



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Monday, October 5, 2015

5:30 PM

Municipal Center

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

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NOMINATING & RULES COMMITTEE MEETING AT 5:15 P.M.

1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.

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2. PLEDGE OF ALLEGIANCE AND INVOCATION

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3. ROLL CALL BY CITY CLERK DONNA JACKSON

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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

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5. CONSENT AGENDA

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Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, 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-15:087

Minutes for the City Council meeting on September 16, 2015

[play video](#)

Attachments: [Minutes](#)

This item was APPROVED on the consent agenda.

RES-15:145

A RESOLUTION TO ALLOW THE MAYOR TO SETTLE THE LAWSUIT WITH GARY JOHNSON, JIM JOHNSON, AND JOE JOHNSON

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Sponsors: Mayor's Office

Attachments: [Agreed Order of Condemnation and Disbursement of Funds](#)

This item was APPROVED on the consent agenda.

Enactment No: R-EN-132-2015

RES-15:148

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO LEVY A 2 MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE PUBLIC LIBRARY TAX

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Sponsors: Mayor's Office and Finance

This item was APPROVED on the consent agenda.

Enactment No: R-EN-133-2015

RES-15:149

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO LEVY A ONE-HALF (.5) MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE LOCAL FIREMENS PENSION PLANS

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Sponsors: Mayor's Office and Finance

This item was APPROVED on the consent agenda.

Enactment No: R-EN-134-2015

RES-15:150

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS LEVY A ONE- HALF (.5) MILL TAX ON ALL REAL AND PERSONAL PROPERTY FOR THE JONESBORO POLICE PENSION PLANS

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Sponsors: Mayor's Office and Finance

This item was APPROVED on the consent agenda.

Enactment No: R-EN-135-2015

6. NEW BUSINESS

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ORDINANCES ON FIRST READING

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ORD-15:051

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH RITTER COMMUNICATIONS TO RENEW OUR SERVICES AND PROVIDE FIBER CONNECTIVITY FOR THE CITY OF JONESBORO

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Sponsors: Information Systems

Attachments: [Quote COJ Services Renewal.PDF](#)

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

Mayor Perrin explained the Ritter fee went up a little bit, but it is still a good deal. This is a five-year contract covering phone lines, disaster recovery, fiber optics and servers.

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

Aye: 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

ORD-15:053

ORDINANCE AUTHORIZING A MEMBER OF THE JONESBORO CITY COUNCIL TO CONDUCT BUSINESS WITH THE CITY OF JONESBORO, ARKANSAS AND DECLARING AN EMERGENCY

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Sponsors: Grants

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

Mayor Perrin explained if the city receives funding from federal grants and someone serves on the city council that receives funding from federal grants, then they have to abstain from voting and discussion. In this case, a council member is tied back to HUD regulations due to committees he serves on. They are going to be sending out a letter to all council members asking what organizations they are involved in and offices that are held, so the Grants Department will know who is involved with what organization.

Councilman Moore noted Councilman Coleman is an unpaid volunteer on the organizations.

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

Councilman Johnson noted since this is grant-related the ordinance needs to be moved forward with. After passage of the ordinance, Councilman Street motioned,

seconded by Councilman Moore, to adopt the emergency clause. All voted aye, with the exception of Councilman Coleman who abstained from voting.

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

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

Abstain: 1 - Charles Coleman

Enactment No: O-EN-042-2015

7. UNFINISHED BUSINESS

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ORDINANCES ON SECOND READING

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ORD-15:039

AN ORDINANCE TO AMEND THE STREET IMPROVEMENT DRAINAGE PROGRAM MANUAL AND CREATE ADDITIONAL STREET SPECIFICATIONS

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Sponsors: Engineering

Attachments: [DI-6](#)
[DI-7](#)

Councilman Street asked that the ordinance be held at second reading. Mayor Perrin added they will have a presentation at the next meeting to present the manhole cover to the student who made it.

This ordinance was Held at second reading.

ORDINANCES ON THIRD READING

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ORD-15:048

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-3 LUO TO PD-RM FOR PROPERTY LOCATED AT 2506 AND 2510 JOHNSON AVENUE AS REQUESTED BY JAMES CARR AND WILLIS & CAROLINE GRAY

[play video](#)

Attachments: [Plat](#)
[MAPC Report](#)
[Zimmer Development Company Profile](#)
[Asset Campus Housing Portfolio](#)
[Asset Campus Housing Management Summary](#)

Amy Carter, an adjacent land owner to the proposed rezoning, expressed concern about the development being too much for such a small area. She asked if this development is the best for the city or could it be cut down on and made smaller. She suggested making Zimmer sign a contract requiring security that is present all the time. She then stated there will be problems considering the number of people who will reside at the development and asked that the council consider these things for the good of the city.

