



# City of Jonesboro

900 West Monroe  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, July 17, 2012

6:30 PM

Huntington Building

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### PUBLIC HEARING AT 6:00 P.M.

*Regarding the abandonment of a portion of McClure Street right-of-way as requested by Best Conveyors*

*No opposition was voiced.*

### SPECIAL CALLED FINANCE COMMITTEE MEETING AT 6:15 P.M.

### SPECIAL CALLED PUBLIC WORKS COMMITTEE MEETING AT 6:25 P.M.

#### 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** 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

#### 4. SPECIAL PRESENTATIONS

**COM-12:048** Housing and Crime Presentation by Basia Combs as recommended by the Public Safety Committee

**Sponsors:** Police Department

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

*Ms. Combs stated after they performed a study on crime in Jonesboro they found Section 8 housing has the greatest impact on all the combined crime categories. She discussed the method of study and its results and recommendations as outlined in the attached handout.*

**This item was Read.**

#### 5. CONSENT AGENDA

*Approval of the Consent Agenda*

**A motion was made by Councilman Chris Moore, seconded by Councilwoman Ann Williams, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote**

**Aye:** 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

**MIN-12:056** Minutes for the City Council meeting on July 2, 2012

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

**This item was PASSED on the consent agenda.**

**RES-12:102** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR WOLF CREEK PLACE, A COMMERCIAL SUBDIVISION

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)

**This item was PASSED on the consent agenda.**

Enactment No: R-EN-109-2012

**RES-12:104** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR MERRELL ESTATES PHASE II, A RESIDENTIAL SUBDIVISION

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)

**This item was PASSED on the consent agenda.**

Enactment No: R-EN-110-2012

## **6. NEW BUSINESS**

**COM-12:050** Request by James & Ina Gossett to set an appeal hearing regarding the denial by the MAPC to rezone property located at 4306 & 4310 Aggie Road from R-1 Single Family Residential to RM-8 Multi-Family Residential District

**Attachments:** [Letter of Appeal](#)  
[MAPC Record of Proceedings](#)  
[Plat and other documentation](#)  
[Ordinance](#)

*Mr. Terry Bare, representing the Gossetts, discussed the appeal. He explained his clients went before the MAPC with a plan for a multi-family unit and there seemed to be confusion concerning the Land Use Plan and spot zoning. The request was denied by the MAPC and they would like the Council to grant them an appeal with a hearing to be on August 21, 2012.*

Councilman Moore questioned the MAPC concerns related to spot zoning. Mr. Bare stated there are some relatively new MAPC members that asked some questions of City Planner Otis Spriggs concerning spot zoning. He noted the property in question abutts multi-family zoned property. Another member made a comment about the Land Use Plan. He further explained the Land Use Plan was to be used as a dynamic tool that could be changed, such as was the case with the zoning for the construction of the new fairgrounds and new NEA hospital. Mr. Bare stated one person in attendance made the comment that a line should be drawn and not crossed. He added another comment was made that by not rezoning the property they were pretty much condemning the property. He explained there seemed to be a lot of confusion involved with the rezoning request. The owners are willing to make changes if needed.

Councilman Fears questioned whether there was a lot of opposition at the MAPC meeting. Mr. Bare stated there were several people there, possibly about 15 or so.

Councilman Frierson referred to Mr. Bare's comment about the owners being willing to make changes. He then stated he doesn't think the Council is in any position to negotiate changes to the rezoning. He questioned what Mr. Bare thinks the Council should do in that regard. Mr. Bare explained they were trying to make sure they included everything, but the appeal allows the Council to change some of the plans due to the MAPC denial. He added they do not want to be caught up in a technicality by bringing forward a different rezoning rather than just changing the zoning. Councilman Frierson reiterated he doesn't think the Council should negotiate changes to the structure of the rezoning; rather, it should be taken care of by the MAPC. Councilman Moore agreed, stating he is not opposed to the appeal process but is opposed to negotiations since the Council is not involved in the original process. Mr. Bare noted they are not really asking for negotiations.

