

# **City of Jonesboro**

900 West Monroe Jonesboro, AR 72401

# Meeting Minutes City Council

Tuesday, August 21, 2012 6:30 PM Huntington Building

# SPECIAL CALLED PUBLIC WORKS COMMITTEE MEETING AT 5:45 P.M.

#### **PUBLIC HEARING AT 6:00 P.M.**

Regarding the abandonment of a portion of Prospect Farm Road as requested by P&J Development Company

Mr. Craig McDaniel explained they have been working on realigning Paragould Road at the Aggie Road intersection. This is the final step to get set in order to start on the project.

# **APPEAL HEARING AT 6:15 P.M.**

Regarding the denial by the MAPC to rezone property located at 4306 & 4310 Aggie Road from R-1 Single Family Residential to RM-8 Multi-Family Residential District as requested by James & Ina Gossett

Mr. Terry Bare, from Haywood, Kenward and Bare, stated they prepared the documentation for the rezoning and the appeal. They feel the rezoning was denied in error. He noted in the past Councilman Frierson indicated the Council should support the MAPC unless an error had been made. They believe the MAPC erred in judgment and would like to present their case to the City Council.

Mr. Mark Hoeting, a resident on Cypress Springs Road, spoke in opposition to the rezoning. He noted the adjacent properties have been denied rezonings in the past. He added multi-family homes have a negative impact on crime and traffic. He discussed the past denied proposed rezonings and asked that the Council not spot zone this property. He provided information from a recent meeting where Crime Analyst Basia Combs determined a relationship between crime and rental properties. Mr. Hoeting also pointed out that according to a February, 2011, traffic plan as contracted by the City that area was designed for 5,100 cars per day, where 5,700 were calculated to be using that area in 2008 with an increase of 211 cars per year. This indicates 6,544 cars are using that road that is designed for 5,100 cars per day. He then discussed a recent incident in which a young daughter of a resident of that area was almost hit in the roadway, partially due to congested traffic and a driver texting while driving. He noted this story plays out every day and asked the Council members to watch the traffic in that area as children are getting out of school.

Attorney Skip Mooney, representing James & Ina Gossett, discussed the Gossett's property and noted it is located across from the largest trailer park in the City. The property owners have an opportunity to sell their home and the lot if the property is rezoned. He stated no one wants to purchase the property if it is sold as R-1. He added one of the property owners is sick and they are in need to sell it to Mike Watson, who is a successful builder in that area.

Mr. Watson, who is looking to purchase the Gossett property, discussed his nearby properties. He stated he has good clientele with his apartments and most of them leave because they have purchased homes. He explained the property is surrounded by different zonings. He further explained he would like to build 48 apartment homes on the property, with 32 being one-bedroom homes renting for \$795 and 16 two-bedroom apartments renting for \$950. It will be marketed towards young professionals with nice amenities. He then further discussed the design of the proposed apartment homes. He noted there will be security lights and a school bus shelter on the south side of the road. He stated his apartments have not hurt the appraisal values of nearby properties and the traffic problem will not be noticeably different due to the number of one-bedroom homes.

Mr. Todd Burton, a resident of Ridge Run Subdivision off Aggie Road, spoke in opposition to the rezoning. He explained he does not think the MAPC erred when they denied the rezoning because they looked at all of the aspects of the rezoning. He noted this rezoning will not follow the Land Use Plan. He further explained this property is an island surrounded by four narrow streets, so it will not get better. The landscape is changing due to the new hospital being built, which may or may not impact the traffic in the area. Mr. Burton then discussed a proposed rezoning by Frank Sloan who owns acreage in the area and the rezoning was turned down by the Council, but residential homes were built there.

Mr. Bobby Long, 4217 Oak Hill Lane, also spoke in opposition to the rezoning. He moved to the neighborhood to raise his family there. He stated this property does not have to be rezoned and that the owners purchased the property as residential, so it should stay that way. He asked the Council to consider the surrounding property owners rights who don't want this rezoning.

Mr. Rick Wyatt spoke in opposition to the rezoning and noted Mr. Watson is a good developer, but if this property is rezoned then the Council may not be able to turn down other surrounding property owners who also want to rezone their property to house multi-family homes. He added the MAPC took the traffic issues into consideration when making their decision.

