



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Council Agenda City Council

Tuesday, June 5, 2012

6:30 PM

Huntington Building

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

City Council Chambers, Huntington Building

SPECIAL CALLED FINANCE COMMITTEE MEETING AT 6:15 P.M.

City Council Chambers, 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

COM-12:035 Centerpoint Energy check presentation by District Manager Terry Rollins to Mayor Harold Perrin and Grants Administrator Heather Clements

Sponsors: Mayor's Office

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-12:043 Minutes for the City Council meeting on May 15, 2012

Attachments: [Minutes](#)

RES-12:064 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ADOPT A REVISED EMPLOYEE HANDBOOK FOR ALL EMPLOYEES OF THE CITY OF JONESBORO

Sponsors: Mayor's Office and Human Resources

Attachments: [Clean Handbook 2012](#)

[PROPOSED HANDBOOK REVISIONS](#)

Legislative History

5/22/12	Finance & Administration Council Committee	Recommended to Council
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RES-12:069 A RESOLUTION TO CONTRACT WITH CHICK-FIL-A FOR SPONSORSHIP OF A OUTFIELD SIGN AT SOUTHSIDE SOFTBALL COMPLEX

Sponsors: Parks & Recreation

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

Legislative History

5/14/12 Public Services Council Recommended to Council
Committee

RES-12:070 A RESOLUTION TO CONTRACT WITH DAIRY QUEEN FOR SPONSORSHIP OF A CONCESSION STAND SIGN AT JOE MACK CAMPBELL PARK

Sponsors: Parks & Recreation

Attachments: [Dairy Queen](#)

Legislative History

5/14/12 Public Services Council Recommended to Council
Committee

RES-12:076 A RESOLUTION AUTHORIZING THE GRANTS DEPARTMENT TO SUBMIT A GRANT APPLICATION FOR THE FY 2012 BYRNE CRIMINAL JUSTICE INNOVATION PROGRAM TO ENHANCE THE NORTH JONESBORO NEIGHBORHOOD INITIATIVE BY ADDING A CRIME PREVENTION STRATEGY TO THE REVITALIZATION EFFORT.

Sponsors: Grants and Police Department

Legislative History

5/22/12 Finance & Administration Recommended to Council
Council Committee

6. NEW BUSINESS

COM-12:036 Request by Grayson Investments to set an appeal hearing regarding the denial by the MAPC to rezone property located at 3701 East Johnson Avenue to modify the existing C-3 L.U.O. to provide for additional uses

Attachments: [Appeal Letter](#)

[MAPC Report](#)

[MAPC Record of Proceedings](#)

[Plat](#)

[Proposed ordinance](#)

ORDINANCES ON FIRST READING

ORD-12:025 AN ORDINANCE TO AMEND THE 2012 ANNUAL BUDGET AND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD A TRAFFIC OPERATIONS ENGINEER IN THE ENGINEERING DEPARTMENT

Sponsors: Engineering and Human Resources

Attachments: [Traffic Operations Engineer](#)

Legislative History

5/22/12 Finance & Administration Recommended to Council
Council Committee

ORD-12:026 AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF SOFTWARE AND EQUIPMENT FROM RITTER COMMUNICATIONS OF JONESBORO, ARKANSAS

Sponsors: Information Systems

Legislative History

5/22/12 Finance & Administration Recommended to Council
Council Committee

ORD-12:029 ORDINANCE AUTHORIZING A MEMBER OF THE JONESBORO CITY COUNCIL TO CONDUCT BUSINESS WITH THE CITY OF JONESBORO, ARKANSAS AND DECLARING AN EMERGENCY

Sponsors: Finance

EMERGENCY CLAUSE

Legislative History

5/22/12 Finance & Administration Recommended to Council
Council Committee

ORD-12:030 ORDINANCE AUTHORIZING A MEMBER OF THE JONESBORO CITY COUNCIL TO CONDUCT BUSINESS WITH THE CITY OF JONESBORO, ARKANSAS AND DECLARING AN EMERGENCY

Sponsors: Finance

EMERGENCY CLAUSE

Legislative History

5/22/12 Finance & Administration Recommended to Council
Council Committee

ORD-12:031 AN ORDINANCE TO PROVIDE FOR THE EXECUTION AND MAINTENANCE OF A LETTER OF CREDIT TO BE ISSUED TO THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

Sponsors: Finance

EMERGENCY CLAUSE

Legislative History

5/22/12 Finance & Administration Recommended to Council
Council Committee

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-12:028 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 2217 WEST PARKER ROAD AS REQUESTED BY THE CITY OF JONESBORO

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

Legislative History

5/15/12 City Council Held at one reading

ORDINANCES ON THIRD READING

ORD-12:027 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 R-2 TO C-3 FOR PROPERTY LOCATED AT 1925 SOUTH MAIN STREET AS REQUESTED BY SOUTHERN BANK

Attachments: [Rezoning Plat](#)
[MAPC Report](#)
[Application](#)
[Concept Plan Layout](#)
[Supporting documentation from Jonesboro School District](#)

EMERGENCY CLAUSE

Legislative History

5/15/12 City Council Waive 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



Legislation Details (With Text)

File #: COM-12:035 **Version:** 1 **Name:** Check presentation by Centerpoint Energy
Type: Other Communications **Status:** To Be Introduced
File created: 5/17/2012 **In control:** City Council
On agenda: **Final action:**
Title: Centerpoint Energy check presentation by District Manager Terry Rollins to Mayor Harold Perrin and Grants Administrator Heather Clements
Sponsors: Mayor's Office
Indexes: Presentations
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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title
Centerpoint Energy check presentation by District Manager Terry Rollins to Mayor Harold Perrin and Grants Administrator Heather Clements



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Legislation Details (With Text)

File #: MIN-12:043 **Version:** 1 **Name:**
Type: Minutes **Status:** To Be Introduced
File created: 5/22/2012 **In control:** City Council
On agenda: **Final action:**
Title: Minutes for the City Council meeting on May 15, 2012
Sponsors:
Indexes:
Code sections:
Attachments: [Minutes](#)

Date	Ver.	Action By	Action	Result
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title
Minutes for the City Council meeting on May 15, 2012



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, May 15, 2012

6:30 PM

Huntington Building

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

NOMATING & RULES COMMITTEE MEETING AT 6:20 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

COM-12:031 Relay for Life proclamation presented by the Mayor

Sponsors: Mayor's Office

Mayor Perrin presented the proclamation to Mr. Doug Crews. He proclaimed June 1, 2012, as the American Cancer Society Relay for Life Day and encouraged citizens to support the event. Mr. Crews thanked the Mayor and invited the Mayor to attend and lead the first lap.

Read

Recognition of Boy Scout Troop 134

Mayor Perrin recognized the troop for their work.

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-12:039 Minutes for the City Council meeting on May 1, 2012

Attachments: [Minutes](#)

This item was PASSED on the consent agenda.

RES-12:041 A RESOLUTION TO THE CITY OF JONESBORO TO PARTICIPATE IN THE CONSTRUCTION OF A QUASI-REGIONAL DETENTION POND IN WYNDCHASE SUBDIVISION

Sponsors: Engineering

This item was PASSED on the consent agenda.

Enactment No: R-EN-069-2012

RES-12:057 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A PUBLIC HIGHWAY GRADE SEPARATED CROSSING IMPROVEMENT AGREEMENT

Sponsors: Engineering

Attachments: [RR Agreement.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-070-2012

RES-12:058 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM STEPHEN MOORE FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

Sponsors: Engineering

Attachments: [Permanant Drainage Easement.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-071-2012

RES-12:059 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM JANE RANKIN COOK AND MARTIN L. COOK FOR ROADWAY AND DRAINAGE IMPROVEMENTS

Sponsors: Engineering

Attachments: [Dedication Deed.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-072-2012

RES-12:061 A RESOLUTION TO TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR GREGORY SUBDIVISION, PHASE IIA, A RESIDENTIAL SUBDIVISION

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-073-2012

RES-12:062 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH ROBERTSON INC., BRIDGE AND GRADING DIVISION FOR THE BRIDGE STREET BRIDGE REHABILITATION - JOB NO. 2012:23

Sponsors: Engineering

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

This item was PASSED on the consent agenda.

Enactment No: R-EN-074-2012

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-12:027 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 R-2 TO C-3 FOR PROPERTY LOCATED AT 1925 SOUTH MAIN STREET AS REQUESTED BY SOUTHERN BANK

Attachments: [Rezoning Plat](#)
[MAPC Report](#)
[Application](#)
[Concept Plan Layout](#)
[Supporting documentation from Jonesboro School District](#)

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

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, to Waive the Second Reading . 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

ORD-12:028 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 2217 WEST PARKER ROAD AS REQUESTED BY THE CITY OF JONESBORO

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

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

Councilman Moore asked that for transparency purposes this ordinance be read at three separate meetings due it being the City's property.

Mayor Perrin noted the City has sold all of the related encroachments and has collected money on all of them, except for two. After they receive the money for the remaining two encroachments they will put the land out for bid.

This ordinance was Held at one reading.

7. UNFINISHED BUSINESS

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

It will be late June when Bridge Street will be closed due to the improvements being done on the bridge. They had thought it would be early June, but have had to order parts for the project which will delay the closing until late June. Citizens will be notified via Channel 24 and through other media.

He invited the aldermen and department heads to view the new public works facility on Lacy Drive on June 4th at 5:30 p.m. The public open house will be after the viewing by aldermen.

They are still working with Mr. Jerry Brackett on the floor plan for the expansion of City Hall. They have a few changes that need to be made to the current plans.

The Ward 1 meeting was held last week. There was a light turnout, but they got quite a few good comments to work on. The Ward 2 meeting will be May 17th at Parker Park.

He attended an ADEQ meeting today in Little Rock. They are trying to put things together for legislation for next year. They are collecting data from municipalities regarding landfills.

The YMCA pool project is on schedule. They hope to beat the July 2nd deadline.

The new knuckleboom truck has arrived and is working.

The Skycop traffic study will start today. The Public Safety Committee asked for an update on the traffic study at their next regular meeting in June.

Governor Beebe signed a document stating Jonesboro's Kansas City Barbecue is the only sanctioned KC Barbecue in the State. They hope it will increase the number of participants in the barbecue fest.

They have made recommendations to CWL for additional lighting downtown.

This weekend there will be a state tournament at Joe Mack Campbell Park due to closing of fields in Conway.

The Phillips Drive enhancement construction should start in June. There will be sidewalks on both sides of the street between Caraway and Stadium. There will also be lighting and landscaping.

COM-12:034 Financial reports as presented to the City Council on May 15, 2012

Sponsors: Finance

Attachments: [2012 Franchise Fees Period Comparison](#)
[2012 Hotel tax Comparison Report](#)
[2012 Hotel tax \(cash \) Report](#)
[April Expense Report](#)
[April Statement of Rev, Exp and Changes in FB](#)
[Combined Sales Tax Revenue](#)
[Deposit Collateralization Report](#)
[Public Safety Tax vs. Expenditures](#)
[Required Reserves 4-30-2012](#)
[State Turnback Report](#)

Through April, the City is still looking good on revenue and expenses. The City is up \$400,000 between revenue and expenses. Normally, that would be a negative number due to large payments the City makes at the beginning of the year. Sales tax is increasing. The state turnback and franchise fees are still up, but the franchise fee from Centerpoint Energy is down due to lack of gas utility use by citizens because of the warm winter. All accounts are collateralized. The City is earning 1.2% on checking accounts, which is better than what most cities are receiving now.

This item was Read.

9. CITY COUNCIL REPORTS

Councilman Moore motioned, seconded by Councilman Street, to suspend the rules and add RES-12:071 to the agenda. All voted aye.

RES-12:071 RESOLUTION TO CREATE AND APPOINT MEMBERS TO THE MAYOR'S HOUSING STUDY ADVISORY COMMITTEE

Sponsors: Mayor's Office

A motion was made by Councilman John Street, seconded by Councilman Mikel Fears, 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: R-EN-075-2012

Councilman Moore motioned, seconded by Councilman Johnson, to suspend the rules and add RES-12:075 to the agenda. All voted aye.

RES-12:075

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH STONEBRIDGE CONSTRUCTION, LLC FOR THE SOUTHSIDE SOFTBALL YOUTH QUAD CONCESSION AND RESTROOM FACILITY

Sponsors: Parks & Recreation

Attachments: [A201-2007 - Final Revised GC - Southside Concession](#)

Councilman Frierson asked for the clarification regarding the details of the construction due to the amount of the contract. Mayor Perrin explained this is for construction of the concession stand at Southside Ballpark. It will be a two-story facility, with bathrooms and the concession stand on the bottom floor. There will be a canopy that people can sit under with televisions to watch games. The second floor will have Ms. Sharon Turman's office, as well as a lounge and other shared facilities for the umpires. It will be a big facility. CWL will put in the lines to hook up utilities to the facility.

A motion was made by Councilman Chris Gibson, seconded by Councilwoman Ann Williams, 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: R-EN-076-2012

Councilman Moore proposed a new procedure for rezoning requests. He noted if they have the first and second readings during the first meeting, then everyone will know they will make a decision at the next meeting. But, if there is only one reading during the first night, then it's up in the air as to when the decision will be made. He recommended that regarding rezoning requests if they are not going to have two readings on the first night, then the rezoning go through the entire three readings so the public will know when a decision is going to be made to eliminate confusion.

10. PUBLIC COMMENTS

Mr. Frank Trent, 1013 Sandino, discussed the speed limit on Sandino. He would like it to be lowered and enforced. He noted 30 mph on that street is too fast and added the street next to him is 20 mph. A traffic monitor was put up, but the residents would like something more done. There are a lot of children in the area and cars are typically parked on the street. He recommended lowering the speed limit. Chief Operating Officer LM Duncan explained the Traffic Committee discussed the situation and decided to put up signs stating "Children at Play" to see if that will slow down the traffic. If that doesn't work, they will look at something else.

11. ADJOURNMENT

A motion was made by Councilman Mitch Johnson, seconded by Councilman

Chris Moore, that this meeting be Adjourned . 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

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

Attest:

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



Legislation Details (With Text)

File #:	RES-12:064	Version:	1	Name:	Adoption of revised employee handbook
Type:	Resolution	Status:		Status:	Recommended to Council
File created:	4/26/2012	In control:		In control:	Finance & Administration Council Committee
On agenda:		Final action:		Final action:	
Title:	RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ADOPT A REVISED EMPLOYEE HANDBOOK FOR ALL EMPLOYEES OF THE CITY OF JONESBORO				
Sponsors:	Mayor's Office, Human Resources				
Indexes:	Policy - creation/amendment				
Code sections:					
Attachments:	Clean Handbook 2012 PROPOSED HANDBOOK REVISIONS				

Date	Ver.	Action By	Action	Result
5/22/2012	1	Finance & Administration Council Committee		

Title

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ADOPT A REVISED EMPLOYEE HANDBOOK FOR ALL EMPLOYEES OF THE CITY OF JONESBORO

Body

WHEREAS, there is a need for a revised employee handbook as a guide for all employees of the City of Jonesboro,

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

1. The City of Jonesboro Employee Handbook is hereby adopted by reference, as though set out herein word by word, as a guide for all employees of the City of Jonesboro.
2. The City of Jonesboro Employee Handbook will be effective for all employees.
3. All previous editions of any employee handbook for the City of Jonesboro are hereby repealed in their entirety.



City of Jonesboro Employee Handbook



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CITY OF JONESBORO

INTRODUCTION

This Handbook is designed to acquaint you with the City and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the City to benefit employees. One of our objectives is to provide an opportunity for employees to fully develop their potential and find job satisfaction which will benefit the community greatly since it results in better service and higher productivity.

This Handbook is not a contract or a statement of rights and does not change your "At-Will" employment status. No supervisor has the authority to make changes to the Handbook. All changes must be approved by the City Council of the City of Jonesboro.

DEPARTMENTAL POLICIES AND PROCEDURES

Department Heads are authorized to adopt lawful written policies governing the day-to-day operations of their department. Other than police department policies, all departmental policies must be approved by the Mayor before they are considered effective. Departmental policies, other than police department policies, if in conflict with the policies and procedures contained in this Handbook will be superseded by the Handbook's provisions.

All departmental policies must be provided to the Human Resources Director.

SECTION I

EMPLOYMENT POLICIES

EQUAL EMPLOYMENT EMPLOYER

It is the continuing policy of the City of Jonesboro to ensure equal employment opportunity in all personnel actions taken. Our policy is stated as follows:

1. Recruiting, hiring, training, and promoting for all jobs will be without regard to race, color, national origin, religion, sex, age, disability, or genetic information, and will conform with all applicable laws and regulations.
2. Decisions on employment will be based solely on the individual's qualifications for the position being filled.
3. Any promotional decisions will be based solely on the individual's qualifications as related to the requirements of the position for which the individual is being considered.
4. All other personnel actions, such as compensation, benefits, transfers, terminations, and layoffs, return from layoff, and training programs will be administered without regard to race, color, national origin, religion, sex, age, disability, or genetic information.
5. The Human Resources Director is responsible for this policy and for the necessary reporting and monitoring procedures associated with it. Any complaints should be directed to her attention. This policy may be periodically reviewed.

EMPLOYMENT AT WILL – NON-CIVIL SERVICE EMPLOYEES

Other than Civil Service employees, all other City employees are employed at will. Employment with the City of Jonesboro is voluntarily entered into, and the employee is free to terminate the employment relationship at any time, with or without notice and for any reason or no reason at all, with or without cause. Similarly, the City of Jonesboro may terminate the employment relationship at any time, with or without notice and for any lawful reason or no reason at all, with or without cause.

Policies set forth in this Employee Handbook are not intended to create a contract, nor are they to be construed to constitute a contractual obligation of any kind or a contract of employment between the City of Jonesboro and any of its employees. No employee, supervisor, manager, or any other City of Jonesboro representative is authorized to represent to any employee that they are employed by the City of Jonesboro on any other basis, and each employee should never interpret any such person's remarks, or anything written in this Employee Handbook, as a guarantee of continued employment. The provisions of the Employee Handbook have been developed at the discretion of management and, except for its policy of employment at will, may be amended or canceled at any time, at the City of Jonesboro's sole discretion.

VACANCIES, PROMOTIONS, JOB POSTINGS, and ADVERTISEMENT

Applications for city employment will not be accepted from anyone under 18 years old except for certain youth program positions.

Individuals seeking employment with the City may pick up an application at the Human Resources Department or apply on-line on the website, www.jonesboro.org. Applications will only be accepted when the City is currently seeking to fill a vacancy or when a job opening is posted.

Applicants shall be disqualified from consideration for employment for any of the following reasons:

1. Falsification or misrepresentation of information on the application form or any employment related forms or documents.
2. Failure to submit by the closing date for applications any required application documents as described in the job announcement.
3. Improper influence; an attempt by the applicant himself or through others, with his knowledge, to influence a member of the hiring process.
4. Conviction of or pleading Nolo contendere to any felony and/or any misdemeanor, which, at the discretion of the Mayor, compromises the employee's position or reflects negatively upon the integrity of the City. Conviction is not an automatic bar to employment; all circumstances will be considered.

It is the policy of the City of Jonesboro to hire and promote the most qualified applicant for all positions.

Job openings will be announced and posted on the City's website, www.jonesboro.org, in City Hall and at other City Facilities at least 10 days before the deadline for applications. Copies of the job announcement will be sent to City Departments and as needed, to public and private employment agencies, local news media and other sources.

Department Heads may fill any vacancy by promoting an existing worker without advertising the position. At the Department Head request, job openings may be restricted to current City employees only. Then the announcement will be posted for 5 days. The final decision regarding filling positions will be made by the Department Head upon recommendation by the Supervisor. In emergency situations, where vital city services are at stake, any part of the normal hiring process may be waived.

PERSONNEL FILES

The City maintains an official personnel file on each employee. The file includes information that is needed by the City in conducting its business or as required by federal, state, or local

law. Personnel files are the property of the City, and access is limited. You may view your own personnel file during normal business hours.

To keep personnel files up to date, employees are responsible to notify Human Resources in writing of any changes in name, address, telephone number, and marital status, number of dependents, beneficiary designations, W-4 changes and emergency contact. Family status changes affecting insurance coverage must be made within 31 calendar days of a change.

NEPOTISM

It is against City policy to hire persons in a department who are immediate family members of direct supervisory personnel in that department. As defined in this section, immediate family means your parents, spouse, children, brother, sister, and in-laws. This will include "step" or "foster" family members.

If you get married to another employee in your department, and one of you is in a direct supervisory position, the following actions must be taken.

1. You must notify your Department Head and the Human Resource Director as soon as possible before the marriage.
2. One of you will be required to resign or transfer to another department within 30 calendar days after the marriage.
3. You may mutually agree on which one of you will transfer or resign.
4. If you cannot agree, the employee with the lower classification will be required to transfer or resign.

DRUG-FREE WORK PLACE

Purpose of Policy

The City of Jonesboro has a vital interest in providing for the safety and well-being of all employees and the public and maintaining efficiency and productivity in all of its operations. In fulfillment of its responsibilities, the City is committed to the maintenance of a drug and alcohol free workplace.

The City and certain employees who drive commercial motor vehicles are subject to the requirements of federal statutes and implementing regulations issued by the Federal Highway Administration and Federal Transit Administration of the U.S. Department of Transportation. They are governed by separate policies, the City of Jonesboro's Supplemental Substance Abuse Policy for Employees Required to Possess a Commercial Driver's License and JETS' Substance Abuse Testing Program Policy, enacted pursuant to applicable laws. Often however, the DOT and transit policies do not cover certain city employees who perform safety and security-sensitive functions. In addition, the City has an interest in maintaining the efficiency,

productivity and well-being of employees who do not perform safety or security-sensitive functions. In order to further provide a safe environment for city employees and the public, the City has adopted the following Drug-Free Workplace Policy for those employees who are not covered by federal law with respect to substance abuse testing.

Policy Statement

All employees must be free from the effects of illegal drugs and alcohol during scheduled working hours as a condition of employment. Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks or at lunch, or working or reporting for work when impaired by or under the influence of alcohol, or when drugs and/or drug metabolites are present in the employee's system, is strictly prohibited and grounds for immediate discharge. In addition, employees are subject to immediate discharge for the unlawful manufacture, distribution, dispensation, possession, concealment or sale of alcohol or drugs while on duty, on City property, in City vehicles, during breaks or at lunch.

The City reserves the right to require employees to submit to urine drug testing and Breathalyzer alcohol testing to determine usage of drugs and/or alcohol as provided below. Employees must submit to all required tests. Any employee who refuses to submit to any required test without a valid medical explanation will be subject to immediate discharge. Refusal to execute any required consent forms, failure to show up within the required time frame or refusal to cooperate regarding the collection of samples, or submission or attempted submission of an adulterated or substituted urine sample will be deemed refusal to submit to a required test.

Safety and Security-Sensitive Positions Defined

A safety-sensitive position is one in which a momentary lapse of attention may result in grave and immediate danger to the public. The following positions are considered safety sensitive:

- Any certified employee of the Jonesboro Police Department.
- Fire department employees who directly participate in fire-fighting activities.
- Mechanics and welders who work on vehicles designed to carry passengers such as buses, police cruisers, vans and the like.

A security-sensitive position includes:

- Any police officer, jailer, police dispatcher, and other police department employees, including clerical employees, who have access to information concerning ongoing criminal investigations and criminal cases, which information could, if revealed, compromise, hinder, or prejudice the investigation or prosecution of the case that would present a danger to the public.
- Any employee in the Information Systems department as they have access to all the IS equipment and systems that control the functioning of the City.

- Any employee in the Finance Department, other than Accounts Payable Specialists, as they have access to the finances and systems of the City.

Drug-Free Awareness Program/Education and Training

The City will establish a Drug-Free Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. The City will use this program in an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace.

The City's Drug-Free Awareness Program will inform employees about: (1) the dangers of drug and alcohol abuse in the workplace; (2) the City's policy of maintaining a drug and alcohol free workplace; (3) the availability of drug and alcohol treatment, counseling and rehabilitation programs; and (4) the penalties that may be imposed upon employees for drug and alcohol abuse violations.

As part of the Drug-Free Awareness Program, the City will provide educational materials that explain the City's policies and procedures. Employees will be provided with information concerning the effects of alcohol and drug use on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem; and available methods of intervening when an alcohol or drug problem is suspected, including confrontation and/or referral to management.

Supervisors who may be asked to determine whether reasonable suspicion exists to require an employee to undergo drug and/or alcohol testing will receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and drug use.

Prohibited Substances/Legal Drugs/Unauthorized Items

Prohibited Substances

Alcoholic beverages and drugs are considered to be prohibited substances in the workplace. For purposes of this policy, the term "drugs" includes controlled substances (as identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. 812, and the regulations promulgated there under, and defined in the Uniform Controlled Substances Act, Ark. Code Ann. 5-64-201-216,) including synthetic narcotics, designer drugs, and prescription drugs, except prescription drugs approved by and used in accordance with the directions of the employee's physician.

Legal Drugs

The appropriate use of prescription drugs and over-the-counter medications is not prohibited. Any employee using a prescription drug should consult with his/her physician and pharmacist regarding the effects of the drug. Employees should read all labels carefully.

Unauthorized Items

Employees may not have any unauthorized items in their possession or in any area used by them or under their control. Unauthorized items may include, but are not limited to, alcoholic beverage containers and drug paraphernalia.

Use Of Alcohol and Drugs/Prohibited Conduct

All employees covered under this policy are subject to the following prohibitions regarding the use of alcohol and drugs (controlled substances):

- Employees shall not report for duty or remain on duty while impaired by the consumption of alcohol. An employee will be deemed to be impaired by alcohol if that employee has a blood alcohol concentration of 0.04 or greater.
- Employees shall not consume alcohol while on duty.
- Employees required to undergo post-accident testing shall not use alcohol for 8 hours following the accident, or until they undergo a post-accident alcohol test.
- Employees shall submit to all authorized drug or alcohol tests.
- Employees shall not report for duty or remain on duty while under the influence of any controlled substance, except when the use thereof is pursuant to the instructions of a licensed physician who has advised the employee that the effect of the substance on the employee does not pose a significant risk of substantial harm to the employee or others in light of his/her normal job duties.

In addition, subject to the disciplinary rules set forth below, employees who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, in any authorized alcohol test shall be removed from duty, and may not return to duty until the start of the employee's next regularly scheduled shift, but not less than 24 hours following administration of the test.

The foregoing rules shall apply to all employees and shall apply while on duty, during periods when they are on breaks or a lunch, or not performing safety or security sensitive functions.

When Drug and Alcohol Testing May Be Required Of Employees

Employees (and applicants) covered by this policy shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the following circumstances.

- When the City has reasonable suspicion that an employee has violated any of the above prohibitions regarding use of alcohol or drugs. For purposes of this rule, reasonable suspicion shall be based on specific, contemporaneous, particular observations concerning the appearance, behavior, speech or body odors of the employee. The required observations must be made by a supervisor or city official or employee who is trained in detecting the signs and symptoms of misuse of alcohol and drug use.

- As part of a pre-employment examination after a conditional job offer has been made, a fitness for duty physical examination, or any other lawful required periodic physical examination. Non-safety and non-security sensitive positions will not be required to undergo a pre-employment drug or alcohol test unless the applicant is otherwise required to undergo a pre-employment physical examination after a conditional job offer has been extended to the employee.
- When the City management has a reasonable suspicion based on observations or credible information submitted to the City, that the employee is currently using, impaired by or under the influence of drugs or alcohol.
- When an employee suffers an on-the-job injury following a serious or potential serious accident or incident in which safety precautions were violated, equipment or property was damaged, an employee or other person was injured, or careless acts were performed by the employee. Such testing will be required of non-safety sensitive employees only when such factors, when taken alone or in combination with other factors, give rise to reasonable suspicion that the employee may be under the influence of drugs or alcohol.
- When any prohibited drug or alcoholic beverage is found in an employee's possession.
- When the laboratory values in any authorized drug test indicated the need for additional testing, as determined by the Medical Review Officer (MRO), or where any authorized drug test must be canceled due to a collection, chain of custody or other procedural problem.

