerly along the Corporate Limits to the intersection of the Corporate Limits and the Railroad (near Mahon Drive); thence easterly along the Railroad to the point of beginning.

WARD 3: Beginning at the intersection of US Highway 49 (East Johnson Avenue) and Clinton School Road; thence southwestly along the centerline of US Highway 49 (East Johnson Avenue) to the intersection of US Highway 49 (East Johnson Avenue) and Stadium Boulevard; thence south along the centerline of Stadium Boulevard to the centerline of AR Highway 18 (East Highland Drive); thence west along the center line of AR Highway 18 (East Highland Drive) to the centerline of South Caraway Road; thence north along the centerline of South Caraway Road to the centerline of East Nettleton Avenue; thence west along the centerline of East Nettleton Avenue to the centerline of Kitchen Street; thence north along the centerline of Kitchen Street to the centerline of East Oak Avenue; thence east along the centerline of East Oak Avenue to the centerline of South Patrick Street; thence north along the centerline of South Patrick Street to the Railroad; thence westerly along the Railroad to the centerline of North Fisher Street; thence Northerly along the centerline of North Fisher Street to the centerline of Aggie Road; thence easterly along the centerline of Aggie Road to the centerline of Howard Street; thence north along the centerline of Howard Street to the centerline of AR Highway 91 (East Johnson Avenue); thence east along the centerline of AR Highway 91 (East Johnson Avenue) to the centerline of Howard Street; thence north along the centerline of Howard Street to the centerline of Calion Street; thence west and north along the centerline of Calion Street to the centerline of Belt Street; thence east along the centerline of Belt Street to the centerline of Greensboro Road; thence northeasterly along the centerline of Greensboro Road to the centerline of North Caraway Road; thence north to the centerline of Lost Creek; thence northeasterly along the centerline of Lost Creek to the intersection of Lost Creek and the Corporate Limits; thence along the Corporate Limits to the point of beginning.

WARD 4: Beginning at the intersection of West Nettleton Avenue and Cole Street; thence south along the centerline of Cole Street to the centerline of Wood Street; thence southwesterly along the centerline of Wood Street to the centerline of US Highway 63 (Joe N Martin Expressway); thence southeasterly along the centerline of US Highway 63 (Joe N Martin Expressway) to the centerline of US Highway 49 (Southwest Drive); thence southwesterly along the centerline of US Highway 49 (Southwest Drive) to the centerline of Wood Street; thence northwesterly along the centerline of Wood Street to the centerline of Neely Road; thence westerly along the centerline of Neely Road to the centerline of Woodsprings Road; thence westerly along the centerline of Woodsprings Road to the centerline of Friendly Hope Road; thence southerly along the centerline of Friendly Hope Road to the centerline of Flemon Road; thence easterly along the centerline of Flemon Road to the intersection of Flemon Road, Kellers Chapel Road and Maple Valley Drive; thence southerly along the centerline of Maple Valley Drive to the intersection of Maple Valley Drive, US Highway 49 (Southwest Drive) and Wimpy Lane; thence southerly along the centerline of Wimpy Lane to the Corporate Limits; thence easterly along the Corporate Limits to the centerline of the Railroad (east of South Caraway Road and south of Glover Road); thence northerly along the Railroad to the centerline of AR Highway 1B (Harrisburg Road); thence northerly along the centerline of AR Highway 1B (Harrisburg Road); to the centerline of East Craighead Forest Road; thence west along the centerline of East Craighead Forest Road to the centerline of AR Highway 141 (South Culberhouse Road); thence north along the centerline of AR Highway 141 (South Culberhouse Road) to the centerline of US Highway 63 (Joe N Martin Expressway); thence east along US Highway 63 (Joe N Martin Expressway) to the centerline of AR Highway 1B (Harrisburg Road); thence northerly along the centerline of AR Highway 1B (Harrisburg Road) to the centerline of Stonebridge Drive; thence easterly along the centerline of Stonebridge Drive to the easternmost intersection of Stonebridge Drive and Arrowhead Drive; thence east along the centerline of Arrowhead Drive to the centerline of Indian Trails; thence north along the centerline of Indian Trails to the centerline of AR Highway 18 (East Highland Drive); thence east along the centerline of AR Highway 18 (East Highland Drive) to the centerline of South Caraway Road; thence north along the centerline of South Caraway Road to the centerline of East Nettleton Avenue; thence west along the centerline of East Nettleton Avenue to the point of beginning.

WARD 5: Beginning at the intersection of AR Highway 18 (East Highland Drive) and Stadium Boulevard; thence south along the centerline of Stadium Boulevard to the centerline of Race Street; thence east along the centerline of Race Street to the centerline of Richardson Drive; thence south along the centerline of Richardson Drive to the centerline of US Highway 63 (Joe N Martin Expressway); thence east along the centerline of US Highway 63 (Joe N Martin Expressway) to the centerline of the Railroad; thence southwesterly along the Railroad to the centerline of Colony Drive; thence east along the centerline of Colony Drive to the centerline of Richardson Drive; thence south along the centerline of Richardson Drive to the centerline of Limestone Drive; thence east along the centerline of Limestone Drive to the Corporate Limits; thence southwesterly along the Corporate Limits to the centerline of the Railroad (east of South Caraway Road and south of Glover Road); thence northerly along the Railroad to the centerline of AR Highway 1B (Harrisburg Road); thence northerly along the centerline of AR Highway 1B (Harrisburg Road); to the centerline of East Craighead Forest Road; thence west along the centerline of East Craighead Forest Road to the centerline of AR Highway 141 (South Culberhouse Road); thence north along the centerline of AR Highway 141 (South Culberhouse Road) to the centerline of US Highway 63 (Joe N Martin Expressway); thence east along US Highway 63 (Joe N Martin Expressway) to the centerline of AR Highway 1B (Harrisburg Road); thence northerly along the centerline of AR Highway 1B (Harrisburg Road) to the centerline of Stonebridge Drive; thence easterly along the centerline of Stonebridge Drive to the easternmost intersection of Stonebridge Drive and Arrowhead Drive; thence east along the centerline of Arrowhead Drive to the centerline of Indian Trails; thence north along the centerline of Indian Trails to the centerline of AR Highway 18 (East Highland Drive); thence east along the centerline of AR Highway 18 (East Highland Drive) to the point of beginning.

WARD 6: Beginning at the intersection of US Highway 49 (East Johnson Avenue) and Clinton School Road;

thence southwesterly along the centerline of US Highway 49 (East Johnson Avenue) to the intersection of US Highway 49 (East Johnson Avenue) and Stadium Boulevard; thence south along the centerline of Stadium Boulevard to the centerline of Race Street; thence east along the centerline of Race Street to the centerline of Richardson Drive; thence south along the centerline of Richardson Drive to the centerline of US Highway 63 (Joe N Martin Expressway); thence east along the centerline of US Highway 63 (Joe N Martin Expressway) to the centerline of the Railroad; thence southwesterly along the Railroad to the centerline of Colony Drive; thence east along the centerline of Colony Drive to the centerline of Richardson Drive; thence south along the centerline of Richardson Drive to the centerline of Limestone Drive; thence east along the centerline of Limestone Drive to the Corporate Limits; thence northeasterly along the Corporate Limits to the point of beginning.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: It is found and declared by the City Council that an emergency exists and this ordinance being necessary for the preservation of the public peace, health, and safety, shall take effect from and after its passage and approval.