Ms. Ina Gossett stated they have lived in the same area for 30 years and the apartments have never bothered them. She explained her husband is in need of a house equipped to take care of someone with disabilities. She asked the Council to consider their situation because if the rezoning doesn't pass they don't know what they'll do.

Mr. Cornelius Stricklin, a current tenant of Mike Watson's, stated he has not had any problems while being a tenant of Mr. Watson's. They haven't had any problems and the area is quiet. He asked the Council to approve the rezoning.

Mr. Mickey Bridger, who lives across the street from the apartments, spoke in opposition to the rezoning. He stated with the congestion from the school and traffic, drivers cut through the neighborhoods which puts children in those areas at risk. He noted there is a lot of opposition in the audience and they will remember it at election time.

The Gossett's son-in-law spoke in support of the rezoning. He explained this is not a high risk area and traffic has decreased due to changes in the road.

#### SPECIAL CALLED NOMINATING & RULES COMMITTEE MEETING AT 6:25 P.M.

# CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

# 2. PLEDGE OF ALLEGIANCE AND INVOCATION

# 3. ROLL CALL BY CITY CLERK DONNA JACKSON

Present 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods:Mikel Fears and Charles Coleman

# 4. SPECIAL PRESENTATIONS

# 5. CONSENT AGENDA

Approval of the Consent Agenda

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

Aye: 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods:Mikel Fears and Charles Coleman

MIN-12:064 Minutes for the City Council meeting on August 7, 2012

<u>Attachments:</u> <u>Minutes</u>

This item was PASSED on the consent agenda.

RES-12:115 A RESOLUTION TO TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE

THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM SHEILA COLEMAN FOR THE PURPOSE OF MAKING

DRAINAGE IMPROVEMENTS

**Sponsors:** Engineering

Attachments: Permanent Drainage Easement.pdf

This item was PASSED on the consent agenda.

Enactment No: R-EN-126-2012

RES-12:126 A RESOLUTION TO CONTRACT WITH ARKANSAS RUSH SOCCER CLUB

**Sponsors:** Parks & Recreation

Attachments: ARRush JMCPrk Contract 2012-13 7-10-12

This item was PASSED on the consent agenda.

Enactment No: R-EN-127-2012

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO,

ARKANSAS, TO AMEND A CONTRACT WITH MICHAEL BURROUGHS FOR

ACCOUNTANT SERVICES FOR THE FINANCE DEPARTMENT

**Sponsors:** Finance

This item was PASSED on the consent agenda.

Enactment No: R-EN-128-2012

RES-12:130 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR

STORMWATER MANAGEMENT FACILITIES FOR ABERNATHY'S COMMERCIAL

ADD., A COMMERCIAL DEVELOPMENT

**Sponsors:** Engineering

Attachments: Maintenance Agreement.pdf

This item was PASSED on the consent agenda.

Enactment No: R-EN-129-2012

RES-12:131 A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE

LOW BID AND ENTER INTO A CONTRACT WITH BELK CONSTRUCTION, INC.

FOR THE DESIGN/BUILD - GRANULAR STORAGE BUILDING

Sponsors: Parks & Recreation

Attachments: Bid Tab

**Project Manual** 

This item was PASSED on the consent agenda.

Enactment No: R-EN-130-2012

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO,

ARKANSAS REQUESTING FREE UTILITY SERVICE AT 606 FORREST PARK

DRIVE B (FORT ROTARY PARK)

**Sponsors:** Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-131-2012

RES-12:135 A RESOLUTION APPROVING THE IMPLEMENTATION OF 2012 COMMUNITY

DEVELOPMENT BLOCK GRANT (CDBG) HOMELESSNESS CONTRACT

**Sponsors:** Community Development

<u>Attachments:</u> Women's Crisis Center 2012 Agreement.docx

This item was PASSED on the consent agenda.

