



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, June 6, 2017

5:30 PM

Municipal Center

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### SPECIAL CALLED PUBLIC SAFETY COMMITTEE MEETING AT 4:30 P.M.

### SPECIAL CALLED NOMINATING & RULES COMMITTEE MEETING AT 4:45 P.M.

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

### PUBLIC HEARING AT 5:20 P.M.

*There was no opposition to this Public Hearing.*

### PUBLIC HEARING AT 5:25 P.M.

*There was no opposition to this Public Hearing.*

### 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

**Present** 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Charles Coleman; Bobby Long; Joe Hafner and David McClain

**Absent** 1 - Chris Gibson

### 4. SPECIAL PRESENTATIONS

#### **Presentation to the ASU Ladies Softball Team for winning the 2017 National Championship**

*ASU Ladies Softball Team was recognized as the 2017 National Champions. June 6, 2017 was named as the ASU Women's Softball Team Day for Jonesboro, Arkansas. Coach Chris Powers stated that Mayor Perrin has been a huge supporter and they really appreciate it.*

[COM-17:033](#)

2016 Annual Report Presentation by Police Chief Rick Elliott

**Attachments:** [2016 Annual Report Presentation.pdf](#)

Chief Rick Elliott gave a summary of the 2016 Annual JPD Report. He said what he thought was important to talk about was some of the crime statistics in Jonesboro and how Jonesboro has progressed over the years. Recently we had a bad, tragic incident in Jonesboro and after that incident, we had a lot of negative publicity about Jonesboro being violent and comparing us to other larger cities with a lot of violent crime. We went back and pulled data from the past ten years. The bottom line is that we have held a pretty close average for the past ten years in our crime rate. We have averaged 3-4 homicides in the city each year for the past ten years. For some of our other violent crimes, it has been about the same. Our only big spike in crimes is theft from motor vehicles. We have had a huge spike in that in the past year and the past couple of years. We attribute that to people leaving their vehicles unlocked and valuables inside of their vehicles. We have had several different groups of individuals going around, entering vehicles, and stealing valuables. We have made several arrests on these, but from time-to-time, different groups get out and do the same thing. When you look at the crime stats over the last ten years, we are holding a pretty good average. What you need to look at is how much Jonesboro has grown in ten years. 2.5%-3% is probably a close estimate. When you look at that type of growth in ten years and the crime has held its average, it speaks volumes that we are doing pretty good in trying to maintain control of things in spite of the fact that we have been shorthanded. There was a time that I was down 25 officers. We are out of that hole now. We are short eight officers. We have brought special programs like Street Crimes back. They have made a huge increase since they have been back on the street in reducing some of the criminal activity that has taken place. We do monthly reporting of crimes and this is public record. Anyone can get a copy, but I am going to include the Council on the list so they can get the report to see what is going on monthly. There will also be a traffic study that will tell you about accidents and locations of accidents. Statistically speaking, Caraway Road at 12:00 noon is not the place to be because there are a lot of accidents. We keep stats on everything we do in the Police Department. All of this is public record and it is what we do for transparency. I think it is important that the Council get this monthly report for you to be able to view and speak with the people that you are involved with and you can educate them on what is going on in Jonesboro. We have always collected data on what we do. Katie Haydar is our Crime Analyst. She is a civilian in the Police Department. She runs the stats and puts this data together in a weekly report, a monthly report, and the annual report. We are running numbers every week. There are a lot of numbers and a lot of data. She has the help of a part-time person to keep this office up and going. Keith Inman and The Jonesboro Sun have already taken this data and put out an article in the media.

Councilman Coleman said that after looking at the data, we need more officers. What is the City's way of trying to get more officers within the next year? Chief Elliott said that Officers and equipment all come down to the budgeting process. Councilman Coleman stated that on the North side of Jonesboro, there is a lot more walkability and there needs to be a more patrol in that area. He also asked if there would be any bicycle police out. Chief Elliott said yes, they anticipate putting some bicycle patrols out for the summer. It has been a manpower issue, but they now have more officers and can put more out for bicycle patrol and Street Crimes Unit. We can target some problematic areas. Again, we look at stats every week to focus our manpower on what we do on a weekly basis depending on what's going on in what part of town, what we call the hotspots. If last week we had a particular hotspot, then we are going to focus more officers in that area and get things quieted down. The hotspots move from one end to another. Councilman Coleman said he appreciates what they are doing, but at the same time, we need more officers. We will have a feeding program this summer and it will increase traffic. I have asked for extra officers because we

have some incidences within our feeding program. He said he appreciates the extra patrols very much.

Chief Elliott said that in the past year they have made several connections with the community in different projects. With cleanups, we have seen a lot more involvement with the Police Department in the community. We are starting to see positive results. We are getting more information back out of the community on things that are going on. It gives us a chance to resolve some of these situations. I have always said that Policing is not a community sport. It takes the whole community to be involved to protect and make your community safe. I encourage each and every one if you see something, say something. Pick up the phone and get involved. Too many times, we have tragic things go on and people do not want to get involved. We encourage the community to stay involved in your community to keep your community safe and a desirable place to live.

Mayor Perrin stated that the DOJ just opened up their grants for COPS. We will be applying for that grant for more police officers. We have been adding probably one or two or three a year every year. Chief Elliott is in command of over two hundred people and certified or on Patrol is less than that. Chief Elliott said on patrol is about 101. Mayor Perrin said that is where we are going to look. I want to commend the Chief on the Citizen's Police Academy. You will see police work from the beginning to the end. Chief Elliott said they have graduated over 150 citizens through the program. Our next session will start this fall. Mayor Perrin said they formed an alumni and that alumni is there on the very first day or night for those classes and feed the new ones that come in and talk about it. It is just an incredible program.

Councilman Dover asked Chief Elliott if he said they were eight officers down. Chief Elliott said yes. He has had two retirements. Councilman Dover thought that recently we were full. Chief Elliott said we were. Over the next few years, he has several officers up for retirement. He has another officer retiring in January. We are seeing some transition now. We have had some leave for different reasons. Councilman Dover asked how often do we test. Chief Elliott said we are open for testing two times a year. I am about to change that protocol and go to more often. We are in the process of doing that. We just finished a testing cycle. We are finishing up backgrounds. We will hire for these eight positions in July. They will go to the Academy this fall, but the day we hire them, you are looking at eight months before they are ever out on their own by themselves and being productive for the City. That is why we are so behind.

Mayor Perrin said that Chief Elliott got permission from Jamie Cook. The work that they do on in-house training is now certified. That was a big step. They had to send all of their stuff to Ms. Cook for her to verify that training. Chief Elliott said we went through a period of shortage and he had to do something quick. We certified our own Academy curriculum. We are back on schedule with Black River at this point. We will be sending people back through there. Like I said, we can hire today, but it's eight months out before they are really an asset to the Department. The sooner off I can hire, the better off we are.

Councilman Hafner said that when he sat through the ward meetings last year in Fairview, they had a lot of concerns and you had mentioned doing increased patrols. Is that paying off? Have you seen much improvement over there? Chief Elliott said it has. Things like the ward meetings and making connections with people in the community has made a difference. There are people over there now that communicate with me through email mostly. We are getting information in so we can get resources put out to take care of the problems. That is all we are trying to encourage people to do is to communicate with the Police Department and remain

*anonymous. It takes people to get involved in their own neighborhoods and do these cleanups and these different projects and take control of your neighborhood and we will help you.*

*Councilman Long asked Chief Elliott what the trend has been from some of the violent crimes to some of the other areas of higher concern with people from outside of the Jonesboro area coming in and perpetrating more serious crimes. Have you seen an increase in that or do you measure that? Chief Elliott said you start looking at the violent crimes and the trend is pretty much the same whether they are from here or they are from somewhere else. We are not breaking it down to who is from where. We can tell you how many assaults and different batteries and thefts, but even shoplifting has kind of maintained 400-500 cases per year for the past ten years and that is with people coming from all over with what Jonesboro has to offer. We are not going to try to put blame on someone coming from out-of-town. It is a little bit of everything and everybody. The drugs in our society is the catalyst for most of this, especially the thefts. They are out here stealing to support their drug habit. Our marijuana arrests have gone way down and our methamphetamine arrests have gone way up. Dealing with cocaine has gone way down and again, meth is up. Now that we are cracking down and the DEA is cracking down on doctor's writing these prescriptions, we are probably going to see a big spike in heroin. With that being said, it presents a whole other problem for officer safety that now we will have to address and equip officers with some different gear in case they are exposed to some kind of opioid. There are a lot of health hazards since things are changing and we are going to have to change with it. It is going to cost us to do so. Those are the trends. You can see the rise and peaks with what is going on, what crimes people are being arrested for and what is causing that. Again, that is in your monthly report.*

*Councilman McClain asked Chief Elliott what he would consider to be the top two priorities in the next year. Chief Elliott said that obviously manpower would be the number one priority. With more people, I can do more things. Along with manpower, comes equipment needs. You can tie up \$10,000 in equipment per officer pretty quick. Those are our top two priorities. With those two, with more bodies, we can do more. I've been short and we are still maintaining. I think we have a great bunch of dedicated men and women and we still maintain. No crime is acceptable, but it has not gotten out of hand. We do want to be able to control some things and do better than what we are doing. Our goal is always to strive to do better than what is being done.*

*Mayor Perrin stated that the Council will be getting a report every month. He thanked Chief Elliott and Crime Analyst Katie Haydar. Chief Elliott said he would be around if anyone had any questions.*

**Filed**

## **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:** 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Charles Coleman; Bobby Long; Joe Hafner and David McClain

**Absent:** 1 - Chris Gibson

[MIN-17:058](#) Minutes for the City Council meeting on May 16, 2017

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

**This item was passed on the Consent Agenda.**

[RES-17:057](#) A RESOLUTION TO THE CITY OF JONESBORO TO PLACE VARIOUS TRAFFIC SIGNS AT DESIGNATED LOCATIONS AS DETERMINED BY THE TRAFFIC CONTROL COMMITTEE

**This item was passed on the Consent Agenda.**

[RES-17:060](#) A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ARKANSAS STATE UNIVERSITY TO EXTEND THEIR CONTRACT TO SPONSOR THE WRAP ON A JET BUS

**Attachments:** [A-State Contract 2017](#)

**This item was passed on the Consent Agenda.**

[RES-17:068](#) RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ADOPT A REVISED EMPLOYEE HANDBOOK FOR ALL EMPLOYEES FOR THE CITY OF JONESBORO (PREVIOUSLY REVISED BY RES-14:198 ON NOV. 18, 2014)

