



# City of Jonesboro

900 West Monroe  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, March 17, 2009

6:30 PM

Council Chambers

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### PUBLIC SAFETY COMMITTEE MEETING AT 5:15 P.M.

#### 1. Call to order by the Mayor at 6:30 P.M.

#### 2. Pledge of Allegiance and Invocation

#### 3. Roll Call by the City Clerk

**Present** 11 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

**Absent** 1 - Chris Moore

#### 4. Special Presentations

##### COM-09:027 City Youth Proclamation

**Sponsors:** Mayor's Office

*Mayor Perrin presented Councilman Woods and the City Youth Board of Directors with a proclamation commending City Youth Ministries for their work with at-risk youth. Councilman Vance noted that Finance Director Jim Barksdale also serves on the Board of Directors for City Youth Ministries.*

**This item was Read.**

##### COM-09:029 Presentation by Mr. Scott Stickel concerning Springbrook

**Sponsors:** Finance

**Attachments:** [Jonesboro Summary Project Plan](#)  
[PowerPoint presentation - PDF format](#)  
[E-Mail from Mark Nannini - PDF](#)

*Councilman Gibson motioned, seconded by Councilwoman Williams, to add Mr. Scott Stickel from Springbrook to the agenda. All voted aye.*

*Mr. Stickel, Vice-President for Springbrook, discussed Springbrook's work with the City of Jonesboro. He explained they formed a team with the City to combine resources to get to the point of having efficient and well-run software. He discussed the company and the project plan (plan attached). He noted out of the 18 issues, 16 have been completed, while two are still in process. He further explained they are*

waiting for more information from the City in order to complete the two outstanding issues. He then discussed the projects in the plan and stated the plan will be presented to the Mayor on a semi-monthly basis in order to keep track of what is being done. He added they have spent \$154,533 on the City in the past few months without charging the City for any of the expenses. He noted with additional training another \$30,000 to \$50,000 could be added to that number.

Councilman Hargis questioned the number of clients Springbrook has lost since the City started working with them. Mr. Stickel answered they have lost two clients in the past six years, both of which were small. Councilman Hargis then questioned how many clients Springbrook has and where Jonesboro falls in population size. Mr. Stickel stated they have 400 clients and Jonesboro would be in the top 15%. He explained their largest city is 250,000, while their largest number of employees is about 1,800.

Mayor Perrin noted the City is only utilizing about 20% of the software. Councilman Street questioned the status of the fleet maintenance module. Mr. Stickel explained they have talked about the fleet maintenance module and he thinks the City would be better off with a stand-alone fleet maintenance software program, outside of Springbrook. Mayor Perrin also stated Springbrook is working closely with Alexander Thompson Arnold (ATA) accounting firm, who is currently working on the City's chart of accounts.

**This item was Read.**

## **5. Consent Agenda**

### *Approval of the Consent Agenda*

**A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote**

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

**Absent:** 1 - Chris Moore

#### **MIN-09:024**

Minutes for the City Council meeting on March 5, 2009.

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

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

#### **RES-09:021**

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT PROPERTY (PERMANENT EASEMENT) DESCRIBED AS A PART OF LOT 29 OF COBB'S SURVEY TOGETHER WITH PART OF LOT 1 OF COBB'S SURVEY, CRAIGHEAD COUNTY, ARKANSAS FOR CONSTRUCTION AND MAINTENANCE OF INTERSECTION IMPROVEMENTS AT WASHINGTON AVENUE AND BRIDGE STREET

**Sponsors:** Mayor's Office and Public Works

**Attachments:** [St Bernard's Agreement](#)  
[St Bernards](#)

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

Enactment No: R-EN-021-2009

**RES-09:029**

A RESOLUTION TO ENTER INTO A CONTRACT WITH SCS FIELD SERVICES FOR GAS COLLECTION AND CONTROL SYSTEMS (GCCS) OPERATIONS, MONITORING, AND MAINTENANCE (OM&M) SERVICES;

