



# City of Jonesboro

300 S. Church Street  
Jonesboro, AR 72401

## Council Agenda City Council

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Thursday, October 3, 2013

5:30 PM

Municipal Center

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

*City Council Chambers, Municipal Center*

#### 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

#### 4. SPECIAL PRESENTATIONS

**COM-13:074** Check presentation to Mayor Perrin for the Miracle League from Michael Garriga, Executive Director, State Government Affairs, BNSF Railway

**Sponsors:** Mayor's Office

**COM-13:076** A generous 7-year-old to present a check to the Mayor for the Miracle League

**Sponsors:** Mayor's Office

#### 5. CONSENT AGENDA

*All items listed below will be voted on in one motion unless a council member requests a separate action on one or more items.*

**MIN-13:085** Minutes for the City Council meeting on September 17, 2013

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

**RES-13:161** RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE DEPARTMENT OF JUSTICE AND ACCEPT THE 2013 JAG GRANT

**Sponsors:** Grants

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

**Legislative History**

9/24/13 Finance & Administration Recommended to Council  
Council Committee

**RES-13:162** RESOLUTION AUTHORIZING THE CITY OF JONESBORO GRANTS DEPARTMENT

TO APPLY FOR THE 2014 OUTDOOR RECREATION 50/50 MATCH GRANT PROGRAM FROM THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM

**Sponsors:** Grants

**Attachments:** [Full Application Scanned and Signed](#)

**Legislative History**

9/24/13 Finance & Administration Recommended to Council  
Council Committee

## **6. NEW BUSINESS**

### *ORDINANCES ON FIRST READING*

**ORD-13:051** AN ORDINANCE TO AMEND CHAPTER 117, SECTION 117-226, (4) KNOWN AS THE GARAGE SALES ORDINANCE PROVIDING FOR CHANGES IN THE ENFORCEMENT AND RULES AND DECLARING AN EMERGENCY TO PROVIDE CLARITY IN THE EXISTING ORDINANCES

**Sponsors:** Code Enforcement and Planning

**Attachments:** [Existing Code Mark-up Text Amendment](#)

*EMERGENCY CLAUSE*

**Legislative History**

9/17/13 Public Safety Council Recommended to Council  
Committee

**ORD-13:052** AN ORDINANCE TO AMEND CHAPTER 105, SECTION 105-230 KNOWN AS THE SWIMMING POOLS/ENCLOSURE ORDINANCE PROVIDING FOR CHANGES IN THE ENFORCEMENT AND RULES AND DECLARING AN EMERGENCY TO PROVIDE CLARITY IN THE EXISTING ORDINANCES AND THE PRESERVATION OF PUBLIC PEACE, HEALTH AND SAFETY OF OUR YOUTH

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

**Attachments:** [Existing Code Mark-up Text Amendment Copy](#)

*EMERGENCY CLAUSE*

**Legislative History**

9/17/13 Public Safety Council Recommended to Council  
Committee

**ORD-13:054** AN ORDINANCE TO AMEND CHAPTER 117, SECTION 117-324 KNOWN AS THE OFF-STREET PARKING AND LOADING ORDINANCE, AMENDING SECTION 117-324, (g), OUTDOOR PARKING/STORAGE OF BOATS, TRAILERS AND RECREATIONAL VEHICLES, WHILE PROVIDING FOR CHANGES IN THE ENFORCEMENT AND RULES AND DECLARING AN EMERGENCY TO PROVIDE CLARITY IN THE EXISTING ORDINANCES

**Sponsors:** Code Enforcement and Planning

**Attachments:** [Existing Code Text Amendment Mark-up Copy](#)

*EMERGENCY CLAUSE*

**Legislative History**

9/17/13

Public Safety Council  
Committee

Recommended to Council

**7. UNFINISHED BUSINESS***ORDINANCES ON THIRD READING*

**ORD-13:055** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 5710 EAST JOHNSON AVENUE AND 2006 GREENWAY LANE AS REQUESTED BY LOWELL FRENCH AND STEVE PRESTIDGE

**Attachments:** [MAPC Report](#)[Plat](#)**Legislative History**

9/17/13

City Council

Waive Second Reading

**ORD-13:056** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 4200 EAST JOHNSON AVENUE AS REQUESTED BY PROSPECT MISSIONARY BAPTIST CHURCH

**Attachments:** [MAPC Report](#)[Plat](#)**Legislative History**

9/17/13

City Council

Waive Second Reading

**8. MAYOR'S REPORTS****9. CITY COUNCIL REPORTS****10. PUBLIC COMMENTS**

*Public Comments are limited to 5 minutes per person for a total of 15 minutes.*

**11. ADJOURNMENT**



# City of Jonesboro

300 S. Church Street  
Jonesboro, AR 72401

## Legislation Details (With Text)

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**File #:** COM-13:074    **Version:** 2    **Name:** Miracle League check presentation by State Government Affairs, BNSF Railway

**Type:** Other Communications    **Status:** To Be Introduced

**File created:** 9/24/2013    **In control:** City Council

**On agenda:**    **Final action:**

**Title:** Check presentation to Mayor Perrin for the Miracle League from Michael Garriga, Executive Director, State Government Affairs, BNSF Railway

**Sponsors:** Mayor's Office

**Indexes:** Presentations

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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Check presentation to Mayor Perrin for the Miracle League from Michael Garriga, Executive Director, State Government Affairs, BNSF Railway



# City of Jonesboro

300 S. Church Street  
Jonesboro, AR 72401

## Legislation Details (With Text)

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**File #:** COM-13:076    **Version:** 1    **Name:** Check presentation to the Miracle League  
**Type:** Other Communications    **Status:** To Be Introduced  
**File created:** 9/27/2013    **In control:** City Council  
**On agenda:**    **Final action:**  
**Title:** A generous 7-year-old to present a check to the Mayor for the Miracle League  
**Sponsors:** Mayor's Office  
**Indexes:** Presentations  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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A generous 7-year-old to present a check to the Mayor for the Miracle League



# City of Jonesboro

300 S. Church Street  
Jonesboro, AR 72401

## Legislation Details (With Text)

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**File #:** MIN-13:085    **Version:** 1    **Name:**  
**Type:** Minutes    **Status:** To Be Introduced  
**File created:** 9/23/2013    **In control:** City Council  
**On agenda:**    **Final action:**  
**Title:** Minutes for the City Council meeting on September 17, 2013  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
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Minutes for the City Council meeting on September 17, 2013



# City of Jonesboro

300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, September 17, 2013

5:30 PM

Municipal Center

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

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

*Regarding the denial by the MAPC to approve a site plan request for 41 one-bedroom and two-bedroom units located on approximately 2.5 acres at the end of Prairie Dunes Lane as requested by The Reserve at Sage Meadows*

*Attorney Don Parker withdrew his request for an appeal 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; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

**Absent** 1 - Mitch Johnson

### 4. SPECIAL PRESENTATIONS

**COM-13:070** Proclamation for Pink for the Cure to Jane McDaniel

**Sponsors:** Mayor's Office

*Mayor Perrin presented the proclamation to Ms. McDaniel. He proclaimed October 4th as Go Pink for the Cure Day. Ms. McDaniel thanked the Mayor and encouraged everyone to wear pink on October 4th. She announced St. Bernard's will be doing free mammograms on October 4th from 8 a.m. - 3 p.m. at Temple Baptist Church for uninsured women.*

**This item was Read.**

**COM-13:071** Presentation from State Representatives Harold Copenhaver, Homer Lenderman and Butch Wilkins to the Miracle League

**Sponsors:** Mayor's Office

*Mr. Copenhaver and Mr. Lenderman presented the Mayor with a \$50,000 check for the Miracle League. Mayor Perrin thanked them for the money and stated the field*

*will be a shining star for the City. Mr. Wilkins was unable to attend.*

**This item was Read.**

## **5. CONSENT AGENDA**

### *Approval of the Consent Agenda*

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

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

**Absent:** 1 - Mitch Johnson

**MIN-13:080** Minutes for the City Council meeting on September 3, 2013

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

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

**MIN-13:081** Minutes for the special called City Council meeting on September 11, 2013

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

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

**RES-13:127** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR HILL PARK ADDITION PHASE 1 & 2, A COMMERCIAL DEVELOPMENT

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)  
[Hill Park Addition - Phase 1 2](#)

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

Enactment No: R-EN-139-2013

**RES-13:130** RESOLUTION BY THE CITY COUNCIL REPEALING RESOLUTION NO. 10:161, REINSTATING THE PROCEDURE FOR ABANDONMENT SET OUT IN STATE CODE.

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

Enactment No: R-EN-140-2013

**RES-13:134** RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ACCEPT A SIDEWALK CONNECTION FROM THE JONESBORO HUMAN DEVELOPMENT CENTER'S TRACK TO THE MIRACLE LEAGUE COMPLEX



**Sponsors:** Mayor's Office

**Attachments:** [Engineering letter \(HKB\) Miracle League](#)

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

Enactment No: R-EN-141-2013

**RES-13:136** A RESOLUTION REQUESTING FREE UTILITIES AT 1618 STRAWFLOOR DRIVE FOR THE CITY OF JONESBORO

**Sponsors:** Engineering

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

Enactment No: R-EN-142-2013

**RES-13:151** A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS, REQUESTING FREE UTILITIES AT 207 CATE AVENUE FOR THE CITY OF JONESBORO

**Sponsors:** Mayor's Office

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

Enactment No: R-EN-143-2013

**6. NEW BUSINESS**

*ORDINANCES ON FIRST READING*

**ORD-13:055** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 5710 EAST JOHNSON AVENUE AND 2006 GREENWAY LANE AS REQUESTED BY LOWELL FRENCH AND STEVE PRESTIDGE

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

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

*Councilman Moore asked if there has been any opposition to the rezoning. Mayor Perrin answered no.*

**A motion was made by Councilman Chris Moore, seconded by Councilman Darrel Dover, to Waive Second Reading . The motion PASSED with the following vote:**

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

**Absent:** 1 - Mitch Johnson

**ORD-13:056** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 4200 EAST JOHNSON AVENUE AS

REQUESTED BY PROSPECT MISSIONARY BAPTIST CHURCH

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

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

*Councilman Moore asked if there has been any opposition to the rezoning. Mayor Perrin answered no.*

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, to Waive Second Reading . The motion PASSED with the following vote:**

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

**Absent:** 1 - Mitch Johnson

## **7. UNFINISHED BUSINESS**

### *ORDINANCES ON THIRD READING*

**ORD-13:049** AN ORDINANCE TO VACATE AND ABANDON A PART OF CRAIGHEAD ROAD BY THE PROPERTY OWNERS KUM & GO, L.C., TROPHY WIFE HOLDING LLC, AND FIRST PRESBYTTERIAN CHURCH OF JONESBORO, ARKANSAS, CRAIGHEAD COUNTY, JONESBORO, ARKANSAS.

**Attachments:** [Exhibit A](#)  
[Planning & Engineering Letter](#)  
[Utility Letters](#)  
[Petitions](#)

*Councilman Fears asked if all the issues have been worked out concerning this ordinance and ORD-13:050. Mayor Perrin answered yes.*

**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;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

**Absent:** 1 - Mitch Johnson

Enactment No: O-EN-045-2013

**ORD-13:050** AN ORDINANCE TO VACATE AND ABANDON A PART OF CRAIGHEAD ROAD BY THE PROPERTY OWNER(S) KUM & GO, L.C CRAIGHEAD COUNTY, JONESBORO, ARKANSAS.