**Attachments:** [Handbook 2017 Final Draft for revisions.pdf](#)

**This item was passed on the Consent Agenda.**

[RES-17:071](#) RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO AMEND THE CITY OF JONESBORO, ARKANSAS NON-UNIFORMED EMPLOYEES 401(a) DEFINED CONTRIBUTION PLAN

**Attachments:** [COJ 401\(a\) Plan Cycle E.2 FDL 4-11-2017.pdf](#)

**This item was passed on the Consent Agenda.**

[RES-17:072](#) A RESOLUTION TO CONTRACT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI) CORPORATION FOR A THREE-YEAR ESRI SMALL PUBLIC SAFETY ENTERPRISE LICENSE AGREEMENT (ELA)

**Attachments:** [Jonesboro Public Safety Depts ELA](#)

**This item was passed on the Consent Agenda.**

[RES-17:073](#) A RESOLUTION TO CONTRACT WITH EAB BROADCASTORS INC FOR RENTAL OF JOE MACK CAMPBELL PARK

**Attachments:** [Joe Mack 4th of july 2017.pdf](#)

**This item was passed on the Consent Agenda.**

[RES-17:074](#) A RESOLUTION TO CONTRACT WITH NETTLETON LIONS CLUB FOR

## SPONSORSHIP OF ONE FENCE SIGN AT MIRACLE LEAGUE COMPLEX

**Attachments:** [Nettleton Lions Club.pdf](#)

**This item was passed on the Consent Agenda.**

**RES-17:075**

A RESOLUTION TO ADOPT A DISADVANTAGED BUSINESS ENTRPRISE (DBE) PROGRAM FOR FEDERALLY ASSISTED PROJECTS

**Attachments:** [DBE Program FY 2016-2018 - COJ](#)

**This item was passed on the Consent Agenda.**

**6. NEW BUSINESS****ORDINANCES ON FIRST READING****ORD-17:026**

AN ORDINANCE TO REPEAL AND ADOPT AN ORDINANCE RELATING TO TOWING SERVICES IN THE CITY OF JONESBORO

*Councilman Moore offered by title only.*

*Mayor Perrin stated that we are updating our stuff and we are getting a little bit tighter on the towing. Several of them are all on call on rotation. Some may have set up several corporations. What is happening is that the same companies are getting more calls. This is basically a cleanup with the ordinance we have. City Attorney Carol Duncan said that we met with all of the towing companies and they all understand. Mayor Perrin said they all understood it and agreed. Councilman Street said he saw something in there about their responsibility to clean up after an accident scene and a lot of times they are not doing a good job of that and there is debris everywhere. I was glad to see that in the ordinance.*

*Councilman Dover motioned, seconded by Councilman Street, to suspend the rules and waive the second reading.*

*Councilman McClain asked Councilman Dover why he asked to suspend the rules. Councilman Dover said there wasn't opposition so far, but that still gives them two weeks if someone wants to say something. Councilman McClain said ok.*

**A motion was made by Councilman Darrel Dover, seconded by Councilman John Street, that this matter be Waived Second Reading . The motion PASSED with the following vote.**

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Charles Coleman;Bobby Long;Joe Hafner and David McClain

**Absent:** 1 - Chris Gibson

**ORD-17:033**

AN ORDINANCE AMENDING THE 2016 BUDGET ORDINANCE FOR THE CITY OF JONESBORO

**Attachments:** [2016 Budget Ordinance Justification](#)  
[2016 Revenues and Expenditures Handout.pdf](#)

*Councilman John Street offered by title only.*

Mayor Perrin said there was a lot of discussion on this in the Finance Committee meeting. Each one of you has a packet with a line item on each one of those and Ms. Allen can give you a summary on those.

Chief Financial Officer Suzanne Allen said she wanted to make a clarification on one that we did not really discuss in the Finance Committee meeting. This cleanup ordinance does not indicate that we were over budget for our total budget. It is only an indicator within departments. We may be over in one department, but not necessarily over in another. In reality with our O&M budget, we were \$511,000 under in total for the budget. When you pit the actual expenses and actual revenues against one another, we were \$1.3 million ahead, nearly \$1.4 million.

Councilman Moore asked if we were against a timeline from the state to adopt the cleanup ordinance. Ms. Allen said no. Councilman Moore asked what the reason for the emergency clause was on this one. Ms. Allen said there were no other changes and this was just to get it done. Councilman Moore asked if we were against a hard timeline. Ms. Allen said no. Councilman Dover asked if we are not actually spending any money from this ordinance. Ms. Allen said no. Councilman Dover said the emergency clause is a moot point because the money has already been expended. Councilman Moore said that was his point. He didn't see that an emergency existed because we are not appropriating any money.

Mayor Perrin said by state law, you have to do a cleanup ordinance. During the year, legislative audit is here. They may be leaving soon. Ms. Allen said they would be leaving the second week in July.

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

Councilman Dover asked if the reason for this is that the money has already been expended. Mayor Perrin said that was correct. Councilman Dover said that this was just paper entries. Mayor Perrin said that was exactly right.

Mayor Perrin asked about the emergency clause. Councilman Dover asked if it had to be removed. City Attorney Carol Duncan said that if you do not pass it, then it did not happen. Mayor Perrin said they would just ignore that and go on. He said that we budgeted somewhere around a \$900,000 deficit in O&M, but the department heads have done an outstanding job. We are running these departments very efficiently and very lean.

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

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Charles Coleman;Bobby Long;Joe Hafner and David McClain

**Absent:** 1 - Chris Gibson

**ORD-17:034**

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2017 CAPITAL IMPROVEMENT PARKS PROJECT BUDGET AND TO ENTER INTO AN AGREEMENT WITH FISHER & ARNOLD, INC. TO PERFORM PROFESSIONAL SERVICES TO DESIGN A NEW RESTROOM/CONCESSION FACILITY AT JOE MACK CAMPBELL PARK

**Attachments:** [fisher arnold concession restroom jmc.pdf](#)

*Councilman Street offered by title only.*

*Councilman Dover asked Mayor Perrin if this money was in the budget. Mayor Perrin stated it was not in the budget. This is actually hiring Fisher & Arnold to draw and get the plans ready to go out for bid. This was discussed at the Finance Meeting. This is the one that would be at the four new fields to the west where all the small children are. We have four port-a-potties out there and a Pepsi concession truck out there. It absolutely needs to be done. What I would anticipate that we could do is get these plans drawn, go out for bid, and I would hope I could come back to you all and ask to get started. Some of that money would be in 2017 and we could take the balance of that and put it in 2018. It is desperately needed in that area.*

*Councilman Vance said that this is time sensitive because if we don't get started on the design, the budget, and the approval process, we won't have it ready for next season.*

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

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

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Charles Coleman;Bobby Long;Joe Hafner and David McClain

**Absent:** 1 - Chris Gibson

**ORD-17:036**

ORDINANCE TO VACATE AND ABANDON AN UNIMPROVED FIFTEEN FEET (15') WIDE DRAINAGE EASEMENT ACROSS 4221 AND 4225 VILLA COVE AS REQUESTED BY BRIAN AND LINDY CARTER

**Attachments:**    [Utility Letters](#)  
                          [Plats](#)  
                          [Petition](#)  
                          [Engineering & Planning Dept. Letter](#)

*Councilman Street offered by title only.*

*Councilman Street asked City Engineer Craig Light to explain the abandonment.*

*Councilman Hafner said he was interested why both abandonments have an emergency clause. City Engineer Craig Light said there are two abandonments. They are looking to move the drainage easement. They are abandoning it in one location and they are going to plat it on a new plat in the actual location. I think they bought some additional property and extended their property lines. They are going to add some additional drainage easements to the new plat. Councilman Dover asked if Engineering was ok with this. Mr. Light said they are fine with it. He said he did not know why there was an emergency clause.*

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

*Mayor Perrin asked if they were trying to get in their early to do this work. You are saying there is no need for an emergency clause. City Attorney Carol Duncan said Mr. Light said he didn't know why it was there. He doesn't know one way or the other. Mayor Perrin said it would be 30 days before it goes into effect without the*



emergency clause. Councilman Hafner said there was no one there to talk about it at the Public Hearing so it shouldn't be too pressing. Councilman Moore said he would assume they have to have the new drainage easement on the new plat before doing any work.

Mr. Light said the condition of the Engineering Department approval was that they plat those new easements. Mayor Perrin stated that we would ignore the emergency clause.

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

**Aye:** 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Charles Coleman; Bobby Long; Joe Hafner and David McClain

**Absent:** 1 - Chris Gibson

**ORD-17:037**

ORDINANCE TO VACATE AND ABANDON AN UNIMPROVED FIFTEEN FEET (15') WIDE DRAINAGE EASEMENT ACROSS 4209 VILLA COVE AS REQUESTED BY TONY AND KIM FUTRELL

**Attachments:**     [Petition](#)  
                              [Plats](#)  
                              [Utility Letters](#)  
                              [Engineering & Planning Dept. Letter](#)

*Councilman Street offered by title only.*

*Councilman Street said that was the adjoining property of the one we just did.*

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

*Mayor Perrin stated that the emergency clause is not needed.*

**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:** 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Charles Coleman; Bobby Long; Joe Hafner and David McClain

**Absent:** 1 - Chris Gibson

**7. UNFINISHED BUSINESS**

*ITEMS THAT HAVE BEEN HELD IN COUNCIL*

**ORD-17:021**

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-3, GENERAL COMMERCIAL TO PD-RM, MULTIFAMILY RESIDENTIAL PLANNED DEVELOPMENT FOR PROPERTY LOCATED AT 3911 SOUTH CARAWAY ROAD AS REQUESTED BY RONNIE HART AND KAREN WINTERS

**Attachments:** [Amended Staff Summary](#)  
[3911 S Caraway Application Amendment.pdf](#)  
[3911 S Caraway Plat.pdf](#)  
[Staff Summary RZ 17-08 3911 South Caraway Road - Council.pdf](#)  
[Braxton-Traffic Impact Analysis-April 12, 2017.pdf](#)  
[Quit Claim Deed.pdf](#)  
[Site Plan.pdf](#)  
[Front Elevations.pdf](#)  
[Rear Elevations.PDF](#)  
[Receipts from Notifications - USPS Receipts.pdf](#)  
[Rendering of Project.pdf](#)  
[South Baptist Church Letter.pdf](#)  
[Updated Access Analysis](#)  
[Opposition Presentation](#)  
[Opposition Video](#)  
[Parker Opposition Letter](#)  
[Opposition Petition.pdf](#)  
[Opposition Petition 2.pdf](#)  
[Opposition Presentation Packet.pdf](#)  
[Proponent Handouts\\_06062017.pdf](#)