When Drug and Alcohol Testing May Be Required of Employees Holding Safety and Security Sensitive Positions

Employees in (and applicants for) safety and security-sensitive positions shall be required to submit to urine testing for use of prohibited drugs and/or Breathalyzer alcohol testing in the foregoing and in the following circumstances:

- When a safety-sensitive employee is involved in an accident involving a motor vehicle on a public road while at work, and the employee's position is safety-sensitive because it involves driving a motor vehicle.
- Random testing for drugs (but not alcohol) will be conducted. In order to treat all employees as equally as possible, and to maintain consistency in the administration of its efforts to maintain a drug-free workplace, random testing under this policy will be governed by 49 U.S.C. § 31306 and implementing regulations to the extent that it is lawful and feasible to do so.

Random Drug Screens

Random drug testing will be performed on an unannounced basis and will be spread reasonably throughout the calendar year. The mechanism for determining individual employees to be

randomly tested will be by a computerized program conducted by the contracted provider of testing programs. Lists of selected names will be sent to the assigned department contact for test scheduling. When notified of selection for random testing, the employee shall proceed immediately to the collection site. Only employees in safety-sensitive and security sensitive positions are subject to random testing.

Disciplinary Action

Employees may be subject to disciplinary action, up to and including discharge, for any of the following infractions:

- a. Refusal to submit to an authorized drug or alcohol test. Refusal to submit to testing means that the employee fails to provide an adequate urine or breath sample for testing without a valid medical explanation after he/she has received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process. Refusal to submit to testing includes, but is not limited to, refusal to execute any required consent forms, refusal to cooperate regarding the collection of samples, and/or submission or attempted submission of an adulterated or substituted urine sample.
- b. Drinking alcoholic beverages or using drugs while on duty, on City property, in City vehicles, during breaks or at lunch.
- c. Unlawful manufacture, distribution, dispensation, possession, concealment or sale of any prohibited substance, including an alcoholic beverage, while on duty, on City property, in City vehicles, during breaks or at lunch.
- d. Any criminal drug statute conviction and/or failure to notify the City of such conviction within five (5) days.
- e. Refusal to cooperate in a search.
- f. Having an alcohol concentration of .04% or greater in any authorized drug test.
- g. Testing positive for drugs and/or their metabolites in any authorized drug test.

Although the foregoing infractions will ordinarily result in discharge regardless of the employee's position, the City reserves the right to consider extenuating circumstances and impose lesser discipline when such action is deemed appropriate.

Employment Status Pending Receipt of Test Results

In addition to appropriate disciplinary measures, including suspension, which may be taken in response to the incident or course of conduct which gave rise to the test, the City reserves the right to decide whether the incident or course of conduct prompting the test is of such a nature that the employee should not be put back to work until the test results are received. If such a decision is made, the employee will be suspended without pay. Where the test result is negative, the employee will be reinstated with back pay, provided the employee has not been

given an appropriate disciplinary suspension for violation of another work rule which also covers the time missed waiting for the test results.

USE OF TOBACCO

The Arkansas Clean Indoor Act of 2006 (Act) prohibits smoking in all enclosed areas within places of employment and public places. Smoking is not allowed in any building or vehicle owned or leased by the City. The City will not discriminate or retaliate against any individual for making a complaint regarding a violation of the Act or this Use of Tobacco Policy, or for cooperating with an investigation regarding a violation of the Act or this Policy. A violation of this policy may result in disciplinary action up to and including termination of employment.

REFUSAL TO WORK

We are committed to public service. If you take part in any work stoppage, slowdown, strike or other intentional work interruption you may be terminated.

FAMILY AND MEDICAL LEAVE POLICY (FMLA)

Employees who have worked for the City for at least one (1) year in the past seven (7) years; who have worked at least 1,250 hours during the previous twelve (12) months (unless the employee is classified as an "exempt" employee under the Fair Labor Standards Act; an employee should consult with Human Resources to determine whether the employee is classified as exempt or non-exempt); and work at location where at least 50 employees are employed by the City within 75 miles of that work site are eligible for leave under the Family and Medical Leave Act (FMLA). The FMLA provides eligible persons with up to twelve (12) weeks unpaid leave during a twelve (12) month period for certain qualified family and medical situations.

Reasons for Taking Leave

1. For the care of the employee's child (birth or placement for adoption or foster care);
2. For the care of the employee's spouse, dependent child, or parent who has a serious health condition; or
3. For the employee's own serious health condition;
4. For a "qualifying exigency" resulting from the active duty military service of the employee's spouse, son, daughter or parent who is currently serving in a reserve branch of the armed forces. A qualifying exigency includes: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and

recuperation; (7) Post-deployment activities; and (8) any other leave for which the employer and employee have both agreed shall qualify as an exigency;

5. For the care of the employee's spouse, son, daughter, parent, or next of kin, who is a service member with a serious illness or injury incurred in the line of duty. Employees eligible for this type of leave may be eligible for up to twenty-six (26) workweeks of leave, rather than the usual twelve (12).

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regiment of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Eligibility for Military FMLA Leave

When electing to take FMLA leave for purposes of caring for an injured service member, the following definitions apply:

"Covered service members" are current members of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard, or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. This provision does not apply to former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

"Serious injury or illness" means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

"Next of kin" means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

Duration of Military FMLA Leave

Leave to care for an injured or ill active-duty military member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12 month period. Military FMLA leave runs concurrently with other leave entitlements provided under federal, state, and local law.

Leave Year

Except for purposes of leave to care for an injured service member, the leave year (the 12 month period), under this policy shall be calculated on a "rolling 12 month period" measured backward from the date a staff member uses any family leave.

Substitution of Paid Leave for Unpaid Leave

If the employee has available accrued paid leave, the employee must use the paid leave first and take the remainder of his or her FMLA leave as unpaid leave.

An employee who is taking leave because of the employee's own serious health condition or the serious condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave.

An employee taking leave for the birth of a child must use paid sick leave for the employee's medically necessary leave following childbirth. The employee may then use all paid vacation, personal or family leave, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

Employees who request FMLA leave should consult with the Human Resources Director for details on the availability of vacation or sick time.

FMLA and Workers' Compensation

When an employee is on leave due to an on-the-job injury or illness which is a serious health condition under the FMLA, the workers' compensation absence and FMLA leave will run concurrently.

Advance Notice and Medical Certification

If the leave is to be covered completely through the use of vacation or sick leave, then the employee should provide notice as required under those policies where possible. However, where the need for the leave is foreseeable, and if some or all of the leave will not be covered through the use of vacation, the City requires that written notice be provided to the Human Resources Director thirty (30) days in advance of the leave. If leave is not foreseeable, then the employee must provide notice to the City as soon as practical.

Employees must provide the Human Resources Director with sufficient information to determine if the leave may qualify for FMLA protection and the anticipated time and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform the Human Resources Director if the requested leave is for a reason for which FMLA leave was previously taken or certified.

An employee requesting FMLA leave must furnish the City with a medical certificate to support the need for a leave due to the employee's serious health condition or that of the family member. The employee will also be required to provide periodic reports of the employee's status while on leave. Further, the employee will be required to furnish recertification from a health care provider if he or she requests an extension of FMLA leave, if circumstances described by the previous certification have changed significantly, or if the City has information that casts doubt on the need for continued leave. At the end of the leave, the employee will be asked to present a doctor's certificate of fitness to return to work. If an employee is unable to return from leave because of a serious health condition, medical certification may be required.

Intermittent or Reduced Leave

Employees do not need to use FMLA leave in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary or specifically approved by the City. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Employment and Benefits Status

During FMLA Leave, the City will maintain employees' health coverage under any "group health plan" on the same terms as if the employee had continued to work. In most circumstances, employees returning from FMLA leave will be restored to their original or equivalent pay, benefits, and other employment terms. The City may find it necessary to deny reinstatement to certain highly compensated employees, but only if it is found necessary to avoid substantial and grievous economic injury to the operation of the City.

Employees who take advantage of FMLA leave will be eligible for any employment benefit that accrued prior to the start of the leave.

Medical Insurance Coverage

During FMLA leave, employees may continue to participate in the City's group health plan under the same conditions as if they continued to work. The City will make arrangements with employees requesting leave for the continued payment of the employee's share of the medical premium. If an employee fails to make premium payments as arranged and becomes in arrears for more than thirty (30) days, coverage will terminate. The employee may resume coverage when he or she returns from leave without having to re-qualify for insurance coverage.

Other Rights and Obligations

The City will inform employees requesting leave whether they are eligible under FMLA. If they are, the City will notify them of their rights and responsibilities. If they are not eligible for leave, the City will provide a reason for the ineligibility.

The City will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not FMLA-protected, then it will notify the employee.

The FMLA makes it unlawful and the City will not:

- (i) interfere with, restrain, or deny the exercise of any right provided under the Family and Medical Leave Act;
- (ii) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

We have posted and will continue to display the poster entitled:

EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT
WH Publication 1420

For more information about our Family Medical Leave Policy, please contact the Human Resources Director or see the "Employee Rights and Responsibilities" form attached to this handbook.

COMPUTER USE POLICY

Electronic Communications Equipment Resources and Systems

1. Technology as a Privilege

The City of Jonesboro provides employees with access to and use of a variety of electronic resources. These resources are provided to employees in an effort to allow them to be more efficient, productive and to have access to information and equipment that is necessary for them to carry out their responsibilities as an employee. Employees are expected and required to use these resources in a manner consistent with their position and work responsibilities.

2. Privacy of Information

All electronic media communications systems (including internet and e-mail systems) and all communications and information transmitted, received by or stored in these systems are City records and the property of the City of Jonesboro.

The systems have been provided by the City for use in conducting City business. The computers and computer accounts given to employees are to assist them in the performance of their jobs. Employees should not have an expectation of privacy in anything they create, store, send, or receive on the computer system. The computer system belongs to the City and may only be used for business purposes. The City, in its discretion, reserves and may exercise the right to monitor, access, retrieve, and delete any matter stored in, created, received, or sent over the computer system or stored on an employee's computer, for any reason and without the permission of any employee. Even though the City has the right to retrieve and read any e-mail messages, those messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Additionally, employees are reminded that communication records are subject to the Arkansas Freedom of Information (FOI) Act.

3. Resources and Systems

Electronic Communications Equipment Resources and Systems include, but are not limited to:

computer (including e-mail), electronic (including paging), and telephone communication (including voice mail and radio) systems; televisions, computers, facsimile machines and copying machines; and any other equipment or systems used for the transmission, reception or storing of information. This policy applies whether an employee accesses the City's equipment or systems in the workplace or from outside the workplace regardless of the time of day used.

4. Acceptable Uses

Limited, occasional or incidental use of electronic media for personal, non-business purposes is understandable and acceptable. However, employees need to demonstrate a sense of responsibility and may not abuse the privilege. Departments will be responsible for issuing their own policies regarding employee personal cell phone usage while working. Only an approved group of employees will have the authority to send emails to the Announcements distribution group. Employees needing to broadcast an email to the Announcements distribution group, must forward the email to their Department Head or their designee who will determine if the e-mail is appropriate for Announcements and should not exceed 15 megabytes. If determined appropriate, the Department Head or designee will forward the email to the Announcements group. The message must be related to City business or provide pertinent information to employees. Departments will have the ability to add employees who need direct access to the Announcements group (without going through their Department Head) as part of their job duties. Should employees need immediate access to Announcements and unable to contact their Department Head or their designee, employees can forward the email to the Operations Department Head or the Information Systems

Department Head. Employees must receive approval from their Department Head before accessing in classes conducted via the Internet during work hours. Employees should exercise proper email maintenance and storage to avoid exceeding the mailbox storage maximum, 40 megabytes. This will ensure that employees continue to receive email notifications and limit the space utilized on the City's email server. Employees should exercise proper attention in the opening/sending/forwarding of attachments and executable files to limit exposure to computer viruses.

5. Equipment and resources shall **not** be used for any of the following purposes:
 - a. knowingly transmitting, retrieving or storage of any communications of a discriminatory or harassing nature, including, but not limited to, sexually explicit images, messages or cartoons, or any transmission that contains ethnic slurs, racial epithets, or anything that may be construed as discrimination or harassment of others based on their race, national origin, sex, age, disability, religion, genetic information, or any other protected status;
 - b. distribution of communications of a defamatory or threatening nature or containing profanity;
 - c. conducting business involving outside employment or any activity for personal gain, such as buying or selling of commodities or services with a profit motive;
 - d. electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other employees to access and use the system e.g., viewing/playing games, radio, music, sound files, clips, movies, or videos over the internet;
 - e. any form of gambling;
 - f. transmitting material, information, software, or installing software, in violation of any local, state or federal law, including but not limited to copyright laws;
 - g. conducting any non-City related fund raising or public relations activities or participating in political activities;
 - h. sending or forwarding chain letters, virus hoaxes, etc.
 - i. visiting or participating in chat rooms;
 - j. spending unwarranted amounts of time, on the web surfing, or on personal phone calls;

- k. any other purpose which is illegal, against City policy or contrary to the City's interest, including but not limited to phishing or hacking;
 - l. connecting non-approved computers, PDAs, cell phones, wireless devices or peripherals and installing unapproved software, to any of the City's systems, including but not limited to the City's network. Once the device is approved by Information Systems, strict protocol must be followed in the connection of the device since failure to do so could expose the system to viruses.
 - m. loading of City-owned software on personal computer equipment;
 - n. sending mass emails to multiple users or Departments that are not related to City business or pertinent to City operations.
6. Enforcement and Penalties

The sharing of passwords, using a password that is not assigned to the employee using it, or accessing a resource or system which the employee is not authorized to use, are expressly prohibited. Any employee found to have violated this policy or to be abusing the privilege of City-facilitated access to electronic equipment, resources, or services, will be subject to disciplinary action up to and including termination. Additionally, the City may remove email and/or internet access at any time.

7. Off-Duty Work

Non-exempt employees are prohibited from checking emails when off work. Non-exempt police department employees may check work emails when off work with prior approval from the Chief. Non-exempt employees must record as hours worked all time spent checking emails while away from the office.

PASSWORD GUIDELINES

- Passwords must be changed every 90 days
- The last 5 passwords cannot be re-used
- Users will be notified 2 weeks in advance of password expiration date. At this time, users will be prompted to select a new password
- All passwords must conform to the guidelines outlined below

Password Construction Guidelines

- Passwords cannot contain the user's username or parts of the user's full name that exceed two consecutive characters
- Passwords must be at least eight characters in length
- Passwords must contain at least 3 of the following four categories:
 - English uppercase characters (A through Z)
 - English lowercase Characters (a through z)
 - Base 10 digit numeric (0 through 9)
 - Non-alphabetic characters (for example, !,@,\$,%)
- Passwords must not be based on a users' personal information or that of his or her friends, family members, or pets. Personal information includes logon I.D., name, birthday, address, phone number, social security number, or any permutations thereof
- Passwords must not be words that can be found in a standard dictionary (English or foreign) or are publicly known slang or jargon
- Passwords must not be based on publicly known fictional characters from books, films, and so on
- Passwords must not be based on the company's name or geographic location.

Password Protection Guidelines

- Passwords must be treated as confidential information. No employee is to give, tell, or hint at their password to another person, including IT staff, administrators, superiors, other co-workers, friends, and family members, under any circumstances
- If someone demands your password, refer them to this policy or have them contact the Information Systems
- Passwords are not to be transmitted electronically over the unprotected Internet, such as via e-mail. However, passwords may be used to gain remote access to company resources via the company's IPsec-secured Virtual Private Network or SSL-protected Web site
- No employee is to keep an unsecured written record of his or her passwords, either on paper or in an electronic file. If it proves necessary to keep a record of a password, then it must be kept in a controlled access safe if in hardcopy form or in an encrypted file if in electronic form
- Do not use the "Remember Password" feature of applications.

- Passwords used to gain access to company systems must not be used as passwords to access non-company accounts or information
- Don't use the same password to access multiple company systems
- If an employee either knows or suspects that his/her password has been compromised, it must be reported to the Information Systems and the password changed immediately
- The Information Systems may attempt to crack or guess users' passwords as part of its ongoing security vulnerability auditing process. If a password is cracked or guessed during one of these audits, the user will be required to change his or her password immediately

Password Examples:

Strong

monwayTorp1
jOnwaycotP
Testthi\$
T3stthis

Weak

test (too short)
07152006 (no letter, no symbol or capital)
jonesboro(no number, no symbol or capital)
THIS1ISGOOD

SMART PHONE USE

This policy addresses the use of smart phones during work time and non-work time.

Scope

This policy is applicable to all City employees, and any individuals performing services for the City, such as those from a temporary employment agency.

Definition

A smart phone is defined as a cellular phone with the capability to allow the user to talk, access the internet, send electronic mail, text messages, picture messages, or take photographs or videos.

Procedures

While at work, employees are expected to exercise the same discretion in using smart phones, as is expected for the use of City phones or computers. Excessive personal usage during the workday, regardless of the phone or computer used, can interfere with employee productivity and be distracting to others. Employees are asked to make personal calls or use smart phones for personal uses on non-work time when possible and to ensure that friends and family members are aware of the City's policy. The City will be flexible when circumstances truly

demand an employee's immediate necessity to use a smart phone. An employee's use of a smart phone for non-work activity is the exception, not the accepted practice.

While not at work, employees may not engage in behavior with their smart phones that would violate the City's harassment prevention policy.

The City will not be liable for the loss of smart phones brought into the workplace or while conducting City business.

Please be considerate with the use of phones during meetings and training sessions by turning off phones.

Smart phones may not be used to make an audio recording of any conversation on City property unless authorized by the Chief of Police or, following a written request, after approval by the Mayor. Smart phones may not be used to make a video recording of anyone on City property without the consent of all the individuals being recorded. Personal cellular phones or smart phones may not be used to photograph anyone on City property, without the consent of all the individuals being photographed.

Employees must use extreme caution not to photograph anything constituting a trade secret or proprietary information, especially when taking photographs on City property. Photographing trade secrets or proprietary information is considered a serious violation of this policy and could be a violation of state or federal law.

All employees must follow the City's policies regarding harassment prevention when using smart phones. No smart phones may be used to display or distribute sexually offensive, racist, or derogatory materials. This includes, but is not limited to, derogatory pictures, videos, sounds, words, drawings, or cartoons.

Employees violating this policy may be subject to discipline up to and including termination of employment.

TRAVEL POLICY

This guideline establishes the rule governing the eligibility for payment of expenses incurred by City employees, elected and appointed officials during travel directly related to official business. These rules provide for the payment of travel funds and for the reimbursement of out-of-pocket expenses.

Responsibility

The authority for promulgation of rules defining the rates of allowable mileage, food and lodging and similar travel expenses rest with the City Council based on the recommendation of the Finance Committee.

The Finance Department ensures conformity to the procedures in this guideline. Normal audit

rules will be applied to establish conformance among city departments.

The Department Heads are responsible for the dissemination of these procedures to all employees; and for verification and submission of all Requisitions, Request for travel Forms, Travel Expense Forms, and receipts and/or requests for reimbursement to Finance.

The individual employee traveling on official business is responsible for making sure he/she understands this policy and complies with it. Any unusual circumstances or exceptions must be clarified in advance and any deviations must be approved in writing in advance by the Department Head.

NOTE* Reimburse or reimbursement as it appears anywhere in this procedure, references the fact that detailed documentation must be provided with the Final Travel Expense Report.

In order to afford employees, elected and appointed, maximum flexibility in the accomplishment of their assigned tasks, the City of Jonesboro will pay travel expenses directly related to official business in accordance with amounts authorized herein. Travel expenses for official business may include the cost of out-of-town conferences involving professional associations, intensive training of the "short course" nature and meetings with state and federal authorities on program-related topics. All travel expenses for employees shall be approved by their Department Head within their approved travel budget. Travel expenses for Department Heads shall be approved by the Mayor. Travel by elected or appointed officials shall not require approval subject to prior budget approval.

Procedure

Transportation

An employee may choose to extend travel beyond the time required to conduct the business purpose of the travel. Time and expense incurred in excess of the business purpose are the responsibility of the traveler. These arrangements must be approved in advance, in writing, by the traveler's Department Head.

Airline ticket payment will be made for actual coach costs. The traveler has the option of using their own resources (cash, credit card, etc.) to purchase reimbursable tickets, or the following procedure may be utilized for the City to purchase tickets. A Purchasing Requisition payable to the credit card company, Airline Itinerary, and Confirmation Locator Number (supplied by the airline for tickets placed on 24 hour hold) must be submitted to Finance Department as soon as possible after reservations are made. Transferring tickets is not allowed. FAA regulations state that tickets must be issued in the traveling employee's name.

Mileage reimbursement for use of a private vehicle is allowable in the event a City-owned vehicle is not available. Mileage shall be based on the current IRS per mile rate. Trip distances shall be computed (and printed) using Map Quest or similar software. However, personal vehicle mileage reimbursement shall not exceed the lowest coach airfare available at the time of the travel request (documentation must be provided); nor shall food and lodging expense be for more than one additional day of travel time to and/or from the destination city. Any exceptions

to this must have prior approval in writing from the Finance Department Head. Reimbursement for use of personal vehicles to travel to and from the airport will be one round trip if utilizing airport parking, or two round trips if not utilizing airport parking. Mileage is paid from City Hall or the travelers normal work location to the airport and back. If travel is mandated by the Department Head's written directive on a non-regularly scheduled workday, round trip mileage from the traveler's home of record is authorized.

Taxi fare and similar public transportation is reimbursable, for all necessary City business related trips.

Rental vehicles require prior written approval from the appropriate Department Head. Written justification for renting vehicles as well as cost estimates for the rental of the vehicle and collision insurance, if you plan to purchase insurance, must accompany all requests for travel. Actual costs of mid-sized or smaller vehicles rented from recognized car rental agencies (Avis, Hertz, National Budget, Dollar etc.) are reimbursable. When more than four (4) employees are traveling to the same destination, reimbursement for actual costs of renting vans shall be allowed.

Fuel for City-owned vehicles is reimbursable. Use of City-owned vehicles outside City limits requires written justification from the traveler's Department Head.

Food

Meal receipts are not required for "full day travel." Full day travel shall be defined as an initial departure time prior to 8:00 A.M. and return of at least 6:00 P.M. The allowance for the entire day shall be \$40.00 for all meals.

Meals for "partial day travel" shall be paid on a per diem rate depending on departure and arrival time. Partial day travel shall be defined as an initial departure time later than 8:00 A.M. and/or return time of earlier than 6:00 P.M. The maximum allowable reimbursement shall be for two meals. The per meal allowance shall be: Breakfast-\$8.00; Lunch-\$12.00; Dinner-\$20.00. In cases where a meal is provided by the attended function, unless the Department Head provides prior written approval, the allowance will not be paid for the meal.

Reimbursement of meals for other purposes for official city business must state the name of the guest(s), nature of business, and be approved by the Department Head based on prior budget approval.

The City shall not reimburse the costs of alcoholic beverages.

Lodging

The City will reimburse charges for room rate, taxes, and phone calls made on behalf of the City, where it is reasonably expected that a prudent traveler could not return to their residence.

Tips

Employees may be reimbursed for tips related to meals and parking, up to 15% of the cost of the meal and parking expenses.

Parking

Expenses incurred for parking are reimbursable. Any airport parking shall be reimbursed at the long-term parking rate.

Submission of Actual Expenses shall be as Follows:

The traveler must submit a completed copy of the Travel Expense Report (with receipts and/or request for reimbursements) to the Accounts Payable section of the Finance Department within 10 workdays of return.

After 10 days, all follow up will be addressed through the appropriate Department Head to the traveler.

NOTE* Reimbursement as it appears anywhere in this procedure, references the fact that detailed documentation must be the expenses and explain the business purposes (who, what, when, where, and why) for the expense. Lodging expenses must be itemized by day, and show all miscellaneous expenses. Expenses will not be reimbursed without detailed, supporting receipts.

TIME RECORDS - NON EXEMPT EMPLOYEES

Accounting requirements necessitate the documentation of attendance as well as overtime hours. You must record on a time sheet all hours at work, including arrival at the office, departure for lunch, return from lunch, and departure at the end of the work day. After your supervisor has approved your completed time sheet, the time sheet must be submitted to the payroll clerk at the appropriate time as designated by her.

OVERTIME PAY – NON EXEMPT EMPLOYEES

You may be required to work overtime. Overtime must be approved by your supervisor prior to being worked. The approving supervisor must initial the overtime hours on your time record in order for the time to be considered approved overtime.

Except for when compensatory time is provided to employees in lieu of overtime pay, all employees except exempt employees and shift-working Firefighters will be paid overtime when they work more than 40 hours in a work week. Shift-working Firefighters will be paid overtime when they work more than 204 hours within a 27 day work schedule. The rate of pay for overtime work is 1.5 times the regular rate of pay.

COMPENSATORY (Comp) TIME – NON EXEMPT EMPLOYEES

The Mayor may direct that compensation for overtime be made in the form of compensatory time, rather than overtime pay. Use of compensatory leave is provided and taken pursuant to applicable federal and state law. Department records will determine the number of compensatory leave days you have earned. Compensatory leave must be taken within one year after it is earned and is scheduled the same way as vacation. You may request to be paid for compensatory time that you have not taken within one year after it is earned.

Compensatory time (comp time) off in lieu of monetary overtime compensation is provided at a rate of not less than one and one-half hours of compensatory time for each hour of overtime worked. No employee shall be allowed to accumulate more than a total of 40 hours of compensatory time unless you are a public safety officer. After reaching a total of 40 hours compensatory time, all overtime shall be paid in monetary compensation until the total hours of compensatory time drops below a total of 40.

Public safety officers are allowed to accumulate no more than a *total* of 100 hours of compensatory time, and all overtime shall be paid in monetary compensation until the total hours of compensatory time drops below a *total* of 100 hours. The procedure for scheduling public safety officer's compensatory time off is the same as scheduling vacation.

In addition, due to the specific nature of the requirements of public safety officers assigned to positions as School Resource Officers, they will be allowed to accumulate the maximum amount of compensatory time allowed by federal and state law, currently 480 hours. Officers removed from

such assignments will be required to expend any time accumulated over 100 hours before utilizing any other type of leave.

Department Heads shall be charged with maintaining accurate records of compensatory time in their department and providing the Finance Department records of compensatory time as it's earned and taken.

Upon termination of employment, an employee will be paid for unused compensatory time figured at: 1) the average regular rate received by such employee during the last three years of employment; or 2) the final regular rate received by such employee, whichever is higher.

In the event a non-exempt employee moves into an exempt position, any accumulated compensatory time owed to them shall be taken within 3 months of becoming exempt and if not taken during the 3 month time frame it shall be paid to them at the end of three months at their current rate of pay.

RESIGNATION, TERMINATION, AND RETIREMENT

Employees who wish to terminate their employment with the City of Jonesboro are requested to notify the City at least 2 weeks in advance. Notice should be given in writing to your

Department Head or Supervisor (resignation notice form available on shared drive.) Proper notice should allow the City time to calculate all money you are due in your final paycheck. Without adequate notice, you may have to wait until the next pay period to receive those payments.

Employees who plan to retire are requested to give the City a minimum of 2 months' notice. This should allow time for processing appropriate forms to help ensure that your retirement benefits start on time.

When an employee retires from his or her position with the City, he or she begins receiving benefits under the appropriate retirement plan, if applicable. If the retired employee later accepts a new position with the City, he or she will be considered a new hire for all purposes of employment, including eligibility for benefits and paid leave.

Other than Civil Service employees, all employment relationships with the City of Jonesboro are at-will. Although the City of Jonesboro hopes that the relationship with employees are rewarding, the City reserves the right to terminate the employment relationship at any time.

