



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, March 1, 2016

5:30 PM

Municipal Center

PUBLIC WORKS COMMITTEE MEETING AT 5:00 P.M.

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PUBLIC HEARING AT 5:20 P.M.

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Regarding the abandonment of an undeveloped alleyway located north of Griffin Street as requested by Bob Harrison and Cesar Islas.

No one spoke in opposition to the abandonment.

PUBLIC HEARING AT 5:25 P.M.

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Regarding the abandonment of an undeveloped street right-of-way located near East Street and Cate Avenue as requested by Oak Street Properties, LLC

No one spoke in opposition to the abandonment.

1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.

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2. PLEDGE OF ALLEGIANCE AND INVOCATION

[play video](#)

3. ROLL CALL BY CITY CLERK DONNA JACKSON

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Present 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Charles Coleman and Todd Burton

Absent 1 - Gene Vance

4. SPECIAL PRESENTATIONS

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COM-16:015 Presentation of the City of Distinction Award to Mayor Harold Perrin by Mr. Paul Phillips

[play video](#)

Sponsors: Mayor's Office

Mr. Phillips presented the Mayor with the award. The award was announced at the Municipal League's Winter Conference. He noted this is the fourth time the city has won this award. He congratulated the city and pointed out the accomplishment from constructing the Miracle League Park.

This item was Read.

5. CONSENT AGENDA

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Approval of the Consent Agenda

A motion was made by Councilman Mitch Johnson, seconded by Councilman John Street, to Approve the Consent Agenda. The motioned PASSED

Aye: 10 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Rennell Woods; Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

MIN-16:019 Minutes for the City Council meeting on February 16, 2016

[play video](#)

Attachments: [Minutes](#)

This item was PASSED on the consent agenda.

RES-16:015 RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT (AHTD) FOR THE FY 2015 TRANSPORTATION ALTERNATIVE PROGRAM (TAP) - CRAIGHEAD FOREST PARK TRAILWAY

[play video](#)

Sponsors: Grants, Parks & Recreation and Engineering

Attachments: [Craighead Forest Trailway Phase 2 Agreement](#)
[Certification for Craighead Forest Trailway Phase 2](#)
[Craighead Forest Trailway \(Phase 2\) Budget Amendment](#)
[Designated Employee Letter for Craighead Forest Trail \(Phase 2\)](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-018-2016

RES-16:016 RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT (AHTD) FOR THE FY 2015 TRANSPORTATION ALTERNATIVE PROGRAM (TAP) - RACE STREET SIDEWALKS AND UPRR PEDESTRIAN CROSSING

[play video](#)

Sponsors: Grants and Engineering

Attachments: [Race St. Sidewalks & RR Ped. Crossing Agreement Certification for Race St. & RR Ped Crossing](#)
[Race St. Sidewalks & RR Ped. Crossing Budget Amendment](#)
[Designated Employee Letter for Race St. Sidewalks & RR Ped Crossing](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-019-2016

RES-16:017 RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE HIGHWAYS AND TRANSPORTATION DEPARTMENT (AHTD) FOR THE FY 2015 ARKANSAS RECREATIONAL TRAILS NONMOTORIZED PROGRAM (RTP) - GREENWAY PEDESTRIAN BRIDGE

[play video](#)

Sponsors: Grants, Parks & Recreation and Engineering

Attachments: [Greenway Ped. Bridge RTP Agreement Certification for Greenway Ped Bridge](#)
[Designated Employee Letter for Greenway Ped. Bridge](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-020-2016

RES-16:018 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ESTABLISH AND APPOINT A MAYORS TASK FORCE TO END HOMELESSNESS FACILITATED BY THE GRANTS AND COMMUNITY DEVELOPMENT DEPARTMENT

[play video](#)

Sponsors: Grants, Mayor's Office and Community Development

This item was PASSED on the consent agenda.