*NOTE: Under Council Reports, the Mayor abstained on this matter.*

*Jim Lyons, 3608 Augusta Cove, said that he represents the petitioners. The first item in the packet handed out shows the approval criteria of Chapter 117 amendments to the ordinance of the City of Jonesboro. You will see that the City of Jonesboro has determined at the MAPC level and at the City level that this complies with all of the criteria in regards to the City of Jonesboro for the approval of the rezoning. Because of that, we believe that the petition for rezoning should be approved.*

*It is in an area which is designated as a high-intensity use and that is the next item in the handout which is a land use map. Currently, the area is zoned C-3 Commercial so it is a high-intensity use and is on Caraway Road. We do have a letter of support from the South Caraway Baptist Church which is included in your handout which is the next item mentioned in there. I also have available that the Nettleton School District is in favor of this. They said they would prefer that this be given verbally rather than by written approval. They said we were welcome to tell any council member that talked and are on the same page in regards to this. If anyone contacts the Nettleton School District, they will be very positive about the project and good luck.*

*The next issue is the Traffic Study. We have our Traffic Engineer here and he would like to present some items in regards to that. Rick Gafford with Fisher and Arnold came to the podium to speak. Our business office here is at 1801 Latourette Drive. We were asked to do a traffic study. Typically, when we are asked to do a traffic study, we look at the site, we look at what information needs to be gathered, and what analysis needs to be made. We put all of that together and then we go to the governing agency, which in this case is the City of Jonesboro's Engineering Department to make sure they are online with what we propose in our scope of work. This will always consist with gathering existing traffic volumes and typically in the peak hours, the a.m. peak hour, the p.m. peak hour. The reason you do that is you want the most critical, heaviest volume hour that you can find that's why you use the*

peak hour. We did more than that this time because the City requested that we look at the potential for a traffic signal. Would it be warranted at the intersection of Glenn Place and Caraway?

So, we did a fourteen-hour count. We counted all of the vehicles. We counted all of the pedestrians. We counted the bicycles. We counted the trucks for a fourteen-hour period on a weekday between Tuesday, Wednesday, and Thursday, which are the heaviest volume days. On Monday and Friday, traffic typically drops off a little bit. Once we did that, we did an analysis there for a benchmark of what the existing conditions are at S. Caraway and Glenn Place. We ran that analysis. It is a free flow of course on Caraway. The only problem is the southbound left turn would have to wait for the northbound traffic to clear to get a gap in the traffic stream. That operates at a service level of A which is very good. Coming out of Glenn Place, it is a C, it is a one-lane, which C-D in an urban area that is built up is pretty good too. Then, we took the development and we projected the traffic volumes from using the ITE Trip Generation manual. We took those volumes and added them to that intersection. In addition, then we ran it again to see a comparison to see how did it get worse, the same. Of course, it would get a little worse because you are adding traffic.

As far as Caraway goes, the southbound left remained at a level of service A. The Glenn Place traffic westbound slipped from a C to a D, but really it only slipped a three-second average per vehicle. So, Caraway is fine. I wish I could tell you the left turn was fine coming out of the development, but that is a little bit of a challenge to make a left during certain times of the day. It is no worse than any other business or development along the corridor. In reality, it will add some traffic to Caraway, but not a significant amount enough to make it a poor level of service. It did not warrant a traffic signal. If there are any questions, I will be happy to answer.

Councilman Dover asked when you are doing a study, obviously people coming out of that have a choice to go either right or left, so how do you determine which or does that even factor into it. Mr. Gafford said it does. We actually count. We look at the movements. We film it. Councilman Dover said there is nothing there yet so do you use some kind of assessment. Mr. Gafford said that we have to make some assumptions. Councilman Dover said that will have a great impact on the traffic. Mr. Gafford said it will. It is a lot easier to make a right turn than it is to make a left turn. We assume the worst case of what we thought that 95% would be turning left which is significant.

Councilman Long asked Mr. Gafford if he could explain Table 5 for S. Caraway Road and Glenn Place proposed conditions built with main entrance. It is an F on eastbound left to right. There looks like there is a significant increase in seconds per vehicle from 207. Mr. Gafford said that coming out of the apartments, that left turn is not an easy move. An E and an F is what it equated to with 20/20 volumes. Again, that is pretty consistent with what you see down through that roadway now.

Councilman Long asked if they are taking a bad situation and making it worse. Mr. Gafford said that one car would make it worse. Councilman Long stated you are talking about 600 vehicles possible with a 300+ unit development with two cars per unit. You are looking at putting 600 new vehicles on that road. Mr. Gafford stated it was not that many. It is only about 80 in the peak hour. He asked if Councilman Long was talking about for the day. Councilman Long said I am talking about the total number of units on that development is going to be how much? How many units? It is 300+ units. Mr. Lyons said it is 300 units. Councilman Long said there will be 600 parking spaces so if that is fully rented out, you are possibly looking at 600 more vehicles on that road or coming out of that entrance with there being only one entrance and one exit. Mr. Gafford said that if every parking space was filled in a day,

*you could have that happen. Mr. Lyons said there are two entrances. Councilman Long said they both entrance and exit onto S. Caraway Road. There is no back egress or ingress. Mr. Lyons said yes.*

*Councilman Dover asked how do you say in a traffic study a percentage is going to come out at 7:30. Obviously, not all will come out at the same time. Is there a formula for that? Mr. Gafford said there is. Years of studies for when they come out and how many come out depend upon the size of the development. Councilman Dover asked if there was a formula that they used to disperse that out. Mr. Gafford said yes. We have to estimate because they are not there yet. Councilman Dover asked if that was figured into their assessment. Mr. Gafford said yes. It is really a little over one per minute that come out.*

*Councilman Street asked how they came about with a 14-hour study opposed to a 24-hour study. He thinks he saw somewhere it was critical of that study because it wasn't a 24-hour study. Mr. Gafford said typically you don't do a 24-hour study. Usually, you just look at the peak hours. The reason we went to 14 is because if you are looking to analyze if a signal is warranted, you need more data. What is happening at 3 a.m. or 2 a.m., there is not a traffic capacity problem during those times. Councilman Street asked Mr. Gafford if his approach was acceptable methodology for the study of the traffic analysis of that area. Mr. Gafford said yes, most definitely. City Traffic Engineer Mark Nichols said yes that is correct.*

*Jim Lyons said the other issue in regard to traffic is whether this property is developed as commercial. Without rezoning, it can be developed as commercial today and the commercial zoning would substantially increase the traffic over the apartment numbers. Because assuming only 10% of the area is developed as commercial, which is a very low number and a very low assumption, then the traffic would be significantly greater than the 600 cars per day that Councilman Long mentioned. The problem, especially with commercial development if it occurs, is that there would be more traffic at peak hours created by commercial development than by a residential development.*

*Councilman Long asked what type of commercial development were you assuming. If you were to drive down S. Caraway Road, the commercial development that is already there, you are looking at little strip malls that may have 10-15 cars parked there at a time. I was wondering what your assumption is as far as commercial development would be on that property. Mr. Lyons said it would be commercial development within that C-3 and you look at the IT studies in which Mr. Gafford is more familiar with, but that is what they look at. Anything that could go in C-3 and they take an average of those.*

*The other thing that is an issue is that currently the City of Jonesboro has a market deficit depending upon whose study you look at of anywhere from 700-900 units. The units that are going to be built will be built over a period of years. It is not going to happen overnight. It is not going to be immediate. It will take approximately five years for this to be developed. Councilman Dover asked if he was saying that it would take five years to get to three hundred units. Mr. Lyons said yes. It will take about 2.5 years to get to the 184 units. It will be developed in two phases. It will be about three years before the first phase would be online and then about two more on the second phase. It is not like this is going to be there tomorrow. It is going to be over a significant period of time.*

*Councilman McClain asked Mr. Lyons how much of a deficit he said. Mr. Lyons said there would be somewhere between 700-900 units is what the City studies have told us. Councilman McClain asked if in the study he mentioned, does it say where those*

possible units should go. Did it make a recommendation? Mr. Lyons said he didn't believe that it did. I don't believe the City study suggests or recommends a place for that. I am not aware of that. He said it has been a while since he has seen the study and he can't remember. Mr. Lyons asked the Mayor if he could recall if it did. Mayor Perrin said he has seen the study but it has been a while. Councilman Dover said he didn't think so. He said he didn't remember that being part of the study. He thought the study indicated that a percentage of land that was available for multifamily in the various areas, but he doesn't think there was ever a recommendation. They showed the area of land that was already zoned for multifamily. Mayor Perrin said that was correct. At that time, it showed somewhere between 1,200-1,400 doors could be built without rezoning because it is already zoned that.

Councilman Hafner asked if the developer has looked at property that is already zoned for multifamily during this process or has this been the property that they have been focused on. Mr. Lyons said they looked at this particular property. He doesn't know if they looked at other property, but he is quite sure they did before they chose this one. Councilman Hafner said with the amount of property that is already zoned multifamily, he was just wondering if they looked at any of it.

Mr. Lyons said that the next item in the handout is an artistic rendering of the multifamily prospective for the City of Jonesboro. This is going to be a relatively high-end development. It will possibly be closest to the highest rent in the City of Jonesboro. They do maintain 24/7 on-site property management. They are going to have open spaces. They are going to have a pool. They are going to have a car wash. They are going to have a dog walk. They do have a specific area dedicated for school bus pickup inside of the area to make it safe for children. They own the Willows Apartments up the road. They have run those for about five years. They are very nice apartments. They do maintain their management and they do make sure that the people that are living there properly qualify from the standpoint of having sufficient income. They don't have a lot of transition. They don't have a lot of moving in and out. That was one of the things that the Nettleton School District liked. They have garages for a number of these apartments which also calls for a little bit of a higher rent. That helps assure that this will be a maintained and a proper property that the City of Jonesboro can be very proud to have.

Mr. Lyons said the Mayor asked if there was anything done for a deceleration lane. If you will look on the next page in the handout, you will see that one of the issues has been the development of Caraway and the developer has agreed to put in a deceleration lane at both entrances so that people turning right can move over to the right. There will be a third lane added that will allow them to decelerate and turn into the property at both entrances. This would obviously help the City in future development of Caraway because essentially the lane will already be built and will be available for use by the City of Jonesboro. We talked to the traffic engineer yesterday. He said there is some difference in grade, but it is my understanding that we can probably just overlay that when the City does develop that. Traffic Engineer Mark Nichols said they would have to look at it, but that it is a possibility.

There is a picture included in the handout that also shows the rendering of the entire apartment complex and it shows the deceleration lanes. They will be on your right if you are looking at it as it reads. It shows a turn here at 100 feet each length, 100 feet of stacked length, and approximately 6:1 taper. The second turn lane will be a turn lane 100 feet stacked length and approximately 10:1 taper. We met with the Mayor yesterday to address all of the concerns and that was one of his concerns. The developers agreed to put that in. They spoke with the City Traffic Engineer also and he was pleased with that.

