



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, September 21, 2010

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

Councilman Woods showed up at 6:45 p.m.

Present 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent 2 - Jim Hargis and Mitch Johnson

4. SPECIAL PRESENTATIONS

COM-10:093

Mayor's Citation for Distinguished Service to be presented to Charles "Chalky" Johnson

Sponsors: Mayor's Office

Mayor Perrin presented the citation to Mr. Johnson for his service to the City of Jonesboro as a city employee for 31 years. Mr. Johnson thanked everyone for their prayers.

COM-10:096

Proclamation for clean-up of Pine Hill Cemetery

Sponsors: Mayor's Office

Mayor Perrin presented the proclamation to Bridget Easton and Patty Lach. Ms. Lach stated the proclamation was unnecessary because they cleaned up the cemetery just because it was something that needed to be done. She added they are going to keep on working to cleanup the cemetery.

COM-10:097

Proclamation for Hope Week to June Morris

Sponsors: Mayor's Office

Mayor Perrin presented the proclamation to Ms. Cheryl Goad. He proclaimed the weeks of September 26 - October 7 as Hope Week throughout the City of Jonesboro.

5. CONSENT AGENDA

Approval of the Consent Agenda

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

Aye: 9 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson and Mikel Fears

Absent: 3 - Jim Hargis; Mitch Johnson and Rennell Woods

MIN-10:085

Minutes for the City Council meeting on September 7, 2010.

This item was PASSED on the consent agenda.

RES-10:099

A RESOLUTION TO ENTER INTO A LEASE AGREEMENT WITH THE JONESBORO SCHOOL DISTRICT NO. 1 OF CRAIGHEAD COUNTY, ARKANSAS

Sponsors: Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-086-2010

RES-10:100

A RESOLUTION TO ENTER INTO A CONTRACT WITH THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE RECREATIONAL TRAIL GRANT

Sponsors: Parks & Recreation and Grants

This item was PASSED on the consent agenda.

Enactment No: R-EN-087-2010

RES-10:101

A RESOLUTION TO CONTRACT WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE 2009 SAFE ROUTES TO SCHOOL GRANT

Sponsors: Engineering, Grants and Parks & Recreation

This item was PASSED on the consent agenda.

Enactment No: R-EN-088-2010

RES-10:106

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO GRANT AN EASEMENT FOR FACILITIES (UTILITY EASEMENT) TO RITTER COMMUNICATIONS

Sponsors: Engineering

This item was PASSED on the consent agenda.

Enactment No: R-EN-089-2010

RES-10:111

A RESOLUTION APPROVING THE IMPLEMENTATION OF 2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACT FOR CITY YOUTH MINISTRIES SUMMER/MENTORING

Sponsors: Community Development

This item was PASSED on the consent agenda.

Enactment No: R-EN-090-2010

RES-10:112

A RESOLUTION APPROVING THE IMPLEMENTATION OF 2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACT FOR THE FOUNDATION OF ARTS - EDUCATION ENRICHMENT

Sponsors: Community Development

This item was PASSED on the consent agenda.

Enactment No: R-EN-091-2010

RES-10:113

A RESOLUTION APPROVING THE IMPLEMENTATION OF 2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACT FOR JONESBORO URBAN RENEWAL HOUSING AUTHORITY - HOUSING COUNSELING

Sponsors: Community Development

This item was PASSED on the consent agenda.

Enactment No: R-EN-092-2010

RES-10:114

A RESOLUTION APPROVING THE IMPLEMENTATION OF 2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACT FOR JONESBORO URBAN RENEWAL HOUSING AUTHORITY - SUBSISTENCE

Sponsors: Community Development

This item was PASSED on the consent agenda.

Enactment No: R-EN-093-2010

RES-10:115

A RESOLUTION APPROVING THE IMPLEMENTATION OF 2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACT FOR MID-SOUTH HEALTH - SUBSISTENCE

Sponsors: Community Development

This item was PASSED on the consent agenda.

Enactment No: R-EN-094-2010

RES-10:116

A RESOLUTION APPROVING THE IMPLEMENTATION OF 2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE PROGRAM CONTRACT FOR MID-SOUTH HEALTH - EMPLOYMENT TRAINING/ASSISTANCE

Sponsors: Community Development

This item was PASSED on the consent agenda.

Enactment No: R-EN-095-2010

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-10:071

AN ORDINANCE TO AMEND ORDINANCE NO. 10:029 AND SECTION 117-32 OF CHAPTER 117 OF THE JONESBORO CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS FOR THE PURPOSE OF CLARIFICATION ON THE PERMIT DRAWING REQUIREMENTS AS IT RELATES TO MULTI-FAMILY AND COMMERCIAL APPLICATIONS

Sponsors: Planning and Inspections

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

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

Councilman Moore motioned, seconded by Councilman Street, to adopt the emergency clause. All voted aye.

