



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes Public Works Council Committee

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Thursday, July 5, 2018

5:00 PM

Municipal Center

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### 1. Call To Order

### 2. Roll Call by City Clerk Donna Jackson

*Mayor Harold Perrin was in attendance.*

**Present** 7 - Gene Vance; Mitch Johnson; John Street; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

### 3. Approval of minutes

[MIN-18:058](#)

Minutes for the Public Works Committee Meeting on June 5, 2018

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

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

**Aye:** 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

### 4. New Business

#### *ORDINANCES TO BE INTRODUCED*

[ORD-18:042](#)

AN ORDINANCE TO AMEND ORDINANCE 117-34 TO PROVIDE FOR THE PLACEMENT OF SIGNS TO PROVIDE NOTICE TO THE PUBLIC OF REQUESTED PROPERTY USE CHANGES

**Attachments:** [Rezoning Sign Placement.pdf](#)

**A motion was made by Councilperson Chris Moore, seconded by Councilperson LJ Bryant, that this matter be Recommended to Council . The motion PASSED with the following vote.**

**Aye:** 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

[ORD-18:043](#)

AN ORDINANCE TO AMEND ORDINANCE SECTION 117-164 AND 117-175 TO AMEND PLANNED DEVELOPMENT DISTRICT CHANGES

**Attachments:**    [Planned Development District.pdf](#)  
[Current Code as of 06182018 Sec 117-164.pdf](#)  
[Current Code as of 06182018 Sec 117-175.pdf](#)

**A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.**

**Aye:** 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

#### RESOLUTIONS TO BE INTRODUCED

##### [RES-18:088](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO AN AGREEMENT WITH PICKERING FIRM, INC. TO PERFORM PROFESSIONAL ENGINEERING SERVICES RELATED TO SOUTH CARAWAY WIDENING

**Attachments:**    [Agreement.pdf](#)

*The reason stated for the temporary postponement was the policy for procurement is going to be rewritten. They will take it up at their next meeting in August.*

**A motion was made by Councilperson John Street, seconded by Councilperson Chris Moore, that this matter be Postponed Temporarily . The motion PASSED with the following vote.**

**Aye:** 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

##### [RES-18:102](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT TO SELL FOR REGIONS BANK FOR CLOSING ON PROPERTY LOCATED AT 4902 EAST NETTLETON AVENUE, JONESBORO, ARKANSAS

**Attachments:**    [100824 Tract 56 Appraisal 2017-06-23](#)  
[Contract to Sell](#)

*NOTE: There were A/V issues with the system being shut down and restarted. Audio comes on at 14:58, goes off at 15:03, and then comes back on at 15:08. Audio begins in the middle of the conversation.*

*Mayor Perrin said I called and talked with legal services in Little Rock the other day. It was just a matter of them knowing. I wanted to know why they wanted me to sign. It is nothing more than the seller wanting us to know, the entire city to know, that we are doing it. With that in mind, I would like to ask you if you could to go ahead and forward this to the full council tonight because they are trying to get ready to bid this project. This is on Watt Street. This is the Regions Bank building. Councilmember Gene Vance said that it is the old Nettleton Bank. It is the old, original Nettleton Bank. Mayor Perrin said yes.*

*Councilmember Mitch Johnson motioned, seconded by Councilmember Ann Williams, to forward to full Council and walk it on to tonight's agenda.*

*Councilmember Chris Moore said he is like the Mayor. I have been on here twenty years and I have never been a third party in a purchase contract between the railroad and anybody else. What is the explanation for why. Mayor Perrin said again, I asked*

the same question to Lorie Tudor and to Pete who is over that division and all the way down to the legal department. There are cases that when they are taking property and buying it that I would say, I would hate to say the word damage, because they are giving them in this contract \$121,000. There is going to be a major retaining wall right next to that building for that overpass on Watt Street. When you have things like that, you just, sometimes, the seller prefers that someone from the city sign off on it. That is all it is saying. It is not saying that we are agreeing to that. Councilmember Moore asked if we had any liability. Mayor Perrin said no, not at all. Councilmember Moore asked if the retaining wall falls over, do we have any liability? Mayor Perrin said he asked that question. Councilmember Moore said that it seems unusual that they wouldn't just deal directly with them. I don't know why the Highway Department needs us to interfere in a contract.