Employees who are absent for three consecutive days without being excused or giving proper notice will be considered as having voluntarily quit.

Any employee who is terminated for disciplinary reasons will not be eligible for rehire with the City.

SECTION II

EMPLOYEE BENEFITS

VACATION

Police Department

Full-time sworn Officers of the Police Department accrue vacation time at the rate of 10 hours per-month. After you have continuously worked 15 years for the City as a full-time employee, you will accrue vacation at the rate of 13.33 hours per month. You will not accrue vacation unless you are in a pay status. You may accumulate more than 240 hours of vacation in any given year, but you will forfeit any amounts greater than 240 hours on the first pay day after your anniversary date. You may be paid for up to 240 hours of accumulated vacation when your employment is terminated for any reason. You may not take vacation time before it has been accumulated.

Fire Department

Full-time Civil Service employees of the Fire Department who work 24 hour shifts accrue vacation time at the rate of 14 hours per month. After you have continuously worked 15 years for the City as a full time employee, you will accrue vacation at the rate of 18.66 hours per month. This is based on an 11.2 hour work day as recommended by the Arkansas Attorney General's Office. You will not accrue vacation unless you are in a pay status. You may accumulate more than 336 hours of vacation in any given year, but you will forfeit any amount greater than 336 hours on the first pay day after your anniversary date. You may be paid for up to 336 hours of accumulated vacation when your employment is terminated for any reason. You may not take vacation time before it has been accumulated.

Full-time Civil Service employees of the Fire Department who work a 40 hour week accrue vacation time at the rate of 10 hours per-month. After you have continuously worked 15 years for the City as a full time employee, you will accrue vacation at the rate of 13.33 hours per month. You will not accrue vacation unless you are in a pay status. You may accumulate more than 240 hours of vacation in any given year, but will forfeit any amounts greater than 240 hours on the first pay day after your anniversary date. You may be paid for up to 240 hours of accumulated vacation when your employment is terminated for any reason. You may not take vacation time before it has accumulated.

If you change from a 24 hour shift position to a 40 hour per week position, your vacation time will be converted by multiplying the total accumulation by 0.714. If you change from a 40 hour per week position to a 24 hour shift position, your vacation time will be converted by multiplying the total accumulation by 1.4.

Non-Civil service or non-sworn Officers

Full-time employees will accrue 80 hours of vacation at the rate of 6.67 hours per month until you reach your fifth anniversary date as a full time employee. After you have continuously worked 5 years for the City as a full time employee, you will accrue vacation at the rate of 10.0 hours per month. After you have continuously worked 15 years for the City as a full time employee, you will accrue vacation at the rate of 13.33 hours per month. You will not accrue vacation unless you are in a pay status.

You may accumulate more than 240 hours of vacation in any given year, but you will forfeit any amounts greater than 240 hours on the first pay day after your anniversary date as a full time employee. You may be paid for up to 240 hours of accumulated vacation when your employment is terminated for any reason. You may not take vacation time before it has been accumulated.

All Employees

The number of employees off at any time will be decided by the Department Head based on department workloads. You should notify your Department Head at least 1 week before you plan to take vacation. Vacation requests will be granted on a first-come, first-serve basis. Conflicts will be decided by seniority within the department. Vacation time will be charged by the quarter hour. You will not be charged vacation for time that you would not normally work.

HOLIDAYS AND HOLIDAY PAY

Civil Service employees and sworn full-time officers of the City of Jonesboro are paid for the 11 Holidays listed below. Total annual Holiday Pay is divided equally and included with the basic pay for each pay period.

New Year's Day	January 1 st
Dr. Martin Luther King Birthday	3 rd Monday in January
George Washington Birthday	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24 th
Christmas Day	December 25 th

Non-Civil service and non-sworn full-time employees are eligible for 11 holidays per year. If work schedules permit, full time employees may take the following 7 days off with pay.

New Year's Day	January 1 st
Memorial Day	Last Monday in May
Independence Day	4 th of July
Labor Day	1 st Monday in September
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25 th

If you have to work on any of the above days, you will get another day off, or you will be paid holiday pay in addition to your regular pay for that day. When a holiday falls on a Saturday, it

will be observed on the preceding Friday. When a holiday falls on a Sunday, it will be observed on the following Monday.

The following 4 days will normally be work days, but full-time employees who are not Civil Service will be paid holiday pay for each of them.

Dr. Martin Luther King and Robert E. Lee's Birthday	3 rd Monday in January
George Washington's Birthday	3 rd Monday in February
Veteran's Day	November 11 th
Christmas Eve	December 24 th

If you work in the 911-Emergency Dispatch Center you do not normally get time off for holidays. You will be paid holiday pay during the month of December for all holidays. Your holiday pay will be calculated in the same manner as other non sworn employees.

Before you can be paid Holiday Pay, you must be a full-time employee and you must be in a pay status on your last scheduled work day before and your next scheduled work day after the Holiday. Holiday pay for current employees will be calculated at your current hourly rate and paid in the month of December. Employees who terminate employment during the year will be paid the applicable holiday hours with their last pay check.

SICK LEAVE

Police Department

Full-time sworn Officers of the Police Department accrue sick leave at the rate of 13.33 hours per month. If unused, sick leave may be accumulated to a maximum of 720 hours. Sick leave will be charged by the quarter hour. You will not be charged sick leave for time that you would not normally work. You may not take sick leave before it has been accumulated.

Upon death or pension-receiving retirement status, you or your estate will be paid for any unused sick leave, up to a maximum of 480 hours. It will be paid at the rate of pay in effect at the time of payment.

Fire Department

Full time Civil Service employees of the Fire Department who work 24 hour shifts accrue sick leave at the rate of 20.00 hours per-month. This is based on a 12.00 hour work day. If unused, sick leave may be accumulated to a maximum of 1440 hours stated in Arkansas Code 14-53-108. Sick leave will be charged by the quarter hour. You will not be charged sick leave for time that you would not normally work. You may not take sick leave before it has been accumulated.

Upon death or pension-receiving retirement status, you or your estate will be paid for any unused sick leave, up to a maximum of 720 hours. It will be paid at the rate of pay in effect at the time of payment.

Full time Civil Service Employees of the Fire Department who work a 40 hour week accrue sick

leave at the rate of 13.33 hours per month. If unused, sick leave may be accumulated to maximum

of 1440 hours. Sick leave will be charged by the quarter hour. You will not be charged sick leave for time that you would not normally work. You may not take sick leave before it has been accumulated.

Upon death or pension-receiving retirement status, you or your estate will be paid for any unused sick leave, up to a maximum of 720 hours. It will be paid at the rate of pay in effect at the time of payment.

If you change from a 24 hour shift position to a 40 hour per week position, your sick leave will be converted by multiplying the total accumulation by 0.714. If you change from a 40 hour per-week position to a 24 hour shift position, your sick leave will be converted by multiplying the total accumulation by 1.4.

Non Civil Service and Non Sworn Full Time Employees

Non Civil Service and non sworn full-time employees shall accrue sick leave at the rate of 8 hours per month. If unused, sick leave may be accumulated to a maximum of 720 hours. Sick leave will be charged by the quarter hour. You will not be charged sick leave for time that you would not normally work. You may not take sick leave before it has been accumulated.

After you have reached your 10th anniversary as a full time employee, you will be paid for up to 360 hours of unused sick leave when your employment is terminated for any reason, including death. After you have reached your 15th anniversary as a full time employee, you will be paid for up to 480 hours of unused sick leave when your employment is terminated for any reason, including death.

All Employees

Sick leave may be used for the following reasons:

Personal illness or physical incapacity, medical, dental and optical visits, you are quarantined by a physician or health officer, illness in your immediate family which require you to take care of your family member(s).

For sick leave purposes, immediate family includes your spouse, child, step-child, foster child, parents, or any family member who lives in your household.

If you cannot come to work due to a reason listed in this section, you must notify your supervisor or someone acting for your supervisor, within one (1) hour of your work time. If you do not, you may not be paid sick leave.

If you miss five (5) or more days in a row, you will be required to obtain a doctor's excuse. If you run out of sick leave, you will be charged vacation time and any comp time accrued for missing work due to sick leave reasons. After you have used all your sick leave, vacation time,

and comp time, you will not be paid for days that you miss.

You may not donate sick time to another employee. In case of extreme hardship when you have used all of your sick leave, vacation, and comp time and if are a member of the Catastrophic Sick Leave Bank, you may request leave as outlined by the Catastrophic Sick Leave Bank Policy.

FUNERAL OR BEREAVEMENT LEAVE

You may miss up to 24 hours of work as paid funeral leave in cases of death in your immediate family. For funeral leave purposes, "immediate family" includes your parents, brother, sister, children, grandparents, grandchildren, spouse's parent, sibling's spouse, or any relative who lives in your house, including "step" and "foster" relatives.

Funeral leave will not be charged as sick leave or vacation pay. Funeral leave is not cumulative and may not be carried over from one year to another.

In cases where 24 hours of work time is not enough, you may be granted additional time by your Department Head. Additional time will be charged to sick leave, vacation time, or unpaid leave.

CATASTROPHIC SICK BANK LEAVE

The City of Jonesboro's Catastrophic Sick Bank allows participating employees who have exhausted all available balances to receive additional sick leave benefits for extended absences upon submission of properly documented application for the following reasons: (1) if the employee experiences a personal catastrophic illness or injury or (2) if the employee's parent, spouse, or dependent child as defined by IRS Publication 501 is undergoing treatment or recovery of an illness or injury.

Regular full-time employees of the City with a minimum of one (1) year of service are eligible to participate. New employees will become eligible to join the Bank on the date of their one (1) year anniversary.

All employees except 24 hour shift employees shall donate sixteen (16) hours for initial membership in the Bank. Firefighters who work 24 hour shifts shall donate forty-eight (48) hours for membership. Such donations must be paid within two months of an employee's eligible date. If an employee does not join within the two month period they will not be eligible to join again until next open enrollment period.

Following the initial donation, eight (8) hours for non 24 hours shift employees and twenty four (24) hours for 24 hour shift employees, shall be required yearly to maintain membership. Hours must be paid to the Bank by March 1st each year to maintain membership in the Bank. No employee shall be advanced hours from the bank until the appropriate initial donation has been met. An employee may not donate hours for another employee for their initial membership

donation nor for the required yearly donation of hours. Hours contributed to the Catastrophic Sick Bank may not be restored to the contributing employee under any circumstances.

Open enrollment will be held in November and December of each year. The effective date of those signing up during open enrollment shall be January 1, of the following year.

Catastrophic leave, for the purpose of this Bank, shall be defined as sick leave required (1) for treatment or recovery of a non-job injury or illness to the participating employee, which exceeds two (2) weeks in duration as documented by an attending physician, or (2) for treatment or recovery of an illness or injury to a participating employees' parent, spouse or dependent child as defined in IRS Publication 501.

To request hours from the Bank a member employee must make written request and include medical documentation which backs up the request, to the Human Resources Director. No catastrophic leave shall be approved until all leave (inclusive of sick leave, vacation, and comp time) has been exhausted. The Human Resource Department working in conjunction with payroll will be responsible for the administration and record keeping of the bank.

Leave from the Bank shall be limited to eight (8) weeks per member, per calendar year. The Human Resources Director shall have the authority to grant leaves from the Bank for a period of up to eight (8) weeks providing forms are completed and all medical documentation is in order. Up to an additional eight (8) weeks time may be granted by the decision of the Board. In cases of extreme hardship an additional eight (8) weeks may be granted by the Board. This Board shall consist of the Human Resources Director and Operations Department Head. Any appeal of a decision denying sick leave from the Bank should be appealed to the Mayor within 7 calendar days of the leave being denied. The decision of the Board shall be final on all matters referred to them.

All leave from the Catastrophic Sick Bank shall run concurrently with Family Medical Leave and shall be taken in 8, 10, or 24 hour increments depending on the shift of the employee unless approval for an intermittent leave under the FMLA has been granted. Intermittent leave may be granted in cases where a regimen of continuing treatment must be submitted with the request for intermittent catastrophic leave.

A reoccurrence of the medical problem for which a leave was granted, beyond thirty (30) calendar days of return to active status, will be treated as a new case and will require submission of a new request form with medical documentation.

Employees on a catastrophic leave will be considered to be in a pay status and shall continue to accrue sick leave and vacation while receiving hours from the Bank. Any leave granted but not used shall be returned to the Bank.

In the event that the number of hours in the Bank is depleted in any given year, those members participating may be assessed one additional sick day.

Definition of Terms

Board - is comprised of the Human Resource Department Head and Chief Financial Officer.

Catastrophic Illness - a medical condition of an employee, or family member as defined previously, which requires an employee's absence from duty for a prolonged period of time and which results in a substantial loss of income to the employee because of the exhaustion of all earned sick, vacation, holiday, and compensatory leave time.

Catastrophic Sick Leave - paid leave which is transferred to a leave recipient from the City of Jonesboro catastrophic leave bank. Catastrophic leave may be granted in 8, 10 or 24 hour increments. While a leave recipient is on catastrophic leave, he or she will receive normal benefits such as city contributions to insurance and retirement.

Catastrophic Sick Leave Bank - a pool of accrued sick leave donated by employees that has been approved for use by other employees.

Catastrophic Sick Leave Bank Donor - an employee whose voluntary written request to donate accrued sick leave to the city's catastrophic leave bank has been approved. No employee shall be allowed to be a leave donor if such donation will reduce that employee's accrued sick to less than zero hours.

Catastrophic Sick Leave Bank Program - a program approved by the City and operated by the Department of Human Resources in concert with the Bank Board to provide for the orderly authorization and administration of catastrophic leave.

Catastrophic Sick Leave Bank Recipient - a current employee who's application to receive catastrophic sick leave has been approved.

Employee - a person who is a uniform or non-uniform employee who is compensated on a full-time basis and been employed at least one (1) year. Part-time, seasonal or temporary employees are excluded from this definition and are not eligible to participate as a donor or recipient in the Catastrophic Sick Leave Bank Program.

Medical Condition - a personal emergency limited to catastrophic and debilitating medical situations, severe complications resulting in the inability to work and severe accident cases which cause the employee to be incapacitated, require a prolonged period of recuperation and require the employee's absence from duty as documented by a physician. Routine disabilities or disabilities resulting from elective surgery do not qualify for catastrophic leave.

Medical Documentation - documentation by a physician certifying that the employee or family member as previously defined, is incapacitated and the period of incapacitation. The medical form for requesting Family Medical Leave may be used to request time from the Catastrophic Sick Leave Bank.

Prolonged Period of Time - a continuous period of time whereby a medical condition prevents the employee from performing the employee's duties. A prolonged period of time is

interpreted to be a minimum of two (2) weeks.

Substantial Loss of Income - a continuous period of time when the employee will not have otherwise been compensated by the city due to a medical condition and the exhaustion of all earned sick, vacation, and compensatory leave, and such medical condition is not covered and compensated by Worker's Compensation.

MILITARY LEAVE

The City recognizes the commitment and responsibility of our employees to serve in the armed forces. Accordingly, The City complies with all applicable laws concerning military leave.

The City complies with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which protects applicants and employees who serve in the military from discrimination in the areas of hiring, job retention, and advancement. USERRA provides job and benefit protection for employees who serve in the military, and it provides certain reemployment rights to any employee who has been absent from work due to service in the United States uniformed services.

The City will grant a military leave of absence to employees who are required to miss work because of service in the United States uniformed services in accordance with USERRA. You must notify the City if you receive notice that you will require a military leave of absence unless providing such notice is precluded by military necessity, impossible, or unreasonable, and you should provide the City with a copy of your official orders. When you receive notice that you will need a military leave of absence, please contact the Human Resources Office for further information regarding your rights and responsibilities under USERRA.

USERRA defines "uniformed services" to include the Army, Navy, Marine Corps, Air Force, and Coast Guard, as well as the Reserves for these branches of the military. Uniformed services also include the Army National Guard, Air National Guard, commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency. USERRA defines "service" to include active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty, and the time required for examination to determine a person's fitness for any of these types of services.

If you are a member of the Armed Forces Reserve or the National Guard you are eligible for paid military leave of 15 days for annual training each year with pay, plus necessary travel time. Military leave will be in addition to any required vacation time.

If you are called to duty in emergency situations by the Governor or by the President you will be granted leave with pay not to exceed 30 working days, after which leave without pay will be granted. This leave will be granted in addition to all other leave you are entitled to.

To receive military leave of either type, you must submit a copy of your orders. You may also be required to show proof of attendance after you return from military leave.

COURT DUTY LEAVE

You will be granted leave with pay for witness or jury duty. You may also keep your allowance from the court for that service. To qualify for court duty leave, you must give your Department Head a copy of the summons or other court related paperwork as soon as possible after you get it. Also, proof of service must be given to your supervisor when your period of jury or witness duty is over.

EMPLOYEE HEALTH AND DENTAL BENEFITS

Medical and Dental Plans

The City of Jonesboro provides a group health plan and a group dental plan for full-time employees. You were offered detailed information on the policies coverage when you were hired. You may get additional information from the Human Resource Department.

Continuation of Group Health and Dental Coverage

Federal Law (Public Law 99-272, Title X) requires that most employers who sponsor group health and dental plans offer employees and their families the opportunity for a temporary extension of health or dental coverage (called "Continuation Coverage") at group rates in certain instances where coverage would otherwise end. This notice is intended to inform you, in a summary fashion, of your rights and obligation under the continuation coverage provisions of the law.

If you are an employee of the City of Jonesboro, covered by its Group Health Plan or Dental Plan, you have a right to choose this continuation coverage if you lose your coverage because of a reduction of your hours of employment or the termination of your employment (for reasons other than gross misconduct on your part.)

Under the law, the employee or a family member is responsible for informing the City of Jonesboro of a divorce, legal separation, or a child losing dependent status under the plan. This notification must be made within 60 days of the date of the qualifying event which would cause a loss of coverage.

WORKERS' COMPENSATION/OCCUPATIONAL INJURIES AND ILLNESSES

An employee who suffers an occupational injury in the performance of his or her duty may receive workers' compensation benefits. In order for an employee to qualify for workers' compensation, the employee, unless rendered physically or mentally unable by the jury, must:

1. Report the injury to his or her supervisor immediately after it occurs, if possible. Otherwise, no later than the end of the working day in which the injury occurred.

2. Report the injury to the Human Resource Department within 72 hours after the accident or injury.

Rules and regulations concerning Workers' Compensation have been posted on department bulletin boards.

You are ***not*** to use emergency treatment facilities for on-the-job injuries unless the injury is a ***true emergency***, or unless you are injured outside of normal city office hours. For medical treatment of all non-emergency workplace injuries, you or your supervisor should contact the Human Resource Department for a doctor's appointment.

If you are injured on the job and are unable to work, you may be eligible to continue to draw regular salary using your accrued sick leave and/or vacation time. If you choose this option you ***must*** report to Human Resources any temporary disability checks you get from our Workers' Compensation Insurer. Payroll will then reduce your next pay checks(s) by the amount of pay you received from the carrier and restore the equivalent amount of the sick and vacation time used.

If you don't want to use your sick leave or vacation time or if you don't have enough leave time to continue your salary, then you ***will not*** receive a paycheck from the city and you will keep any temporary disability checks you get from our Workers' Compensation Insurer.

EMPLOYEE RETIREMENT PLANS

All full-time non-uniform employees may choose to join the City's Employee Retirement Plan. Sworn Police Officers and Firefighters are required to join the Arkansas Local Police and Fire Retirement System (LOPFI). For information on these plans, you should contact the Human Resource Department.

SECTION III

MATTERS AFFECTING EMPLOYEE STATUS

EMPLOYMENT CLASSIFICATIONS

All positions in the City of Jonesboro will fall into one of the following categories:

1. Full-Time – Those who work full-time in an established city position. Full-time employees may take part in all benefits offered by the City of Jonesboro, subject to the rules and regulations of each benefit program.
2. Part-Time – Those who work less than full-time or 40 hours per week. Part-time employees are eligible for some City benefit programs as defined in the benefit plan summaries.
3. Temporary/Seasonal – Those who work in a position that is meant to be for a limited time. Temporary/Seasonal work may be for a specific project or for seasonal jobs. Temporary employees are not eligible for City benefit programs.
4. Civil Service – Some positions in the Fire Department are also governed by Arkansas Civil Service Laws and the rules and regulations of the Jonesboro Civil Service Commission. Civil Service Policies will take precedence over this handbook.

Additionally, all employees are classified as exempt and non-exempt. Exempt employees are not required to be paid overtime or receive compensatory time, in accordance with applicable federal and state laws. Non-exempt employees are required to receive compensatory time or be paid overtime at the rate of time and one half their regular rates of pay for all overtime hours, in accordance with applicable federal and state laws.

INTRODUCTORY PERIOD

The introductory period is intended to give new employees the opportunity to demonstrate their abilities to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the City may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

All newly-hired or newly-promoted employees work on an introductory basis for the first six (6) months after their date of hire. Any significant absence will automatically extend an introductory period by the length of the absence. If the City determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period. Employees may accrue and use available leave during the introductory period. The introductory period within the Police Department is twelve (12) months and may be extended or re-instituted based on training needs or performance.

ATTENDANCE

Regular attendance is essential to the effective business operations, and the City of Jonesboro expects all of its employees to report to work on time and on a regular basis. Unnecessary absences and tardiness are expensive, disruptive and place an unnecessary burden on fellow employees, supervisors, City government as a whole and the taxpayers who receive City services. Should an employee be unable to report to work on time because of an illness or personal emergency, he/she should give proper notice to his or her supervisor.

Excessive absences or tardiness, unexcused absences and tardiness, falsification of reasons for any absence or tardiness, absences/tardiness which form unacceptable patterns, (i.e., regularly reporting late on Monday mornings or call in absent on Fridays), or failing to provide proper medical documentation to support absences/tardiness may result in disciplinary action.

“Proper notice” is defined by the City as notice in advance of the time an employee should report for work or no later than one (1) hour thereafter if advance notice is impossible.

An absence of an employee from duty, including any absence of (1) day or part thereof, (other than an absence authorized by this personnel handbook or law that is not authorized in advance by the Department Head or the employee’s supervisor will be deemed absence without leave. Such absence shall be without pay, where allowable by applicable federal and state law.

WORK HOURS

If you are a non-shift working Firefighter your work week will be 40 hours. If you are a shift working Firefighter your work week will be 53 hours. The day and time for the beginning of your work week will be decided by your Department Head. Department Heads have the right to change your hours of work, days of work, or your work schedule to carry out their duties to the public. Changes in work schedules will be announced as far in advance as possible.

Whenever possible, your work schedule will provide a 15 minute break in every 4 hours of work. Reasonable time for a meal will be provided. Work schedules and meal times will be set by your Department Head and approved by the Mayor.

PERFORMANCE EVALUATIONS

The City of Jonesboro wants you to do your job to the best of your ability. It is important that you are recognized for good work and that you are given suggestions for improvement when necessary.

Your performance will be evaluated by your supervisor on an on-going basis. Formal written evaluations will be conducted at least once each year.

All written performance evaluations will be based on your overall performance of your job duties and will take into account your conduct, behavior, and record of attendance. In addition to

regular performance evaluations, special written performance evaluations may be conducted by your supervisor at any time. You should remember that a performance evaluation does not necessarily mean a salary adjustment.

NAME BADGES

Each department has an approved name badge that should be worn at all times while working. If your department doesn't make their own name badges then you should check with Human Resources to have one made. The first name badge will be provided at no cost to the employee.

TRAINING

The City of Jonesboro is committed to continuing and on-going training for all employees. If you think you need additional training, you should notify your Department Head. Reasonable expenses of on-the-job training should be assumed by the City, if prior approval is obtained from the Department Head.

JOB SAFETY

Safety is largely the use of good judgment and the practice of good work habits. You must use good judgment to know the safe way and good work habits to continue the safe way. If you are not sure which way to do a job is the safest, you should ask your Supervisor or Department Head.

Unsafe conduct is misconduct. You should always follow the following safety rules:

1. Follow all department safety rules
2. Use all safeguards for equipment, including seat belts in any City-owned vehicle or equipment
3. Immediately stop using faulty equipment and tell your Supervisor or Department Head
4. Immediately tell your Supervisor if you see any unsafe working condition or equipment
5. If corrections are not made, notify the Human Resource Department
6. Immediately report every accident to your Supervisor or Department Head

SECTION IV

Standards of Conduct

HARASSMENT PREVENTION POLICY

It is the policy of the City to treat all employees equally in the terms and conditions of their employment. The harassment of any employee is contrary to this policy and may be considered a violation of state and federal law and will be considered justification for disciplinary or other appropriate action. This policy applies to all employees, supervisors, agents, and non-employees who have contact with employees during working hours. This policy defines harassment and outlines the method by which it is reported.

Harassment is any annoying, persistent act or actions that single out an employee to that employee's objection or detriment, because of race, age, sex, disability, religion, national origin, genetic information, or any other legally protected characteristic (protected status). Harassment may include any of the following:

1. Verbal abuse or ridicule. This includes epithets, derogatory comments, slurs or unwanted advances, invitations, or comments based on protected status.
2. Interference with an employee's work. This includes physical contact such as assault, blocking normal movement or interference with work directed at an individual because of his or her sex or other protected status.
3. Displaying or distributing offensive materials based on protected status. This includes derogatory posters, cartoons, drawings, or gestures.
4. Discriminating against any employee in work assignment or job-related training.
5. Intimate, unwelcome physical contact.
6. Making offensive innuendoes based on protected status.
7. Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer, or any other term or condition of employment.
8. Retaliation for having reported harassment.

It is every employee's responsibility to ensure that his or her conduct does not include or imply harassment. If however, harassment or suspected harassment has or is taking place, the following will apply:

1. An employee should report the harassment or suspected harassment immediately to his or her supervisor. In the event of a conflict with the supervisor, the employee should report the harassment to the Department Head or Human Resources Director. If possible, this complaint should be in writing, setting forth all pertinent facts. The complaint does not have to be in writing, however.
2. Any employee who receives a report of or has knowledge of harassment shall promptly inform the supervisor, Department Head, Human Resources Director in

writing, if possible.

3. Each complaint will be investigated and a determination of the facts will be made on a case-by-case basis. Appropriate action up to and including discharge will then be taken by the City.
4. The investigation files, including the complaint, will be maintained by the City. Any disciplinary action taken will also be documented in the employee's personnel file.

The City will not tolerate harassment or any form of retaliation against an employee who has either instigated or cooperated in an investigation of alleged harassment. Violation of this provision may result in discharge.

False accusations are considered serious and may result in disciplinary action up to and including termination of employment.

OPEN DOOR POLICY

The fair, prompt, and just treatment of all employee problems or complaints is of primary importance to the City. Open communication is a vital part of a successful organization. Providing an atmosphere conducive to open discussion among all staff regardless of position is stressed at all levels.

In view of this open door policy, employees should be assured that they will not receive criticism or penalties or be subject to discrimination as a result of candid discussions with their supervisors, Department Heads, or the Human Resources Director.

CONDUCT TOWARDS THE PUBLIC

You should always be civil, orderly and courteous in your conduct and behavior. You must be aware that every time you contact the public your appearance, actions and status are taken for those of the City.

When dealing with the public, you should try to make your conduct create respect for both you and the City. This will help promote the cooperation and approval of the public.

Not everyone you meet in the course of your duties will be courteous. Even so, you should treat the public as you would like to be treated . . . with courtesy, patience, respect and understanding. This approach to public service is very important.

When you are not sure of the correct answer to a question from the public, refer the question to the person or the department that can give the best answer. It is better to admit not knowing than to give the wrong information.

TELEPHONE COURTESY

Your job is to give service to the citizens of Jonesboro. They expect you to perform efficiently and courteously. The way you answer the telephone can affect public relations. While you are on the telephone, you are an important source of good will for the city government. No matter where you work – at a desk, at a counter or somewhere else – when you answer the telephone, your voice reflects your personality. You are expected to:

Answer the telephone promptly, on the first ring if possible; identify yourself and/or department; keep writing materials nearby to take notes; speak directly into the mouthpiece in a pleasant voice; have the correct number when placing a call; be courteous at all times; and arrange to have someone answer calls when you are away from your phone.

