



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes Public Works Council Committee

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Tuesday, December 7, 2021

5:00 PM

Municipal Center, 300 S. Church

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### 1. Call To Order

### 2. Roll Call by City Clerk April Leggett

**Present** 6 - Mitch Johnson;John Street;Chris Moore;Charles Coleman;LJ Bryant and Ann Williams

### 3. Approval of minutes

[MIN-21:097](#)

Minutes for the Public Works Committee meeting on November 02, 2021

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

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

**Aye:** 5 - Mitch Johnson;Chris Moore;Charles Coleman;LJ Bryant and Ann Williams

### 4. New Business

#### *RESOLUTIONS TO BE INTRODUCED*

[RES-21:280](#)

A RESOLUTION TO THE CITY COUNCIL OF JONESBORO, ARKANSAS AUTHORIZING THE OFFER AND ACCEPTANCE TO PURCHASE ADDITIONAL RIGHT-OF-WAY AT 617 AND 621 CREATH AVENUE FOR THE PURPOSE OF THE CONSTRUCTING AND MAINTAINING ROADWAY IMPROVEMENTS

**Sponsors:** Engineering

**Attachments:** [Offer and Acceptance - 617 and 621 Creath Avenue](#)

**A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Charles Coleman, that this matter be Recommended to Council . The motion PASSED with the following vote.**

**Aye:** 5 - Mitch Johnson;Chris Moore;Charles Coleman;LJ Bryant and Ann Williams

[RES-21:281](#)

A RESOLUTION TO THE CITY COUNCIL OF JONESBORO, ARKANSAS AUTHORIZING THE OFFER AND ACCEPTANCE TO PURCHASE ADDITIONAL RIGHT-OF-WAY AT 1005 CREATH AVENUE FOR THE PURPOSE OF THE CONSTRUCTING AND MAINTAINING ROADWAY IMPROVEMENTS

**Sponsors:** Engineering

**Attachments:** [Offer and Acceptance - 1005 Creath Avenue](#)

**A motion was made by Councilperson Mitch Johnson, seconded by Councilperson LJ Bryant, that this matter be Recommended to Council . The motion PASSED with the following vote.**

**Aye:** 5 - Mitch Johnson;Chris Moore;Charles Coleman;LJ Bryant and Ann Williams

[RES-21:282](#)

A RESOLUTION TO THE CITY COUNCIL OF JONESBORO, ARKANSAS AUTHORIZING THE OFFER AND ACCEPTANCE TO PURCHASE ADDITIONAL RIGHT-OF-WAY AT 1099 CREATH AVENUE FOR THE PURPOSE OF THE CONSTRUCTING AND MAINTAINING ROADWAY IMPROVEMENTS

**Sponsors:** Engineering

**Attachments:** [Offer and Acceptance - 1099 Creath Avenue](#)

**A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.**

**Aye:** 5 - Mitch Johnson;Chris Moore;Charles Coleman;LJ Bryant and Ann Williams

[RES-21:283](#)

A RESOLUTION TO THE CITY COUNCIL OF JONESBORO, ARKANSAS AUTHORIZING THE OFFER AND ACCEPTANCE TO PURCHASE ADDITIONAL RIGHT-OF-WAY AT 1007 CREATH AVENUE FOR THE PURPOSE OF THE CONSTRUCTING AND MAINTAINING ROADWAY IMPROVEMENTS

**Sponsors:** Engineering

**Attachments:** [Offer and Acceptance - 1007 Creath Avenue](#)

**A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.**

**Aye:** 5 - Mitch Johnson;Chris Moore;Charles Coleman;LJ Bryant and Ann Williams

[RES-21:287](#)

A RESOLUTION TO THE CITY OF JONESBORO TO ENTER INTO AN INDEMNIFICATION AGREEMENT WITH PHYSICS CAPITAL PARTNERS, LLC.

