



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, December 1, 2015

5:30 PM

Municipal Center

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

#### 1. CALL TO ORDER

*In the absence of Mayor Perrin, President Pro Tempore Chris Moore presided over the meeting.*

#### 2. PLEDGE OF ALLEGIANCE AND INVOCATION

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

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

#### 4. SPECIAL PRESENTATIONS

[COM-15:068](#) Proclamation by Mayor Perrin to JHS Boys & Girls Tennis Teams State Champions.

**Sponsors:** Mayor's Office

**This item was Filed.**

#### 5. CONSENT AGENDA

##### *Approval of the Consent Agenda*

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

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

[MIN-15:109](#) Minutes for the City Council meeting on November 17, 2015

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

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

[RES-15:166](#) A RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN OJJDP-INTERNET

CRIMES AGAINST CHILDREN SUBAWARD (NO. ICAC13-C2-07) FROM THE ARKANSAS STATE POLICE (ASP)

**Sponsors:** Grants and Police Department

**Attachments:** [ICAC13 2nd Continuation Subgrant Award Letter-Jonesboro PD](#)  
[ICAC13-C2-07 Subgrant Agreement-Jonesboro PD](#)  
[ICAC13 2nd Continuation Subgrant Special Conditions](#)  
[Approved ICAC13-C2-07 Budget Detail Worksheet -Jonesboro PD \(2\)](#)  
[FY 2015 ICAC MOU](#)

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

Enactment No: R-EN-148-2015

**RES-15:170**

A RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO APPLY FOR THE 2016 GENERAL IMPROVEMENT FUNDS (GIF) THROUGH EAST ARKANSAS PLANNING AND DEVELOPMENT DISTRICT (EAPPD)

**Sponsors:** Grants, Fire Department and Parks & Recreation

**Attachments:** [GIF Funds - 12032015 - Miracle League](#)  
[GIF Funds - 12032015 - Opticom GPS System](#)

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

Enactment No: R-EN-149-2015

**6. NEW BUSINESS**

**COM-15:074**

Request by St. Mark's Day School to set an appeal hearing regarding the denial by the MAPC for a conditional use permit in order to modify an R-1 single family district home at 514 W. College so the house can be used as a daycare

**Attachments:** [Appeal letter](#)

**The appeal hearing was set for December 15, 2015, at 5:15 p.m.**

*ORDINANCES ON FIRST READING*

**ORD-15:060**

AN ORDINANCE PROVIDING FOR CERTAIN TRAFFIC CONTROL DEVICES, ESTABLISHING FOUR-WAY STOP SIGNS AT CERTAIN INTERSECTIONS; AND DECLARING AN EMERGENCY FOR PURPOSE OF PUBLIC SAFETY

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

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

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

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

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

Enactment No: O-EN-051-2015

**ORD-15:062**

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE A CONTRACT WITH DELTA DENTAL TO PROVIDE INSURANCE COVERAGE FOR CITY EMPLOYEES FOR 2016

**Sponsors:** Finance and Mayor's Office

**Attachments:** [Delta Dental Contract](#)

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

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

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

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

Enactment No: O-EN-052-2015

**ORD-15:063**

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE A CONTRACT WITH ARKANSAS BLUE CROSS BLUE SHIELD TO PROVIDE INSURANCE COVERAGE FOR CITY EMPLOYEES FOR 2016

**Sponsors:** Finance and Mayor's Office

**Attachments:** [Jonesboro Municipal Airport](#)  
[COJ Contract](#)  
[COJ Prescription Contract](#)  
[JURHA Contract](#)  
[Library Contract](#)

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

*Councilman McCall abstained from discussion and voting due to being employed by Arkansas Blue Cross Blue Shield.*

*Councilman Street motioned, seconded by Councilman Woods, to suspend the rules and waive the second and third readings. All voted aye, with the exception of Councilman McCall who abstained from voting.*

