



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, June 21, 2011

6:30 PM

Huntington Building

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

APPEAL HEARING AT 6:15 P.M.

Requested by Mr. Duyen Tran regarding the denial by the MAPC to rezone property located north of Colony Drive between Antosh and Richardson Road from R-1 to RM-4 LUO

Attorney Jim Lyons, representing Mr. Tran, discussed the rezoning. He noted Mr. Tran is asking for a rezoning consisting of fewer units than what is allowed with the current rezoning. He explained there will be townhouses within a gated community. He further explained if there is no rezoning and the property is developed as residential, then there will be more traffic than what will occur with the townhouses. He stated the current land use plan recommends the area for high density single family residential, which would result in a higher development than required by the proposed rezoning. Mr. Lyons stated Mr. Tran has offered to put up a traffic light, if necessary, to help control traffic. Mr. Tran plans to create a detention pond in the back of the property and the City Planner has indicated there will be no additional water problems created as a result of the development.

Councilman Frierson questioned if there is a flood line on the north part of the property. Mr. Lyons answered yes, that is where the detention pond will be located. Councilman Frierson clarified that nothing will be built within the flood line. Mr. Lyons agreed.

Mr. Doug Ward, 3407 Colony Drive, spoke in opposition to the rezoning. He discussed the opposition material and gave a history of the surrounding area. He presented a petition with 171 signatures from people opposed to the apartments. He stated if there were houses, then they would be purchased and taken care of. He expressed concern about problems with flooding due to past developments in the area. He then noted there would be a traffic problem if the apartments are built next to the railroad tracks. He added the vacant land surrounding their area has For Sale signs, indicating future development and possible future traffic problems. Mr. Ward stated there are a number of people in attendance that are in opposition to the rezoning, in addition to some people who weren't able to attend. He asked the Council to give due diligence to their concerns and make the right decision.

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

Absent 1 - Tim McCall

4. SPECIAL PRESENTATIONS

COM-11:046 Presentation by Wendy Stotts of the Auditorium Commission

Sponsors: Mayor's Office

Attachments: [Presentation](#)

Ms. Stotts presented information regarding the survey by the Auditorium Commission. Those surveyed regarded the Forum to be important to the community, with the majority favoring renovating the current Forum as opposed to building a new one. More are willing to fund a renovation as opposed to funding a new building. Grants are the preferred method of funding those renovations. Ms. Stotts stated they will be meeting with an architect to come up with a plan to renovate the Forum.

Read

5. CONSENT AGENDA

Approval of the Consent Agenda

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

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

Absent: 1 - Tim McCall

MIN-11:048 Minutes for the City Council meeting on June 7, 2011

Attachments: [Minutes](#)

A motion was made that this Minutes be Passed . The motion passed BY VOICE VOTE

RES-11:054 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH MORRIS-KIDD, LLC FOR THE 2011 SIDEWALK IMPROVEMENTS

Sponsors: Engineering

Attachments: [Specifications.pdf](#)
[Bid Tab.pdf](#)
[Certification Letter.pdf](#)
[Checklist.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-060-2011

RES-11:077 A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH BELK CONSTRUCTION, INC. FOR THE DESIGN/BUILD - CRAIGHEAD FOREST PARK PAVILION BUILDING #1

Sponsors: Parks & Recreation

Attachments: [Bid Tab Pav 1](#)
[Project Manual for Pavilion #1](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-061-2011

RES-11:086 A RESOLUTION TO MAKE REAPPOINTMENTS TO THE TRANSPORTATION MANAGEMENT BOARD AS RECOMMENDED BY THE MAYOR

Sponsors: Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-062-2011

RES-11:088 A RESOLUTION TO CONTRACT WITH ANDY'S FROZEN CUSTARD FOR SPONSORSHIP OF A CONCESSION STAND SIGN AT JOE MACK CAMPBELL PARK

Sponsors: Parks & Recreation

Attachments: [Andys Frozen Custard](#)

Mayor Perrin noted the money has already been collected for this contract and the sign has already been put up due to the season being half over.