**Attachments:** [Exhibit A](#)  
[Planning & Engineering Letter](#)  
[Utility Letters](#)  
[Petitions](#)

**A motion was made by Councilman John Street, seconded by Councilman**

**Mikel Fears, that this matter be Passed . The motion PASSED with the following vote:**

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

**Absent:** 1 - Mitch Johnson

Enactment No: O-EN-046-2013

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

*Mayor Perrin reported on the following items:*

*He sent out a report to the Council members concerning his recent trip to Washington D.C. with Grants Administrator Heather Clements. The trip was very beneficial and they found some new possible grants. They also were informed that some grants can be used to match funds for other grants, which they were not aware of.*

*The winter conference for the Municipal League will be in Rogers in January. If anyone would like to attend, they can call his office manager, Chrystal Glisson, to register.*

*They will be finishing with improvements to Stadium soon. There will be a dedicated right-hand turn lane in front of First Security Bank to turn onto Nettleton. They will also be working on a right-hand turn lane to turn onto Highland. They have extended the deceleration lane on Stadium to allow more cars to turn into the mall. The lane will now hold 12 to 14 vehicles.*

*They will be adding meeting information to the television screens in the lobby of the Municipal Center. They would also like to add pictures of the Council members, as well as their name, contact information and ward information so citizens can see it on the televisions.*

*He recently had a call with the Highway Department. They received a verbal commitment that they will be transferring money so the City can extend Parker Road from Strawfloor to Washington and to do work on the clover leafs along Highway 63. They have also formally requested a study concerning an overpass on Highland at Highway 18. Recently, Siloam Springs spent \$2 million for an overpass with the Highway Department paying the balance out of safety funds from their budget. Jonesboro will be applying for safety funds to help fund the overpass. He referred to an accident this morning where emergency personnel were delayed in getting to the scene due to a train blocking the tracks on Highland.*

*On October 30th, the Highway Department will be opening bids for the Clinton School Road light project.*

*Councilman Street questioned the status of the light at Darr Hill and Highway 49. Mayor Perrin answered that project is currently in the design phase.*

## **9. CITY COUNCIL REPORTS**

*Councilman Street asked for an update concerning the citizen who wanted to sell hot dogs out of his hot dog cart. City Planner Otis Spriggs answered they are working with the downtown association to figure out locations for him to do business. They will be taking an ordinance the Public Works Committee to allow for the vending.*

Councilman Moore noted the barbecue stand he questioned at a previous meeting is still in business. He asked why that barbecue stand is still open, but this citizen isn't able to do business with his hot dog cart. Mr. Spriggs answered the barbecue stand is allowed under city ordinance and the owner has met all requirements in order to do business. He added the owner of the hot dog cart has been given a privilege license but has not been granted a location permit. He is allowed to work at special events. Mayor Perrin noted Mr. Carson has indicated there are areas he would like to be at frequently, such as daily, weekly or just for special events.

Councilman Fears encouraged all of the citizens to travel to Memphis this weekend to support the Red Wolves at their football game. He then questioned whether the City can ask the railroad to pay for the overpass on Highland. Mayor Perrin explained the railroad can pay up to 5% of the total cost of the overpass at their discretion. The railroad administration will be visiting in two to three weeks and they will be showing the officials the questionable intersections in order to receive help.

Councilman Gibson asked when the inmates will be at Country Club Terrace to do ditch work. Chief Operating Officer LM Duncan answered next week. Councilman Gibson then asked when they will do something about the rip. Mr. Duncan stated he wasn't sure.

Councilwoman Williams announced she has received positive comments from citizens who are pleased that the Mayor is doing something to try and help with the trains blocking intersections problem. Mayor Perrin explained this is a serious matter and they are working to resolve the problem.

Councilman Moore motioned, seconded by Councilman Street, to suspend the rules and place ORD-13:053 on the agenda. All voted aye.

**ORD-13:053**

AN ORDINANCE TO AMEND CHAPTER 30, SECTION 30-1 THROUGH 30-10, KNOWN AS THE ENVIRONMENT ORDINANCE, REPEALING CONFLICTING SECTIONS WITHIN CHAPTERS 54 AND 66, AND PROVIDING FOR CHANGES IN THE ENFORCEMENT AND RULES AND DECLARING AN EMERGENCY TO PROVIDE CLARITY IN THE EXISTING ORDINANCES AND THE PRESERVATION OF PUBLIC PEACE, HEALTH AND SAFETY WITHIN OUR COMMERCIAL AND RESIDENTIAL NEIGHBORHOODS

**Sponsors:** Code Enforcement and Planning

**Attachments:** [Existing Code Section 30 Text Amendment Mark-up Copy](#)

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

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

After passage of the ordinance, Councilman Gibson motioned, seconded by Councilman Moore, to adopt the emergency clause. All voted aye, with the exception of Councilman Vance who voted nay.

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

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

**Absent:** 1 - Mitch Johnson

Enactment No: O-EN-047-2013

**10. PUBLIC COMMENTS**

**11. ADJOURNMENT**

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

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

**Absent:** 1 - Mitch Johnson

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

**Harold Perrin, Mayor**

**Attest:**

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

**Donna Jackson, City Clerk**



## Legislation Details (With Text)

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<b>File #:</b>	RES-13:161	<b>Version:</b>	1	<b>Name:</b>	Agreement for 2013 JAG grant
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Recommended to Council
<b>File created:</b>	9/18/2013	<b>In control:</b>		<b>In control:</b>	Finance & Administration Council Committee
<b>On agenda:</b>		<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE DEPARTMENT OF JUSTICE AND ACCEPT THE 2013 JAG GRANT				
<b>Sponsors:</b>	Grants				
<b>Indexes:</b>	Grant				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Grant Agreement</a>				

Date	Ver.	Action By	Action	Result
9/24/2013	1	Finance & Administration Council Committee		

RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE DEPARTMENT OF JUSTICE AND ACCEPT THE 2013 JAG GRANT

Whereas, the City of Jonesboro was awarded the JAG 2013 Grant in the amount of \$28,116, and

Whereas, the City of Jonesboro, as a disparate city, has entered enter into a Memorandum of Understanding with Craighead County, and

Whereas, the City of Jonesboro will accept the grant in the amount of \$28,116 as well as all accounting and reporting responsibilities for said grant, and

Whereas, the City of Jonesboro will use said funds for bomb suit-related equipment and K-9 vehicle cages;

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

SECTION 1: The City of Jonesboro will enter into agreement with the Department of Justice to accept the 2013 Justice Assistance Grant for bomb suit-related equipment and K-9 vehicle cages in the amount of \$28,116, and

SECTION 2: The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this application.



**Department of Justice**

Office of Justice Programs

Bureau of Justice Assistance

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Office of Justice Programs

Washington, D.C. 20531

August 29, 2013

The Honorable Harold Perrin  
City of Jonesboro  
515 West Washington Avenue  
Jonesboro, AR 72401-2779

Dear Mayor Perrin:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 13 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local in the amount of \$28,116 for City of Jonesboro.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Dawn Kelley, Program Manager at (202) 616-1704; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at [ask.ocfo@usdoj.gov](mailto:ask.ocfo@usdoj.gov).

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Denise O'Donnell".

Denise O'Donnell  
Director

Enclosures



**Department of Justice**  
Office of Justice Programs  
Office for Civil Rights

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Washington, D.C. 20531

August 29, 2013

The Honorable Harold Perrin  
City of Jonesboro  
515 West Washington Avenue  
Jonesboro, AR 72401-2779

Dear Mayor Perrin:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

**Ensuring Access to Federally Assisted Programs**

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

**Providing Services to Limited English Proficiency (LEP) Individuals**

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

**Ensuring Equal Treatment for Faith-Based Organizations**

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.



## Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

## Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEOP), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

### 1) Meeting the EEOP Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEOP reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEOP and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEOP, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEOP specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEOP, but it does not have to submit the EEOP to OCR for review. Instead, your organization has to maintain the EEOP on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEOP requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

### 2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

## Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEOP, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston  
Director

cc: Grant Manager  
Financial Analyst



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**Grant**

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Jonesboro 515 West Washington Avenue Jonesboro, AR 72401-2779		4. AWARD NUMBER: 2013-DJ-BX-1102	
		5. PROJECT PERIOD: FROM 10/01/2012 TO 09/30/2016 BUDGET PERIOD: FROM 10/01/2012 TO 09/30/2016	
		6. AWARD DATE 08/29/2013	7. ACTION Initial
1A. GRANTEE IRS/VENDOR NO. 716013749	8. SUPPLEMENT NUMBER 00		
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE Jonesboro City JAG Project		10. AMOUNT OF THIS AWARD \$ 28,116	
		11. TOTAL AWARD \$ 28,116	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTHON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY13(BJA - JAG) 42 USC 3750, et seq.			
15. METHOD OF PAYMENT GPRS			
[REDACTED] AGENCY APPROVAL [REDACTED]		[REDACTED] GRANTEE ACCEPTANCE [REDACTED]	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Harold Perrin Mayor	
17. SIGNATURE OF APPROVING OFFICIAL <i>Denise O'Donnell</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
[REDACTED] AGENCY USE ONLY [REDACTED]			
20. ACCOUNTING CLASSIFICATION CODES FISCALY FUND C BUD.A OFC. DIV.RE SUB. POMS AMOUNT EAR ODE CT. G. X B DJ 80 00 00 28116		21. MDJUGT0893	



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD  
CONTINUATIONSHEET  
Grant**

PAGE 2 OF 7

PROJECT NUMBER 2013-DJ-BX-1102

AWARD DATE 08/29/2013

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General  
U.S. Department of Justice  
Investigations Division  
950 Pennsylvania Avenue, N.W.  
Room 4706  
Washington, DC 20530

e-mail: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



Department of Justice  
Office of Justice Programs  
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**AWARD  
CONTINUATIONSHEET  
Grant**

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PROJECT NUMBER 2013-DJ-BX-1102

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*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at [www.ojp.gov/funding/confcost.htm](http://www.ojp.gov/funding/confcost.htm).
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD  
CONTINUATIONSHEET  
Grant**

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PROJECT NUMBER 2013-DJ-BX-1102

AWARD DATE 08/29/2013

*SPECIAL CONDITIONS*

16. The recipient agrees to comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients of award funds. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here. This condition, and its reporting requirement, does not apply to grant awards made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
17. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program income must be reported on the quarterly Federal Financial Report, SF 425.
18. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
19. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: [http://www.it.ojp.gov/gsp\\_grantcondition](http://www.it.ojp.gov/gsp_grantcondition). Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD  
CONTINUATIONSHEET  
Grant**

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PROJECT NUMBER 2013-DJ-BX-1102

AWARD DATE 08/29/2013

*SPECIAL CONDITIONS*

20. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

21. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).
22. JAG funds may be used to purchase bulletproof vests for an agency, but may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
23. The recipient agrees to submit a signed certification that that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any FY 2013 funding can be used by the agency for vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD  
CONTINUATIONSHEET  
Grant**

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PROJECT NUMBER 2013-DJ-BX-1102

AWARD DATE 08/29/2013

*SPECIAL CONDITIONS*

24. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
25. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
26. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
27. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See [http://www.ojp.gov/about/ocr/equal\\_fbo.htm](http://www.ojp.gov/about/ocr/equal_fbo.htm).
28. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
29. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
30. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
31. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.