*There is another issue that is big on a lot of developers right now and that is sidewalks. They are agreeing to put in sidewalks and there will be sidewalks away from the street so they will be safe away and from the turn lanes so that they will be safe. That will be for the entire length of their property. If someone next to them does a development, they will be able to be connected to that so the entire area will be connected.*

*Councilman Dover asked if both entrances and exits will be accessible to every part of this once it is fully developed. Mr. Lyons said yes. You can go in and out whichever one you want. It does fit all of the development principles of the City of Jonesboro. Based upon all of these things, cooperation with the City, working with the City to answer any concerns, we believe this proposed rezoning should be granted.*

*Councilman Dover asked about a detention pond. Is the City sure the detention pond is adequate? Mr. Lyons said that Mr. Terry Bare will have to answer that because he is not a detention engineer. Terry Bare with Fisher & Arnold came to the podium to speak. We have not calculated the amount. There will be detention ponds. There will be detention and retention ponds for fountains. There will be detention ponds on the site.*

*Councilman Vance asked if the sidewalks would interfere with the future development of a wider Caraway Road. Mr. Bare said the rendering they produced shows it out being away from all of those lanes. Councilman Vance said that if Caraway Road is three-laned or four-laned, that sidewalk will be located such that it will not interfere with future plans for Caraway Road. Mr. Bare said correct and that we can work with the City to determine what that width is and place the sidewalk outside of that area.*

*Councilman McClain asked Mr. Lyons about the verbal agreement from Nettleton Public Schools. He read in the MAPC report that Nettleton is ok with more multifamily development. When was the last conversation that you had with them about that? Mr. Lyons said they had a conversation with Nettleton Public Schools on April 24, 2017.*

*Mayor Perrin asked if they could explain about the backside on their map that says well site. Councilman Street said that is CWL's well site. Mayor Perrin said that it looks like the Links is almost next door. Mr. Lyons said he didn't know what the distance was between the properties. Mr. Bare said the Links are abutting property owners. The property line is mutual on this property as well as the Links.*

*Councilman Hafner asked why the main entry is not lining up with Glenn Place, a busier street instead of a commercial developments entrance. Mr. Lyons said they met with the City and the City preferred us to have the main entrance at the other location. Mr. Parker raised at the last meeting that he would prefer it to be at the other one. After that, we met with Mr. Parker and we also met with the City and the City Engineer, the Traffic Engineer was opposed to that and preferred it to where it is. Traffic Engineer Mark Nichols said that the goal is to have less conflicting movements for the north drive than lining up with Glenn Place. Ultimately, it will be safer to use that drive.*

*Councilman Hafner said he knew that at a MAPC meeting a traffic light was mentioned and he thought it would be more useful at the entrance to a neighborhood than at an entrance to a commercial development. Mr. Nichols said that the study indicates that a signal is not warranted for Glenn Place. Even at full buildout, there is not potential for a signal at that location and for the long term development of the corridor to be safer to utilize the north driveway. Councilman Hafner asked Mr. Nichols if the City did their own traffic study or have they only depended on the traffic study done by the applicant. Mr. Nichols said we worked closely with Fisher & Arnold*

through that process and reviewed it all the way through. We haven't done a separate study of our own, but we did review their study closely and we concur with their findings. Councilman Long asked if the traffic study was assuming a full buildout. Mr. Nichols said yes, that was right. As a matter of fact, we even moved all of the traffic to Glenn Place and to the south drive and it still didn't warrant a signal in the future.

Nate Looney, 1605 Garland, came to the podium to speak for the opposition. He had some handout as well. Mr. Looney said there are several people who have come tonight that are opposing this project and he asked them to stand for the record. He is here on behalf of almost 500 residents on S. Caraway that have signed a petition saying they are opposed to this project because of what it is going to do to the existing community that they are living and working in.

Mr. Looney said one of the things that they learned while knocking on doors is that not a lot of people were paying attention when this project was coming through the process. As we began to discuss this with them, as they became more knowledgeable about what was going on, they have questions and rightfully so. Anytime there is going to be 300 new apartment units put into any space, there is going to be some amount of disruption. What we are here to talk about is how this project is going to affect the people who are going to be living in this project and inside of this planned development, but also how this planned development is going to impact those living in that community. I want to make it clear that we are not here to say that we are anti-multifamily development. We are here tonight because this specific project in this specific area where they are trying to place it is not right for Jonesboro. If this property was already zoned in a way that could support this project, we wouldn't be up here complaining about it, but the fact of the matter is that is not the case.

Because of our current infrastructure issues in that area, there are some real things we have to look at because it is going to jeopardize the quality of life of those living there and working there and the future people who are going to living and working in that area. Our argument is this moving forward as it relates to S. Caraway that the City Council should deny all rezoning requests on that area until we make the proper investments in infrastructure needed to support the population already living there so that we are maintaining and making sure that we make the commitment in answering the call to the people who live in that area.

Mr. Looney said there are several reasons that we are opposed to this. When you are looking at a rezoning as it relates to a planned development in addition to the normal criteria, you have to look at Section 117-34 criteria. You also have to consider the Section 117-175 criteria. There are separate processes in place and timelines and a lot of different things that should have been in the record that I haven't seen that we don't know if the City of Jonesboro has made any decisions on. We don't know if the MAPC looked at it and we haven't heard tonight that these things were followed. This could have a real impact on whether or not this is something that should be considered moving forward because those are things you all have to consider. We are also against this because of the location as it relates to this project. Also, the density and composition of apartments in that area now is something to be considered.

Mr. Looney said he wanted to give an overview of Section 117-175 process as it relates to Section 117-34 process. The purpose of zoning in general, which comes straight out of the ordinances is that there are a couple of key take-a-ways that relate to the purpose of zoning. The first is that it promotes the safety, efficiency, and prosperity of the City. It provides for orderly growth. It protects the character and

stability of areas of the City. It promotes a healthy and convenient distribution of the population. Going back to these factors we have to consider when we are moving from the general rule of the purpose of zoning to changing a classification, there are things you all have put in place, safeguards, to make sure those changes are going to be appropriate. We have seen them in Section 117-34 and we also have to look at them in Section 117-175. We are not here tonight to look at a typical rezoning. We are here tonight to see if a planned development is appropriate for S. Caraway. To do that, we have to look at whether or not that planned development, this existing project as is on paper right now, whether or not that is seamlessly going to be able to integrate into the overall existing community that it is trying to be dumped in. We maintain the position that it does not and that it won't until we make the proper investments in our infrastructure.

Mr. Looney said he wanted to look at the factors real quick. These are all things I want to talk about because I know there are standards that you all have to follow not only by the Code of Ordinances, but also from judicial decisions that say we need to look at these things. One of our primary objections related to this is location. The first thing I want to talk about is the concentration of apartments that are in this area. This alone should give pause to any future development when you are asking someone to rezone property in this area. Over the last 20 years, this property has been overdeveloped. Right now, there are about 1,300 existing units in about a 1500 square foot radius right along S. Caraway. If expand beyond that, there is even more. If you look at the map, the only other area that rivals that is in north Jonesboro.

Another thing that is an issue with this project is that these apartments in this area have been disproportionally placed in the Nettleton Public School District. From the numbers he has received, there are already over 5,100 apartments in that district. This is a major issue. I finally had a chance to speak with Mr. James Dunivan, Superintendent of Nettleton Public Schools immediately before our last meeting. He said that since he had a chance to meet with the developers that there were conversations with stakeholders, conversations with people in the community, and conversations with the Board. It has to be the policy of Nettleton Public Schools moving forward that they are going to oppose any new apartments in their district and that includes this specific project. In the packet, Tab H, is a letter from Mr. Dunivan that states that they are opposed to this project and any future development of apartments in their district. In Section 117-34, that is a criteria that you have to look at and that you all have said is important and put into the Code of Ordinances. It is number six. Whenever, this was in front of MAPC, when this was being talked about with City Planners, this was something that was not considered. I am asking you to look at this factor hard tonight because this is something that is important to the future of this District and to the future of all districts in Jonesboro.

Mr. Looney stated that beyond that, it has been noted several times, that whenever there is a high concentration of apartments, there are issues that could result related to blight and to crime. That is something we have to be careful of. There is a place where we reach a tipping point. There comes a point where there is no one developer that could come in and change the course of a neighborhood and that is just from a practical standpoint. The density and where these apartments are located, how closely they are located, and the detrimental impact that it is going to have on Nettleton Public Schools is why they are opposing it. That goes to the core of whether or not this is going to be beneficial to the existing community, a factor that on number two that we have to look at when we are trying to approve a planned development.

Mr. Looney said that additionally, this revolves around location. This is not necessarily a bad project. I think they have done a lot of good work here and I am



*proud they are wanting to look into Jonesboro. I think there are several other places that they could look at that are already zoned appropriately. The problem is this specific location and infrastructure as it relates to that. We have significant issues. There are no sidewalks and it is dangerous and that is something that we have got to look at. Traffic is something you have to look at whenever you are looking at the traditional factors. When you are looking at number five, you also have to pay careful attention to it whenever you are looking whether or not this is appropriate for a planned development. If you look at three and four, there are two things in particular that deal specifically with the roads and whether or not those roads are going to be significant enough for traffic inside of the development and also getting to it. Basically taking the overall picture and seeing if it is going to be good for that area.*

*Let's talk a little bit about traffic in this area. On S. Caraway Road, we have about 15,000 cars that travel along this roadway each and every day. From my understanding, this is the part of S. Caraway from about Fox Meadows to I-555, which is what the Arkansas Highway Transportation Department says. There has been about a 50% increase from 2003. Again, you can look at the buildout of apartments in that same time period and you can draw a correlation there. Since 1993, there have been no major road improvements from Latourette Drive south and that is a significant issue when you are talking about a 50% increase in traffic. What does this mean from an accident standpoint? When you look at the area from I-555 south, over the last five years alone, there has been 314 accidents on this stretch, which costs property owners in this area about \$1.47 million in damage. That is an estimated damage that would be on the police report. We don't know the incidental cost of that with rises in insurance premiums. We see the 30,000 foot approach and the numbers are not shocking if you live in Jonesboro. I appreciate the study and the diligence done by Braxton Development in doing a traffic study. I think that is important and a standard that any developer should be embracing whenever they are trying to put forth anything in front of the Council.*

