



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, November 17, 2015

5:30 PM

Municipal Center

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### PUBLIC SAFETY COMMITTEE MEETING AT 5:00 P.M.

### SPECIAL CALLED FINANCE COMMITTEE MEETING AT 5:15 P.M.

#### 1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.

#### 2. PLEDGE OF ALLEGIANCE AND INVOCATION

#### 3. ROLL CALL BY CITY CLERK DONNA JACKSON

*Councilman Johnson left at 6:45 p.m.*

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

#### 4. SPECIAL PRESENTATIONS

[COM-15:067](#) Proclamation by Mayor Perrin to JHS Boys & Girls Golf Teams State Champions.

**Sponsors:** Mayor's Office

This item was Read.

#### 5. CONSENT AGENDA

*Approval of the Consent Agenda*

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

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

[MIN-15:106](#) Minutes for the City Council meeting on November 3, 2015

**Attachments:** [Minutes](#)

This item was APPROVED on the consent agenda.

**RES-15:158**

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO CONTRACT WITH FISHER & ARNOLD, INC. TO PROVIDE ENGINEERING SERVICES FOR THE W COLLEGE AVENUE BRIDGE REPLACEMENT, AHTD JOB NO. 100849

**Sponsors:** Engineering and Grants

**Attachments:** [Agreement](#)

This item was **APPROVED** on the consent agenda.

Enactment No: R-EN-143-2015

**6. NEW BUSINESS****ORDINANCES ON FIRST READING****ORD-15:055**

ORDINANCE ADOPTING THE JONESBORO PROPERTY MAINTENANCE CODE BY REFERENCE AMENDING ARTICLE 1, CHAPTER 105, BUILDINGS AND BUILDING REGULATIONS, CREATING SECTION 105-2, JONESBORO PROPERTY MAINTENANCE CODE FOR THE PURPOSE OF PRESERVING PROPERTY, BUILDINGS, AND STRUCTURES FOR THE PRESERVATION OF PUBLIC PEACE, HEALTH AND SAFETY WITHIN THE CITY LIMITS OF JONESBORO, AR

**Sponsors:** Inspections, Code Enforcement and Planning

**Attachments:** [Jonesboro Property Maintenance Code](#)  
[Opposition Letters](#)  
[Support Letters](#)  
[Presentation by Teresa Beck from Oct. 27 meeting](#)  
[Proposed Amendment to Code](#)

*Councilman Frierson offered the ordinance for first reading by title only.*

*Councilman Moore recommended an amendment to the proposed code due to misunderstandings about interior inspections. He wanted to ensure the citizens of Jonesboro that no one can inspect their homes without verbal and written permission. They will also be able to refuse or limit any inspection at any time, either before or after the start of the inspection.*

*Councilman Moore motioned, seconded by Councilman Frierson, to approve the amendment.*

*Councilman Street asked why the amendment is necessary if it was not the intent to enter a citizen's home without consent anyways. Councilman Moore stated if it's not in the code and is just in the standard operating procedures, it could be left open to interpretation. He believes the city should have both verbal and written permission before inspecting a property. Councilman Street commended the verbal and written permission, but added he does not approve of interior inspections. Someone in the audience questioned what happens if written permission is not given. Councilman Moore stated in that instance the city would not be able to continue with the inspection. The person asked if after that they would be taken to court. Councilman Moore answered no.*

A roll call vote was taken concerning the amendment. Those voting aye were Frierson, Vance, Coleman, Moore, Williams, Gibson, Woods. Those voting nay were Street, Johnson, Dover, McCall, Burton. City Clerk Donna Jackson noted that since this was a vote to amend the ordinance a 2/3 vote is needed. Mayor Perrin voted aye. The amendment was approved.

Councilman Vance stated he has asked the city attorney to look into some phrases in the code. He asked for clarification regarding the phrases. He also asked that the city attorney look into a certified letter two week notification to any property owner of record if the property is not owner-occupied. Councilman Vance added they have another two weeks until the next reading to make sure those changes are correctly written. He expects to visit with the city attorney before the next meeting and present those issues as an amendment at the next meeting.

Councilman Street also asked that the city attorney look into the necessary steps to put the proposed code on the primary election ballot because this will affect every person in the city. He added he thinks this should go to a vote of the people. City Attorney Carol Duncan noted the state has a particular timeframe for getting items on the primary election ballot, so they will have to make sure the city can meet the required timeline.

Teresa Beck made a presentation to the Council that covered information she also presented to the Public Safety Committee (file attached to the ordinance in Legistar). Ms. Beck was the chair of the Property Maintenance Code Committee that formed the proposed code.

Lindel Dewayne Turner, 5532 Kersey Lane, stated he is a home builder and has noticed Jonesboro has gotten a bad reputation lately when it comes to home building. People would rather build their homes in the county than in Jonesboro. He noted this code would not help anything. He expressed concern about misinformation being circulated and that items in the code are intrusive. He added the committee spent 25 hours on a 34-page document, which comes to 45 minutes per page and is unacceptable. Mr. Turner stated there are issues that need to be worked out, but this isn't the answer to those issues. He added a quick fix would be to go with the exterior code and keep working on the interior portion.

