



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, December 18, 2018

5:30 PM

Municipal Center

PUBLIC SERVICES COMMITTEE MEETING AT 4:30 P.M.

There was no quorum for the Public Services Meeting so it was not held.

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

PUBLIC HEARING AT 5:20 P.M.

Mayor Harold Perrin asked if anyone in the audience wished to speak for or against the public hearing regarding the abandonment of an alley located in the 1000 block of Burke Street as requested by Steven Chaplain. No one spoke in opposition.

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

Mayor Harold Perrin was in attendance.

Present 12 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant

4. SPECIAL PRESENTATIONS

[COM-18:074](#)

PRESENTATION BY TIM SIMON , ALLIANCE TRANSIT GROUP, ON THE 10-YEAR TRANSIT STUDY

Attachments: [Alliance Transit Group Comprehensive Transit Plan.pdf](#)

Tim Simon, Alliance Transit Group, said thank you Mayor and thank you City Council for giving me time to present on this comprehensive transit service plan. I have given you all copies so you can follow along with the slides if you would like. Also, included in that handout is a printout of the final chapter of the plan. If you are interested in seeing a complete copy of the plan, we can give you a copy of that as well. It will be made available to you upon request from Jet Transit. They will have an electronic copy available.

I wanted to recap our study goals. We started back in June and we wanted to develop a local knowledge of the Jonesboro service area, built upon the existing strengths so we can improve this transit system for it's community. We did a three-pronged

approach with a marketing analysis, existing service analysis, and public engagement. The market analysis really looked at who does transit serve, where does transit go, and how can transit serve more people and places? We looked at different populations throughout the community, at-risk populations, transit-dependent populations, major employers, points of interest, schools. We really looked at how we could provide connectivity through this area. Then, we looked at the existing transit service as it is today because we don't want to just come in and recommend a change if something is working well. So, we want to build upon those strengths. Through that service, we looked at all of the different technical aspects of it from how often it is running, what transfers are occurring, ridership, where are people boarding and getting off the bus. How are they using this system to get around Jonesboro? And of course, most importantly, Public Engagement. We made this paramount from throughout the entire transit study and hopefully, we did a good job and it will carry on long after we, the consultant, is gone. This plan will stand on it's own and continue to serve as a public engagement tool.

You will see there is a graphic representation. Within the plan, we have all of the detailed results of the public engagement. This is a graphic representation that is really a snapshot that shares what we learned. So, all of this influenced and ended up helping us come up with scenarios. Our scenarios looked and really broke down the segment level, what was happening throughout the system. We developed various scenarios using performance metrics. Before we get into the scenarios, I want to talk to you all about the performance metrics. We customize these performance metrics for Jonesboro. There are several out there like frequency, span of service. How often a bus comes and how early or late does it run that we use in every transit study. Some things we really wanted to make customized for you all to really adjust to the local situation here.

Bi-Directional Service, you will see on that graphic. What I mean by that is that there are a lot of looped routes here and looped routes mean that the bus only goes in one direction. If you look there, there is an example. To get from point A to Point B, that takes someone around 45 minutes, but if it was running in Bi-Directional Service where it is running on both sides of the street, it could take that person 10 minutes. So, that is 35 minutes of savings. That might not seem like the biggest thing in the world, but add that on to every day throughout the whole year. That does more than just benefit transit users. That makes people show up at their jobs on time and it gives them transit options and creates a really viable system for Jonesboro.

We looked at route design. Where is the bus going and how is it getting there? We looked at On-Time Performance. How reliable is the bus? Your existing service does a good job of serving a lot of jobs and a lot of houses in the community. But, that can't be the only measure that we look at because if you look here at the existing system, that is great coverage, but not many miles of bi-directional service. A very low grade for frequency means that the buses are coming at some places only every hour. Transfer opportunities so connecting them. It is serving them, but it is not doing it in the best way possible. So, we developed a constrained scenario because as we know funds don't always show up. If nothing else, this plan has produced something where you could implement this scenario and make the changes. I would say this is not our recommendation to do this one, but it is in your back pocket should funds not be available to add any buses.

Then, we go into the more exploratory scenarios where we developed three different ones. There is a lot of detail here. For brevity, you can look into the plan for the detail on them. We are confident that should Scenario A, B, or C be implemented, that it

would greatly improve transit here. You will see the frequency grade gets raised up to a C. Transfer opportunities more than triples. It goes from today, on any given day, at the Transfer Center, there is 78 opportunities to make a transfer without waiting at all. That is not waiting for ten minutes. You get there and your next bus is there. With this plan, there is 1,134 transfer opportunities for each day. So, that is a great improvement in connectivity.

Here is the Scenario Comparison that is a snapshot. Like I said, those bottom three, Scenarios A, B or C, those are really our staff recommendations. Ultimately, if we had to choose one of those, our staff is recommending Scenario A. That would be implemented in Phase II, which I will go over in a second, which is more of the two to five year range. Before that happens, you would obviously need to take these back out to the public to really get buy-ins so there would be an opportunity to decide whether it is A, B, or C or maybe a hybrid of the three.

Let's go through the Phased Implementation. We understand that you can't flip the switch and make this all happen overnight. So, in Phase I which is from now to two years out, we recommend really improving reliability through schedule changes and by adding one bus to the fleet. Improve Saturday service, where right now you run kind of a hybrid of the weekday service. We would want the same service you have on the week day on Saturday as well. Extending weekday p.m. service by another hour. In Phase II, this is where the bulk of the investment would be made. It is really calling for that Scenario A, B, or C. It would be a total redesign of the system, to increase service, maximize connectivity, minimize travel time, and add 3 buses to the fleet. There is an option where everything is broken out in detail in this plan to where it is a line item cost so if you want to do something earlier and you have the ability to do that, you can. What we recommend is that you buy one bus during Phase I and then the other two buses in Phase II but at the end of Phase II, you would have added three buses or three vehicles to your fleet to make that happen. Fortunately what we have done and I have worked with JET Director Michael Black to identify efficiencies with this system, what we are proposing should have normally probably taken 4-5 vehicles, but we have done some technical stuff that I won't bore you with by interlining routes together. We have been able to get the same amount of efficiency and the same benefits associated with it with this plan with only three vehicles and we are really proud of that.

Then, in Phase III, is expanding on your core service even more and then looking at regional service. Looking there, going down Southwest Drive, that would be one area where you have TDP population that is not currently served. And, then, going out to east Jonesboro, as well, working with the businesses out there to see when would be a good time and good time of day to bring that service out. And, then, really looking at regional expansion. We looked at cities within and outside of Craighead County, Bono, Brookland, Lake City, Trumann, Bay. All of those, are like I said, line item costs. It could be in a pay to play system. We don't expect that you would serve all of these cities overnight. But, you would have discussions with them and then in Phase III, that 5-10 year range, look at transitioning into providing extending this service and making it more of truly a regional transit system.

Then, we have a phased expansion overview of costs. These are estimates based on how you currently cost out service. These are totals for Phases I, II, and III. Like I said, everything is at a line item cost. Say, you decided that we couldn't extend it out weekday p.m. service and that you just want to do Saturday, this cost would be reduced. You can go in there and pick and choose what you want to implement. The other thing is a lot of times, these plans are all or nothing. This plan is phased and

sustainable so that you can slowly get into this without having to put all of your chips into the pot right away. Without further adieu, I will open it up for questions.

Mayor Harold Perrin said,, I have two or three questions. You were talking about when the routes are going the same way and then they go back the other way. Would that include having to redo all of our bus stops or at least some of those and moving those? Mr. Simon said,, it would require adding bus stops. Right now, you only have them on one side of the street. You would need what we call a sister stop on the other side, and that cost is factored in there. Mayor Perrin said, so you're saying to leave what we have and add the new. Mr. Simon said, in most cases. There are cases where we recommend maybe straightening out your service or maybe not dipping into a neighborhood because of low ridership, and so, yes. I understand that you have recently made all your stops ADA. So, that is kind of the growing pains of growing your system in that some of those stops would maybe have to be abandoned.

Mayor Perrin asked would this allow us to increase our 5307 funding through the highway department federal transit. I guess that's what I'm asking. Mr. Black said, yes. Mayor Perrin said, I just want to make sure. When I went back and looked at JET ridership, it has increased 10% to 15% on ridership every year in the last two or three years. Where we saw the big increase is when we actually put in the transfer station and that allowed people to know that it's permanent, and they can read and see what bus to get on to go where. Mr. Simon said, on any given day, you have 78 opportunities to transfer without waiting a minute, today. With this plan, you would have over 1,000 opportunities. So, you can just kind of extrapolate what you think that would do to your ridership. It would greatly increase it and it would greatly increase the utility of your plan to the entire community. I want to stress the benefit of this. This helps people who don't use the bus, as well. Your workers will show up on time. People will make more trips throughout the system because they'll have the option to do so.

