



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, July 19, 2016

5:30 PM

Municipal Center

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

### NOMINATING AND RULES SPECIAL CALLED MEETING AT 5:10 P.M.

### FINANCE AND ADMINISTRATION SPECIAL CALLED MEETING AT 5:20 P.M.

#### 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

**Present** 10 - Darrel Dover; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

**Absent** 2 - Ann Williams and Gene Vance

#### 4. SPECIAL PRESENTATIONS

##### [COM-16:052](#)

Recycling quarterly report given by Darren May

*Mayor Perrin stated that we get a quarterly report on recycling since we entered into a contract with Abilities Unlimited for that service.*

*Darren May from Abilities Unlimited came to the podium to speak. Mr. May said they have had about a 25% increase in recyclables coming through the center and they are up about 237 pounds which is promising. He said it is really difficult to get a good estimate on the number of houses that recycle because some recycle every week and others only on occasion. He said the handout gives the number of recovered commodities and commodities they are able to market, but it is hard to break it down to just Jonesboro since they serve several areas. He said the numbers have pretty much remained stable from last year to this year and only the cardboard and paper products would be a little higher because they do get a lot of cardboard and paper in Jonesboro.*

*Mr. May stated that every vehicle they had was totaled from the flood in May. He said they had 20 inches of water inside the building. He said most commodities are not affected by water, but some are. He said they are coming back from that. Mr. May stated they have revamped their personnel situation in the last month and changed how their drivers are responding. He said with these changes and better*

communication, they hope to get better at what they are doing. He said they have upgraded their equipment and will be able to handle a different collection process if needed.

Mayor Perrin stated they are doing a cost analysis on being able to give Abilities Unlimited two trucks and they are ready to do that now. He said are looking at the possibility of the smaller canisters that you put your trash into. Mr. May stated there are three different sizes of trash containers, 90, 60, and 40. Mayor Perrin stated he wanted to look into the cost of buying the plastic bags versus buying the containers. Councilman Dover asked about a grant that was for recycling. Mayor Perrin said the grant came back, but it was for buying containers for every household in the city limits of Jonesboro. Councilman Dover asked if the grant would pay for that. Mayor Perrin said it was a percentage grant somewhere around 50%. He said it would be better for the city to go ahead and buy containers versus plastic bags because it would be a neater and cleaner operation.

Councilman Dover asked the Mayor if he thought that would encourage more people to recycle. Mayor Perrin said he thought it would. He said they need to get with the area school's EAST Labs to come up with commercials to encourage more people to recycle. Councilman Dover asked about the cost of buying containers for select households versus every household using the grant. Mayor Perrin said it was a significant difference. Councilman Street asked Mayor Perrin about the cost of the plastic bags and if it was around \$45,000 yearly. Mayor Perrin said he wanted to get the correct price before he gave it to the council. He said the city has already bought about \$15,000 worth of bags this year. He said we need to wait to get pricing and do a comparison between the plastic bags and the containers. Councilman Street asked how long the containers last. Mayor Perrin said the containers last between 8-10 years and it would be a good investment to buy the containers. Councilman Street said it wouldn't take too long to justify the cost on plastic bags versus containers. Councilman Dover asked that they come back with the actual cost difference. Mayor Perrin stated they will get that figure and they were just updating the council since the contract states they will give a quarterly update.

Mayor Perrin said they have had lots of compliments on the service, especially for those who cannot take their recycling to the curb and Abilities Unlimited Recycling goes to the back yard and picks it up. He said they are doing a good job and things will be fine tuned as time goes along. Mayor Perrin stated he would love to see the trucks on the street after the city gets the containers.