Enactment No: R-EN-021-2016

RES-16:021 A RESOLUTION TO CONTRACT WITH EAB BROADCASTORS INC FOR RENTAL OF CRAIGHEAD FORREST PARK

[play video](#)

Sponsors: Parks & Recreation

Attachments: [Eab Fourth in the Forest 2016.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-022-2016

RES-16:023

A RESOLUTION AUTHORIZING THE MAYOR'S SALARY RECOMMENDATION FOR THE POSITION OF COMMUNICATIONS DIRECTOR FOR COMPLIANCE WITH THE SALARY SCHEDULE AND ADMINISTRATION POLICY

[play video](#)

Sponsors: Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-023-2016

6. NEW BUSINESS

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ORDINANCES ON FIRST READING

[play video](#)

ORD-16:015

AN ORDINANCE VACATING AN UNDEVELOPED STREET RIGHT- OF- WAY ON EAST STREET AND CATE AVENUE AS REQUESTED BY OAK STREET PROPERTIES, LLC

[play video](#)

Attachments: [Planning & Engineering Letter](#)
 [Plat](#)
 [Utility Letters](#)
 [Petition](#)

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

A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, to Waive Second Reading . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

ORD-16:016

AN ORDINANCE ABANDONING AND VACATING PARTS OF UNUSED ALLEYWAY LOCATED NORTH OF GRIFFIN STREET AS REQUESTED BY BOB HARRISON AND CESAR ISLAS

[play video](#)

Attachments: [Petition](#)
 [Plat](#)
 [Utility Letters](#)
 [Engineering & Planning Letter](#)

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

A motion was made by Councilman Chris Moore, seconded by Councilman Charles Coleman, to Waive Second Reading . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

7. UNFINISHED BUSINESS

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ORDINANCES ON SECOND READING

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ORD-16:011

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 RS-8 LOCATED ON AGGIE ROAD AS REQUESTED BY DEAN TYRER

[play video](#)

Attachments: [Plat](#)
 [MAPC Report](#)
 [Info from Jim Lyons from Mar. 8 meeting](#)
 [Map of surrounding properties zoning](#)

City Planner Otis Spriggs discussed the rezoning. He provided the City Council with a list of the criteria they have been asked to look at, as well as explanations and findings concerning each criterion (see list attached in Legistar).

After reviewing the first criteria, Councilman Johnson asked if the rezoning would be consistent or partially consistent with the Land Use Plan. Mr. Spriggs explained the reason the list says partially consistent is because the new plan highlights a specific range of lot sizes. The rezoning may have a little bit of a deviation due to some of the lots sizes being smaller than 1/5 of an acre. He noted that is with the newly adopted Land Use Plan.

Councilman Moore questioned whether the Council is supposed to consider the rezoning based on what is in place now, or what was in place when the rezoning was first introduced. City Attorney Carol Duncan explained the judge indicated the Council is supposed to review the rezoning as if it's on its first appearance, but she will get back with them as to a more definitive answer at the next meeting.

Councilman Dover asked for more details regarding the differences in the Land Use

Plans and how it pertains to this rezoning. Mr. Spriggs stated back in 2012 the city weighed this rezoning against the Land Use Plan. The area was recommended to stay single family, which made the rezoning consistent with the Land Use Plan at that time. But, in 2015 the city adopted a new Land Use Plan that highlights that area as Moderate Intensity. The plan still recommends single family, but with stipulations about the look and feel of the lots, as well as having to be 1/5 to 1/3 of an acre in size. Mr. Spriggs added that sometimes things can be found to be not consistent with the Land Use Plan as long as there is a good reason why. He also noted the Land Use Plan is just a regulating document and not the actual zoning code. The Land Use Plan is followed as a guide, but not a regulated plan. City Attorney Duncan explained that is why she doesn't think the answer to this particular criterion will make much of a difference. Mr. Spriggs stated from a staff perspective they would say the rezoning is consistent with the Land Use Plan.