*I had to go out and find someone who could take a look at this study. If you look under tab F, you will see a Curriculum Vitae of an expert retained to help us analyze this study and traffic in this area. Dr. Zahid Hossain is a traffic engineer. He is an assistant professor of Civil Engineering at Arkansas State University. We were able to bring him on right before the last meeting to get him to take a look at this. Whenever he looked at this study and he looked at the benchmarks that most engineers look at, he found some things that were critical of the study that I think are important to talk about. Also, I want to talk about some of the things the data says even if the data is correct. There are still some significant issues related to this. If you look under Tab F, his analysis is presented there. I tried to highlight some of the deficiencies that Dr. Hossain saw with this study. As it relates to his first findings, he noted that the design of the study does not comply with AHTD standards that are set out in the handbook or follow the best practices from traffic impact studies. As per the AHTD handbook as it relates to the ADT or Average Daily Traffic study, it says that it is usually a traffic study that is collected between Monday and Thursday, but it says at a minimum for short-term traffic counts, they should be done on a 24-hour period. Again, he says one of the issues that should have been assessed so we get a true picture of what this project is going to do is annual average daily traffic which estimates the typical daily traffic on a segment of road for all days of the week for a period of one year. He noted that the ADT is not calculated. He noted also that there is no seasonal factor. He said this is not accounted for in this study. He says that Best Practice actually calls for a look even further beyond, actually five years beyond the buildout. None of the data in this report reflects anything beyond 2020.*

*Even if all of the data is 100% correct, he said let's take a look at this study and see what this means for the existing community in this area. When we are looking at*

Section 117-34, number five is that traffic is a significant issue. When looking at Section 117-175, the internal streets and primary and secondary roads are a significant issue. Whether the site would be accessible for the public is a significant issue. What he has found on the report that was presented to us is that when you are looking at level of service (LOS), which is a qualitative measure that basically ranks the best roads which are A to the worst roads which are F, he said if you look at these things that are noted, some of the traffic is about as bad as you can get. So, how can any development make it worse when you are talking about these standards. He specifically noted the PM eastbound Glenn Place lane which he said the LOS will drop from E to F which indicates forced breakdown flow and travel time is unable to be predicted. He also noted AM westbound on Glenn Place, he said the LOS will drop from C to D. This indicates the level will drop from a stable flow to approaching an unstable flow. The same thing with AM eastbound Glenn Place, the LOS will remain an E with an average delay of 48 seconds per vehicle which is in close proximity to an LOS-F which is 50 seconds per vehicle. It is right there on the edge. He noted PM westbound Glenn Place will remain LOS-C. However, it would be a close proximity to LOS-D. Finally, the PM eastbound main entrance which shows the LOS as E with an average delay of 49.6 seconds per vehicle which is a close proximity to an LOS-F with a delay of 50 seconds per vehicle. As it relates to Glenn Place, there are about 270 rooftops in that area with only one point of ingress and egress and they want to put this project right on the other side of this. The areas he is noting are going to go from miserable to even worse. Again, when you are considering this project, it is not just the project on its face. You have to look at it in a way that it affects the community that its going to be dropped around.

Councilman Dover asked for an explanation on what the difference was between E and F. He asked if he could get one of our Engineers up to explain this. Traffic engineer Mark Nichols said it is a measure of the delay and the difference could be seconds. Councilman Dover asked if it was a delay of going from point A to point B. Mr. Nichols said there is a line where if you add two or three seconds of delay of the vehicle waiting to exit the roadway, it goes from an E to an F.

Mr. Looney said as you will note, there are existing issues already with the traffic in this area. This was not something that was completely addressed in the other report. Dr. Hossain also mentioned that 90% of the traffic from the proposed site is estimated to travel between the proposed site and I-555, but there is no LOS analysis done between I-555 and the proposed development. Additionally as it relates to traffic, Dr. Hossain said that referring to the Best Practices for Traffic Impact Studies, this recommends an evaluation of how this proposed development will impact the other forms of transportation. He said that the safety of pedestrians and bicyclists because of the nature of this project and where it is situated, is something that should have been considered. Whenever you are considering this, the factors that should have been looked at and would have been helpful for you all to be able to make a determination, are six factors and this comes from the traffic impact studies, TIS, which is referenced in the report as well. They include: 1) Are pedestrian and bicycle needs safely accommodated?; 2) Will the proposed development maintain or improve safety for pedestrians and bicyclists?; 3) Will the proposed development's access points increase potential conflicts with pedestrians and bicycles?; 4) Will site-generated traffic adversely affect pedestrians and bicycles?; 5) Will site-generated traffic adversely affect existing and planned pedestrian and bicycle facilities?; and 6) How will proposed mitigation affect pedestrians and bicyclists? Those are questions that would have been helpful for you all to be able to know based on Best Practices, but we don't have those answers.

City Attorney Carol Duncan asked if Mr. Looney gave a copy of this to the City's Traffic Engineer. Mr. Looney said he had not. Ms. Duncan asked if he could be given

*one because she feels like he will be called on to answer questions and it might be helpful for him to read along while you are going through a traffic study he has not seen.*

*Mr. Looney said that Mr. Hossain said that other things that would be helpful would be a transit analysis impact, a foot traffic attempting to use transit services and how this project is going to relate to that. And finally, a truck generation analysis which he said was not there. I know that you all have to have an objective record of fact whenever you are looking at these things because the code requires it. It requires you to look into traffic. It requires you to look into the existing network.*

*In the report that was done from the Planning Department Staff, the older report since there has been an amended report, there are a couple of things we need to note on that. There is a place on the report that called it a moderate-intensity growth area which I believe Council correctly referred to earlier as a high-intensity growth area. Also, if you look at Letter E, it says that in this report that traffic may be an issue. This road already has quite a bit of traffic yet we have a checkmark there. To me, based on the study that has been produced, as it is, that doesn't get you from traffic may be an issue to how that traffic is going to be resolved.*

*Councilman McClain asked City Planner Derrel Smith if the area is considered moderate-intensity growth or high-intensity growth and what does that mean. City Planner Derrel Smith said that it is a high-intensity growth area. Mr. Looney asked if anyone knew how the MAPC analyzed this since one report states moderate-intensity and one report states high-intensity. Mr. Smith said it was shown as a high-intensity growth sector at MAPC and they looked at the map.*

*Mr. Looney said going back to the traffic. We have talked about whether or not a light is going to be important. We have heard from the City that if they actually widen the road, there is not going to be a need for a light and that is a good thing because as Dr. Hossain has pointed out, although the study looks at traffic, it doesn't actually do a signalized study. The study we are looking at is an unsignalized study which Dr. Hossain has pointed out in his report.*

*If you look at the point where this project is going to be positioned, it is on one of the busiest sections of two-lane roads that we have in Jonesboro. There is already a tremendous amount of traffic and wear and tear on that roadway and there is nothing in the City's Plan that says they are going to alleviate these infrastructure concerns. We heard earlier from the petitioner's side that any car can increase traffic. Well, just think, there are 600 parking spots allotted for this project. You know that it is going to have an effect on traffic. Whether it relates to location because the composition and density of apartments or the existing infrastructure, if you go back to these factors, we don't have enough in the record to be able to show that these things are appropriately and adequately addressed. In fact, in response to drainage, I believe those decisions haven't been made yet.*

*That brings me to my final point, not only is this not right for the community, this is a complicated process and you have to see how the processes were followed. In the record, it doesn't quite get there. There are specific timelines that are setup that we have no record of whether or not these things were adhered to. If you look at Section 117-174 D, F, & G, there are specific timelines that have to be followed. If you look at the application itself, it says there should have been names and addresses of all property owners residing within 200 feet presented. I didn't see that. There is no letter of consent to rezone that is in the record. Most importantly, there is nothing in this staff report, there is nothing in the MAPC meeting minutes, there is nothing of any of the criteria that we looked at as it relates to Section 117-175. That section of the*

*Code of Ordinances that I provided to you all tonight, there are some important things that you need to look at. One of those things is common space because the key ingredient to a planned development is to make it a vibrant and open community is common space. In the record, there is no mention of what this common space is going to look like. Specifically Section 117-171, requires that 20% of common open spaces for planned developments for all residential dwelling units, and there is a specific definition that says what common open space is. There are specific things that you can include in that and specific things you cannot include in that. Again, I don't see any evidence in any of these reports related to those factors. In the same line, if you look at Section 117-175, that goes back to our broad classifications and there has to be analysis done at that stage or there should be analysis done whenever you are considering all of these things as to whether or not this minimum common open space has been designated and has been duly transferred to the legally established homeowner's association where applicable or have been dedicated to the City or another public or quasi-public agency as provided in Section 117-171. There is just not any evidence that this was considered by staff. There is no evidence that it was considered by the MAPC. Other than us discussing it now, I am not seeing anything in here about it. There are some technical things that I needed to discuss that are important, but I don't want us to lose sight of why everyone is here tonight, why these 500 people signed this petition. In addition to these 500 people that signed this petition that live on S. Caraway, we also opened up an online petition. I'm not giving this to you because of the numbers on it and the fact that we couldn't track the addressees on it, but it does say that the people are from Jonesboro. The most important thing is that it allowed people to offer comments.*

*I want to do two things in closing. I want to offer some comments we found from this petition and then we have a video of people that we have discussed this project with in the area that live there, that deal with these issues every single day that I want to be able to present for the record tonight.*

*Councilman Long said he had a question about how many undeveloped acres are there right now in the City of Jonesboro that could be developed in this manner that are not developed. Mayor Perrin said he could not calculate it. He could not say the exact number of acres. He said there were several, but he doesn't know the exact number.*

*Mr. Looney said that if you look on the back on the handout, what it does is basically put everyone in there except the 100 or so he took out. I want to highlight a few things that were noted here. On 5/27/17, Allison McArthur commented that the S. Caraway area has been too highly trafficked for a long time now. I can't imagine what putting more multi-family housing will do when it's already very dangerous. We need to add the infrastructure of increased lanes before anyone is allowed to build. If the City Council votes for this housing, they are putting the interest of a few builders ahead of the safety of the entire City of Jonesboro. On 6/2/17, Briley Schoolfield commented that traffic on S. Caraway is an absolute nightmare. The road needs to be widened, there needs to be a turning lane, and there needs to be sidewalks for the numerous pedestrians who walk this road daily and who have worn a path in the grass from all of their foot traffic. On 6/3/17, Cory Vaughn commented that during high traffic hours, this two lane stretch is incredibly packed and dangerous already. Another 300 plus people driving on it would be terrible. On 6/5/17, Jenniver McCampbell commented that S. Caraway simply cannot handle a higher volume of traffic than it currently does. The road must be widened with sidewalks added before any more apartments are built.*

*Mr. Looney said I know you all eat, sleep, and breathe these issues. I know that you know that Jonesboro is one of the biggest cities as far as geographic footprints are*

concerned. I know you know the strains on infrastructure. I know you know what the pressing projects are. I know you know all of that. The fact of the matter is that until we make infrastructure investments, until we make the commitment to the people that live and work in this area of our community, we should not be rezoning property on S. Caraway that is going to increase that burden. That is why people are here tonight. That is why they have shown up. That is why they care. The proponents have failed to show, they have failed to meet the responsibilities of showing how this project is going to be beneficial to the people that are in that area and to the overall community. This is a safety issue. This is an infrastructure issue. This is a quality of life issue for those who live in this area and for the greater Jonesboro community. I ask you tonight to side with the people on S. Caraway and make the improvements necessary before accepting any new rezonings as it relates to apartments in particular the one that is before you tonight. I close with this video and I appreciate your time and your questions and your attention and your service to the citizens.

