



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, July 1, 2008

6:30 PM

Council Chambers

PUBLIC WORKS COMMITTEE MEETING AT 5:15 P.M.

City Council Conference Room, Huntington Building

PUBLIC HEARING AT 6:15 P.M.

Regarding the abandonment of an overhead electrical easement located on Tract 1 of the Heritage Bank Replat of Southwest Drive Minor Plat as requested by S&A Construction, LLC.

No opposition was voiced.

1. Call to order by the Mayor at 6:30 P.M.

2. Pledge of Allegiance and Invocation

3. Roll Call by the City Clerk

Present 12 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

4. Special Presentations

5. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilman Harold Perrin, to Adopt the Consent Agenda. The motion CARRIED by a Voice Vote.

Aye: 12 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

MIN-08:142

Minutes for the City Council meeting on June 17, 2008.

Attachments: [Minutes](#)

This item was approved on the consent agenda.

6. New Business

*Ordinances on First Reading***ORD-08:045**

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF JONESBORO, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF JONESBORO, ARKANSAS, AND ASSIGNING SAME TO WARDS AS REQUESTED BY PAULETTE QUINN

Attachments: [Plat](#)
[MAPC Report](#)
[Submission Letter](#)
[Petition For Annexation](#)
[Exhibit A](#)
[Exhibit B](#)
[Resolution](#)
[Pre-Annexation Questionnaire](#)
[Kevin Carpenter Statement](#)
[Letter To Planning](#)

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

Mr. Bobby Gibson, attorney for Ms. Paulette Quinn, discussed the annexation. He noted the crop dusting service is half in the city limits and half in the county. He explained residential housing is getting closer to the business, so the Council should think ahead ten years when the crop dusting business may cause complaints with nearby residents. Ms. Paulette Quinn addressed the Council and discussed the crop dusting business. She explained the City has annexed so much land around them they have no place to go. She added they have to sell the current property in order to purchase more property in the future. She asked the Council to consider the safety of the property and residents around the business. Councilman Frierson read from Jonesboro Code of Ordinances 9.24.01, which establishes regulations for annexing property into the City. He asked how Mr. Gibson got around providing the information to fulfill the regulations. Mr. Gibson stated he doesn't think they got around it, but he does think they satisfied it. He explained they submitted a plat, but there is no planned development at present and there is no request of plat approval. He added he doesn't think the annexations in the past fulfilled the regulations if the land was undeveloped. Mr. Gibson explained there is no development on the property, so there are no sub-par development structures for the City to inherit. Councilman Frierson questioned whether this part of the Code of Ordinances can be ignored or if there is an exception. Mr. Gibson stated he doesn't think they have ignored the Code and reiterated he thinks they have satisfied the requirements. Councilman Dover clarified the business will have ten years to move. Mr. Gibson stated no matter what the non-conforming use of the airstrip will expire in ten years. Councilman Dover then questioned whether homes could be built on the property with the airstrip still being located there. Mr. Gibson answered no, because he assumes when a site plan is presented it will shut down the airport. Councilman Dover suggested stipulating if the land is rezoned to the suggested RS-7 once the first home is built on the property then the airstrip will shut down so the City isn't held liable for placing people in harm's way. Mr. Gibson noted the property will not be developed unless it's sold. He added he assumes if the site plan had homes next to the airstrip and the airstrip is still in use, then the site plan would not be approved. He explained he could revise the ordinance for it to expire the earlier of ten years or upon site plan approval. City Attorney Phillip Crego stated that could be done. Mr. Gibson stated he would be glad to amend the ordinance to specifically state the non-conforming use of the airstrip would expire on the earlier of the ten year period or the submission of the plat for site plan approval of any portion of the annexed property. Mr. Crego stated a written draft with the amendment could be brought to the next meeting. Councilman Frierson

questioned whether they needed to vote on the amendment tonight. Mr. Crego answered no, as long as the ordinance is held to one reading. Councilman Moore expressed concern over accepting the annexation for economic benefit of the property owner in order to sell the property. He stated annexing the property could set precedence for future proposed annexations for property owner benefit. Councilman Johnson noted they have already turned down rezoning existing property in the city limits because they do not want to help people market their property by changing the zoning. Councilman McCall questioned whether the safety aspect plays a part in the annexation. Councilman Moore stated there is no safety issue due to the safe operation of the business. Mr. Gibson stated he appreciates the compliment to Quinn Aviation, but the Council needs to consider the idea that in the future someone else may run a crop dusting business there that does not meet the same standards. He added he thinks all annexations hopes for economic benefit. He noted this annexation would be distinguishable due to the presence of the crop dusting business. He stated he would like to visit with anyone who has further questions.

This Ordinance was Held at one reading.