Department of Justice  
Office of Justice Programs  
**Bureau of Justice Assistance**

**AWARD  
CONTINUATIONSHEET  
Grant**

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PROJECT NUMBER 2013-DJ-BX-1102

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*SPECIAL CONDITIONS*

32. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
33. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website ([www.bjaperformancetools.org](http://www.bjaperformancetools.org)). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
34. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
35. The grantee agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership ([www.ctfli.org](http://www.ctfli.org)).
36. No JAG funds may be expended on unmanned aircraft, unmanned aircraft systems, or aerial vehicles (US, UAS, or UAV) unless the BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order. Additionally, any JAG funding approved for this purpose would be subject to additional reporting, which would be stipulated by BJA post-award.
37. BJA strongly encourages the recipient submit annual (or more frequent) JAG success stories at [JAG.Showcase@ojp.usdoj.gov](mailto:JAG.Showcase@ojp.usdoj.gov) or via the online form at <https://www.bja.gov/contactus.aspx>. JAG success stories should include the: name and location of program/project; point of contact with phone and e-mail; amount of JAG funding received and in which fiscal year; and a brief summary describing the program/project and its impact.
38. JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
39. The recipient may not expend or draw-down funds until the required body armor certification related to mandatory wear has been submitted and approved by the Bureau of Justice Assistance (BJA) and a Grant Adjustment Notice (GAN) has been approved releasing this special condition.
40. Recipient may not expend or drawdown funds until the Bureau of Justice Assistance (BJA) has received documentation demonstrating that the state or local governing body review requirements have been met and a Grant Adjustment Notice (GAN) has been approved releasing this special condition.





**Department of Justice**  
Office of Justice Programs  
*Bureau of Justice Assistance*

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Washington, D.C. 20531

**Memorandum To:** Official Grant File

**From:** Orbin Terry, NEPA Coordinator

**Subject:** Incorporates NEPA Compliance in Further Developmental Stages for City of Jonesboro

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice  
Office of Justice Programs  
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:  
PROJECT SUMMARY**

**Grant**

PROJECT NUMBER  
2013-DJ-BX-1102

PAGE 1 OF 1

This project is supported under FY13(BJA - JAG) 42 USC 3750, et seq.

1. STAFF CONTACT (Name & telephone number)

Dawn Kelley  
(202) 616-1704

2. PROJECT DIRECTOR (Name, address & telephone number)

Heather Clements  
Grant Coordinator  
300 South Church  
Jonesboro, AR 72401-2779  
(870) 932-1052 ext.1229

3a. TITLE OF THE PROGRAM

BJA FY 13 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local

3b. POMS CODE (SEE INSTRUCTIONS  
ON REVERSE)

4. TITLE OF PROJECT

Jonesboro City JAG Project

5. NAME & ADDRESS OF GRANTEE

City of Jonesboro  
515 West Washington Avenue  
Jonesboro, AR 72401-2779

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2012 TO: 09/30/2016

8. BUDGET PERIOD

FROM: 10/01/2012 TO: 09/30/2016

9. AMOUNT OF AWARD

\$ 28,116

10. DATE OF AWARD

08/29/2013

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

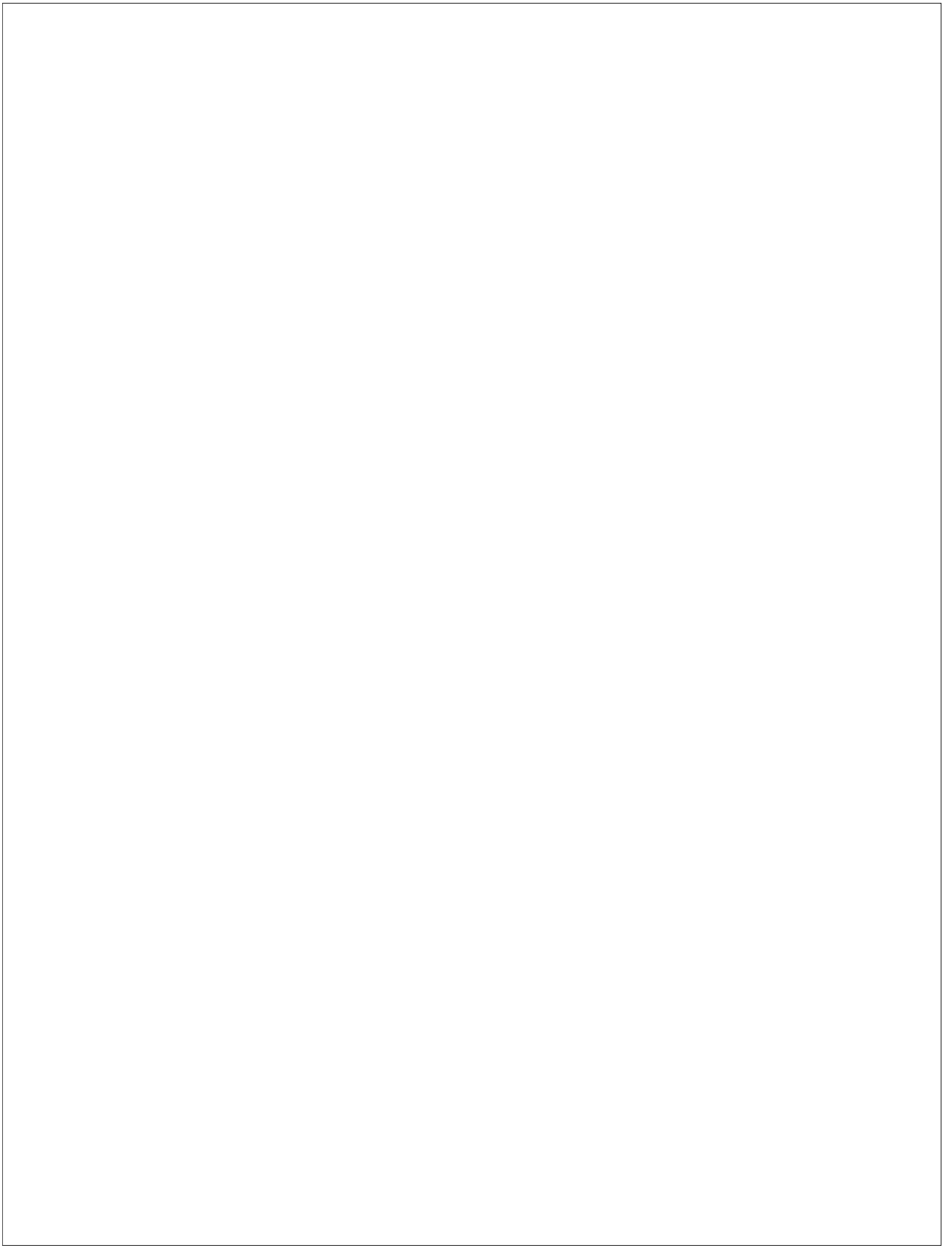
13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).

The City of Jonesboro will support law enforcement initiatives. JAG funds will be used to purchase law enforcement equipment and supplies for the Jonesboro Police Department. The goal is to improve the criminal justice system. NCA/NCF





## Legislation Details (With Text)

<b>File #:</b>	RES-13:162	<b>Version:</b>	1	<b>Name:</b>	Application for 2014 Outdoor Recreation Match Grant Program
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Recommended to Council
<b>File created:</b>	9/18/2013	<b>In control:</b>		<b>In control:</b>	Finance & Administration Council Committee
<b>On agenda:</b>		<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	RESOLUTION AUTHORIZING THE CITY OF JONESBORO GRANTS DEPARTMENT TO APPLY FOR THE 2014 OUTDOOR RECREATION 50/50 MATCH GRANT PROGRAM FROM THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM				
<b>Sponsors:</b>	Grants				
<b>Indexes:</b>	Grant				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Full Application Scanned and Signed</a>				

Date	Ver.	Action By	Action	Result
9/24/2013	1	Finance & Administration Council Committee		

RESOLUTION AUTHORIZING THE CITY OF JONESBORO GRANTS DEPARTMENT TO APPLY FOR THE 2014 OUTDOOR RECREATION 50/50 MATCH GRANT PROGRAM FROM THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM

Whereas, this resolution will repeal and replace resolution 13:152; and

Whereas, the City of Jonesboro, Arkansas seeks to improve the recreation facilities at Southside Ball Park for the Miracle League Project by constructing a bathroom/quiet room and concession stand, and wishes to seek grant funding assistance; and

Whereas, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is necessary to obtain a 50/50 Matching Grant from the Arkansas Department of Park's and Tourism's Outdoor Recreation Grant Program in the amount of \$300,000; and

Whereas, \$150,000 of this amount will come from the Department of Parks and Tourism and \$150,000 will come from the City of Jonesboro; and

Whereas, the \$150,000 coming from the City of Jonesboro is already secured by donations and other private funders in the community; and

Whereas, the plans for such recreation area has been prepared and the price thereof has been established; and

Whereas, this governing body understands the grantee and grantor will enter into a binding agreement which obligates both parties to policies and procedures contained in the Land and Water Conservation Fund Grants Manual including, but not limited to the following: the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all present and future overhead utility lines within the project boundary must be routed away or placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special

events, league play, etc. but cannot be reserved, leased or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner; and

Whereas, the City of Jonesboro Council is well aware and apprised of the above mentioned project, and will provide the local portion of the development cost of the entire project.

Now Therefore, be it resolved by City Council of the City of Jonesboro, Arkansas that:

Section1: the City of Jonesboro is authorized to make application to the Arkansas Department of Parks and Tourism for assistance to develop recreational facilities in Southside Ball Park for the construction of the Miracle League - including a bathroom/quiet room and concession stand for said project - for the City of Jonesboro; and

Section 2: said application shall be submitted as expediently as possible.



Legislation Details (With Text)

**File #:** ORD-13:051    **Version:** 1    **Name:** Amend Chapter 117 regarding yard sales  
**Type:** Ordinance    **Status:** First Reading  
**File created:** 9/11/2013    **In control:** Public Safety Council Committee  
**On agenda:** 9/17/2013    **Final action:**  
**Title:** AN ORDINANCE TO AMEND CHAPTER 117, SECTION 117-226, (4) KNOWN AS THE GARAGE SALES ORDINANCE PROVIDING FOR CHANGES IN THE ENFORCEMENT AND RULES AND DECLARING AN EMERGENCY TO PROVIDE CLARITY IN THE EXISTING ORDINANCES  
**Sponsors:** Code Enforcement, Planning  
**Indexes:** Code of Ordinances amendment  
**Code sections:** Chapter 117 - Zoning  
**Attachments:** [Existing Code Mark-up Text Amendment](#)

Date	Ver.	Action By	Action	Result
9/17/2013	1	Public Safety Council Committee		

AN ORDINANCE TO AMEND CHAPTER 117, SECTION 117-226, (4) KNOWN AS THE GARAGE SALES ORDINANCE PROVIDING FOR CHANGES IN THE ENFORCEMENT AND RULES AND DECLARING AN EMERGENCY TO PROVIDE CLARITY IN THE EXISTING ORDINANCES WHEREAS THE CITY OF JONESBORO DESIRES TO PROMOTE A HEALTHY ENVIRONMENT AND HOPES TO ALLOW OPPORTUNITIES FOR ENABLING RESIDENTS TO CONDUCT OCCASIONAL YARD OR RUMMAGE SALES FROM THE HOME, WHILE PROVIDING FOR THE BALANCED PROTECTION OF THE RESIDENTIAL CHARACTER OF OUR RESIDENTIAL NEIGHBORHOODS.