Telephones provided by the City are for use in conducting City business. You should not use City telephones during business hours for personal calls, either outgoing or incoming, except in emergencies. You are not allowed to charge any long-distance or other toll calls of a personal nature to the City of Jonesboro.

UNIFORMS AND PERSONAL APPEARANCE

A reasonable dress code is necessary to ensure that all employees dress and groom themselves in a manner to promote a positive image of City Government. All employees are expected to report to work clean, neat and appropriately dressed and groomed.

If you are not required to wear uniforms you should dress neatly, in clothing that is suited for your job. If you are not sure what appropriate dress is, you should ask your Supervisor or Department Head.

Examples of Unacceptable Attire:

- Any clothing that is worn, torn, frayed, has patches or holes.
- Sweat clothing or work out attire such as sweat pants, leotards, and tights.
- Backless tops or dresses that expose any part of the midriff or back.
- Low cut blouses or dresses.
- Shorts above the knee.
- Tank tops, sleeveless or spaghetti straps with no cover-up or jacket.
- T-Shirts with inappropriate logos/offensive wording.
- Robber thong shoes (flip-flops).
- Mini-skirts/skirts split higher than three inches above the knee.
- Clothing that reveals undergarments.

Casual Fridays:

Standards shall be the same as other days of the week but may wear jeans that are neat, not frayed and with no holes.

Management reserves the right to determine appropriate dress and grooming at all times. Employees reporting to work inappropriately dressed or groomed may be sent home. Any employee sent home for this purpose will be charged vacation leave. If no vacation leave is available to charge, employees will receive no pay for the time not worked.

Failure on the part of the employee to conform to this policy or departmental policies may result in disciplinary action up to and including termination.

WORKPLACE VIOLENCE

The City of Jonesboro observes a zero tolerance policy regarding workplace violence. Fighting or other activities which may endanger the well being of employees may result in immediate termination of employment. Actions that create an environment that is threatening, violent, intimidating, hostile, abusive or offensive will not be tolerated and must be immediately reported to a supervisor or Human Resources as soon as possible.

Conduct that interferes with operations, that discredits the City, or that is offensive to others will not be tolerated, whether such conduct be that of an employee, associate of an employee or visitor. Any act of violence that impacts the workplace will be cause for investigation and subject to action by the City. Violence is any act of aggression or any statement, which could be perceived as intent to cause harm to the City or an individual, whether personal, such as physical, or emotional, or impersonal, such as property damage or theft.

General

Employees are expected at all times to conduct themselves in a positive manner so as to promote the best interests of the City. Such conduct includes:

1. Complying with all of the City's safety and security regulations and policies;
2. Complying with the City's harassment prevention policy;
3. Treating all visitors and co-workers in a courteous manner;
4. Refraining from behavior or conduct deemed offensive or undesirable, or which is contrary to the City's best interests;
5. Reporting to management any suspicious, unethical, or illegal conduct by co-workers, visitors, or suppliers without fear of retaliation;
6. Cooperating with City investigations;
7. Handling the property of the City and of individuals with care and respect to the owner.

The following conduct is prohibited and may subject the individual involved to disciplinary

action, up to and including termination:

1. The use of profanity or abusive language;
2. The possession of firearms, explosives, weapons (including hunting weapons) on City property (unless authorized to carry such items as a job requirement);
2. Fighting or assault on another employee or visitor;
3. Threatening or intimidating co-workers or visitors;
4. Retaliation for having reported inappropriate conduct or for having cooperated in an investigation of inappropriate conduct;
5. Intentional interference with another employee's work;
6. Theft, destruction, defacement, or misuse of City property or of the property of an employee or visitor.

This listing is illustrative of the type of behavior that will not be permitted. It is not intended to be an all-inclusive list. Any violation of the City's policies or any conduct considered inappropriate or unsatisfactory may, at the City's discretion, subject the employee to disciplinary action, up to and including termination.

Procedures

It is every employee's responsibility to ensure that his or her conduct does not include or imply breach of this policy. Furthermore, it is every employee's responsibility to report suspicions of such behavior, whether by employee or non-employee, to an appropriate supervisor or Human Resources. If, however, violence, threats of violence or suspected violence to a person or property has taken place or is taking place, the following will apply:

1. Should an employee perceive a threat to be urgent, the employee may call 911 before reporting the threat to his or her Supervisor or Human Resources. An urgent threat is one where there is actual violent behavior, or where it appears that violent behavior is likely or imminent.
2. Should an employee receive a bomb threat, the employee should notify the Desk Sergeant of the Police Department immediately.
3. Any threats of violence or suspected violence to person or property should be reported to his or her Supervisor or Human Resources. An oral or written statement setting forth all pertinent facts may be required.
4. The City will investigate the report and will determine the appropriate action and/or discipline to be taken with the offender up to and including termination.

5. The City will work with employees who report that they have been subjected to violence to support efforts to reduce the harm, which has been or is being done.
6. Appropriate confidentiality and documentation of each report will be maintained.

CONDUCT GUIDELINES

As a City employee you should accept certain responsibilities, follow acceptable standards of personal conduct and display a high degree of personal integrity at all times. This requires a sincere respect for the rights and feelings of others. It also demands that while at work and in your personal life, you avoid behavior that might be harmful to yourself, your co-workers, the citizens and/or the City. Whether you are on duty or off duty, your conduct reflects on the City. You should observe the highest standards of professionalism at all times.

Proper conduct and performance are requirements in any work environment. There are times when those standards are not being met, and the City's management may need to point out performance or behavioral problems which require the employee's attention and improvement. In those instances, the City may rely upon various disciplinary measures ranging from verbal warnings up to and including termination. Further, any violations of policies contained in this section and handbook may result in an unpaid suspension for City exempt and non-exempt employees. The specific disciplinary action utilized will depend upon various factors, including the nature of the violation. Employment with the City is voluntarily entered into, and both the employee and the employer are free to terminate the employment relationship at any time, with or without notice or cause, and for any reason or no reason at all. The following are examples of actions that may result in disciplinary action:

1. Falsification or misstatement of employment applications, time records, or other reports, records, or documents.
2. Violation of the City's equal employment opportunity, nondiscrimination, and harassment prevention policies.
3. Soliciting or accepting gratuities from citizens.
4. Excessive absenteeism or tardiness.
5. Unnecessary or unauthorized use of City property.
6. Violation of the City's Substance Abuse Policy.
7. Violation of the Workplace Violence Policy.
8. Theft and/or dishonesty, or any attempt thereof. This includes, but is not limited to, misappropriation of City property or merchandise, including unauthorized use of City telephones, facilities, equipment, materials, or property of a City employee or citizen.

9. Failure to follow or disregard of safety or security policies, requirements, or regulations.
10. Insubordination or deliberate disobedience of instructions from the City's management, including disrespectful conduct. This includes, but is not limited to, a refusal to obey the legitimate request of any member of management, the failure to follow instructions, or the failure to otherwise perform assigned work.
11. Intentional or negligent damage to or pilferage of materials, merchandise, property, or equipment belonging to the City or another person.
12. Intentional abuse of an employee's position of authority over the citizenry.
13. Knowingly or intentionally selectively enforcing the city codes.
14. Misconduct of any nature adversely affecting the City's best interests and reputation. This may include, but is not limited to, rudeness, insolence, or other improper conduct, including vulgarity and profane language toward another employee, citizen, visitor, or vendor.
15. Willful or deliberate neglect of duties.
16. Divulging confidential information to any unauthorized person.
17. Violation of the smoking policy.
18. Violation of the City's Internet/Email Policy, including inappropriate internet use or the use of the City's computer systems to create or disseminate any discriminatory, defamatory, offensive, disruptive, or otherwise inappropriate or unprofessional communications.
19. Poor performance or nonperformance of duties.
20. Violation of any other rule, directive, policy or procedure, including, but not limited to, those set forth in these policies.
21. Violation of any and all state or federal regulations or laws.
22. The above list is not all-inclusive. The list provides only a partial explanation of some of the reasons disciplinary action may be taken.

If your performance, work habits, or actions become unsatisfactory or violate any of the above items or any other City policies, rules or regulations, you may be subject to disciplinary action, up to and including dismissal.

CARE OF CITY PROPERTY

As a City employee, your job requires you to use supplies and usually some type of equipment, all of which are public property. You must be careful about using materials wisely and keeping the equipment in good condition. Carelessness can result in disciplinary action. Discipline records will become a part of your personnel file. You can help keep costs down by treating City property as you would your own.

USE OF CITY VEHICLES

If you are assigned the use of a City automobile or equipment, you should operate them with due care, and follow all laws and rules of the road.

You should keep vehicles and equipment in a clean and sanitary condition at all times. If you are driving outside the Jonesboro area, you must get permission from your Supervisor before starting the trip. Any problems with your vehicle must be reported to your Supervisor or Department Head for immediate corrective action. The City stresses preventive maintenance, and every operator of City vehicles or equipment is expected to report problems at once.

If you are assigned or use a City vehicle the following rules will apply unless specifically altered or exempted by your Department Head and the Mayor.

1. No City vehicle will be allowed to travel outside the city limits of Jonesboro on other than official City business.
2. No City vehicle will be allowed to be used on week-ends or any other time, either during or after work, for the purpose of traveling to and from church services or any other personal errands.
3. No employee who lives outside the city limits of Jonesboro will be allowed to take a City vehicle home without permission from the mayor.
4. No City vehicle will be used to transport anyone to or from a secondary job, nor will any City vehicle be used in the performance of a secondary job by any employee without advance written notice from the Department Head.
5. The Jonesboro Police Department (JPD) implemented a vehicle take home policy effective June 1, 2006. The JPD will operate its vehicle fleet in accordance with CALEA Policy 322 in the JPD Directive Manual.
6. The Jonesboro Fire Department (JFD) implemented a vehicle take home policy effective October 1, 2010. The JFD will operate its vehicle fleet in accordance with Standard Operating Guidelines 112.03 "Take-home vehicles."
7. Certain administrative positions in the city, as determined by the Mayor, may have a take-home vehicle assigned as a fringe benefit of employment. The value of

such shall be added to the employee's annual compensation in accordance with current IRS regulations; withholdings and benefit amounts will be calculated on an annual basis and reflected on the employees W-2.

If you are authorized to operate a City vehicle and you are away from work due to any leave of absence or illness, you should park the vehicle at the appropriate City facility, unless it will be used by your replacement. Violations of any of the above rules may lead to disciplinary action.

TIME OFF TO VOTE

The City will schedule the work hours of employees on election days so that each employee will have an opportunity to vote.

POLITICAL ACTIVITY

You may not circulate or solicit signatures for any initiative or referendum petition in any City office, during usual City office hours, or while on duty for the City, or while in a City uniform.

You may not use any office or other room furnished at public expense for any political headquarters, or to send out or distribute any letters, pamphlets, or other campaign literature for the election of any public office.

You may not place any campaign banners, cards, or campaign literature on any car, truck, or tractor belonging to the City.

You may not devote any time or labor during the time you are on duty, or while you are in a City uniform, to the campaign of any person for any public office.

INCLEMENT WEATHER

When conditions are hazardous you should contact your supervisor for instructions. If your department is open for business, you are expected to come to work. If you are unable to get to work due to weather, you must give your Supervisor "proper notice." "Proper Notice" means calling either before or no later than 1 hour after the time you are due at work. If you give proper notice, time off will be charged to available vacation time.

The mayor will determine when city offices are open or closed, or open late for inclement weather. If the mayor closes city offices or declares inclement weather, some employees will be placed on administrative leave with pay and shall suffer no loss of wages or leave time for that time period. If non-uniform, non-exempt employees are required to work on an inclement weather day, they will receive an equivalent number of hours off to be used at a later date to be scheduled with their supervisors.

OUTSIDE EMPLOYMENT

You are not encouraged to hold a second job while you are working full-time for the City. Emergencies can happen at any time, and every employee is subject to call. You should get written permission from your Department Head before taking a second job. Remember, your first obligation is to the City, and any other employment should not interfere.

If you have a second job, it must not interfere with the proper and effective performance of your job with the City. Your outside employment must not adversely affect the image of the City. It must not cause embarrassment or legitimate and reasonable criticism. If you have a second job it must not be one that may be seen by the public as an official act of the City. You may not wear City uniforms or use City equipment on a second job unless approved in writing, in advance, by your Department Head.

OUTSIDE COMPENSATION

You may not accept any reward, gift, or other form of payment in addition to regular compensation, from any source, for the performance of your duties as a City employee.

DISCIPLINARY ACTION

If your performance, work habits, or actions become unsatisfactory, you may be subject to disciplinary action up to and including dismissal.

Disciplinary action may be any of the several forms listed below:

1. **Warning or Reprimand:** A reprimand is action used to alert you that your performance is not satisfactory or to call attention to your violation of employment rules or regulations. All reprimands will be reduced to writing and placed in your personnel file.
2. **Suspension:** Suspension involves your removal from your job. You may be suspended with or without pay. A suspension must be in writing. The reason for such action, the period of time for the suspension and the date the suspension is to begin and end must be noted also. Suspension with pay is normally used only while your involvement in a serious incident is under investigation.
3. **Demotion:** If you have committed an appropriate offense, or if your work record justifies it, you may be demoted. You will be given written notice of such action. A demotion is an action that places you in a position of less responsibility and less pay.
4. **Termination:** This type of disciplinary action is your removal from City employment. If you have committed a serious offense or if your work record establishes grounds for termination, you may be given written reasons that can be

supported at a pre-termination hearing.

While most situations involving disciplinary action will be dealt with in a progressive fashion, which should allow you to correct your performance; there are some offenses that may result in skipping some or all steps.

You have the right to appeal all types of disciplinary action outlined in the **Procedure for Review of Disciplinary Decisions** (See below outline).

Procedures for Review of Disciplinary Decisions

If you request a review of any disciplinary action, it will be conducted as follows:

1. You will submit a written grievance to your immediate supervisor within 5 working days after the disputed disciplinary action. If possible, the grievance will be resolved at this level.
2. If you are not satisfied with the first step, you may submit the grievance **in writing** to your Department Head. The Department Head will investigate the problem and respond to you in writing within 5 working days.
3. If you are not satisfied with the second step, you may submit the grievance **in writing** to your Division Chief. The Division Chief will review the investigation of the Department Head and conduct further investigation, if necessary, and respond to you in writing within 5 working days.
4. If you are not satisfied with the third step, a written appeal may be made to the Mayor. The mayor will make the final management decision within 10 working days and respond to all concerned parties in writing.

ACKNOWLEDGMENT

In consideration of my employment, I agree to conform to the rules and policies of the City of Jonesboro. I understand that my employment and compensation can be terminated with or without cause, and with or without notice, at any time, at the option of either the City or myself. I understand that no manager or representative of the City has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the foregoing, and I state that no such agreement has been made.

I hereby acknowledge that I have read and understood the contents of the Employee Handbook. I agree to and will be cooperative in complying with the policies stated herein. I understand that revisions may be made to the Handbook at any time.

I also understand that the Employee Handbook is not a contract of any kind, implied or expressed, including one for employment, but is for my information only.

Employee Name (Printed)

Employee Signature

Date

NOTE: Within seven (7) days, sign this page, tear it out, and return it to the Human Resources Director. This form will be placed in your personnel file.



Legislation Details (With Text)

File #:	RES-12:069	Version:	2	Name:	Contract with Chick-Fil-A for sign sponsorship at Southside
Type:	Resolution	Status:		Status:	Recommended to Council
File created:	5/9/2012	In control:		In control:	Public Services Council Committee
On agenda:		Final action:			
Title:	A RESOLUTION TO CONTRACT WITH CHICK-FIL-A FOR SPONSORSHIP OF A OUTFIELD SIGN AT SOUTHSIDE SOFTBALL COMPLEX				
Sponsors:	Parks & Recreation				
Indexes:	Contract				
Code sections:					
Attachments:	Chick-fil-A				

Date	Ver.	Action By	Action	Result
5/14/2012	2	Public Services Council Committee		

title
A RESOLUTION TO CONTRACT WITH CHICK-FIL-A FOR SPONSORSHIP OF A OUTFIELD SIGN AT SOUTHSIDE SOFTBALL COMPLEX

body
WHEREAS, the City of Jonesboro owns and maintains Southside Softball Complex located at 5301 Stadium Blvd;

WHEREAS, Chick-fil-A is seeking sponsorship recognition on one outfield sign at Southside Softball Complex; and

WHEREAS, Chick-fil-A is sponsoring the outfield sign for the sum of \$300.00 per year for a period of 3 years;

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

SECTION 1: That the City of Jonesboro, Arkansas shall contract with Chick-fil-A for the sponsorship of a outfield sign at Southside Softball Complex. A copy of said contract is attached as Exhibit A.

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

EXHIBIT A

ADVERTISING AGREEMENT
FOR FIELD SIGN LOCATED AT
SOUTHSIDE SOFTBALL COMPLEX

This agreement is made by and between Chick-fil-A (SPONSOR) and the CITY OF JONESBORO PARKS AND RECREATION DEPARTMENT (CITY), on this 10th Day of April, 2012 (the "Effective Date").

WHEREAS, the CITY is the owner of certain public park amenities known as "Southside Softball Complex". And hereafter referred to as the "Facilities", and

WHEREAS, SPONSOR and the CITY desire to enter this agreement for the purpose of Evidencing the agreement of the parties with regard to advertising on the outfield fences at the Facilities by SPONSOR and the respective obligations of the parties regarding said Advertisements at the Facilities;

NOW, THEREFORE in consideration of the promises and the reciprocated covenants and obligations contained herein, the parties agree as follows:

I. Term

- (1) The term of this agreement is for a period of **(3) three years** commencing on the effective Date and ending at midnight on the **(3rd)** third anniversary thereof.

II. Advertisement at Facilities

- (1) It is agreed between the parties hereto, in return for the covenants and conditions set forth herein that the SPONSOR's logo shall be put on a sign to be displayed on chosen field at FACILITY for a period of **(3) three years**.
- (2) It is agreed between the parties that the SPONSOR shall pay over a period of **3 years** for the sign and sponsorship the total sum of **\$900.00**.
 - A sum of **\$300.00** shall be paid on **May 1st, 2012**.
 - A sum of **\$300.00** shall be paid on **May 1st, 2013**.
 - A sum of **\$300.00** shall be paid on **May 1st, 2014**.

- (3) It is agreed between the CITY and the SPONSOR that the SPONSOR shall have the right to renew this contract for an additional period of **(3) three years** at the sponsorship rate to be negotiated at the time of the renewal.
- (4) It is agreed between the CITY and the SPONSOR that this sponsorship is non-assignable without prior written approval of the CITY. It is also agreed that the CITY reserves the right to remove SPONSOR'S sign and obtain a new sponsor for designated field in the event of failure of payment on the part of the SPONSOR.
- (5) It is agreed between the parties that the CITY will furnish a 3' x 8' sign to be placed for SPONSOR'S designated field. However, it shall be the responsibility of SPONSOR to bear any expense made to said sign should changes be requested during the term of this agreement.
- (6) It is agreed by CITY and the SPONSOR that the SPONSOR shall not be responsible for the maintenance or upkeep of sign and SPONSOR shall not be responsible with regards to any liability actions which may be brought against the CITY resulting from accidents which might involve the sign.

III. Assignability and Exclusivity


This agreement is a privilege for the benefit of SPONSOR only and may not be assigned in whole or in part by SPONSOR to any other person or entity.

IV. Miscellaneous Provisions.

- (1) No Modification of this Agreement shall be effective unless it is made in writing and signed by the authorized representative's of the parties hereto.
- (2) This agreement shall be construed under and in accordance with the laws of the State of Arkansas and venue for any litigation concerning this Agreement shall be in Craighead County, Jonesboro, Arkansas.
- (3) Nothing in this Agreement shall be construed to make the CITY or its respective agents or representatives liable in situations it is otherwise immune from liability.

- (4) In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- (5) Each party represents to the other the individual signing this Agreement below has been duly authorized to do so by its respective governing body and that this Agreement is binding and enforceable as to each party.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year set forth below.

BY: **Chick-fil-A**
Name: 
Title: Owner/Operator
Date: 4/30/12

CITY OF JONESBORO

By: _____
Name: Harold Perrin
Title: Mayor
Date: _____

ATTEST

Donna Jackson, City Clerk, CMC



Legislation Details (With Text)

File #:	RES-12:070	Version:	1	Name:	Contract with Dairy Queen for Joe Mack Campbell sign sponsorship
Type:	Resolution	Status:			Recommended to Council
File created:	5/9/2012	In control:			Public Services Council Committee
On agenda:		Final action:			
Title:	A RESOLUTION TO CONTRACT WITH DAIRY QUEEN FOR SPONSORSHIP OF A CONCESSION STAND SIGN AT JOE MACK CAMPBELL PARK				
Sponsors:	Parks & Recreation				
Indexes:	Contract				
Code sections:					
Attachments:	Dairy Queen				

Date	Ver.	Action By	Action	Result
5/14/2012	1	Public Services Council Committee		

title

A RESOLUTION TO CONTRACT WITH DAIRY QUEEN FOR SPONSORSHIP OF A CONCESSION STAND SIGN AT JOE MACK CAMPBELL PARK

body

WHEREAS, the City of Jonesboro owns and maintains Joe Mack Campbell Park located at 3021 Dan Avenue;

WHEREAS, Dairy Queen is seeking sponsorship recognition on one concession stand sign at Joe Mack Campbell Park; and

WHEREAS, Dairy Queen is sponsoring the concession stand sign for the sum of \$1,000 for a period of 1 year;

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

SECTION 1: That the City of Jonesboro, Arkansas shall contract with Dairy Queen for the sponsorship of one concession stand sign at Joe Mack Campbell Park. A copy of said contract is attached as "Exhibit A."

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

EXHIBIT A
ADVERTISING AGREEMENT
FOR CONCESSION STANDS LOCATED AT
JOE MACK CAMPBELL PARK

This agreement is made by and between **Dairy Queen** (SPONSOR) and the CITY OF JONESBORO PARKS AND RECREATION DEPARTMENT (CITY), on this **1st** Day of **June, 2012** (the "Effective Date").

WHEREAS, the CITY is the owner of certain public park amenities known as "Joe Mack Campbell Park", and hereafter referred to as the "Facilities"; and

WHEREAS, SPONSOR and the CITY desire to enter this agreement for the purpose of evidencing the agreement of the parties with regard to advertising on the concession stands at the Facilities by SPONSOR and the respective obligations of the parties regarding said advertisements at the Facilities;

NOW, THEREFORE in consideration of the promises and the reciprocated covenants and obligations contained herein, the parties agree as follows:

I. Term

- (1) The term of this Agreement is for a period of **one year** commencing on the Effective Date and ending at midnight on the first anniversary thereof.

II. Advertisement at Facilities

- (1) It is agreed between the parties hereto, in return for the covenants and conditions set forth herein that the SPONSOR's name shall be put on a sign to be erected at the concession stand at the FACILITY for a period of **one year** at the price of **\$1,000.00 per sign**
- (2) A sum of **\$1,000** shall be paid on **June 1, 2012**.
- (3) It is agreed between the CITY and the SPONSOR that the sign size shall be 36 x 72 and the CITY will be responsible for the maintenance and upkeep of the sign. In addition CITY will pay for the sign including any graphics on the sign. However, it shall be the responsibility of the SPONSOR to bear any expense should changes be requested to the sign during the term of this agreement.

- (4) It is agreed that the CITY reserves the right to remove SPONSOR'S sign and obtain a new sponsor in the event of failure of payment on the part of the SPONSOR.


III. Assignability and Exclusivity

This agreement is a privilege for the benefit of SPONSOR only and may not be assigned in whole or in part by SPONSOR to any other person or entity.

IV. Miscellaneous Provisions.

- (1) No modification of this Agreement shall be effective unless it is made in writing and signed by the authorized representative's of the parties hereto.
- (2) This Agreement shall be construed under and in accordance with the laws of the State of Arkansas and venue for any litigation concerning this Agreement shall be in Craighead County, Jonesboro, Arkansas.
- (3) Nothing in this Agreement shall be construed to make the CITY or its respective agents or representatives liable in situations it is otherwise immune from liability.
- (4) In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- (5) Each party represents to the other that the individual signing this Agreement below has been duly authorized to do so by its respective governing body and that this Agreement is binding and enforceable as to each party.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year set forth below.

By: Dairy Queen
Name: 
Title: Manager
Date: 5/9/12

CITY OF JONESBORO

By: _____
Name: _____
Title: _____
Date: _____

ATTEST

Donna Jackson, City Clerk, CMC



Legislation Details (With Text)

File #: RES-12:076 **Version:** 1 **Name:** Authorizing application for 2012 Byrne Criminal Justice Innovation Program

Type: Resolution **Status:** Recommended to Council

File created: 5/16/2012 **In control:** Finance & Administration Council Committee

On agenda: **Final action:**

Title: A RESOLUTION AUTHORIZING THE GRANTS DEPARTMENT TO SUBMIT A GRANT APPLICATION FOR THE FY 2012 BYRNE CRIMINAL JUSTICE INNOVATION PROGRAM TO ENHANCE THE NORTH JONESBORO NEIGHBORHOOD INITIATIVE BY ADDING A CRIME PREVENTION STRATEGY TO THE REVITALIZATION EFFORT.

Sponsors: Grants, Police Department

Indexes: Grant

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
5/22/2012	1	Finance & Administration Council Committee		

Title

A RESOLUTION AUTHORIZING THE GRANTS DEPARTMENT TO SUBMIT A GRANT APPLICATION FOR THE FY 2012 BYRNE CRIMINAL JUSTICE INNOVATION PROGRAM TO ENHANCE THE NORTH JONESBORO NEIGHBORHOOD INITIATIVE BY ADDING A CRIME PREVENTION STRATEGY TO THE REVITALIZATION EFFORT.

Body

WHEREAS, the City of Jonesboro, Arkansas will apply for this federal grant in the amount of \$600,000; and

WHEREAS, there is no match requirement from the City of Jonesboro; and

WHEREAS, other grant funds will be leveraged to support the efforts outlined in said grant application; and

WHEREAS, said funding will be utilized to design, implement, and measure a crime prevention strategy as a component of the North Jonesboro Neighborhood Initiative.

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

SECTION 1: That the City of Jonesboro will apply for \$600,000 from the FY 2012 Byrne Criminal Justice Innovation Program; and

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 application.



Legislation Details (With Text)

File #:	COM-12:036	Version:	1	Name:	Request by Grayson Investments for an appeal hearing
Type:	Other Communications	Status:			Recommended Under New Business
File created:	5/29/2012	In control:			City Council
On agenda:		Final action:			
Title:	Request by Grayson Investments to set an appeal hearing regarding the denial by the MAPC to rezone property located at 3701 East Johnson Avenue to modify the existing C-3 L.U.O. to provide for additional uses				
Sponsors:					
Indexes:	Appeal hearing requests				
Code sections:					
Attachments:	Appeal Letter MAPC Report MAPC Record of Proceedings Plat Proposed ordinance				

Date	Ver.	Action By	Action	Result
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title
Request by Grayson Investments to set an appeal hearing regarding the denial by the MAPC to rezone property located at 3701 East Johnson Avenue to modify the existing C-3 L.U.O. to provide for additional uses

JIM LYONS
jlyons@leclaw.com

ZAC BAKER
zbaker@leclaw.com

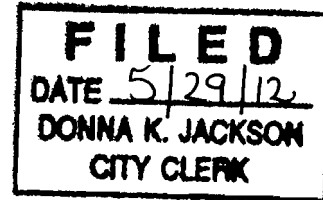
Lyons & Cone, P.L.L.C.