Councilman Frierson motioned, seconded by Councilman Street, to adopt the ordinance.

Councilman Burton stated at a previous meeting it was indicated the owners could restrict the tenants to students only, but that is not the route the owners are currently taking. Attorney Don Parker, representing Zimmer Development, explained the project is for student housing, limited to off-campus student housing. He reiterated it will be student occupied.

Stacey Lecocke, from Asset Campus Management, explained they will work with the university. They will provide their rent roll to the university for verification. She has already met with the university to establish relationships.

Councilman Dover asked if the students only stipulation is forever. Ms. Lecocke answered yes, as long as they are managing the property and the owners have that stipulation in place. She noted the university has shown interest in working with the development.

Councilman Burton then questioned how the city would police whether or not the development is student-only. City Planner Otis Spriggs explained the MAPC placed a condition on the development that they would supply the Planning Commission with their maintenance and security plan. He added they could impose further standards on management by adding to the requirements set out in the ordinance.

Councilman Moore questioned whether the council would be in violation of the Fair Housing Act by restricting the development to students only when students are not a protected class. City Attorney Carol Duncan stated she has not researched the topic, but since all of the protected classes could be students she could see where the students-only restriction can be made.

Ms. Lecocke explained their attorneys have indicated that students are not a protected class, but any one of the protected classes can be students so the student-only restriction has not been challenged. She has been in the industry for over 15 years and have leased as student-only for at least that long. She is not aware of any challenges to that stipulation.

City Attorney Duncan noted if there is a Fair Housing violation it would be against the owners, not the city.

Councilman Dover asked how they will handle students who drop out after college starts. Ms. Lecocke stated they do the audits with the university on a quarterly basis, so there may be a time when a student may be living there that isn't enrolled anymore. She noted they try to do an audit with the university monthly, but at this time they cannot commit to that.

Councilman Burton then questioned who, on the city's end, will police the audits so the city can ensure that only students will be living there. Ms. Lecocke explained their process is all via email, so they can add someone from the city to their list to include

them.

Councilman Burton asked if there is any documentation or evidence from ASU showing their support or interest in the project. Mr. Parker explained there have been numerous discussions with ASU and they have indicated there is a need for off-campus housing. But, they are not in a position to endorse any potential project. He added if the university was opposed, he thinks they would've seen that.

Councilman Burton stated in previous meetings it had been indicated there would be some cooperation between the university and the developers to help with the pedestrians trying to cross the street to get to the housing development. He asked for an update concerning how the foot traffic will be handled. Mr. Parker stated ASU Chancellor Dr. Tim Hudson indicated if the project moved forward they would do their very best to bring the connectivity down to Johnson, along University Loop. Zimmer will also work with the Highway Department to obtain permits to put in crosswalks at those lights. They have also discussed the traffic engineering with the City Traffic Engineer Mark Nichols. But, those are all topics that will be addressed to the satisfaction of the MAPC before approval of the site plan.

Councilman McCall asked for an update concerning the security on site. Ms. Lecocke explained their plan will include a third party security company from 8 p.m. to 5 a.m. Thursday thru Sunday night, with expanded hours depending on the time of year. They will also supplement for holidays where they expect additional activities.

Councilman Dover then questioned what things the council could be added to the ordinance. Mr. Spriggs stated everything that's been discussed is covered in the conditions, except for #9 which could have more teeth if the council saw fit. The only other things he would add would be to include the Planning Department in Asset Management's auditing of their tenants with ASU. He explained that would be one way to ensure the development is sticking to the conditions of being student only. He noted student-only housing is not currently mentioned in the ordinance. Councilman Vance asked if that could be added tonight in #9. Mr. Spriggs answered he thinks that would be fine.

Councilman Vance motioned, seconded by Councilman Street, to amend the ordinance to add in Section #9 that the housing is for students and faculty only and the Planning Department will be included on the notification for audits on a quarterly or monthly basis, whatever is worked out with the university. All voted aye. Mr. Parker noted Zimmer does not have any objections to the amendment.