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

SECTION I: CHAPTER 117, SECTION 117-226, (4) SHALL BE AMENDED TO READ AS FOLLOWS:

Sec. 117-226. - Residential uses.

(4) Garage sales. Garage sale means the selling of miscellaneous goods such as, but not limited to, clothing and house wares on property zoned for residential or agricultural use. Garage sales are also commonly known as rummage sales, yard sales, and carport sales, such activities may take place inside or outside of a house, garage or carport and are permitted as accessory uses provided they meet the following requirements:

- a. Each such sale shall be registered in writing or by telephone with the Code Enforcement Department. The sale shall be registered during regular business hours at least 48 hours prior to the sale.
- b. Each property address and/or person shall be limited to no more than four such sales per year.
- c. Sales shall not last longer than two consecutive days.
- d. Sales are conducted on the owner's property. Multiple-family sales are permitted if they are held on the property of one of the participants.

- e. No goods purchased for resale may be offered for sale.
- f. No consignment goods may be offered for sale.
- g. Directional and advertising signs, not larger than four square feet, shall be freestanding; that is, they shall not be placed on traffic or official signs, utility poles or trees and shall be removed promptly after completion of the sale.

SECTION II: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION III: It is further found that due to the immediate need to provide clarity to the existing ordinances, an emergency is declared to exist and this ordinance being necessary for the preservation of the public peace, health and safety, shall take effect from and after its passage and approval.

## **Existing Code Revisions: Garage Sales Clarified (Please Note- Revisions are highlighted in RED)**

Sec. 117-226. - Residential uses.

(4) Garage sales. Garage sale **means the selling of miscellaneous goods such as, but not limited to, clothing and house wares on property zoned for residential or agricultural use. Garage sales are also commonly known as rummage sales, yard sales, and carport sales, such activities may take place inside or outside of a house, garage or carport and** are permitted as accessory uses provided they meet the following requirements:

- a. Each such sale shall be registered in writing or by telephone with the Code Enforcement Department. The sale shall be registered during regular business hours at least 48 hours prior to the sale.**
- b. Each property address and/or person shall be limited to no more than four such sales per year.
- c. Sales shall not last longer than two consecutive days.
- d. Sales are conducted on the owner's property. Multiple-family sales are permitted if they are held on the property of one of the participants.
- e. No goods purchased for resale may be offered for sale.
- f. No consignment goods may be offered for sale.
- g. Directional and advertising signs, not larger than four square feet, shall be freestanding; that is, they shall not be placed on traffic or official signs, utility poles or trees and shall be removed promptly after completion of the sale.

***Replaces 17-226 (4)***





Legislation Details (With Text)

**File #:** ORD-13:052    **Version:** 1    **Name:** Amend Chapter 105 regarding swimming pools  
**Type:** Ordinance    **Status:** First Reading  
**File created:** 9/11/2013    **In control:** Public Safety Council Committee  
**On agenda:** 9/17/2013    **Final action:**  
**Title:** AN ORDINANCE TO AMEND CHAPTER 105, SECTION 105-230 KNOWN AS THE SWIMMING POOLS/ENCLOSURE ORDINANCE PROVIDING FOR CHANGES IN THE ENFORCEMENT AND RULES AND DECLARING AN EMERGENCY TO PROVIDE CLARITY IN THE EXISTING ORDINANCES AND THE PRESERVATION OF PUBLIC PEACE, HEALTH AND SAFETY OF OUR YOUTH  
**Sponsors:** Code Enforcement, Planning, Inspections  
**Indexes:** Code of Ordinances amendment  
**Code sections:** Chapter 105 - Buildings & Building Regulations  
**Attachments:** [Existing Code Mark-up Text Amendment Copy](#)

Date	Ver.	Action By	Action	Result
9/17/2013	1	Public Safety Council Committee		

AN ORDINANCE TO AMEND CHAPTER 105, SECTION 105-230 KNOWN AS THE SWIMMING POOLS/ENCLOSURE ORDINANCE PROVIDING FOR CHANGES IN THE ENFORCEMENT AND RULES AND DECLARING AN EMERGENCY TO PROVIDE CLARITY IN THE EXISTING ORDINANCES AND THE PRESERVATION OF PUBLIC PEACE, HEALTH AND SAFETY OF OUR YOUTH  
WHEREAS THE CITY OF JONESBORO DESIRES TO PROMOTE A HEALTHY ENVIRONMENT AND THE CONTINUED SAFE COMPLIANCE WITH ALL ADOPTED BUILDING CODES WITHIN OUR RESIDENTIAL NEIGHBORHOODS.

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

SECTION I: CHAPTER 105, SECTION 105-230 - ENCLOSURE REQUIRED, SHALL BE AMENDED TO READ AS FOLLOWS:

Sec. 105-230. - Enclosure required.

(a) Every outdoor pools or family pools shall be completely surrounded by a fence or barrier a non-climbable type of construction not less than four feet in height above the finished ground level measured on the side of the barrier away from the pool, which shall be so constructed as not to have openings, holes or gaps larger than two inches in any horizontal dimension nor four inches in any vertical dimension, except for doors and gates; and, if a picket fence is erected or maintained, the horizontal dimensions shall not exceed two inches. A dwelling house or accessory building may be used as part of such enclosure.

(b) All gates or door openings through such enclosures shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

(c) This requirement shall be applicable to all new swimming pools or family pools hereafter constructed, other than indoor pools, and shall apply to all existing pools.

SECTION II: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION III: It is further found that due to the immediate need to provide clarity to the existing ordinances, an emergency is declared to exist and this ordinance being necessary for the preservation of the public peace, health and safety, shall take effect from and after its passage and approval.

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**Existing Code Revisions: Swimming Pools Clarified (Please Note- Revisions are highlighted in RED)**

<<<This Replaces Sec 105.230>>>>

**Sec. 105-230. - Enclosure required.** 

(a)

Every outdoor pools or family pools shall be completely surrounded by a fence or barrier a nonclimbable type of construction not less than four feet in height **above the finished ground level measured on the side of the barrier away from the pool**, which shall be so constructed as not to have openings, holes or gaps larger than two inches in any horizontal dimension nor four inches in any vertical dimension, except for doors and gates; and, if a picket fence is erected or maintained, the horizontal dimensions shall not exceed two inches. A dwelling house or accessory building may be used as part of such enclosure.

(b)

All gates or door openings through such enclosures shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

(c)

This requirement shall be applicable to all new swimming pools or family pools hereafter constructed, other than indoor pools, and shall apply to all existing pools.

**(d)**

**~~The code enforcement officer may make modifications in individual cases of existing pools, upon a showing of good cause with respect to the nature or location of the fence, wall, gates or latches, provided the protection as sought hereunder is not reduced thereby.~~**

**(e)**

**~~The code enforcement officer may permit, in cases of existing pools, other protective devices or structures used so long as the degree of protection afforded by the substitute device or structure is not less than~~**

the protection afforded by the wall, fence, gate and latch described herein.



Legislation Details (With Text)

**File #:** ORD-13:054    **Version:** 1    **Name:** Amend Chapter 117 regarding outdoor parking  
**Type:** Ordinance    **Status:** First Reading  
**File created:** 9/11/2013    **In control:** Public Safety Council Committee  
**On agenda:** 9/17/2013    **Final action:**  
**Title:** AN ORDINANCE TO AMEND CHAPTER 117, SECTION 117-324 KNOWN AS THE OFF-STREET PARKING AND LOADING ORDINANCE, AMENDING SECTION 117-324, (g), OUTDOOR PARKING/STORAGE OF BOATS, TRAILERS AND RECREATIONAL VEHICLES, WHILE PROVIDING FOR CHANGES IN THE ENFORCEMENT AND RULES AND DECLARING AN EMERGENCY TO PROVIDE CLARITY IN THE EXISTING ORDINANCES  
**Sponsors:** Code Enforcement, Planning  
**Indexes:** Code of Ordinances amendment  
**Code sections:** Chapter 117 - Zoning  
**Attachments:** [Existing Code Text Amendment Mark-up Copy](#)

Date	Ver.	Action By	Action	Result
9/17/2013	1	Public Safety Council Committee		

AN ORDINANCE TO AMEND CHAPTER 117, SECTION 117-324 KNOWN AS THE OFF-STREET PARKING AND LOADING ORDINANCE, AMENDING SECTION 117-324, (g), OUTDOOR PARKING/STORAGE OF BOATS, TRAILERS AND RECREATIONAL VEHICLES, WHILE PROVIDING FOR CHANGES IN THE ENFORCEMENT AND RULES AND DECLARING AN EMERGENCY TO PROVIDE CLARITY IN THE EXISTING ORDINANCES  
WHEREAS THE CITY OF JONESBORO DESIRES TO PROMOTE A HEALTHY ENVIRONMENT AND HOPES TO ALLOW OPPORTUNITIES FOR ENABLING RESIDENTS TO CONDUCT PROPERLY STORE BOATS, TRAILERS AND RECREATIONAL VEHICLES WHILE PROVIDING FOR THE PROTECTION OF THE RESIDENTIAL CHARACTER OF OUR RESIDENTIAL AREAS.

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

SECTION I: CHAPTER 117, SECTION 117-324, (g), SHALL BE AMENDED TO READ AS FOLLOWS:

Section 117-324

(g) *Outdoor parking/storage of boats, trailers, and recreational vehicles.* One boat, trailer and/or recreational vehicle may be parked outdoors on a lot in a residential district provided that:

- (1) The boat, trailer or recreational vehicle is owned and used by a resident of the premises;
- (2) The boat, trailer or recreational vehicle is located in the side or rear yard.
- (3) The boat, trailer or recreational vehicle is not parked in the area between the front of the residence and the street or other area between the structure and the street, except for the purpose of loading or unloading during a period of less than eight hours;
- (4) Any additional boats, trailers or recreational vehicles must meet all other provisions of this section and be

located in the rear yard, and shall be effectively screened from view of abutting lands, and public view by a wall, fence or dense hedge planting at least six feet in height or in an enclosed building, garage or other similar structure;

(5) The boat, trailer or recreational vehicle is not used for living, sleeping or housekeeping purposes; and

(6) The boat, trailer or recreational vehicle is currently registered and licensed, as required by state law.

(7) The administrative officer may approve the placement of such boat, trailer or recreational vehicle in cases where the unit is located a distance of 100 ft. or greater from the street right of way.

SECTION II: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION III: It is further found that due to the immediate need to provide clarity to the existing ordinances, an emergency is declared to exist and this ordinance being necessary for the preservation of the public peace, health and safety, shall take effect from and after its passage and approval.