Mayor Perrin said, we're adding a new one in front of the convention center. We're working on that now to get it approved. This will help Tim O'Riley become lead certified. It's a benefit for him and it's a benefit for us at the same time. I've had discussions with Arkansas State University and the new chancellor about looking at the possibility of shuffling students within the campus. The point I'm trying to make is that I need to sit down and look at that because what is happening is that the federal government is giving Arkansas State University money. It's the same money we get out of the same pot. We get the same amount of money. There are other agencies in town that get the same money, which are non-profit organizations. It would appear to me that if we could take that, synchronize a lot of that, and have a single dispatch that it would help the city. It would help the employees and the citizens very quickly. You possibly could save money for the entire federal government. Mr. Simon said, absolutely. We identified that when we did the statewide coordination study. Those strategies you are talking about are absolutely applicable here and especially with the universities I have worked with. I have worked on the agency side at the University of Oregon and University of Kansas. They used to have separate transit systems and when we combined it, we found so many gained efficiencies that we were able to provide. Mayor Perrin said, Clemson and some others have done that and I think that is something that we need to look at. I will be in D.C. in February and March and we will have a meeting with the federal highway administration. I'm going to take this report and some others and talk about this. The only problem you are going to have there is that the other agencies are not going to be willing to give up those funds unless they know that their customers are going to be served. So, that's the big key that you have in front of you. Good report.

Councilmember Joe Hafner said, when you talked about adding services out in east Jonesboro, was the industrial park looked at and how to service the industrial park. Mr. Simon said, yes. Since that's in Phase 3, we don't want to present the exact details of how you would run to there, but we did give a route alignment. We estimated costs associated with it so that you can have discussions about how much it's going to be, where are we going to put the bus stops and everything, but really the key there is that we didn't want to set up a schedule or anything because until you're ready to do that, there needs to be communication with those jobs because that's different than just running service through the middle of the city. You want to make sure that you're not running an empty bus out there. Councilmember Hafner said, right.

Mayor Perrin said, if you remember, when we first started this, it was going to be a city and county project. The county made the decision not to, but we went ahead with it. Crowley's Ridge Development Council has the same money. Mr. Tony Thomas is the Director of CRDC. We have not had a chance to visit with him, but we had talked in preliminary talk about possibly bringing his people down to a certain point and us picking them up within our city limits. That would be a tremendous increase, as well. We're going to continue that dialogue in January. Mr. Simon said, great.

Councilmember Ann Williams said, Saturday service has begun. Right? Mr. Simon said, it has begun, but it's different from weekday. It's three routes. It's more or less the same amount of coverage, but it doesn't run the same. It's not as intuitive to use, so we recommend that you put a little more funds to it and run the exact same service because not everyone has a Monday through Friday 8 a.m. to 5 p.m. job. So, it needs to run just as it does on the weekday, and eventually it needs to look at Sunday service, as well. Councilmember Williams asked that's what you mean when you say improve Saturday service. Mr. Simon said, yes. Run the same service that you do on weekdays, which would be a cost increase. Mayor Perrin said, we looked at the number of routes we have and we said, we were going to do this on a test. A lot of people said, we want to do this on Saturday. I think we took the top three of the most active and we did that for one year. Mr. Simon said, it's a great pilot study. Mayor Perrin said, now I want to see those figures on what we have done in this last year with Saturday service. Once we see that, then we can pretty well gauge what we want to do.

Councilmember Bobby Long asked, what level of capacity is running right now through the week and what level of capacity is running right now on the weekends? What percentage of seats are filled during the week and during the weekends? Transit Director Michael Black said, a lot of that depends on the time of day. We have several routes in the morning where it's standing room only, such as 6:30 a.m. to 8:30 a.m. to possibly 9 a.m. They're not quite that full through the remainder of the day. We're running about 12,000 to 14,000 per month fixed route only. I looked at the numbers today and our weekends are beginning to pick up again and we're running between 450 to 600 on Saturdays.

Councilmember Williams asked, there is some consideration of Sunday service at this point? Is that right? Mr. Simon said, it is not recommended in this plan yet because we wanted to fix Saturday service. Councilmember Williams said, I see. Okay. Mr. Simon said, through the public input, the conversation was mainly about Saturday routes. There's always room for improvement. Also, the plan includes amount of riders by trip and by time of day. There are some routes where noon is really the busiest time. It varies by route and by trip. Mayor Perrin said, you have more data in the master plan. This is just the condensed version. Mr. Simon said, yes. Mayor Perrin said, if any of you need more data, it's in this plan right here. We're just doing the pilot study and looking to see if it's worth extending the hours on Saturday. Mr. Black said, I think

Phase 2 for Saturdays would be to make our Saturdays exactly like Monday through Friday, but just run our abbreviated times. Right now, I have three routes that cover all of our stops on a one-hour frequency. Mayor Perrin said, what I want to look at is instead of going just one-way is going two ways. That would cut that time down from one hour down to 15 minutes or whatever for people, but then you have double miles being traveled by buses, which means you're going to have to have either another bus or something. That's where the cost goes up. Mr. Simon said, just for the record, it's not just using your exact same routes and running bi-direction on those. There are strategic changes we recommended that will need to be made. Mayor Perrin said, thank you very much. Mr. Simon said, as a closing statement, our contract is down, but we really believe in this plan and we don't want to see it just collect dust on a shelf. It's going to stand alone on itself as a tool and we are around and we want to see this through. So, I've made myself clear to Mr. Black that we're available for further explanation. You can call on us and we'll help you all out. Thank you all very much for your time.

Read

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilperson Chris Gibson, seconded by Councilperson Chris Moore, to Approve the Consent Agenda. The motioned PASSED

Aye: 12 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant

[MIN-18:119](#)

MINUTES FOR THE CITY COUNCIL MEETING ON DECEMBER 4, 2018

Attachments: [CC Minutes 12042018.pdf](#)

This item was APPROVED on the consent agenda.

[RES-18:183](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO NAME THE NEWLY CONSTRUCTED DOG PARK LOCATED AT THE EARL BELL COMMUNITY CENTER THE MIDTOWN DOG PARK AT EARL BELL COMMUNITY CENTER.

Attachments: [Parks and Rec Dog Park Naming Letter .pdf](#)

This item was APPROVED on the consent agenda.

Enactment No: R-EN-177-2018

[RES-18:189](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO CONTINUE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR FOR THE OPERATION AND MAINTENANCE OF TWO STREAMGAGES IN JONESBORO

Attachments: [2019 Agreement.pdf](#)

This item was APPROVED on the consent agenda.

Enactment No: R-EN-178-2018

[RES-18:193](#)

A RESOLUTION REQUESTING FREE UTILITY SERVICE FROM CITY WATER AND LIGHT FOR A TRAFFIC SIGNAL

A motion was made that this Resolution be Passed . The motion PASSED BY VOICE VOTE

Enactment No: R-EN-179-2018

6. NEW BUSINESS

RESOLUTIONS TO BE INTRODUCED

[RES-18:180](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO CONDEMN PROPERTY LOCATED AT: 1210 W. Huntington, OWNER: Ditech Financial LLC F/K/A Green Tree Servicing LLC

Attachments:

[pic1](#)

[pic2](#)

[pic3](#)

[pic4](#)

[pic5](#)

[1210 W. Huntington inspection.pdf](#)

[documents.pdf](#)

[Limited Title Search.PDF](#)

[county data 2.pdf](#)

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

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

Enactment No: R-EN-180-2018

[RES-18:181](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO CONDEMN PROPERTY LOCATED AT: 808 Warren, OWNER: Faith Souls Outreach Ministries INC., Registered Agent/Director: Sallie Brown

- Attachments:** [county data.pdf](#)
[Documents.pdf](#)
[Inspection.doc](#)
[Limited Title Search.PDF](#)
[pic1](#)
[pic2](#)
[pic3](#)
[pic4](#)
[pic5](#)

A motion was made by Councilperson Chris Gibson, seconded by Councilperson Ann Williams, that this matter be Passed . The motion PASSED with the following vote.

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

Enactment No: R-EN-181-2018

[RES-18:182](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO CONDEMN PROPERTY LOCATED AT: 1328 W. Huntington, OWNER: DKI LLC c/o Richard Knight

- Attachments:** [county data.pdf](#)
[Inspection \(1\).doc](#)
[documents.pdf](#)
[Limited Title Search.PDF](#)
[pic1](#)
[pic2](#)
[pic3](#)
[pic4](#)
[pic5](#)
[pic6](#)
[pic7](#)

A motion was made by Councilperson Chris Gibson, seconded by Councilperson Ann Williams, that this matter be Passed . The motion PASSED with the following vote.