ATTORNEYS AT LAW
407 SOUTH MAIN
PO BOX 7044
JONESBORO, ARKANSAS 72403-7044
870-972-5440 • FAX: 870-972-1270

MIKE CONE
mikecone@leclaw.com

DAVID TYLER
dtyler@leclaw.com

May 29, 2012



Ms. Donna Jackson, City Clerk
515 W. Washington Ave.
Jonesboro, AR 72401

Re: Grayson Investments Rezoning
Denial; Appeal to City Council

Dear Ms. Jackson:

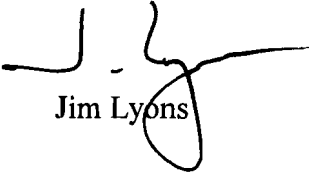
Please let this serve as notice of appeal to the Jonesboro City Council in respect to the MAPC's decision on May 8, 2012 to deny rezoning of the Grayson Investments property located at 3701 E. Johnson Avenue. Pursuant to Jonesboro City Code 2-89, "appeals to the city council of decisions of commissions and boards shall be in writing signed by the party appealing, dated and filed with the clerk within 30 days following the decision of the board and/or commission." As such, we ask that you consider this our timely filing of notice of appeal of the MAPC's decision.

We are appealing this decision for several reasons. First, the MAPC promoted commercialization of the area surrounding the Grayson Investments property by approving the rezoning of the location where the new fairgrounds campus is being constructed. In fact, the rezoning of the new fairgrounds campus was sponsored by a current MAPC voting member, Mr. Jerry Reece, who abstained from voting on the Grayson Investments matter during the May 8, 2012 MAPC meeting. It is important to note that Mr. Reece was familiar enough with the property to be aware of a sewer easement potentially running across the Grayson Investments property.

Second, but more importantly, the approval of the development of the new NEA Baptist Memorial Hospital campus has prompted numerous property owners with frontage to Johnson Avenue to place their properties up for sale as commercial property in hopes of attracting buyers interested in using their land for similar commercial development. The area is in need of properties with many different commercial uses, including ones we have attached to our appeal. We feel that this information warrants an appeal to the City Council for further consideration regarding the additional uses being requested for the Grayson Investments property.

We have attached a copy of the record, as well as a prepared ordinance, and proper fee for lodging this appeal. We are requesting our appeal be heard during the June 19, 2012 City Council meeting. Please let us know if you have any questions, or if there is anything else we can provide to make the appeal complete. Thank you.

Sincerely,



Jim Lyons

JL/sc

Enclosures

F:\WP60\JL\May 29.Grayson.Appeal.wpd



City of Jonesboro City Council
Staff Report – RZ 12-06: Grayson Investments 3701 E. Johnson Ave.
Huntington Building - 900 W. Monroe
For Consideration by the Council

REQUEST: To consider a rezoning of a parcel of land containing 1.61 acres more or less

PURPOSE: A request to consider an appeal of a denial recommendation to Council for a modification to an existing “C-3 L.U.O.” General Commercial, as ordered by the Circuit Court. SEE MAPC RECORD OF PROCEEDINGS ATTACHED.

APPLICANT OWNER: Attorney Jim Lyons P.O. Box 7044 Jonesboro, AR 72403
 Grayson Investments, 1203 Dove Road, Jonesboro, AR 72401

LOCATION: 3701 E. Johnson Ave., Jonesboro, AR (Directly east of Bill’s Fresh Market

SITE DESCRIPTION: Tract Size: Approx. +/- 1.61 Acres 70,131 sq.ft.
 Frontage: Approx. 235.57’ +/- Johnson Ave.
 Topography: Flat
 Existing Development.: Single Family Residence

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

HISTORY: The property was denied by City Council on January 16, 2006 in a rezoning request from “R-1” to “C-3”, but was later settled in the Circuit Court of Craighead County, Arkansas, Western District Civil Division and rezoned to “C-3” L.U.O. with specific stipulations for uses and improvements (See attached Consent Judgment- Filed November 16, 2006).

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

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Current/Future Land Use Map recommends this location as Single Family Residential. The current rezoning while inconsistent with the adopted Land Use Map, is consistent with the general area that is in major transition: and, one that serves as a Growth Node near the Hwy. 351 intersection and the new NEA Baptist Memorial Hospital. Staff recommends a map revision for this site, due to the new information, as well as the major corridor in which it fronts.

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.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by E. Johnson Ave./Hwy. 49 N which is a State highway and major arterial. The right of way width is 60' from centerline, as depicted on the Rezoning Plat. Staff does not anticipate additional right of way is needed for the proposed project.

Zoning Compliance:

The applicant is proposing to use the property at the highest and best use given the amount of traffic and other development along Highway 49N. However, some buffering and screening is needed for the remaining single family residence to the west of the site. This was conditioned by the Judge Order applied to this case, and the applicant plans to satisfy all buffering and screening previously mandated.

The applicant is requesting a change in the list of uses as ordered by the Judgment attached to this case. The specific list of uses by the Court (Case CV-2006-88(JF)) is as follows:

- a. Animal Care, Limited,
- b. Automated Teller Machine
- c. Bank or Financial Institutions
- d. Church (with conditional use permit)
- e. Day Care, Limited
- f. Government Service
- g. Library
- h. Medical Service/Office
- i. Office, General
- j. Utility, Minor

The following improvements were also ordered prior to Final Occupancy and will still apply:

(i) Solid fence, 8 ft. in height shall be installed along the property line adjacent to the property property zoned R-1 on the South boundary as well as that portion of the East boundary zoned, R-1; (ii) That there be a buffer zone of forty feet (40') between any structure or parking and any R-1 zoned property except as reduced in subsection (v) below; (iii), Trees a minimum of eight feet (8') in height shall be planted along the fence to provide an additional layer of screening and buffering between the Property and properties zoned R-1 adjacent to the Property; (iv) There shall be no vehicular access, from this Property to Maplewood Terrace or vice versa; and (v) The width of the buffer zone will be limited and reduced to the distance of the existing structure from the east boundary of the Property where the existing structure is located. However, if there are any exterior structural improvements that alter the size of the existing structure then the forty foot (40') buffer zone shall apply.

“...That no other, action to rezone said Property shall be necessary. However, if the City is desirous of enacting an Ordinance for this rezoning, it may do so. In the event that the City believes, claims or desires that any additional action be taken for such rezoning to be effective, the City is hereby ordered to do so.”

With this application for a Limited Use Overlay (LUO) modification, the applicant has requested and specified that the follow uses be allowed:

During the MAPC Public Hearing, Mr. Lyons presented the reduced list: (These uses are to be allowed if approved).

- d. Automated teller machine
- e. Bank or financial institution
- f. Church
- g. College or university
- i. Construction Sales Service
- k. Day care, limited
- l. Day care, general
- s. Medical service/office
- u. Office, general
- w. Parks and recreation
- x. Post office
- bb. Restaurant, fast food
- cc. Restaurant, general
- dd. Retail/service
- ee. Safety services
- kk. All other previously approved uses by the Court (Case CV-2006-88(JF)) is as follows:
 - Animal Care, Limited,
 - Automated Teller Machine
 - Bank or Financial Institutions
 - Church (with conditional use permit)
 - Day Care, Limited
 - Government Service
 - Library
 - Medical Service/Office
 - Office, General
 - Utility, Minor

Conclusion:

The MAPC has reviewed the requested Zone Change/modification as previously ordered as C-3 L.U.O., submitted by Grayson Investments; and, is recommending denial of Case RZ 12-06. The MAPC Record of Proceedings are attached.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking South towards Project Site



View looking North from subject property



View looking West on Johnson Ave. from drive of subject property



View looking West on Maplewood Terrace towards rear of Site



View looking North towards rear of existing home on Site



View looking North towards Johnson Ave. from Site



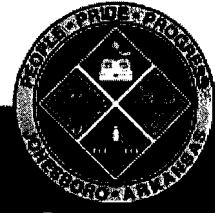
View from site looking West at Bills Market location



View from Property looking at Neighboring Property to the East



View Looking East on Johnson Ave. towards Bill's Market



RECORD OF PROCEEDINGS: MAPC PUBLIC HEARING HELD MAY 8, 2012

RZ 12-06: Grayson Investments, 3701 E. Johnson Ave.

A request to consider a recommendation to Council for a rezoning/modification of a "C-3 L.U.O.", General Commercial list of permitted uses.

Applicant:

Mr. Jim Lyons: Attorney- Representing Grayson Investments. Mr. Lyons presented the case noting that the property is located next to Bill's Fresh Market on E. Johnson Ave. Since the last traffic count and the most recent 2010 traffic count, approximately 25,000 cars are reflected at the point which is exactly where our property. The City of Jonesboro has done two (2) things in the recent past that will increase the likelihood of this property being commercial by: 1. *approving the NEA Baptist Memorial Hospital*; and, 2. *approving the development of the fairgrounds towards Brookland*. That has increased the traffic in this area. There is a change in the character of the neighborhood. Mr. Lyons showed slides of the current uses of the properties in the vicinity, including the rear of the property along Maplewood Terrace and properties along Highway 49N, as well as the C-3/ C-3 L.U.O. Zoning abutting.

Mr. Lyons noted the eye care facility to the east and the property underdevelopment as C-3 showing the dirt work underway in the photo to the north across E. Johnson. It is our position that this land is clearly commercial. He noted that he drove from the Ace Hardware Store and it measured 1.1 miles to Bill's Market. All of the properties are either commercial, 11 were unused and others used as residential, but those properties were for sale. He added that there were 3 or 4 properties which are currently residential, but he could not tell if it looked like one home may have been used as commercial. The rest of the properties along E. Johnson are commercial. Mr. Lyons stated that he understands that residents are opposed to this request. He understands the reason for that. When a City makes a decision to allow the building of the hospital, and makes a decision to rezone property for the fairgrounds, the result is that as Brookland grows, as Paragould grows, and Jonesboro has a substantial increase in traffic. He added that he would dare say that if we took a traffic count today, it would be at least 10% higher as a result of the development of the hospital and the other area out there. Obviously, if you continue to go past

the hospital, virtually all of those properties are also for sale, because people are going to develop those as commercial properties. He added that eventually all of the property along Johnson is going to be commercial, and he thinks that it is proper for this to be rezoned or changed as a limited use overlay- applied for to be changed for those uses of which we have asked for today.

Staff:

Mr. Spriggs gave a summary and history of the case. The former Gillespie case was applied for in December of 2005. It was acted on by the MAPC and forwarded to City Council for approval; and, it was acted on by the Council in a series of 2 meetings, denied and was litigated in the Circuit Court of Craighead County. As a part of that, Mr. Spriggs noted that he was actually hired at the same time and attended those proceedings. The judge handed down the Court Order of which you were copied- with a Rezoning to C-3 L.U.O. having specific uses and conditions. This is what is in question tonight: The applicant is petitioning a revision to that Limited Use Overlay. City Council did not follow up and rezone the property to C-3 L.U.O. by ordinance; however the rezoning remains valid with those conditions and specific uses that were listed. The applicant has requested (36 plus 10 original uses) as noted in the report. Those are your typical C-3 allowable uses, and the applicant is proposing to allow those for marketing or other reasons. Also there are specific conditions added by the court which covers screening, buffering and setbacks in proximity to existing and proposed structures. All of those are to remain in force. With the expansion of the use list, MAPC is asked to modify that order. We are dealing with process tonight; the MAPC is making a recommendation to City Council and Council will make any official decision from that point. The City Attorney's office is here to answer any questions as well as Planning Staff.

Mr. Tomlinson asked for clarity of whether we are considering a rezoning? **Mr. Spriggs** stated that this is technically a rezoning/change to an existing C-3 L.U.O. District. Any current district would be petition in this same manner to be modified. It has to go through this same process for modifications. This constitutes the same process for rezoning. **Mr. Tomlinson:** I wonder why they don't just go to the court and ask them to make the decision. **Mr. Spriggs** noted that is an option.

Mr. Jim Lyons: Before you can file an action against the City, the City has to refuse this or say we will *a, b and c*, but we will not allow *d, e and f*. We can't just file suit against the City and just say- We don't know what the City will do. It is necessary to have a true action against something claiming that it was improper what the City did. So we have to come to you first, before we can go back and ask the Court to re-do this. The City has to refuse. And, the proper method to do that, is this process. We were not trying to avoid going to Court.

Mr. Tomlinson: This was done in 2005; so, has the intensity of the area development has gone up considerably? **Mr. Lyons:** Yes, substantially. **Mr. Tomlinson:** I wish that the applicant would had derived a list of things that they desired to be there, as opposed to taking the whole C-3 ordinance, and turning it over and saying we want it all. Some of the listed uses couldn't be done anyway due to the size of lots and setbacks. **Mr. Tomlinson** added that he does think those uses need to be increased. There is a C-3 L.U.O. next door. You probably do not have as many uses as we granted them. **Mr. Spriggs** stated he would have the list of the property next door- I would like to see that. The minimum should be to permit what was allowed next door to you. I don't like to take all the time to write uses in the meeting. If they had submitted a list of what they would have thought to be required, then that would have been a great help to me.

Public Input:

Mr. Allen Jones, 3207 Maplewood Terrace: Agreed Highway 49N will be and is becoming commercial. At this lot, is where the commercial and residential uses intersect. And, I think the City Council recognized this in 2006 and denied the C-3 request that went to Circuit Court, who also recognized this and agreed, and allowed only the 10 restrictions. I think they got it right; I do not like the animal care use being next to residential.

Mr. Jones: I don't think that City Council can change what circuit court said; but I am not an attorney. I think that City Council should reject this, and they go back to Circuit Court to let them say you can change these accepted uses. I don't know the property owner's intent- Are they wanting to add these 27 acceptable uses to make it more attractive to a land purchaser, or is their actual intent hidden somewhere in those 27 additional or acceptable uses. I hope it is not for a communication tower or an arena. I request City Council to deny this and let Circuit Court make that decision again.

Mr. Jim Carter: 3013 Maplewood Terrace (40 Years). Stated that has a great neighborhood. Your Staff Report will show that in 2006, our neighborhood settled in Circuit Court that the property in question will be a C-3 L.U.O., with specific stipulations. At this point, there has not been anything to warrant a change in that settlement. We may talk about traffic counts, but the property in question has not been changed. The neighbors are there and it abuts a residential neighborhood that will be heard. We believe the court settlement was fair to our neighborhood, and we still feel the same way in 2012. We ask that you recommend to the City Council that the property stays as settled in Court in 2006; and, you not start peeling away one restriction at a time, so they end up with a regular C-3 out there. **Mr. Carter** added that he doesn't know the Grayson

Corporation, and they should have known that there were restrictions on the property when they purchased it. It is also a fact that will probably be given to you this evening that they really do not care how our neighborhood looks, by the way they have taken care of the property, since they have owned it.

Mr. Jerry Reece: Asked for clarification of the property- was it a part of the Maplewood Subdivision? **Mr. Carter:** Stated that he believe it was and they sold it off, lot by lot.

Mr. Lyons: Stated that if it were a part of the subdivision, then a bill of assurance would have existed. And there was no bill of assurance applied to the subject property.

Stacey Schratz, 3104 Maplewood Terrace: Referring to application Item 13: Ms. Schratz noted that the owner of Hilltop Eye Care (east of property), Doctor Megan Moll, stated that no one has discussed this with them and she objects; she could not be here.

Stacey Schratz: On the application, it says that the property purchased by the owner in 2008 was vacant and has since remained vacant. That is incorrect. She presented pictures to the MAPC. **Mr. Lyons:** Concurred that it is currently occupied. She added they are not good about keeping the property up. Other neighbors mow portions of the property, because they get tired of looking at it.

Ms. Schratz added that Mr. Osment or whoever owns this doesn't care about it. She has filed a complaint with code enforcement about having the property cleaned. She read the Rezoning Criteria for approval. She also spoke on nuisances on the property.

Wendy Jones, 3207 Maplewood Terrace read a letter from neighbors who are gone out of town- Dr. George and Phoebe Harp, **3206 Maplewood Terrace.** Spoke on increased pedestrian traffic on Maplewood Terrace. She is opposed to having access to this property from Maplewood Terrace. **Ms. Jones** made comments on the character of the neighborhood, and noted that a change of more uses is not desirable as a through-street.

Mr. Lyons: We are not asking for vehicular access to Maplewood Terrace, and there is no vehicular access from that point. On the property, we are required to build a fence where it touches residential property. There is a provision for no access to Maplewood Terrace in the request.

Mr. Reece: Isn't there a sewer easement that goes through that property and will it affect any new buildings? **Mr. Lyons** stated that it should not be an issue of interference of the sewer.

John Hatcher, 3105 Maplewood Terrace: The very issue raised about accessing through Maplewood Terrace lets us know that this affects Maplewood. Mr. Hatcher noted that he can look out his window and see the property due west of him. It is not a house that backs a residential neighborhood; it is in a residential neighborhood.

Ms. Schratz: Noted that the limitations next door is the same and is very limited.

Mr. Hoelscher: Asked what limitations were placed on the adjacent property. Mr. Spriggs continued to research the records to locate the files.

Ms. Nix: What would give us the right to rezone it legally?

City Attorney's Office, Ms. Carol Duncan reported that she did some research on that question, as well as consulted with Attorney Jim Lyons about case law he had found. Nothing was found to reflect either way. Either way we will end up, with this Commission's recommendation to City Council. **Ms. Duncan** stated that she does not feel the court wants to be in the business of rezoning our property forever. The gut instinct is that- if the City had rezoned the property by ordinance after the Court order and consistent with the Court order, there would be no question. We could have then made the decision and they could file against our decision in Circuit Court; but, we didn't do that- so the gray area exists. We will continue to research that issue upon review by Council, then the issue will be addressed; I am sure, at the Council level. There was just not any research available on that certain topic.

Mr. Kelton: It's my understanding from Mr. Lyon's presentation that he could not go back to Circuit Court, and ask for a change until a decision has been rendered by the Planning Commission and the City Council- Is that correct?

Ms. Duncan: Concurred that is what Mr. Lyons stated.

Mr. Kelton: So he is just following procedure? **Ms. Duncan** reiterated that there is no guidance in the law; this is the procedure that he and Mr. Spriggs worked out; *they are to go through the same steps as you would for any rezoning.* We are still researching the matter; I do not feel that the Court wants to be rezoning property for ever, just because litigation was filed.

Ms. Nix: Stated that she still would like a legal opinion about the process.

Ms. Duncan: You won't get a definitive answer, because there is no case law that does so; they are following the only procedure that we have available.

Mr. Lyons: If Mr. Spriggs would have said- *ya'll don't need to come here before the MAPC, then we would not be here.* You have to have a case of controversy, before you go to court. You can't just file suit for nothing. Then, there would be

a Rule 11 petition before me, because I am filing for nothing. Carol Duncan could issue sanctions against me; I've never had one filed against me. I am trying to do my job and get these additional uses on this property; and we believe that this is the proper way to do it. If a judge says that it is not, then it is not. We believe and Mr. Spriggs thought so- I still believe that we have to go through this process. The City Council must rule on that, before we will have a basis to file suit against the City. They might turn us down, but we don't know until we go and ask them by going through this process- which is coming to you, and a recommendation is made that then goes to City Council for action. We are not trying to do this for any purpose to cause any problems for the City. We are trying to make sure we follow the necessary steps, so those modifications could be acted on. I don't file suits that are not necessary.

Mr. Hoelscher: Is the issue at hand that the City was ordered to rezone the property? **Ms. Duncan:** The judge made the decision to rezone the property.

Mr. Hoelscher: So there wasn't an ordinance filed? **Ms. Duncan:** True, and had it been filed, it would have made it clearer.

Mr. Lyons: Read the order language which said.... *no other action was necessary; if the City so desires it may* (It was not required).

Mr. Kelton: Is it possible for you to pair this list down? **Mr. Lyons** stated, yes.

Mr. Spriggs: Stated that located the conditions from the 2002 case and read them:

ORD 02:0577, Rezoning by Phillip and Lonette Byrd, Adopted 08/05/2002, C-3 L.U.O., Specific Land Uses permitted under Ordinance 02:0577 include:

- (1) Animal Care, Limited
- (2) Automated Teller Machine
- (3) Bank of Financial Institution
- (4) Church (with conditional use permit)
- (5) Day Care, Limited
- (6) Day Care, general
- (7) Government Service
- (8) Library
- (9) Medical Service/Office
- (10) Office, General
- (11) Safety services
- (12) Utility, Minor

At the time this property changes uses from its present R-1 use to a C-3 L.U.O. use, the following improvements shall be made prior to obtaining a Certificate of Occupancy: A wooden screening fence, eight feet in height, shall be installed along the property lines abutting property zoned R-1. Trees, a minimum of

eight feet in height , shall be planted along the fence to provide an extra layer of screening and buffering between properties zoned R-1.

Prior to further development of the subject property, a Site Development Plan meeting the requirements of Section 14.36 of the Zoning Ordinance shall be prepared and submitted for review and approval by the City's Planning Department. This plan shall specifically show the relationship of the subject property to existing and proposed streets, driveways, utilities, and buildings within a 300 foot radius of the subject property.

Mr. Scurlock: Asked for clarification on the setbacks and fencing installation.

Mr. Spriggs: Stated that the adjacent property was never redeveloped and the current owners only went before the MAPC to have living quarters remain above the Optometrist's business.

Mr. Reece: Asked: *Will the action taken here tonight be passed on to City Council for an ultimate decision?*

Mr. Spriggs: *My recommendation is that you take some action tonight and recommend to Council based on the information provided to you. I honestly feel you have enough information to make a decision.*

Mr. Kelton: Stated that following along with the 2002 conditions, he noticed that they are almost identical, such as the 8- ft. fence and the trees which mirror the Judge's conditions. He noted difficulty in the Judge's stipulation of the 40 ft. setback from any structure, parking and any R-1 property. **Mr. Spriggs** clarified that it is the proposed structure in relationship to the adjacent R-1 zoned property- which is the property line.

Mr. Lyons presented the cut-down list: (These uses are to be allowed if approved).

- d. Automated teller machine
- e. Bank or financial institution
- f. Church
- g. College or university
- i. Construction Sales Service
- k. Day care, limited
- l. Day care, general
- s. Medical service/office
- u. Office, general
- w. Parks and recreation
- x. Post office
- bb. Restaurant, fast food
- cc. Restaurant, general

dd. Retail/service

ee. Safety services

kk. All other previously approved uses by the Court (Case CV-2006-88(JF)) is as follows:

- Animal Care, Limited,
- Automated Teller Machine
- Bank or Financial Institutions
- Church (with conditional use permit)
- Day Care, Limited
- Government Service
- Library
- Medical Service/Office
- Office, General
- Utility, Minor

Mr. Carter: Reiterated that this is *“free/ peeling away a little at time”* and revamping what we went through before with all this. We went to Council; they denied it, and they went to court; we settled; now we come back and they are peeling away. This is like our freedom. Send this to City Council with no approval, and let us get alone about our business. What we thought was fair was fair. It’s good enough for the Hilltop Optometrist and it should be good enough for the person that bought this property.

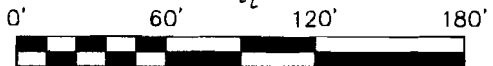
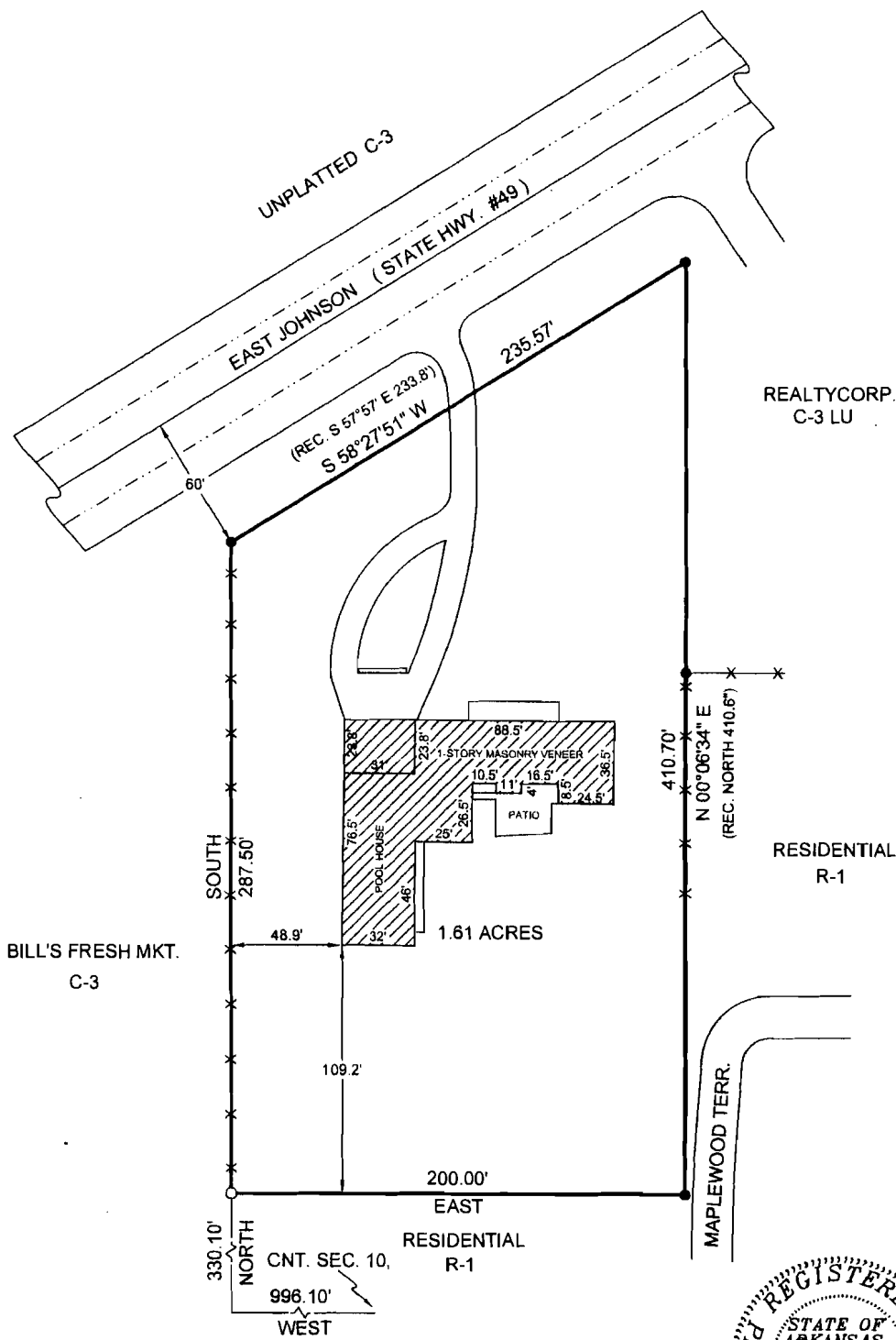
ACTION:

Mr. Dover made a motion to approve the rezoning for property of 3701 E. Johnson as C-3 L.U.O., as stated with the narrow down list of permitted uses as proposed and make recommendation to City Council. Motion was seconded by Mr. Kelton.

Roll Call Vote: Mr. Scurlock- Aye; Mr. Hoelscher- Aye; Mr. Kelton- Aye; Mr. Reece- Abstain; Mr. Tomlinson- Nay; Ms. Elmore- Nay; Ms. Nix- Nay; Mr. Dover- Nay.

Case Denied. 3- Aye to 4- Nay; 1- Abstain

PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 10, T14N-R4E, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE CENTER OF SECTION 10, T14N-R4E, THENCE WEST ON THE 1/4 SECTION LINE 996.10 FEET; THENCE NORTH 330.10 FEET TO THE POINT OF BEGINNING; THENCE EAST 200.00 FEET; THENCE N 00°06'34" E 410.70 FEET (RECORD NORTH 410.60') TO THE SOUTH RIGHT-OF-WAY OF JOHNSON STREET (HWY. 49); THENCE S 58°27'51" W ALONG SAID HIGHWAY RIGHT-OF-WAY 235.57 FEET (RECORD S 57°57' W 233.8'); THENCE SOUTH 287.50 FEET TO THE POINT OF BEGINNING, CONTAINING 1.61 ACRES, MORE OR LESS.