This item was PASSED on the consent agenda.

Enactment No: R-EN-063-2011

RES-11:090 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-064-2011

RES-11:091 RESOLUTION TO ENSURE FURTHERANCE OF FAIR HOUSING PRACTICES IN JONESBORO, ARKANSAS

Sponsors: Grants

This item was PASSED on the consent agenda.

Enactment No: R-EN-065-2011

RES-11:092 RESOLUTION FOR A RESIDENTIAL ANTI-DISPLACEMENT PLAN TO RECEIVE IKE-2 GRANT FUNDS

Sponsors: Grants

This item was PASSED on the consent agenda.

Enactment No: R-EN-066-2011

RES-11:093 A RESOLUTION TO CONTRACT WITH CHICK-FIL-A FOR SPONSORSHIP OF A CONCESSION STAND SIGN AT JOE MACK CAMPBELL PARK

Sponsors: Parks & Recreation

Attachments: [Chick-Fil-A](#)

Mayor Perrin noted the money has already been collected for this contract and the sign has already been put up due to the season being half over.

This item was PASSED on the consent agenda.

Enactment No: R-EN-067-2011

RES-11:094 RESOLUTION OF THE CITY COUNCIL OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND THE CITY CLERK TO EXECUTE AN ADMINISTRATIVE CONTRACT WITH THE EAST ARKANSAS PLANNING AND DEVELOPMENT DISTRICT, AND WILL BE FOR THE ADMINISTRATION OF THE ARKANSAS ECONOMIC DEVELOPMENT PROGRAM (ACEDP), FOR A DISASTER RELIEF PROJECT FOR JONESBORO.

Sponsors: Grants

This item was PASSED on the consent agenda.

Enactment No: R-EN-068-2011

RES-11:101 RESOLUTION TO FILL THE UNEXPIRED TERM OF KEVAN INBODEN ON THE JONESBORO URBAN FORESTRY COUNCIL WITH AN EXPIRATION DATE OF DECEMBER 31, 2013

Sponsors: Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-069-2011

RES-11:103 A RESOLUTION TO ENTER INTO CONTRACT WITH MICHAEL BURROUGHS FOR ACCOUNTANT SERVICES FOR THE FINANCE DEPARTMENT.

Sponsors: Finance and Human Resources

Attachments: [Burroughs contract](#)
[Burroughs contract - PDF version](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-070-2011

RES-11:109 A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH GILLIS, INC. FOR THE TURTLE CREEK GREENWAY - PHASE I SECTION V IMPROVEMENTS - JOB NO. 2011:14

Sponsors: Parks & Recreation

Attachments: [Contract document](#)
[Bid 2011-14 Greenway Section V Tabulation](#)
[Signed Concurrence](#)
[Turtle Creek Greenway Phase I Section V-Contract Documents033011](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-071-2011

RES-11:110 A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO CONTRACT WITH CIVIL ENGINEERING ASSOCIATES, LLC TO PROVIDE ENGINEERING SERVICES FOR THE CROWLEY'S RIDGE PARKWAY: MULTI-USE TRAIL

Sponsors: Parks & Recreation

Attachments: [Crowley'sRidgeScenicBywayAHTDContractwithCityofJonesboro](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-072-2011

RES-11:111 RESOLUTION OF THE CITY COUNCIL OF JONESBORO, ARKANSAS, CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

Sponsors: Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-073-2011

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-11:047 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-4 LUO FOR PROPERTY LOCATED NORTH OF COLONY DRIVE BETWEEN ANTOSH AND RICHARDSON ROAD AS REQUESTED BY DUYN TRAN

Attachments: [Plat](#)
[MAPC Report](#)
[Appeal Letter](#)
[Opposition Material](#)

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

Councilman Moore asked for a brief description of why the MAPC denied the

rezoning. City Planner Otis Spriggs explained the MAPC had a lot of concern with storm water detention and past flooding. He noted the applicant indicated they would satisfy all regulations regarding storm water detention. He further explained the MAPC did not feel the rezoning would promote the general welfare of the district as proposed, so they motioned to deny the request. Councilman Moore clarified the MAPC recommended to deny the request due to storm water concerns as well as thinking the rezoning would not be harmonious for the surrounding area. Mr. Spriggs agreed.