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

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 2 - Jim Hargis and Mitch Johnson

Enactment No: O-EN-051-2010

ORD-10:077

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 TO CR-1 LUO FOR PROPERTY LOCATED AT 401 EAST OAK AS REQUESTED BY GLEN AND NANCY MORING

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

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Waive Second Reading . The motion PASSED by a unanimous vote

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 2 - Jim Hargis and Mitch Johnson

7. UNFINISHED BUSINESS**ORDINANCES ON SECOND READING****ORD-10:072**

AN ORDINANCE TO AMEND TITLE 14, OF THE JONESBORO MUNICIPAL CODE KNOWN AS THE ZONING ORDINANCE PROVIDING FOR A CHANGE IN ZONE DISTRICT BOUNDARIES FROM R-1 TO C-4 LUO FOR PROPERTY LOCATED AT 5205 EAST JOHNSON AVENUE AS REQUESTED BY BORDER PROPERTIES

Councilman Vance abstained from discussion and voting.

Mr. Chris Gardner, attorney for the property owners, discussed the rezoning. He noted they met with the surrounding property owners last night, which was the third meeting concerning the rezoning. He stated he doesn't think any new issues were resolved, but everyone made a good faith attempt to discuss the issues and work them out. He discussed the attached list of owner's concessions and noted they have

worked from the beginning to address the concerns of the surrounding property owners. He also noted the property has been up for sale for two years as residential and has not sold yet. He stated the proposed rezoning has commercial property in the area that are also near residential neighborhoods with no evidence of negative effects on the homes in those neighborhoods.

Mr. Roger Lamkin, 1008 Oriole Drive, spoke in opposition to the rezoning. He discussed the property and noted the company stands to profit over \$900,000 if it sells as commercial. He also discussed the domino effect of other property owners along the highway wanting to rezone their property as commercial if this rezoning is approved.

Mr. Louis Roberts, an abutting property owner, spoke in support of the rezoning. He stated sooner or later the property will go commercial, but that the C-4 limited zoning would be better than C-3 or what is there now.

Ms. Denise Bowman, 1017 Oriole, spoke in opposition to the rezoning. She noted they just want restaurant, convenience store and retail store uses to be taken off the rezoning. She expressed concern over the increased amount of traffic and asked for the Council to consider the residents when making their decision.

Mr. Terry Kee, 1100 Oriole, also spoke in opposition to the rezoning. He stated the Council should know the residents have made concessions with the rezoning as well. He noted the businesses in the area are not open 24 hours a day, while some businesses that could be built on the proposed rezoning property could be open 24 hours a day. He explained the MAPC informed them the Council has the ability to restrict the hours of possible businesses for that property. He then questioned whether something could be done to restrict the traffic from the proposed rezoning property in order for the traffic to not go into the neighborhood.

Councilman Fears stated it seems like the property owners in the area should consider preferring the C-4 LUO rezoning as opposed to a C-3 rezoning, which is less restrictive. He noted they could look at making more restrictions, such as the time limits, but he thinks it says a lot that the current property owners have worked with the surrounding residents. Mr. Kee stated they didn't move into the neighborhood to be next to businesses such as those that could be on the property.

Councilman Dover questioned whether the Council has the authority to set hours of business operations for the property. City Planner Otis Spriggs answered yes, with the limited use overlay restriction the Council can set the hours. He added the MAPC makes the recommendations and the City Council has the authority to add to or take away from what the MAPC recommends. Mr. Spriggs explained hours of operation were discussed for Lot 29, which city staff looked at and made recommendations. He noted Lot 29 would be the main concern.

Councilman McCall then questioned how Mr. Spriggs sees the property progressing in eight years. Mr. Spriggs explained the Land Use Advisory Board looked at the area and developed the land use plan for orderly growth. He stated the C-4 zoning would be better for that property as opposed to C-3. He further explained there will be a growth in that area for office and support staff, as well as restaurants in the future. He noted they will also be looking at access for those areas.

Councilman Fears questioned whether time limitations for future businesses on that property had been discussed. Mr. Gardner answered yes, but to limit business hours could produce more rezoning in the future in order to get the business hours limitation lifted. Councilman Fears noted site plans have to be sent to the MAPC for approval.

Mr. Gardner answered yes.

Councilwoman Williams asked about the difference between retail store and convenience store. Mr. Spriggs stated at a convenience store there are different products and have different hours of operation as opposed to a retail store.

Further discussion was held concerning the rezoning.

Mr. Blake Thompson, 1013 Oriole, spoke in opposition to the rezoning. He expressed concern about an increase in traffic flow and stated they are just concerned home owners. He stated if the zoning goes to C-4 then maybe the police presence could be increased or possibly speed bumps could be put in to keep the speeding vehicles down.