City Attorney Carol Duncan said they are listing us as the grantee. Councilmember Moore asked if we are buying it from the railroad and selling it. Mayor Perrin said it is my understanding that the Highway Department is buying it directly from them. Chairman John Street said I am like you Councilmember Moore, I read that a few times and in my sixteen years, I have never seen anything like that. Mayor Perrin said I have been here twenty-five years and it is the same thing. Councilmember Moore said Chairman Street, you are an appraiser and Ms. Duncan is an attorney. Ms. Duncan said we have the right to or we have an option to exercise in it and maybe that is why they need the Mayor's signature on it because there are some clauses in here about should we ever decide to exercise our right, here is what would happen so it may just be because we have that option in there. Councilmember Moore said I rely on you for legal advice. Ms. Duncan said right. Mayor Perrin said right. Councilmember Moore said if you said go, then I will be all about it.

Councilmember LJ Bryant asked City Attorney Carol Duncan about page 4 where in bold it says the City of Jonesboro is hereby authorized and directed to make payment of the purchase funds for the conveyance to Regions Bank. Ms. Duncan said that she didn't understand and that was a question that she had for the Mayor. She said it does suggest that we are spending money. Obviously, when I read contracts, I don't read them for what we are going to spend money on because I don't make the deal. I just look at whether it is legal. When it is legal for us to spend the money, I count on you all to do that. Mayor Perrin said this is coming out of the STIP. All of this is coming out of the STIP money. Councilmember Moore said he wondered if that was the reason we were involved in that since we were paying down part of the project with the STIP money. So, instead of the Highway Department being the sole entity involved, we are actually in a partnership with the Highway Department on that overpass because we are paying part of it out of our money that we obligated at the Council, the \$90 million setback. Mayor Perrin said I am letting Ms. Duncan look. Ms. Duncan said I read it once, but like I said I don't read for whether it is a good deal. That is for you all to decide. I read for whether it is legal. Councilmember Moore said I am not worried about the dollar amount. I just want to make sure that we are not assuming a liability that we have to maintain or anything else. Mayor Perrin said he couldn't tell. I questioned them several times on that and they said nope, all it is, is that it is just simply the seller's acknowledging. In other words, Regions Bank is acknowledging that it is being bought by the Highway Department for the overpass and also again, they are giving them \$121,000 just to put that retaining wall in which is going to be right next to that drive thru. It is going to be awfully close to that building.

Ms. Duncan said she has some concerns about Exhibit A if you think we are not spending any money. Mayor Perrin said if you want to table this, then that is fine. We will let Carol look at that. Ms. Duncan said, let me call them maybe and ask them a

*couple of questions. Mayor Perrin said or you can pass it on to the full council. All I am saying is that I will be down there next week at the Highway meeting. If you all want to pass it subject to approval from her or however you want to do it, that is fine. Chairman Street said that would probably be a good idea. Councilmember Moore asked Chairman Street if he wanted to change his motion to recommend to full council pending Carol's approval. Councilmember Johnson said he made the motion. Chairman Street asked Councilmember Johnson if he was willing to change his motion. Councilmember Johnson said yes. Ms. Duncan said the City Attorney is not going to be able to approve it by tonight.*

*Councilmember Dr. Charles Coleman said he thought they were just going to table it. Ms. Duncan said you can walk it on, but it won't go anywhere tonight or you can wait until the next council meeting. Mayor Perrin said let's just wait because I want it to be clear. Councilmember Johnson asked if it should not go ahead and come out of this committee if we are going to do it for the next council meeting or are you wanting to postpone it for a whole month. Councilmember Moore said let's recommend it to be on the next regularly scheduled council meeting. If Carol comes back and says there's a problem, then we can address it. Mayor Perrin said when I am there next week, I can tell them that our attorney wants to talk with their attorney. Ms. Duncan said yes. Mayor Perrin said that is no problem. Councilmember Johnson said my motion needs to be forward to full council at their next regularly scheduled meeting. Mayor Perrin said there you go. Councilmember Williams seconded the motion. All voted aye.*