Councilman Moore referred to the grandfathered-in mobile home. He asked if it is a non-conforming use. Mr. Spriggs answered yes, it is a non-conforming use in R-1 Single Family. Councilman Moore then asked if there was a time limit for it to be conforming. Mr. Spriggs answered no.

Councilman Dover questioned what is meant by the rezoning being minimally detrimental to the nearby properties. Mr. Spriggs explained the impact would be about the same if the property was developed under R-1 or RS-8. But, there were no professional traffic studies or impact studies performed. They are basing that assumption on the R-1 standard and looked at the density of the area and how many lots can be configured versus what they are proposing. Councilman Street asked if absorption was considered. Mr. Spriggs answered no. Councilman Street explained properties under the RS-8 zoning could potentially be sold off faster than the R-1 zoning, impacting the traffic at a faster rate.

Councilman Dover then asked about the impact if some of the homes had two or three college students living in it. Mr. Spriggs stated there is nothing preventing the homes from being rental property, which could hypothetically impact the traffic pattern in the area. Councilman Frierson noted those concerns with rental could be put into a bill of assurance for the properties. Councilman Burton questioned whether these homes would be sold to one or two property owners or if they were going to be rental properties. Mr. Spriggs explained that would be a question for the applicants, as to what market they are looking at. But, the homes are single family homes on individual lots. Councilman Moore noted the zoning will go with the property, not the project.

Councilman Dover questioned the importance of the criteria regarding how long the property has remained vacant. Mr. Spriggs stated that probably relates to if the property has remained vacant then it has not been in great demand over the years. Councilman Gibson asked how long the current owner has been in possession of the property. Mr. Spriggs stated he doesn't know, but it's his understanding the owner purchased the property about five years prior to the 2012 rezoning request. Councilman Dover questioned what the property was zoned when it was purchased. Mr. Spriggs answered R-1, Single Family. It was added that Tyrer has owned the property for 14 years.

Mr. Spriggs discussed the second access route that is referred to in the ordinance for emergency purposes will also connect to the mobile home park. He noted that is based on fire code. Typically, with this number of lots they like to have a second fire safety route out that is an all-weather protected road. Councilman Johnson asked if there would be any issues if there were multiple emergency vehicles on the street or on the curb that could potentially block traffic. Mr. Spriggs answered that is for the

Fire and Police Departments to answer, but that's typically not a problem. He noted the fire marshal didn't note any issues.

Mayor Perrin noted this ordinance will be held at second reading. The third reading will be held at the next meeting.

A motion was made by Councilman Darrel Dover, seconded by Councilman Chris Moore, that this matter be Held at second reading . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

ORD-16:014

AN ORDINANCE ACCEPTING THE DONATION OF A PORTION OF DAYTON AVENUE DESCRIBED AS FOLLOWS: The East 60 feet of Lot 7 as shown on the Replat of Lot 6 of Floyred Commons, Recorded in Plat Cabinet "C", Page 221 in the public records of Craighead County at Jonesboro, Arkansas.

[play video](#)

Sponsors: Mayor's Office

Mayor Perrin explained he contacted the owners of the adjoining properties to see if they would be willing to contribute to the road improvements needed for this street. None of the businesses expressed interest in contributing.

Carroll Caldwell, representing the buyer of the property, stated if the city doesn't want the property, then that's fine. He asked the Council to make a decision concerning the ordinance.

Mayor Perrin discussed the road, noting only 1808 people use the road in a day off Red Wolf Blvd, with 1869 coming off Fairpark. The road is used as a cut-through. The estimated cost of the improvements from Red Wolf to Fairpark is \$223,000 with a 20% contingency.

Councilman Moore motioned, seconded by Councilman Gibson, to suspend the rules and waive the third reading. All voted aye, with the exception of Councilmen Johnson and Coleman who abstained from voting.

A motion was made by Councilman Chris Moore, seconded by Councilman Charles Frierson, that this matter be Passed . The motion FAILED with the following vote.