**Filed**

#### **Update from APERMA attorney, Burt Newell, regarding the Unico Bank rezoning.**

Mayor Perrin stated this is not on the Council Agenda, but Burt Newell, the city's legal counsel from APERMA, was asked to come and discuss a letter the city received on an old case on Unico Bank, on a rezoning issue. He said that Mr. Newell has been visiting with our City Attorney on this matter. Burt Newell, legal counsel, said it has been three years since this particular case has been before the council. He said there has been two cases that he knows of from this city that have been decided by State Courts and there have been other cases decided by other state courts. He said that in the last month, City Attorney Carol Duncan, and himself received letter from counsel for the project that was denied by this council in June of 2013. He said they subsequently filed suit and the letter was to the fact that given recent developments in the law that it would probably be best if the city council would change its mind and approve their rezoning.

Mr. Newell said that he and Ms. Duncan have been discussing that and have spoken

with Mr. Parker, the attorney for the project. He said that it is likely since this case has the same judge who heard the last case involving the city that it's likely that he would order the case sent back to the council anyway. Mr. Newell stated the judge ordered that case back for further discussion on the points and seven criteria that are recognized in your zoning code that are to be considered by your MAPC. He said if the judge is going to order that, it might be in the best interest of both sides that we do that by agreement rather than have the court order it. He said that is one possibility. He said we do not have an agreement with Unico Bank, but we do have a tentative agreement with their counsel that sounds like a likely result anyway so we are pitching it to you as an option subject to their approval. Mr. Newell said the other option would be to simply vote up or down on the proposal. He said there hasn't been any negotiation on that and on a project like this, there wouldn't be. He said this is an all or nothing proposition, and changing the zoning code for a specific project is an all or nothing proposition. He stated those are the two options as he sees them.

Mr. Newell said it has been three years since the council decided this and looking back over that time, there have been quite a few developments in the law. He said that in looking back at the minutes from June 18, 2013, there was very little discussion. He said there were some council members that had some questions for Mr. Parker and there was a gentleman, Mr. Ward, that spoke. Mr. Ward presented a petition with 300 signatures against the project. Mr. Newell said that was pretty much all of the discussion and in light of the cases that have been decided since then, it seems to himself and Ms. Duncan, that it is not a good record to defend if we were simply to just let the judge decide. He stated that it might be in the city's best interest to bring the case back up for discussion especially since we have two new council members.

Councilman Dover asked if we voted to bring it back, would the criteria change. He said that if we put new stipulations on it, the judge said that unless you have a concrete study done on these things, then you are making a guess on it. He asked if we were to revote to discuss it, could we add some more things on it, some facts that would allow us to make a decision. Mr. Newell said yes and there are seven criteria in the zoning code for you to consider. He said the way it is worded is that you must consider at least those seven criteria although you can consider other criteria. Councilman Dover asked having a study done versus what the judge said regarding speculation. Mr. Newell said he would take that as he was being more directive for the city to discuss things more and not be so certain about every factor. Councilman Dover stated that we came back and discussed that factor for an hour. He said his interpretation was that the court decided they were making it up because they don't have a study. He asked if this comes back, can we require those studies so we can have facts to make a new decision.

City Attorney Carol Duncan stated that there were some studies done on this project. She said Unico Bank already spent about \$30,000 doing some studies. She said there was a drainage study, but she wasn't sure if there was a traffic study. Councilman Dover stated that there wasn't a traffic study done or a crime study. Councilman Street stated the difference with this is the area having a mix of single family and multi-family housing and the other was not because it was high density single family so he doesn't see these as the same at all. Ms. Duncan stated she thought there would be a time frame put on us since there was the last time. She said if there is an order of decree to remand it, you wouldn't be able to table it forever until they come back with a study. She said you would have 60-90 days to do the first, second, and third reading. Councilman Dover stated that we would be under the same time frame and therefore, wouldn't be able to get any facts. Ms. Duncan said our ordinance has the same criteria so we would always be under the same criteria. Councilman Dover stated that since we don't have any studies, we couldn't make

*assumptions unless an Engineer gave them a study because the council is not an expert qualified to make that decision.*