Don Parker said he is here as a property owner who owns property directly across the street from this development. He provided a letter with outlines in detail of his concerns that relate to this proposed rezoning. He is certainly not against multifamily rezoning. He said he thinks that Mr. Braxton and his crew have done an excellent job in what appears to be a beautiful project and something that the City of Jonesboro could be very proud of. However, he does not like it on S. Caraway.

Mr. Parker said that personally as a property owner, that will be directly across the street from the main entrance into this project with the infrastructure that is currently in place and that is critically important. My wife and I have lived in Jonesboro for 22 years. We have owned this property on S. Caraway since approximately 2003. When we bought the property, there was a sales tax that had been passed during the Brodell administration for infrastructure improvements. On that list of improvements was the widening of S. Caraway south of what is now I-555. Either we were misled by the use of proceeds from the sales tax or the City ran out of money. That being said, we have a serious situation on S. Caraway. Mr. Lyons is absolutely right when he says the property is zoned C-3 and could be developed for commercial use that would far exceed the traffic that is going to be generated by 300 apartment units. I don't believe that any developer or bank would loan money and build a large scale commercial project that would yield that kind of traffic on a two-lane road. It's just not going to happen.

Mr. Parker said that right now we are faced with what do we do. I would love to see S. Caraway three-laned. That would alleviate a lot of my concern as a business owner and property owner across the street. I wish I was more aware of the budgeting process in terms of street improvements. I do know that it is critically important for not only the businesses on S. Caraway, but most importantly for those people who live in south Jonesboro. There have been numerous times when I have been driving on S. Caraway when there is a lot of traffic that I have seen adults as well as children not only walking, but riding bicycles on the dirt path that you saw that was literally a foot from the white line of the road. I have seen a child riding a bike hit a rock on the side of the road making his bike turn into the lane of traffic. Luckily, I was able to swerve to avoid him and there wasn't any oncoming traffic. It is just a matter of time without sidewalks in this area and without widening the street with 15,000 cars a day that there is going to be an accident. I would like to ask you all to very carefully consider what you are doing tonight and I would ask that you think long and hard whether it is a good idea to put more concentration of apartments in this area particularly on a two-lane road carrying 15,000 cars a day. Many of our three and four-lane roads in Jonesboro don't carry that many cars.

Mr. Parker said he would also question the whole idea of a light. I think a light would

*be helpful. Most importantly, I feel the road should be widened, but a light would certainly be helpful. I know our City Traffic Engineer said it is not warranted. Then, I question whether there is a need for a number of our street lights around town. I question the wisdom of whatever we are looking at in terms of a City and traffic volume to warrant a stop light. If it is not warranted there, maybe we need to get rid of some of our stoplights. I do think the business owners as well as the residents of south Jonesboro deserve better infrastructure. I am very pleased to see infrastructure being improved somewhat in north Jonesboro. It sure would be nice if you all could find the money or develop a bond program or something where we can move forward and address the infrastructure problems in this community particularly on S. Caraway. Until that happens, I would encourage you and ask for your support in denying this rezoning request.*

*Harold Carter, 902 Tony, said this isn't going to affect him directly, but he has one question. Is the Nettleton School Board really for this or against this? Councilman Long stated that according to the letter dated 6/6/17, they are against this rezoning. Mayor Perrin said one correspondence was an email or verbal commitment and what you have in this last presentation is a letter in writing signed by Mr. Dunivan who is the Superintendent of Nettleton Public Schools stating that in the very beginning they didn't have much opposition. However, after further investigation, they are opposing this rezoning.*

*Councilman Long read the letter from Mr. Dunivan out loud for the audience.*

*Mr. Lyons, legal counsel for the proponent, said that he would like to address Mr. Looney's comments about there not being open space. The drawing presented to the MAPC, which is the drawing that is included in your packet, it provides tabulations of Phase I, Phase II and Phase III showing open spaces in phases. In Phase I, the open space required is 104,300 sq. ft. In fact, there is 144,000 sq. ft. provided. In Phase II, 53,900 sq. ft. required. There is 65,000 sq. ft. provided of open space. In Phase I and Phase II, it is a total of 158,200 sq. ft. required and there is 209,000 sq. ft. provided.*

*Mr. Lyons said that Mr. Looney had commented on sidewalks and obviously we have answered that question. Sidewalks will be put in in this area. It will take the people along the area that we have control of away from the road and will protect those people. We can't control what they do on the other sides of us, but we are doing absolutely everything that can be done to protect those people by putting in the sidewalks and by providing the deceleration lanes that will assist the City of Jonesboro in regard to the development of this three-lane or four-lane or five-lane traffic area. The proponents are certainly doing what they can in order to answer the questions that have been raised. Another issue that was raised was the number of accidents on S. Caraway. They looked at the entire length of S. Caraway. If you look at the length of S. Caraway between Links Drive and Latourette Drive in the past five years, there have only been 64 accidents in that area with a total damage estimate of \$92,900 and this is from City statistics that we compiled and we obtained from the City of Jonesboro. There was another issue about the drainage. Obviously, the drainage has to be addressed and has to be adequate and it has to come back before the MAPC for that so that will be addressed and will be adequate. Mr. Bare regularly does that for people in the City of Jonesboro. Obviously, that will be considered.*

*Mr. Lyons said another thing that he asked Mr. Looney for on April 23, 2017 was for who he represented. He still has not told me who he represents. I believe he represents a developer of apartments who is opposed to this and simply doesn't want the competition. He has not told me who his client is. He provided me with the petition*

*last night at 7:55 p.m. which I asked for on May 23, 2017. It is our position that we have done everything we can and that this is a proper matter to be rezoned. If it is not, it will probably be developed as commercial and the problems that you are hearing about tonight will only be worse because they are probably not going to address a lot of these issues that we are addressing simply because we want this to be a good development for the City of Jonesboro to answer the request of the City of Jonesboro for additional apartments. For that reason, I believe this should be rezoned.*

*Mr. Looney came to the podium and said he would brief and not recite facts based on every one of those things. One of the most important things I was referring to was the common open space. If you turn to Section 117-175, I do want to address it in terms of what has been provided because that is something of significance. On the site plan, it does mention that there is common open space. It says in three different phases, there is open space. That is different than what is in the code for you all to consider. The code requires specific factors in whether or not that is common open space. Right here in that site plan, I believe it says there is 18.5 acres there to be developed and that is what they used to calculate common or their open space. The MAPC report says that there is 17.9 acres that is going to be developed so that changes the whole calculation of open space. All I was trying to say was that there has not been an adequate assessment of this in the record. The final thing on sidewalks is that while we appreciate the developers and what they are wanting to do which is a noble thing, that still doesn't address the concern for residents getting to and from that proposed spot all the way to wherever their destination is going to be. It does for a small portion, but it does not address the additional burden that those 600 additional parking spaces that are going to be reserved for those 600 cars that are going to be there are going to have on infrastructure. As it relates to the other matters, I would be happy to meet with Mr. Lyons afterwards about any of those things. I'm sure you all don't care to discuss those tonight. With that, I yield the floor and I thank you for your time and attention.*

*Dewayne Winters, 320 Huntcliff, said that this property is owned by his wife and his brother-in-law. Of the testimony he has heard tonight, most of it dealt with traffic. The traffic studies from both sides stated the commercial will produce the most traffic. We will develop this property. If the concern in this neighborhood is traffic, it is going the wrong way if we do it commercially. I respect this Council and give honor for your service. I think you do a fine job. I think some things have touch away from reality. Whether or not sidewalks are there really doesn't have a bearing on where an apartment is built. I assure you that it t will be developed. It is time that my family had income from this property.*

*Mayor Perrin said he had a couple of comments he wanted to make. Someone made the statement that back in the MATA that the money was raised to widen Caraway Road. That is true I think and also the fact the utilities to widen that road have been moved. The bridge that we put in on Caraway Road last year was put in for a five-lane road. We have put the banisters in there just to accommodate the two-lanes now. There is no question in my mind that Caraway Road needs to be widened. I think anyone in this room would agree that it needs to be widened. Whether it be three-lanes or it be five-lanes, it needs to be widened.*

*Mayor Perrin said we have been talking a lot about traffic studies. The traffic study seems to be quite totally opposite on what I am gathering. I know Traffic Engineer Mark Nichols has not had a chance to look at that traffic study that you just got. There has been a lot of a difference of opinion in these traffic studies.*

*Councilman Dover asked if Traffic Engineer Mark Nichols could come up and answer*

some questions. He asked about page four and the problems about the study. Can you go through those and make sure we understand if those statements are concurrent and if you agree with those statements. Mr. Nichols said the first bullet point is not specific. I would have to look. We are not governed by that specific handbook. Councilman Dover asked if we required that from any other developer in the City. Mr. Nichols said no and it's kind of a Highway Department thing. As far as the 14-hr. vs. the 24 hr. study, usually that is required if you do not know anything about the area and you want to see what happens at 12:00 a.m. or 4:00 a.m. We know the area so it really wouldn't be reasonable to require them to collect data at 2:00 a.m. As far as the average daily traffic estimates, we know that. We have that data at our disposal from the Highway Department. It has been thrown around a lot tonight, the 15,000 vehicles a day. As far as this type of study, that doesn't really tell you a lot about the operation of the drives. That is a large number throughout the day, but that doesn't tell you specific numbers. The study revealed specific numbers down to 15-minute counts and hourly counts. As far as that not being in the study, we already knew that and it wasn't necessary to put it in there. As far as the other modes of transportation that was addressed by Mr. Lyons as far as the sidewalks. As far as including bike lanes along the front of the development, we do not require that at this time and don't know if that would be a good recommendation to have it on that. You could have a multi-use trail along the frontage to address bicycle issues, but that is not required through our ordinances as you know. The sidewalk is as good as we can do with our given ordinances in place. Five-years beyond buildout, you are talking about the development and Glenn Place. With both of those, there is no connectivity throughout the City on those two legs of the intersection. When you look at traffic signal warrant analysis, you look at the full buildout. There is no additional room on Glenn Place and the development. It is the side street that is really governing your warrant for that hour and it's not the major. Even if traffic goes up on Caraway Road, the chances of it warranting a signal is not going to affect it because it is the side street that is the limiting factor.