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

Councilman Moore stated he is normally opposed to having three rezoning ordinance readings in one night, but due to the attendance of the majority of the interested parties he thinks the Council owes them a decision tonight.

Councilman Moore motioned, seconded by Councilman Coleman, to suspend the rules and waive the third reading. All voted aye, with the exception of Councilman Vance who voted nay.

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

Aye: 3 - Ann Williams; Charles Frierson and Gene Vance

Nay: 8 - Darrel Dover; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Tim McCall

Enactment No:

ORD-11:048 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-8 LUO FOR PROPERTY LOCATED AT 5306 APT DRIVE AS REQUESTED BY TOBY ALEXANDER AND JACK WHITEHEAD

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

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

This matter was Held at one reading.

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-11:044 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

Sponsors: Police Department

Attachments: [Chapter 66 Section 5 entitled Special Event Assembly Permit](#)
[Chapter 66 Section 5 entitled Special Event Assembly Permit - PDF version](#)
[SPECIAL EVENTS ASSEMBLY APPLICATION.a](#)
[Special Events Street Closing](#)

Councilman Moore asked why this ordinance was tabled at the last Council meeting. Councilman Vance explained he wanted to make sure the City spent the proper time on the ordinance. Councilman Fears questioned whether anyone else on the Council has had calls concerning the ordinance. Councilman Vance stated he may be the only one who had calls. Police Chief Michael Yates stated there is an assumption that the ordinance is a mechanism to control assemblies, but in reality the ordinance is limited in scope to matters that interfere with traffic. He added if nothing is done then it will end up costing the City additional money in overtime. Further discussion was held concerning the ordinance.

Councilman Vance motioned, seconded by Councilman Frierson, to place the ordinance on third reading. All voted aye.

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

A motion was made by Councilman Chris Moore, seconded by Councilman Gene Vance, 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;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 1 - Tim McCall

Enactment No: O-EN-036-2011

ITEMS THAT HAVE BEEN HELD IN COUNCIL

RES-11:085 RESOLUTION TO ESTABLISH A PERMIT FEE FOR SPECIAL EVENT ASSEMBLIES AND A FEE FOR STREET CLOSINGS/BLOCK PARTIES WHICH REQUIRE THE USE OF BARRICADES

Sponsors: Police Department

Councilman Street questioned whether the fee would cover the City's cost for the event. Mayor Perrin stated the fee doesn't cover the whole cost, but it was a nominal fee. Councilman Street clarified the Mayor has the right to waive the fee. Mayor Perrin agreed, but noted it is important the application is turned in so it can be reviewed. Chief Yates noted the ordinance states City sponsored events are exempt from the fees. Discussion was held regarding having fees for sanitation services. Mayor Perrin stated that is something they may want to consider in the future.

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

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

Absent: 1 - Tim McCall

Enactment No: R-EN-074-2011

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

He referred to previous discussions concerning a possible bond issue when they were looking at the bank loan for \$10.5 million several months ago for the Lacy Drive improvements. They were waiting to see if the Attorney General's Office indicated the City could use a bond issue for that project. Due to the current one cent sales tax in which half goes into the Capital Improvement Fund, the Attorney General's opinion stated the City is not eligible for a bond issue for the Lacy Drive improvements.

ASU staff visited the flight service station today to look at it as a possible option in addition to the Reserve Center on Caraway Road.

For the five months ending in May, revenues exceeded expenses by \$75,119. Combined taxes are \$465,000 above budget, with the City being \$144,000. Public safety tax is \$1.694 million year to date. State turnback and the hotel tax is up.

