



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, November 15, 2011

6:30 PM

Huntington Building

1. 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 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent 1 - Mitch Johnson

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

Absent: 1 - Mitch Johnson

MIN-11:096

Minutes for the City Council meeting on November 1, 2011

Attachments: [Minutes](#)

This item was PASSED on the consent agenda.

RES-11:171

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR WILDWOOD ADDITION PHASE II, A RESIDENTIAL SUBDIVISION

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-138-2011

RES-11:172

A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR REES COMMERCE DRIVE, 1ST ADDITION, A RESIDENTIAL SUBDIVISION

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-139-2011

RES-11:173

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM ROBERT J. BRADBERRY & WELTHA M. BRADBERRY 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-140-2011

RES-11:174

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM ROBERTO MORENO-ROCHA 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-141-2011

RES-11:175

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM HALSEY LAND COMPANY LLC 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-142-2011

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-11:084

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING WITH RELATIVITY, INC., THE SOLE SOURCE PROVIDER OF "NET MOTION" SOFTWARE AND TO AMEND THE CITY OF JONESBORO 2011 BUDGET FOR THE PURCHASE OF SAID SOFTWARE FOR THE POLICE DEPARTMENT; AND DECLARING AN EMERGENCY FOR THE PURPOSE OF MEETING A DEADLINE OF NOVEMBER, 30, 2011 AT WHICH TIME THE TESTING PHASE FOR THE "NET MOTION" SOFTWARE WILL EXPIRE

Sponsors: Finance, Grants and Police Department

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

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

After passage of the ordinance, Councilman Gibson motioned, seconded by Councilwoman Williams, to adopt the emergency clause. All voted aye.

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

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 1 - Mitch Johnson

Enactment No: O-EN-068-2011

ORD-11:088

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 LUO FOR PROPERTY LOCATED AT 1075/1709 AIRPORT ROAD AS REQUESTED BY PHILLIPS INVESTMENTS

Attachments: [Plat](#)
[Concept Plan](#)
[Layout](#)
[MAPC Report](#)
[Revised ordinance submitted 11/28/11](#)
[Revised plat submitted 11/28/11](#)

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

City Attorney Phillip Crego noted an amended rezoning ordinance has been submitted showing the proposed rezoning to be C-3 L.U.O.

Councilman Moore asked for the ordinance to be held at one reading.

After passage of RES-11:177, Councilman Vance asked Mayor Perrin to explain to the audience the process the Council is taking regarding the rezoning. Mayor Perrin discussed the rezoning and the amended ordinance. Councilman Vance noted the Council has not taken any action on the rezoning tonight; rather, action will probably be taken at the next meeting.

This ordinance was Held at one reading.

RESOLUTIONS TO BE INTRODUCED

RES-11:177

A RESOLUTION TO condemn property at 906 New Hope Lane

Sponsors: Code Enforcement

- Attachments: [CONDEMNATION CHECKLIST](#)
[Inspection Report001](#)
[7-11-11 001](#)
[7-11-11 002](#)
[7-11-11 006](#)
[7-11-11 008](#)
[7-11-11 016](#)

Mr. Phillip Tucker, who is the owner of the property, explained the bank has released the property back to him. He further explained they plan to tear the house down and clean up the lot. He added he couldn't do anything with the property previously due to the bank having control of the property. Mayor Perrin clarified that the lien against the property has been released. Mr. Tucker answered yes. Code Enforcement Ronnie Shaver agreed, stating he has received letters indicating the liens have been released and the property has been given back to Mr. Tucker. He explained he does not have a problem with giving Mr. Tucker more time to tear the property down. He noted Mr. Tucker has applied for grants to help with the property.

Councilman Moore recommended moving forward with the condemnation since Mr. Tucker will have 45 days to purchase a permit to work on the property.

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

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 1 - Mitch Johnson

Enactment No: R-EN-143-2011

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-11:083

AN ORDINANCE REPEALING ORDINANCE 11:044 AND ADOPTING BY REFERENCE CHAPTER 66 SECTION 5 ENTITLED SPECIAL EVENT PERMIT, FOR THE REGULATION OF SPECIAL EVENTS AND STREET CLOSINGS IN THE CITY OF JONESBORO, ARKANSAS

Sponsors: Mayor's Office

Attachments: [Special Event Permit](#)
 [ORD 11 044](#)
 [Special Event Assembly Permit old version](#)

This item was Held at second reading.