**Sponsors:** Public Works and Sanitation

**Attachments:** [SCS OM&M Proposal](#)

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

Enactment No: R-EN-022-2009

**6. New Business**

*Ordinances on First Reading*

**ORD-08:072**

AN ORDINANCE TO AMEND AND ADD TO THE JONESBORO MUNICIPAL CODE OF ORDINANCES, TITLE 6 ANIMALS AND FOWL, CHAPTER 6.08 DOGS, SUB SECTION 6.08.05 DOGS TO BE CONFINED FOR THE PROHIBITION OF IMPROPER CONFINEMENT OF DOGS IN THE CITY OF JONESBORO

**Sponsors:** Mayor's Office and Animal Control

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

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

*Ms. Jennifer Fenderburg, 707 West Monroe, spoke in opposition after Council voted to adopt the ordinance. She explained she needs to have a chain on her dog or else the dog will get loose and run around town. She stated she doesn't think having a dog on a chain will hurt a child more than having it run loose. She further explained there are reasons not to have a dog chained, but she doesn't think the ordinance should be passed.*

*Mr. Darren May, 5119 Kara Drive, also spoke in opposition after Council voted to adopt the ordinance. He explained a 9x9 kennel is too small and the ordinance does not address underground confinement. He also noted people cannot go to the park with their dog and tie it to a tree while having a picnic because that would be considered tethering. He stated there is nothing about indoor confinement in the ordinance. He added the ordinance does not affect him, but it will affect a lot of people and a lot of dogs. Mr. May stated the Council got the dogs off a chain, but put them into a little cage. He referred to a previous Public Safety Committee meeting in which Police Chief Michael Yates referred to having a limit of three dogs per yard and questioned whether that was a typo. A Code Enforcement Officer indicated the limit is five.*

*Mayor Perrin stated any legislation may not be perfect and could be reviewed from time to time. He explained they are always open to comments and concerns about legislation. He thanked Ms. Wannda Turner for her assistance with making the ordinance.*

*Councilman Street motioned, seconded by Councilman Johnson, to adopt the emergency clause. All voted aye.*

**A motion was made by Councilman Mitch Johnson, seconded by Councilman Chris Gibson, that this Ordinance be Passed. The motion CARRIED by a Voice Vote.**

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

**Absent:** 1 - Chris Moore

Enactment No: O-EN-014-2009

**ORD-09:010**

AN ORDINANCE TO AMEND CHAPTER 11.36 OF THE JONESBORO MUNICIPAL CODE, AMENDING ORDINANCE 2643 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND ADOPTING BY REFERENCE A CERTAIN TECHNICAL CODE ENTITLED THE ARKANSAS MECHANICAL CODE, 2003 EDITION

**Sponsors:** Inspections and Public Works

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

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

*Councilman Johnson motioned, seconded by Councilman Dover, to adopt the emergency clause. All voted aye.*

**A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED by an unanimous vote**

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

**Absent:** 1 - Chris Moore

Enactment No: O-EN-015-2009

**ORD-09:014**

AN ORDINANCE TO SPECIFY DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

**Sponsors:** Engineering

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

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

**A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED by an unanimous vote**

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

**Absent:** 1 - Chris Moore

Enactment No: O-EN-016-2009

## 7. Unfinished Business

### *Ordinances on Second Reading*

#### ORD-09:017

AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES FROM AGRICULTURE AG-1 TO RESIDENTIAL RS-6 LUO FOR PROPERTY LOCATED AT THE REAR OF 3700 FLEMON ROAD ON THE NORTH SIDE OF FLEMON ROAD AS REQUESTED BY TURMAN CONSTRUCTION CO.