*Ms. Duncan stated that as part of the deposition, there was a traffic study done back at the time that said it would make no significant changes. Mr. Newell said traffic was discussed at the June 18, 2013 meeting. Councilman Dover stated there wasn't a traffic study done. Councilman Frierson stated the judge did not require a study. Councilman Dover asked how are you not subjective if you don't have a study. Councilman Frierson said you have to consider it. He asked Mr. Newell what they need to do differently, without having to pay for a huge study, that hasn't already been done. He asked what new things does the council need to do to meet those seven requirements. Mr. Newell said the most important thing is to make sure you discuss all of the criteria amongst yourselves and not question the proponent of the project. He said the Zoning or Planning Department staff would be a good person to question or other people involved in the area. Mr. Newell stated there doesn't have to be a study done for every single criteria because no city could afford that, but it does require that you talk about the criteria so the record will reflect that your decision wasn't arbitrary and capricious. He said you have to discuss it and have reasons for your actions. Mr. Newell stated the touchtone is not whether it is based on fact or opinion. Councilman Frierson stated that lawyers and judges don't like for you to speculate and a lot of the information we heard was speculation. Mr. Newell stated that when you go back to the minutes of June 18, 2013, you didn't have any of that guidance at all and we weren't aware of that being a legal requirement. He said it wasn't the practice of your council. Mr. Newell said you could decide that between now and then if you decide to do that. He said you are making good points. He said we need to talk about whether it be tonight or not.*

*Councilman Long asked how much more discussion is enough for the judge. He said there comes a point where a decision has to be made whether it be two minutes or three hours of discussion. He wants to know how much discussion is enough when you have discussed something and then a judge comes back and says to discuss it more. Mr. Newell said you have to go back to your MAPC and see what they did and how much did they do. He said that when an independent observer comes and looks at your decision, they can see that you really vetted on it and they really considered all of these things. He said between the MAPC and the Council, they covered their bases and here is what their decision was. He said the judge only wants to make sure that your decision wasn't arbitrary and capricious. Mr. Newell said there isn't an answer to how much is enough, but if the MAPC spent hours and hours on it and did commissioned studies, then you are within your right to mention that and say these things were already covered and go on with it. He said if the MAPC did not consider those things, then you will have to pick up on those things.*

*Councilman Street asked if the council had to agree with MAPC. Mr. Newell said the council didn't have to agree with them, but you do have to recognize their consideration of it. Councilman Frierson said they should have someone from MAPC come in and read for the minutes what their decision was and what it was based on and what their considerations were. Mr. Newell agreed. He said you are better off asking someone from your MAPC than from asking questions from your proponent because his or her answers to your questions are going to be predictable and they will always be supportive of their project. Mr. Newell said that would be one change I would suggest based on the cases I have seen.*

*Councilman Dover said his concern is that they get property owners who can't sell at R-1 and come back with these other rezoning projects to get the property sold. He said he believes the time consideration is bogus because the property may be overpriced and that's why it wouldn't sell. Mr. Newell reminded them that they are the*

legislative body and the courts have to work with the laws that the council creates. Councilman Dover said we need to change that. Councilman Moore said they are using the seven criteria against us and we have to change it. Councilman Street said we certainly do. Councilman Dover stated that we created the seven criteria so we are being held accountable for those criteria. Mr. Newell stated that you create the law and you will have to change it if you think changes need to be made. Councilman Frierson stated that we cannot legally change the rules on this case. Mr. Newell and Ms. Duncan agreed that it cannot be done for this case. Councilman Moore stated that he has had this concern for some time on the idle time rule that the city has and that they need to remove it from the criteria list. Councilman Street said we need to put school input into the criteria too. Councilman Moore stated that until we revisit the rules, we will continue to have this problem. Mayor Perrin said that in this case, you will have to stick with what you have. Councilman Street said we may have to go back to the three separate readings and debate it each time over the six week period. Mayor Perrin said that what Mr. Newell is trying to say is that we need someone from MAPC to come and go through the details of the minutes with the council. Councilman Street said he reads all of that information, but you have instances of zonings being approved by MAPC when there are considerable issues that have not been addressed. Councilman Moore asked if a council member asks a question about drainage, could that not be considered arbitrary because he or she is not an expert in that area. He said how do we make an argument without a study. Mr. Newell said you go back and ask what did they consider. Councilman Moore stated that what we need to do is have a member of the MAPC come back to the council so we can question them about what they considered. Ms. Duncan stated that you may not need a study for everything, but you may want to be able to ask those questions of the MAPC.