Councilman Vance commented that the Mayor indicated that Mr. Nichols had not had time to read this study. You have had time to be very aware of this study and know all about the study itself. You didn't get it today. Mr. Nichols said the document passed out by Mr. Looney today is the first time he has seen it, this critique of the study? Councilman Vance said not the critique of the study, but the study itself. Mr. Nichols said that was correct. We are in concurrence with the Braxton Study. Nothing that I have heard tonight makes me question and say we should have included that.

Councilman Dover asked about page Five on the E and F classifications and C and D classifications. He asked what Caraway Road is classified as. Mr. Nichols said that during certain times of the day, at the Parker Road intersection, it is probably considered an F, especially during the 5 p.m. rush hour traffic. D is considered acceptable. D in an urban environment is considered functioning properly as far as the level of delay. If you say a five-lane cross-section is operable at a level D, that is actually a fairly good level for an urban environment. Councilman Dover asked if we had a lot of D's and F's in the City. Mr. Nichols said that was correct.

Mayor Perrin commented that the study he was talking about was the last study that was just handed to him during the meeting. Obviously, Mr. Nichols has been working along with the other one with the developer. Mr. Nichols said that was correct.

Councilman Frierson stated for the purpose of getting it before us and for the purpose of getting it done, I move to approve the ordinance. Councilman Street said we need to have City Planner Derrel Smith go through these steps with us that has been pointed out by Judge Fogleman. Councilman Frierson said he thinks the steps have been pointed out already by the other people and we listened and we have



considered them. Councilman Dover said he would like to ask Mr. Smith some questions. Councilman Frierson said it doesn't hurt to second the motion and get it on the table. Councilman Johnson said he would second the motion so they can finish discussion of the issue.

Councilman Dover said he needed some clarification on open space. He asked if that is that under our purview or if it is under the site plan. City Planner Derrel Smith said what we have looked at is a concept plan which does have green space calculations in it. We will look at the actual green space, open space during the MAPC review. Councilman Dover said they are the ones who make sure they meet the criteria and not the Council. Mr. Smith said that is correct.

Councilman Hafner asked about F regarding the 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 with the response that minimal impact if rezoned due to the fact that a majority of lots surrounding this address have already been developed. There are already several multifamily developments in the area. Does the fact that there are already several multifamily developments in the area give you any concern as far as density? Just because there are a lot of something already there doesn't always mean that it is the best. Mr. Smith said this is considered a high-intensity area which multifamily fits into the high-intensity areas. When looking at multifamily areas, you want to put them along your major arterial streets. You want them along where the traffic is going to be. Normally, this is what we would look at. I think this is proper for this area.

Councilman Dover asked where the closest R-1 to this proposed development is. Mr. Smith said that it was probably a cemetery, but he doesn't have the zoning map in front of him. Councilman Dover said discounting the cemetery, what would be the closest R-1? It is critical for him to know where the closest R-1 is to this development. Mr. Smith said that across the street you have commercial and you will have some residential behind it. Councilman Dover asked if was adjacent to it. Mr. Smith said that it will not be adjacent to it. It will be behind the commercial. Councilman Dover said there is a buffer of commercial. Mr. Smith said that where CWL property is located is probably residential. I would have to look. It could zone commercial, but as far back as it is it could be residential. I don't have those in front of me. There is not a lot of single-family adjacent to it. It is either adjacent to open land that has some type of industrial use like CWL, a cemetery, or a commercial tract. That is what it is adjacent to.

Councilman Dover asked Mr. Smith to go down each one of those criteria and tell us why your Planning Department came up with each decision. Mr. Smith said Criteria A is consistency of the proposal with the Comprehensive Plan/Land Use Map. It is classified as a High-Intensity Growth Sector. There are other planned developments in the area. Criteria B is the consistency of the proposal with the purpose of Chapter 117-Zoning. The proposal will achieve consistency with the purpose of Chapter 117. Councilman McClain asked on the first criteria in our packet right now it says Moderate-Intensity Growth Sector. What is the difference between Moderate and High-Intensity? Mr. Smith said the number of units. In multifamily, it depends upon the number of units. A Moderate is eight to twelve units per acre. High-Intensity is more than that. It can be up over sixteen.

Mr. Smith said that Criteria C is the compatibility of the proposal with the zoning, uses and character of the surrounding area. This area has several multifamily developments in the area already so it is compatible. Criteria D is the suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment. This property is located on S. Caraway Road. There are

other commercial developments in the area. Commercial is a good buffer between multifamily and single-family. Criteria E is the 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. This site and use should not be a detriment to the area if controls are implemented to screen and buffer the multifamily from the single-family residential. Traffic may be an issue. This road already has quite a bit of traffic. Criteria F is the 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. There will be minimal impact if rezoned due to the fact that a majority of lots surrounding this address have already been developed. There are already several multifamily developments in the area and services are in the area.

*NOTE: Please see continued discussion below.*

**A motion was made by Councilman Charles Frierson, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion FAILED with the following vote:**

**Aye:** 6 - Darrel Dover; Charles Frierson; Chris Moore; John Street; Mitch Johnson and Gene Vance

**Nay:** 5 - Ann Williams; Charles Coleman; Bobby Long; Joe Hafner and David McClain

**Absent:** 1 - Chris Gibson

*NOTE: Continued discussion of ORD-17:021 is below.*

*Councilman McClain stated that it seems that we have in one district an overabundance of apartments. In your experience have you seen this and what as far as planning goes do we need to do to address it and not just focus it in one area. Mr. Smith said you need to focus it around the entire community and not just in one area.*

*Councilman Vance asked Mr. Smith if he could take a little time and explain how much open area that can be built in multifamily is in the Jonesboro School District. Mr. Smith said the majority of the open area that we have in that area now that is already zoned multifamily is in the Nettleton School District. I don't have percentages, but it's probably way over 50%. Councilman Vance asked if the areas that are available are big enough for multifamily, are either in the Nettleton or Valley View School Districts. Mr. Smith said that was correct.*

*Councilman Hafner said he thought what made things a little more difficult is because we have so many school districts. A lot of towns the size of Jonesboro don't have four or five school districts within the city limits. I think that impacts it also. Am I right in your opinion? Mr. Smith said he has never seen five school districts in the same city before. It is unique. Councilman Vance said that Westside and Brookland School Districts are not located in our city limits.*

*Councilman Johnson said as we have looked down through here and saw green checkmarks, this body is here tonight just to make a rezoning decision. A lot of the stuff that was brought up we know will be worked out and developed on the site plan. He asked Mr. Smith if he feels if our decision tonight with what has been presented from MAPC and staff fits the criteria that we are looking at. Mr. Smith said he does*

yes.

*Councilman Hafner said that Mr. Looney brought up the Planned Urban Development requirements. Is that something that would normally be documented or should be documented from here on out. Mr. Smith said those that Mr. Looney brought up are in there already and have been documented. As he was questioning, I was pulling them up and showing Chief Operations Officer Ed Tanner where they were at in the documents. I think most of those have been included. There was a letter that I did not print from my packet, but I know its there. It is probably in your packet.*

*Councilman Hafner said when we are asking the different departments for their opinion such as Engineering, Streets, Police, Fire, MPO, JETS, and utility, what sort of documentation do they provide back to you? Mr. Smith said normally nothing. If they have a problem, they will let us know. If they do not have any concerns, we give them the information, but we normally don't get anything back. Councilman Hafner said that it would be great to have some sort of response that we can document in staff findings or staff reports because I have never seen one, but it would be nice if the head of that department would say that we have no issues with this. Mr. Smith said he would put a form together and make sure that it goes out with everything. Mayor Perrin said you would have to state why you would have objections. We have had the form for years, but you are asking for more details. Councilman Hafner said that they could include it in the staff report.*

*Councilwoman Williams said that she had a question on the criteria E. It is checked even though it says that traffic may be an issue. Mr. Smith said that traffic is an issue out there now and that is the reason why we checked it the way it was because if it remains vacant, traffic still remains an issue.*

*Councilman Long asked Mr. Smith if he said that 50% of the property in Jonesboro that is already zoned multifamily that could already be built multifamily without rezoning a square foot of property, resides already in the Nettleton School District. Mr. Smith said he guessed at 50%, but that he could get an exact number. Councilman Long said that is a lot. Mr. Smith agreed and said that is why people are looking in that area. Mayor Perrin said he thought Mr. Smith had said it included Nettleton and Valley View School Districts. Councilman Vance said there is none in the Jonesboro School District that I could think of. When we went through our moratorium committee, that was one of the things that the Jonesboro Superintendent brought to our attention was that there was nowhere for any to be developed in the Jonesboro School District. It is misleading when a lot of the open land that we talk about is not easily developed without spending a lot of money on site work. I don't think we need to be considering money necessarily, the cost to develop or the cost not to develop. However, at the same time, developable property is not as big as what zoned property is.*

*Councilwoman Williams said with Criteria E, at what point do you not check the box? At what point is it going to be over the tolerable amount as far as traffic? If it is a problem and you say it is going to continue to be a problem, at what point do you not check that? Mr. Smith said with a lot of that it depended on Traffic Engineer Mark Nichols and the traffic study. The level of service out there with the development is not going to change that much. If it was going to change dramatically, we would have put an X there instead of a checkmark. With the changes and level of service, we saw it wasn't where we needed to do that. Councilwoman Williams asked if we have determined that it is 15,000 as far as the daily count. Does that make it the most heavily traveled two-lane road in town or not? Where would it stand in comparison to N. Patrick? Traffic Engineer Mark Nichols said that N. Patrick has around 4,000 vehicles a day. It would be an accurate statement to say that the heaviest two-lane*

road in Jonesboro is S. Caraway. Councilman Dover asked Mr. Nichols if it was just S. Caraway or all of Caraway was the most traveled. Councilwoman Williams said that S. Caraway is the most heavily traveled two-lane road. Mr. Nichols said that it was the most heavily traveled two-lane road in Jonesboro.

Councilman Vance said that he had a question for the City Engineer. At what point in a development is drainage designed and you get to look at it in the development process and not in the conceptual or rezoning stage? City Engineer Craig Light said that when it is submitted for a City permit through MAPC. He said it was not in the rezoning stage.

City Attorney Carol Duncan said that the reason she is slowing everyone down is that we have been going real quick about announcing whether something passes or doesn't pass before we look at the required votes. She said you have to have seven to pass and it was 6-5. Mayor Perrin said that it requires 7 and he can vote in the case of breaking a tie. Ms. Duncan said the Mayor can vote to pass a measure. She said she thinks in MAPC rules in order to pass a measure, and it may be City Council rules that say to break a tie so it did not pass. Mayor Perrin stated that what Ms. Duncan said is that only on MAPC can you vote to have a majority so therefore it was 6-5 and it did not pass.