Councilman Moore motioned, seconded by Councilman Street, to suspend the rules and waive the third reading. Discussion was held concerning restricting the business hours for the property. Mr. Spriggs clarified the site plan will be reviewed by the MAPC and can be appealed to the City Council if needed. It was noted the appeal is not limited to being just for the applicant; rather, the homeowners can appeal it as well. All voted aye, with the exception of Councilman Dover who voted nay and Councilman Vance who abstained.

It was noted there was an emergency clause on the rezoning, but due to the lack of reason for the emergency clause it was decided not to pass the clause.

A motion was made by Councilman Charles Frierson, seconded by Councilman Chris Moore, that this matter be Passed . The motion carried by the following vote.

Aye: 8 - Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Chris Gibson; Rennell Woods and Mikel Fears

Nay: 1 - Darrel Dover

Absent: 2 - Jim Hargis and Mitch Johnson

Abstain: 1 - Gene Vance

Enactment No: O-EN-052-2010

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

City will be selling items at the end of October/beginning of November.

Code Enforcement and Sanitation will be cleaning up neighborhoods in the City. Sanitation will pick up items from Main Street to Fourth Street and from West Word to West Allen. After October 4th citations will be handed out if property in those areas is not cleaned up. This is the first of the clean ups in the City.

They are still waiting to hold the exit interview with Legislative Audit.

A letter is being drafted and will be sent to Principal Financial concerning the non-uniform pension plan. Contact has also been made with the attorneys in Florida.

The financials still look positive. There is some concern with building permits, which are below budget. Sales tax revenues for the city and county have leveled out with

the budget. August was the second lowest O&M expense month for the year and is \$1.7 million below budget in O&M expenses for the year.

The 2011 and 2012 budgets are being worked on. They will be meeting with the department heads.

The stop light on Gee Street and Dan Avenue should be up shortly.

Dr. Farris from ASU will be giving a presentation at the next Council meeting concerning the vegetation management study that is currently being conducted.

\$11,920 has been received from a grant for enforcement and education for underage drinking. They have also applied for a \$72,000 step grant.

The City received a 3rd place award for the City's website from an independent company.

He gave an update concerning condemnations.

Operations Director Gary Harpole has given his notice and this will be his last Council meeting. He will continue to help chair Jonesboro 2030, as well as working on other projects for the City. He thanked Mr. Harpole for his work.

COM-10:092

Financial statements for the Jonesboro Airport Commission for the eight months ending August 31, 2010, and 2009

Sponsors: Mayor's Office

COM-10:100

Flyer concerning cleanup as presented by Mayor Perrin

9. CITY COUNCIL REPORTS

Councilman Street motioned, seconded by Councilman Gibson, to suspend the rules and add ORD-10:078 to the agenda. All voted aye.

ORD-10:078

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF 3 PIECES OF USED EQUIPMENT FOR THE STREET AND SANITATION DEPARTMENTS.

Sponsors: Mayor's Office

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

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

Councilman Street motioned, seconded by Councilman Woods, to adopt the emergency clause. All voted aye.

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: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 2 - Jim Hargis and Mitch Johnson

Enactment No: O-EN-053-2010

Councilman Dover thanked the Mayor and Council members for their work at the tailgate party Friday night. The students raised 10 tons of food for the Food Bank and will have a check for CityYouth.

Councilman Moore motioned, seconded by Councilman Street, to suspend the rules and place ORD-10:073 on the agenda. All voted aye.

ORD-10:073

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF DIGITAL CAMERA EQUIPMENT FOR POLICE UNITS USING 2010 JUSTICE ASSISTANCE GRANT FUNDING

Sponsors: Police Department and Grants

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

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

Councilman Moore motioned, seconded by Councilman Street, to adopt the emergency clause. All voted aye.

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

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 2 - Jim Hargis and Mitch Johnson

Enactment No: O-EN-054-2010

Councilman Vance announced the bids for the mechanic shop will be opened at 2 p.m. tomorrow.

10. PUBLIC COMMENTS

COM-10:099

Proposed resolution presented by Mr. Brad Erney concerning Senate candidate support for Speaker of the House.

Mr. Brad Erney read a statement on behalf of the Speaker Education Project. He asked the Council to help citizens understand the role of the Speaker of the House of Representatives. He also asked the Council to help them find out who the current Senate candidates would support for Speaker of the House. He stated the City Council has a duty to join them in their efforts. He then asked the Council to consider adopting the resolution. He added if they do not adopt the resolution, then they could ask as individuals who the Senate candidates support as Speaker of the House.

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: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 2 - Jim Hargis and Mitch Johnson

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

Attest:

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