Roger Watkins spoke in opposition to the proposed code. He questioned the fines and their amounts noting that some of the fines are pretty high. He stated there are good intentions, but he thinks the end results would be bad. He explained if he has to perform unnecessary renovations to his rental properties in order to meet the proposed code, then he would have to raise rent. He stated Jonesboro will have an increase in homeless people if the code is approved. He discussed some of the tenants he's had in the past and the excuses they've had for not paying rent. He further explained landlords don't have a ten-day eviction option anymore because of a ruling by a judge in Little Rock. Councilman McCall asked for Mr. Watkins' suggestions for possible changes to the code. Mr. Watkins stated he is not against a better Jonesboro, but does have concerns about entering people's property to inspect it.

Robert Neal, 836 Parkview, also spoke in opposition to the proposed code. He stated that the code, as it's currently written, is deficient. He explained the previous construction will be allowed as long as it's not deemed as unsafe or dangerous, but there's nothing detailing what that means. He then discussed the escalation of fines, stating the on a third offense even if it's for something like an improper outlet cover, then the homeowner could incur a \$750 fine for that outlet cover. He referred to the portion of code that discusses bathroom fans needing to be vented to the outside of

*the home, not the attic space. He estimated 95% of the homes in Jonesboro are in violation of this part of the code ranging from low-income homes to \$500,000 homes. Mr. Neal stated that even though the code may not be used in the way that he's discussing, it could be due to the way it's written. He added the code is a flawed product and should be changed before it's passed, not passed with the hopes that the flaws are never exposed.*

*Dan Pasmore, 7114 Highway 351, noted there is an alternative in the exterior maintenance code that was developed last year by a committee appointed by the mayor. He stated that proposed code was referred back to the committee for one more meeting, but that meeting never happened.*

*Judy Casteel, 1902 Independence Cove, president of the Scenic Hills Neighborhood Association, urged the Council to pass the code. She discussed a home in her neighborhood that has parts falling off the home. She stated she doesn't think it's fair that residents who don't want to upkeep their homes are able to decrease property values in their neighborhoods. She quoted a real estate agent from one of their Property Maintenance Code Committee meetings that said if there's exterior blight, then there's interior blight. She noted that same agent later voted against the proposed code. She added that Lt. Nelson told the committee that to look at the outside without a component to look at the inside is dishonest. He added they do have complaints about the inside, but have no way of doing anything. Tim Renshaw, chief building official, told the committee that he gets calls regularly about the inside of homes but they have no recourse at this time. Lt. Nelson also indicated to the committee that, when a complaint is filed, to ask if the tenant has contacted their landlord because they don't have the time, manpower or desire to be property managers. Ms. Casteel explained there is \$95,200 currently to help people who need funding for their homes, in addition to other grants that are available.*

*Mary Ransone, 1224 W. Matthews, spoke in support of the proposed code. She discussed the J-QUAD study from 2012 that stated 86.5% of the properties in Jonesboro need some sort of maintenance. Another study done through the Multi-Family Housing Moratorium Committee indicated 70% of multi-family structures need some sort of improvement. The concluding facts show that deteriorating structures are a growing problem. These properties are financially costing the city by leading to poor health, higher crime, loss of pride, declining welfare and decreasing property values. She questioned why real estate agents don't want property values to be higher. She asked the Council to pass the code.*

*Melissa Baldwin, 927 W. Matthews, stated she has spent numerous hours on the phone in the past weeks concerning other cities and their dealings with the International Property Maintenance Code. The code is being used in 39 states on some level, with some requiring it for all cities in those states. All the code enforcement officers she spoke to say the IPMC is the only way to go because it gives code enforcement officers the tools they need to address the problems they are faced with on a daily basis. She added abandoned and blighted properties are a danger to neighborhoods and make it difficult to bring in new people. She also read a letter from a friend of hers that could not make the meeting. That person also supports the proposed code and asked each Council member to vote yes to the code.*

*Dr. Bob Warner, 1003 W. Washington, explained he is not surprised that the dissenters of the proposed code are a small group of two organizations that can communicate to bring this kind of response. He stated a large amount of misinformation is being used for the opposition's cause. There are successful landlords and real estate agents who are in support of the code. They are not willing*

to come forward tonight, but they will. He noted the code will not allow anyone to enter someone's house without permission.

Mayor Perrin stated this ordinance will be read over the next two meetings, so everyone has several more weeks.