Mayor Perrin asked Mr. Newell, as the city's legal defense, what his recommendation is. Mr. Newell stated that since the record of June 18, 2013 is as it is, it would be in your best interest to try to gain an agreement to bring it back by agreement. He stated he thought the judge would certainly go along with that. Councilman Burton asked if we weren't comparing apples to oranges in that the cases are different because it is a multi-family project. Ms. Duncan said the facts are different, but the consideration is the same. She thinks the court is still going to make the council bring it back and discuss each point. Mr. Newell said each case is different and every project is different. He said the judge's ruling might be different. He asked if the surrounding property was agricultural. Councilman Dover said it is and it is zoned as R-1, but they couldn't sell it. Mr. Newell said it might be analyzed differently if there were houses there. Councilman Street asked if the neighbor's opinions matter at all. He said they matter to him. Mr. Newell stated that the specific concern of the neighbors is not one of the seven criteria.

Mayor Perrin stated that Mr. Newell will defend this case either way whether you bring it back or they come back with a lawsuit. He said it would be far more defensible if the council looked at it rather than doing nothing. Ms. Duncan said they are willing to do whatever the council decides. Councilman Street asked where the case was right now. Ms. Duncan said the case is set for trial in October. Mr. Newell stated it is set for trial for late October. Councilman Dover asked if they were suing for damages or for reversal. He asked if it cost us any money if it goes to court. Mr. Newell and Ms. Duncan said no. Mr. Newell said that all of you except two have already testified giving your deposition so it won't be a full blown trial. He said it won't take very long because the record is already there. Mr. Newell said it is very possible for the judge to remand it back for the council to reconsider. He said they need direction on how to proceed and address the letter that was written and the proposed agreement.

*Ms. Duncan said the city is their client and it would be unethical to not present the information addressed in the letter given to them and to let the council make the determination of how you would like to proceed. Councilman Johnson stated it should go to court. Councilman Burton stated that we didn't know if the other side would even agree to the discussion if the council brought it back. Mr. Newell said that Mr. Parker, the proponent's legal counsel, thinks it is a reasonable idea to bring it back for discussion, but his client has not agreed to it yet. Ms. Duncan said we didn't propose this or discuss this until an hour ago so there was no time to see whether or not his client would want to do that. She said they thought it was something to propose to the council to see how they felt about it. She said the judge could make a ruling or he could remand it back. Councilman Johnson motioned and Councilman Street seconded the motion to go back to court. All voted aye.*

*Councilman Burton asked how to move forward. He wanted to know what meeting needs to be set and what committee. Councilman Gibson asked Councilman Burton to call Nominating and Rules Committee to audit that particular ordinance. Councilman Moore stated he thought it was so big that it would take full council. He said we should set a meeting where we can all submit ideas and we can figure out what criteria needs to be met.*

*Mayor Perrin asked the council to give him a week or two because they have had some great meetings on City Planners. He said he thinks the next City Planner should be very involved because they can bring a lot of ideas on zoning and criteria. He said they will come back at the next council meeting and see where they are at that point.*

## **5. CONSENT AGENDA**

### *Approval of the Consent Agenda*

**A motion was made by Councilman Mitch Johnson, seconded by Councilman Rennell Woods, to Approve the Consent Agenda. The motioned PASSED**

**Aye:** 10 - Darrel Dover; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

**Absent:** 2 - Ann Williams and Gene Vance

#### **MIN-16:088**

Minutes for City Council Meeting on July 5, 2016

**This item was passed on the Consent Agenda.**

#### **RES-16:085**

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

**This item was passed on the Consent Agenda.**

#### **RES-16:086**

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ISSUE A PURCHASE ORDER TO ADVANCED FLUID TECHNOLOGIES, INC. FOR THE IMPROVEMENTS TO A PORTION OF THE LANDFILL GAS COLLECTION AND CONTROL SYSTEM (2016:23)