Cal Ripken state tournament will be held at Joe Mack Campbell Park this weekend. They expect hotels will be filled up for the event.

Fuel depot/wash bay area bids came in at \$686,000. They are hoping to decrease that cost.

They looked at railroad quiet zones for the City. The City does not qualify because the distance between some of the crossings are over a mile and are not gated. They are working with Burlington Northern to see how much the cost would be to gate the crossings in order for the City to be able to apply to be a quiet zone.

They applied for a \$600,000 Highway Department grant for Phillips Drive improvements from Caraway to Stadium. The grant was approved for \$300,000 for landscaping and sidewalks. It is an 80/20 match.

The City received \$34,378 in JAG grants and will be re-applying in September.

9. CITY COUNCIL REPORTS

Councilman Street motioned, seconded by Councilman Gibson, to suspend the rules and place RES-11:095 on the agenda. All voted aye.

RES-11:095

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH FRANK A. ROGERS & COMPANY, INC. FOR THE CONSTRUCTION OF THE CITY OF JONESBORO - VEHICLE STORAGE FACILITY - JOB NO. 2011:22

Sponsors: Engineering

Attachments: [Contract.pdf](#)
[Proposal.pdf](#)
[Bid Tab.pdf](#)

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

Absent: 1 - Tim McCall

Enactment No: R-EN-075-2011

Councilman Woods attended the Health and Wellness session at the Municipal League and learned a lot regarding livability. He thanked the Mayor and the Chief for attending the National Day of Summer Learning. He also thanked Councilman Coleman for discussing his boxing experience with the children in attendance.

Councilman Gibson agreed with Councilman Woods and stated they learned a lot at the Municipal League meeting that will benefit the City.

Councilman Coleman announced on June 23rd between 6 p.m. and 8 p.m. at 220 Drake Street they will be having an event to promote the community garden. They will be putting community gardens on property he owns that is not being used. The community gardens will be available to everyone.

Mayor Perrin added they asked a representative from the Secretary of State's Office to visit in two weeks concerning the ward boundaries. He would like to have a City Council meeting to discuss the boundaries because some changes may need to be made due to population changes reflected in the recent census.

10. PUBLIC COMMENTS

Parks employee Larry Jackson asked the Mayor to discuss last week's Finance meeting in which there was discussion concerning the non-uniform pension plan. Mayor Perrin explained Attorney Wyck Nesbitt was at the Finance meeting and discussed freezing the Principal plan and the proposed defined contribution plan the City is looking at. They can reduce contribution levels and have the same benefits as they do now. Finance meetings will be held to discuss the pension plan. They hope to have a complete recommendation before November, so the City can have enrollment and explain the benefits to the employees one-on-one. Councilwoman Williams stated it was a good meeting and stressed making sure the employees have information. Mayor Perrin added the employees will have the option to make contributions to their retirement plan to increase benefits.

Ms. Sherri Beatty invited everyone to the annual summer musical, "Oklahoma". She then discussed her home at 816 Hester Street. She was told it was in the Christian Creek flood zone when she purchased the home. Her premium has recently jumped from \$500 per year to \$2,600 per year. She has spoken with the Corps of Engineers, FEMA and a private attorney, but is not able to get much information. She recently purchased a new home and would like to sell the home on Hester. She noted they have never had a flooding problem. Mayor Perrin stated it is his understanding the FEMA maps are on hold and are not being released at this time. He explained the current maps are many years old, but he is unsure what will happen with the current maps. Councilman Street discussed the new maps and noted the date will still be 1991, but will include numerous LOMRs that have come into effect since 1991. He questioned whether the property has been surveyed. Ms. Stotts answered yes, but the flood elevation line is 302 and the lowest part of the property is 301.1. She explained the house was built one cinder block too low, which is why she spoke with

an attorney. Councilman Street noted it may have been legal to do that when the house was built, but the City no longer allows builders to build below the base flood elevation line.

11. ADJOURNMENT

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

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

Absent: 1 - Tim McCall

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

Attest:

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