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

Enactment No: R-EN-182-2018

ORDINANCES ON FIRST READING

[ORD-18:081](#)

AN ORDINANCE TO AMEND CHAPTER 42 OF THE JONESBORO CODE OF ORDINANCES TO ADD ARTICLE VI SHORT-TERM RESIDENTIAL RENTALS AND AMEND CHAPTER 117-138 AND 117-139 OF THE ZONING USE TABLES

Attachments: [Jonesboro Fire Department STR.pdf](#)
[Short Term Rental Permit Application.pdf](#)
[STRP Affidavit.pdf](#)
[STRP Instructions.pdf](#)
[STRP Notification Template.pdf](#)

Councilmember John Street motioned, seconded by Councilmember Chris Gibson, to suspend the rules and offer ORD-18:081 by title only. All voted aye.

Councilmember Chris Moore requested that ORD-18:081 be read on three separate readings. Mayor Perrin said ok. Councilmember David McClain said he had a quick question. The main thing that I was looking at on short-term rentals, looking at this ordinance that we have written, and Madam Attorney will you help me? Do we feel like this is singling out short-term rentals because if you look at it, if we are not requiring the same thing of long-term rentals as the short-term, does it set us up for some type of action. Reading it myself, I feel like it does that. City Attorney Carol Duncan said, I think there are two different types of rentals. They are two different types of businesses. I mean, could an argument be made? Possibly. It is more comparable to me as a hotel situation. We don't treat them the exact same as a hotel, but there are rules and regulations on hotels that are different from long-term residential rentals. I do think you can go too far with your restricting of short-term rentals where you get into why don't you do that for long-term rentals. I think I expressed that in the past when we were talking about some more restrictions. I am hoping that this is a happy medium between the two. If the question is, can we be sued over it, I mean we get sued over everything so I can't predict that. Councilmember McClain said, I didn't know if you felt like it was something that would actually cause problems for us in the future. Ms. Duncan said, I think a lot of cities do restrict long-term residential rentals too and I don't know if that is something that you want to look at or not. When I say restrict, I don't mean restrict where they can be located. I mean have them get a privilege license and they have a contact person and things like that where they know who they are contacting if there is a problem at the property. That is not something that the city has looked at before and wanted to do. I don't know if it is something that you all want to do. But, I do think a lot of cities do that. So, that is a council decision if that is something that you all want to look at. Mayor Perrin said, this will take care of the short-term, but the long-term could be something that we look at. We have looked at their revenue enhancement where a lot of people have rental properties. It could be that you are in the business, you own 4-5 homes, you rent them. You are in the rental business. You lease those for a year or two years or whatever. Some have even looked at multifamily where they have to buy a business license and in addition to that, it is price per door. So, there is a multitude of ways that you can look at it. Ms. Duncan said, different cities do it differently. Mayor Perrin said right, believe you me, a total mixture of ways to do that. We are just looking at these here that people are putting up multifamily and then actually renting them by the day or two days or three days. Councilmember McClain said, Airbnb. Mayor Perrin said that is exactly right. That is all that we are doing. We listened to all of the comments the last time and tried to address those in this new one and we are still going to read it over three times. Councilmember McClain said, correct. Okay.

Councilmember Bobby Long said, there is a comment that I would like to make on that. The purpose of this ordinance is to regulate those who are in the business of renting their personal property or their houses. I think what we really need to be careful of is overstepping our bounds and us getting into the areas of where we are actually regulating those who that is not their business. For instance, I have brought this up multiple times where the IRS guidelines is that they don't even have it. It can be rented

for 14 days and not even put on the taxes. Because, they see that someone who isn't renting their house more than 14 days is really not in the rental business. You can't rent your house out 14 days out of the year and be in the rental business. It has to be more. So, my suggestion throughout this whole entire process was to limit. I see the less than 30 days, but greater than 14 days and that would follow the IRS guidelines. I think that would do a couple of things. First, it would protect the right of a property owner to do with their property what they see fit. It would also allow us to regulate those people who are in that business. I am for that. I am not for overstepping our bounds and regulating somebody that wants to do something with their property. I believe the IRS guidelines is a fair way of doing that to regulate it to where residential rental is defined as someone who is renting it for less than 30 days, but more than 14 days. Mayor Perrin said, we will look at that. Ms. Duncan said, I think those are two different definitions. I think we have talked about that before. The less than 30 days is at a time. You know if you are more than 30 days at a time, it is more of a long-term rental. But, you are talking about 14 days in an annual year. So, it is really kind of two different definitions. We need to make sure that we keep them separate. The less than 30 days is to keep it from being a long-term rental. Whereas, you are saying that it is no more than two weeks in a 12 month period, then it shouldn't count at all. Councilmember Long said, then it shouldn't count toward that ordinance. Ms. Duncan said right. Mayor Perrin said right. So noted. We will look at it.

James McDaniel, 1326 Oakdale Street, said I have renovated. I am on my fourth home in the neighborhood that I am in. The third home I made into an Airbnb. I rent it short-term. I very much improved the property that I bought and every neighbor around me will state that and they will tell you I wish he would buy some more of these homes. In my neighborhood, it is mostly owner-occupied, but there are quite a few long-term rental homes. There are three Airbnb's in our neighborhood. The owner-occupied homes are nice. The Airbnb's are really nice. The long-term rentals are the ones that are really problems. People don't take care of their yards. They park cars in the yard. We have all kinds of disturbances from those kind of people. But, if you operate an Airbnb, you set your rules. So, you can say there can only be two cars here or one car or you can say you have to park in the garage. You can say that only two people can be in this house. You can say no parties. You can say no smoking. And, you are in that house, sometimes several times a week, but you are in there every week taking care of it and you know if you own rental property, you will have to redo it every time someone moves out. Where with these, everybody that stays there takes care of them. And so, everybody who stays there gets reviewed and everybody that stays there reviews the landlord too. So, that kind of helps. You won't get any business if you are getting bad reviews. And, people look at everything from your yard to everything. So, everybody that I know in the business strives very much to have a nice property. It is a three bedroom, one bathroom house. I have had 125 guests stay there over the past year from five different countries. It can be anywhere from one day to one month. I have a couple here right now from Copenhagen, Denmark that have been here for a month and that is the longest that I have had anybody. I think a lot of people, you will find out, improve properties. They are very good neighbors. I would love for any of you to come and take a tour of my neighborhood and I will show you the houses that are Airbnb's and the ones that are just long-term rentals and some of them are pretty bad. But, the three Airbnb's in my neighborhood are very nice and all of the neighbors like them. Mayor Perrin said, thank you Jim.

Felicia Johnson, 607 Melody Lane, said I will second what Mr. McDaniel said. I think when I was talking to my husband about this, correct me if I am wrong, that there are some things in the new ordinance that I am concerned about. One of those being telling people where they can and cannot park. If I, as the homeowner, want to park in

my yard on my grass there is no one that is going to be able to tell me that I can't do that. So, I don't think that the City Council through an ordinance can say if I have a guest at my home or a renter at my home if they can park in my yard or not. Long-term rentals, owner-occupied, I just don't know why. And, the other thing that I am concerned about is if I am going to have an Airbnb, it was written in there that it needs to be my primary residence and I need to live there as well. Now, my husband and I, well, we can do that because that is how our house is set up. Mr. McDaniel can't do that. He is not going to live in three different properties. So, I just think that there are some things that maybe should be discussed and worked out. Ms. Duncan said, I will say that depends upon the zoning. There is owner-occupied zoning and then there is non-owner-occupied zoning if you look at it. So, it depends upon the zoning that the property is located in. Ms. Johnson said, so if it is in residential? Ms. Duncan said, there are different levels of residential. Some residential, it has to be owner-occupied and in some residential, it does not have to be owner-occupied the way it is written now. Ms. Johnson said, right, which I understand. But, if I own a property and I want to rent it, how could it be in an ordinance that I have to live there to be able to rent it? Ms. Duncan said, the way it is written now, it is in certain zonings that you do, but not all of them. Mayor Perrin said, right. We are still working on it. I appreciate that. I think you have some in Fayetteville too, right? Ms. Johnson said, yes. Mayor Perrin said, that is what I thought.