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

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

**Abstain:** 1 - Tim McCall

Enactment No: O-EN-053-2015

*RESOLUTIONS TO BE INTRODUCED*

**RES-15:167**

RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF A UTILITY EASEMENT AS REQUESTED BY DAVID & BELINDA CHAPMAN

**Attachments:**    [Engineering and Planning Letter](#)  
[Petition](#)  
[Plat](#)  
[Utility Letters](#)

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

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

Enactment No: R-EN-150-2015

**RES-15:169**

RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF THE RIGHT-OF-WAY OF SECOND STREET FROM THE NORTH RIGHT-OF-WAY OF JOHNSON AVENUE TO THE SOUTH RIGHT-OF-WAY OF WORD STREET AS REQUESTED BY TIM BROWN

**Attachments:**    [Plat](#)  
[Petitions](#)  
[Utility Letters](#)  
[Enginnering and Planning Letter](#)

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

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

Enactment No: R-EN-151-2015

**7. UNFINISHED BUSINESS**

*ORDINANCES ON SECOND READING*

**ORD-15:055**

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

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

**Attachments:**     [Jonesboro Property Maintenance Code \(as amended\)](#)  
[Letters of Opposition](#)  
[Letters of Support](#)  
[Presentation by Teresa Beck from Oct. 27 meeting](#)  
[Amendment to Code](#)  
[Melissa Baldwin Information](#)  
[John Hill Information](#)  
[Letter from Fire, Police, Quality of Life, and Inspections Departments](#)  
[Explanation of Violation Procedures](#)  
[John Hardin Email](#)

*Lt. Todd Nelson presented the Council with an explanation of violation procedures. See documentation attached to ordinance. The procedure is: a violation would have to exist, a complaint would have to be made to the property maintenance inspector, the property maintenance inspector would have to respond and document whether or not the violation exists, then a notice of violation/order to repair would be issued if a violation exists. Citizens can appeal to an appeals board. If the responsible party does not correct the violation within the given timeframe, a district court judge can find them guilty.*

*Councilman McCall asked for someone to clarify any misconceptions that may exist concerning inspectors entering a citizen's premises without approval. City Attorney Carol Duncan explained there are several steps that are involved before a fine is imposed. She stated the city itself will never impose any fines; rather, the fines will be imposed only by the district court judge once a citizen is found guilty. She then stated the city's only right to entry would be if there is consent. She noted a legal tenant of the property can also consent to entry. She further explained the city already has codes on the books, such as the Fire Code, that has right of entry stated the same way and no one goes into homes with it. City Attorney Duncan stated the city can get a search warrant through the court system, but it is difficult to do so even in criminal cases due to the high amount of evidence needed. She assumes it would be the same for property maintenance. She doesn't see very many search warrants being authorized under these circumstances, nor does she see the city seeking them.*

*Councilman Woods questioned the amendment that was made at the last meeting. Lt. Nelson explained part of the amendment is to notify the landlord before entry is made. City Attorney Duncan added that the landlord will be allowed to be present during the inspection if they desire. But, the legal tenant can give their consent to search the property without the landlord being present. In a private residence, the owner has to consent. But, rentals are different since the tenant has the right to consent.*

*Lt. Nelson then read a letter from the fire chief, police chief, head of the Quality of Life Department and the chief building official from last week stating their support of the property maintenance code. See letter attached to the ordinance.*

*City Attorney Duncan then discussed fines. She explained there was a question earlier about fines increasing per day. She stated in order for that to happen a citizen would have to be found guilty in court and be given a new citation every day. There are currently codes on the books that have daily additional fines for violations if problems are not corrected. She has been in the City Attorney's Office for 12 years and she cannot recall an incident where someone was penalized each additional day for an existing nuisance against public health. And she knows no one ever got to the \$30,000 range as suggested at a previous meeting. Under Arkansas Code, state law prohibits any fines for additional days be in excess of \$500 per day. The \$500 per*

day would even have to be imposed by a district court judge, not the city.