Councilman Vance stated the only thing that is being asked tonight is for a date and time for an appeal hearing. He recommended the Council get documentation from the City Attorney regarding what the Council can and cannot do during the appeal process.

**Councilman Vance motioned, seconded by Councilman Moore, to set the appeal hearing for August 21, 2012, at 6:15 p.m. All voted aye.**

#### ORDINANCES ON FIRST READING

**ORD-12:037**

AN ORDINANCE TO VACATE AND ABANDON A PORTION OF MCCLURE STREET RIGHT-OF-WAY LOCATED IN FLINT'S ADDITION TO THE CITY OF JONESBORO, ARKANSAS, CRAIGHEAD COUNTY, JONESBORO, ARKANSAS, AS REQUESTED BY BEST CONVEYORS

**Attachments:** [Abandonment documents](#)  
[Plat](#)  
[Aerial photo](#)  
[Planning & Engineering Letters](#)

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

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

Councilman Street questioned the need for the emergency clause. Attorney Jim Lyons explained the building was built 1.4 feet over and so technically they are

currently in violation, so they would like to get it corrected as soon as possible. Councilman Moore asked if it was for both sides of the property. Mr. Lyons answered no because there was no contiguous property and they are not taking it to the street.

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

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

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Enactment No: O-EN-029-2012

**ORD-12:038** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 TO RM-12 LUO FOR PROPERTY LOCATED AT 800 HESTER STREET AS REQUESTED BY FRANK SPRINGLE

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

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

*Councilman Street then questioned if there had been any opposition. Mr. Spriggs answered no.*

**A motion was made by Councilman John Street, seconded by Councilman Chris Moore, to Waive Second Reading . The motion PASSED by a unanimous vote**

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

**ORD-12:039** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 FOR PROPERTY LOCATED AT 4216 STADIUM BLVD., AS REQUESTED BY THE CITY OF JONESBORO, ARKANSAS.

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

*Councilman Johnson offered the ordinance for first reading by title only.*

*Councilman Frierson questioned whether the Council members should recuse themselves since the rezoning is being requested by the City of Jonesboro. City Attorney Phillip Crego answered no, because the Council members will not have any personal gain which would require recusal.*

*Councilman Moore asked that the ordinance be read at three separate meetings.*

**The ordinance was Held at one reading.**

## **7. UNFINISHED BUSINESS**

## ORDINANCES ON THIRD READING

**ORD-12:033** AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR PROPERTY LOCATED AT 3701 EAST JOHNSON AVENUE AS REQUESTED BY GRAYSON INVESTMENTS

**Attachments:** [Plat](#)  
[MAPC Report](#)  
[MAPC Record of Proceedings](#)  
[Appeal Letter](#)  
[Letter to City Council - Opposition](#)  
[Photographs from July 17, 2012, meeting](#)

*Councilman Fears motioned, seconded by Councilman Moore, to hold each side of the discussed to five minutes. All voted aye.*

*The third reading was held.*

*Attorney Jim Lyons, representing Grayson Investments, discussed the proposed rezoning and noted the City Planner recommended the property be rezoned. He presented the Council with several photographs of the adjoining property that will house a Taco Kidd restaurant. He noted all of the residential properties in the north part of the neighborhood are touching some sort of commercially zoned property all the way to Bill's Fresh Market. He stated they think the property is truly commercial and the removal of the limited uses as proposed should be granted.*

*Mr. Jim Carter, 3013 Maplewood Terrace, spoke in opposition to the rezoning. He discussed the history of the property, including the previous rezoning denial by the City Council in 2006 and the subsequent court decision. He stated they think the court decision was fair to the neighborhood. He asked the Council deny this request and abide by the Circuit Court decision.*

*Mr. John Hatcher, 3105 Maplewood Terrace, also spoke in opposition to the rezoning. He stated the property that is proposed to be rezoned is different than the other commercial properties in that it does not back up to residential property; rather, it is in residential property.*