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

*City Planner Otis Spriggs stated Mr. Turman is asking that the ordinance be read for the third time tonight and for the emergency clause to be passed. He explained the rezoning is basically a cleanup and there was no opposition. He noted it has already been approved by the MAPC and the subdivision does meet the Stormwater guidelines.*

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

*Councilman Gibson motioned, seconded by Councilman Johnson, to adopt the emergency clause. All voted aye.*

**A motion was made by Councilman Mitch Johnson, seconded by Councilman Chris Gibson, that this matter be Passed . The motion PASSED by an unanimous vote**

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

**Absent:** 1 - Chris Moore

Enactment No: O-EN-017-2009

### *Items that have been held in Council*

### *Ordinances on First Reading*

#### ORD-09:013

AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES FROM RESIDENTIAL R-1 TO INDUSTRIAL I-2 LUO FOR PROPERTY LOCATED DIRECTLY WEST OF 2914 CASEY SPRINGS ROAD AS REQUESTED BY ROBERT SARTIN

**Attachments:** [Plat](#)  
[MAPC Report](#)  
[Affidavit](#)  
[Application for Zoning Ordinance Map Amendment](#)  
[Appeal Letter](#)  
[Warranty Deed](#)  
[Letter from Attorney Skip Mooney](#)  
[MAPC Staff Report dated September 18, 2007](#)  
[ADEQ Permit](#)  
[Aerial Photography](#)  
[Information Packet](#)  
[Non-conforming documents](#)

*Attorney Skip Mooney stated he filed a copy of an application of non-conforming use for the property. He explained the compost site has been running for 19 or 20 years until the City told him to shut the business down. He added he doesn't think the non-conforming application has to go through the zoning board; rather, it can be taken care of by the City Council. Councilman Frierson stated the Board of Zoning Adjustment decision is not brought before Council and that if an appeal is made it goes to the Circuit Court. City Attorney Phillip Crego agreed. Mr. Mooney stated Mr. Sartin is losing money every day and they have supplied all the information necessary to put Mr. Sartin back in business. He added Mr. Sartin owns 15 acres between the compost site and the nearby subdivision in which Mr. Sartin agrees to use that area as a buffer and not do any composting on the site.*

*Councilman Frierson motioned, seconded by Councilman Dover, to un-table the ordinance. All voted aye.*

*Councilwoman Williams offered the ordinance for first reading by title only.*

*Mr. William Budd, 2806 Casey Springs Road, spoke in opposition to the rezoning. He stated Mr. Sartin should have rezoned the property when he purchased it because Mr. Sartin knew it was zoned residential and he was going to use it for commercial use.*

*Mr. Rick Tribble, 3128 Casey Springs Road, also spoke in opposition to the rezoning. He explained everyone wants to be treated fair. He asked the Council to not let Mr. Sartin open the compost site.*

*Mr. Bob Wright, 2818 Casey Springs Road, spoke in opposition to the rezoning. He discussed the location of the property and noted the property is not west of Casey Springs Road. He further explained the property is north of Casey Springs Road.*

*Ms. Judith Holland, 2813 Nottingham Way, spoke in opposition to the rezoning. She explained Mr. Sartin has indicated to neighbors in the Woodsprings Forest area that he wanted to put in a composting facility that are diesel generated. She stated he has never had that at the property and it has not been a composting facility.*

*Mr. Sidney Crawford, 3021 Casey Springs Road, also spoke in opposition to the rezoning. He stated he has lived in the area since 1974. He discussed problems with the landfill since he has lived in that area and noted more than household goods were taken to the landfill. He added burning compost will cause an odor and they do not want to have to deal with things that may be left in the road due to the transporting of tree limbs.*

Mr. Robert Sartin, 3703 South Culberhouse, stated he started his business in 1981. He explained there is a difference between a landfill and a compost facility. He stated for those who bought their property when the landfill was already there, they should have taken that into consideration before purchasing the property. He further explained he has had insurance while he's been out there and he would not have that insurance if he wasn't in business. He added he can't have equipment out there because he has to meet the rules. Councilman Johnson referred to the specification and operation plan and asked if Mr. Sartin made that or if ADEQ made it. Mr. Sartin answered ADEQ. Councilman Johnson stated the report indicates there are several full-time employees that can be designated to perform necessary daily tasks. He noted it says "can be" and not "shall be". He expressed concern over not having employees onsite. He also expressed concern over a fire taking place on the area due to how long it may take to put the fire out. He then referred to a mulch fire that occurred in recent years that burned for six months. Councilman Johnson explained the report states only yard waste will be composted at the facility, yet in another exhibit it shows a compost area for concrete, brick and wood. Mr. Sartin explained that was back in 1994 and that was ADEQ's rules that he had to meet at that time. Councilman Johnson expressed concern over ADEQ and stated he doesn't have much faith in ADEQ monitoring that site. Further discussion was held concerning ADEQ.