Lawrence Billing, 3485 Cedar Creek Lane, said this is basically the same sentiments. I have two Airbnb's and two rental properties. I have put a lot of thought into my Airbnb's. Does this make sense? Does this make sense for my neighborhood? So, with my two Airbnb's, I want nice open space so I pick my locations on a lot that has some space. Is there enough parking? Personally, that is important to me so with my two Airbnb's, I make sure that I can support several cars. The one thing that I want is my neighbors to be happy with me. So, I am very aware of who applies to stay at my Airbnb's. I pick and choose who I want, who I think is going to be best for the community. I have turned away potential renters because I was concerned that they may be a little too loud. I don't want parties in my Airbnb. I don't want dogs running around getting my Airbnb dirty. I am in my Airbnb a couple of times a week because I want to make sure that everything is perfect. I want to make sure the yard is perfect. I want to make sure everything inside is perfect. I bought the Airbnb across from my first Airbnb because it was a rundown rental house. I put a lot of money into it because man, this is great, I get to make the neighborhood look really good and it is going to keep me active in these two homes. That is really all I have to say. I put a lot of time, a lot of money, and I am very aware of my neighbors and I want to do it right. Councilmember Charles Frierson asked, would you accept a question? Mr. Billing said yes. Councilmember Frierson said, thank you. I understand that you are a better landlord, but we have that in the big complexes of apartments as well as the low rent single bnb's. We have people like you and Jim that do it right. But, we have others that we have been contacted about that don't. My question to you is, I like to hear how you say you do it, but what is it in this ordinance that may keep you from doing it? Mr. Billing said, the owner-occupied. Councilmember Frierson said, the bnb, the ordinance that is before the council. That is what we are talking about. Councilmember Gene Vance said, that is what he is talking about. Councilmember Bobby Long and Councilmember Joe Hafner both said he is speaking about the owner-occupied section. Councilmember Frierson said, I am sorry. City Attorney Carol Duncan said, there is a portion of it now as it is edited and being presented tonight that has an owner-occupied section that says if you are in certain zonings, you have to actually live in the home. Councilmember Frierson said, I understand that. Ms. Duncan said, that is what he said holds him back because he doesn't live in the homes in the area. Councilmember Frierson said, well, alright. Is there anything else that is in that

ordinance that is a problem? Mr. Billing said no. Councilmember Frierson said, ok, so we can address that maybe and we will be ok. Mr. Billing said, yes. I guess the only other question I have is are there police reports about other Airbnb's? Are they loud? Are they having parties? Are people ruining other people's property? Is there any information that we have as far as concerns with other Airbnb's? Because if we can target or we can deal with the Airbnb's that aren't done right, then they can get out of the business or fix it. I don't think the whole Airbnb community should be punished because there are a couple of owners out there who maybe don't have the same concerns that I do or James does. Mayor Perrin said, so noted. We will look at that. It will be read two more times on that. Mr. Billing said, thank you.

Jerry Cobb, 607 Melody Lane, said, as I listen to this, I keep hearing this common thing over and over about the owner-occupied. The other thing that I have a little concern over is like the parking, the impeding traffic. We have had Airbnb's, not in Jonesboro, but in other cities for over three years. So, we have researched this thing and we have studied how different communities do it. One thing I keep saying over and over is courts having a hard time distinguishing when you say short-term rentals or long-term rentals, the court cases keep saying that is too vague. You have got to come up with a definition. Now, that is not my problem so I am not worried about that. What I do need to say is there has got to be some distinction because in my neighborhood, we are a single-family residential neighborhood. We have long-term rentals, short-term rentals, and owners, property that they own. I had a neighbor a couple of years ago that kept an RV on the street for over a year. If you were going down the street, you had to stop and wait on a car to come by to get by. Why are we worried about somebody blocking traffic, parking in the street at an Airbnb, but we are not worried about it when an owner is parking in front of their house that way? I have got two rental properties behind me that are not mine, but they are long-term rentals, one beside me and one caddy corner. People park in the yards and on the streets all of the time. I think the same issues have to be applied to both short-term rental and long-term rental. Owners, if we are going to set ordinances that say you can't park in the street, then nobody can park in the street and impede traffic. I don't see how anybody can pass a law to say because how your property is structured as far as ownership, or how you are renting it, is going to set our ordinance for how we park or for noise or for anything else. Ms. Duncan said, I will say, we do already have an ordinance that talks about impeding traffic on the streets, so it would apply to everyone. Mr. Cobb said, why do we need another one for Airbnb when the ordinance is already still there. Ms. Duncan said, I believe I have said that before. Mr. Cobb said, that is my point. Let's take care of our problem all in one ordinance. Parking in the street, parking in the yard, noise, let's do one ordinance that is the same for every residence. It doesn't matter. I think we are maybe trying to over compensate or take care of problems that aren't here with Airbnb's. The problems are already here. I don't think Airbnb's are going to bring any more of them. I don't think it is going to change what we already have. We just need to look at what problems we already have and address those. Mayor Perrin said, very good. Thank you.

Mayor Perrin said we would hold it at the one reading.

Held at one reading

[ORD-18:082](#)

AN ORDINANCE ABANDONING AND VACATING AN ALLEY LOCATED IN THE 1000 BLOCK OF BURKE STREET AS REQUESTED BY STEVEN CHAPLAIN

Attachments: [notarized petitions from abutting property owners.pdf](#)
[RESOLUTION.pdf](#)
[ORDINANCE NO alley.pdf](#)
[plat.pdf](#)
[Alley Abandonment - Chaplain.pdf](#)
[utility letters.pdf](#)

Councilmember John Street motioned, seconded by Councilmember Chris Gibson, to suspend the rules and offer ORD-18:082 by title only. All voted aye.

Councilmember Chris Moore asked that ORD-18:082 be read on three occasions.

Mayor Perrin said we will hold it at one reading.

Held at one reading

[ORD-18:088](#)

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR PROPERTY LOCATED ON THE NORTH SIDE OF U.S. HWY. 49 AND SOUTH OF FLEMON ROAD AND EAST OF HWY. 226 AND WEST OF WILKERSON DRIVE FROM AGRICULTURAL, AG-1 TO SINGLE-FAMILY RESIDENTIAL, RS-8 LUO AS REQUESTED BY TRAVIS FISCHER WITH TRALAN ENGINEERING ON BEHALF OF CBS REVOCABLE TRUST

Attachments: [COJ Rezoning Ordinance.pdf](#)
[Revised Rezoning Plat.pdf](#)
[Staff Summary - HWY 49, Flemon and Wilkerson Road.pdf](#)
[Application.pdf](#)
[Valley View School Approval.pdf](#)

Councilmember John Street motioned, seconded by Councilmember Chris Gibson, to suspend the rules and offer ORD-18:088 by title only. All voted aye, except Councilmember Gene Vance who was not on the council floor. He left at 6:17 p.m. and returned at 6:19 p.m.

Held at one reading

[ORD-18:089](#)

AN ORDINANCE FOR THE APPROVAL OF AN APPLICATION FOR A LARGE EVENT FACILITY PRIVATE CLUB PERMIT FOR THE GARDEN AT HARMONY

Attachments: [application.pdf](#)

Councilmember John Street motioned, seconded by Councilmember Chris Moore, to suspend the rules and offer ORD-18:089 by title only. All voted aye, except Councilmember Gene Vance who was not on the council floor. He left at 6:17 p.m. and returned at 6:19 p.m.

Councilmember John Street asked that ORD-18:089 be held at three readings.

Held at one reading

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

[ORD-18:076](#) AN ORDINANCE ABANDONING AND VACATING UTILITY EASEMENTS LOCATED AT 2324 RED WOLF BLVD. AS REQUESTED BY GEORGE HAMMAN OF CIVILOGIC ON BEHALF OF NORTHEAST BORDER, LLC

Attachments: [email requesting date change 11082018.pdf](#)
[signed abandonment petition.pdf](#)
[sh1-esmt abandonment.pdf](#)
[sh2-esmts remaining.pdf](#)
[CITY CONCURRENCE ABANDONMENT.pdf](#)
[ATT ABANDONMENT LETTER.pdf](#)
[CWL ABANDONMENT - RED WOLF.pdf](#)
[RITTER ABANDONMENT LETTER.pdf](#)
[Suddenlink and Altice Easement Abandonment - Red Wolf Blvd - Jonesboro](#)

Held at second reading

[ORD-18:078](#) AN ORDINANCE ADOPTING BY REFERENCE THE JONESBORO QUALITY OF LIFE AND CONNECTIVITY MASTER PLAN

Attachments: [ORDINANCE.pdf](#)
[17-006_ONEJonesboro Masterplan Document_100818.pdf](#)
[Jonesboro Unlimited Letter 12182018 bike and ped.pdf](#)

Mayor Perrin said, I did receive a letter today from Jonesboro Unlimited that is endorsing our conceptual plan on that. So, I just wanted to let that be noted. They wanted that to be noted. I will give that to the City Clerk Donna Jackson on their endorsement on that project.