Nay: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

ORDINANCES ON THIRD READING

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ORD-16:013

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 & C-2 LUO TO C-1 LUO FOR PROPERTY LOCATED AT 903 EAST MATTHEWS

AS REQUESTED BY JOSH OLSON

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Attachments: [Plat](#)
 [MAPC Report](#)

Councilman Moore asked if there was any opposition to the ordinance. Mr. Spriggs answered no.

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

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

Enactment No: O-EN-015-2016

8. MAYOR'S REPORTS

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Mayor Perrin reported on the following items:

Last week he attended the 2016 Non-violent Youth Summit meeting at Arkansas State. He was pleased to see all of the school students in attendance.

He provided the Council with a report from Vector Disease concerning the Zika virus. They will start spraying in mid-March and will also be doing some public education about the virus.

Building permits for last month \$2,669,389 for commercial with \$4,389,531 in residential.

They had a pre-construction meeting last week concerning the Parker Road extension project. It is for 130 days. The road will be extended from Strawfloor to Washington Avenue. They should have the project done by September.

411 Union Street has been sold to Mike Ebbert. They have received their permit.

The FBI audit has been completed. The audit results were good. They look at the Fire, Police and E-911 emergency systems.

The mitigation plan will be submitted to FEMA in May. The city can't apply to some grants without a mitigation plan, so they are hoping to get approval quickly.

He has called a Building Facilities Committee meeting on March 9th at 2:00 p.m. to discuss the Johnson Avenue property, as well as two other items. They will be making recommendations to the Council afterwards.

Tomorrow he will be attending the Highway Commission meeting in Little Rock along with Chief Operations Officer LM Duncan and Traffic Engineer Mark Nichols. They will be taking the Highway Department information concerning the updates to the fifteen railroad crossings in the city.

9. CITY COUNCIL REPORTS

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Councilman Street announced the I-555 dedication on March 11th. Mayor Perrin added there will be a luncheon at St. Bernard's Auditorium.

Councilman Johnson stated it's nice to see a large interest in the Ward 6 vacancy position.

Councilman Dover announced the Salary/Longevity Committee will be meeting on Monday, March 7, at 3:30 p.m. to start looking at the incentive plan.

Councilman Woods congratulated the E-911, Fire and Police staff for the FBI audit results.

10. PUBLIC COMMENTS

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Joseph Naser, 1906 W. Matthews, expressed concern about tenant privacy. He has had problems with his landlord going into his home while he's not there and going through his stuff. He thinks tenants shouldn't have the right to do that. City Attorney Duncan informed Mr. Naser that the City Council doesn't have any authority over that issue. She suggested he contact Legal Aid of Arkansas or a private attorney to find out what rights he has as a tenant.

Joseph Woodbury, a resident of the Candlewood Estates, discussed the Tyrer rezoning that was on the agenda earlier in the meeting. He expressed concern about the traffic in the area and how it negatively affects emergency services.

Hillary Adams questioned what is being done about the blackbirds. He stated his mother's house is littered with blackbird feces and asked if there's anything that can be done about it. Mayor Perrin stated the city used to have a noise box that would help drive the blackbirds away. Parks Director Wixson Huffstetler explained they had to stop using it because of the Bureau of Alcohol, Tobacco and Firearms. They sent a letter to the city asking the city to quit using it. The letter is posted on the city's website for public review. He further explained it was classified as an explosive, meaning they would've had to receive training in order to use it. Mr. Adams asked if there's anything else that can be done. Mayor Perrin stated he would contact the ATF and see if the city has any other options.

11. ADJOURNMENT

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A motion was made by Councilman Mitch Johnson, seconded by Councilman Rennell Woods, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 10 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

Absent: 1 - Gene Vance

_____ Date: _____

Harold Perrin, Mayor

Attest:

_____ Date: _____

Donna Jackson, City Clerk