**Sponsors:** Engineering

**Attachments:** [Indemnification Agreement - 314 South Main Street](#)

*City Attorney Carol Duncan said, "Craig can correct me, I think this resolution was supposed to say erect a balcony in the right-of-way oppose to signage."*

*Councilmember Chris Moore said, "That was my understanding also, from the owner, that their requesting." City Attorney Carol Duncan said, "That's what their agreement says so I don't know how we missed that on the resolution but if you could entertain a*

*motion that everywhere it says signage it needs to say construct a balcony in the right-of-way." Councilmember Mitch Johnson asked, "Is it 315 or 314?"*

*Councilmember Chris Moore said, "That was my next question because I had talked to the building owner and I thought the address was 314 but I could be wrong, but I definitely know that it's a balcony and not signage." City Attorney Carol Duncan said,*

*"It is a balcony." Chairman John Street said, "When I looked it up 314 is what it looked like but I didn't know either." Councilmember Mitch Johnson said, "Well it says it here on the attachment that it's 314 but I noticed when you read the body it said 315." Chairman John Street asked, "Do you know Craig?" Director of Engineering, Craig Light approached the podium, "I would assume the agreement is correct. I'm not sure how the changes got made to the resolution but I would say it would be 314." Chairman John Street said, "Ok so we need a motion to amend resolution 21:287 to change 315 to 314 South Main Street and to change were it says sign." City Attorney Carol Duncan said, "Any reference to a signage to a balcony being constructed in the right-of-way." All voted Aye on the motion to amend resolution 21:287.*

*City Clerk April Leggett said, "I have a question. Was that just the amendment that you voted on?" Chairman John Street said, "I'm sorry that was the amendment."*

*Councilmember Chris Moore said, "I would like to ask a question about that. Just from a legal stand point and a practical stand point could you tell me how that's going to work if we need to replace the sidewalk or we need to do some kind of construction down there?" City Attorney Carol Duncan said, "It's sort of the same way as the one we approved for Jonesboro High School for the bleachers and the one we approved in the past for one of the church's signage out by the roadway. They understand, and it's in the indemnification, that number one, we're not responsible if anybody is hurt with it but number two, we can remove and they will not receive any compensation for that should it need to be removed because we need to do something in our right-of-way." Councilmember Chris Moore said, "I read the agreement and the only change that I think we could probably consider, if we need it removed we should require them to pay the cost and that agreement doesn't say that. The agreement says we can remove it if we wish but I think we need to change that agreement to reflect we can remove it at their expense cause their constructing something in our right-of-way and if we have to have it removed why should we have to pay." City Attorney Carol Duncan said, "I don't know that we did that with any of the others but that would just require you not forwarding it to full council for them to go back to them to get a new agreement." Councilmember Chris Moore said, "I just don't think it should have to be the cities responsibility to have to come in there and tear down a balcony at our own expense." City Attorney Carol Duncan said, "I didn't negotiate the contract but what you would need to do then is not forward it to full council." Chairman John Street said, "Chris has a good point it would be like fences in a right-of-way and we have to do something the property owner would be required to remove the fence." Councilmember Chris Moore said, "I mean I'm all about letting them build the balcony over the sidewalk." Chairman John Street said, "Carol made a good suggestion." Councilmember Chris Moore said, "I'll make a motion we postpone temporary so it can be corrected but I would just add that that be added to the agreement, at their expense not the cities expense."*

**A motion was made by Councilperson Chris Moore, seconded by Councilperson LJ Bryant, that this matter be Postponed Temporarily . The motion PASSED with the following vote.**

**Aye:** 5 - Mitch Johnson;Chris Moore;Charles Coleman;LJ Bryant and Ann Williams

## **5. Pending Items**

## **6. Other Business**

## **7. Public Comments**

**8. Adjournment**

**A motion was made by Councilperson LJ Bryant, seconded by Councilperson Mitch Johnson, that this meeting be Adjourned . The motion PASSED with the following vote.**

**Aye: 5 - Mitch Johnson;Chris Moore;Charles Coleman;LJ Bryant and Ann Williams**