*Ms. Stacy Schrantz, 3104 Maplewood Terrace, spoke in opposition to the rezoning. She stated that Mr. Lyons indicated the C-3 property where the Taco Kidd is being built was recently rezoned when, in fact, it was rezoned quite some time ago. The property in question is different in that it backs up to a cove in their subdivision. She noted if a court order rezoned the property, then only a court order can change the rezoning. In the people in attendance, the property at stake that will be available is over \$1 million.*

*Mr. George Harp, 3206 Maplewood Terrace, spoke in opposition to the rezoning. He explained when Bill's Fresh Market was built, they started getting foot traffic across their property and it looks like he will have to build a fence to stop it. He stated there has been an increase in foot traffic in the neighborhood. He also noted recently several homes put in home security systems and others are in the process of getting them or thinking of getting them.*

**A motion was made by Councilman Chris Moore, seconded by Councilman Charles Frierson, that this matter be Passed . The motion was DENIED by a**

unanimous vote.

**Nay:** 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

## **8. MAYOR'S REPORTS**

*Mayor Perrin reported on the following items:*

*The open house for the new public works facility will be on Tuesday, July 24, 2012. Dinner will be provided. The Attorney General and others from Little Rock will be in attendance.*

*He is meeting with ADEQ tomorrow to propose items to be taken to the Legislature regarding new plans to be put in place. It will include changes to the solid waste district. He will get copies and send them to the Council members for their review.*

*The Matthews Bridge should be done by the end of the month. CWL is testing the water. After that is done, the City can complete the work.*

*They are putting together a video and brochure regarding the Miracle League Field. They have had contributions offered for dirt work and other services needed. They held a fundraiser on Saturday and over \$8,600 was raised for the facility.*

*They issued the order to proceed for the enhancement grant for Phillips Drive. It should start on August 13th. Sidewalks will be put in on both sides of the street. Landscaping and lighting will also be done.*

### **COM-12:052**

Financial reports as provided to the City Council by Chief Financial Officer Ben Barylske on July 17, 2012

**Sponsors:** Finance

**Attachments:** [2012 Franchise Fees Period Comparison](#)  
[2012 Hotel Occupancy Tax Report](#)  
[2012 Hotel Occupancy Tax Comparison Report](#)  
[2012 June Expenses](#)  
[2012 June Revenues](#)  
[2012 Sales Tax Revenue - Cash Basis](#)  
[2012 State Turnback Report](#)  
[June Daily Cash Report](#)  
[June Statement of Rev. Exp and Changes in FB](#)  
[Required Reserves 6-30-2012](#)

*Most of the expenses have hit the first six months mark and have slowed down. Revenue should pick up during the second six months.*

**This item was Read.**

## **9. CITY COUNCIL REPORTS**

*Councilman Street motioned, seconded by Councilman Johnson, to suspend the rules and add RES-12:123 to the agenda. All voted aye.*

### **RES-12:123**

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

LOW BID AND ENTER INTO A CONTRACT WITH ASPHALT PRODUCERS, LLC FOR THE INDUSTRIAL PARK IMPROVEMENTS BARNHILL RD WIDENING - JOB NO. 2012:30

**Sponsors:** Engineering

**Attachments:** [Bid Tab.pdf](#)  
[Contract](#)

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

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Enactment No: R-EN-111-2012

*Councilman Woods thanked the Mayor for the work the City is performing on the parking lot across from City Youth. He noted it will be a help for the people who park in that area. Mayor Perrin explained the parking lot across from Chef's Inn is being worked on. The curbs are in and they are going to overlay the parking lot and stripe it.*

*Councilwoman Williams motioned, seconded by Councilman Gibson, to suspend the rules and place RES-12:117, RES-12:118, RES-12:119, RES-12:120, RES-12:121 and RES-12:122. All voted aye.*

**RES-12:117** RESOLUTION AUTHORIZING THE CITY OF JONESBORO GRANTS DEPARTMENT TO APPLY FOR THE 2012 COMMUNITY FORESTRY GRANT FROM THE ARKANSAS FORESTRY COMMISSION.

**Sponsors:** Grants

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

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Enactment No: R-EN-112-2012

**RES-12:118** RESOLUTION AUTHORIZING THE CITY OF JONESBORO GRANTS DEPARTMENT TO APPLY FOR A NATIONAL GIVING PROGRAM GRANT FROM THE WALMART FOUNDATION.

**Sponsors:** Grants

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

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Enactment No: R-EN-113-2012

**RES-12:119** RESOLUTION AUTHORIZING THE CITY OF JONESBORO GRANTS DEPARTMENT TO APPLY FOR A CHARTIABLE FOUNDATION GRANT FROM ENTERGY.

**Sponsors:** Grants

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

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Enactment No: R-EN-114-2012

**RES-12:120** RESOLUTION AUTHORIZING THE CITY OF JONESBORO GRANTS DEPARTMENT TO APPLY FOR THE 2012 ASSISTANCE TO FIRE FIGHTERS GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY.

**Sponsors:** Grants

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

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Enactment No: R-EN-115-2012

**RES-12:121** RESOLUTION AUTHORIZING THE CITY OF JONESBORO GRANTS DEPARTMENT TO APPLY FOR THE 2012 RECREATIONAL TRAILS GRANT FROM THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT.

**Sponsors:** Grants

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

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Enactment No: R-EN-116-2012

**RES-12:122** RESOLUTION AUTHORIZING THE CITY OF JONESBORO GRANTS DEPARTMENT TO APPLY FOR THE 2013 OUTDOOR RECREATION 50/50 MATCH GRANT PROGRAM FROM THE ARKANSAS DEPARTMENT OF PARKS AND TOURISM.

**Sponsors:** Grants

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



**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Enactment No: R-EN-117-2012

*Councilman Moore thanked Ms. Combs for her presentation regarding the housing study. He noted it shows the City has a serious problem with public housing and crime. He added he was disappointed no one from the Housing Authority was present at the meeting. He asked for Mayor Perrin to contact the Housing Authority and ask them to present to Council steps they will be taking to address the crime issues. Mayor Perrin noted they have a meeting with the executive director of the Housing Authority and they will speak with her about meeting with the Council.*

*Councilman Frierson asked about the City's involvement with the Justice Network. Mayor Perrin explained the City does not have a contract with the Justice Network. The agreement for their services started with Judge Pam Honeycutt and has been passed down through the years. Councilman Frierson then questioned why the Justice Network is sending information to him. Mayor Perrin stated Justice Network is supposed to be sending a report each month to the judge and mayor of each city and county they deal with concerning what they collect. He has never received a report from Justice Network until last month. Councilman Frierson clarified Justice Network is handling city prisoners. City Attorney Crego answered yes, they handle the prisoner probation and community work for individuals convicted in district court as assigned by the judge. Mayor Perrin stated he has spoken with several people to discuss the lack of a contract and will be meeting with several individuals next week to discuss the issue. Councilman Moore referred to a recent Jonesboro Sun article that said the City of Paragould gets 10% of what the Justice Network makes and questioned whether all cities can do that. City Attorney Crego explained the 10% is due to the City of Paragould leasing space to the Justice Network, but Jonesboro does not provide those services. Councilman Moore then questioned whether the City can go its own way with the service or if the City has to do the same thing as the county. City Attorney Crego answered the City can do something separate from the county, but it has to be approved by the district court judge. He noted a feasibility study was done a few years ago that indicated it would not be feasible for the City to not go with Justice Network. Police Chief Michael Yates added the study was not in-depth and did not include some of the facts that have been brought up recently, so it probably wouldn't hurt to take another look at it. Councilman McCall explained he spoke with Circuit Clerk Ann Hudson, who indicated they hope to have a contract drawn up soon. Mayor Perrin stated he hopes to have a contract brought before Council in the near future.*

## **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 PASSED by a unanimous vote**

**Aye:** 12 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

\_\_\_\_\_ Date: \_\_\_\_\_  
Harold Perrin, Mayor

Attest:

\_\_\_\_\_ Date: \_\_\_\_\_  
Donna Jackson, City Clerk