## Existing Code Revisions: Boats, Trailers & RV's Clarified (Please Note- Revisions are highlighted in RED)

### Existing Ordinance 117-324

(g) *Outdoor parking/storage of boats, trailers, and recreational vehicles.* One boat, trailer and/or recreational vehicle may be parked outdoors on a lot in a residential district provided that:

- (1) The boat, trailer or recreational vehicle is owned and used by a resident of the premises;
- (2) The boat, trailer or recreational vehicle **is located in the side or rear yard.** ~~not parked in the area between the front of the residence and the street or other area between the structure and the street, except for the purpose of loading or unloading during a period of less than eight hours;~~
- (3) The boat, trailer or recreational vehicle is not parked in the area between the front of the residence and the street or other area between the structure and the street, except for the purpose of loading or unloading during a period of less than eight hours; ~~If the boat, trailer or recreational vehicle is located in the side or rear yard, it shall be effectively screened from view of abutting lands by a wall, fence or dense hedge planting at least six feet in height;~~
- (4) Any additional boats, trailers or recreational vehicles must meet all other provisions of this section and be located in the rear yard, and shall be effectively screened from view of abutting lands, and public view by a wall, fence or dense hedge planting at least six feet in height or in an enclosed building, garage or other similar structure; ~~The boat, trailer or recreational vehicle is not used for living, sleeping or housekeeping purposes; and (Item moved to No. 5).~~
- (5) The boat, trailer or recreational vehicle is not used for living, sleeping or housekeeping purposes; and ~~The boat, trailer or recreational vehicle is currently registered and licensed, as required by state law. (Item moved to No. 6).~~
- (6) The boat, trailer or recreational vehicle is currently registered and licensed, as required by state law.



## Legislation Details (With Text)

<b>File #:</b>	ORD-13:055	<b>Version:</b>	1	<b>Name:</b>	Rezoning by Lowell French & Steve Prestidge
<b>Type:</b>	Ordinance	<b>Status:</b>		<b>Status:</b>	Third Reading
<b>File created:</b>	9/12/2013	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>		<b>Final action:</b>			
<b>Title:</b>	AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 5710 EAST JOHNSON AVENUE AND 2006 GREENWAY LANE AS REQUESTED BY LOWELL FRENCH AND STEVE PRESTIDGE				
<b>Sponsors:</b>					
<b>Indexes:</b>	Rezoning				
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">MAPC Report</a> <a href="#">Plat</a>				

Date	Ver.	Action By	Action	Result
9/17/2013	1	City Council		

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES;  
BE IT ORDAINED BY THE CITY COUNCIL OF JONESBORO, ARKANSAS:

SECTION 1: CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATION AS FOLLOWS:

FROM: Residential, R-1  
TO: Commercial, C-3, L.U.O.

THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

A part of the West 125 feet of the East 229.35 feet of the South 417.4 feet of the Southeast quarter of the Southeast quarter of Section 2, Township 14 North, Range 4 East, subject to the right of way of Arkansas State Highway 49 off the South side thereof, Craighead County, Arkansas, being more particularly described as follows:

Commencing at the Northeast corner of the Southeast quarter of the Southeast quarter of Section 2 as aforesaid: Thence South 00°37'22" West, along the East line of Section 2, 899.72 feet: Thence South 89°27'22" West, 105.00 feet: Thence North 00°37'04" East, 21.75 feet to the POINT OF BEGINNING: Thence North 87°07'39" West 125.04 feet: Thence South 00°37'04" West, 363.87 feet, to the Northerly right of way of Arkansas State Highway 49: Thence North 89°09'04" East, along said right of way, 125.00 feet: Thence North 68°49'18" West, 53.09 feet: Thence South 62°40'20" West, 55.88 feet: Thence North 00°37'04" East, 355.72 feet to the POINT OF BEGINNING.



Containing in all 44,967 Sq. Ft. or 1.03 Acres +/-, subject to easements, restrictions, reservations and rights-of-way of record.

**SECTION 2: THE REZONING OF THIS PROPERTY SHALL ADHERE TO THE FOLLOWING STIPULATIONS:**

1. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC prior to any development of the property.
3. Coordination is required of all egress/ingress with the State Highway Dept., City Engineering Dept. and the Planning Dept.
4. The setback, building height, screening, and site design standards are required per “Sec. 117-328. - Residential Compatibility Standards”.
5. Prohibited uses shall include: Adult Entertainment and Off-Premises Advertisement.

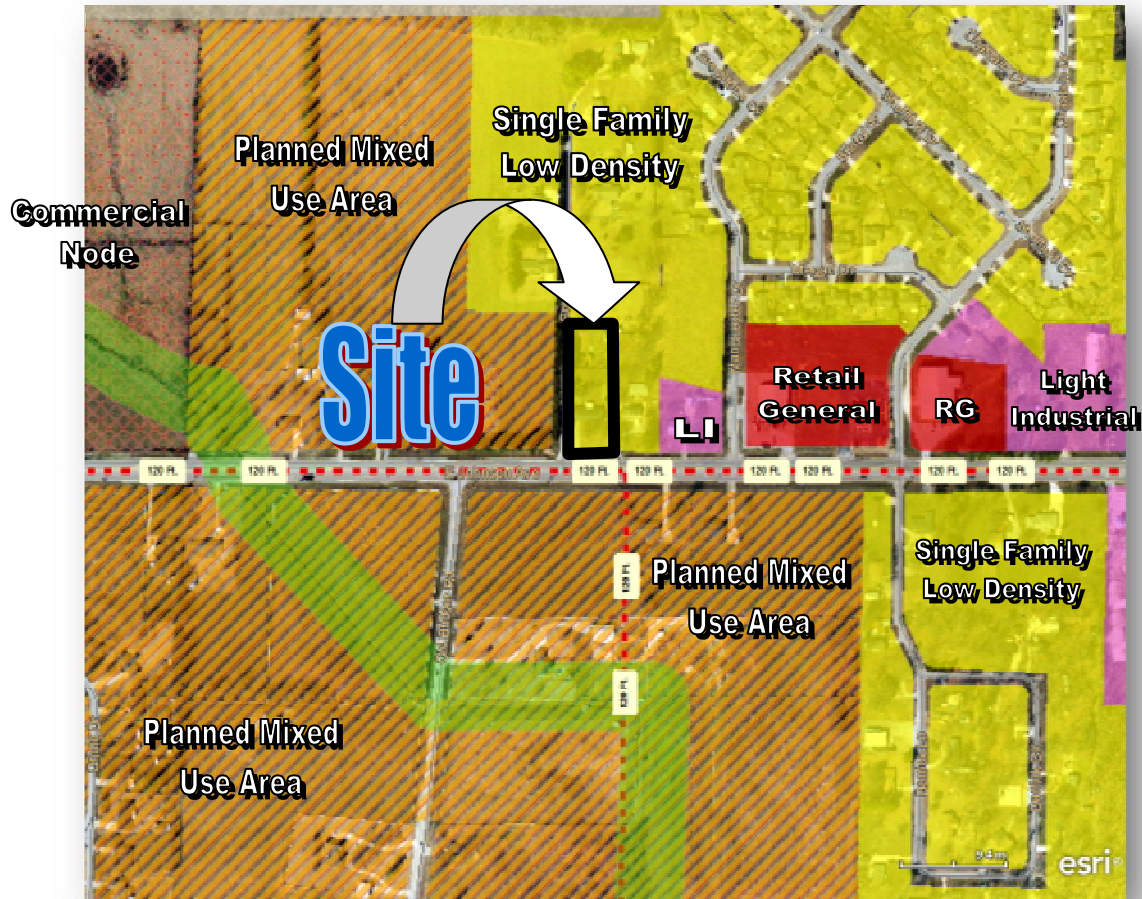


*City of Jonesboro City Council*  
**Staff Report – RZ 13-16: Rezoning – 5710 E. Johnson Ave. & Greenway Lane**  
**Municipal Center – 300 S. Church**  
*For Consideration by the Commission on September 17, 2013*

- REQUEST:** MAPC rezoning approval for a parcel of land currently zoned R-1 Single Family Medium Density to a proposed C-3 General Commercial District, L.U.O.
- LOCATION:** 5710 East Johnson Ave. and 2006 Greenway Lane at northeast corner of the East Johnson Ave. and Greenway Lane intersection.
- APPLICANT:** Haag Brown Commercial Real Estate, 2915 Browns Ln., Jonesboro, AR
- OWNER:** Lowell French and Steve Prestidge, 2006 Greenway Lane, Jonesboro, AR
- PURPOSE:** Applicant states that “The property is adjoining a large future commercial development and has commercial zoning on both sides”.
- HISTORY:** The property is two parcels that have been used for two residences.
- SITE DESCRIPTION:** **Tract Size:** Approximately 1.03 acres/44,967 sq. ft.  
**Frontage:** Approximately 125 ft. along East Johnson Ave. and 363.87 ft. along Greenway Lane.

**SURROUNDING ZONING, PRESENT LAND USE, & FUTURE LAND USE:**

	<u>ZONING &amp; PRESENT LAND USE</u>	<u>FUTURE LAND USE</u>
Subject Property:	R-1 Single Family Medium Density Two Residences	Single Family Low Density
North of Property:	R-1 Single Family Medium Density Residence	Single Family Low Density
East of Property:	C-3 Limited Use Overlay District Two Residences	Single Family Low Density
West of Property:	C-3 Limited Use Overlay District Undeveloped Field	Planned Mixed Use Area
Southeast of Property:	R-1 Single Family Medium Density Residence/	Planned Mixed Use Area
Southwest of Property:	C-3 Limited Use Overlay District Undeveloped Field	Planned Mixed Use Area



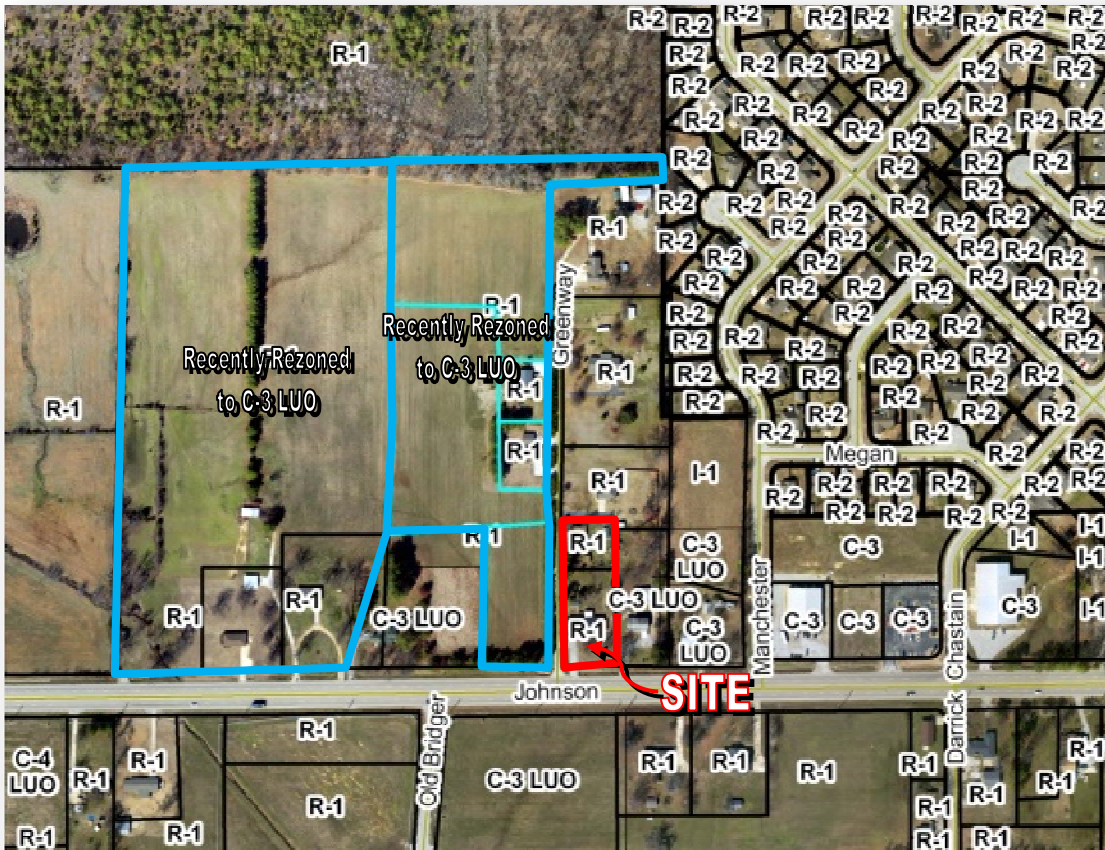
### Adopted Future Land Use Plan

**Approval Criteria Checklist- Section 117-34- Amendments:**

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include, but not be limited to the following list. Staff has reviewed the proposal and offers the following explanations and findings related to the approval criteria.

