



# City of Jonesboro

300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes - Draft Public Safety Council Committee

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Tuesday, April 15, 2014

5:00 PM

Municipal Center

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### 1. Call To Order

*Mayor Perrin was also in attendance.*

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

**Present** 4 - Gene Vance;Chris Gibson;Chris Moore and Mitch Johnson

### 3. Approval of minutes

**MIN-14:026** Minutes for the Public Safety Committee meeting on March 18, 2014

Attachments: [Minutes](#)

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

**Aye:** 4 - Gene Vance;Chris Gibson;Chris Moore and Mitch Johnson

### 4. New Business

### 5. Pending Items

### 6. Other Business

**COM-14:032** Discussion concerning the city's Alcoholic Beverage Code ordinance and hearing process

*Police Chief Michael Yates explained he was asked to look at different options on ways to handle the administration part of the alcoholic beverage license locally. He added he came up with the plan where the administration part would be removed and then the District Court would handle it when there are violations. He further explained he reviewed the current version of the Alcoholic Beverage Rules & Regulations and was able to come up with a few items that the City could make into ordinances that would help deal with enforcement. He noted it has potential and could possibly make the City more comfortable in dealing with it in the District Court. He added in order for the City to determine when a license should be suspended or revoked the City needs to classify places that have licenses into different categories because all of the businesses are not the same. He explained the initial idea was to categorize the businesses by the capacity and their hours of operation in order to deal with the violations that are found. He noted he thought the capacity would be the same for all*

of the businesses, but it's not and he needs to review that side of it more and then develop an ordinance.

Assistant City Attorney Carol Duncan stated she believes it will be easier to determine the capacity of a restaurant. She added the City will need more help in determining the capacity of a club more than a restaurant and she believes the City has the cooperation of the Fire Department to determine that. Chief Yates stated the City should really look at the "true clubs" when it comes to the capacity number due to safety issues of people needing to get out of the exits.

Councilman Vance stated the code requires a certain amount of square feet per person and so many exits per capacity and the requirements should be posted within the business. Chief Yates explained he had someone go look at certain places to determine who had the signs posted and who didn't. He added so far he has determined that 8 of the businesses have stuff posted, but he thinks everyone needs to be held to the same standard. Councilman Vance explained the state code sets the rules to follow and so the capacity numbers should be easy to calculate.

Councilman Moore asked that the procedure be explained on how it will work and what the options for punishment are. Chief Yates answered the ordinance would require the place of business to be safe and free of hazards. Councilman Moore stated sitting a bottle on the handrail and it falling off and injuring someone is not criminal, but an accident. Chief Yates stated the City should make it a code violation for not keeping the business safe. Assistant City Attorney Duncan noted the victim has the right to sue the business in civil court for not making sure the business is safe and it is not necessarily the City's responsibility to enforce that.

Chief Yates stated the City will not be able to cover all of the bases, but there must be a better way to handle things.

Councilman Moore asked if the City would be able to limit the hours of operation. Chief Yates answered state law already allows for that to happen. Assistant City Attorney Duncan answered yes, and that is already included in the ordinance.

Councilman Moore then questioned if the City could limit the hours of operation for just a few places or does it have to be done as a whole. Assistant City Attorney Duncan answered the City cannot target just certain businesses because it would open up the City to litigation.

Discussion was held concerning nuisance abatement and what options the City has to do against a business where incidents happen.

Chief Yates explained the City could create an ordinance that states if a business is a public nuisance then the privilege license could be revoked.

Chairman Johnson noted he would like to see the hours limited even more.

Councilman Moore explained most of the issues occur between 12 a.m. to 2 a.m., but not all places have the problems. He added he would like to see the businesses whom have numerous calls be limited to certain hours instead of limiting the hours for all businesses. Chief Yates stated the City could classify the business to determine what has to take place to have their license suspended and/or revoked.

Councilman Moore then explained that the City should have some control over the license when a business is having issues; such as limiting their hours, closing the business or putting them on probation. Chief Yates noted currently the only way to do

that is through an administrative hearing process. Assistant City Attorney Duncan explained once she and Chief Yates get all of the numbers they will work on a plan and bring it back to the committee. Councilman Moore stated he wants an answer for what can be done to a business when the plan is made instead of just a hypothetical answer.

Chief Yates noted he believes he could have a rough draft at the next Public Safety meeting. Mayor Perrin explained the City needs to be able to have recourse on certain actions. He added the question will be is what the actions are and what the City could do about them.

Councilman Moore inquired what the City can do about the one person they currently have an issue with until the City develops a plan. Assistant City Attorney Duncan answered the initial decision is to wait on a decision from the ABC Board. She added the City will have to establish a causal connection between what happened in the parking lot and the responsibility of the owner of the business. She noted the City may need to speak with APERMA about that situation because they will be the ones who will represent the City if litigation is brought about.

Councilman Moore questioned if the 90 days probation that was given to the owner was ever enforced from a previous incident. Chief Yates answered no. Discussion was held concerning the 90 days probation and what happened concerning it.

Councilman Moore explained the City's decision should not rely on the ABC Board's decision. Assistant City Attorney Duncan stated the City's decision has to somewhat rely on the ABC Board's decision. She further explained that the City doesn't have to rely on ABC to enforce the rules, but the City does have to rely on them to make the rules.

Councilman Moore stated he does not want the City to rely on the ABC Board to conduct the City's investigation or enforcement, but the City will rely on the ABC Board's laws. He noted the City needs to have local control over the issues here.

Chairman Johnson asked if anything will be ready by the next meeting. Assistant City Attorney Duncan answered a rough draft of the ordinance should be ready by then. Chairman Johnson then asked that no meetings be held between the next Public Safety and City Council meetings so the committee can discuss this for the whole 30 minutes. Chief Yates answered he believes they will need longer than that time.

Mayor Perrin stated he thinks this matter can't be heard the night of the next Council meeting due to needing more time. Councilman Moore noted he is not opposed to meeting on a Tuesday when Council is not meeting so this can be discussed.

Mayor Perrin asked that Assistant City Attorney Duncan send the draft to all of the alderman so they can study it and come up with a decision. He added the City may have to call a special meeting to discuss this.

Mayor Perrin noted APERMA stated the City does not have to have their own public hearing, but it does need to go to the court system.

Chairman Johnson asked if the capacity numbers could be tallied. Mayor Perrin answered he will have the Fire Chief start on that tomorrow.

**This item was Read.**

## **7. Public Comments**

**8. Adjournment**

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

**Aye:** 4 - Gene Vance;Chris Gibson;Chris Moore and Mitch Johnson