Enactment No: R-EN-132-2012

**RES-12:136** A RESOLUTION APPROVING THE IMPLEMENTATION OF 2012 COMMUNITY

DEVELOPMENT BLOCK GRANT (CDBG) HOMELESSNESS CONTRACT

Community Development Sponsors:

Habitat for Humanity 2012 Homeless Agreement.docx Attachments:

This item was PASSED on the consent agenda.

Enactment No: R-EN-133-2012

A RESOLUTION TO REQUEST FREE UTILITIES AT LEWELLEN PARK **RES-12:138** 

> Parks & Recreation Sponsors:

This item was PASSED on the consent agenda.

Enactment No: R-EN-134-2012

# **NEW BUSINESS**

# ORDINANCES ON FIRST READING

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORD-12:041

ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1

TO RM-8 FOR PROPERTY LOCATED AT 4306 & 4310 AGGIE ROAD AS **REQUESTED BY JAMES & INA GOSSETT** 

Plat and other documentation Attachments:

MAPC Record of Proceedings

**Letter of Appeal** Sullivan Letter

**Garner Letter** 

**Opposition Material** 

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

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

Ave: 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John

Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell

Woods; Mikel Fears and Charles Coleman

AN ORDINANCE TO WAIVE COMPETITVE BIDDING TO PURCHASE GOODS ORD-12:042

AND SERVICES FROM TEMPLE, INC. FOR THE IMPLEMENTATION OF TRAFFIC

SIGNAL COMMUNICATIONS IMPROVEMENTS AND DECLARING AN

EMERGENCY FOR THE PURPOSE OF EXPEDITING THE IMPLEMENTATION OF

THE PLAN TO IMPROVE TRAFFIC SIGNAL COMMUNICATIONS

Engineering Sponsors:

Quote - Temple.pdf Attachments:

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

Councilman Street moved, seconded by Councilman Moore, to waive the second and third readings. All voted aye

After passage of the ordinance, Councilman Gibson moved, seconded by Councilwoman Williams for the adoption of the emergency clause. All voted aye.

A motion was made by Councilman John Street, seconded by Councilman Chris Gibson, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Enactment No: O-EN-031-2012

#### ORD-12:043

AN ORDINANCE TO VACATE AND ABANDON A PORTION OF PROSPECT FARM ROAD LYING SOUTH OF AGGIE ROAD AND WEST OF PROSPECT FARM LANE FOR THE PURPOSE OF THE RE-ALIGNMENT OF THE INTERSECTION OF OLD PARAGOULD HWY. AND AGGIE ROAD, AND DECLARING AN EMERGENCY FOR THE PURPOSE OF FINAL SUBDIVISION RECORDING, BUILDING SEASON CONSTRAINTS CAUSED BY A DELAY IN EASEMENT WORK, AND PENDING SUBDIVISION CONSTRUCTION BY THE AFFECTED PROPERTY OWNER.

Attachments: Plat

Aerial Map
Plat 2
City letters
Petition
Utility letters

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

Councilman Street moved, seconded by Councilman Moore, to waive the second and third readings. A voice vote was taken resulting in all members voting aye.

After passage of the ordinance, Councilman Gibson moved, seconded by Councilwoman Williams, for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye.

A motion was made by Councilman John Street, seconded by Councilman Chris Gibson, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods: Mikel Fears and Charles Coleman

Enactment No: O-EN-032-2012

#### ORD-12:044

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 LUO FOR PROPERTY LOCATED AT 905 SOUTHWEST DRIVE AS REQUESTED BY ARLETA MOORE

Attachments: Plat

MAPC Report

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

A motion was made by Councilman Gene Vance, seconded by Councilman Chris Moore, to Waive Second Reading . The motion PASSED by a unanimous vote

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; Mitch

Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel

Fears and Charles Coleman

Abstain: 1 - John Street

#### ORD-12:045

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 4220 STADIUM BLVD AS REQUESTED BY CONSOLIDATED YOUTH SERVICES

Attachments: Plat

**MAPC Report** 

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

A motion was made by Councilman Chris Moore, seconded by Councilman Darrel Dover, to Waive Second Reading . The motion PASSED by a unanimous vote