Councilmember Bobby Long said, I do want to say something on the master plan connectivity and this is in conjunction also with the budget. The 2019 budget, in it if I read the master plan correctly, in the middle of 2019, we are going to hire consultants, hire a city position to oversee the implementation, going to start acquiring land, and by mid-2019, we are full in on this. Which means...is that not correct? Councilmember Joe Hafner said, that is only when the funding becomes available. Mayor Perrin said, no. We don't do any of that until the funding comes there and that is the reason we get the master plan and then the administration is going to go out and call on private foundations such as the Walton Foundation that we have talked to in Bentonville and others. But, nothing will come out of the general fund until we get an agreement or grant or something that will be approved by you all. But, we will not hire, nor will we acquire any land or anything on that until we get the funds available. Councilmember Long said, ok, because I was looking through the master plan before and that is what it said. Mayor Perrin said, no. Councilmember Long said, also, in this master plan, there are some things that I may have just overlooked. One was that I didn't see an estimate of ongoing maintenance expense. I think there is about 20.2 miles of trail at a cost of about \$44 million. I didn't see any type of ongoing maintenance. What is it going to cost to maintain? How many additional city employees are we going to need to maintain that? Nor did I see an estimate for increased labor costs over the ten years of implementation. I didn't see that. There has got to be a point of hey, this is a feasible plan up to a point to where we get grants to how much the city is going to have to chip in on that. I didn't see anything on that. There are just a lot of unanswered questions like that I would like to see answered. Mayor Perrin said, I can answer that for you. What you have got in front of you is a master plan which is a layout only. The diagram

which shows an estimated cost of \$44 million or whatever it is. Again, as funding becomes available to build that then the next thing we will do is bring you back the cost of that what you are talking about, the additional cost of doing that. It depends on which way you go on this plan, whether you go asphalt or whether you go concrete, whether you have a bridge or you go under an overpass or you build a bridge over an overpass. So, all of that would be brought back to you from administration so that you would know that as you go along. Ok. Because all this is, is just a plan to go sell, to go create funds in order to build this bike and pedestrian trail. Again, we would be very cautious before we ever brought anything to you. Let's say that the Walton Foundation is going to give you \$1.5 million to do the connectivity between Arkansas State University and the City of Jonesboro downtown. Well, the plan calls for \$3 million. So, there is no way that I would bring \$1.5 million, even though that is a lot of money, to you unless I had the whole \$3 million and then I would want to know the cost on top of that to run it after it is built. Do you see what I am saying? Councilmember Long said, thank you. Mayor Perrin said, you bet. Good question.

Held at second reading

[ORD-18:080](#)

AN ORDINANCE FOR A PRIVATE CLUB PERMIT FOR 514 HOLDINGS, DBA YESDOG GRILL OF JONESBORO

Attachments: [AN ORDINANCE FOR A PRIVATE CLUB PERMIT.pdf](#)
[Application Redacted.pdf](#)

Mayor Perrin said, I assume you are going to hold that. We hold all of them to three readings.

Held at second reading

ORDINANCES ON THIRD READING

[ORD-18:051](#)

AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-326, FOR THE PURPOSE OF PROVIDING MINIMUM STANDARDS FOR THE PROVISION OF LANDSCAPE, SCREENING AND TREE PRESERVATION WITHIN THE CITY OF JONESBORO, ARKANSAS, WITH THE INTENT TO PROMOTE LANDSCAPING, BUFFERING, SCREENING AND TREE PRESERVATION FOR THE GENERAL HEALTH, SAFETY AND WELFARE OF THE COMMUNITY.

Attachments: [Landscape Ordinance 5th addn.pdf](#)
[Proposed landscaping ordinance email](#)
[Brown Email 09162018.pdf](#)
[Landscape Ordinance Revised.pdf](#)
[email Parker landscaping ordinance.pdf](#)
[Parker email attachment.pdf](#)
[Landscape Ordinance 8th addn 12.11.18ocx.docx](#)

Councilmember Gene Vance said, I would like to propose an amendment. This was my understanding from City Attorney Carol Duncan and City Planning Director Derrel Smith that this was in the original proposal, but somehow got left out. You might as well say a typo that this part was left out. The third paragraph from the bottom in the tree preservation exempts certain entities, mainly City, Water & Light the way that it is written. In Section 1(d) of 117-326 which is the landscape ordinance and in the landscape ordinance, if you go down to the fourth sentence, right near the end of that sentence, it says accessories. I would like to put a comma and add the City of

Jonesboro, the Arkansas Department of Transportation, and the Federal Highway Department in that as being exempt from the requirements of the tree ordinance. Councilmember Charles Frierson said I will second that motion. Councilmember Chris Moore said, I will second that too.

Mayor Perrin said, I have a motion and a second, again to amend. Councilmember Vance, what page are you on? Councilmember Vance said, it is on the next to the last page of the tree preservation ordinance where it calls out the tree exemption and refers back to the landscape ordinance. It is in paragraph (d) of the landscape ordinance, the fourth sentence down where it says utilities of electric, gas, water, sewer or other utility lines, equipment, accessories, City of Jonesboro, Arkansas Department of Transportation, the Federal Highway Department. In other words, anything that is going to become public such as a street or a utility easement or an alley, anything that is going to become public would be exempt from the requirements of the tree preservation ordinance. Mayor Perrin said, you basically state in your amendment on that in that fourth sentence, you are adding the City of Jonesboro, ARDot, and anything that would be public. Councilmember Vance said, anything that would be public use. It could be a walking trail. But, anything that could be considered public use would be exempt from the tree preservation ordinance.

Councilmember David McClain said, just so I am clear. I thought this was in the original or it was. You do not have to replace the trees that you take out in that section. Councilmember Vance said, if you take out the trees to put a new street in, you are not required to replace them if that street is a public street. Councilmember McClain said, correct. I got you.

Councilmember Gene Vance motioned, seconded by Councilmember Charles Frierson, to amend ORD-18:051. All voted aye.

City Attorney Carol Duncan said, can I ask for a point of clarification on that? Last time we were here, we were operating under the fifth edition, Derrel? I don't know what edition. But, we made some changes after comments at the last meeting. So, I just want to make sure that what we are looking at and voting on is the eighth edition which is the attachment here. Councilmember Vance said yes, the 12-11-18 is the one I am referring to. Ms. Duncan said correct, right. I just want to make sure that everybody is on the same page and knows that they are voting on the eighth. Mayor Perrin said, before we get up, I know I have got one motion and a second, before we do that, I have someone in the audience that wants to speak on this. Judy, would you like to come forward please and make your comment and then I will call for a vote. Councilmember Bobby Long said, while she is on her way, would the changes and the amendments between five and eight be considered substantial? Ms. Duncan said, no. It was mainly that Mr. Parker had asked some questions about clarifying some language and I cleaned up the language a little bit. The requirements are basically the same. As to what I did, I cleaned up the language about the fines that made it more clear what we were talking about that the judge has a minimum and a maximum that he can set it from. I just cleaned up the language a little bit to try to make it more readable. In section one, I don't think it changed anything either. It just cleaned up the language a little bit to make it more readable. City Clerk Donna Jackson asked which edition. Ms. Duncan said the very last one, the eighth edition.

Judy Casteel, 1902 Independence Cove, said most of you know me from Scenic Hills and that is only part of why I am up here tonight. I served on the committee that worked on the landscape and tree preservation ordinance. I want to tell you that was a phenomenal committee to work with. Everybody worked really hard and they were very

respectful of one another. I think we hammered out everything line by line. I think the product that we came up with at the end of it was a really good product. We had input from City, Water and Light. We had input from the Chamber. It was just an outstanding experience. I am really proud as I am sure that everyone else is that served on that committee of the final project. As far as tree preservation is concerned, anybody that knows anything about Scenic Hills knows that I am big on trees. We have so many trees. That is so important. The trees provide us with so much in the way of lower temperatures, filters for pollutants, improving air quality, providing shade, conserving water, preservation of soil and supporting wildlife. I think this part has been extraordinarily important to go through. I think with Councilmember Vance's amendment and the clarifications in the language of this that this is a really good proposal. I really encourage you all to give very serious thought to passing this. I thank you. Mayor Perrin said, thank you Judy.

Matt Parker, 1102 Dove Road, said I have spoken on two previous occasions with regard to this ordinance. I thought we had an agreement or certainly had an understanding the last time I was here. I had talked with Mr. Smith on several occasions about concerns that I had and I had understood at the last meeting that he was in agreement that these were uncontested. I did send an email to him and to others after the last meeting, as Councilmember Moore had suggested, in which I provided some suggested language. It was two simple changes. I was surprised by the response. So, first, I would like to say that this is not all about trees. I love trees. I have more trees at my house than any house in my neighborhood. It is not at all about the desirability of trees. If I develop property, you will see me much more conservative with regard to retaining trees everywhere possible than the vast majority of developers out there. But, I did have significant concerns when I first read the ordinance and that is the reason why I have been actively involved in this from the inception. I sent an email to you all today that I will read briefly because it so clearly recites that I had been told time and time again what the intent of this ordinance was. I wanted to be told yesterday that everything that I had been told, everything that you had been told was not the intent of the ordinance. So, Mr. Mayor and members of the City Council, it is not my intent by providing this information to be critical of Mr. Smith or anyone else. In fact, Mr. Smith has been very responsive to my questions and generous with his time for which I have previously expressed my appreciation.