**This item was passed on the Consent Agenda.**

#### **RES-16:087**

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE

PROPOSAL AND ENTER INTO A CONTRACT WITH BRACKETT KRENNERICH & ASSOCIATES, P.A. TO PROVIDE ARCHITECTURAL/ ENGINEERING SERVICES FOR THE JONESBORO SHOOTING SPORTS COMPLEX PROJECT

**This item was passed on the Consent Agenda.**

**RES-16:089**

RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C CHAPTER 53; TITLE 23, UNITED STATES CODE, OR OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION.

**This item was passed on the Consent Agenda.**

**RES-16:090**

A RESOLUTION FOR THE CITY OF JONESBORO TO ENTER INTO A COLLABORATION AGREEMENT WITH JONESBORO URBAN RENEWAL HOUSING AUTHORITY (JURHA) FOR THE SUBMISSION OF AN ASSESSMENT OF FAIR HOUSING

**This item was passed on the Consent Agenda.**

**6. NEW BUSINESS**

*ORDINANCES ON FIRST READING*

**ORD-16:032**

ORDINANCE AUTHORIZING A MEMBER OF THE JONESBORO CITY COUNCIL TO CONDUCT BUSINESS WITH THE CITY OF JONESBORO, ARKANSAS

*Mayor Perrin stated that this is to do business with Rennell Woods so he may receive funds from CDGB. He said that council members may from time to time have to do business with the city and this is to protect everyone involved. Councilman John Street offered for first reading. Councilman Rennell Woods abstained from the discussion and voting on this item as it relates to him doing business with the city. Councilman Street motioned and Councilman Johnson seconded to suspend the rules and waive the second and third readings. All voted aye with the exception of Councilman Woods who abstained.*

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

**Aye:** 9 - Darrel Dover; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Charles Coleman; Todd Burton and Robert Long

**Absent:** 2 - Ann Williams and Gene Vance

**Abstain:** 1 - Rennell Woods

**ORD-16:040**

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2016 BUDGET TO ADD GRANT BUDGET FOR THE FY2016 OUTDOOR RECREATION 50/50 GRANT AWARD

*Councilman John Street offered for first reading. Mayor Perrin stated this was the grant for Earl Bell for the tennis courts. Councilman Street asked if this matter was urgent. Mayor Perrin said we need to get in and get the work done before fall. Councilman Street motioned and Councilman Gibson seconded to suspend the rules and waive the second and third readings. All voted aye.*

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

**Aye:** 10 - Darrel Dover; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

**Absent:** 2 - Ann Williams and Gene Vance

**ORD-16:044**

AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-8 FOR PROPERTY LOCATED AT 739 CRAIGHEAD ROAD AS REQUESTED BY JONATHAN DRUM

*Councilman John Street offered for first reading. Mayor Perrin said that this came from MAPC with a vote of 6-2. He said Mr. Drum is trying to acquire all of these old apartment complexes down from Professional Title, and the green area on the map is what is asking to be rezoned to put apartments in here. Councilman Dover requested consistency and asked that a traffic study comparing the RM-8 to the R-1, a crime study comparing RM-8 to R-1, a drainage study comparing RM-8 to R-1, and a property value impact report comparing the impact of RM-8 and R-1 on surrounding homes. Councilman Gibson stated that is at the developer's expense. Councilman Dover stated that a crime impact study should be readily available from the Jonesboro Police Department. Mayor Perrin said he has already checked into that and it will be high. Councilman Frierson voted nay. He explained he voted nay not because he disagrees with the information, but because he said a study is not definitive and we need to define what we mean before we hand out a requirement on the developer. Councilman Dover requested that the matter be held until the studies are done.*

**A motion was made by Councilman Darrel Dover, seconded by Councilman Todd Burton, that this matter be Postponed Temporarily . The motion PASSED with the following vote.**