LEGEND

These standard symbols will be found in the drawing.

- SET 1/2" REBAR
- FND. PIPE
- ⊕ CALC. CORNER
- *-*- FENCE

PROPERTY ADDRESS:
3701 E. JOHNSON
JONESBORO, ARKANSAS 72401

PLAT OF SURVEY

RAY OSMENT 1203 DOVE ROAD
JONESBORO, ARKANSAS 72401

ADAMSON LAND SURVEYING, 1504 BRANCHWOOD LANE,
JONESBORO ARKANSAS, 72404 PH: 932-5900

PLAN SCALE:
1" = 60.00'

REVISION		
DATE:	04/05/2012	SHEET ONE OF ONE



Legislation Details (With Text)

File #: ORD-12:025 **Version:** 1 **Name:** Addition of Traffic Operations Engineer to Engineering Department
Type: Ordinance **Status:** First Reading
File created: 5/1/2012 **In control:** Finance & Administration Council Committee
On agenda: **Final action:**
Title: AN ORDINANCE TO AMEND THE 2012 ANNUAL BUDGET AND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD A TRAFFIC OPERATIONS ENGINEER IN THE ENGINEERING DEPARTMENT
Sponsors: Engineering, Human Resources
Indexes: Budget amendment, Position - creation/amendment
Code sections:
Attachments: [Traffic Operations Engineer](#)

Date	Ver.	Action By	Action	Result
5/22/2012	1	Finance & Administration Council Committee		

Title

AN ORDINANCE TO AMEND THE 2012 ANNUAL BUDGET AND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD A TRAFFIC OPERATIONS ENGINEER IN THE ENGINEERING DEPARTMENT

Body

WHEREAS, Ordinance Number 11:809 adopted the 2012 Budget; and

WHEREAS, Resolution Number 09:201 adopted the City Salary & Administration Plan; and

WHEREAS, it is recommended by the Finance Committee, to ensure sufficient staffing in the Engineering Department, that the position of Traffic Operations Engineer be added;

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

SECTION 1: The annual 2012 budget of the City of Jonesboro is amended by the addition of a Traffic Operations Engineer at a salary range of up to \$80,000; and

SECTION 2: The City Salary & Administration Plan is amended to include the position of Traffic Operations Engineer, in Engineering Department with a salary range of \$65,000 to \$80,000

March 2011

Traffic Operations Engineer

Job Description

Exempt: Yes
Department: Traffic Operations Engineering
Reports To: Chief City Engineer
Location: 307 Vine Street (Huntington Bldg)
Date Prepared: April 18, 2012

GENERAL DESCRIPTION OF POSITION

This position is responsible for developing, implementing, and maintaining City's traffic program.

ESSENTIAL DUTIES AND RESPONSIBILITIES

1. Prepare traffic signal timing and coordination plans. This duty is performed annually, about 35% of the time.
2. Develop and maintain an inventory of City traffic control equipment, signal timings, traffic counts and traffic flow patterns, and other information pertinent to traffic operations. This duty is performed daily, about 25% of the time.
3. Design new or modified traffic signals and roadway intersections, including pavement design, sidewalk approaches, drainage, temporary and permanent signage and striping plans, and utility planning/coordination. This duty is performed irregularly, about 10% of the time.
4. Produce contract documents for the purpose of obtaining professional contracting services to construct traffic signals, signal timing, and infrastructure improvements. This duty is performed irregularly, about 5% of the time.
5. Manage contractor and consultant services. This duty is performed irregularly, about 5% of the time.
6. Prepare RFPs, evaluate proposals and work with consultants/contractors to implement the City's traffic program. This duty is performed irregularly, about 5% of the time.
7. Review proposed land use development plans and prepare conditions of approval, and recommend mitigation measures that preserve roadway capacity. This duty is performed weekly, about 10% of the time.
8. Communicate with the public and respond to inquiries and complaints regarding traffic operations within the City. This duty is performed weekly, about 5% of the time.
9. Perform any other related duties as required or assigned.

QUALIFICATIONS

To perform this job successfully, an individual must be able to perform each essential duty mentioned satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

EDUCATION AND EXPERIENCE

Technical degree required in such disciplines as law, engineering, etc, plus 5 years related experience and/or training, and 2 years related management experience, or equivalent combination of education and experience.

COMMUNICATION SKILLS

Ability to write reports, business correspondence, and policy/procedure manuals; Ability to effectively present information and respond to questions from groups of managers, clients, customers, and the general public.

MATHEMATICAL SKILLS

Ability to work with mathematical concepts such as probability and statistical inference, and fundamentals of plane, algebra, solid geometry and trigonometry.

CRITICAL THINKING SKILLS

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables.

REQUIRED CERTIFICATES, LICENSES, REGISTRATIONS

Licensed Professional Engineer (Civil or Electrical) with the ability to obtain Arkansas licensure within one year from date of hire

PREFERRED CERTIFICATES, LICENSES, REGISTRATIONS

Institute of Transportation Engineers' Professional Traffic Operations Engineer (PTOE) certification

SOFTWARE SKILLS REQUIRED

Mastery: 10-Key

Advanced: Accounting, Alphanumeric Data Entry, Database, Other, Spreadsheet, Word Processing/Typing

Intermediate: Contact Management, Human Resources Systems, Presentation/PowerPoint

Basic: Programming Languages

INITIATIVE AND INGENUITY

SUPERVISION RECEIVED

Under general direction, working from policies and general directives. Rarely refers specific cases to supervisor unless clarification or interpretation of the organization's policy is required.

PLANNING

Considerable responsibility with regard to general assignments in planning time, method, manner, and/or sequence of performance of own work, in addition, the work operations of a group of employees, all performing basically the same type of work.

DECISION MAKING

Performs work operations which permit frequent opportunity for decision-making of minor importance and also frequent opportunity for decision-making of major importance; the latter of which would affect the work operations of other employees and/or clientele to a moderate degree.

MENTAL DEMAND

Intense mental demand. Operations requiring sustained directed thinking to analyze,

solve, or plan highly variable, administrative, professional, or technical tasks involving complex problems or mechanisms.

ANALYTICAL ABILITY / PROBLEM SOLVING

Moderately directed. Activities covered by wide-ranging policies and courses of action, and generally directed as to execution and review. High order of analytical, interpretative, and/or constructive thinking in varied situations.

SUPERVISORY RESPONSIBILITIES

Supervises a moderate size group (8-15) of employees, but possibly smaller if difficult, semi-technical work, requiring considerable direction and assistance, is involved. Plans, directs and coordinates work, makes decisions, and performs personally the more difficult aspects of the same broad assignment.

Supervises the following departments: traffic operations staff

Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring and training employees; planning, assigning and directing work; appraising performance, rewarding and disciplining employees; addressing complaints and resolving problems.

RESPONSIBILITY FOR FUNDS, PROPERTY and EQUIPMENT

Occasionally responsible for organization's property where carelessness, error, or misappropriation would result in moderate damage or moderate monetary loss to the organization. The total value for the above would range from \$5,000 to \$150,000.

ACCURACY

Probable errors of internal and external scope would have a moderate effect on the operational efficiency of the organizational component concerned. Errors might possibly go undetected for a considerable period of time, thereby creating an inaccurate picture of an existing situation. Could cause further errors, losses, or embarrassment to the organization. The possibility for error is always present due to requirements of the job.

ACCOUNTABILITY

FREEDOM TO ACT

Moderately directed. Freedom to act is given by upper level management guided by general policies and objectives that are reviewed by top management.

ANNUAL MONETARY IMPACT

Very small. Job creates a monetary impact for the organization up to an annual level of \$100,000.

IMPACT ON END RESULTS

Moderate impact. Job has a definite impact on the organization's end results. Participates with others in taking action for a department and/or total organization.

PUBLIC CONTACT

Frequent contacts with general public, patrons, or other outside representatives, wherein the manner of handling these contacts has a bearing on the organization's position and operation.

EMPLOYEE CONTACT

Contacts of considerable importance within the department or office, such as those

required in coordination of effort, or frequent contacts with other departments or offices, generally in normal course of performing duties. Requires tact in discussing problems and presenting data and making recommendations, but responsibility for action and decision reverts to others.

USE OF MACHINES, EQUIPMENT AND/OR COMPUTERS

Regular use of highly complex machines and equipment; specialized or advanced software programs.

WORKING CONDITIONS

Periodically exposed to such elements as noise, intermittent standing, walking, occasionally pushing, carrying, or lifting; but none are present to the extent of being disagreeable.

ENVIRONMENTAL CONDITIONS

The following work environment characteristics described here are representative of those an employee encounters while performing essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the functions of this job, the employee is regularly exposed to outdoor weather conditions; occasionally exposed to work near moving mechanical parts, work in high, precarious places, risk of electrical shock, vibration. The noise level in the work environment is usually moderate.

PHYSICAL ACTIVITIES

The following physical activities described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions and expectations.

High diversity, low physical. Work activities which allow for considerable amount of diversity as an incumbent performs a variety of tasks. Such tasks might be performed from a given work area, or the individual may move about physically in performing a variety of duties.

While performing the functions of this job, the employee is regularly required to stand, walk, sit, talk or hear; frequently required to use hands to finger, handle, or feel, reach with hands and arms; and occasionally required to climb or balance, stoop, kneel, crouch, or crawl. The employee must occasionally lift and/or move up to 50 pounds; frequently lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision; distance vision; color vision; peripheral vision; and depth perception.

ADDITIONAL INFORMATION

Proficiency in software such as HCM/HCS, Synchro, VISSIM, CORSIM, TRANSYT-7F, PASSER, and TRU-TRAFFIC is preferred.



Legislation Details (With Text)

File #: ORD-12:026 **Version:** 2 **Name:** Waive bidding to purchase software from Ritter
Type: Ordinance **Status:** First Reading
File created: 5/1/2012 **In control:** Finance & Administration Council Committee
On agenda: **Final action:**
Title: AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF SOFTWARE AND EQUIPMENT FROM RITTER COMMUNICATIONS OF JONESBORO, ARKANSAS
Sponsors: Information Systems
Indexes: Property purchase - other, Waive competitive bidding
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
5/22/2012	2	Finance & Administration Council Committee		

title
AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF SOFTWARE AND EQUIPMENT FROM RITTER COMMUNICATIONS OF JONESBORO, ARKANSAS
body
WHEREAS, the City of Jonesboro needs to create a computer efficient/disaster recovery site which will allow the City of Jonesboro to resume operations in the event of a disaster; And

WHEREAS, the software and equipment, known as the Compellent SAN storage , Cisco MDS Fabric Data Switches, and VMware VCenter Site Recovery Manger Five software, will provide the means to restore servers, backup data, restore connections with local area networks (LAN) and wide area networks (WAN) in the event of a disaster; And

WHEREAS, the software and equipment is a scalable system which allows for technical growth in the future; And

WHEREAS, Ritter Communications is the sole source provider of the software and necessary equipment.

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

Section 1. The software and equipment shall be purchased from Ritter Communications for the sum of \$189,763.98 to be paid from the Energy Efficiency and Conservation Block Grant; at no cost to the City of Jonesboro.

Section 2. That the City Council in accordance with the terms of A.C.A. Section 14-58-302 does hereby waive the requirement of competitive bidding and authorizes the purchase of the described Compellent SAN storage , Cisco MDS Fabric Data Switches, and VMware VCenter Site Recovery Manger Five Software.



Legislation Details (With Text)

File #:	ORD-12:029	Version:	1	Name:	Authorizing Rennell Woods to do business with the City
Type:	Ordinance	Status:		Status:	First Reading
File created:	5/16/2012	In control:		In control:	Finance & Administration Council Committee
On agenda:		Final action:			
Title:	ORDINANCE AUTHORIZING A MEMBER OF THE JONESBORO CITY COUNCIL TO CONDUCT BUSINESS WITH THE CITY OF JONESBORO, ARKANSAS AND DECLARING AN EMERGENCY				
Sponsors:	Finance				
Indexes:	Other				
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result
5/22/2012	1	Finance & Administration Council Committee		

Title

ORDINANCE AUTHORIZING A MEMBER OF THE JONESBORO CITY COUNCIL TO CONDUCT BUSINESS WITH THE CITY OF JONESBORO, ARKANSAS AND DECLARING AN EMERGENCY

Body

WHEREAS, Arkansas Code Annotated §14-42-107 provides that interest in office or contracts is prohibited by any alderman, council member, official or municipal employee, and

WHEREAS, Rennell Woods serves as the Executive Director of City Youth Ministries, Inc. which provides tutoring, mentoring, recreation, and nutritional meals at no charge to the city's youth and

WHEREAS, special permission must be granted by the Jonesboro City Council of Jonesboro, Arkansas for City Youth Ministries, Inc. to provide services to the City of Jonesboro.

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

Section 1: The City Council for the City of Jonesboro, Arkansas has been aware of the above mentioned services provided by Rennell Woods and City Youth Ministries, Inc. and gives special permission for City Youth Ministries, Inc. to continue to provide such services to the City of Jonesboro, Arkansas.

Section 2: Due to the need to meet Legislative mandates as required by Arkansas Code Annotated §14-42-107 an emergency is declared to exist and this ordinance shall take effect with its passage and approval.



Legislation Details (With Text)

File #:	ORD-12:030	Version:	1	Name:	Authorizing Dr. Charles Coleman to do business with the City
Type:	Ordinance	Status:		Status:	First Reading
File created:	5/16/2012	In control:		In control:	Finance & Administration Council Committee
On agenda:		Final action:		Final action:	
Title:	ORDINANCE AUTHORIZING A MEMBER OF THE JONESBORO CITY COUNCIL TO CONDUCT BUSINESS WITH THE CITY OF JONESBORO, ARKANSAS AND DECLARING AN EMERGENCY				
Sponsors:	Finance				
Indexes:	Other				
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result
5/22/2012	1	Finance & Administration Council Committee		

Title

ORDINANCE AUTHORIZING A MEMBER OF THE JONESBORO CITY COUNCIL TO CONDUCT BUSINESS WITH THE CITY OF JONESBORO, ARKANSAS AND DECLARING AN EMERGENCY

Body

WHEREAS, Arkansas Code Annotated §14-42-107 provides that interest in office or contracts is prohibited by any alderman, council member, official or municipal employee, and

WHEREAS, Dr, Charles Coleman serves as Director of Fisher Street Community in Action, Inc. which provides neighborhood revitalization and community engagement projects for the City of Jonesboro; and

WHEREAS, special permission must be granted by the Jonesboro City Council of Jonesboro, Arkansas for Fisher Street Community in Action, Inc to provide these services to the City of Jonesboro.

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

Section 1: The City Council for the City of Jonesboro, Arkansas has been aware of neighborhood revitalization and community engagement projects by Dr. Charles Coleman and Fisher Street Community in Action, Inc. and gives special permission for Fisher Street Community in Action, Inc. to continue to provide these services to the City of Jonesboro, Arkansas.

Section 2: Due to the need to meet Legislative mandates as required by Arkansas Code Annotated §14-42-107 an emergency is declared to exist and this ordinance shall take effect with its passage and approval.



Legislation Details (With Text)

File #: ORD-12:031 **Version:** 1 **Name:** Letter of credit with ADEQ
Type: Ordinance **Status:** First Reading
File created: 5/21/2012 **In control:** Finance & Administration Council Committee
On agenda: **Final action:**
Title: AN ORDINANCE TO PROVIDE FOR THE EXECUTION AND MAINTENANCE OF A LETTER OF CREDIT TO BE ISSUED TO THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
Sponsors: Finance
Indexes: Contract
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
5/22/2012	1	Finance & Administration Council Committee		

Title

AN ORDINANCE TO PROVIDE FOR THE EXECUTION AND MAINTENANCE OF A LETTER OF CREDIT TO BE ISSUED TO THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

Body

WHEREAS, on May 11, 1998 the City of Jonesboro did execute a Contract of Obligation between the City of Jonesboro and the Arkansas Department of Pollution Control and Ecology (ADPCE) related to the closure and post-closure costs of the Jonesboro municipal landfill, said Contract binding the City for payment in the amount of \$500,000.00 in the event of default; and,

WHEREAS, the Arkansas Department of Environmental Quality (as successor agency to ADPCE), has advised City that, pursuant to Regulation 22.1403(c), the above Contract of Obligation may be rescinded upon receipt of a letter of credit in the amount of \$22,000.00, said amount representing 20% of estimated post-closure maintenance costs; and,

WHEREAS, Liberty Bank of Arkansas, as primary depository for City, has tentatively agreed to provide an irrevocable standby letter of credit, in favor of the Arkansas Department of Environmental Quality, in the above amount; now therefore,

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

SECTION 1: The Mayor and City Clerk are hereby authorized to execute any and all instruments necessary for the issuance of the mentioned letter of credit.

SECTION 2: The obligations of the City as evidenced by the letter of credit shall be reflected in the financial records of City and the 2012 Budget as approved by the Council on December 20, 2011, is hereby amended to the extent necessary to reflect this obligation.

SECTION 3: It being necessary that the finances of the City of Jonesboro, Arkansas be efficiently administered and accounted for, and whereas this ordinance is necessary for the proper execution of contractual obligations,

an emergency is declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.



Legislation Details (With Text)

File #:	ORD-12:028	Version:	1	Name:	Rezoning for City of Jonesboro
Type:	Ordinance	Status:		Status:	Second Reading
File created:	5/10/2012	In control:		In control:	City Council
On agenda:		Final action:			
Title:	AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 2217 WEST PARKER ROAD AS REQUESTED BY THE CITY OF JONESBORO				
Sponsors:					
Indexes:	Rezoning				
Code sections:					
Attachments:	Plat Application MAPC Report				

Date	Ver.	Action By	Action	Result
5/15/2012	1	City Council		

title
AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR PROPERTY LOCATED AT 2217 W. PARKER RD., AS REQUESTED BY THE CITY OF JONESBORO, ARKANSAS.

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

SECTION I: CHAPTER 117, 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 CLASSIFICATION AS FOLLOWS:

FROM (R-1) SINGLE FAMILY DISTRICT TO C-3 L.U.O. -GENERAL COMMERCIAL DISTRICT USES, ON THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

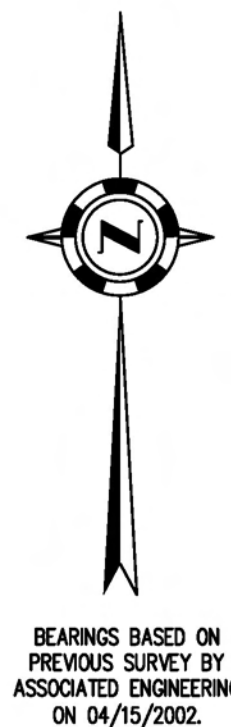
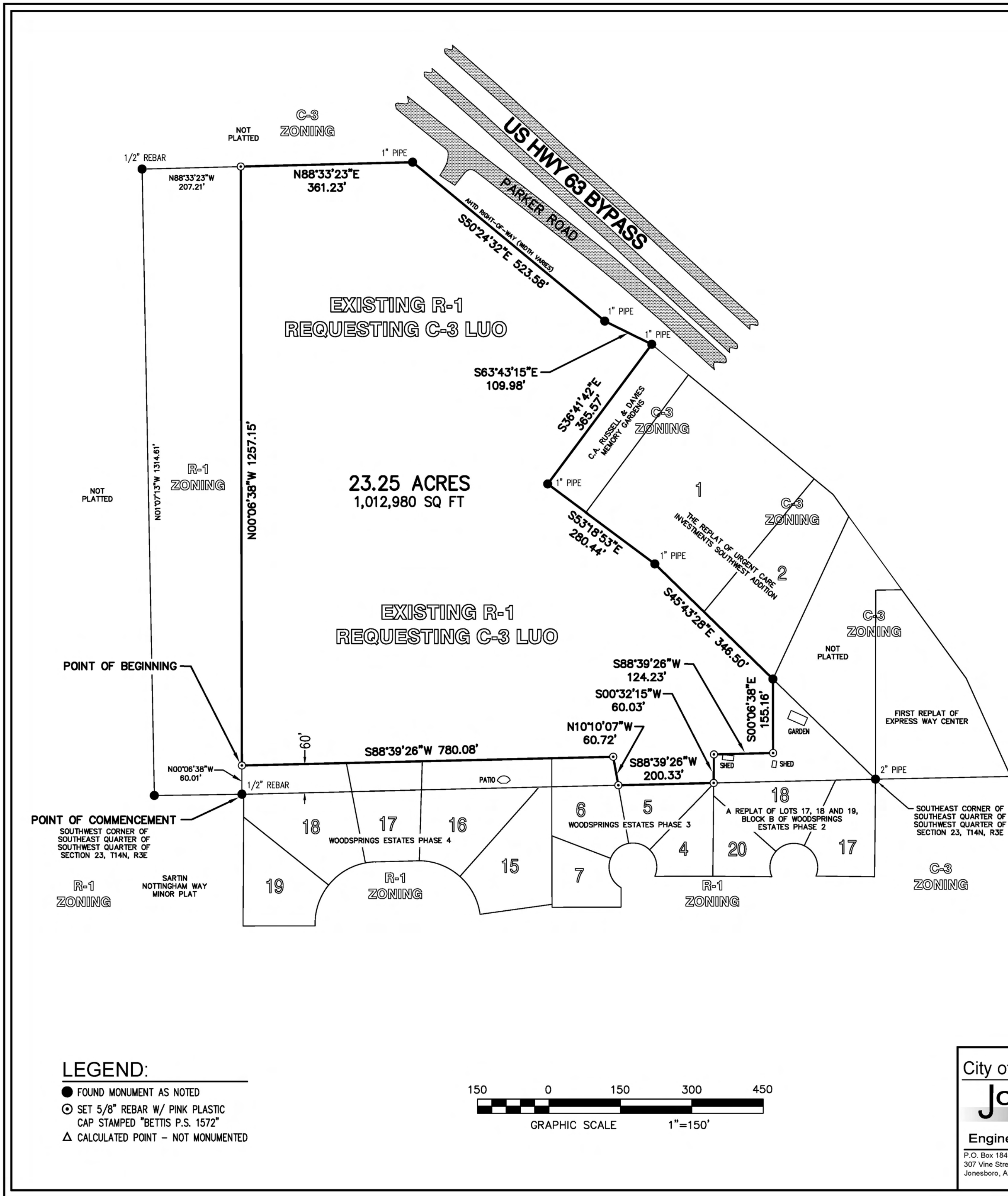
A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 3 EAST, CRAIGHEAD COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 3 EAST, THENCE NORTH 00°06'38" WEST A DISTANCE OF 60.01 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°06'38" WEST A DISTANCE OF 1257.15 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 88°33'23" EAST A DISTANCE OF 361.23 FEET TO THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 63; THENCE SOUTH 50°24'32" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 523.58 FEET; THENCE SOUTH 63°43'15" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 109.98 FEET; THENCE SOUTH 36°41'42"

WEST DEPARTING SAID RIGHT-OF-WAY A DISTANCE OF 365.57 FEET; THENCE SOUTH 53°18'53" EAST A DISTANCE OF 280.44 FEET; THENCE SOUTH 45°43'28" EAST A DISTANCE OF 346.50 FEET; THENCE SOUTH 00°06'38" EAST A DISTANCE OF 155.16 FEET; THENCE SOUTH 88°39'26" WEST A DISTANCE OF 124.23 FEET; THENCE SOUTH 00°32'15" WEST A DISTANCE OF 60.03 FEET; THENCE SOUTH 88°39'26" WEST A DISTANCE OF 200.33 FEET; THENCE NORTH 10°10'07" WEST A DISTANCE OF 60.72 FEET; THENCE SOUTH 88°39'26" WEST A DISTANCE OF 780.08 FEET TO THE POINT OF BEGINNING, CONTAINING 23.25 ACRES, BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

SECTION II: THE REQUESTED REZONING CLASSIFICATION IS C-3 L.U.O. -GENERAL COMMERCIAL AND IS SUBJECT TO THE FOLLOWING STIPULATIONS:

1. ACCESS DRIVEWAYS SHALL SATISFY CITY STANDARDS AND SHALL BE COORDINATED WITH THE APPROPRIATE REVIEWING AGENCIES FOR APPROVAL.
2. A FINAL SITE PLAN SHALL BE REQUIRED TO BE REVIEWED AND APPROVED BY THE MAPC.
3. A MINIMUM 75-FT. PERMANENT GREENSPACE BUFFER SHALL BE MAINTAINED ALONG THE MOST SOUTHERN PROPERTY LINE WHERE SINGLE FAMILY PROPERTIES EXIST (STRAIGHT PARALLEL LINE/NO GAPS).
4. ADULT ENTERTAINMENT USES AND OUTDOOR ADVERTISEMENT SHALL BE PROHIBITED ON THE SUBJECT PROPERTY.

SECTION III: THE CITY CLERK IS HEREBY DIRECTED TO AMEND THE OFFICIAL ZONING DISTRICT BOUNDARY MAP OF THE CITY OF JONESBORO, ARKANSAS, IN SO FAR AS IT RELATES TO THE LAND DESCRIBED HEREIN ABOVE SO THAT THE ZONING CLASSIFICATION OF SAID LANDS SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THIS ORDINANCE.



BEARINGS BASED ON PREVIOUS SURVEY BY ASSOCIATED ENGINEERING ON 04/15/2002.



SURVEYOR'S NOTES:

1. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
2. SUBJECT PROPERTY LIES OUTSIDE THE SPECIAL FLOOD HAZARD AREA AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP PANEL 05031C0131C, REVISED EFFECTIVE DATE 05/23/2005.
3. SUBJECT PROPERTY IS ZONED R-1, SINGLE-FAMILY LOW DENSITY DISTRICT.
4. SETBACKS FOR R-1: FRONT 25' REAR 25' SIDE 7.5'
5. THE FOLLOWING DOCUMENTS WERE USED TO COMPLETE THIS SURVEY:
 - QUITCLAIM DEED, HARVEY EDWARDS TO CITY OF JONESBORO RECORDED ON 11/17/2011 DOCUMENT JB2011R-017457.
 - SURVEY BY ASSOCIATED ENGINEERING ON 04/15/2002, RECORDED ON 07/17/2002 IN BOOK 1 PAGE 127.

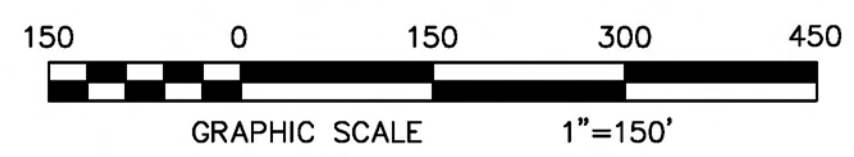
SURVEYOR'S CERTIFICATION:

I, JOSHUA E. BETTIS, CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF "ARKANSAS STANDARDS OF PRACTICE FOR PROPERTY BOUNDARY SURVEYS AND PLATS" AND MEETS OR EXCEEDS THE REQUIREMENTS FOR CLASS "A" PROPERTY AS SPECIFIED THEREIN; AND THAT THE FOLLOWING DESCRIBED TRACT WAS SURVEYED UNDER MY DIRECT SUPERVISION.