I did not ask the City Council to remove the wild tree ornamental tree section, but rather to make concise amendments to the section to clarify what members of the City Council and I have consistently been told was the intent of the section. Please review the following documentation of events. When I read Section 117-??? in October of 2018, I was concerned about the cost of providing a tree protection replacement plan including the size and species of all significant trees on real estate that has hundreds of trees six inches or larger per acre and at that time it was three inches or larger for trees that would be significant if they were three inches or larger. Some of these trees may well be wild or ornamental trees. I was concerned about the substantial fines that could potentially be assessed due to the intentional or inadvertent removal of small trees or underbrush during construction. In the video of November 20, 2018, Mr. Smith is seen stating a response to questions from Councilmember Long regarding the cost of site development plans. "I don't know how much they cost." He then stated, "there has to be seven 18 inch trees to count." Please note that Mr. Smith did not say that there has to be a combination of seven 18 inch trees or six ornamental trees to count. I asked Mr. Smith in writing on November 27, 2018, "What is an ornamental tree?" He replied in writing, "An ornamental tree is a tree that has been planted as part of a development plan or a tree that is smaller in size and used for landscaping around a home or a development and are considered decorative." Prior to the Council Meeting of

December 4, 2018, I asked Mr. Smith again, if wild ornamental trees were included as significant trees and he again assured me the intent of this ordinance is not to require an owner to search property for wild ornamental trees, but rather to only require the owner to identify ornamental trees previously planted to meet the requirements of the current landscape ordinance. In the video of December 4, 2018 meeting of the City Council, I am seen asking for an amendment to clarify an ornamental tree for the purposes of this section is only an ornamental tree "previously planted to meet the requirements of the current landscape ordinance." When asked about the amendment, Mr. Smith replied to the council stating he did not see a problem with that. It takes the confusion out. If the Mayor or any member of the City Council disagreed with any of Mr. Smith's repeated representations that wild ornamental trees were not ornamental trees for purposes of this section, why did they remain silent? Yesterday, December 17, 2018, the day before the third reading in contrary to repeated public statements made to the members of the City Council and to me, we were advised by Mr. Smith that it is now his position that the section does indeed apply to wild ornamental trees. I respectfully request that either (a) the concise amendments included in my email on December 17, 2018 and shown below be added to the ordinance to document what the members of the council and I were repeatedly told was the intent of the section or 117-??? or now section (b) I believe it is or (a) be deleted from the ordinance in it's entirety. Thank you for your consideration. Any questions?

Councilmember David McClain said, I have a couple of questions for you Mr. Parker. One, I feel like what you are saying, the point you are making is a mischaracterization of the ordinance. There are natural ornamental trees that yes, we looked at the different sizes. We looked at different sizes again on the committee that was open to the public. We looked at different sizes from different states and cities that required minimums. Also, we looked at the requirements for the site plan or things of that nature. This doesn't make it difficult for homeowners. There are some areas that make it very difficult for a homeowner or for a property owner. This, again, is not included to make things difficult. But, I think what you are saying is painting a different picture of one that is not true. We had plenty of time to go through this as Ms. Casteel said as City Planner Derrel Smith worked on. We had plenty of time to discuss this before the final meeting. I am trying to get a better understanding of where you are coming from, but, at the same time, I feel like it is wanting to stall progress that needs to happen.

Mr. Parker said, again, thank you for those questions and comments. I tried to have google earth here so you could see how dense this property is. Literally, you cannot walk into this area because it is so dense with trees. We are talking thousands of trees that somebody is going to have to go in and say that one is ornamental and those ten aren't. It is making the job much more difficult. I have tried to get a person or two to tell me what it would cost to do something like that. I can't get anybody to tell me. Mr. Smith doesn't know. I have been trying to address this issue since October. I have been to all three meetings. I have met with Mr. Smith. I have talked to council people. I was repeatedly assured that my concerns were not valid. That is not the intent of the ordinance. You are misunderstanding what is being said here. We will change the ordinance. He has no problem making that change. It provides clarification. What is a person to do that I have not done to point out my concerns? Be told repeatedly in writing and before this council on video we will change it, that is not the intent and I find out yesterday that's the way that we are going to implement it. I do not believe that is appropriate.

City Attorney Carol Duncan said, I think part of the problem is that this was decided and this wasn't Derrel's decision as to what this ordinance would say. This was a committee that was made up months ago and that met for weeks and weeks. I don't

know how many months we met prior to the first reading. Mr. Parker said, I understand. Ms. Duncan said, it is not something Derrel made up on his own accord so therefore he has the autonomy to just make that change. A committee made this recommendation and voted on it. I clarified some of the questions that you had about language that it just didn't read clearly. I didn't think that was a problem because it didn't make significant changes to what the committee voted on. It just made it clearer to understand and read. I do think there is a question as to Derrel having the autonomy to just go, oh well, I am just going to change that. I know that a committee met for three or four months and made this determination and voted on it and proposed this to council, but I'm the planning guy and I can make this change. Mr. Parker said, I relied on the part that you said at the last meeting on video, this is your ordinance. Ms. Duncan said, I meant he proposed the ordinance originally, but a committee made those determinations. Mr. Parker said, he stated before this group with members of those committees in attendance in this room. He thought it provided clarification. Ms. Duncan said, Mr. Parker, when I said that I meant it was more his ordinance than it was my ordinance.

Councilmember Charles Frierson said, Mayor, I think we need to call a point of order. We are getting past the point of anything but an argument. Ms. Duncan said right. Mayor Perrin said yes. Mr. Parker asked, does anyone have any other questions for me? Mayor Perrin said, thank you.

Councilmember LJ Bryant asked, can I have a point of information? So, we have gotten a motion and a second on and we have already passed the amendment so this is on the main ordinance? Ms. Duncan said there is one other person waiting to speak, but yes. Mayor Perrin said yes.

Tracy Parker, 1102 Dove Road, said I appreciate your time and everyone's effort in putting together an ordinance for landscaping and tree preservation because I love trees. I have a couple of different things to talk to you about regarding the ordinance that I think you are not aware of that I would like to ask the council to wait to pass this amendment until we make some corrections on some things that I would like to draw to your attention. I don't think it has been mentioned just yet. If you will give me a few minutes, ok. The first thing that I wanted to draw your attention is that this ordinance really doesn't protect really big, large, old trees like hundred year old trees. You can cut them down if have one in your yard and it is less than an acre. That is not protecting that old tree which I think and I value old trees. Just ask anybody in my neighborhood. That is one thing I think it kind of falls short on. I would like to add an amendment that says it needs to apply to people with less than an acre. I don't see the difference between an acre or less than an acre if you are going to replace trees. A hundred year old tree is hard to replace so that hasn't been addressed. The other thing that hasn't been addressed or I don't understand is that the ordinance states that you must have a site development plan put in place if you take out more than seven significant trees. But, if you are a homeowner and you don't plan to develop your yard and you are just taking out the trees to grow green grass because you like grass and you don't like leaves, you shouldn't have to put in a site development plan and the ordinance says you have to put in a site development plan for this. It's just, I think, an overload. I am not sure about that. But, that's another thing.

Councilmember McClain asked, may I ask you a question Mrs. Parker and make a comment real quick? With a site development plan, Derrel, we have gone over this again through our committee through the different times. When you say site development plan, a landscaper can come out and give you a plan Mrs. Parker. We are not talking a full on architectural plan. Mrs. Parker asked, do you need a site

development plan if you are taking out the trees in your yard to grow grass? I don't think you need a site development plan, do you? I mean why would you need that? Councilmember McClain said, if there are seven significant trees, then yes. Mrs. Parker said, well then what would a site development plan for my yard, my grass look like? What does it look like? I mean I don't know. Councilmember McClain said, it is a plan to replace the trees. Mrs. Parker said, ok, so, a plan to replace trees somewhere else because they are not going in my yard. Councilmember McClain said, significant trees. Mrs. Parker said, site development plan, so development, it is really not a development, it is something else. Ok. Well, we will go onto the next one. Alright, there is a section that says on the replacement trees, it is on page 16 of my ordinance. It says, replacement trees shall be replanted with trees that meet the following specifications. They must be deciduous, evergreen, and ornamental. Correct me if I am wrong, but you can't have a deciduous tree and an evergreen tree simultaneously. And, the ordinance states that you must have, it says one of the following. I'm sorry, not one of the following, let me pull it up here. On page 16, paragraph 4. Replacement trees shall be replanted with trees that meet the following specifications: 1) Deciduous, 2) Evergreen, and 3) Ornamental. A deciduous tree is that loses its leaves in the winter. An evergreen tree is a tree that does not lose its leaves in the winter. You cannot have both. The ordinance states that, I think it's just a typo or you forgot to say you must have one of the following. It can't be all three. I would think you would want to amend that before you approved it. Councilmember Vance said, I think you are reading that wrong because it is saying what the specification of trees is. If you want to plant an evergreen tree, it has to be at least ten feet in height above natural grade. A deciduous tree would have a 2 ½ inch diameter and at least eight feet in height. So, that is just a specification. You get to choose which one of the three you want to use. Mrs. Parker said, I felt like that was what was intended, but that is not what it says. Councilmember Vance said, that is what it is saying in what I have. Mrs. Parker said, a replacement tree shall be replanted with trees that meet these specifications. Councilmember Vance said, exactly. Mrs. Parker said, deciduous, evergreen, and ornamental. Councilmember Vance said, it is or, or, and or. Mrs. Parker said, it is or, or, and or. Councilmember Vance said, it is one or two or three. Mrs. Parker said, ok. I see what you are saying. I just think it could be worded better. Ms. Duncan said it could say or, but it is not going to make a difference.