**Aye:** 9 - Darrel Dover; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

**Nay:** 1 - Charles Frierson

**Absent:** 2 - Ann Williams and Gene Vance

**ORD-16:045**

ORDINANCE BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE OFFER AND ACCEPTANCE TO PURCHASE PROPERTY ON HWY 18 AND TO AMEND THE 2016 BUDGET FOR THE AMOUNT OF THE PURCHASE

*Councilman John Street offered for first reading. Mayor Perrin stated this is in regards to our Welcome signs. He said the land has changed hands where the signs were located. He said there were no long-term leases when the signs were put there and the new landowner asked for \$600 per month. He said moving it is much easier and you are getting .38 acres on that corner on Highway 18 and the cost is \$15,000. Councilman Street motioned and Councilman Long seconded to suspend the rules and waive the second and third readings. All voted aye.*

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

**Aye:** 10 - Darrel Dover; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

**Absent:** 2 - Ann Williams and Gene Vance

**ORD-16:046**

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF JONESBORO, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF JONESBORO, ARKANSAS, AMENDING THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, AND ASSIGNING SAME TO WARDS

*Councilman John Street offered for first reading. Councilman Street asked if Fire Chief Kevin Miller could address this ordinance. Chief Miller stated that we spoke with MAPC and this land is small in nature at about 20 acres. He said it will not have a huge impact on our fire rating, but an annexation in general we are not in favor of it from a fire department standpoint. He said we have over 80 square miles of territory that we have to cover. He stated that it is kind of like the straw that broke the camel's back. He is concerned over what effect this might have over future annexations. Chief Miller said this property is not a huge issue especially since it is already surrounded by city property on two sides. He said it doesn't have a huge impact now, but down the road, it could have and is something that the council needs to be aware of especially when it comes to future annexations. He said we have a great deal of territory that we have to cover with very minimum staffing. He said that corridor is going to continue to grow in that area and we are going to have to address that area one way or another and any additional annexations could expedite that. He stated he wants the Council to be aware of that potential that we will have to deal with in the future. Councilman Johnson stated traffic could become a safety issue at some point. He said that if we annex this, we are going to end up in court because we won't annex something else. He said we are really going to have to exercise caution on these things. Councilman Dover asked the reasoning behind the annexation. Mayor Perrin stated that you have to be cautious on this because somewhere down the road, it may affect the fire rating and you will have to come in with \$8-\$10 million dollars to build a new fire station, firemen, and equipment.*

*Councilman Street said he is not a big proponent of annexation, but he could see this one because it is somewhat of an island surrounded by city property. He does support the Chief and his statement. Mayor Perrin stated that Mr. Ewart is concerned about the effects of annexation on transportation and funding. Councilman Dover asked if they were asking for annexation and rezoning. Carol Duncan, City Attorney, stated they are requesting the rezoning to match Sage Meadows RS-7 which is single family but matches the size of the Sage Meadows lots. She said MAPC was initially against annexation, but the more they discussed it and debated it, the more it made sense. She said the question was whether or not we wanted the city to have control over how and what they build or not. Councilman Street said he was happy to see that Brookland Schools weighed in on it and was ok with it. He said development has a big impact on schools. Councilman Gibson said he found that it irrelevant that Brookland Schools weighed in on it because it is already in the Brookland school district. Councilman Dover asked if we were approving it from 40 homes to 60 homes. Ms. Duncan said yes. Mayor Perrin stated that a lot of the money we are spending dates back to the annexation in 1989 and we have to correct issues. He said if they do decide to annex it, the developers have to go by the guidelines that we set rather than the city coming back years later to correct the problems. Councilman Burton stated he would recommend that we hold this for the full three readings.*