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

Mayor Perrin said that he was going to be very brief. For lack of time, he is just going to send this in an email. A lot of it is administrative so he will just send it tomorrow.

Please find below the Mayors Report that he was unable to give due to the length of the Council meeting.

1. Final mitigation plan for Craighead County received May 26, 2017
2. The CDBG Audit had no exceptions
3. The AML Convention starts next Wednesday through Friday
4. Striping – 30.9 miles completed through May
5. Overlay project list is going great, only nine left out of twenty-four projects
6. Combined City/County Sales Tax up over 2016 by 2.82% - \$294,123.17
7. The National Take Back of Prescription Drugs – on Saturday we received 671 pounds of prescription drugs
8. Advertising for JETS \$7,253.03; May ridership was 11,000
9. The Ice House hearing is set for July 5 and the trial starts July 24
10. Sidewalk projects – 19 projects with only six to go
11. Mt. Dew Classic held last weekend at Southside Ball Park netted \$16,013.69
12. E-tickets – 14 installed in patrol cars, working with Dept. of Justice on grant to install in all patrol cars
13. Kids & Family Expo at Turtle Creek Mall will be held this Sat. June 10 from 10-1
14. Scenic Hills Clean-up – 9 tons
15. Building Permits: Commercial - \$26.3 million-79% and Residential - \$6.8 million-21% for a Total of \$33,192.432.00

## **9. CITY COUNCIL REPORTS**

### **RES-17:069**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH ABILITIES UNLIMITED OF JONESBORO, INC. TO PERFORM RECYCLING SERVICES FOR THE RESIDENTS OF THE CITY

**Attachments:** [Amended Abilities Unlimited Recycling Contract.doc](#)  
[Amended Abilities Unlimited Recycling Contract \(PDF\)](#)  
[Chamber of Commerce Green Business Committee](#)

*Councilman Street said at the Public Works Committee meeting we considered a resolution and was asked to suspend the rules and walk on tonight RES-17:069 so we can have the alternate week in place for the blue bag collection.*

*Councilman Street motioned, seconded by Councilman Johnson, to suspend the rules and walk-on RES-17:069. All voted aye.*

*Councilman Hafner asked the Mayor if he could explain why we would be going to twice a month on the blue bag recycling collection. Mayor Perrin said we have an agreement with Abilities Unlimited and they have come back to us and wanted to add another \$49,000 to the annual contract that we have. The contract actually ends in June of 2018, which is basically a year from now. What we want to do as administration is to take this year and look at all of the options that we have available on that and get with our legal counsel. The question I asked of Abilities Unlimited at the table in discussion is will they come back with an additional increase besides the \$49,000. Ever since we have had the contract, we have come back with an extension, more money, and they will probably come back with another increase. We are going to look at this. We have talked about being a first-class City with the carts. I want to get with our City Attorney and make sure that we would never do anything against the one-cent sales tax that we did for MATA. We will take a look at that, come back, and do our study. We will do that before we get into our budget process in November. We will also be putting notes in the bags to remind the public when they will be doing the recycling. The green committee concurred with that. We are going to put the stickers on the bags to make it official as of July 1st. We have been studying this thing pretty hard on the recycling. We obviously want to increase recycling. We do not want to go the other way and discourage it. What we are trying to do is get it in a format and operation where it is very efficient. We have had some comments on the way it is being done now that some has not been picked up and some have. Abilities Unlimited took on a pretty big load when they took on the City of Jonesboro and its 82 square miles to pick up recycling. Somewhere between 15-25% of the population is recycling now. I hope that goes up to save our landfill. The only way you are going to be able to do that is to make it easier and more convenient for the citizens of Jonesboro to do. That is what we are trying to look for.*

**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:** 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Charles Coleman; Bobby Long; Joe Hafner and David McClain

**Absent:** 1 - Chris Gibson

**RES-17:081**

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CASELOADPRO TO PROVIDE COMPUTER MONITORING SERVICES FOR THE PROBATION SERVICES FOR CRAIGHEAD COUNTY DISTRICT COURT

**Attachments:** [Probation CaseloadPro Contract](#)

*Councilman Johnson said that Public Safety called a Special Called meeting regarding RES-17:081. It is software from CaseLoadPro to provide computer monitoring services for Probation Services for Craighead County District Court. Chief*

*Elliott feels that this is pretty time sensitive because he is trying to get his program up and running.*

*Councilman Johnson motioned, seconded by Councilman Street, to suspend the rules and walk-on RES-17:081. All Voted aye.*

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

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Charles Coleman;Bobby Long;Joe Hafner and David McClain

**Absent:** 1 - Chris Gibson

*Councilman Hafner said he is looking forward to next week's Municipal League Conference in Little Rock. As we continue to look at this sidewalk ordinance that I proposed, I am going to try to set up some meetings with representatives from other cities and see what they do as far some of the concerns that I have heard as far as topography and stuff like that.*

*Councilman McClain asked about the cycling/pedestrian trail plan that was mentioned in April. He wanted to know where we were and when they could actually see that. Mayor Perrin said he didn't have a plan, that he had a proposal to do a plan. The cost of that is somewhere around \$135,000-\$138,000. I am getting with the Engineering Department, Parks and Recreation Department, Administration, to take a look at that and trying to go through there. One of the things that was left out of there the first time was that it didn't follow the guidelines of the Highway Department. They just released their new guidelines on bikes and walking trails. I want to make sure we have everything in that contract before I ever think about bringing it back to you all.*

*Councilman Moore said he had a Point of Order to be clarified. As ex facto parliamentarian, I would ask City Attorney Carol Duncan to read Arkansas Code 14-43-501 subsection B. Please read that section for the record. Ms. Duncan said that it is talking about the organization of City Council in 14-43-501 subsection B. The section you are referring to in the first part of the section says that the Mayor shall be an ex officio President of the City Council and shall preside at its meetings. In Section B, it says the Mayor shall have a vote to establish a quorum of the City Council at any regular meeting of the City Council and when his or her vote is needed to pass any ordinance, bylaw, resolution, order, or motion. This is what I was looking for originally, but in your City Council Rules, it says the Mayor only votes in the case of a tie.*

*Mayor Perrin said this is what the Nominating & Rules Committee submitted to this Council and was approved. Ms. Duncan said that is what your City Council rules say. Above that, it says one of the things that the City Council can do is set their agenda, set their rules. Councilman Vance asked if they could change the duties of the Mayor. Councilman Frierson said that if legislative enactments specifically says that, I don't believe the City can change that. Ms. Duncan stated it does say shall. It doesn't say may. It says shall. Councilman Frierson asked what are we going to do now. Ms. Duncan said that depends upon the Mayor.*

*Mayor Perrin said that he is only going by what we set up every year and we went through that several times on the Rules and Nominating Committee to put the way*

that the Council is going to operate with rules and procedures. That is what I was going by when I made that statement. Councilman Johnson asked if in the event that we end up in court over this, does state law not supersede our rules. Ms. Duncan said she thinks state law can supersede your rules. Councilman Long asked in that case, does the Mayor have to vote? Councilman Dover said no that he can abstain. Ms. Duncan said that he can abstain from voting. He can abstain or vote to pass. Mayor Perrin said abstaining is a no vote. Councilman Moore asked that they listen to the City Attorney. Ms. Duncan said he can either abstain or he can vote to pass.

Councilman Dover asked if we were clear that they supersede our rules. Ms. Duncan said there is no doubt that state law supersedes what the Council chooses. She said it also states the Council can make their rules. She said she would read it one more time. The Mayor shall have a vote to establish a quorum and that is not what we are talking about here. And, when his or her vote is needed to pass any ordinance, bylaw, resolution, order, or motion. It doesn't say he has to vote. It says he has a vote. He can vote which is what I started off saying that he can vote to pass a measure. Councilman Dover said I thought you said the Council can pass its own rules. Ms. Duncan said it can, but that doesn't mean they can compete with state law. Councilman Vance said it would have to be within state law or we would be breaking the law. Councilman Moore said the Mayor can simply abstain. You have the right to chose to abstain. You cannot vote no.

Mayor Perrin said that state law is going to override anything that we do. Ms. Duncan said that was correct. Councilman Vance said it can be brought up at the next council meeting to revote. Mayor Perrin said you will have another councilman here possibly. Councilman Vance said that would be fair to both sides is to put it back on the agenda because we messed up. Ms. Duncan said this is exactly what we dealt with at MAPC recently. That is why I slowed everyone down to try to look at the rules because we made a hasty pass when it did not pass. Therefore, I believe, what we determined in MAPC and looked at and made the decision that the Chair could move or a member of MAPC could move to put it back on the agenda. I realize that their rules are different. We wanted to give sufficient notice however and that is the problem that you run into. When we started looking at it, you have got to give sufficient notice to both sides that it is going to be back on the agenda. The question then arises if it is a new vote, does Chris Gibson vote who was absent today which might make a difference one way or another or can you change your vote. I will have to look into this. There are a lot of issues that go with that. The Council has not adjourned this meeting. I think it is cleaner to vote tonight and let people be notified. They weren't going to get to speak again no matter what the Mayor's vote was. They were going to be mad either way if his vote changed the outcome of the decision. I think it is worse to put it off two weeks and worry that you have not provided adequate notice.

Councilman Hafner asked if the AND in there to establish a quorum AND vote to pass a measure is for two totally separate issues. Ms. Duncan said she thought it was separate issues. Councilman Vance asked if they should go back and take a roll call vote to make it correct. Councilman Moore said first the Mayor has to decide if he wants to abstain or pass it. If he was to vote, based on the outcome of that, there is a procedure for how at the next council meeting, one alderman on one side of that issue has the right to bring that back up. But, that is only based on what the Mayor's vote is. If he abstains, it is not going to be a point. If he votes to pass it, then which alderman brings that up for redress? Ms. Duncan said she has reviewed this in MAPC rules, but not in Council rules. It would have to be someone on the side that prevailed. Councilman Moore said that was correct, but only if the Mayor votes to pass it. If he decides to abstain, then that won't be an issue.

*Mayor Perrin said he was not an attorney and he is sitting here on two different deals and he is going to abstain.*

**10. PUBLIC COMMENTS**

*Phillip Cook, 5216 Richardson, said he would like to give praise were it is due. Chief Elliott and his people have done an excellent job on slowing the traffic down on his street. He wanted to say thank you.*

**11. ADJOURNMENT**

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

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Charles Coleman;Bobby Long;Joe Hafner and David McClain

**Absent:** 1 - Chris Gibson

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

**Harold Perrin, Mayor**

**Attest:**

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

**Donna Jackson, City Clerk**