Mrs. Parker said, the last thing I really feel strongly about is the section that talks about putting a barrier screen between commercial development and residential development. There is a section that talks about you need to have a screen fully covered within a three-year time period. Now, I don't know how many of you all have tried to do a screen blocking a view. I have done it. I know that we have tried to help the Country Club do it on Matthews. I think the City has even tried to do it on Matthews and no one is having success in a short period of time so I think you need to amend that three-year period to be a longer period of time because the penalty if you are not in compliance is \$250-\$500 a day, per day if it is not in compliance. So, I talked to two landscape architects, one locally and one in Little Rock and they agreed. The choice of the person putting it up is going to have to be to put up like a privacy fence because it is going to be too expensive to screen because you will have to put in an irrigation system. So, they are going to choose a privacy wood fence and that is kind of counterproductive to the ordinance to put up a wood fence instead of an evergreen or something like that only because of the three-years. So, I think if you would amend the three-years, I think that would be better.

Councilmember McClain said, Mayor, I need to make one more point. On our committee, we did have a landscape architect sit on the committee that helped us. Mrs. Parker said, I was there that day. Yeah, I saw. I wanted to raise my hand and say

I have been trying to do that. Councilmember McClain said, I am just making a point that he was there and he made comments and helped us draft this ordinance. Mrs. Parker said, I have one last thing that I want to say. If I had been on the committee and I would love to serve in the future and if you decided to put this over and run it through another committee just to get another set of eyes on it. I think they did a great job and I think it has great bones. I think there are some things that need to be tweaked and I would be happy to serve. But, if I was going to do it, I would say instead of having one tree replacement of five trees replacing one, I might add let's just do one tree for one tree and then incorporate more flowers because mosquitos are hosting in these trees. And, in Jonesboro, if you increase the trees, you increase mosquito habitat. And so, I would try to suggest to keep the number of trees we have now, but increase more flowers because mosquitos do not house in flowers. That's all. Thank you.

Councilmember Bryant asked for a point of order. Are we voting on the amendment or are we voting on the ordinance? It was stated that the council is voting on the main ordinance. Mayor Perrin said, no. It has already been amended. So, you will be voting for the adoption. This is for third reading with the amendment. Councilmember Frierson said, I am concerned that we probably should appreciate the excellent work of that committee and adopt this ordinance. If in the implementation, it turns out that there is some quirks, amendments are always available to bring it around to the proper prospective. We need to do this thing tonight. Mayor Perrin said, thank you for your comments Councilmember Frierson.

Councilmember Charles Frierson motioned, seconded by councilmember Chris Gibson, to adopt ORD-18:051. All voted aye except Councilmember Bobby Long.

Councilmember Bobby Long said, just as a point of clarification too, when we first started talking about this several months ago, the idea in my mind for tree preservation was to slow down or stop the clear cutting of land when residential developments come aboard, come about and also to put into place some reasonable guidelines for commercial development. I am not devaluing the work of the committee. They put in time, effort, a lot of research, and everything like that to. So, yeah, just because a committee voted on something doesn't mean the committee thought of everything. I have been a part of some committees that were made up of some very respected people, some very knowledgeable people. But, also, at the end of the day, they didn't think of everything. I appreciate the committee's work and I appreciate the effort that they put in, but just because there was a lot of time spent doesn't necessarily mean that things come out of it that were necessarily good for what it needed to be or the intent that it was originally founded for. It is just like the wild ornamental tree thing. I don't think that is appropriate. It could have been dealt with and I think it would have been better served had we dealt with some of those issues. Mayor Perrin said, thank you for your comments Councilmember Long. Again, I am going to echo Councilmember Frierson and even though it passed, in implementation, we can always make changes to that.

A motion was made by Councilperson Charles Frierson, seconded by Councilperson Chris Gibson, that this matter be Passed . The motion PASSED with the following vote:

Aye: 11 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Joe Hafner;David McClain and LJ Bryant

Nay: 1 - Bobby Long

Enactment No: O-EN-074-2018

[ORD-18:074](#) AN ORDINANCE TO THE CITY OF JONESBORO TO PLACE A TRAFFIC SIGN ON CARRIAGE DRIVE AS DETERMINED BY THE TRAFFIC CONTROL COMMITTEE

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

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

Enactment No: O-EN-075-2018

[ORD-18:077](#) AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM I-1, LIMITED INDUSTRIAL DISTRICT TO RM-8, RESIDENTIAL MULTIFAMILY FOR PROPERTY LOCATED AT 124 N. FISHER AS REQUESTED BY MARTHA FERNANDEZ

Attachments: [Ordinance.pdf](#)
[Plat.pdf](#)
[Application.pdf](#)
[Staff Summary - 124 N. Fisher.pdf](#)
[Rezoning Questions.pdf](#)
[Site Plan - Plat.pdf](#)
[Plan Drawing.pdf](#)
[Quitclaim Deed.pdf](#)
[Survey.pdf](#)
[Rezoning Petition Against 124 N. Fisher.pdf](#)

Councilmember Dr. Charles Coleman said, Mayor, I intend to vote against this rezoning, but I am going to make a motion so that we can have a vote on this. Mayor Perrin asked, do you have anything you want to cover Dr. Coleman? Councilmember Coleman said I have a lot of cover, but I also have a petition from a group of people who are here in opposition to this rezoning. I also sent you and the councilmembers an email regarding this. I don't want to go ahead and read this letter unless you want me to read this whole letter. Mayor Perrin said, I think there are a lot of people who showed up tonight and I know that you had sent me an email and you also copied all of the councilmembers if I am not mistaken. Again, we can make a motion or we can also hear from the people who want to speak on this item. I am going to first ask if there is anyone here that wants to speak on this item on this rezoning ORD-18:077? Anybody want to speak on that?

Angel Fernandez, 323 N. Alice, said, I am the son of the owner of record, Martha Fernandez. The day after the first hearing, I met with Dr. Coleman in regards to the concerns that the opposing party was having. He mentioned that they had some concerns about setting up a fence or whatnot in order for the walking people not to have a view or want their tenants to not have a view. I guess if they were to be smoking or whatever on their property that the church wouldn't be able to see it. I don't understand if supposedly they agreed when Dr. Coleman mentioned that he was going to have check with them and see if they would agree on me, basically, I agreed on putting up a fence and so that we wouldn't have an issue. It came out too supposedly that the church didn't really care if I set up the fence or not, they just didn't want the multifamily units in that area because of whatever reasons. My concern is that if I was told one thing whenever I met with Dr. Coleman. And like he said, he had mentioned

that like he said right now that he wasn't going to vote for any party because he was concerns. He was listening to my point of view and he was also listening to the point of view of the opposing people. Now, I don't really know what is going on. If we are going to amend or if we are going to deny it based on allegations. I am not clear. We talked and said one thing and now we are saying another thing. I don't really understand what is going on. Councilmember Coleman said, let's kind of get something clear. I didn't promise you anything. I want to make sure that is totally clear because I can't do that as a councilmember. I want to make sure that is totally clear. Mr. Fernandez said that was one of my concerns. I would listen to the opposing party. Mayor Perrin said, this is on the third reading.

Judy Casteel, 1902 Independence Cove, said, I do not live by the Fisher Street property. I have seen the Fisher Street property. I understand that this is part of the redevelopment corridor. I have two things to say about it. First of all, parking seems to be an issue there with this particular piece of property. I really, honestly, do not see that there is enough space for as much parking as there needs to be for a duplex. And, that goes to the concrete and the water runoff. The other point is back to the redevelopment corridor, I am just wondering if this is really the way that the council wants to go. I have no idea. I would just like for you to think about the fact that we are now talking about the redevelopment corridor and multifamily and where that is. That would be my only statement on it. I appreciate you.

Ray Coleman, 921 Cypress Run Cove, said, I am a member of this church, Fisher Street Church. I am the maintenance man there at the church. As far as the apartment complex built across the street there, our concern is the parking. The parking is, to my knowledge, for the apartment being built, I don't think they have adequate parking there. And, if anything goes on, there is probably going to be some parking at the church over there across the street so we didn't want that problem of parking at the church.

Matthew Lloyd, 708 Culberhouse Cove, said, I am the pastor of Fisher Street Church of God in Christ. Our church is directly across from the property in question. Not only are we concerned about the parking, but if anybody parks over there and gets hurt, then I am afraid that the church would be held liable. We are also having problems now with people parking, some people in the community parking on the church property. We have also had problems with vandalism and also people sleeping there and drugs, and evidence of people having sex on the property. We don't want to increase that.

Mayor Perrin said, I think all of you got the same thing that was sent out from the Bishop and the Pastor. One was the parking, but also is what Ms. Casteel had brought up which was on the redevelopment deal that we had. This is only about two blocks from the Wolverine property that we have been talking about where they have talked about redeveloping that whole area. I am just making that as a point of order that those two things were sent to everyone. You have heard both sides. Is there anyone else in the audience that wants to speak for or against this before a vote is taken?