*Councilman Moore asked if the staff could provide a list of positives for the city to annex this. He would like to know what makes this property any different than any other property. He would like to see what's in it for the city. Councilman Street stated that he noticed in the MAPC meetings, there was mention to being able to control what happens within a two mile radius of the city. He wanted to know if they can have control over the planning and development of that if they chose to do so. Ms. Duncan stated we have not exercised that control, but it has been discussed*

whether or not we want to start exercising that. Councilman Street stated that it is not a critical issue of controlling it because we can control it right now. Mayor Perrin stated they would make a statement at the next council meeting to address the issue that Councilman Moore mentioned. Councilman Dover asked if it stayed in the county, then they can only build 40. Councilman Frierson stated the county has no building requirements. Ms. Duncan stated she did not know why there was a restriction in the county other than maybe being sewer. Mayor Perrin said this was petitioned to the county a year ago and they approved it, but the city has not approved the acceptance. Councilman Moore said we may not have to annex this into the city to have some say on the drainage. Councilman Burton motioned to hold at one reading.

**This ordinance was Held at one reading.**

### RESOLUTIONS TO BE INTRODUCED

#### RES-16:069

RESOLUTION TO SET A PUBLIC HEARING TO ABANDON AN UNDEVELOPED ALLEYWAY ON VINE STREET AS REQUESTED BY JONATHAN DRUM

*Mayor Perrin stated that we do now have signs to be put up for abandonment of alleyways.*

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

**Aye:** 10 - Darrel Dover;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman;Todd Burton and Robert Long

**Absent:** 2 - Ann Williams and Gene Vance

## 7. UNFINISHED BUSINESS

### ORDINANCES ON THIRD READING

#### ORD-16:039

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 5110 SOUTHWEST DRIVE AS REQUESTED BY JEREMY MOORE

*Councilman Street asked if anyone had any objections to this since the last council meeting. He said he spoke to Betty and Claude Smith who own the property adjoining it and Bryan Russell owns the other property adjoining it. He stated that no one has mentioned any objections. Councilman Chris Moore abstained from the discussion and voting on this item as Jeremy Moore is related to him.*

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

**Aye:** 9 - Darrel Dover;Charles Frierson;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman;Todd Burton and Robert Long

**Absent:** 2 - Ann Williams and Gene Vance

**Abstain:** 1 - Chris Moore

**ORD-16:041**

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO I-1 LUO FOR PROPERTY LOCATED IN THE 5900 BLOCK OF SOUTHWEST DRIVE AS REQUESTED BY VALLEY VIEW STORAGE

*Councilman Street said he saw no objection to this. Councilman Chris Moore abstained from the discussion and voting on this item as the agent selling the property is related to him.*

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

**Aye:** 9 - Darrel Dover; Charles Frierson; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

**Absent:** 2 - Ann Williams and Gene Vance

**Abstain:** 1 - Chris Moore

**8. MAYOR'S REPORTS**

*Mayor Perrin stated that we will start our Ward Meetings with Ward One on August 22. He said we do have those dates on the website. He said that is a good time for people to come and visit with us and also show them what we are doing within each ward this year. He stated that Ward One will be on August 22 at 6 p.m. at Fire Station No. 2 on Nettleton.*

*Mayor Perrin said that the Street Department has striped about 17.95 miles in the last two weeks.*

*He stated that Suzanne Allen, CFO, and himself met with the legislative auditors last week for a pre-exit interview. He said that when they come back, we will ask the Finance Committee to sit in on that deal. He said that it went really well.*

*Mayor Perrin stated that on any Public Hearings we have, we will send them to you via email.*

*He said he spoke with George at the Airport and we do have a lease coming forth with Baker Engineering that should be dated August 15th or September 1st. He stated that revenue will go to the Airport Commission.*

*Mayor Perrin said we have been doing interviews for a City Planner and those have been going well. He said we have two or three of those between now and Friday. He stated we have had a committee who has been looked at the interviews for a Director of JETS and it consists of two of the Advisory Board Committee of JETS as well as employees, Erick Woodruff and Kimberly Marshall. He said they came back with recommendations of two today and we looked at those. He said he is pleased to announce that he has offered the position of Director to Michael Black and Michael has been with JETS for eight years and has been handling the day to day operations of JETS. He said we will have a media release on that and he thanked Michael for his service.*