ORD-08:044

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS TO RS-5 PROPERTY LOCATED BEHIND 6106 SOUTHWEST DRIVE AS REQUESTED BY PAULETTE QUINN

Attachments: [Plat](#)
[Application for Zoning Ordinance Map Amendment](#)
[MAPC Report](#)

Councilman Street questioned the need to address a rezoning for property that hasn't been annexed yet. City Planner Otis Spriggs stated City code stipulates rezoning has to happen at the same time as annexation. Councilman Street questioned whether the school board has been notified of the annexation. Mr. Spriggs answered yes, they were notified by first class mail. He added the zoning needs to be determined with the annexation. He explained the rezoning has been approved by the MAPC. Councilman Frierson stated the rezoning could be considered during the same meeting as the annexation. Discussion was held concerning notification of the rezoning. Mr. Gibson discussed the annexation process with the county. Councilman Frierson asked Mr. Gibson to run everything through the City Attorney's Office and give a report at the next meeting to show that everything was handled correctly. Dr. Jim Sanders stated a precedence has already been established due to the 1992 annexation. He suggested requests for annexation of new property come in under the highest, most restrictive residential category. He explained that way if the owner wanted a different rezoning, then they would have to go to the MAPC and rezone the property. Dr. Sanders further discussed the rezoning.

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

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

ORD-08:051

AN ORDINANCE ABANDONING AND VACATING AN OVERHEAD ELECTRICAL EASEMENT LOCATED ON TRACT 1 OF THE HERITAGE BANK REPLAT OF THE SOUTHWEST DRIVE MINOR PLAT AS REQUESTED BY S & A CONSTRUCTION, LLC

Attachments: [Petition](#)
[Plat](#)
[Utility Letters](#)

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

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

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

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: O-EN-030-2008

ORD-08:057

ORDINANCE REPEALING AND REVOKING THE APPROVAL OF A PLANNED UNIT DEVELOPMENT (FPUD 99-02), CAUSING CERTAIN PROPERTY TO REVERT BACK TO THE COMMERCIAL C-3 ZONING CLASSIFICATION UNDER TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS

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

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

Mr. Spriggs explained part of Sage Meadows was annexed in as C-3 and was finalized in 1999. He further explained the plan was expired because it was not developed according to the plan. He stated someone purchased the land in the interim. He discussed the proposal from the new property owner. Councilman Moore asked if they are wanting the land to go back to being commercial. Mr. Spriggs explained the land is already zoned commercial. He further explained the applicant wants the limited use taken off. Councilman McCall questioned whether there are other C-3 properties in the development. Mr. Spriggs stated yes, he thinks was some other acreage. He added the consensus from the surrounding residents that the property be zoned back to C-3. Mr. Garland Martin discussed zoning the land C-3. He stated if Sage Meadows opposed the C-3, then there would be people there to show their opposition. He added the property owner has met with them and taken the residents concern in consideration. He asked the Council to expedite the item and go forward with all three readings. Councilman Moore noted that if the property owner decided to sell, a future owner may not be as accomodating as the current owner. Mr. Martin stated they understand, but that risk is there currently.

Councilman Frierson motioned, seconded by Councilman Perrin, to suspend the rules and waive second and third reading. All voted aye.

A motion was made by Councilman John Street, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED by an unanimous vote

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: O-EN-031-2008

RES-08:094

A RESOLUTION TO ACCEPT BID NUMBER 2008:14 AND APPROVE THE RENOVATION OF THE JETS DISPATCH BUILDING.

Sponsors: JETS

Attachments: [remodel bid for dispatch](#)

Councilman Frierson motioned, seconded by Councilman Street, to suspend the rules and add a resolution to the agenda. All voted aye.

Councilman Moore expressed concern over renovating the building when the City may no longer provide funding for the facility according to the November vote. He added AHTD may have a different location in mind for JETS. Mr. Tony Thomas from the Mayor's Office explained the vote will decide whether the citizens continue to contribute to the funding of the system. He added when the City entered into the lease for the building there was an understanding the City would purchase the facility. Councilman Moore suggested waiting for the vote before doing the renovations. Councilman Johnson questioned where the money is coming from to pay for the renovations. Councilman Moore stated it's an 80/20 grant between federal grants and City money. Mr. Thomas noted it has nothing to do with the \$130,000. Councilman Perrin stated the City is only obligated for the \$130,000 and the 20% will be covered with the \$130,000. Further discussion was held concerning the future of JETS.

A motion was made by Councilman Charles Frierson, seconded by Councilman Harold Perrin, that this Resolution be Passed. The motion CARRIED by a Voice Vote.

Aye: 11 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Nay: 1 - Chris Moore

Enactment No: R-EN-091-2008

7. Unfinished Business

Ordinances on Third Reading

ORD-08:031 AN ORDINANCE TO AMEND THE 2008 ANNUAL BUDGET AND THE PAY PLAN FOR THE CITY OF JONESBORO TO CHANGE THE POSITION OF GIS SPECIALISTS TO A GIS COORDINATOR

Sponsors: Human Resources

Attachments: [GIS Coordinator](#)

Councilman Perrin motioned, seconded by Councilman Frierson, to read the ordinance by title only. All voted aye.