Councilman McCall asked Mr. Spriggs what the options are. Mr. Spriggs explained a resident had questioned whether a non-conforming use had to apply for a rezoning. He further explained that is not true and they are protected by law. He added the non-conformancy is a separate issue. Councilman McCall questioned whether the decision concerning the rezoning has any effect on the non-conforming use. Mr. Spriggs stated it is his opinion that the non-conforming use is a separate question. He added the applicant is agreeable to minimal conditions be placed on the facility if it deemed a non-conforming use. He recommended the matter be taken to the Board of Zoning Appeals so the documents can be reviewed by a board and the information be released to the public. Councilman McCall stated regardless of how the Council votes the issue of whether or not Mr. Sartin can continue his business will be decided by another body. Mr. Spriggs agreed. He also explained the reasoning for the landfill being rezoned is because there was some property being used that was not in the footprint. He further explained the purpose was to bring it into compliance. City Attorney Crego explained if the property is rezoned, then it would allow for a commercial use of the compost site. He further explained if the non-conforming use is allowed, then the business would only be able to operate as it was before, meaning he could only compost his own waste and not have a commercial business. Mr. Spriggs added under the definition of non-conforming use Mr. Sartin would not be able to expand the use of the compost facility.

Mr. Derek Falls, 2812 Nottingham Way, spoke in opposition to the rezoning. He noted the question before the Council tonight is just concerning the rezoning. He explained the non-conforming use will go before the Board of Appeals.

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

**A motion was made by Councilman Mitch Johnson, seconded by Councilman Mikel Fears, that this Ordinance be Passed. The motion FAILED by a Voice Vote.**

**Nay:** 11 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

**Absent:** 1 - Chris Moore

Enactment No:

## **8. Mayor's Reports**

*Mayor Perrin stated a team from the Arkansas Highway Department will be coming to Jonesboro to meet with himself and City staff to discuss transportations needs and a current schedule for the area. He added the City hired a surveyor, Josh Bettis, and a GIS Coordinator, Rusty McAlister, that should be at the next meeting for introductions. He noted FEMA has not returned any calls pertaining to why the flood maps were denied. He explained Congressman Berry's office indicated they will send their chief of staff to go to FEMA's office in Texas with the City, if needed. Mayor Perrin stated 248,000 cubic yards of debris has been picked up so far. He explained FEMA was in town last week and will be estimating how much debris they are expecting. He further explained he is expecting the debris to be 300,000 to 350,000 cubic yards. He added the contract may need to be extended to allow for more time for the company to pick up the debris.*

*Mayor Perrin discussed the stimulus package and stated the Highway Department will be giving the City \$39,200 for the Highway 226 project. He thanked Senator Paul Bookout and Representatives Joan Cash, Butch Wilkins and Ray Kidd for their assistance.*

*Mayor Perrin added there will be two individuals at City Hall tomorrow to start with the check reconciliation. He stated he will be meeting with legislators next week in Little Rock concerning the stimulus. He explained they should also be closing on the property they have been looking at for the Street and Sanitation facility.*

*Dr. Charles Coleman discussed the Martin Luther King, Jr., renaming committee and what they have decided. He stated they have come up with three options in order to name a street after MLK, Jr., including Highway 63 & Stadium, a future new street, or a future thoroughfare that circles the Jonesboro area that has been discussed. Dr. Coleman added the City will need to hold a public forum for input from citizens. Councilman McCall expressed concern over renaming Highway 63 when it was already named for Joe N. Martin. Dr. Coleman clarified the option concerning Highway 63 involves renaming the bridges that crosses over Highway 63 on Stadium. Councilman McCall stated he doesn't think the City should re-name anything; rather, they should name something new in honor of Martin Luther King, Jr. Dr. Coleman stated that would be left to the Council to decide. He explained they were looking at naming bridges so it wouldn't affect addresses.*