*Mayor Perrin said that they have done almost 13 miles of ditch mowing of the 60 we have, but they are in there and working. He said he wants to get this done by the end of October. He said that is about 20 miles per month and the other equipment has been ordered on the big excavator. Councilman Dover asked what the estimated time of delivery on the big equipment is. Mayor Perrin replied that they told him it should be about four weeks. He said they have it in stock, but they have to add*

the attachments to it. Councilman Dover asked if they ever got a price for the smaller excavator that they had previously talked about. Mayor Perrin stated that he has not gotten those prices yet, but that Steve Kent was working on it.

Mayor Perrin said they received a call today from Vector on the mosquito spraying. They said the plane cannot fly this week based on the high humidity, but they would add that flight to the end so we will get all of the services.

**COM-16:051**

Airport Commission financial statement for June 30, 2016

Mayor Perrin stated you all should have the Airport Commission financial statement for June 30, 2016 which it looks like they are having a good year on fuel sales.

Filed

**9. CITY COUNCIL REPORTS**

Councilman Street asked if the Mayor was able to meet with the county judge and the drainage districts like he had planned. Mayor Perrin stated the meeting is on July 21 at 2:00 p.m. It was noted that Councilman Frierson will be at the meeting due to his knowledge on the subject.

Councilman Dover motioned, seconded by Councilman Street, to suspend the rules and place RES-16:092 on the agenda. All voted aye.

**RES-16:092**

A RESOLUTION FOR THE CITY OF JONESBORO TO ENTER INTO A CONTRACT WITH ACCELA SOFTWARE FOR THE PURCHASE OF A CLOUD UPGRADE TO 7.18

Councilman Dover asked to amend the resolution so that the money would come out of General Revenue because it wouldn't be that much. Carol Duncan, City Attorney, said the way it would read would be that the \$72,202 would be the upgrade cost, but that any expended funds would come out of the general fund. Councilman Street seconded the motion. All voted aye.

Councilman Dover stated he offers the amended resolution. Suzanne Allen, CFO, came to the podium to speak. She said she wanted to clarify to the public what the cost would be. She said they are currently paying around \$64,000 for a maintenance contract for Springbrook. She said we have had them do some customizations for us which has caused us to not be able to get upgrades without paying for them so we are behind several upgrades because we have chosen not to pay for those upgrades. She said the new maintenance cost for going to the cloud version is \$54,000 which is going to save us half of the cost of what the upgrade is going to cost us. She said we have paid for a half of a year of the maintenance contract which we are going to get a credit for the other half of the year and then we will enter into a year long contract which will make the cost for the city minimal and we will recover more than the cost of the upgrade in a year and a month. Ms. Allen said that the city would not have to pay for the disaster recovery site which is \$6,000 per year. Mayor Perrin stated that we are about seven upgrades behind on that right now.

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

**Aye:** 10 - Darrel Dover; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

**Absent:** 2 - Ann Williams and Gene Vance

*Councilman Long invited everyone to a Season of Prayer Event scheduled for Saturday, August 6th at 6:00 p.m. He stated that given recent events, he was moved to start and organize a prayer event that will be held at the Rock of NEA. He stated he wants to acknowledge public servants and to pray for them and the people they protect.*

*Councilman Moore requested that they continue to get the aerial views and plats because it makes it easier to see and to identify. He also asked about the cost of the plastic bags for recycling because he was concerned that it costs too much. Mayor Perrin stated they are looking into other alternatives to lower the costs.*

**10. PUBLIC COMMENTS**

**11. ADJOURNMENT**

**A motion was made by Councilman Charles Frierson, seconded by Councilman Chris Moore, that this meeting be Adjourned . The motion PASSED with the following vote.**

**Aye:** 10 - Darrel Dover; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Robert Long

**Absent:** 2 - Ann Williams and Gene Vance

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

**Harold Perrin, Mayor**

**Attest:**

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

**Donna Jackson, City Clerk**