Criteria	Explanations and Findings
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed C-3 General Commercial rezoning is inconsistent with the Future Land Use Plan. The site is planned as Single Family Low Density.
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal is consistent with the purpose.
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	The proposal is substantially compatible. Although the majority of the surrounding property is zoned R-1 or has a current residential use, a transition of the zoning and land use is occurring toward commercial uses along the East Johnson Ave. corridor.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Poor suitability due to commercial development restrictions associated with the current R-1 zoning. Land is not suitable for Residential living.

(e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;	The nearby properties are zoned C-3 L.U.O. and R-1. Any potential detrimental effects to nearby property that are not addressed by “Residential Compatibility Standards” or other ordinance could be reduced with additional restrictions and conditions imposed through a L.U.O.
(f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and	Property has not remained vacant with the current R-1 zoning.
(g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services	Minimal impact.



**Vicinity Zoning Map**

**Master Street Plan/Transportation**

The subject property is served by East Johnson Ave. and Greenway Lane. East Johnson Ave. is classified on the master street plan as a principal arterial which requires a minimum 120 ft. right-of-way (60 ft. to road centerline). The right-of-way dedication shown on the rezoning plat is the required 60 ft. from the road centerline. Greenway Lane is a private drive located within a 29.65 ft. ingress/egress easement.

**Other Departmental/Agency Reviews:**

<b>Department/Agency</b>	<b>Reports/ Comments</b>	<b>Status</b>
Engineering	Received	Noted no objection. Commented on easements and right of ways.
Streets/Sanitation	Received	Noted no objection
Police	Pending	No comments to date
Fire Department	Received	Noted no objection
MPO	Received	Noted no objection
Jets	Received	Noted no objection
Utility Companies	Received	Noted no objection. Sewer Utilities are pending review.

The applicant has proposed a C-3 General Commercial District rezoning. With the limited information there are a number of uses allowed by C-3 that would bring concern of compatibility such as:

- Adult Entertainment
- Off-Premises Advertisement

The open-ended possible uses may result in community or neighborhood resistance due to the unknown of impacts for property that could remain residential for some time. The only means of addressing these uses, if contingent upon the applicant’s desire to modify the request as a Limited Use Overlay, and by discouraging undesirable uses while giving attention to compatibility on others. Consideration for revising the application to a Limited Use Overlay is advised. Access management and coordination should be a priority during the site plan review stage which should be approved by the MAPC.

**MAPC RECORD OF PROCEEDINGS- PUBLIC HEARING HELD SEPT. 10, 2013**

**Applicant:** Mr. Josh Brown of Haag/Brown appeared before the Commission for the rezoning request, to change the property from R-1 to C-3 General Commercial. Mr. Brown made observation of the previous case: The movie theater that adjoins the property, and stated that the success of the cinema project will be contingent upon them gaining sewer access. Mr. Spriggs explained that the sewer line connection would have to be coordinated with CWL, and it is not under any City controls. Mr. Brown explained that there are two homes adjacent to Greenway Lane. He noted that his client/owner of the subject rezoning would like to remain in their home until such time the property is sold and ready for redevelopment.

Mr. Spriggs stated that the Commission may stipulate a sunset clause *that the residents could continue dwelling in the residence for a period of 3 years or until such time the property is sold for redevelopment*. If an extension is needed, the owners may appear before the Commission to request an extension of time. The Commission agreed.

**Staff:** Mr. Spriggs gave Staff comments noting the surrounding conditions and the adjacency of the two (2) recent rezonings to C-3 L.U.O. that occurred last month to the West and Northwest of the subject site. Mr. Spriggs noted that the Current Land Use Map recommends Single Family for the subject site; however Staff supports a recommendation to Council for consideration of a map revision to address this gap in the plan, as some form of commercial along a major highway/arterial. The Master Street Plan will have to be complied with (E. Johnson is a major arterial). No further comments were made by the Engineering Staff. And no objections were received from the agencies nor departments during the Pre-Development meeting held previously.

**Public:** No public input or opposition appeared.

**Commission Action:**

Mr. Scurlock made a motion to place Case: RZ-13-16 on the floor for recommendation by MAPC to the City Council with the noted stipulations and that changing the zoning of this property from R-1 Single Family Medium Density to the proposed C-3, L.U.O., General Commercial District is compatible and suitable with the zoning, uses, and character of the surrounding area. Motion was seconded by Mr. Tomlinson.

**Roll Call Vote: 5-0 unanimously.**

Ms. Shrantz- Aye; Mr. Dover- Aye, Mr. Tomlinson-Aye, Mr. Scurlock- Aye; Ms. Nix- Aye.  
Absent were: Mr. Kelton, Mr. Reece, Mr. Hoelscher (Ms. Nix arrived later). Mr. Lonnie Roberts, Jr., Chair.

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**Conclusion:**

The MAPC and the Planning Department Staff find that the request to rezone the property from “R-1 Single Family Medium Density to a proposed C-3 General Commercial District (LUO- General Commercial)” submitted for Case RZ 13-16 should be evaluated and approved based on the above observations and criteria. The following are included in the requirements that will apply:

1. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the MAPC prior to any development of the property.
3. Coordination is required of all egress/ingress with the State Highway Dept., City Engineering Dept. and the Planning Dept.
4. The setback, building height, screening, and site design standards are required per “Sec. 117-328. - Residential Compatibility Standards”.
5. Prohibited uses shall include: Adult Entertainment and Off-Premises Advertisement.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

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# Site Photographs



Residence located on southern portion of site at 5710 East Johnson Ave.



Residence located on northern portion of site at 2006 Greenway Lane.



View of adjacent property located to the west of site. Zoned C-3 LUO.



Residence located north of site at 2010 Greenway Lane. Zoned R-1.





Undeveloped property located southwest of site. Zoned C-3 LUO.



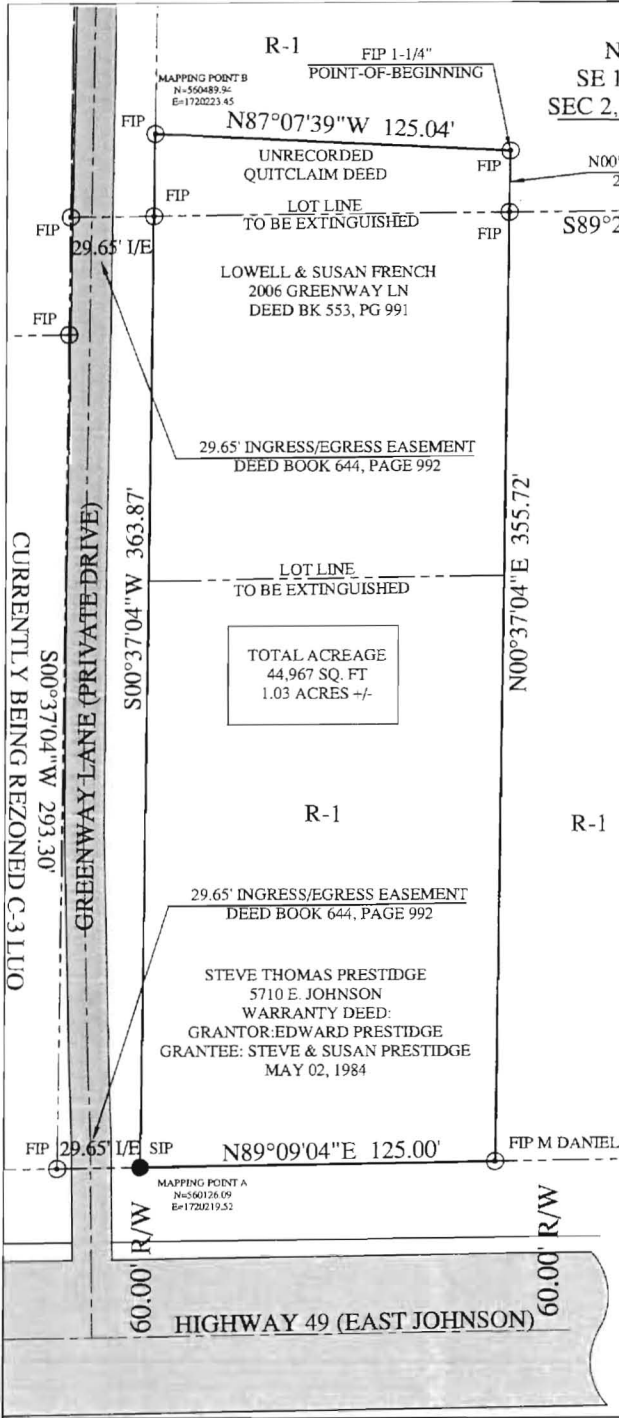
Residence located southeast of site. Zoned R-1.