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 3 EAST, CRAIGHEAD COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 3 EAST, THENCE NORTH 00°06'38" WEST A DISTANCE OF 60.01 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°06'38" WEST A DISTANCE OF 1257.15 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 88°33'23" EAST A DISTANCE OF 361.23 FEET TO THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 63; THENCE SOUTH 50°24'32" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 523.58 FEET; THENCE SOUTH 63°43'15" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 109.98 FEET; THENCE SOUTH 36°41'42" WEST DEPARTING SAID RIGHT-OF-WAY A DISTANCE OF 365.57 FEET; THENCE SOUTH 53°18'53" EAST A DISTANCE OF 280.44 FEET; THENCE SOUTH 45°43'28" EAST A DISTANCE OF 346.50 FEET; THENCE SOUTH 00°06'38" EAST A DISTANCE OF 155.16 FEET; THENCE SOUTH 88°39'26" WEST A DISTANCE OF 124.23 FEET; THENCE SOUTH 00°32'15" WEST A DISTANCE OF 60.03 FEET; THENCE SOUTH 88°39'26" WEST A DISTANCE OF 200.33 FEET; THENCE NORTH 10°10'07" WEST A DISTANCE OF 60.72 FEET; THENCE SOUTH 88°39'26" WEST A DISTANCE OF 780.08 FEET TO THE POINT OF BEGINNING, CONTAINING 23.25 ACRES, BEING SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS OF RECORD.

LEGEND:

- FOUND MONUMENT AS NOTED
- SET 5/8" REBAR W/ PINK PLASTIC CAP STAMPED "BETTIS P.S. 1572"
- △ CALCULATED POINT - NOT MONUMENTED



City of
Jonesboro
 ARKANSAS

Engineering Department

P.O. Box 1845 Phone: (870) 932-2438
 307 Vine Street Fax: (870) 933-4664
 Jonesboro, AR 72401 engineer@jonesboro.org

DRAWING INFO		REVISIONS	
DRAWN BY:	BETTIS	DATE	BY
DATE:	04-18-2012		
SCALE:	1" = 150'		
JOB NO.:	COJ-12-005		
PLAT CODE:			



Application for a Zoning Ordinance Map Amendment

METROPOLITAN AREA
PLANNING COMMISSION
Jonesboro, Arkansas

Date Received: 12-27-11
Case Number: RZ 11-30

LOCATION:

Site Address: 2217 W. Parker Road, Jonesboro, AR 72401

Side of Street: South between Strawfloor Rd. and AR 226/Ramp

Quarter: _____ Section: _____ Township: _____ Range: _____

Attach a survey plat and legal description of the property proposed for rezoning. A Registered Land Surveyor must prepare this plat.

SITE INFORMATION:

Existing Zoning: R-1 Single Family Proposed Zoning: C-3 L.U.O General
Commercial (Limited Use
Overlay)

Size of site (square feet and acres): 30.65 Acres Street frontage (feet): 534 Ft. along
West Parker Rd.

Existing Use of the Site: Vacant Land

Character and adequacy of adjoining streets: Adequate

Does public water serve the site? _____

If not, how would water service be provided? _____

Does public sanitary sewer serve the site? _____

If not, how would sewer service be provided? _____

Use of adjoining properties:

North Highway US 63

South R-1 Single Family Residential

East C-3 General Commercial District/NEA Clinic

West R-1 Single Family Residential/C-3/I-1/ Landfill

Physical characteristics of the site: Vacant/ Heavily Wooded

Characteristics of the neighborhood: Area abutting Highway Commercial/ Residential to the South

Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Area Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is the 17th of each month. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.

REZONING INFORMATION:

The applicant is responsible for explaining and justifying the proposed rezoning. *Please prepare an attachment to this application answering each of the following questions in detail:*

- (1). How was the property zoned when the current owner purchased it? R-1 Single Family
- (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary? The purpose of rezoning the property is to make it compatible with the commercial uses along W. Parker Rd.
- (3). If rezoned, how would the property be developed and used? Commercial Use
- (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)? General Retail
- (5). Is the proposed rezoning consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*? Land Use Plan recommends Residential Transitional for the site However, a change to the Land Use Plan is justifiable.
- (6). How would the proposed rezoning be the public interest and benefit the community? Public Land will be rezoned to provide service oriented business along a public access corridor.
- (7). How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area? Area abuts city land fill area and other commercial uses.
- (8). Are there substantial reasons why the property cannot be used in accordance with existing zoning? Yes.
- (9). How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property. With proper buffering to the south, residential abutting uses can be protected.
- (10). How long has the property remained vacant? Several years.
- (11). What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services? No major impact.
- (12). If the rezoning is approved, when would development or redevelopment begin? Unknown
- (13). How do neighbors feel about the proposed rezoning? Please attach minutes of the neighborhood meeting held to discuss the proposed rezoning or notes from individual discussions. *If the proposal has not been discussed with neighbors, please attach a statement explaining the reason. Failure to consult with neighbors may result in delay in hearing the application.*
- (14). If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted. All C-3 Uses shall be permitted contingent upon MAPC final Site Plan approval. Adult Entertainment Uses shall be prohibited.

OWNERSHIP INFORMATION:

All parties to this application understand that the burden of proof in justifying and demonstrating the need for the proposed rezoning rests with the applicant named below.

Owner of Record:

I certify that I am the owner of the property that is the subject of this rezoning application and that I represent all owners, including spouses, of the property to be rezoned. I further certify that all information in this application is true and correct to the best of my knowledge.

Applicant:

If you are not the Owner of Record, please describe your relationship to the rezoning proposal:

Name: CITY OF JONESBORO

Address: 515 W. WASHINGTON AVE

City, State: Jonesboro AR ZIP 72401

Telephone: 870-932-1052

Name: _____

Address: _____

City, State: _____ ZIP _____

Telephone: _____

Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Area Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is the 17th of each month. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.

Facsimile: _____

Signature: _____

[Handwritten Signature]

Deed: *Please attach a copy of the deed for the subject property.*

Facsimile: _____

Signature: _____

Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Area Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is the 17th of each month. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.



City of Jonesboro City Council
Staff Report – RZ 12-08: C.O.J. - 2217 W. Parker
Huntington Building - 900 W. Monroe
For Consideration by the Council on May 15, 2012

- REQUEST:** To consider a rezoning of a parcel of land containing 23.25 acres more or less
- PURPOSE:** A request to consider recommendation to Council for a rezoning from R-1 Single Family Residential District to “C-3” L.U.O. General Commercial as approved by the MAPC.
- APPLICANT/OWNER:** City of Jonesboro. 515 W. Washington, Jonesboro AR 72401
- LOCATION:** 2217 W. Parker Road, Southeast of Strawfloor Road, South of US63/I-555.
- SITE DESCRIPTION:** Tract Size: Approx. 23.25 acres
 Frontage: Approx. 633.56’ +/- on West Parker Road
 Topography: Gradually Sloping
 Existing Development.: Vacant (Formerly known as the Edwards Property)
- | SURROUNDING CONDITIONS: | <u>ZONE</u> | <u>LAND USE</u> |
|--------------------------------|-------------|---|
| North: | C-3 | Residential |
| South: | R-1 | Residential |
| East: | C-3 | NEA Urgent Care Clinic |
| West: | R-1 | Residential/Reclaimed Landfill Property |
- HISTORY:** None
- ZONING ANALYSIS:** City Planning Staff has reviewed the proposed Zone Change and offers the following findings.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Current/Future Land Use Map recommends this location as Residence Transitional. The proposed rezoning is inconsistent with the land use map. The area is primarily at the edge of other City owned Landfill property, while having a residential community to the immediate south. Due to proximity to highway and access roads and frontage alone a major highway, this property would be more suitable for commercial uses if proper and substantial buffering is provided to protect the residential to the south. A Land Use Map revision is advised.

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.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served by West Parker Road which is identified as part of a major Expressway right of way designation. The submitted rezoning plat demonstrates the established right of way. Driveway and

access drives shall be submitted and coordinated with the AHDT and the City of Jonesboro Engineering Department, as required by the Master Street Plan.

Zoning Code Compliance Review:

The applicant is requesting a change to a C-3 Limited Use Overlay for consideration of the highest and best use of the property in the future. The immediate area along West Parker Road has developed commercially during recent years and as anticipated highway access is improved to the west, this property will be more suitable for commercial uses.

The Street setback for C-3 is 25 feet for Nonresidential uses, the Rear setback for Nonresidential uses is 20 feet, and the Interior side setback is 10 feet for Nonresidential uses.

The following permitted uses are listed in the Zoning Ordinances for the C-3 General Commercial District: Animal Care General, Animal Care Limited, Automated Teller Machine, Bank or Financial Institution, Bed and Breakfast, Carwash, Cemetery, Church, College or University, Convenience Store, Day Car Limited, Day Care General, Funeral Home, Golf Course, Government Service, Hospital, Hotel or Motel, Library, Medical Service/Office, Museum, Nursing Home, Office General, Parking Lot Commercial, Parks and Recreation, Pawn Shops, Post Office, Recreation/Entertainment Indoor, Recreation/Entertainment Outdoor, Recreational Vehicle Park, Restaurant Fast-Food, Restaurant General, Retail/Service, Safety Services, School/Elementary/Middle/High, Service Station, Sign Off-Premises, Utility Minor, Vehicle and Equipment Sales, Vehicle Repair General, Vehicle Repair Limited, Vocational School, Agricultural Farmer's Market. Staff recommends that the list exclude any future development of Adult Entertainment or Off-premise advertisement (1- Billboard exists within 75 ft. of the subject property).

Due to the close proximity to single family homes in the area, Staff suggests that a 75 ft.-buffer be maintain to the immediate south, where single family homes currently exist. This permanent buffer should remain with the exception of possible future master street improvements in the future that may improve road networks to Southwest Jonesboro.

MAPC Record of Proceedings- Public Hearing Held May 8, 2012:

Applicant/Staff: Mr. Spriggs presented the case on behalf of Mayor Perrin and City Administration. Mr. Spriggs gave a summation of the staff report to the Commission. The Land Use Map recommends this location as Residence Transitional. The proposed rezoning is inconsistent with the land use map. The area is primarily at the edge of other City owned Landfill property, while having a residential community to the immediate south. Due to proximity to highway and access roads and frontage alone a major highway, this property would be more suitable for commercial uses if proper and substantial buffering is provided to protect the residential to the south. A Land Use Map revision is advised.

Mr. Spriggs: Stated that due to the close proximity to single family homes in the area, Staff suggests that a 75 ft.-buffer be maintain to the immediate south, where single family homes currently exist.

The conditions were read:

1. Access driveways shall satisfy city standards and be coordinated with the appropriate reviewing agencies City/State for approval.
2. A final site plan shall be required to be reviewed and approved by the MAPC and shall include final details on setbacks, off-premise parking lot details, drainage, grading, access management, signage, lighting photometrics, landscaping including privacy fence screening,

and all site improvements approved by this petition.

3. A minimum 75ft. permanent greenspace buffer shall be maintained along the most southerly property line where single family homes exist.
4. Adult Entertainment uses and outdoor advertisement shall be prohibited on the subject property.

Public Input: No opposition was present.

Mr. Kelton: Referred to the boundary to the south, asked about the 75 ft. boundary from the residential southern line (parallel to the main southern boundary excluding the gap area)- Mr. Spriggs clarified.

Mr. Tomlinson stated that it doesn't comply with the land use, but this is justifiable. Along the access road, this land is more suitable for commercial. This is a good move, and when it comes up for change in land use, mixed land uses of commercial and higher density developments would work.

MAPC ACTION:

Motion was made by Mr. Scurlock to place Case: RZ-12-08 on the floor for consideration and for recommendation of approval to City Council for a rezoning from R-2 to "C-3" L.U.O. General Commercial as presented. Motion was seconded by Mr. Tomlinson.

Roll Call Vote: Mr. Scurlock- Aye; Mr. Tomlinson- Aye; Mr. Dover- Aye; Ms. Nix- Aye; Ms. Elmore- Aye; Mr. Hoelscher- Aye; Mr. Kelton- Aye; Mr. Reece- Absent (left meeting for Board Meeting).

7-0 Measure Passed.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by the City of Jonesboro, should be evaluated based on the above observations and criteria, of Case RZ 12-08 noted above, a request to rezone property from "R-1" to C-3 General Commercial, Limited Use Overlay, and is hereby recommended for approval with conditions (below).

The conditions for recommendation of approval shall include the following:

1. Access driveways shall satisfy city standards and be coordinated with the appropriate reviewing agencies City/State for approval.
2. A final site plan shall be required to be reviewed and approved by the MAPC and shall include final details on setbacks, off-premise parking lot details, drainage, grading, access management, signage, lighting photometrics, landscaping including privacy fence screening, and all site improvements approved by this petition.
3. A minimum 75ft. permanent greenspace buffer shall be maintained along the most southerly property line where single family homes exist.
4. Adult Entertainment uses and outdoor advertisement shall be prohibited on the subject property.

Respectfully Submitted for Council Consideration,

A handwritten signature in black ink, appearing to read "Otis T. Spriggs". The signature is fluid and cursive, with the first name being the most prominent.

Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking West from abutting property.



View looking Southeast from driveway on Subject Property



View looking Southeast along property frontage on West Parker



View looking west from property frontage



View looking South



View looking Northwest along Parker Rd. Frontage & I-63



View looking Northwest along West Parker Road near Strawfloor Rd.



Legislation Details (With Text)

File #: ORD-12:027 **Version:** 1 **Name:** Rezoning by Southern Bank
Type: Ordinance **Status:** Third Reading
File created: 5/9/2012 **In control:** City Council
On agenda: **Final action:**

Title: 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 R-2 TO C-3 FOR PROPERTY LOCATED AT 1925 SOUTH MAIN STREET AS REQUESTED BY SOUTHERN BANK

Sponsors:

Indexes: Rezoning

Code sections:

Attachments: [Rezoning Plat](#)
[MAPC Report](#)
[Application](#)
[Concept Plan Layout](#)
[Supporting documentation from Jonesboro School District](#)

Date	Ver.	Action By	Action	Result
5/15/2012	1	City Council		

title
AN ORDINANCE TO AMEND CHAPTER 117, OF THE JONESBORO MUNICIPAL CODE KNOWN AS THE ZONING ORDINANCE PROVIDING FOR A CHANGE IN ZONE DISTRICT BOUNDARIES

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

SECTION 1: That Chapter 117 of the Jonesboro Municipal Code known as the Zoning Ordinance of the City of Jonesboro, Arkansas, be amended by the change in zone district boundaries as follows:

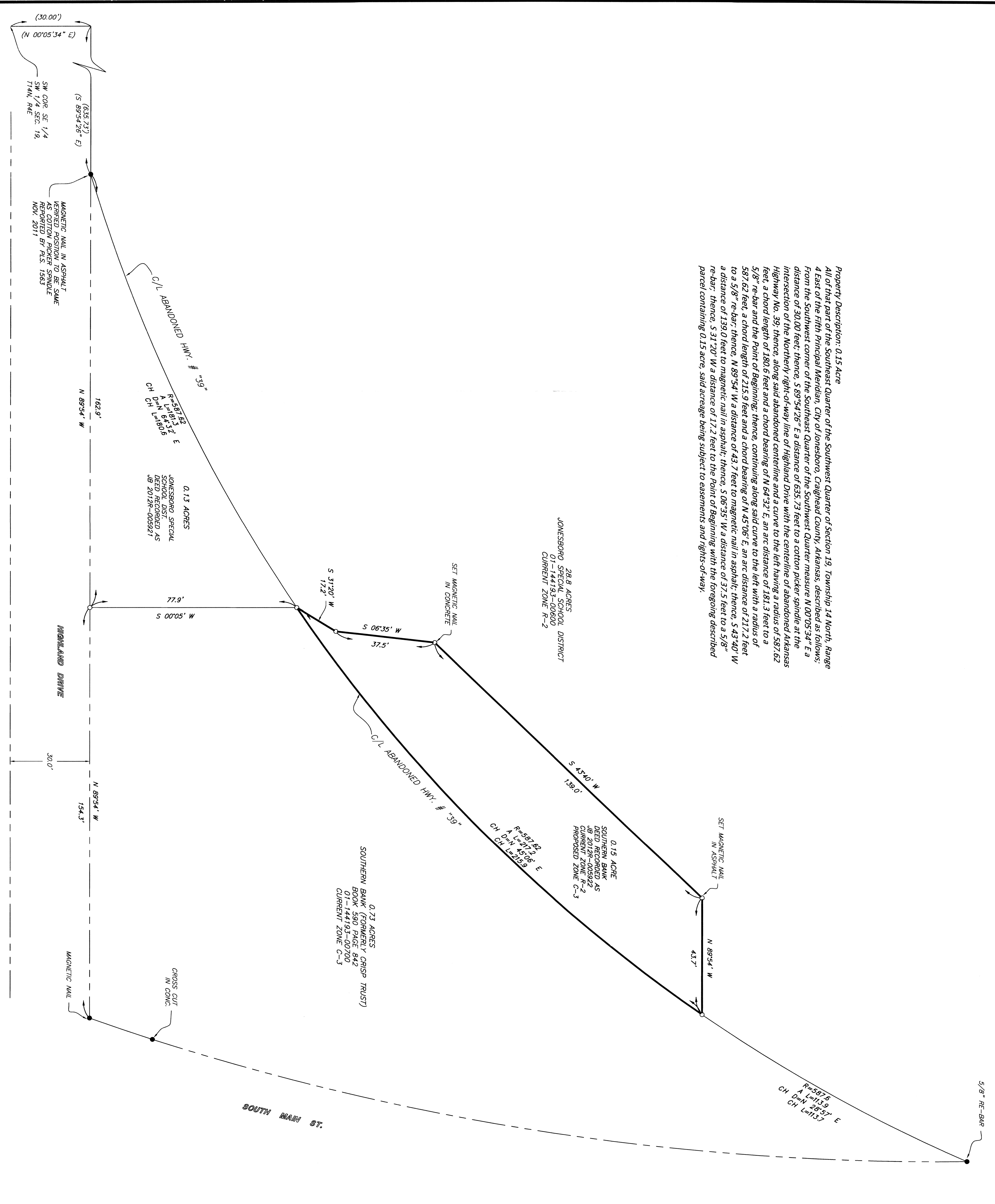
From R-2 (Low Density Multi-Family Residential District) to C-3 (General Commercial), that land described as follows:

All of that part of the Southeast Quarter of the Southwest Quarter of Section 19, Township 14 North, Range 4 East of the Fifth Principal Meridian, City of Jonesboro, Craighead County, Arkansas, described as follows: From the Southwest corner of the Southeast Quarter of the Southwest Quarter measure N 00°05'34" E a distance of 30.00 feet; thence, S 89°54'26" E a distance of 635.73 feet to a cotton picker spindle at the intersection of the Northerly right-of-way line of Highland Drive with the centerline of abandoned Arkansas Highway No. 39; thence, along said abandoned centerline and a curve to the left having a radius of 587.62 feet, a chord length of 180.6 feet and a chord bearing of N 64°32' E, an arc distance of 181.3 feet to a 5/8" re-bar and the Point of Beginning; thence, continuing along said curve to the left with a radius of 587.62 feet, a chord length of 215.9 feet and a chord bearing of N 45°06' E, an arc distance of 217.2 feet to a 5/8" re-bar; thence, N 89°54' W a distance of 43.7 feet to magnetic nail in asphalt; thence, S 43°40' W a distance of 139.0 feet to magnetic nail in asphalt; thence, S 06°35' W a distance of 37.5 feet to a 5/8" re-bar; thence, S 31°20' W a distance of 17.2 feet to the Point of Beginning with the foregoing described parcel containing 0.15 acre, said

acreage being subject to easements and rights-of-way.

SECTION 2: It is found and declared by the City Council that proper use of the tract of land described in the Ordinance is delayed because of improper zoning and that, therefore, an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety, it shall take effect from and after its passage and approval.

Property Description: 0.15 Acre
 All of that part of the Southeast Quarter of the Southwest Quarter of Section 19, Township 14 North, Range 4 East of the Fifth Principal Meridian, City of Jonesboro, Craighead County, Arkansas, described as follows:
 From the Southwest corner of the Southwest Quarter of the Southwest Quarter measure N 00°05'34" E a distance of 30.00 feet; thence, S 89°54'26" E a distance of 635.73 feet to a cotton picker spindle at the intersection of the Northern right-of-way line of Highland Drive with the centerline of abandoned Arkansas Highway No. 39; thence, along said abandoned centerline and curve to the left having a radius of 587.62 feet, a chord length of 180.6 feet and a chord bearing of N 64°32' E, an arc distance of 181.3 feet to a 5/8" re-bar and the Point of Beginning; thence, continuing along said curve to the left with a radius of 587.62 feet, a chord length of 215.9 feet and a chord bearing of N 45°06' E, an arc distance of 217.2 feet to a 5/8" re-bar; thence, N 89°54' W a distance of 43.7 feet to magnetic nail in asphalt; thence, S 43°40' W a distance of 139.0 feet to magnetic nail in asphalt; thence, S 06°35'11" W a distance of 37.5 feet to a 5/8" re-bar; thence, S 31°20' W a distance of 17.2 feet to the Point of Beginning with the foregoing described parcel containing 0.15 acre, said acreage being subject to easements and rights-of-way.

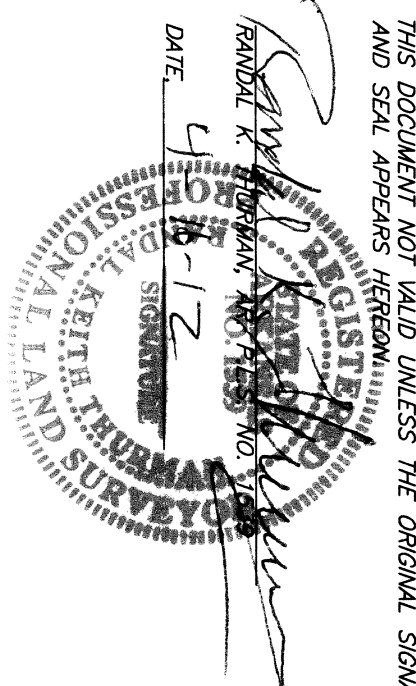


REFERENCE DOCUMENTS
 PART OF SURVEY BY HAYWOOD, KENNARD, BARE & ASSOC.
 PROPERTY INFO
 WWW.GEOSTOR.ARKANSAS.GOV

NORTH BASED ON
 ARKANSAS COORDINATE SYSTEM OF 1983
 NORTH ZONE (0201)
 CONVERSION: 04511-
 DATUM: NAD 83
 LAT. N. 35.98192307°
 LONG. W. 90°42'21.09"
 GROUND DISTANCES SHOWN
 ELEVATION BASED ON MVD 1988

I, RANDAL K. THOMPSON, AS P.L.S. NO. 1539 DO HEREBY
 DECLARE THAT THIS SURVEY WAS PERFORMED UNDER MY
 DIRECTION AND SUPERVISION, AND THE RESULTS ARE CORRECTLY
 SHOWN HEREON. THIS SURVEY WAS EXECUTED ACCORDANCE
 WITH THE RULES AND REGULATIONS OF THE ARKANSAS
 SURVEYING BOARD. THIS SURVEY WAS CLASSIFIED AS
 PROPERTY BOUNDARY SURVEY. THIS PROPERTY IS CLASSIFIED
 AS TYPE "A" CLASS A SURVEY. THIS SURVEY DOES NOT
 MAKE ANY INVESTIGATION OR INDEPENDENT SEARCH FOR
 EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE
 COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS
 WHICH MAY AFFECT THE INTERESTS OF THE PARTIES TO THIS
 SURVEY. THIS SURVEY IS VALID UNLESS THE ORIGINAL SIGNATURE
 AND SEAL APPEARS HEREON.

DATE: 11/30/11



PLAT CODE
 500-14N-04E-0-19-320-16-1539

PART OF THE SW 1/4 SEC. 19, T14N, R4E
 JONESBORO, CRAIGHEAD CO., ARKANSAS

SOUTHERN BANK
 PROPOSED ZONING CHANGE

AN EMPLOYEE OWNED COMPANY
SMITH CO.
 SURVEYORS
 901 VINE STREET, P.O. BOX 72
 POPLAR BLUFF, MISSOURI 63902
 (573) 785-9621 FAX: (573) 785-2651 WWW.SHSMITHCO.COM
 CIVIL ENGINEERING • SURVEYING •
 GEOTECHNICAL & ENVIRONMENTAL SERVICES • MATERIAL TESTING

SURVEYED BY: RSM, RKT DATE: 11/30/11
 DESIGNED BY: N/A DATE: N/A
 DRAWN BY: JAB DATE: 12/06/11
 CHECKED BY: RKT DATE: 12/07/11
 FIELD BOOK: 1811

CERTIFICATE OF AUTHORITY # 56

WHEN PRINTED AT FULL SCALE,
 THIS BAR WILL MEASURE 1" = 20'

NO.	REVISIONS	DATE	BY	APP.
1	REVISED PORTION OF WEST BOUNDARY AND DESCRIPTION	4/06/12	JAB	RKT

City of Jonesboro City Council
Staff Report – RZ 12-07: 1925 S. Main Street
Huntington Building - 900 W. Monroe
For Consideration by the Council on May 15, 2012

- REQUEST:** To consider a rezoning of a parcel of land containing 0.15 acres more or less
- PURPOSE:** A request to consider recommendation to Council for a rezoning from R-2 Low Density Multi-Family Residential District to “C-3” General Commercial, as approved by the MAPC on May 8, 2012.
- APPLICANT/OWNER:** Southern Bank, 531 Vine Street, Pine Bluff, MO 63901
- LOCATION:** 1925 S. Main Street, Northwest Corner of Highland Dr. & Main Street
- SITE DESCRIPTION:** Tract Size: Approx. 0.15 acres
Frontage: None
Topography: Flat
Existing Development: Former JHS Property- Parking/grass area.
- | SURROUNDING CONDITIONS: | <u>ZONE</u> | <u>LAND USE</u> |
|--------------------------------|-------------|--------------------------|
| North: | R-2 | Jonesboro High School |
| South: | C-3 | Bennetts Nursery |
| East: | C-3 | Vacant Exxon Gas Station |
| West: | R-2 | Jonesboro High School |
- HISTORY:** None
- ZONING ANALYSIS:** City Planning Staff has reviewed the proposed Zone Change and offers the following findings.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Current/Future Land Use Map recommends this location as Public, Semi-Public, Institutional (High School). The proposed rezoning is inconsistent with the adopted Land Use Map. However, the area petition for rezoning is part of a land previously purchased to allow additional acreage for building setbacks on an existing C-3 property. A Land Use Map revision is necessary and is advised.

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.



Vicinity/Zoning Map

Findings:

Master Street Plan/Transportation

The subject site is served indirectly off Main Street and Highland Drive: The acreage to be rezoned has no frontage on Main Street (See attached Rezoning Plat).

Zoning Code Compliance Review:

The applicant is requesting a change to C-3 General Commercial, to allow for future improvement of a vacant gas station property. The existing structure will be removed. A concept plan layout is submitted and attached, but was not required for the proposed rezoning. Administrative Staff will be responsible for coordinating, reviewing and approving any site plans in the future for the primary property to be consolidated with the subject acreage.

MAPC Record of Proceedings- Public Hearing Held May 8, 2012:

Applicant: Attorney Chris Gardner, on behalf of Southern Bank; represented at the meeting was Mr. Lindy Smith, Regional President of Jonesboro Southern Bank and the Project Engineer from Smith & Co. Engineering from Popular Bluff.

Mr. Gardner gave background information about the site- Noting that this is an oddity and different from what the MAPC is accustomed to. Southern Bank acquired the property on the northwest corner of Highland and Main St., which was the old Exxon Gas Station. The land has been vacant for 3 years. The parcel is zoned C-3 General Commercial and in the course of discussion with Jonesboro High School about their plans for a bank, they established a mutual agreement (between the school and the bank).

Mr. Gardner: Jonesboro School District wanted a piece of the main tract to the south and west that frontage on Highland Drive, across from Bennett's in exchange of the swapped property. They agreed to swap property with the school district, who gave up land zoned R-2, which has underground tanks within the school district property. The land swap benefited the school district. The tract conveyed from the school district to Southern Bank allows them to reconfigure the lot to put a teller drive-thru with the bank branch to comply with setbacks. Mr. Garner added that Jonesboro School District gave a support letter today for this zoning application. Southern Bank will remove the tanks and the school district didn't want to incur the costs of Rezoning, which is consistent with the main tract.