Ave: 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John

Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell

Woods; Mikel Fears and Charles Coleman

#### ORD-12:046

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 AND C-4 LUO TO C-3 LUO FOR PROPERTY LOCATED AT 4109 & 4115 EAST JOHNSON AVENUE AS REQUESTED BY DEMO'S BBQ AND JOSEPH & DARLENE WEEKS

Attachments: Plat of Survey

Rezoning Map
MAPC Report

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

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Waive Second Reading . The motion PASSED by a unanimous vote

Aye: 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John

Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell

Woods; Mikel Fears and Charles Coleman

# 7. UNFINISHED BUSINESS

# ORDINANCES ON THIRD READING

# ORD-12:039

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 4216 STADIUM BLVD., AS REQUESTED BY THE CITY OF JONESBORO, ARKANSAS.

Attachments: Plat

MAPC Report

A motion was made by Councilman John Street, seconded by Councilman Chris Gibson, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John

Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell

Woods; Mikel Fears and Charles Coleman

Enactment No: O-EN-033-2012

#### 8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

A banner was recently sent to the City of Aurora, Colorado, by the local radio stations and KAIT. The banner showed support of the citizens of Colorado after a recent mass shooting. A letter was received from an employee of the City of Aurora stating the banners were hung in the lobby of the Aurora City Hall.

Recycling will start going to Abilities Unlimited on August 31st. They are still gathering information concerning alternatives, including gathering prices for recycling containers.

The Highway Commissioners will be conducting a meeting on September 11th at 9:00 a.m. at the Chamber of Commerce. The City will make a presentation concerning traffic needs.

The Building Facilities Committee is looking at the costs of renovating the building at the YMCA. The Committee directed the administration to look at several uses for the building and come back with cost figures. The estimated cost of improvements is about \$534,000, with roofing being about \$60,000 of that amount.

# COM-12:063

Financial reports through July, 2012, as presented to the City Council on August 21, 2012

**Sponsors:** Finance

Attachments: 2012 Hotel tax (cash ) Report

2012 Franchise Fees Period Comparison 2012 Hotel tax (cash ) Comparison Report

**Deposit Collateralization Report** 

July Expenses
July Revenues

July Statement of Rev, Exp and Changes in FB

Required Reserves 7-31-2012

Sales Tax Revenue - Cash Basis

State Turnback Report July

This item was Read.

#### 9. CITY COUNCIL REPORTS

Councilman Street motioned, seconded by Councilman Dover, to suspend the rules and place ORD-12:047 on the agenda. All voted aye.

#### ORD-12:047

AN ORDINANCE FOR THE ACQUISITION OF THE MERCANTILE BANK CENTER, AUTHORIZING THE TRADE OF PROPERTY LOCATED AT 515 W. WASHINGTON (CITY HALL) AND FOR THE APPROPRIATION OF FUNDS FROM CAPITAL IMPROVEMENTS, AND DECLARING AN EMERGENCY FOR THE PURPOSE OF EVACUATING THE HUNTINGTON BUILDING WITHIN THE TIME FRAME ESTABLISHED BY THE LEASE AGREEMENT WITH HUNTINGTON MISSION CHURCH

**Sponsors:** Mayor's Office

Attachments: Building Facilites minutes for August 14, 2012

City Hall Revovation vs. Relocation

Real Estate Contract for the Mercantile Building

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

Councilman Street moved, seconded by Councilman Gibson, to suspend the rules and waive the second and third readings. A voice vote was taken resulting in all members voting aye.

After passage of the ordinance, Councilman Gibson moved, seconded by Councilwoman Williams, for the adoption of the emergency clause. All voted aye.

A motion was made by Councilman Chris Gibson, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John

Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell

Woods; Mikel Fears and Charles Coleman

Enactment No: O-EN-034-2012

Councilman Coleman thanked the Parks Department for their work with the Lewellen Park and the money they are spending for upgrading the facility.

# 10. PUBLIC COMMENTS

Rev. Perry Jackson, 1913 Murray Creek Drive, expressed concern over comments about him that were made during the Nominating & Rules meeting earlier in the evening. He referred to the comment about him not being fair and stated he has been fair. He has not asked for the chief's resignation. He added it does not bother him that the Council rejected his appointment because he will still work for the good of the Citv.