Councilmember Dr. Charles Coleman motioned, seconded by Mitch Johnson, to adopt ORD-18:077. All voted NAY except Chris Gibson who voted aye. The motion to pass FAILED.

A motion was made by Councilperson Charles Coleman, seconded by Councilperson Mitch Johnson, that this matter be Passed . The motion FAILED with the following vote.

Aye: 1 - Chris Gibson

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

ITEMS THAT HAVE BEEN HELD IN COUNCIL

[RES-18:186](#)

A RESOLUTION PROVIDING FOR THE ADOPTION OF A BUDGET FOR THE CITY OF JONESBORO, ARKANSAS, FOR THE TWELVE (12) MONTHS BEGINNING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019, APPROPRIATING MONEY FOR EACH ITEM OF EXPENDITURE THEREIN PROVIDED FOR; AND FOR OTHER PURPOSES

Attachments: [Budget 2019.pdf](#)

Councilmember Joe Hafner said, as Chairman of the Finance Committee, I am fine with us doing this by resolution. We are allowed to do that by state statute. The thing that I would ask as we move forward into next year is that you all do a great job of getting this to us before Thanksgiving. So, my request would be to get it before Thanksgiving and then wait until the latest and not put it onto the agenda for adoption until the last council meeting of the year. That way, everybody will have almost a month to look at it, to ask questions including the public and then, also, and this was kind of proven evident in our last two finance meetings that if there are any significant changes in operations or way the salaries are structured, maybe include an overview of those changes in the cover letter just so there is more communication and not "surprises" when it gets in front of us so everybody is more onboard. Like we said yesterday and like we said last week, a lot of the stuff that is in the salary plan is well within your right to do and that is what the council voted on, but it still doesn't hurt to spread the message about what the impact is and what the title changes and department regrades are for. I just think it helps with the message. Mayor Perrin said, so noted.

Councilmember Gene Vance said, I too, am uneasy with changing from the ordinance to the resolution. I know there are several advantages and it will be beneficial to the city. I do think that we have done a poor job of letting the public know why it is advantageous to go to a resolution rather than do it by ordinance as we always have in the past. I would hope that in the next twelve month period or as Councilmember Hafner said, the next eleven month period, that perhaps some communication can go out to educate the public on why a resolution is better than an ordinance for the budget. Mayor Perrin said, so noted.

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

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

Enactment No: R-EN-183-2018

8. MAYOR'S REPORTS

Mayor Harold Perrin reported on the following items:

I think everyone has seen the Airport Commission's Financial Statements ending November 30, 2018. Which again, I think they are having a good year.

Just a few notes here on the ice house, a contract for the permit was done. They have signed that. They should be moving equipment in sometime this week to demo the ice house, as well as, each house on both sides.

I sent a letter to Brandon at Union Pacific to make sure they demolish the old roundhouse. I was told that a few minutes before I got here that they had come in and bought a permit to do the demo. So, that should be forthcoming shortly.

On January 16, 2019, we do have our winter conference at the Arkansas Municipal League. I would encourage any of you all elected officials to please attend those if you can. It is a lot of good information that comes out of there, particularly in the work sessions that we have. It is for two days, so if you could, try to attend that.

Mike Downing and I and Bill Reznicek met with two of the owners of Citizens Bank building this past week. Mike Downing and I and Bill Reznicek are going to schedule a meeting with the perspective developer in Little Rock, hopefully, right after the first of the year. We are going to keep pushing that as hard as we can.

The Nominating and Rules Committee will switch at the first of the year and it will now go to my left. I think that I would talk to Councilmember Chris Gibson and you all will get together and decide a Chair on that so we can get that going right after the first of the year.

I want to say that our Police Department did an incredible job, a very difficult job this past week. Gabo, the police canine, is doing good and is home recouping. Hopefully, may even be back to work in six weeks. Speaking with the Chief, I know that we got a call from a firm or a foundation, I think, that paid for the entire surgery and all of that. I think they are also going to bring in people for all of our K-9 dogs to measure those dogs and get the vests for all of them. I think that is incredible, but I don't want to take the thunder. He's got a lot more to talk about hopefully at the next council meeting on January 3, 2019.

On our MBA program, where we go through the HUD program on our grants, we have already had 11 applications for those funds to be looked at and reviewed and I think that is great.

I also want to remind everybody that this is the last week for Winter Wonderland. It will close on Friday, but Santa is going to be there tonight, Thursday night, and Friday night. So, get the kids and come on down to the Winter Wonderland and have a great time. When you get through with that, try to ice skate.

The last thing and more importantly, I did hear your comments about the budget process. I understand that and there were misconceptions and misunderstandings on some of that stuff. We will do a great job next year on that. I am not for sure, if I don't even want to go back even to an ordinance. I don't know. We will talk about that next year.

I want to wish everyone here a very Merry Christmas and a Happy New Year. We will not meet until January 3, 2019.

Some of you all have been re-elected, so you will have to be sworn in. I think City Clerk Donna Jackson is going to do that at the next council meeting on January 3, 2019.

Jonesboro is a blessed community. I think it is one of the most loving and benevolent communities that I have lived in.

Again, the budget process was good. We will continue to be conservative and do everything that we possibly can to provide services to the citizens and certainly not degrade any services whatsoever.

Again, I want to wish everyone a Merry Christmas and that is all I have.

[COM-18:082](#)

Airport Commission Financial Statements ending November 30, 2018

Attachments: [JAC Jonesboro Airport Financials 11_18.pdf](#)

Filed

9. CITY COUNCIL REPORTS

Councilmember John Street said, I want to wish everyone a Merry Christmas and a Happy New Year.

Councilmember Mitch Johnson said, Merry Christmas.

Councilmember LJ Bryan said, I would just say briefly that we had a good budget process. To the public, it may be a little confusing. We had a meeting and cancelled a meeting and etc., but we worked through things and that was just procedural so I think we have a good budget and we will have a good upcoming year.

Councilmember Joe Hafner said, one of the things that I did while looking at our budget and looking at other cities budgets, is the City of Conway, and I have mentioned this to Bill Reznicek and Mayor Perrin. The City of Conway has a website or on their website have a thing called an open checkbook where basically, the citizens or whomever can look at the financials for the month and to see the different funds and what the expenditures were and who they were to. I have asked Bill to look into doing this. I don't think we would be able to do it to the level that Conway has because they probably spent \$250,000-\$500,000 on their software. But, I think there would be a way to do this while we are revamping the website to just add to the Finance tab. We can put monthly financials on there. It may be a PDF, but it would have expenditures by fund. We can put our audit reports on there and our budget. Just in one easy to find place. Sometimes, in Legistar, stuff gets buried. I just think that will help promote transparency and accountability. If people have questions on what money is being spent on, they can look and they can ask. Hopefully, that is something that will help with communication. A lot of problems can be avoided with better communication. I was told that in 1987. It was the best thing I was ever told.

Councilmember Bobby Long said, I just want to say Merry Christmas to everybody. The budget process, I know, was a difficult one. I don't know if there is a budget that can be seen as favorable with a \$6 million shortfall. So, I think we need to go into 2019 looking at what the budget is going to look like in the fall of 2019 for 2020. Let's see what we can do to rectify that and get us to a zero budget without pulling down any reserves. I know that is going to be difficult to do, but I think it is something that is the responsible thing to do. I don't know of any business that could stay afloat consistently losing millions of dollars every year and we are going to be in that same situation. So, as we move into 2019, we look at the expenditures that we are looking at

planning on doing and let's see what we can do to get that to a zero effect without pulling money down from the reserves.

Councilmember David McClain said, Merry Christmas.

Councilmember Chris Gibson said, as Chair of the Public Services Committee, I do apologize for not letting everyone know that we had a meeting tonight. I, admittedly, did not dig far enough down in my agenda items to notice that we had one, so, my apologies.

Councilmember Ann Williams said, Merry Christmas.

Councilmember Chris Moore said, Merry Christmas.

Councilmember Dr. Charles Coleman said, one thing, December 25 from 10:00-12:00, I will be at the E. Boone Watson Community Center playing Santa Claus for the kids. We have about 100 gifts to give away for kids from 3-5 who are accompanied by an adult.

Councilmember Gene Vance said, Merry Christmas.

Councilmember Charles Frierson said, Feliz Navidad.

10. PUBLIC COMMENTS

James Elwood Hinds, 506 Ridgecrest, asked if there was something that could be done to keep the cars off of Main street during the Christmas Parade so that the children can safely enjoy the parade. Mayor Perrin said, thank you. Good comment. Councilmember Bobby Long said, good comment.

11. ADJOURNMENT

A motion was made by Councilperson Mitch Johnson, seconded by Councilperson LJ Bryant, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

_____ Date: _____

Harold Perrin, Mayor

Attest:

_____ Date: _____

Donna Jackson, City Clerk