Councilman Dover asked if it is in the ordinance that they will have to employ a third party security company to provide security services to the housing area. It was answered that is in the security plan that will be taken to the MAPC. Councilman Vance noted that will be in the security plan that will have to be approved by the MAPC.

Phillip Cook, 5216 Richardson Drive, questioned whether the rules will be enforceable if Zimmer is not longer the owner of the property. Councilman Vance answered the stipulations are applied to the land, not the owner.

Vote was then taken on the motion to approve the ordinance as amended.

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

Aye: 8 - Ann Williams;Charles Frierson;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson and Rennell Woods

Nay: 4 - Darrel Dover;Chris Moore;Charles Coleman and Todd Burton

Enactment No: O-EN-043-2015

ORD-15:052

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 FOR PROPERTY LOCATED AT 1922 RACE STREET AS REQUESTED BY RACE STREET ATHLETIC CLUB

[play video](#)

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

A motion was made by Councilman Chris Moore, 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-044-2015

ITEMS THAT HAVE BEEN HELD IN COUNCIL

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ORD-15:028

AN ORDINANCE ADOPTING BY REFERENCE THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE TO THE JONESBORO CODE OF ORDINANCES WITH RESPECT TO MULTI-FAMILY HOUSING IN THE CITY OF JONESBORO

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Sponsors: Inspections

Attachments: [Mayor's Statement from June 16, 2015](#)
[Letters of Opposition](#)
[Letters of Support](#)
[Exterior Maintenance - Landlord's Association](#)

Councilman Vance asked that the ordinance be tabled until November 3rd.

A motion was made by Councilman Gene Vance, seconded by Councilman Darrel Dover, that this matter be Postponed Temporarily until November 3. 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

RES-15:132

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM SHANE & KIMBERLY BARROW FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

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Sponsors: Engineering

Attachments: [Easement](#)

Councilman Moore noted that the resolution was postponed at the last meeting. He asked if all the issues were cleared up. Mayor Perrin answered yes.

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

Aye: 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-136-2015

8. MAYOR'S REPORTS

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He recognized Jessica Coleman, the new assistant city attorney.

The second entrance to Sage Meadows has been completed.

He thanked Tim McCall, Jack Turner, the Police and Fire Departments, Paul Carter and Street & Sanitation Departments for their work during the recent barbecue fest.

The city will be holding a sales tax meeting tonight at 6:30 p.m. in Council Chambers. He encouraged everyone to stay.

The city will be receiving a minute order from the Highway Department to repair 15 railroad crossings in the city.

The Caraway Road overlay has started on the side roads today. He asked everyone to deter from Caraway until the project is completed.

A study was done on Johnson Avenue. The city is requesting permission to put in three to four pedestrian walkways. It will help make the area from Main Street down to the university a safer area.

The bridge on South Caraway should be completed soon.

COM-15:060

Jonesboro Airport Commission financial statement for August 31, 2015

[play video](#)

Sponsors: Municipal Airport Commission

Attachments: [Financial statements](#)

This item was Filed.

9. CITY COUNCIL REPORTS

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Councilman McCall thanked numerous people for their work during the barbecue fest. He also thanked the sponsors for the event.

Councilman Burton stated he has received feedback regarding the new Macedonia Road entrance in Sage Meadows. He has heard good feedback from residents in that area. He then asked if a date has been set for the third sales tax meeting. Mayor Perrin answered it will be in one week at the Nettleton Performing Arts Center. He will also be meeting with some clubs in the city as well. He noted everything is also on the city's website.

Councilman Gibson thanked the city and county for the Macedonia Road connectivity in Sage Meadows.

Councilman Coleman invited everyone to the National Night out festivities in town tomorrow night.

10. PUBLIC COMMENTS

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Eugene Holloway, 408 Marshall, discussed the property maintenance code. He stated he thinks the code should be adopted in its entirety and not piece-milled. He expressed concern about some parts of the code that were omitted. He noted a lot pertain to the inside as well as the outside. He asked that the code be equitable and fair. Mr. Holloway explained his primary concern is that landlords and tenants have responsibilities on both sides and that the interior are also considered to be subject to inspection.

Mary Ellen Warner, a representative from the West End Neighborhood Association, stated they are having a National Night Out event at the CWL Park. She invited everyone to attend.

11. ADJOURNMENT

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A motion was made by Councilman Mitch Johnson, seconded by Councilman Rennell Woods, 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