**This ordinance was Held at one reading.**

**ORD-15:057**

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF ADDITIONAL PAINT MACHINE EQUIPMENT

**Sponsors:** Streets

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

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

*After passage of the ordinance, Councilman Johnson motioned, seconded by Councilwoman Williams to adopt the emergency clause. All voted aye.*

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

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

Enactment No: O-EN-048-2015

*RESOLUTIONS TO BE INTRODUCED*

**RES-15:153**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property at 502 Parkview, Owner: Shirley A. Kuster.

**Sponsors:** Code Enforcement

**Attachments:** [502 Parkview case file](#)  
[Kuster checklist](#)  
[Kuster county data](#)  
[Kuster inspection report](#)  
[Kuster 1](#)  
[Kuster 2](#)  
[Kuster 3](#)

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

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

Enactment No: R-EN-144-2015

**RES-15:155**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property at 5446 E. Nettleton, Owner: James and Sharlot

Heath.

**Sponsors:** Code Enforcement

**Attachments:** [5446 E. Nettleton case file](#)  
[Heath checklist](#)  
[Heath county data](#)  
[Heath inspection report](#)  
[Heath 1](#)  
[Heath 2](#)  
[Heath 3](#)

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

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

Enactment No: R-EN-145-2015

**7. UNFINISHED BUSINESS**

*ORDINANCES ON SECOND READING*

**ORD-15:058**

AN ORDINANCE TO AMEND THE JONESBORO CODE OF ORDINANCES CHAPTER 2 ARTICLE 3, ENTITLED CITY COUNCIL; ESTABLISHING CITY COUNCIL RULES AND PROCEDURES FOR 2016; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

**Sponsors:** City Council

**Attachments:** [Exhibit A](#)

*Councilman Gibson motioned, seconded by Councilman Johnson, to suspend the rules and waive the second reading. All voted aye.*

*After passage of the ordinance, Councilman Gibson motioned, seconded by Councilwoman Williams, to adopt the emergency clause. All voted aye.*

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

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

Enactment No: O-EN-049-2015

*ORDINANCES ON THIRD READING*

**ORD-15:056**

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 SINGLE FAMILY RESIDENTIAL TO I-1 INDUSTRIAL FOR PROPERTY LOCATED

AT 2401 DAN AVE. AS REQUESTED BY CITY WATER & LIGHT AND THE CITY OF JONESBORO, ARKANSAS.

**Attachments:**    [TRACT A PLAT](#)  
                          [TRACT B PLAT](#)  
                          [Site Building Schematic Drawings](#)  
                          [MAPC Report](#)

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

**Aye:** 10 - Darrel Dover;Ann Williams;Chris Moore;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

**Abstain:** 2 - Charles Frierson and John Street

Enactment No: O-EN-050-2015

#### *ITEMS THAT HAVE BEEN HELD IN COUNCIL*

#### **RES-15:060**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO AMEND THE CITY SALARY & ADMINISTRATION PLAN FOR THE CITY OF JONESBORO TO ADD A DEPUTY CITY CLERK POSITION TO THE CITY CLERK'S OFFICE

**Sponsors:**        City Clerk

**Attachments:**    [Deputy clerk job description](#)  
                          [Salary & Administration Plan 2010](#)  
                          [Salary & Administration Plan 2015](#)

*Councilman Dover presented an amended resolution. He explained he, Mayor Perrin and the City Clerk met with Johanson and discovered they were presented with incorrect pay grade and salary grade for the position. Johanson assisted them with making a correct job description and pay grade.*

**A motion was made by Councilman John Street, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED with the following vote.**

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

Enactment No: R-EN-146-2015

#### **8. MAYOR'S REPORTS**

*Mayor Perrin reported on the following items:*

*The Finance Department has worked hard on the budget. The budget books will be handed out on November 23rd.*

*The Winter Conference is being held in Springdale on December 2nd – December 4th.*

*Winter Wonderland will open November 30th.*

*The MPO Policy Committee met today. They found out the Highway Department will extend the next STIP until 2019, which is an additional year of funding the city can apply for.*

## **9. CITY COUNCIL REPORTS**

*Councilman Dover motioned, seconded by Councilman Woods, to suspend the rules and add RES-15:164 to the agenda. All voted aye.*

### **RES-15:164**

A RESOLUTION TO CONTRACT WITH PEPSI BEVERAGES COMPANY FOR EXCLUSIVE POURING RIGHTS AT JONESBORO MIRACLE LEAGUE PARK

**Sponsors:** Parks & Recreation

**Attachments:** [Miracle League - CDA Beverage Agreement NEW1.pdf](#)

**A motion was made by Councilman John Street, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED with the following vote:**

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

**Absent:** 1 - Mitch Johnson

Enactment No: R-EN-147-2015

*Councilman Woods stated he met with the Regional Workforce Board today. Tomorrow they have a meeting to look at 21st Century skills development and how they can continue to contribute.*

## **10. PUBLIC COMMENTS**

## **11. ADJOURNMENT**

**A motion was made by Councilman Chris Moore, seconded by Councilman Chris Gibson, that this meeting be Adjourned . The motion PASSED with the following vote.**

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

**Absent:** 1 - Mitch Johnson

\_\_\_\_\_ Date: \_\_\_\_\_

Harold Perrin, Mayor

Attest:

\_\_\_\_\_ Date: \_\_\_\_\_

Donna Jackson, City Clerk