One of two residences located east of site. Zoned C-3 LUO



One of two residences located east of site. Zoned C-3 LUO



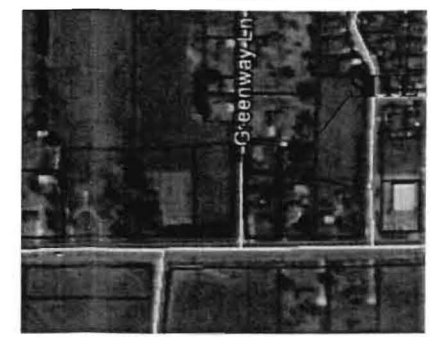
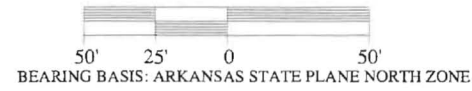
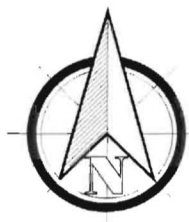
NE CNR,  
SE 1/4, SE 1/4,  
SEC 2, T-14N, R4-E

POINT-OF-BEGINNING  
FIP 1-1/4"  
N87°07'39"W 125.04'

POINT-OF-COMMENCEMENT  
FIP 1-1/4"  
N00°37'04"E 21.75'

S00°37'22"W 899.72'  
RECORD (898.90')

S89°27'22"W 105.00'



VICINITY MAP-NOT-TO-SCALE

### LEGEND

- = BOUNDARY LINE
- - - - - = ADJACENT LOT LINE
- ⊙ F.I.P. = FOUND MONUMENT AS NOTED
- S.J.P. = SET 1/2" REBAR W/P.S. #1709 CAP
- I/E = 29.65' INGRESS/EGRESS EASEMENT (DB"644", PG"992")

### PRESTIDGE'S GREENWAY LANE ADDITION

A PART OF THE WEST 125 FEET OF THE EAST 229.35 FEET OF THE SOUTH 417.4 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 14 NORTH, RANGE 4 EAST, SUBJECT TO THE RIGHT OF WAY OF ARKANSAS STATE HIGHWAY 49 OFF THE SOUTH SIDE THEREOF, CRAIGHEAD COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2 AFORESAID: THENCE SOUTH 00°37'22" WEST, ALONG THE EAST LINE OF SECTION 2, 899.72 FEET; THENCE SOUTH 89°27'22" WEST, 105.00 FEET; THENCE NORTH 00°37'04" EAST, 21.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 87°07'39" WEST 125.04 FEET; THENCE SOUTH 00°37'04" WEST, 363.87 FEET, TO THE NORTHERLY RIGHT OF WAY OF ARKANSAS STATE HIGHWAY 49; THENCE NORTH 89°09'04" EAST, ALONG SAID RIGHT OF WAY, 125.00 FEET; THENCE NORTH 68°49'18" WEST, 53.09 FEET; THENCE SOUTH 62°40'20" WEST, 55.88 FEET; THENCE NORTH 00°37'04" EAST, 355.72 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 44,967 SQ. FT. OR 1.03 ACRES +/-, SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

### OWNERS CERTIFICATION

I HERBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON AND THAT I REQUEST A REZONING FROM:

      R-1       TO:       C-3 LUO      

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013

NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_

### SURVEYOR'S NOTES

- NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS SURVEYOR FOR EASEMENTS, RESTRICTIONS, RESERVATIONS OR RIGHTS-OF-WAY AFFECTING THIS PROPERTY WHICH A FULL TITLE SEARCH MAY DISCLOSE
- THERE IS A 29.65' INGRESS/EGRESS EASEMENT ALONG THE WESTERLY SIDE OF THIS PARCEL. A FULL TITLE SEARCH MAY BE NEEDED TO DETERMINE WHO HOLDS TITLE TO THIS EASEMENT. MY CLIENT'S DEEDS STOP ALONG THE EASTERLY SIDE OF GREENWAY LANE.

### SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT MCNEESE LAND SURVEYING HAS THIS DATE MADE A SURVEY OF THE ABOVE DESCRIBED PROPERTY AS SHOWN HEREON AND THAT SAID SURVEY IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE OF SURVEY: AUGUST 29, 2013.

ARKANSAS PLAT CODE: 500-14N-04E-0-02-220-16-1709 NOT VALID WITHOUT ORIGINAL SIGNATURE



MCNEESE LAND SURVEYING  
3008 NEWCASTLE DRIVE  
PARAGOULD, AR 72450  
mike@mcneesurveying.com  
CELL: (870) 565-6522



REVISIONS		
DATE	BY	DESCRIPTION

DRAWING INFO	
DRAWN BY	MPN
DATE	06-01-2011
SCALE	1"=50'
JOB NUMBER	1314
CAD NUMBER	1314-002
CLIENT	PRESTIDGE

REZONING PLAT



Legislation Details (With Text)

**File #:** ORD-13:056    **Version:** 1    **Name:** Rezoning for Prospect Missionary Baptist Church  
**Type:** Ordinance    **Status:** Third Reading  
**File created:** 9/12/2013    **In control:** City Council  
**On agenda:**    **Final action:**

**Title:** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 4200 EAST JOHNSON AVENUE AS REQUESTED BY PROSPECT MISSIONARY BAPTIST CHURCH

**Sponsors:**

**Indexes:** Rezoning

**Code sections:**

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

Date	Ver.	Action By	Action	Result
9/17/2013	1	City Council		

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES  
BE IT ORDAINED BY THE CITY COUNCIL OF JONESBORO, ARKANSAS:

SECTION 1: CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATION AS FOLLOWS:

FROM: Residential, R-1  
TO: Commercial, C-3, L.U.O.

THE FOLLOWING DESCRIBED PROPERTY:

LEGAL DESCRIPTION:

That part of the Northwest Quarter of the Northeast Quarter of Section10, Township 14 North, Range 4 East, described as follows:

Beginning at the Northwest corner of said NW1/4 NE1/4, run thence S0°13'E 763.36 feet, run thence N57° 41'47"E 47.12 feet to the true POINT OF BEGINNING, run thence N57°41'47"E 483.54 feet, run thence S32° 23'43"E 410.0 feet, run thence S57°41'47"W 327.18 feet, run thence N32°23'43"W 375.0 feet, run thence S57° 41'47"W 178.36 feet, run thence N0°13'00"W 41.31 feet to the true POINT OF BEGINNING, containing 3.21 acres, more or less, being a part of Lot 1 of Rubens Northeast Subdivision as shown in Plat Cabinet "B" at page 162 at Jonesboro, Arkansas, subject to easements on recorded plat.

SECTION 2: THE REZONING OF THIS PROPERTY SHALL ADHERE TO THE FOLLOWING

STIPULATIONS:

1. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved prior to any development of the property.
3. Coordination required of all egress/ingress with the State Highway Dept., City Engineering Dept. and the Planning Dept.
4. The setback, building height, screening, and site design standards are required per “Sec. 117-328. - Residential Compatibility Standards”.
5. Prohibited uses shall include: Adult Entertainment and Off-Premises Advertisement.
6. The applicant agrees to satisfy the minimum required right-of-way dedication for East Johnson Ave.

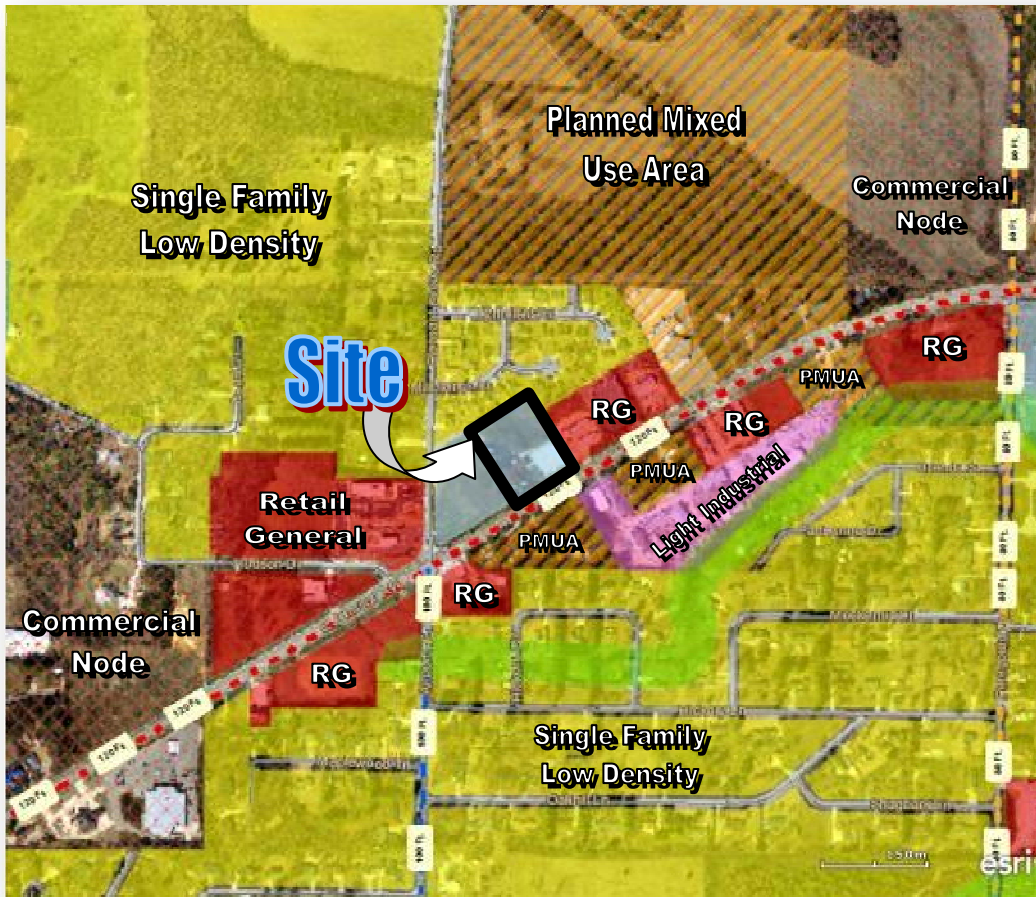


*City of Jonesboro City Council*  
**Staff Report – RZ 13-17: Rezoning – 4200 East Johnson Ave.**  
**Huntington Building - 900 W. Monroe**  
*For Consideration by the Council on September 17, 2013*

- REQUEST:** MAPC rezoning approval for a parcel of land currently zoned R-1 Single Family Medium Density to a proposed C-3 General Commercial District, L.U.O.
- LOCATION:** 4200 East Johnson Ave. between Airport Rd. and Paragould Dr.
- APPLICANT:** Haag Brown Commercial
- OWNER:** Prospect Missionary Baptist Church
- PURPOSE:** Applicant states that “The property is currently under contract with a local business. This contract is contingent upon rezoning of the subject property”.
- HISTORY:** The church purchased the property in 2001. A rezoning for a change to C-3, was heard by the MAPC on November 17, 2009, but was later withdrawn.
- SITE DESCRIPTION:** **Tract Size:** Approximately 3.08 acres/134,143.6 sq. ft.  
**Frontage:** Approximately 327 ft. along East Johnson Ave.

**SURROUNDING ZONING, PRESENT LAND USE, & FUTURE LAND USE:**

	<u>ZONING &amp; PRESENT LAND USE</u>	<u>FUTURE LAND USE</u>
Subject Property:	R-1 Single Family Medium Density Church	Public-Semipublic and Institutional
North of Property:	R-1 Single Family Medium Density Residential Neighborhood	Single Family Low Density
East of Property:	C-3 General Commercial District Car Wash	Retail-General
West of Property:	C-3 General Commercial District Fast Food Restaurant	Public-Semipublic and Institutional
South of Property:	R-1 Single Family Medium Density Residence	Planned Mixed Use Area
Southeast of Property:	I-1 Limited Industrial District Electrical and Mechanical Contractor	Industry-Light
Southwest of Property:	C-3 Limited Use Overlay District Restaurant	Planned Mixed Use Area



### Adopted Future Land Use Plan

**Approval Criteria Checklist- Section 117-34- Amendments:**

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include, but not be limited to the following list. Staff has reviewed the proposal and offers the following explanations and findings related to the approval criteria.