Councilman Moore stated yesterday he, Mayor Perrin, John Hardin and Jason Whitley met concerning the sale of property and the restrictions this code may place on the sale of property. They asked if the code would someone prohibit the sale or tenancy of property. City Attorney Duncan explained the property owner can still sell their property, as long as the violation is taken care of or if the new property owners are given notice that a violation exists.

Councilman Street asked how citizens can see if there is any violation against a piece of property. City Attorney Duncan explained the violations will not be filed liked a lien; rather, that is why the responsibility lies with the owner as to give notice to the new owner concerning the violation. Councilman Frierson noted that if a judgment is rendered in the district court, then that would be a public record in which citizens can find them.

Darrel Cook, 3308 Lonoke Cove, asked the Council members if they read all of the pages of the maintenance code. He stated if the Council members can't say they have read all of the pages, then they should not be voting on it. He referred to Section 302. He explained his yard holds stagnant water, but if he fixes it, then it becomes a problem for his neighbor. City Attorney Duncan stated that is where the appeals process would come in. Mr. Cook questioned whether he should have to pay an attorney to take care of the appeal. City Attorney Duncan noted an attorney does not have to be present to do an appeal. She explained Mr. Cook would talk to the appeals board, made up of citizens of Jonesboro, and explain to them why his problem is not a fixable problem. Mr. Cook stated he thinks some of that type of stuff should be taken out. He then referred to Section 602.4. He explained there is no way to maintain a mechanic's shop at 65 degrees, as required by the code, when doors may be opened and closed often on a cold winter day.

Donnie Swindle, 4118 Peachtree, asked at what point along the process is he going to be forcibly removed from his home if he can't afford the fines, can't afford the repairs or can't afford an attorney. City Attorney Duncan explained there is nothing in the code to forcibly remove anyone from their home or seize property. She noted there are ways to get to the point of condemnation, but that could happen without this code. The court, if they set fines, can place liens on property. Mr. Swindle then asked if the utilities can be turned off. City Attorney Duncan answered no, there is nothing in the code allowing the city to turn off someone's utilities.

James Hinds, 508 Ridgecrest, asked what will happen with the money collected from fines. City Attorney Duncan explained the money will be collected by the district court and eventually returned to the city. She noted that anytime money is collected by the court due to a city ordinance, then the money always goes back to the city. Mr. Hinds stated it has been claimed that realtors and landlords are the main opposition to the property maintenance code. Most of the people who are against the property maintenance code do not own rental property. He added his ancestors did not fight for freedom in order for this Council to pass the property maintenance code.

Stephen Gillis, 3111 Beanie Drive, asked where all of this stops. He expressed concern about the next Council expanding the property maintenance code. He also noted he has taken care of a lot of rental property. He thinks there will be a lot of renters call inspectors before landlords in order to have problems fixed. Lastly, an ordinance of this magnitude should be decided by the citizens of Jonesboro.

William Franklin, 1330 Western, reiterated Mr. Gillis' concern about what the next Council can do with this code. He stated there will be unintended consequences to

*this code. He noted the city needs a code, just not this one. An international code does not apply to Jonesboro. A document should be crafted to solve Jonesboro's problem.*

*Jerry Brackett, 2905 RidgePointe, explained he is a retired architect and also served on a state committee that edited the International Building Code and also worked on the Arkansas Fire Protection Code. All the codes he has dealt with are minimum standards and, after working with the state, there was a lot of serious efforts made to make sure those codes were bearable. The proposed maintenance code is a minimum standard and there is nothing in there he would call international. He called the proposed code a very minimal, safe environment code that does not contain extreme measures to be expected for the city. The code is well written. The city already has the right of entry in other codes, so that is nothing new nor should it be feared. He believes it's time for the Council to vote in a manner that is good for all of their constituents. He added to weaken any portion of the code renders it totally inefficient.*