Staff: Mr. Spriggs gave staff summary comments. The Land Use Map recommends this location as Public, Semi-Public, Institutional (High School), and the proposed rezoning is inconsistent with the adopted Land Use Map. The area within the rezoning is part of a land previously purchased to allow additional acreage for building setbacks on an existing C-3 property. A Land Use Map revision is necessary and is advised.

Mr. Spriggs: Staff has no issues with the request. The tract being rezoned has no frontage on public right of way. The site plan will be reviewed and approved administratively. Utility reviews will be coordinated. Staff recommends approval of this petition which will provide for clarity on the Zoning Map.

Public Input: No opposition was present.

MAPC ACTION:

Motion was made by Mr. Scurlock to place Case: RZ-12-07 on the floor for consideration and for recommendation of approval to City Council for a rezoning from R-2 to "C-3" General Commercial as presented. Motion was seconded by Ms. Nix.

Roll Call Vote: Roll Call Vote: Mr. Scurlock- Aye; Mr. Tomlinson- Aye; Mr. Dover- Aye; Ms. Nix- Aye; Ms. Elmore- Aye; Mr. Hoelscher- Aye; Mr. Kelton- Aye; Mr. Reece- Aye.

8-0 Measure Passed.

Conclusion:

The MAPC and the Planning Department Staff find that the requested Zone Change submitted by Southern Bank should be evaluated based on the above observations and criteria, of Case RZ 12-07 noted above, a request to rezone property from “R-2” to C-3 General Commercial, and is hereby recommended for approval to City Council.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking South from property.



View looking Northeast towards Subject Property



View looking East along Highland Dr. towards existing Exxon Building



View looking west towards subject property



METROPOLITAN AREA
PLANNING COMMISSION
Jonesboro, Arkansas

Application for a Zoning Ordinance Map Amendment

Date Received: 4/17/12
Case Number: RZ12-07

LOCATION:

Site Address: 1925 South Main, Jonesboro, AR

Side of Street: West between _____ and _____

Quarter: SW 1/4 SW Section: 19 Township: 14N Range: 4E

Attach a survey plat and legal description of the property proposed for rezoning. A Registered Land Surveyor must prepare this plat.

SITE INFORMATION:

Existing Zoning: R-2 Proposed Zoning: C-3

Size of site (square feet and acres): 5027 SQ.F. 0.15 AC Street frontage (feet): 154 (E-W) 311 (N-S)

Existing Use of the Site: Closed service station 0 ft for requested parcel

Character and adequacy of adjoining streets: S. Main and E. Highland are both four lane roads with turn lanes

Does public water serve the site? Yes

If not, how would water service be provided? N/A

Does public sanitary sewer serve the site? Yes

If not, how would sewer service be provided? N/A

Use of adjoining properties:

North	<u>R-2 Jonesboro School District Bus Garage</u>
South	<u>C-3</u>
East	<u>C-3</u>
West	<u>C-3</u>

Physical characteristics of the site: Corner lot at the intersection of S. Main and E. Highland. The lot is generally flat and is currently mostly covered with pavement and building

Characteristics of the neighborhood: The area at the intersection is predominantly commercial use with restaurants and stores to the east and south. JDS High School is to the north.

Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Area Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is the 17th of each month. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.

REZONING INFORMATION:

The applicant is responsible for explaining and justifying the proposed rezoning. Please prepare an attachment to this application answering each of the following questions in detail:

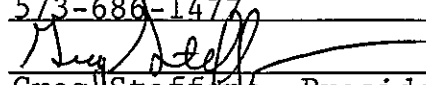
- (1). How was the property zoned when the current owner purchased it?
- (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary?
- (3). If rezoned, how would the property be developed and used?
- (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)?
- (5). Is the proposed rezoning consistent with the Jonesboro Comprehensive Plan and the Future Land Use Plan?
- (6). How would the proposed rezoning be the public interest and benefit the community?
- (7). How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area?
- (8). Are there substantial reasons why the property cannot be used in accordance with existing zoning?
- (9). How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property.
- (10). How long has the property remained vacant?
- (11). What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services?
- (12). If the rezoning is approved, when would development or redevelopment begin?
- (13). How do neighbors feel about the proposed rezoning? Please attach minutes of the neighborhood meeting held to discuss the proposed rezoning or notes from individual discussions. If the proposal has not been discussed with neighbors, please attach a statement explaining the reason. Failure to consult with neighbors may result in delay in hearing the application.
- (14). If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted.

OWNERSHIP INFORMATION:

All parties to this application understand that the burden of proof in justifying and demonstrating the need for the proposed rezoning rests with the applicant named below.

Owner of Record:

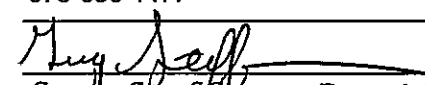
I certify that I am the owner of the property that is the subject of this rezoning application and that I represent all owners, including spouses, of the property to be rezoned. I further certify that all information in this application is true and correct to the best of my knowledge.

Name: Southern Bank
 Address: 531 Vine Street
 City, State: Poplar Bluff, MO ZIP 63901
 Telephone: 573-778-1800
 Facsimile: 573-686-1477
 Signature: 
Greg Steffans, President

Deed: Please attach a copy of the deed for the subject property.

Applicant:

If you are not the Owner of Record, please describe your relationship to the rezoning proposal:

 Name: Southern Bank
 Address: 531 Vine Street
 City, State: Poplar Bluff, MO ZIP 63901
 Telephone: 573-778-1800
 Facsimile: 573-686-1477
 Signature: 
Greg Steffans, President

Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Area Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is the 17th of each month. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.

REZONING INFORMATION
Supplemental Sheet
1925 S Main Street, Jonesboro, Arkansas

1. *How was the property zoned when the current owner purchased it?*
The additional parcel obtained from the Jonesboro School District and requested for rezoning is classified as R-2. The Main parcel which has an out of business service station is classified as C-3.
2. *What is the purpose of the proposed rezoning? Why is the rezoning necessary?*
The parcel requested for rezoning needs to be C-3 to accommodate the proposed drive thru operation of the banking facility. The original service station lot is zoned C-3. The requested parcel is adjacent to the original C-3 parcel.
3. *If rezoned, how would the property be developed and used?*
The parcel will be used for a banking facility with a drive thru.
4. *What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)?*
The proposed facility will be approximately 5,000 square feet. Please see the enclosed Preliminary Site Plan for orientation of the building and drive on the property.
5. *Is the proposed rezoning consistent with the Jonesboro Comprehensive Plan and the Future Land Use Plan?*
The proposed parcel to be rezoned is consistent with the planning documents. It is adjacent to a parcel that is currently zoned C-3.
6. *How would the proposed rezoning be in the public interest and benefit the community?*
The proposed rezoning will allow for construction of a new banking facility with a drive thru. The property currently has an out of business service station. The proposed project will complement the other businesses located at the intersection of S. Main and E. Highland.
7. *How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area?*
The properties to the east, southeast, and south are all zoned C-3. This requested rezoning from R-2 to C-3 will be in character of the adjacent properties.
8. *Are there substantial reasons why the property cannot be used in accordance with existing zoning?*
The parcel requested for rezoning is needed to have sufficient area for drive thru operations of the proposed banking facility. The original parcel for the banking facility is currently zone C-3.
9. *How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property.*
The proposed rezoned parcel is adjacent to existing C-3 properties. The proposed banking facility will not impose any negative effects of the properties at the intersection. The new banking facility will replace an out of business service station.
10. *How long has the property remained vacant?*
The property has been vacant for over three years.
11. *What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services?*
There will be no additional impact on these services. The proposed banking facility replaces a service station. The location of the building and drive thru area will not impair traffic at the intersection.

12. *If the rezoning is approved, when would development or redevelopment begin?*

Removal of the existing structure will begin this spring. New construction is anticipated to start in the summer of 2012.

13. *How do neighbors feel about the proposed rezoning? Please attach minutes of the neighborhood meeting held to discuss the proposed rezoning or notes from individual discussions. If the proposal has not been discussed with neighbors, please attach a statement explaining the reason. Failure to consult with neighbors may result in delay in hearing the application.*

The Jonesboro School District has been involved with the proposed project since its inception. The parcel requested for rezoning was obtained from the District. The School Board has reviewed the proposed project at their meetings and approved the property transaction for the drive thru facility.

14. *If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted.*

This application is not for an LUO.

Proposed Legal Description of the Combined Property

Property Description: 0.88 Acre

All of that part of the Southeast Quarter of the Southwest Quarter of Section 19, Township 14 North, Range 4 East of the Fifth Principal Meridian, City of Jonesboro, Craighead County, Arkansas, described as follows;

From the Southwest corner of the Southeast Quarter of the Southwest Quarter measure N 00°05'34" E a distance of 30.00 feet; thence, S 89°54'26" E a distance of 635.73 feet to a cotton picker spindle at the intersection of the Northerly right-of-way line of Highland Drive with the centerline of abandoned Arkansas Highway No. 39; thence, continuing S 89°54' E along the Northerly right-of-way line of Highland Drive a distance of 162.9 feet to a 5/8" rebar and the Point of Beginning; thence, S 89°54' E along said Northerly right-of-way line a distance of 154.3 feet to a magnetic nail in asphalt on the Westerly right-of-way line of South Main Street; thence, along said Westerly right-of-way line and a curve to the left having a radius of 960.26 feet, a chord length of 334.4 feet, and a chord bearing of N 09°15' E, and arc distance of 336.2 feet to a 5/8" rebar on the centerline of abandoned Arkansas Highway "39"; thence, along said abandoned centerline and a curve to the right having a radius of 587.62 feet, a chord length of 113.7 feet and a chord bearing of S 28°57' W, an arc distance of 113.9 feet to a 5/8" rebar; thence, N 89°54' W a distance of 43.7 feet to magnetic nail in asphalt; thence, S 43°40' W a distance of 139.0 feet to magnetic nail in asphalt; thence, S 06°35' W a distance of 37.5 feet to a 5/8" rebar; thence, S 31°20' W a distance of 17.2 feet; thence, S 00°05' W a distance of 77.9 feet to the Point of Beginning with the foregoing described parcel containing 0.88 acre, said acreage being subject to easements and rights-of-way.



* J B 2 0 1 2 R - 0 0 5 9 2 2 4 *


JB2012R-005922

ANN HUDSON

CRAIGHEAD COUNTY

RECORDED ON:

04/11/2012 04:17PM

BY  D. C.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That JONESBORO SPECIAL SCHOOL DISTRICT NO. 1 TO CRAIGHEAD COUNTY, ARKANSAS, a public school district in Jonesboro, Arkansas, Grantor, by and through its Superintendent, duly authorized by proper resolution of its Board of Directors, for the consideration of the sum of Ten Dollars (\$10.00) in hand paid by SOUTHERN BANK, a Missouri chartered trust company with banking powers, Grantee, the receipt of which is hereby acknowledged, does grant, bargain, sell and convey unto the said Grantee, and unto its successors and assigns forever, the following described land, situated in Jonesboro, Craighead County, Arkansas:

All of that part of the Southeast Quarter of the Southwest Quarter of Section 19, Township 14 North, Range 4 East of the Fifth Principal Meridian, City of Jonesboro, Craighead County, Arkansas, described as follows: From the Southwest corner of the Southeast Quarter of the Southwest Quarter measure N 00°05'34" E a distance of 30.00 feet; thence, S 89°54'26" E a distance of 635.73 feet to a cotton picker spindle at the intersection of the Northerly right-of-way line of Highland Drive with the centerline of abandoned Arkansas Highway No. 39; thence, along said abandoned centerline and a curve to the left having a radius of 587.62 feet, a chord length of 180.6 feet and a chord bearing of N 64°32' E, an arc distance of 181.3 feet to a 5/8" re-bar and the Point of Beginning; thence, continuing along said curve to the left with a radius of 587.62 feet, a chord length of 215.9 feet and a chord bearing of N 45°06' E, an arc distance of 217.2 feet to a 5/8" re-bar; thence, N 89°54' W a distance of 43.7 feet to magnetic nail in asphalt; thence, S 43°40' W a distance of 139.0 feet to magnetic nail in asphalt; thence, S 06°35' W a distance of 37.5 feet to a 5/8" re-bar; thence, S 31°20' W a distance of 17.2 feet to the Point of Beginning with the foregoing described parcel containing 0.15 acre, said acreage being subject to easements and rights-of-way.

This Instrument Prepared By
GARDNER LAW FIRM, P.A.
Attorney at Law
Jonesboro, Arkansas

WARRANTY DEED

Page 2

TO HAVE AND TO HOLD the same unto the said Grantee, and unto its successors and assigns forever, with all appurtenances thereunto belonging. And Grantor hereby covenants with the said Grantee that it will forever warrant and defend the title to said lands against all claims whatever.

IN TESTIMONY WHEREOF, the name of the Grantor is hereunto affixed by its Superintendent this 11 day of April, 2012.

JONESBORO SPECIAL SCHOOL DISTRICT NO. 1 TO
CRAIGHEAD COUNTY, ARKANSAS

By *Kim Wilbanks*
Dr. Kim Wilbanks, Superintendent

This Instrument Prepared By
GARDNER LAW FIRM, P.A.
Attorney at Law
Jonesboro, Arkansas

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

On this day before me personally appeared Dr. Kim Wilbanks, to me personally well known, who acknowledged that she was the Superintendent of JONESBORO SPECIAL SCHOOL DISTRICT NO. 1 TO CRAIGHEAD COUNTY, ARKANSAS, a public school district in Jonesboro, Arkansas, and that she, as such officer, being authorized so to do, had executed the foregoing instrument for the purposes therein contained by signing the name of the school district by herself as such officer.

WITNESS my hand and official seal this 11th day of April, 2012.

Shirley Park
Notary Public

My Commission Expires:

7/1/2012



WARRANTY DEED

AMOUNT OF TAX \$0.00

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.



Grantee or Agent: Southern Bank

Grantee's Address: 531 Vine Street
Poplar Bluff, MO 63901

In testimony whereof, the name of Grantor is hereunto affirmed by its Trustee, this 23
day of November, 2011.

GRANTOR:

EUGENE C. CRISP LIVING TRUST
dated April 24, 2000, an Arkansas Trust

Date: 11/23/11

By: *Eugene C. Crisp*
Eugene C. Crisp Trust, Trustee

By: *Doris C. Crisp*
Doris C. Crisp Trust, Trustee

DORIS C. CRISP LIVING TRUST
dated April 24, 2000, an Arkansas Trust

Date: 11/23/11

By: *Doris C. Crisp*
Doris C. Crisp Trust, Trustee

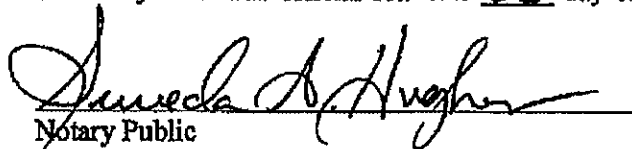
By: *Eugene C. Crisp*
Eugene C. Crisp Trust, Trustee

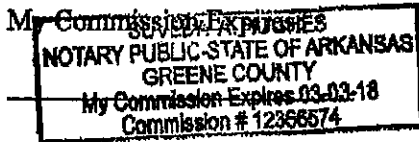
THE STATE OF ARKANSAS
COUNTY OF Craighead

§
§
§

That on this day came before me the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named EUGENE C. CRISP and DORIS C. CRISP, to me personally well known, who stated that they were the Trustees of EUGENE C. CRISP TRUST DATED APRIL 24, 2000, an Arkansas trust, and were duly authorized in its capacity to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

In testimony whereof, I have hereunto set my hand and official seal this 23 day of Nov. 2011.


Notary Public

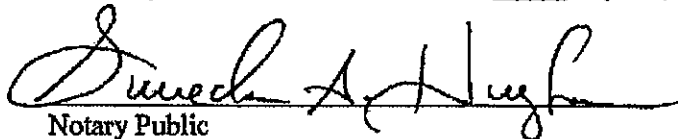


THE STATE OF ARKANSAS
COUNTY OF Craighead

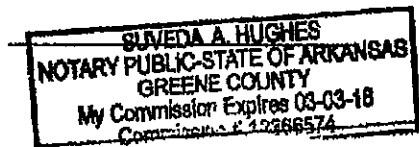
§
§
§

That on this day came before me the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named DORIS C. CRISP and EUGENE C. CRISP, to me personally well known, who stated that they were the Trustees of DORIS C. CRISP TRUST DATED APRIL 24, 2000, an Arkansas trust, and were duly authorized in its capacity to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

In testimony whereof, I have hereunto set my hand and official seal this 23 day of Nov. 2011.


Notary Public

My Commission Expires:



Special Warranty Deed - Page 3
2279388v.2

Exhibit "A" to Deed
Legal Description

A part of the Southeast Quarter of the Southwest Quarter of Section 19, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows:

Beginning at the Southwest Corner of the Southeast Quarter of the Southwest Quarter of Section 19, Township 14 North, Range 4 East; thence North 00°05'34" East 30.00 feet; thence South 89°54'26" East, 635.73 feet to the point of beginning proper; thence Northeasterly on a curve to the left, with a central angle of 49°57'58", a radius of 587.62 feet, 512.45 feet to a point which bears North 48°23'03" East, 496.36 feet to a point on a curve to the right; thence Southwesterly along said curve, with a central angle of 20°03'46", a radius of 960.26 feet, 336.25 feet to a point which bears South 09°15'59" West, 334.53 feet from the last said point; thence North 89°54'26" West, 317.22 feet to the point of beginning proper, containing 0.85 acres, subject to all right-of-way and easements of record.

Special Warranty Deed -- Exhibit A
2279388v.2

Exhibit "B" to Deed

Permitted Exceptions

1. 30' wide Drainage Easement filed October 28, 1997, and recorded in Deed Record Book 549 Page 873 in the records of the Jonesboro District of Craighead County, Arkansas.
2. Right of Way for Highland Drive along the South side of tract.
3. Right of Way for Southwest Drive along the East side of tract.

Special Warranty Deed -- Exhibit B
2279388v.1

Nonforeign Affidavit

Date: 23 day of November, 2011

Transferor: EUGENE C. CRISP LIVING TRUST dated April
24, 2000 and DORIS C. CRISP LIVING TRUST dated
April 24, 2000

Transferor's Social Security Number and Address: EUGENE C. CRISP LIVING TRUST
602 Wilkins
Jonesboro, AR 72401

Address: DORIS C. CRISP LIVING TRUST:
602 Wilkins
Jonesboro, AR 72401

Transferee: SOUTHERN BANK, a state chartered trust company

Property (including any improvements):

All that certain tract of land situated in, more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes.

Section 1445 of the Internal Revenue Code provides that a transferee of a U.S. real property interest must withhold tax if the transferor is a foreign person. To inform Transferee that withholding of tax is not required on my disposition of a U.S. real property interest, we swear on oath that the contents of this affidavit are true.

I am not a nonresident alien for purposes of U.S. income taxation.

I understand that this certification may be disclosed to the Internal Revenue Service by Transferee and that any false statement made here could be punished by fine, imprisonment, or both.

Under penalties of perjury I declare that I have examined this affidavit and to the best of my knowledge and belief it is true, correct, and complete.

EUGENE C. CRISP LIVING TRUST
dated April 24, 2000, an Arkansas Trust

Date: 11.23.11

By: Eugene C. Crisp
Eugene C. Crisp Trust, Trustee

By: Doris C. Crisp
Doris C. Crisp Trust, Trustee

DORIS C. CRISP LIVING TRUST
dated April 24, 2000, an Arkansas Trust

Date: 11.23.11

By: Doris C. Crisp
Doris C. Crisp Trust, Trustee

By: Eugene C. Crisp
Eugene C. Crisp Trust, Trustee

Exhibit "A"

Legal Description

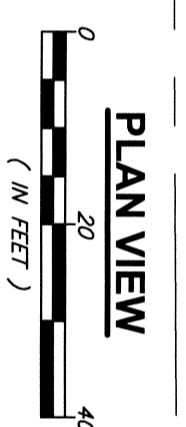
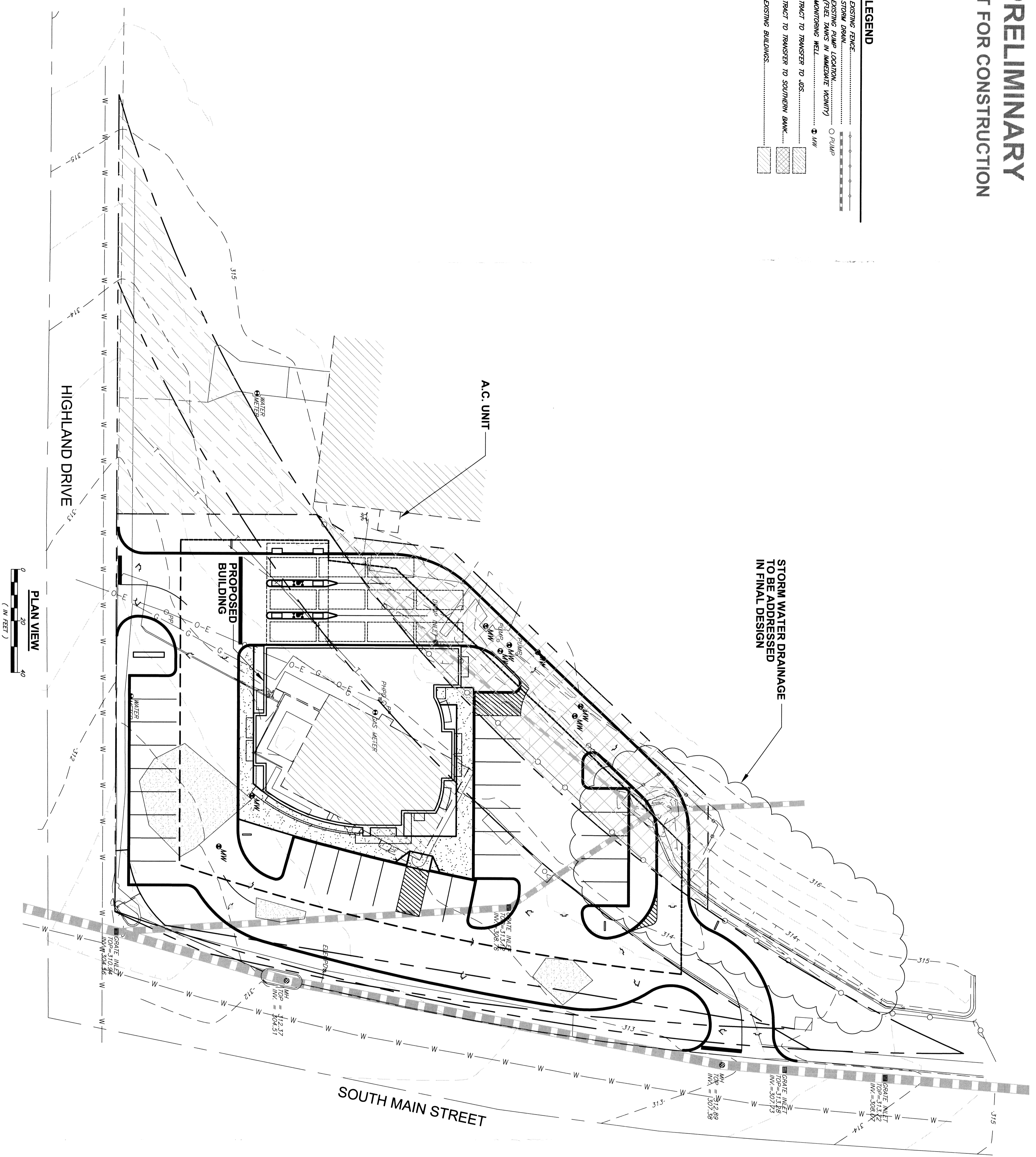
A part of the Southeast Quarter of the Southwest Quarter of Section 19, Township 14 North, Range 4 East, Jonesboro, Craighead County, Arkansas, being more particularly described as follows:

Beginning at the Southwest Corner of the Southeast Quarter of the Southwest Quarter of Section 19, Township 14 North, Range 4 East; thence North $00^{\circ}05'34''$ East 30.00 feet; thence South $89^{\circ}54'26''$ East, 635.73 feet to the point of beginning proper; thence Northeasterly on a curve to the left, with a central angle of $49^{\circ}57'58''$, a radius of 587.62 feet, 512.45 feet to a point which bears North $48^{\circ}23'03''$ East, 496.36 feet to a point on a curve to the right; thence Southwesterly along said curve, with a central angle of $20^{\circ}03'46''$, a radius of 960.26 feet, 336.25 feet to a point which bears South $09^{\circ}15'59''$ West, 334.53 feet from the last said point; thence North $89^{\circ}54'26''$ West, 317.22 feet to the point of beginning proper, containing 0.85 acres, subject to all right-of-way and easements of record.

Nonforeign Affidavit -- Exhibit A
DALLAS 2279439v.1

PRELIMINARY NOT FOR CONSTRUCTION

- LEGEND**
- EXISTING FENCE.....
 - STORM DRAIN.....
 - EXISTING PUMP LOCATION.....
 - (FUEL TANKS IN IMMEDIATE VICINITY)
 - MONITORING WELL.....
 - TRACT TO TRANSFER TO JCS.....
 - TRACT TO TRANSFER TO SOUTHERN BANK.....
 - EXISTING BUILDINGS.....



**PRELIMINARY
NOT FOR CONSTRUCTION**

REVIEW COPY: April 9, 2012

NOT FOR CONSTRUCTION

SOUTHERN BANK - JONESBORO
JONESBORO, ARKANSAS

PRELIMINARY SITE PLAN

PROJECT #: P110157
DRAWING #: N/A
SHEET: 1

AN EMPLOYEE OWNED COMPANY

SMITH & CO.
ENGINEERS

901 VINE STREET, P.O. BOX 72
POPLAR BLUFF, MISSOURI 63902
(573) 785-9621 FAX: (573) 785-2651 WWW.SHSMITHCO.COM

CIVIL ENGINEERING • SURVEYING •
ENVIRONMENTAL & GEOTECHNICAL SERVICES • MATERIAL TESTING

SURVEYED BY: N/A DATE: 11/11
DESIGNED BY: JML DATE: 4/12
DRAWN BY: N/A DATE: 4/12
CHECKED BY: JML DATE: 4/12
FIELD BOOK: N/A

0 10 20
THIS BAR WILL MEASURE 1" WHEN PRINTED AT FULL SCALE.

NO.	REVISIONS	DATE	BY	APP.

SEAL:

S.H. SMITH & COMPANY
MO. CERT. # E-416-D

MIXON LAW FIRM

ATTORNEYS AT LAW

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REBECCA WORSHAM
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SHIRLEY PARK
Certified Legal Assistant

WRITER'S EMAIL: dmixon@mixonlawfirm.com

May 8, 2012

Southern Bank
c/o Mr. Chris Gardner
Attorney at Law
P. O. Box 1965
Jonesboro, AR 72403

***Re: Southern Bank - Request for Rezoning
My Client: Jonesboro Special School District No. 1***

Dear Chris:

Recently an exchange of tracts of real property was completed between Southern Bank and the Jonesboro School District. The school district understood at the time of the exchange that Southern Bank would be requesting a rezoning of this small tract in the northwest corner of Highland Drive and Main Street from R-2 to C-3. As attorney for the school district, I have been authorized to confirm that the school district does not oppose the bank's request for this rezoning. Further, Southern Bank has shown the school district its site plan for the project. The district is pleased to welcome its new neighbor and is happy with the zoning and building proposal. Please feel free to share this letter with the Metropolitan Area Planning Commission and City of Jonesboro to evidence the district's consent to this rezoning request.

Sincerely,

MIXON LAW FIRM



Donn Mixon

DM:sp

cc: Dr. Kim Wilbanks, Superintendent
Mr. Ralph Waddell, School Board President