Ms. Delva Pelley, 2209 Indian Trails, spoke for a group of individuals and expressed their support of the Police Department, Police Chief Yates, the City Council and Mayor Perrin. She stated many accusations concerning Chief Yates have been publicized in the national news. She quoted a newspaper article about Chief Yates leaving his former job at Americus, Georgia, with the article indicating a lower crime rate and higher level of police productivity being products of his tenure. She then read from another article that stated Americus' police department was not as effective since Chief Yates left. She then discussed other articles that discussed Chief Yates. Ms. Pelley explained while she thinks the death of Chavis Carter is a very sad tragedy, she also thinks the maligning of Chief Yates, the two arresting officers and

the entire Police Department is also a tragedy. She reiterated her thanks to Chief Yates and the other officers who take care of the citizens.

Norma Ferrell discussed the Chavis Carter case and asked why the other two individuals who were with Mr. Carter were not arrested along with Mr. Carter, instead they were allowed to leave. She referred to an incident where her grandson was charged with a crime when he was in the car with someone who was in possession of his grandfather's prescription medication. She questioned why her grandson was charged, but the two individuals with Mr. Carter were not charged.

Ruby Moss, 902 Warner Avenue, discussed times when her and her boyfriend were harassed by police officers at McDonald's. The last time she was arrested she was told by police that they would stop her car anytime they saw her in it. She stated she is a convicted felon, but has never had a drug charge. She discussed other incidents of harassment by police, including a time when the police used their tasers on her.

Ms. Margaret Jacob, 514 West College, stated the community has questions and they have a right to ask questions. She discussed the incident with Mr. Carter and added that there are certain people in the community who, after they make a mistake, are forever criminalized and victimized by the system. She explained this is not a personal attack, but would like answers to the questions that are being asked. Ms. Jacob further explained this is not an isolated case; rather, this is something happening across the country. She added they deserve the same equality as other citizens when they come before the City Council. Councilman Moore asked Ms. Jacob if she would join him in condemning individuals such as Perry Jackson, Dr. Grant and other persons who do not wait for the investigation to be completed before they spoke out against the Police Department and the officers involved. Councilman Moore added those officers were called murderers before the facts of the case were known. Ms. Jacob answered she will stand with him and condemn no one because the reports came back unjustified and she did not stand with those others and condemn the officers.

Councilman Vance motioned, seconded by Councilman Moore, to allow two more speakers with a time limit of five minutes each. All voted aye.

Timothy Anderson, 805 Cartwright, stated Chief Yates has stopped him a few times. He cannot comment concerning the racial profiling accusations because Chief Yates did his job when he was stopped. He questioned how an autopsy can state whether or not a person committed suicide. He also questioned why it took so long for people to know about the shooting.

Mr. Jackson stated neither he nor his organization has called anyone a murderer, so Councilman Moore's comments were false. He added his concern remains to be the housing situation and those on assisted living and in need. He explained he is sorry the Chavis Carter incident happened, but that is not the only thing that is being talked about. He expressed concern over citizens being harassed in different areas of town. Councilman Moore noted Mr. Jackson has made accusations in the past that Chief Yates left Americus amid accusations of racism and abuse of power. He questioned why Mr. Jackson would make those accusations if his concern is housing. Mr. Jackson answered he is in possession, not right now, of newspaper articles detailing events in Americus. He added he is not sure why Chief Yates left Americus, but he did leave under a cloud. Councilman Moore argued that Chief Yates did not leave under a cloud and referred to a news article from the local television station that stated Chief Yates was the most popular chief the City had had. He added he also has a letter from the Georgia Bureau of Investigation that stated Chief Yates has a spotless record and there was not one validated charge against him when he left.

Councilman Moore referred to another article that said Chief Yates left Americus because he took a promotion to head a 911 Department. Mr. Jackson explained his main concern is housing and that is a citywide problem.

# 11. ADJOURNMENT

Donna Jackson, City Clerk

A motion was made by Councilman Charles Frierson, seconded by Councilman Gene Vance, that this meeting be Adjourned . The motion PASSED by a unanimous vote

Aye: 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

	Date:
Harold Perrin, Mayor	
Attest:	
	Date: