



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, September 7, 2010

6:30 PM

Huntington Building

PUBLIC WORKS COMMITTEE MEETING AT 5:30 P.M.

PUBLIC HEARING AT 6:15 P.M.

Regarding the issuance of not to exceed \$45,000,000 City of Jonesboro Industrial Development Revenue Bonds and Recover Zone Facility Revenue Bonds (Nordex USA, Inc. Project)

Councilman Fears questioned whether there was any liability to the City. Attorney Anne Parker answered no.

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; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent 1 - Ann Williams

4. SPECIAL PRESENTATIONS

[COM-10:091](#)

Proclamation by the Mayor for the Susan G. Komen for the Cure

Sponsors: Mayor's Office

Mayor Perrin presented the proclamation to Ms. Jane McDaniel. The proclamation named October 1, 2010, as "Go Pink for the Cure Day" in support of the Susan G. Komen Foundation. Ms. McDaniel thanked everyone for the proclamation noting that Mayor Perrin was the first to name October 1 as "Go Pink for the Cure Day". She added on October 1st St. Bernard's will have their mobile mammography unit at the Mall at Turtle Creek to give mammograms to uninsured women.

[COM-10:090](#)

Proclamation by the Mayor for the Nettleton vs. Valley View Football Game

Sponsors: Mayor's Office

Mayor Perrin presented the proclamation and commended the students of Nettleton and Valley View for their commitment to making Jonesboro a better place to live. The students presented the City Council members with t-shirts.

5. CONSENT AGENDA

A motion was made by Councilman Gene Vance, seconded by Councilman Darrel Dover, to Adopt the Consent Agenda with the exception of RES-10:107. The motion CARRIED by a Voice Vote.

Aye: 11 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Ann Williams

MIN-10:076

Minutes for the City Council meeting on August 17, 2010.

This item was PASSED on the consent agenda.

6. NEW BUSINESS**RES-10:107**

A RESOLUTION SUPPORTING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF ARKANSAS: (1) TO ELIMINATE CONSTITUTIONAL LIMITS ON INTEREST RATES FOR GOVERNMENT BONDS AND LOANS, REVISED INTEREST RATE LIMITS ON OTHER LOANS, AND AUTHORIZE THE FINANCING OF ENERGY SAVINGS PROJECTS - (ISSUE #2 AT NOVEMBER 2010 GENERAL ELECTION); AND (2) TO MODIFY AND IMPROVE THE FINANCING ALTERNATIVES AVAILABLE TO THE STATE IN SUPPORT OF MAJOR ECONOMIC DEVELOPMENT PROJECTS IN ARKANSAS (ISSUE #3 AT NOVEMBER 2010 GENERAL ELECTION).

Sponsors: Mayor's Office

Mayor Perrin explained Councilman Hargis had asked him for some clarity regarding the resolution. Mr. Edmond Hurst from Crews & Associates and Chamber of Commerce President Mark Young were present to discuss the resolution. Discussion was held concerning the resolution. Mr. Hurst explained the federal government has preempted Arkansas' law because the stimulus funds could not be used in Arkansas due to the usury law. He further explained the federal preemption allows for projects, like the Nordex project in Jonesboro and the Hewlett-Packard project in Conway, to continue until the election. Councilman Hargis stated in the information they received it listed several projects that have gone on since the usury law was amended in 2004. Mr. Hurst noted that with the projects he has been involved in this year several of them would not have been able to occur if it wasn't for the federal preemption.

Mr. Young explained the law that was passed in 2004 allowed for super-project funding, which was a project that created at least 500 jobs and had at least \$500 million in investment. He noted the State of Arkansas has not been able to use that funding at all since it was approved. He further explained the changes that are being proposed retains the cap of the total amount that can be issued with the bonds, but it removes the 500 jobs and \$500 million investment thresholds. He stated there are a lot of projects over the years that have successfully met one of the thresholds but not the other and, therefore, were not able to use the super-project funding. Mayor Perrin added the some projects that had initially thought about coming to Arkansas were persuaded to go to other states because of the 500 jobs and \$500 million thresholds in Arkansas. He further discussed the amendments. Mr. Young added that both issues are extremely important.

A motion was made by Councilman Darrel Dover, seconded by Councilman

Chris Moore, that this matter be Passed . The motion PASSED by a unanimous vote

Aye: 11 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Ann Williams

Enactment No: R-EN-082-2010

ORDINANCES ON FIRST READING

ORD-10:068

AN ORDINANCE AUTHORIZING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS AND RECOVERY ZONE FACILITY REVENUE BONDS TO FINANCE CERTAIN INDUSTRIAL FACILITIES; AUTHORIZING THE LEASING OF SUCH FACILITIES TO NORDEX USA, INC.; AUTHORIZING TRUST INDENTURES SECURING THE BONDS; AUTHORIZING THE SALE OF THE BONDS; DESIGNATING A PORTION OF THE BONDS AS RECOVERY ZONE FACILITY BONDS; DESIGNATING THE JONESBORO WORK FORCE RECOVERY ZONE; AUTHORIZING AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

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

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

Councilman Moore motioned, seconded by Councilman Frierson, 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; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Ann Williams

Enactment No: O-EN-049-2010

ORD-10:072

AN ORDINANCE TO AMEND TITLE 14, OF THE JONESBORO MUNICIPAL CODE KNOWN AS THE ZONING ORDINANCE PROVIDING FOR A CHANGE IN ZONE DISTRICT BOUNDARIES FROM R-1 TO C-4 LUO FOR PROPERTY LOCATED AT 5205 EAST JOHNSON AVENUE AS REQUESTED BY BORDER PROPERTIES

Councilman Vance abstained from voting and discussion.

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

City Planner Otis Spriggs explained the proposed rezoning property is located on Highway 49 North. Councilman Dover stated he received some emails from concerned citizens. Mr. Spriggs stated there were some neighbor concerns that were addressed at the MAPC meeting and he thought they were covered completely. He explained there is commercial property abutting the proposed rezoning property towards the east and the north. He added the Land Use Plan shows mixed-use commercial for this area. Discussion was held concerning the MAPC proceedings and the subsequent restrictions that were placed on the proposed rezoning property.

Councilman Frierson noted the current owners do not plan to develop the property; rather, they intend to sell the property. He questioned how the future owners will know about the restrictions on the property. Mr. Spriggs stated the restrictions are listed in the ordinance and will be carried over to future owners. He noted the uses will be monitored through the site plan process at the MAPC level. He also stated the realtors selling the property will be aware of the restrictions and will disclose that information to the new owners.

Mr. Chris Gardner, attorney for Border Properties, LLC, discussed the proposed rezoning. He noted the property has been up for sale since 2008 and no offers have been received. He stated the property is located on a five-lane highway, which makes it more suitable for commercial zoning as opposed to the current residential zoning. He explained at the neighborhood meeting prior to the MAPC meeting concerns were brought up regarding possible convenience stores and/or car washes. He further explained those concerns were addressed at the MAPC meeting with the car wash being taken out and restricted the property at the corner of Oriole and Johnson so a convenience store could not be located there., while if any of the rest of the property abuts residential property then there has to be a 100' setback. Mr. Gardner stated another neighborhood meeting was held regarding other issues and concerns the citizens may have. He explained most of the attendees were different than the ones from the previous meeting and basically asked questions.

Ms. Denise Bowman, a resident on Oriole Drive, spoke in opposition to the rezoning. She explained she is okay with doctor's office being put in the area, but she is not okay with the restaurants, retail services and convenience stores. She further explained those are businesses that are open late at night and will congest traffic further than it already is.

Councilman Fears questioned whether the City Council can amend the limited uses in order to take out convenience stores, restaurants and retail services. City Attorney Phillip Crego answered yes, the Council has the authority to amend the limited uses.

Councilman Dover recommended the developer meet with the neighborhood again to try and address some of the concerns. Mr. Gardner stated they can try to meet with the neighborhood again before the next Council meeting to see if any movement can take place.

Ms. Jodie Roberts, 1102 Oriole Drive, spoke in favor of the rezoning and stated they have the most to lose because they live right next to proposed rezoning property. She noted they have lived in the neighborhood longer than most of the people in the area and have had problems selling their home because of the empty lot. She explained the property is not being taken care of by the current renters and she would rather see the property properly maintained. She added at least the current owners are trying to work with the neighborhood.

Mr. Fred Edwards, Jr., a resident on Oriole Drive, also spoke in favor of the rezoning. He noted the owners have made concessions and he feels like they are sincere in their effort. He stated he has some to gain by the rezoning, but he believes the owners have considered the neighborhood when most people wouldn't have even had neighborhood meetings and work the rezoning through the process. He noted the area will eventually bring Jonesboro revenue and improvements need to continue to be made.

Mr. Gardner reiterated they have worked very hard with the neighbors to address their concerns and limit the property, while still allowing it to be a feasibly commercial

property. He noted if it gets too limited or too restricted, then the commercial rezoning will not be as effective as it needs to be.

A motion was made by Councilman Chris Moore, seconded by Councilman Darrel Dover, that this matter be Held at one reading . The motion PASSED by a unanimous vote

Aye: 11 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Ann Williams

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-10:070

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-3 TO C-3 FOR PROPERTY LOCATED AT 2822 EAST NETTLETON AS REQUESTED BY WILLIAM GRIMES

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; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Ann Williams

Enactment No: O-EN-050-2010

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

The Mayor's Office sent the Highway Department a letter concerning guarded left-hand turn lanes at two locations: one on Phillips Drive and Stadium; the other being Brazos and Highland. Several loops are also being put in the City.

Pavilion #5 is down at Craighead Forest and has been down for about two weeks. A report has been received by an engineer showing the pavilion went down due to wind, not because someone pulled it down. An insurance claim will be filed with APERMA.

Pavilion #1 at Craighead Forest needs some work. The Kwanis Club put up the pavilion and have asked for suggestions.

Valves have been put on the wellheads at the landfill, as recommended by SCS.

The City received a \$44,000 grant to be used for replacing cameras in patrol cars. A bullet proof vest grant was also approved.

Invitations are being sent out for the incinerator groundbreaking that will be held October 4th at 2 p.m. It will also be a groundbreaking for the JETS building.

They are still looking at the August financial reports. They are doing due diligence on the reports before sending them out to the Council. They are continuing to look at the day-to-day expenses and the trend is significantly below the O&M budgeted expenditures. He added revenues have increased due to 911 surcharges and sales tax. Reports will be sent out within the next five to six days.

They applied for a \$550,000 enhancement grant with the Highway Department. The money will be spent to add sidewalks all the way down Phillips Drive.

Attorney Wick Nesbitt has been sent all the information regarding the non-uniform pension plan. They will be having a conference call with him on Thursday. He will email the Council the details of the conversation.

They are looking at the 2011 budget. One thing they are looking into is a self-insured insurance plan. They have met with Blue Cross Blue Shield and Sharp and will be interviewing some of the third party administrators to get costs. Costs will be compared to the fully insured plan.

They are still waiting for the exit interview with Legislative Audit.

Solar lights are being installed with the first one being put at Annie Camp. Lights will be put up at all the school districts in the area.

E-911 will have all of the low band radios by the end of the month, which will give the City another band for emergencies.

In Ward 1, a meeting was recent held concerning code enforcement. Over 60 people attended the meeting. He thanked Councilmen Vane and Frierson for their work. He noted all the departments will coordinate to address concerns in the area.

Parks Director Jeff Owens announced Mr. Wixson Huffstetler has been hired as the Assistant to the Parks Director. He explained the position will help generate revenue for the Parks Department.

9. CITY COUNCIL REPORTS

Councilman Moore motioned, seconded by Councilman Dover, to add RES-10:103 and RES-10:108 to the agenda. All voted aye.

RES-10:103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO AUTHORIZING THE MAYOR AND CLERK TO ENTER INTO THE SALE OF REAL PROPERTY LOCATED AT 700 S. FISHER STREET

Sponsors: Building Facilities Committee

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

Aye: 11 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Ann Williams

Enactment No: R-EN-083-2010

RES-10:108

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO APPROVE A

CHANGE ORDER WITH CAMERON CONSTRUCTION COMPANY, INC. FOR THE PUBLIC WORKS FACILITY GRADING - 2009:26

Sponsors: Engineering

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

Aye: 11 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Ann Williams

Enactment No: R-EN-084-2010

Councilman McCall announced the 1st Annual Downtown Jonesboro Bar-be-cue Fest. It will be held on Saturday, November 6th. There will be a bar-be-cue competition and music and games for kids. Funding is being received from the Advertising & Promotion Commission and from private sponsors. He invited everyone to attend.

Councilman Gibson announced a E-911 subcommittee meeting in the Mayor's Conference Room on September 22, 2010, at 1:00 p.m.

Councilman Hargis asked for an update concerning Principal Financial and the non-uniform pension plan. Mayor Perrin reiterated Attorney Nesbitt has been sent all of the information and they will be holding a conference call on Thursday. Councilman Hargis then asked for a sidewalk update. Mayor Perrin stated the City spent approximately \$140,000 in 2009 and another approximately \$500,000 this year just on sidewalks. He explained 70% of the sidewalks in Jonesboro are considered impassable, which presents a challenge. In 2009, the City made connectors to the schools for kids to use the sidewalks. They are looking at walkability studies each year when budgets are made to see where more improvements can be made.

Councilman Vance stated the maintenance shop contract will be presented at the first Council meeting in October.

Councilman Street motioned, seconded by Councilman Moore, to suspend the rules and place RES-10:106 on the agenda. All voted aye.

RES-10:102

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A CONTRACT WITH RITTER COMMUNICATIONS FOR FIBER OPTIC/LOCAL PHONE/T1 SERVICES

Sponsors: Information Systems

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: 10 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson and Rennell Woods

Absent: 1 - Ann Williams

Abstain: 1 - Mikel Fears

Enactment No: R-EN-085-2010

10. PUBLIC COMMENTS

11. ADJOURNMENT

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

Aye: 11 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Ann Williams

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

Attest:

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