**A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.**

**Aye:** 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

## **5. Pending Items**

### [ORD-18:040](#)

AN ORDINANCE TO AMEND CHAPTER 42 OF THE JONESBORO CODE OF ORDINANCES TO ADD ARTICLE VI SHORT-TERM RESIDENTIAL RENTALS

*Chairman John Street said we have discussed this for quite some time. We will let City Attorney Carol Duncan address this.*

*Councilmember LJ Bryant asked Ms. Duncan, obviously I know what our intent is, but like 42-146 when we talk about 29 days or less, I mean, obviously, I guess our intent is when you are doing it for 29 days or less, but is it clear enough that it is not in the aggregate. I don't know if I am being clear. If you rented your house collectively in the entire year for 29 days or less or if it was just not a monthly rental. Does my question make sense? Ms. Duncan said it is. We are using the same language that is used under the A&P Commission in order to try to distinguish this from a month to month rental property. I mean we can add a word per rental, 29 days or less per rental if that clears that up. That might solve your issue. I think that would be easy enough to do. Councilmember Bryant said that might clear that up. Ms. Duncan said we were just trying to mirror the A&P language so there wasn't any confusion. Hotels have a different terminology as well which says 29 days or less. That is what falls under the Hotel & Motel taxes so we were trying to mirror that language, but sure we can put per rental. If you want to make that amendment, we can do that right now. Councilmember Bryant said I will offer that amendment. Councilmember Chris Moore said he would second that.*

*Chairman Street said we have a motion and a second to amend the ordinance to*

reflect 29 days or less per rental. Councilmember Gene Vance said I am going to vote no. I think if we open this up and this becomes a business in residential areas and if we go ahead and pass this through, in my opinion, we are going to owe apologies to a lot of other home-based businesses that are not allowed to operate within our ordinances today. Councilmember Moore said he would vote no. Chairman Street said we have two no's. Councilmember Dr. Charles Coleman said he would vote no. Councilmember Moore said he is extremely uncomfortable of running, basically what seems to me to be a hotel business in a residential neighborhood. Councilmember Vance said exactly. That is what we are doing.

Chairman Street said to simplify this, we need a voice vote. The vote is as follows: Vance-No; Johnson-No; Moore-No; Coleman-No; Bryant-No; Williams-No. It is unanimous, all no. The motion does not pass. City Attorney Carol Duncan said that was just on amending it per rental, that was not on the entire ordinance. That was on amending the per rental on 29 days.

Councilmember Chris Moore motioned, seconded by Councilmember Mitch Johnson, to recommend it to the full council. All voted no so the motion does not carry.

Ms. Duncan said one thing I will say and I don't care one way or another as I have told you all this, what you have done now is that we have nothing that now either prohibits or allows these residential rentals. So, if you want something else to come forward, I would suggest that someone propose it. Councilmember Moore asked what would we do to prohibit it? Would we by voting down an ordinance to allow it, does that not prohibit it. Ms. Duncan said no because we don't have an ordinance that prohibits it. You are going to have to create an ordinance that prohibits it. Right now, it is allowed without any restrictions. Councilmember Vance asked if our ordinance on home-based businesses would cover it. Ms. Duncan said I don't believe so. I could look at it. Councilmember Vance asked, could we add that to it? Councilmember Moore said let me ask you to recommend to us where we should add it into our Code of Ordinances to prohibit it. Should it be under home-based businesses or should it be under the hotel? Ms. Duncan said ok.

**A motion was made by Councilperson Chris Moore, seconded by Councilperson Mitch Johnson, that this matter be Recommended to Council . The motion FAILED with the following vote.**

**Nay:** 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

## **6. Other Business**

## **7. Public Comments**

## **8. 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:** 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams