



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, September 15, 2020

5:30 PM

Municipal Center

PUBLIC SERVICES COMMITTEE MEETING AT 4:30 P.M.

PUBLIC SAFETY COMMITTEE MEETING AT 5:00 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

Mayor Harold Perrin was not in attendance. President Pro-Tempore Chris Moore presided over the meeting.

Councilmember David McClain had technical difficulties, but was able to login to the Zoom meeting at the 00:01:15 timestamp.

Present 12 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant

4. SPECIAL PRESENTATIONS

[COM-20:045](#) PRESENTATION OF ARKANSAS MUNICIPAL CLERK CERTIFICATION AND INTERNATIONAL ASSOCIATION OF MUNICIPAL CLERK ASSOCIATION CERTIFICATION TO APRIL LEGGETT BY ACCRTA PAST PRESIDENT ANDREA WILLIAMS

Read

[COM-20:051](#) PRESENTATION OF KEY TO THE CITY AND PROCLAMATION TO AIR FORCE JROTC AND AIR FORCE CADET LEADERSHIP AWARD WINNER CADET LAITYN TIPPY

Attachments: [CADET TIPPY NEWS RELEASE](#)

Read

[COM-20:052](#) JASON CARTER FROM THE CARTER LAW FIRM PRESENTATION ON 5G

Attachments: [Radiofrequency Emission Safety](#)

My name is Jason Carter. My address is 925 Sherman Oaks in Conway, Arkansas. I am glad to be here with you. You had two great presentations that were very uplifting. I am here to restore balance to the universe and bring everything back down to earth a little bit. I am here to talk about radiofrequency emissions. I am Jason Carter with a small private firm down in Conway. I represent the Arkansas Municipal Power Association that is 14 cities that provide electricity to their community. I also work with the Municipal League to handle, kind of, technical issues, electric issues, telecommunication issues, stuff with the FCC. So, that is really what has brought me here. I understand there have been questions within the community about radiofrequency safety and you are not unique in having those questions. Those questions have popped up around the country where we have seen people wonder, hey what are these new things that used to be so far away on top of towers and now we are seeing radios, fixed site radios that are being installed in the right of way close to us. There are some concerns out there and I kind of just wanted to talk with you about that framework and about how of that works. Some of it, I am a lawyer, I am not a scientist, I can't tell you. I can give you my testimony. As to the safeness of the device or lack thereof, I can tell you about the process and how the processes work and how safety rules are adopted.

As I said, this is the bottom line up front, the slide to start with. Just the summary about the things to discuss. There are safety concerns about radiofrequency energy emissions. Lots of people have those concerns. Like, I put a note on here that some people are concerned about the rapid growth and how many 5G antennas we are talking about being installed within the community and how much closer they are going to be. In other words, people walking about in their daily life and what are those safety risks and are we really quantifying them. There are scientists out there that say they are a little concerned that some of this may be moving too fast. So, those are concerns and you don't have to go far into the internet to find lots of diverse thoughts about it. But, that doesn't mean that we can't individually take action from city to city or state to state. The regulatory framework that we will get into a little bit is that local governments are prohibited RF safety or considering radiofrequency safety as part of siting approval. The entity that does that is supposed to be the FCC. That is where the rule, the safety rules get made and the last revision was December 4, 2019. So, it is rather a recent revision. There were lots of discussion in that revision about 5G technology and some people really advocating for higher radio frequency limits because of medical advances where they are seeing devices implanted inside of people. You know, monitoring equipment, things people with pacemakers that can report directly back to the doctor, all this kind of internet of things. So, it was a pretty robust debate, lots of comments. I will talk about those for a second. And, then I want to wrap it up by saying when we have people who have an interest in this and they are particularly focused on these issues, what kind of guidance do we give them? You know, the old shoulder shrug is not a good answer for our citizens. We need to be able to give them an answer as to what their next steps might be if it is a true concern that they have in life.

So, just talking about our local RF safety standards or the prohibition on having local RF safety regulations that are more robust than the FCC. This is the law. It is found at 47 USC 332 and that is subsection (c)(7)(B)(iv). It is kind of getting down into the weeds, but you know that is the way that federal statutory law works. But it reads, "No State or local government or instrumentality thereof (you would be a local government and a political subdivision of the state) may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." In other words, at the point in

time that the device complies with the FCC regulations, you are prohibited from regulating it more stringently. You can't prohibit it from existing and you can't impose a requirement that is more stringent than what the FCC imposes. Now, one recent challenge to that was found in the 6th Circuit Court of Appeals. It was a case out of Kentucky. It is Robbins v. New Cingular Wireless, I think New Cingular Wireless was an entity or one of the dba's of AT&T and they were putting in a cell phone tower and there were some residents who were pretty offended by it. They were convinced that it was going to affect their health. So, they filed a lawsuit. Their case got dismissed. They appealed it to the 6th Circuit and the 6th Circuit upheld just the outright dismissal of the case. What was important was the language that they used when they dismissed the case. And, I have quoted it here for you on the screen, "By delegating the task of setting RF-emissions levels to the FCC, Congress authorized the federal government—and not local governments—to strike the proper balance between protecting the public from RF-emissions exposure and promoting a robust telecommunications infrastructure." So, that was just the 6th Circuit Court of Appeals, just expressly saying this isn't a local matter. This is a matter that is getting decided at the federal level and summarily ejected the plaintiffs from court based on that.

So, what do they have as far as the FCC and where is this directive that they have got to have safety standards. You can find that both under NEPA, the National Environmental Policy Act and the Telecommunications Act of 1996 is the most recent version of the telecom act that gives telecommunications entities the right to operate. Those acts both independently require that the FCC, "to prescribe and make effective rules regarding the environmental effects of radio frequency emissions." So, that is their job. They are supposed to coordinate with other federal entities when they do that. Of course, it is a rule making process. They take testimony and before they issue their rules, draft rules are issued, and then they are finalized. Their most recent rules were found in Docket No. 19-126. And, that cleared the hurdle at the very end of last year. So, that was December 4, 2019. There was a broad cross-section of participants I felt like during that rule making process. We didn't have any municipalities or municipal entities or anyone like that from Arkansas participating in those rules, but they did have some cities who did. Boston, MA participated in that rule making process. Philadelphia did. Portland, OR did. As well as, when I say it was a cross section of participants, we have got some governmental entities that were in there with the FDA. OSHA is concerned with worker safety. There is a National Council on Radiation Protection and Measurements. They were involved. There were some consumer advocates who were there with the Consumer Electronics Association and Consumer for Safe Cell Phones. Some industry representatives were participating of course. They always participate with AT&T and Verizon. And, then also the International Brotherhood of Electric Workers. That was another entity that I felt like was at the table to protect the safety of workers who were involved.

In the development of all of that, all the argument that came out, lots of testimony, lots of documents filed, at the end, they made no adjustment to the RF standards. So, they didn't loosen them up for new technology, but they didn't tighten them down based on new technology. They said, they felt like the emission standards that were on the books and have been on the books have shown no adverse health effects. Thus, they are more confident in those rules and they stuck to what they had. So, that is the language of their findings in the order from docket No. 19-126, and you can find that in paragraph 13 where they say, "Accordingly, we conclude that the best available evidence, including our consideration of the opinions provided by our expert sister agencies, supports maintaining our current RF exposure standards."

They kind of go by four categories. Level one is kind of the general population safe

limit for how much Radio Frequency emission is traveling through the air. And, then above that is an occupational limit where they say that as long as someone has been trained, they can be in closer proximity where the Radio Frequency emissions are more dense. Of course, in Category three, the higher you get, that goes up to ten times the level of what would be considered an occupational limit. So, there has to be warning labels. There have to be cutoff switches before you enter the area. It has got to be safe. And, then there is actually for the levels above ten times the occupational limit where we have got to have physical barriers that are in place to prevent people to go into that area. So, those are kind of the four categories of safety where the FCC has categorized how much RF energy is being emitted and how close you are to the source from a safety standpoint. That is the way those regulations work. I will tell you with the small cell ordinance that we did a lot of work on and have passed here and have passed in a lot of cities, similar language, we kind of have some of our own labeling with some of that. We have got some of our own protection mechanisms for some of that. The telecommunications industry has been accepting of that so long as we are not doing violence to the FCC rules. So as long as whatever if we have additional safety rules, as long as they are working, kind of hand in glove with the FCC rules, then I think that the telecoms are willing to comply with it and that we don't end up with undesirable litigation to where you have a rule that is difficult to defend and nonetheless you are forced to defend it. So, I feel like the safety regulations that we have put in thus far, they seemed to have worked well with the telecoms.

So, what do we do when we have citizens who come in and they say, hey, I know you have got rules and the FCC has rules, but I don't think that I am safe. I don't feel safe. You know, what do you do about that especially when the city has limited ability to respond to it. I think what we have to do is where we can't provide directives assistance to our citizens, we have to direct them to how they might assist themselves. One is that a complaint can be filed with the FCC. Now, normally, if you file a complaint with the FCC, you have got to be filing it against someone. Right, so you have to say someone who is regulated by the FCC did something wrong. So, you would file a complaint through their processes. But, they have a separate process that is called "Submit your Story" to the FCC where you don't really have to file a complaint. You can just give a narrative of the facts that are concerning to you and why they are concerning to you. The FCC staff represents that they read all of those. So, they try to take those things into consideration. A more robust answer is to submit comments to the FCC during a rulemaking process. So, just like this last time that we went through Docket No. 19-126, that was a rulemaking process and people submitted testimony and they brought experts in and they said what they wanted and why they wanted it and what the standards should be. Some argued for a high standard and some argued for a very low standard, but that is a forum in which a citizen could make their voice heard and to be a part, to take part in that rulemaking process.

And, it is really, pretty easy to submit a comment. It gets more complicated if you are submitting expert testimony of course. And the fourth and probably the most difficult is to challenge the FCC's rules because once these hearings have taken place, and the FCC is the entity who has the power to make the rules, has in fact, made those rules. Then, you are forced into a position where you would have to challenge them based on the rulemaking process was noncompliant or the rules that they found were without rational basis, but it comes more difficult to challenge those rules in court. So, with that, that is the last slide that I had for you. Those are the options that you can convey to citizens. But, primarily, I wanted to save some time to be able to answer whatever questions you might want to submit. As I understand, those would be submitted to the Chair and then forwarded as appropriate.

Councilmember John Street said, I remember you from the Municipal League when you were helping us trying to navigate some of these things that were being thrust among us. I can assure you that the municipal league which makes up the 500 cities of the state of Arkansas are as opposed to the FCC's implementation of 5G and the way that they were, but I also through the National League of Cities and their cooping with them and the FCC kind of out did us all. But, I think you helped us get the best deal that I thought that we could get at the time. With the placement of these units and the aesthetics of them to keep from totally destroying our cities, but if that group, the state, and almost all of the cities in the United States were probably opposed to this or all of the Municipal Leagues across the country. Is it realistic that a citizen or any other entity could actually have an effect on these rules after they have been ruled upon and challenged in court? Mr. Carter said, you know, I am here trying to be a positive person. You are making that really hard. Councilmember Street said, I don't know what to tell you. Mr. Carter said, I appreciate your comments about the Municipal League and the National League of Cities and the way that we tried to push back against the FCC and yes we did. And, just to give you an update on where that is at, the case was heard in the 9th Circuit Court of Appeals where it was challenged, but it was largely upheld. So, most of the FCC's orders and some part that I really thought would be overturned, were not overturned. They were preserved. There appears to maybe be some relief in the form of some aesthetic standards. We will see how that plays out because as you said, there are many, many parties that participated in that fight and it will be going to the US Supreme Court without a doubt. So, that will be fought out at the US Supreme Court and we will see what it comes back with. You know, we expected to get a better ruling at the 9th and we didn't. But, perhaps, we will get a better result when this comes back from the US Supreme Court. Councilmember Street said, I noticed that the Arkansas APPA, the American Public Power Association, they were involved in that 9th Circuit ruling as well. I did read that. In fact, I passed that along. You are right, the aesthetics were the only thing and you had already helped us get a compromise on aesthetics which I thought was, hey, at least it is something. But, so you are getting to where I was going to ask you the final question. It will ultimately be up to the United States Supreme Court to make the final decision on this one. Mr. Carter said, I agree. It will be. It will be up to the Supreme Court and we are going to watch that whole process and see how it goes. And to the extent that we can get more leverage from the FCC rules that we can get any parts of those things overturned, we will be back at the state legislature seeking to change some of the state laws and then of course, wherever we can get relief that will trickle down into the ordinances that we have locally. There would be a trickle down effect in that. Councilmember Street said, thank you Mr. Carter.

Councilmember Bobby Long said, I have got a couple of questions. First of all, thank you for the presentation. It was real informative. It seems to me like this FCC thing is a national deal, then I would assume that there are other cities in other states that have adopted similar small cell ordinances like us that would provide protection in a wider scope. So, is there any other state that you know of that maybe have a Municipal League like we do that have instigated ordinances or developed ordinances that may have more protection in them than ours. What I am getting at is, you were saying that telecom seems to be okay with what we are doing, but are they also okay with other states ordinances maybe that have been developed that may be more stringent than ours and if there is, how can we change our ordinance to look like the most stringent out there that they are willing to accept. Mr. Carter said, let me answer your question in a few steps. One is, every state in the union I think has an organization like the Arkansas Municipal League. They are all out there right. They kind of work in conjunction with the National League of Cities as a higher entity, not technically a higher entity, but a collaborative entity. So, they are all out there and we are all

communicating. Especially, as we spoke earlier, the American Public Power Association is heavily involved in that. That is 2,000 cities with electric services that are heavily focused on this issue. Everybody has kind of dialed in right now. We have seen since the advent of small cells, diversity among ordinances that were being adopted city by city all over the place. And, that was one of the key arguments for the telecoms they used is to say hey, there is not a standardized system out there. We are trying to deploy our capital. We are trying to lead the way in communications and every city has got a different structure. We need a more standardized approach. So, early ordinances that were very, very constrictive, those have been overturned by the FCC's orders. And, even locally, in Arkansas, some of the small cell ordinances that we adopted early on before the FCC order was put into place and before the state law was put into place, before all of that existed, those have had to be amended now to loosen restrictions up. So, I don't know if we have matured to the point to where we can say so the new legal framework is stable. Now, who has the best rules out there? Obviously, at some point, everybody is going to stick their neck up when they think the rules have stabilized and say who thinks we have got the best rules. I feel pretty good about ours. I reserve the right to be smarter tomorrow. So, if someone has a better idea, I am not going to go well, not let's stick with what we have. I mean no. Let's go get the better idea. You know, definitely do that. So, I think it is hard for us to approach that at this moment when the rules are still kind of mashed potatoes right. Until it gets through the US Supreme Court, we are not going to know definitively what we have got. Once it gets through the US Supreme Court, we are going to know where we are at and the rules are going to be the rules and then we are going to try to navigate that the best that we can and without walking into a fight that we can't win.

Councilmember Long said, there is just one other thing. You know you hear of other cities like Hawaii, Massachusetts, Connecticut, Tennessee, just to name a few, California, Indiana have passed similar of those things seemingly stopping the build out of these towers. Until that goes on, is that something that you can speak to? Mr. Carter said, I can speak to it. Councilmember Long asked, are they being overturned of what they are doing or are they just being overturned? Mr. Carter said, if it is working, it is just because the telecoms have chosen not to sue them. So, one of the things that the FCC did before they put in the small cell order, the month before, in August, so the small cell order came out in September. In August, the month before, they put an order that said no moratoriums. You have to issue building permits. They have to be issued on time. And, then, it is interesting, because the length discussion about what if you are in the middle of a hurricane and they go well, there are limited circumstances where we could give you an extension. So, the ability to just push the pause button, which I have always liked and I have really supported the ability of a city when you are struggling with a new issue to reach out and say stop. Stop. Pause. Let us get our arms around this and then we will figure out the best way that this can work for the community. We just really don't have the option to do that right now. No moratoriums and strict shot clocks. If you don't get it done in time, then it is going to get approved and get installed. Councilmember Long said, thank you. President Pro Temp Chris Moore said, Mr. Carter, thank you for your time. We look forward to working with you in the future. Mr. Carter said, thank you. It is always a pleasure being in Jonesboro.

Read

5. CONSENT AGENDA

Councilmember Joe Hafner motioned, seconded by Councilmember Bobby Long, to pull RES-20:136, RES-20:137, RES-20:138, and RES-20:139 from the Consent Agenda. All voted aye.

[MIN-20:086](#)

MINUTES FOR THE CITY COUNCIL MEETING ON SEPTEMBER 1, 2020

Attachments: [CC Minutes 09012020](#)**This item was passed on the consent agenda.****Aye:** 12 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant*ITEMS REMOVED FROM THE CONSENT AGENDA*[RES-20:136](#)

A RESOLUTION REQUESTING FREE UTILITY SERVICES FROM CITY WATER AND LIGHT FOR TRAFFIC SIGNALS

*Councilmember John Street abstained from discussion and voting on RES-20:136 due to serving on the Board of City Water and Light. Councilmember Charles Frierson abstained from discussion and voting on RES-20:136 due to serving on the Board of City Water and Light.***A motion was made by Councilperson Chris Gibson, seconded by Councilperson Mitch Johnson, that this matter be Passed . The motion PASSED with the following vote.****Aye:** 10 - Ann Williams; Chris Moore; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant**Abstain:** 2 - Charles Frierson and John Street

Enactment No: R-EN-113-2020

[RES-20:137](#)

A RESOLUTION REQUESTING FREE UTILITY SERVICE AT 9705 C.W. POST ROAD FOR THE CITY OF JONESBORO

*Councilmember John Street abstained from discussion and voting on RES-20:137 due to serving on the Board of City Water and Light. Councilmember Charles Frierson abstained from discussion and voting on RES-20:137 due to serving on the Board of City Water and Light.***A motion was made by Councilperson Chris Gibson, seconded by Councilperson Joe Hafner, that this matter be Passed . The motion PASSED with the following vote.****Aye:** 10 - Ann Williams; Chris Moore; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant**Abstain:** 2 - Charles Frierson and John Street

Enactment No: R-EN-114-2020

[RES-20:138](#)

A RESOLUTION TO THE CITY OF JONESBORO TO ENTER INTO AN INDEMNIFICATION AGREEMENT WITH CITY WATER AND LIGHT PLANT OF THE CITY OF JONESBORO, ARKANSAS (CWL)

Attachments: [Agreement with CWL on Drop Box, 400 block, East Monroe Ave](#)*Councilmember John Street abstained from discussion and voting on RES-20:138 due*

to serving on the Board of City Water and Light. Councilmember Charles Frierson abstained from discussion and voting on RES-20:138 due to serving on the Board of City Water and Light.

A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Joe Hafner, that this matter be Passed . The motion PASSED with the following vote.

Aye: 10 - Ann Williams;Chris Moore;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

Abstain: 2 - Charles Frierson and John Street

Enactment No: R-EN-115-2020

[RES-20:139](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO ENTER INTO A CONTRACT TO PURCHASE PROPERTY LOCATED AT 907 CONGRESS CIRCLE AND SELL CITY PROPERTY AT 215 E. ALLEN AVENUE AND 202 E. GORDON STREET TO TIM THRASHER AND TIM ALLISON IN ORDER TO RELOCATE THE OPERATIONS OF THE BUILDING MAINTENANCE DEPARTMENT

Attachments: [Resolution, Building Maintenance Facility swap](#)
[Real Estate Contract, 215 E. Allen and 202 E. Gordon](#)
[Real Estate Contract, 907 Congress](#)
[Appraisal, 215 Allen Ave and 202 E Gordon St](#)
[Appraisal 907 Congress Circle](#)
[907 Congress Cir, Jonesboro, AR 72401 - Industrial for Sale - LoopNet.com](#)
[Mike Downing Email 09012020](#)
[Dana Moore email 09092020](#)
[Baldwin email 09142020](#)
[Patti Lack emails on RES-20-139](#)
[Mayor Perrin Memo RES-20-139](#)

President Pro-Temp Chris Moore said before the City Attorney reads this, I have a letter from the Mayor that he asked me to read. It is addressed to the Jonesboro City Council: I would ask that Resolution 20-139, which involves the relocation of the Building Maintenance Department, be tabled until the City Council meeting on December 1st to allow further research to be performed by city staff, the Building Facilities Committee, and the Committee on Homelessness. The Committee on Homelessness, created by Resolution 20-034, has worked hard to study the issues and needs of the homeless in Jonesboro. We appreciate their diligence. They have also reviewed potential sites and buildings for a homeless shelter. Some of the members have expressed a desire to acquire the existing facility of the Building Maintenance Department at 215 E. Allen to be converted into a homeless shelter. While that may be an option, further study regarding the redevelopment costs of that facility and the operating/maintenance costs are needed, as well as looking at other properties. In addition, the Maintenance facility may require rezoning. The building at 907 Congress would adequately meet the needs of the Building Maintenance - size, configuration, location, and reasonable cost. Another consideration is whether there should be a new facility built for Building Maintenance, possibly at the site of the Public Works buildings on Lacy Drive. This was discussed several months ago, and a cost estimate was over \$900,000, however, there may be value in looking at this again in a more efficient design and refined cost estimates. Finally, I want to thank you for your concern and prayers. I've greatly enjoyed our relationship and cooperation over the

years to make Jonesboro a better place.

A motion was made by Councilperson Joe Hafner, seconded by Councilperson Bobby Long, that this matter be Postponed Temporarily . The motion PASSED with the following vote.

Aye: 12 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant

6. NEW BUSINESS

ORDINANCES ON FIRST READING

[ORD-20:036](#)

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 RESIDENTIAL TO C-3 GENERAL COMMERCIAL DISTRICT LIMITED USE OVERLAY FOR PROPERTY LOCATED AT 3707 S. CARAWAY ROAD AS REQUESTED BY JOSHUA MOSS ON BEHALF OF SOUTH CARAWAY BAPTIST CHURCH

Attachments: [Application \(2\)](#)
[19313-01 rezoning](#)
[Staff Summary - City Council](#)
[Legal Description](#)
[Map of Zonings Marked \(1\)](#)
[Returned Signed Notifications](#)
[Rezoning Plat \(2\)](#)
[USPS Receipts](#)

Councilmember John Street motioned, seconded by Councilmember Joe Hafner, to suspend the rules and offer ORD-20:036 by title only. All voted aye.

Joshua Moss, 244 CR, Brookland, AR, said, I am here on behalf of South Caraway Baptist Church requesting a rezoning from R-1 to C-3. The church has a need to sell the property and has for quite some time. We have a contract for a purchase on the property currently for a childcare facility and it will need to be rezoned for that reason. Currently, the childcare facility has no plans for development other than changes necessary made by DHS or the Fire Marshall service, just changes to the building itself, such as exit doors and things of that nature. President Pro-Temp Chris Moore said, Mr. Moss, we typically hold it for three consecutive readings. Thank you Mr. Moss. Mr. Moss said, thank you for your time.

Held at one reading

[ORD-20:037](#)

AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES OF JONESBORO, ARKANSAS, FROM CR-1, COMMERCIAL RESIDENTIAL MIXED USE DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT LIMITED USE OVERLAY FOR THE PROPERTY LOCATED AT 911 PARKER ROAD AS REQUESTED BY ASHLEY TALLANT

Attachments: [Application \(3\)](#)
[Staff Summary - City Council](#)
[Plat](#)
[email](#)
[Warranty Deed](#)
[Legislation Details of Rezoning from 2007](#)
[Returned Property Owner](#)
[Rezoning Plat \(3\)](#)
[USPS](#)

Councilmember John Street motioned, seconded by Councilmember Gene Vance, to suspend the rules and offer ORD-20:037 by title only. All voted aye.

Ashley Tallent, 673 CR 338, Jonesboro, said, so we are just requesting the 911 Parker Road to be rezoned from CR-1 to C-3, LUO to allow light retail salon use. It was discussed at the last MAPC meeting and I agree with their recommendations. It won't affect the traffic and so I am here to ask to get that rezoned. President Pro-Temp Chris Moore said, Ms. Tallent, we will normally hear this on three consecutive readings. Thank you. Ms. Tallent said, thank you.

Held at one reading

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-20:033

AN ORDINANCE ADOPTING BY REFERENCE THE GUIDELINES FOR THE DEVELOPMENT AND REDEVELOPMENT IN THE DOWNTOWN JONESBORO AREA AND PROVIDE MORE WALKABLE, VIBRANT, AND MIXED USE NEIGHBORHOODS

Attachments: [DJDC final version 8.17.20](#)
[Downtown Jonesboro Redevelopment District Code \(DJDC\) \[Read-Only\]](#)

President Pro-Temp Chris Moore said, at the last council meeting, we requested Planning Director Derrel Smith to come and speak on this. So, Mr. Smith, you have the floor.

Mr. Derrel Smith said, at the last meeting, you asked me to kind of give a brief overview of the Downtown Jonesboro Development Code that we have got before you right now. The purpose and intent of this is to preserve and enhance the existing development character of downtown and adjoining neighborhoods through a comprehensive form-based approach to achieve mixed use, transitions, and pedestrian-oriented design. We have created a couple of overlays. We have four different overlays. We have a Core Mixed Use, Commercial Mixed Use, Industrial Arts, and Neighborhood transition zone that we have used to try to implement this vision. In those, each has a distinct design standard for each zone that includes building form and use, public open space, and a focus on implementing a pedestrian-oriented design. So, we are trying to establish a clear review, approval, and appeals process for all of this development.

So, I mentioned the four different overlay zones. The Core Mixed Use is basically the

historic core of Downtown Jonesboro. We took that and with suggestions from some of the MAPC members, we expanded that to go all the way down to Nettleton instead of where it stopped at Oak Street originally. So, we have expanded that. Our Commercial Mixed Use is going to be a transition area where there is going to be commercial and livable space. We really focused on the area between Arkansas State University and Downtown in trying to bring all of that together. Our Industrial Arts area is going to be the area along the tracks, Burke, Krewson, that area down in there. In our Neighborhood Transition, it is basically the West End area. It is the basically our oldest residential area in Jonesboro.

So, the way that we look at this and the way that we look at the design is going to be determined by the street classification. We have three different streets. The first is what we are going to call a Pedestrian Friendly Frontage Street. A Pedestrian Friendly is exactly what it sounds like. Pedestrians are going to be given more leeway than cars. We want this to be a walkable area. We want to expand it. We want expanded sidewalks. We want street lights. We want street furnishings. We want this to be an area where people come out onto the street walking. We want people to feel safe in these areas and we want this to be a livable area. So, not only are you going to come down here to shop, you are going to walk down to the restaurant. You are going to walk home. You are going to be able to live, work, and play in this entire area. Our pedestrian friendly streets are going to be a classification down. Where on our priority streets, we are really going to limit conflict points between pedestrians and vehicles. Our pedestrian friendly are going to be a little less than that. They are still going to limit conflicts, but there will be more driveways and access points allowed on a pedestrian friendly than a pedestrian priority. And, then, our general frontage streets are going to be what we put to move traffic through this area. It is going to be where we want our cars to travel. This is where we are going to have our driveways and parking lots facing these streets instead of the areas we are going to have for that we are going to try to get all of the pedestrian traffic on.

So, this is a picture of the redevelopment area and you can see the four different zoning classifications that we used, the overlays that we have here. And our Commercial Mixed Use, like I said, it started at Arkansas State and came to the downtown area. It runs from Johnson Avenue on the north to Matthews on the south end. Our Core Mixed Use, like I said, was the historic downtown area. Our Industrial Arts you see running along the railroad tracks. We also included the area along Gee Street which was another recommendation through the MAPC to include that to be a Commercial Mixed Use District because of, hopefully, the redevelopment that can happen in that area. And, then, our Neighborhood Transition, like I said, is mostly the West End area which is the oldest residential area in Jonesboro.

And, then, so we go to our street classifications. As you can see, there is a lot of blue on there and the blue are general streets. As you can see, we have a lot of blue and that is how we are wanting to get most of the traffic through. The green is the pedestrian friendly. The red are pedestrian priority areas and you notice that it is downtown. It is the connection from ASTATE to downtown. It is the connection to the West End from downtown and then out to Gee Street. So, we had tried to make those areas where, those are going to be where we want the most walkable areas of this development district.

Councilmember Bobby Long said, Derrel, can you explain if the blue is where you want most of the traffic to go, it seems to me that a lot of the blue intersects a lot of the red. Mr. Smith said, it does. But, the reason we have done that is that you are still going to get traffic in the red areas. It is not like you are not going to be able to drive

these streets. These streets are still open for vehicle traffic also. It is not closed to vehicle traffic. It is just going to be more, the vehicle traffic is going to be much slower through those areas. So, if you want to drive 35 miles per hour, you are going to need to find a route that is going to get you away from the pedestrian priority areas. If you want to get from east to west, you are going to need to go down Nettleton or you are going to need to go down Matthews. You don't want to try to drive any of the other, any of the red areas, because we are going to reduce traffic speeds in those areas and make it where pedestrians are safe.

So, we didn't just come up with this last night. This has been an ongoing process and so I thought that I would give you the timeline that this all started. Back in March of 2019, Mayor Perrin put together a group of people that were from Arkansas State, from St. Bernard's, from the West End neighborhood, some of the local developers that are developing in downtown and in these areas. The main emphasis was to get that ASU to downtown connection. The reason for that was that our master trails plan that has been approved, we have a trail that goes from ASTATE to downtown. The city actually has part of that getting ready to start under construction. It is under design now. So, we wanted to be able to make sure that the students at ASTATE felt safe getting on that trail and coming down and we wanted to make it where they felt there was something to do all the way down that corridor. We didn't want to have a one mile gap between destinations. So, we looked, we met about eight times. We probably would have met a little more than that, but with holidays, it made it hard to get everyone's schedule together. But, we met together and we came up with a draft ordinance that basically you have before you with a few minor changes. In February of 2020, we came up with this ordinance and basically, after that, I started working on it trying to get the bugs out and get it closer to where it was presentable and into an ordinance format. In May, we sat down with our partners over at City Water and Light, started working with them and we made a lot of changes to this map, especially the street classifications trying to make sure that they are still able to maintain service to the customers in the area, but still trying to maintain the vision that we want of this walkable area for this overlay. So, we worked with them weekly and through August and we came up with something that we feel that is good for everyone. It was presented to the MAPC in May to start reviewing and for comments. Some of the comments were for changing some of the areas, expanding areas, and those have all been incorporated into this. On August 11th, we had our Public Hearing on this. It was tabled until the 25th and on the 25th, they voted unanimously to bring it to you.

Now, how is it going to work? This is basically a form based code. Instead of traditional zoning where we had hard lines in the sand, that this is residential, this is commercial, this is industrial, and you can't pass these lines. This is more form based and I have put the definition of formed based code up there and it is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form rather than a separation of uses, as the organizing principle for the code. So, what all that means is that instead of what is there, it is more of what it looks like. We don't really care what the use of the building is as is that we know what the building is going to look like and how it is going to affect everybody in the area. And, so, this is an overlay district so it is going to be on top of existing codes that are already there. So, we are not rezoning. We are putting an overlay on top of those zones. I put an example on all Pedestrian Priority Frontages, all the new buildings, the first floor will always be built to what is called Commercial Ready Standards. You can look on the projector and see. You are going to have a 12 ft. minimum height on the first floor. You are going to have glass openings. Whatever is in it, it is going to be able to be a commercial use on the bottom floor. You could have offices. You could have lofts. You could have whatever, but that bottom floor will

always be ready for a commercial use. Mr. Long asked how is this going to affect what is there now. And, so, I wanted to show if you have an existing structure, are you going to be able to expand? Of course, the answer is yes. And, I have put some examples up here of an existing structure on a lot and then how you can add to that structure, expand that structure, and still met the code. Instead of setbacks, which we have had in regular zoning, we have build to zones or build to lines. So, we want things closer to the street. We don't want them setback 25-30 ft. away. We want people up on the streets. And, so, this shows how that can happen. Then, I also have an example of what would be non allowable. As you see, these additions don't come up to the build to lines. They still stay back so those wouldn't be allowed under the new code.

So, what are our benefits of doing this district? The first is going to be to encourage economic development in commercial, mixed-use commercial, and residential areas that have been underused and underserved for all of these years. Our infrastructure is already in place. Some may have to be upgraded, but your streets are here. We are not going to have to build any new fire stations. We are not going to have to build a new police department. All of that is already here. It is already in place. It is going to be an opportunity to bring young families back into the downtown core. We are going to build new homes in downtown. We are going to increase the tax revenue for the redevelopment area. We are going to reduce operational costs for city services. You are not going to have to run new sanitation routes. Like I said, you are not going to have to build a new fire station. You are not going to have to build a new police station and we are going to reduce urban sprawl. Instead of going out to the edges and building and increasing our cost by doing that, everything is going to be downtown where we already have the services to provide for. So, I went through that pretty fast because I know that we have had a lot tonight. Does anybody have any questions?

Councilmember Gene Vance said, you say that we are not rezoning, but with this overlay over existing such as South Main from Oak to Nettleton. What are we going to do about all of the homes that are built in there? Are we going to be able to put a commercial building right next to those existing homes? Mr. Smith said, you could if they meet the standards or you could make the existing homes commercial or you could allow a mix of both. Councilmember Vance said, that just seems like a little bit of zoning people's property without them being involved in it.

Held at second reading

[ORD-20:034](#)

AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES OF JONESBORO, ARKANSAS, FROM C-3, GENERAL COMMERCIAL DISTRICT TO RS-7 SINGLE FAMILY RESIDENTIAL DISTRICT FOR PROPERTY LOCATED AT 1330 WEST MONROE AS REQUESTED BY ALBERTO MORALES.

Attachments: [Staff Summary - Council APPLICATION](#)
[Residential Application](#)
[Plat](#)
[Rezoning Plat](#)
[House Plans](#)
[Pictures of Rezoning Sign](#)
[Aerial](#)
[Property Owner Notifications Returned](#)
[USPS Receipts](#)

Alberto Morales, 221 College, Bono, was in attendance in case of questions. President Pro-Temp Chris Moore said, we will read it on a third time at the next meeting and we will make a decision for you. Thank you for attending.

Held at second reading

ORDINANCES ON THIRD READING

[ORD-20:030](#)

AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117.330(c), KNOWN AS THE SIDEWALK ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR AN EXEMPTION FOR PROPERTY IN PLANNED INDUSTRIAL PARKS

Attachments: [Letter to Council 9.8.20](#)
 [Casteel email 09142020](#)

Councilmember Gene Vance stated that he would not vote and abstains from all discussion on ORD-20:030 due to the fact that he works with a client currently in the Industrial Park that will be affected by this ordinance. President Pro-Tempore Chris Moore said, the record will reflect that Councilmember Vance did not vote or participate in any comments.

Councilmember Joe Hafner said, I know this is on the third reading and we have discussed a few things over the first two readings. I understand some of the concerns about the sidewalks out in the Industrial Park, but I also understand that it is important to have connectivity. In the earlier Public Services meeting, we asked Mr. Black about the feasibility of having a public transit route out in the Industrial Park and he said that it was certainly a consideration and certainly a possibility, but obviously something like that is something that needs to be looked at a little further. In light of that and instead of approving something that totally lets the people, the applicable people in the Industrial Park off the hook for any in lieu of fees for sidewalks or anything, I am going to ask that we postpone temporary for 60 days to allow us a chance to look into the possibility of extrapolating some sort of in lieu of fee that would go to public transit or other connectivity options.

Postponed Temporarily

Aye: 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant

Abstain: 1 - Gene Vance

8. MAYOR'S REPORTS

President Pro-Temp Chris Moore reported on the following:

President Pro-Temp Moore said, I have a couple of things to report on and I will keep it brief.

Today, the Legislative Audit issued their 2019 report for the city, which indicated "No issues necessary to report." And to the Mayor's credit, this is the city's 11th consecutive clean audit. So, I congratulate Mayor Perrin and his staff on that outcome. To my knowledge, in the 22 years I have been on the council, we never had a completely clean audit until Mayor Perrin came on board.

The next item is the August Financial Report that was sent to the council yesterday and is available on the Finance's web page. It reflects the year-to-date surplus is up \$3.5 million compared to budget for eight months year-to-date. That is fabulous news and I assume that most of that is due to the internet sales tax.

The Emergency COVID Rental Assistance Program began on September 10th. Applications were due today. The amount of the requests were much more than the \$100,000 available. It is my understanding in talks with the Mayor that there may be additional funds available soon. That is going to be an extremely popular program.

"Census Saturdays" promotion on the 19th and 26th is at Walmart, Bills, Los Arcos. And, then on Tuesdays and Thursdays from 2-6 p.m. and Wednesdays, Fridays, and Saturdays from 9-11 a.m. at the Public Library. You can also register at my2020census.gov or you can call 844-330-2020. I would encourage everybody to mention it at their church or any other civic organization, the urgent need to register with the census. Everybody who registers brings money into our community on a yearly basis.

The Parks and Recreation awards at the Arkansas Recreation and Park Association had the Jonesboro Barbeque Festival was named the Festival of the Year. The Christmas at the Park was named Festival of the Year, for festivals less than 11 years old. The Target Golf Program was named Program of the Year. Parks and Recreation Director Danny Kapales was named President Elect. I offer a round of applause for Mr. Kapales and thank him for all of his hard work.

The Shooting Sports Complex Committee naming rights, if my information here is correct, is going to bring in \$275,000 over the next ten years. Councilmember Joe Hafner said, so far, that is what they have so far. President Pro-Temp Moore said, wow, so that is a lot of money.

President Pro-Temp Chris Moore said, the Neighborhood Cleanup, I think that is Dr. Coleman. Dr. Coleman, what are the dates on that? Councilmember Dr. Charles Coleman said it will be October 3rd from 9 a.m. to 1 p.m. By the way, we had a great meeting on Sunday. Ms. Beverly Parker put on a meeting out at the park, Pavilion 1 and she has approved what we are doing. We hopefully will have a whole lot of people out there. We will be meeting at the Fisher Street United Methodist Church. President Pro-Temp Moore asked, are you cooking hot dogs this year Dr. Coleman? Dr. Coleman said, yes. President Pro-Temp Moore said, on October 10th, the Scenic Hills Association, Ms. Judy Casteel, will have their cleanup.

The Beautification Committee letter survey is completed. Hot spots have been identified so I assume we are going to have some information coming forward on that in the near future.

On the next meeting on October 8th, we are going to receive a report on the tornado recovery at the council meeting that will include an after-action report by police and fire, the Airport Reconstruction by Mr. George Jackson and a potential resolution to notify the public of tornado-affected cleanup. And what that last item is, there are still several properties in the city that were damaged by the tornado that have had no action taken on them. I think we are fixing to be entertaining a resolution to move forward on some of those properties and possibly condemnation or city cleanup.

At the last meeting, we postponed several other presentations. They may be coming in

the near future. The Beautification Commission needs to make a report, the Jonesboro Economy, the Fire Department ISO rates, COVID-19 update, State Highway Improvements – current and future, ASTATE and ASUN School of Nursing Initiatives and future developments. All of those will be coming as administration can work them in.

[COM-20:054](#)

AUGUST 2020 FINANCIAL REPORTS

Attachments: [Deposit Collateralization Report August 2020](#)
[Expenditure Report August 2020](#)
[Financials Overview August 2020](#)
[Observations Regarding August 2020 Financial Statements](#)
[Revenue Report August 2020](#)
[Sales Tax Report \(Combined\) August 2020](#)
[State Turnback Report \(Combined\) August 2020](#)
[Statement of Changes in FB, Required Reserve and STIP BalancesReport A](#)

Filed

9. CITY COUNCIL REPORTS

Councilmember Joe Hafner said, I have a couple of things. Mr. Moore, kind of, already covered a couple of them. Just a great audit report again. I think the fund raising efforts on the shooting range are going very well. The one thing that I just wanted to bring up and I don't know if Craig or Mike or who can check into this, but the stop sign that is on the southwest intersection of Church and Oak by the new doctor's office there, the sign that sits on the southwest corner, the stop sign is actually behind the wall. I know they put one up on the other side of the street, but when I come up to a stop sign, I am usually looking to the right on a two-way street so I think there has been some intersections there. I don't know if there is another option that we can do there to cut down on the potential for wrecks. Maybe, if there is like, a way to fix the stop sign to the wall so it is still visible because it is not visible until you get right up on there. And, people who work by there said that there have been some wrecks there. I think anytime there is a wreck, that is one too many wrecks. But, if you all can check on that for me, I would appreciate it.

Councilmember LJ Bryant said, I will be brief. I just wanted to thank Derrel Smith and the folks that worked on the Downtown Development Code. I think he is modest as far as the benefits. He listed many, but I think there are many more crime reductions and many other things so I am real excited to see that come to fruition.

Councilmember John Street said, I just want to thank Danny Kapales and congratulate him for the outstanding job that he does for us with parks, congratulating him on being President of the Association next year. Thank you Danny.

10. PUBLIC COMMENTS

11. ADJOURNMENT

A motion was made by Councilperson Joe Hafner, seconded by Councilperson John Street, that this meeting be Adjourned . The motion PASSED with the

following vote.

Aye: 12 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant

_____ *Date:* _____
Harold Perrin, Mayor

Attest:

_____ *Date:* _____
Donna Jackson, City Clerk