### **COM-09:034**

Budget summary/report by department year-to-date February 28, 2009

**Attachments:** [Budget Summary](#)

**This item was Read.**

## **9. City Council Reports**

*Councilman Street explained some citizens are concerned about only being able to put out debris until March 22 because some people haven't had theirs picked up for the first time and others need to put out more, but can't do it until what is currently there has been picked up. Mayor Perrin stated the March 22 date is still good, but he would like to get the report back from FEMA to see how much is out there and then work with the contractor. He added the contract may have to be extended.*



*Councilman Johnson motioned, seconded by Councilman Street, to add a resolution to the agenda. All voted aye.*

**RES-09:045**

A RESOLUTION AUTHORIZING THE POLICE CHIEF AND FIRE CHIEF OF THE CITY OF JONESBORO, ARKANSAS, TO APPLY FOR FEDERAL GRANT FUNDING RELATED TO HOMELAND SECURITY, THE ECONOMIC STIMULUS AND RECOVERY ACT AND OTHER FEDERAL GRANTS ON BEHALF OF THE CITY OF JONESBORO, MAYOR AND CITY COUNCIL

**Sponsors:** Fire Department and Police Department

**A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, that this Resolution be Passed. The motion CARRIED by a Voice Vote.**

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

**Absent:** 1 - Chris Moore

Enactment No: R-EN-023-2009

*Councilman Woods thanked the City for the proclamation. He also thanked City departments for their support of CityYouth.*

*Councilman Gibson motioned, seconded by Councilwoman Williams, to add a resolution to the agenda. All voted aye.*

**RES-09:023**

A RESOLUTION TO MAKE APPOINTMENTS AND/OR REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS AS RECOMMENDED BY MAYOR HAROLD PERRIN

**Sponsors:** Mayor's Office

**A motion was made by Councilman Chris Gibson, seconded by Councilwoman Ann Williams, that this Resolution be Passed. The motion CARRIED by a Voice Vote.**

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

**Absent:** 1 - Chris Moore

Enactment No: R-EN-024-2009

*Councilman Gibson motioned, seconded by Councilwoman Williams, to add a resolution to the agenda. All voted aye.*

**RES-09:042**

A RESOLUTION TO AMEND RESOLUTION FILE NUMBER RES-09:27 TO AMEND THE MEMBERSHIP TO VARIOUS MAYORS' TASK FORCE AD HOC COMMITTEES

**Sponsors:** Mayor's Office

**A motion was made by Councilman Chris Gibson, seconded by Councilman Mitch Johnson, that this Resolution be Passed. The motion CARRIED by a Voice Vote.**

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

**Absent:** 1 - Chris Moore

Enactment No: R-EN-025-2009

*Councilman Hargis noted sidewalk improvements are not included in the budget. He encouraged the addition of sidewalks. Mayor Perrin explained they are going to meet to discuss sidewalks and will be working with CDBG Coordinator Gayle Vickers.*

**10. Public Comment**

*Mr. James Butler, resident of Goobertown, asked for more time to get a plumbing and electrical inspection done to get the electricity turned back on for his property. Code Enforcement Officer Jamie Seaborn stated Mr. Butler purchased a permit that expires tomorrow for improvements to his property at 328 North Bridge. He added they wouldn't object to him getting an extension. Public Works Director Erick Woodruff explained Chief Building Inspector Terry Adams can extend the permit if progress is being made. He added no action is needed by Council since Mr. Adams can extend the time period.*

**11. Adjournment.**

**A motion was made by Councilman Darrel Dover, seconded by Councilman Mitch Johnson, that this be Adjourned. The motion CARRIED by a Voice Vote.**

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

**Absent:** 1 - Chris Moore

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Harold Perrin, Mayor**

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Donna Jackson, City Clerk**