ORDINANCES ON THIRD READING

ORD-11:076

AN ORDINANCE TO AMEND SECTION 2.55 OF THE JONESBORO CODE OF ORDINANCES FOR THE ESTABLISHMENT OF NEW WARD BOUNDARIES BASED ON THE 2010 CENSUS INFORMATION AND UTILIZATION OF THE SECRETARY OF STATE'S SOFTWARE PROGRAM

Sponsors: Mayor's Office

After passage of the ordinance, Councilman Moore motioned, seconded by Councilman McCall, to adopt the emergency clause. All voted aye.

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

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 1 - Mitch Johnson

Enactment No: O-EN-069-2011

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

The City has received the deed to the Edwards property. They will be getting an appraisal on the property. He has already spoken to one interested buyer.

They had the exit interview with Legislative Audit. Council members should be receiving a copy of the audit report.

The 2012 budget process is continuing. They will have copies of the proposed budget to the Council members before Thanksgiving so they can review it over the holiday.

Winter Wonderland is progressing. It will open on November 25th. Many people have donated time and money towards the project. There will be an opening for Council members and donors on November 21st. They will be receiving invitations in the mail.

Highway 1 and Parker Road construction has been moved to February, 2012, due to work with CWL.

They will be meeting with AHTD to review the \$1.9 million the City received for bypass improvements.

Fine collections total \$15,995 year to date. The City has paid out \$3,518, which nets \$12,477 for the year. This is due to the law firm working with the City to collect fines.

Tomorrow he'll be sending out an email concerning property liens for demolitions or

mowing. The majority of the liens are for demolitions. They will come back with recommendations at the next Council meeting.

The Building Facilities Committee met concerning moving personnel from the Huntington Building. They have asked two firms to make recommendations. He will present more at the next Council meeting.

9. CITY COUNCIL REPORTS

Councilman Fears discussed the rezoning by Phillips Investments. He stated he has talked with several residents concerning the rezoning and they wanted to see the L.U.O. put back into the ordinance. He noted Mr. Phillips put the L.U.O. in the ordinance.

Councilman Moore thanked the Mayor for adding the reasons for emergency clauses on ordinances.

10. PUBLIC COMMENTS

Mr. John Cooper discussed the special event ordinance. He stated he appreciates the City improving on the old ordinance. He explained he was involved in the changes and he's happy with the ordinance now.

Ms. Erica Clark, 4100 Hickory Lane, discussed the proposed rezoning by Phillips Investments. She stated she is against the commercial rezoning and questioned where the detention pond would be located. Chief Operations Officer LM Duncan showed her the detention area on a map. Ms. Clark then questioned what this would do for mosquito control. Councilman McCall explained detention ponds typically stay dry, but if it affects mosquito control it will be taken care of. Ms. Clark reiterated she is against the commercial rezoning.

Further discussion was held regarding the Phillips Investments rezoning. Councilman Vance noted the business would be on the property that is already zoned, not on Airport Road. He further explained the rezoning allows Mr. Phillips to use the two plats for detention. Ms. Stacey Schratz asked if the property will have a limited use like the original property. City Planner Otis Spriggs explained the Planning Commission's recommendation did not include a limited use, but it was revised to reflect limited use on the one-acre property. Councilman Vance recommended Mr. Spriggs make a presentation at the next Council meeting regarding the rezoning to show what the current zoning is, what is going to be changed and what those changes will be. Ms. Schratz discussed the ditch behind her house that is near the proposed rezoning and noted it is eroding. She explained the ditch will eventually erode up to their fence. She expressed concern about businesses getting their certificates of occupancy without anyone making sure those businesses did what they said they were going to do. She used the nearby Bill's Fresh Market as an example and stated they were given a certificate of occupancy without them doing everything they had stated they would do. Mayor Perrin stated they would look into the ditch to find out if it is a private ditch or a city-owned ditch. Mr. Barry Phillips, of Phillips Investments, explained he dug the ditch.

Councilman Fears noted the construction of the detention pond would help stop the eroding of the ditch. Ms. Schratz added they do not have a problem with flooding in their neighborhood, but she doesn't want the erosion to go under her fence. Mayor Perrin reiterated they will check on the ditch tomorrow.

Mr. Spriggs stated the detention pond can be constructed without the rezoning, but

the rezoning is needed due to platting purposes for the property as a whole. He added Mr. Phillips has agreed to installing fencing around the perimeter.

11. ADJOURNMENT

A motion was made by Councilman Chris Moore, seconded by Councilman Mikel Fears, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Mitch Johnson

_____ **Date:** _____
Harold Perrin, Mayor

Attest:

_____ **Date:** _____
Donna Jackson, City Clerk