Criteria	Explanations and Findings
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed C-3 General Commercial rezoning is inconsistent with the Future Land Use Plan. The site is planned as Public-Semipublic and Institutional.
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal is consistent with the purpose.
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	The proposal is substantially compatible. A transition of the zoning and land use is occurring toward commercial uses along the East Johnson Ave. corridor.
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Poor suitability due to commercial development restrictions associated with the current R-1 zoning.

(e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;	The properties to the east and west are zoned C-3. Any potential detrimental effects to the R-1 properties located to the north that are not addressed by “Residential Compatibility Standards” or other ordinance could be reduced with additional restrictions and conditions imposed through a L.U.O.
(f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and	Property has not remained vacant.
(g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services	Minimal impact.



**Vicinity Zoning Map**

**Master Street Plan/Transportation**

The subject property is served by East Johnson Ave. which is classified on the master street plan as a principal arterial which requires a minimum 120 ft. right-of-way (60 ft. to road centerline). The amount of right-of-way dedication is not shown on the rezoning plat.



**Other Departmental/Agency Reviews:**

<b>Department/Agency</b>	<b>Reports/ Comments</b>	<b>Status</b>
<b>Engineering</b>	Received	Noted no objection
<b>Streets/Sanitation</b>	Received	Noted no objection
<b>Police</b>	Pending	No comments to date
<b>Fire Department</b>	Received	Noted no objection
<b>MPO</b>	Received	Noted no objection
<b>Jets</b>	Received	Noted no objection
<b>Utility Companies</b>	Received	Noted no objection.

**Staff Findings**

The subject site is located on Johnson Ave. just northeast of Airport Rd. and south of residences on Millbranch Lane. The area is predominately commercial with residential abutting in the rear. The applicant has requested a C-3 Rezoning for the said property; this would allow any use listed within the permissible uses of general commercial such as: bank, carwash, convenience store, adult entertainment as a conditional use, hospital, hotel/motel, medical and general office, pawn shop, retail service, gas station, off premise advertisement as a conditional use, general and limited vehicle repair, etc.

The minimal size of the subject parcel will limit the location and type of commercial use. A privacy fence/buffer and lighting plan should be required to demonstrate compliance with the zoning ordinance as it relates to compatibility standards. This will allow for controls and assurance that the abutting residential will be properly screened. This parcel is the last designated R-1 property along Johnson Ave. in this immediate area and the C-3 zoning would be consistent with surrounding properties. Please note that any stipulations would necessitate a Limited Use Overlay.

**MAPC RECORD OF PROCEEDINGS- PUBLIC HEARING HELD SEPT. 10, 2013**

**Applicant:** Mr. Josh Brown of Haag/Brown appeared before the Commission for the rezoning request, to change the property from R-1 to C-3 General Commercial. Mr. Brown noted that the location is west of the last case, proceeding west on Johnson towards the University. He noted that Prospect Missionary Baptist Church had appeared previously and attempted to rezone the property, but later made other plans.

**Staff:** Mr. Spriggs gave Staff comments noting the surrounding conditions Mr. Spriggs noted that the Current Land Use Map recommends *Public/Semi-Public Institutional* because of the Church use; however Staff supports a recommendation to Council for consideration of a map revision to address to demand for commercial along the major highway/arterial. The Master Street Plan will have to be complied with (E. Johnson is a major arterial). Staff feels that the site plan to come later, will address good access management as it relates to Pleasant Grove Rd.

Mr. Spriggs noted to the Commission and the applicant that in order to limit the permitted use lists and avoid undesirable uses, a Limited Use Overlay revision is highly recommended. The applicant agreed.

No further comments were made by the Engineering Staff. And no objections were received from the agencies nor departments during the Pre-Development meeting held previously.

**Public:** No public input or opposition appeared.

**Commission Action:**

Mr. Scurlock made a motion to place Case: RZ-13-17 on the floor for recommendation by MAPC to the City Council with the noted stipulations and that changing the zoning of this property from R-1 Single Family Medium Density to the proposed C-3, L.U.O., General Commercial District is compatible and

suitable with the zoning, uses, and character of the surrounding area. Motion was seconded by Mr. Tomlinson.

**Roll Call Vote: 5-0 unanimously.**

Ms. Shrantz- Aye; Mr. Dover- Aye, Mr. Tomlinson-Aye, Mr. Scurlock- Aye; Ms. Nix- Aye.  
Absent were: Mr. Kelton, Mr. Reece, Mr. Hoelscher (Ms. Nix arrived later). Mr. Lonnie Roberts, Jr., Chair.

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**Conclusion:**

The MAPC and the Planning Department Staff find that the request to rezone the property from “R-1 Single Family Medium Density to a proposed C-3, L.U.O. General Commercial District” submitted for Case RZ 13-17 should be evaluated and approved based on the above observations and criteria. The following are included in the requirements that will apply:

1. That the proposed development shall satisfy all requirements of the City Engineer and all requirements of the current Stormwater Drainage Design Manual.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved prior to any development of the property.
3. Coordination required of all egress/ingress with the State Highway Dept., City Engineering Dept. and the Planning Dept.
4. The setback, building height, screening, and site design standards are required per “Sec. 117-328. - Residential Compatibility Standards”.
5. Prohibited uses shall include: Adult Entertainment and Off-Premises Advertisement.
6. The applicant agrees to satisfy the minimum required right-of-way dedication for East Johnson Ave.

Respectfully Submitted for Council Consideration,



Otis T. Spriggs, AICP  
Planning & Zoning Director

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# Site Photographs



Subject site located at 4200 East Johnson Ave.



Residential neighborhood located north of site. Zoned R-1.



Property located east of site. Zoned C-3.



Property located southeast of site. Zoned I-1



Residences located south of site. Zoned R-1.

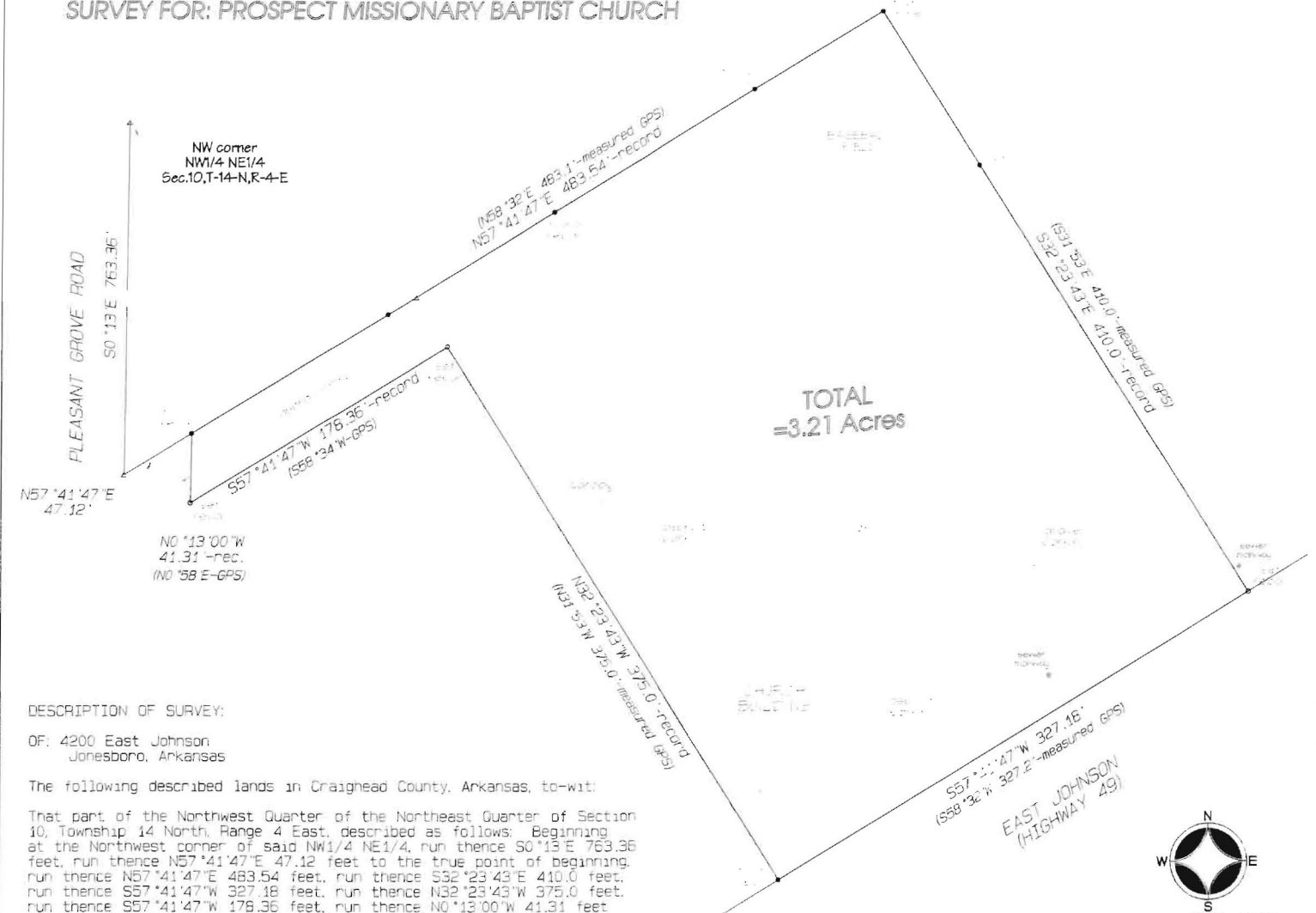


Property located west of site. Zoned C-3.



Property located southwest of site. Zoned C-3 LUO.

**SURVEY FOR: PROSPECT MISSIONARY BAPTIST CHURCH**



**TOTAL  
=3.21 Acres**

**DESCRIPTION OF SURVEY:**

OF: 4200 East Johnson  
Jonesboro, Arkansas

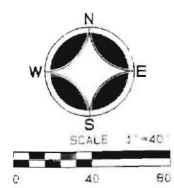
The following described lands in Craighead County, Arkansas, to-wit:

That part of the Northwest Quarter of the Northeast Quarter of Section 10, Township 14 North, Range 4 East, described as follows: Beginning at the Northwest corner of said NW 1/4 NE 1/4, run thence SO°13' 763.36 feet, run thence N57°41'47"E 47.12 feet to the true point of beginning, run thence N57°41'47"E 483.54 feet, run thence S32°23'43"E 410.0 feet, run thence S57°41'47"W 327.18 feet, run thence N32°23'43"W 375.0 feet, run thence S57°41'47"W 176.36 feet, run thence N0°13'00"W 41.31 feet to the true point of beginning, containing 3.21 acres, more or less, being a part of Lot 1 of Rubens Northeast Subdivision as shown in Plat Cabinet "B" at page 162 at Jonesboro, Arkansas, subject to easements on recorded plat.

- Notes:  
 1.) Bearings shown from record and measured from GPS observation.  
 2.) Improvements are as shown.

Dated: August 7, 2013

EAST JOHNSON  
(HIGHWAY 49)



SURVEY FOR:  
PROSPECT MISSIONARY  
BAPTIST CHURCH

Bradley P. Hancock  
Surveying & Mapping  
120 North Second Street  
Paragoua, Arkansas