*Gregory Hansen, 611 Walnut Street, encouraged the Council members to think about the benefits of adopting the proposed code. He explained the property code is important for numerous reasons, but he is concerned that people who are mostly going to be affected by the code – renters – have not been heard from during the comment portion of the meetings. The landlords he has had experience with were good, but not all landlords display the same sort of conscientiousness for their properties. He is concerned with the blighted properties around town, namely unhealthy buildings. But, there is no sufficient legal support for tenants and there are no safeguards to stop landlords from retaliating if a renter showed up at a Council meeting and complained about the state of their rental. The purpose of the code is to protect citizens, so he would wonder about landlords who do not support the code. Mr. Hansen noted he is part of the West End Association.*

*Lea Lea Van Winkle-Gisler, 207 S. Church, expressed concern that people are viewing the code with limited eyes. She asked the Council to look at this issue through the lens of the people who oppose and support this code. She added the community has the opportunity to continue growing and progressing, but will only be able to do so if the Council steps forward in a leadership role and demonstrate what kind of city they and their constituents want it to be. She is a tenant and if something goes wrong in her household she has no legal recourse in the City of Jonesboro. And while she has the resources to be able to do something, there are a vast amount of citizens who don't know about Council meetings or other options they have. She asked the Council to look into their hearts and figure out what kind of community they want Jonesboro to be. She added this is not Communism; rather, it is minimum safety for those who don't have a voice or won't stand up and talk in front of the Council. She asked the Council to vote for the code.*

*Nina Darley, 107 Huntcliff, stated Jonesboro is the only place her and her husband have lived where she has seen a marked difference in community living. Most cities she has lived in had higher standards and there were no bad sides in the towns because properties were kept due to the standards. They want to move forward and improve Jonesboro. It is not a difficult decision and does not cost anyone anything other than repairs. But, the repairs are upkeep that should be happening anyways.*

*City Attorney Duncan referred to an earlier question about the city turning off someone's utilities. She noted there is a section in the code authorizing the disconnection of utilities if there is an emergency and the disconnection with result in the safety of life or property, or when the utility connections were found to be illegal. Those are the only instances in which the city will disconnect utility services.*

This item was Held at second reading.

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

*President Pro Tempore Chris Moore reported on the following items:*

*For November, commercial building permits total \$3.8 million with residential permits totaling \$5.7 million.*

*He reminded everyone the Christmas parade is this Thursday at 7 p.m. He encouraged everyone to attend.*

*He noted the Mayor is currently out of town due to the Municipal League Winter Conference and meeting with corporations and foundations to raise money for the Miracle League.*

## **9. CITY COUNCIL REPORTS**

## **10. PUBLIC COMMENTS**

*Bill Smith, 314 S. Main Street, stated there is a known issue with a neighborhood near Joe Mack Campbell Park where there is no access to the park from that neighborhood. A child was recently killed in what he heard was a group of children going around the park to get access. He questioned why there is no access from the neighborhood on Royale Drive to the park. President Pro Tempore Moore stated they don't know the answer to that question, but it was probably due to no one wanting to give an easement to the city across their private property to give access to the park. He added he will ask the Mayor to look into that. Mr. Smith noted that there is such access to Craighead Forest Park. He asked if any Council member would be willing to suspend the rules and walk on a resolution to create a pedestrian access into Joe Mack Campbell Park from Royale Drive within the next 60 days. He explained the resolution will require the Parks Department to put in the access within 60 days and if that does not take place they will have to come before Council and answer why it hasn't happened. Mr. Smith further explained he has spoken at Council meetings before about his safety concerns within the city and questioned who has to die before they care and take things seriously. He stated we failed the child, the family and the neighborhood. So, they need to do something about it. President Pro Tempore Moore also noted that he will have the Mayor address at the next meeting Mr. Smith's question from the Public Works Committee meeting earlier tonight as to why the dirt work was done for sidewalks on the south side of Dan Avenue, yet the sidewalks were never put in.*

## **11. ADJOURNMENT**

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

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



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

Harold Perrin, Mayor

Attest:

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

Donna Jackson, City Clerk