Councilman Province asked for a moratorium on new hire and adjustments in salaries until the budget process in October. He explained the City doesn't know where it stands financially. Councilman Hargis stated the City is operating in a deficit and there will be a leadership change in January. Councilman Province explained the position may be needed in the future, but the timing is wrong due to not knowing what the City is facing with the budget. Councilman Moore agreed, stating he can't make any new positions or any salary adjustments. Councilman Street stated the City should at least look at outsourcing getting GIS online until the City can hire someone full-time. Councilwoman Furr agreed with outsourcing GIS and asked for a moratorium on new positions and salary increases until they have a better feel for where the City is financially.

A motion was made by Councilman Charles Frierson, seconded by Councilman

Harold Perrin, that this matter be Passed . The motion was DENIED by the following vote:

Aye: 2 - Darrel Dover and Harold Perrin

Nay: 9 - Judy Furr;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;John Street;Mitch Johnson and Tim McCall

Abstain: 1 - Faye McCall

ORD-08:047

AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES FROM RESIDENTIAL R-1 TO COMMERCIAL C-3 LUO GENERAL COMMERCIAL DISTRICT LIMITED USE OVERLAY LOCATED AT 1616 OLD GREENSBORO ROAD AS REQUESTED BY PAULA LAMB

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

Councilman Frierson motioned, seconded by Councilman Moore, to read the ordinance by title only. All voted aye.

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

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: O-EN-032-2008

ORD-08:050

AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES FROM RESIDENTIAL R-1 TO COMMERCIAL C-3 LUO GENERAL COMMERCIAL DISTRICT LIMITED USE OVERLAY LOCATED ON THE EAST SIDE OF SOUTHWEST DRIVE BETWEEN WOOD STREET AND PARKER ROAD AS REQUESTED BY JONESBORO INVESTMENT LLC AND GLE PROPERTIES & MTG LLC

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

A motion was made by Councilman Chris Moore, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED by an unanimous vote

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: O-EN-033-2008

Ordinances on Second Reading

ORD-08:046

AN ORDINANCE TO AMEND TITLE 14 OF THE JONESBORO MUNICIPAL CODE KNOWN AS THE ZONING ORDINANCE PROVIDING FOR A CHANGE IN ZONE DISTRICT BOUNDARIES FROM R-3 MULTI FAMILY HIGH DENSITY TO C-3 LIMITED USE OVERLAY GENERAL COMMERCIAL DISTRICT LOCATED AT 2312 STADIUM, 3000 FAIRVIEW DRIVE AS REQUESTED BY PAUL GAMBILL AND GARY MEEKER

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

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

A motion was made by Councilman Chris Moore, seconded by Councilwoman Judy Furr, that this matter be Passed . The motion PASSED by an unanimous vote

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: O-EN-034-2008

ORD-08:048

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM RESIDENTIAL R-1 TO COMMERCIAL C-4 LOCATED AT 4115 EAST JOHNSON AVENUE AS REQUESTED BY JUNE ROBERTS AND PEARL ROBERTS

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

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

A motion was made by Councilman Chris Moore, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED by an unanimous vote

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Enactment No: O-EN-035-2008

8. Mayor's Reports

Mayor Formon questioned when Mr. Steve Ewart will start full-time in JETS. Mr. Thomas explained Mr. Ewart has been working part-time, but they have not received an official full-time employment date. He added he expects to have Mr. Ewart on full-time within the next few weeks.

9. City Council Reports

Councilman Province motioned, seconded by Councilman Moore, to place a a moratorium on new hires and salary adjustments until budget time. The motion was later withdrawn. Councilman Johnson asked the Council to think the decision through due to the upcoming retirement of the Fire Chief. Councilman Dover added the Council always has the opportunity to vote no, but a blanket should not be placed on all new hires. Councilman Hargis noted the Council is not consulted. Councilman Street stated when an employee leaves and is replaced that is not a new hire. Councilman Perrin clarified the motion should say "new positions" instead of "new hires". Police Chief Michael Yates asked for clarification due to the 13 authorized police officer positions they are currently interviewing for. Councilman Province withdrew his earlier motion and Councilman Moore withdrew his earlier second. Councilman Province motioned, seconded by Councilman Johnson, to place a moratorium on new positions until budget time. All voted aye. Mayor Formon questioned the recent salary adjustments passed by the Finance Committee that will be presented to the Council at the next meeting. He asked whether the moratorium would include those adjustments. Councilman Hargis stated yes, because of the deficit budget. Councilman Street clarified the adjustments for the Fire Department are just adjustments, not increases. He explained the adjustments are for drivers and

captains due to an oversight by not setting a base salary. Councilwoman Furr stated when items come up for salary increases or adjustments, then the Council members have the opportunity to vote against it.

Councilman Dover motioned, seconded by Councilman Perrin, to move the September 2nd Council meeting to September 4th due to the high school football game between Nettleton and Jonesboro. All voted aye.

10. Public Comment

11. Adjournment.

A motion was made by Councilman Mitch Johnson, seconded by Councilman Darrel Dover, that this be Adjourned. The motion CARRIED by a Voice Vote.

Aye: 12 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall