



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, March 20, 2012

6:30 PM

Huntington Building

PUBLIC SAFETY COMMITTEE MEETING AT 5:15 P.M.

PRESENTATION BY JQUAD PLANNING GROUP REGARDING HOUSING STUDY AT 5:30 P.M.

NOMINATING & RULES COMMITTEE MEETING AT 6:15 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 8 - Darrel Dover; Ann Williams; John Street; Mitch Johnson; Gene Vance; Rennell Woods; Mikel Fears and Charles Coleman

Absent 4 - Charles Frierson; Chris Moore; Tim McCall and Chris Gibson

4. SPECIAL PRESENTATIONS

COM-12:013 Presentation on capital improvements for 2012 by Craig Light, City Engineer

Sponsors: Mayor's Office

Attachments: [Presentation](#)

City Engineer Craig Light discussed the 2012 projects.

Councilman Fears noted last year they did ditch work on Murray Creek down to Mockernut. He questioned whether they plan to go further down Murray Creek this year. Mr. Light stated it is not on the project list this year because the projects they have planned will take up most of the year. He added they can look at adding that to next year's projects.

This item was Read.

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote

Aye: 8 - Darrel Dover; Ann Williams; John Street; Mitch Johnson; Gene Vance; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 4 - Charles Frierson; Chris Moore; Tim McCall and Chris Gibson

MIN-12:022 Minutes for the City Council meeting on March 6, 2012

Attachments: [Minutes](#)

A motion was made that this Minutes be Passed . The motion passed BY VOICE VOTE

RES-12:014 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR INDIAN MALL ADDITION, A COMMERCIAL DEVELOPMENT

Sponsors: Engineering

Attachments: [Maintenance Agreement.pdf](#)

A motion was made that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-043-2012

RES-12:029 A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF JONESBORO TO UTILIZE FEDERAL-AID MONIES FOR THE FOLLOWING PROJECT:
INSTALLATION OF A TRAFFIC SIGNAL AT HIGHWAY 49 AND CLINTON SCHOOL ROAD

Sponsors: Engineering

Attachments: [Resolution.pdf](#)

A motion was made that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-044-2012

RES-12:032 A RESOLUTION TO CONTRACT WITH INTEGRITY FIRST BANK FOR SPONSORSHIP OF A OUTFIELD SIGN AT SOUTHSIDE SOFTBALL COMPLEX

Sponsors: Parks & Recreation

Attachments: [Integrity First Bank](#)

A motion was made that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-045-2012

RES-12:033 A RESOLUTION TO CONTRACT WITH PLAY IT AGAIN SPORTS FOR SPONSORSHIP OF A OUTFIELD SIGN AT SOUTHSIDE SOFTBALL COMPLEX

Sponsors: Parks & Recreation

Attachments: [Play it again Sports](#)

A motion was made that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-046-2012

RES-12:034 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO CONTRACT WITH HAYWOOD, KENWARD, BARE & ASSOCIATES, INC. TO PROVIDE LAND SURVEY SERVICES FOR THE PLSS REMONUMENTATION PROJECT

Sponsors: Engineering

Attachments: [Contract.pdf](#)

A motion was made that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-047-2012

RES-12:036 A RESOLUTION TO CONTRACT WITH CICI'S PIZZA FOR SPONSORSHIP OF A OUTFIELD SIGN AT SOUTHSIDE SOFTBALL COMPLEX

Sponsors: Parks & Recreation

Attachments: [CiCi's Pizza](#)

A motion was made that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-048-2012

RES-12:038 A RESOLUTION TO CONTRACT WITH BACK IN ACTION FOR SPONSORSHIP OF A OUTFIELD SIGN AT SOUTHSIDE SOFTBALL COMPLEX

Sponsors: Parks & Recreation

Attachments: [Back In Action](#)

A motion was made that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-049-2012

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-12:009 AN ORDINANCE TO AMEND PART 1, CHAPTER 70, ARTICLE III, DIVISION 2 TO THE JONESBORO MUNICIPAL CODE SETTING FORTH UNIFORM REQUIREMENTS FOR USERS OF THE PUBLICLY OWNED TREATMENT WORKS FOR THE CITY OF JONESBORO, ARKANSAS AND ENABLING THE CITY OF JONESBORO, ARKANSAS TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS

REQUIRED BY THE CLEAN WATER ACT (33 USC § 1251 ET. SEQ.) AND THE GENERAL PRETREATMENT REGULATIONS (40 CFR PART 403); THE PROVISION OF PENALTIES, ADMINISTRATIVE FINES, SURCHARGES AND JUDICIAL ENFORCEMENT FOR THE VIOLATION THEREOF; THE REPEALMENT OF ALL ORDINANCES IN CONFLICT THEREWITH; DECLARING AN EMERGENCY AND FOR ALL OTHER PURPOSES PERTAINING TO THE PUBLICLY OWNED TREATMENT WORKS WITHIN THE JURISDICTION OF THE CITY OF JONESBORO, ARKANSAS.

Attachments: [Technical Code](#)
 [PTO Executive Summary](#)

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

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

After passage of the ordinance, Councilman Street motioned, seconded by Councilman Johnson, to adopt the emergency clause. All voted aye.

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

Aye: 8 - Darrel Dover;Ann Williams;John Street;Mitch Johnson;Gene Vance;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 4 - Charles Frierson;Chris Moore;Tim McCall and Chris Gibson

Enactment No: O-EN-009-2012

ORD-12:010

AN ORDINANCE AUTHORIZING AS NEW PART 1, CHAPTER 70, ARTICLE III, DIVISION 3 TO THE JONESBORO MUNICIPAL CODE CONCERNING THE USE OF PUBLIC AND PRIVATE SEWERS; PRIVATE SEWAGE DISPOSAL; THE INSTALLATION, CONSTRUCTION, MAINTENANCE, AND CONNECTION OF BUILDING SEWERS; THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; THE PROVISION OF PENALTIES, ADMINISTRATIVE FINES AND JUDICIAL ENFORCEMENT FOR THE VIOLATION THEREOF; THE REPEALMENT OF ALL ORDINANCES IN CONFLICT THEREWITH; DECLARING AN EMERGENCY AND FOR ALL OTHER PURPOSES PERTAINING TO THE SEWER SYSTEM WITHIN THE JURISDICTION OF THE CITY OF JONESBORO, ARKANSAS.

Attachments: [Technical Code](#)
 [GSUO Executive Summary](#)

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

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

After passage of the ordinance, Councilman Johnson motioned, seconded by Councilman Street, 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: 8 - Darrel Dover;Ann Williams;John Street;Mitch Johnson;Gene Vance;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 4 - Charles Frierson;Chris Moore;Tim McCall and Chris Gibson

Enactment No: O-EN-010-2012

RESOLUTIONS TO BE INTRODUCED

RES-12:019 A RESOLUTION TO condemn property at 3841 Griggs, Owner Allie G & Marceline Fallis

Sponsors: Code Enforcement

Attachments: [CONDEMNATION CHECKLIST](#)
[Inspections001](#)
[100_3631](#)
[100_3637](#)
[100_3625](#)
[100_3640](#)
[100_3641](#)

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

Aye: 8 - Darrel Dover;Ann Williams;John Street;Mitch Johnson;Gene Vance;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 4 - Charles Frierson;Chris Moore;Tim McCall and Chris Gibson

Enactment No: R-EN-050-2012

RES-12:020 A RESOLUTION TO condemn property at 1104 Warren - Owner Vernon Wood

Sponsors: Code Enforcement

Attachments: [CONDEMNATION CHECKLIST](#)
[Inspection Report001](#)
[100E0173](#)
[100E0174](#)
[100E0177](#)
[100E0180](#)
[100E0186](#)

Property owner Vernon Wood, 3812 Vickie Drive, explained the person renting the house passed away last year. He asked for time to repair the property. Code Enforcement Officer Ronnie Shaver stated the structure is in such bad shape, he recommends condemnation for the trailer. Chief Building Inspector Terry Adams added after looking at the property he didn't think it could be repaired due to the numerous problems with the property. Councilman Dover questioned how long the property has been in this condition. Mr. Adams answered the property has been declining since 2009. Mr. Wood explained the person living in the house was having problems fixing the electricity. He reiterated he would like the chance to repair the property. Mr. Shaver noted Mr. Wood has 45 days to get his permits and get the property up to code. Mr. Wood then questioned if the trailer has to be brought up to the code that was in effect when the trailer was put on the property or does it have to be brought up to today's code. Mayor Perrin answered it has to be brought up to today's code. City Attorney Phillip Crego agreed with Mayor Perrin.

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

Aye: 8 - Darrel Dover;Ann Williams;John Street;Mitch Johnson;Gene Vance;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 4 - Charles Frierson;Chris Moore;Tim McCall and Chris Gibson

Enactment No: R-EN-051-2012

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-12:013 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-6 LUO TO CR-1 LUO FOR PROPERTY LOCATED AT 2612 EAST JOHNSON AS REQUESTED BY LARRY HIGGINS

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

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: 8 - Darrel Dover;Ann Williams;John Street;Mitch Johnson;Gene Vance;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 4 - Charles Frierson;Chris Moore;Tim McCall and Chris Gibson

Enactment No: O-EN-011-2012

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

The City was recognized as a national weather service in March, 2012, based on the community alert system as well as other factors.

He, along with Chief Financial Officer Ben Barylske and Grants Administrator Heather Clements went to Washington, DC recently with the Chamber of Commerce. They met with all of the agencies the City receives money from through Grants. They handed out copies of the Vision 2030 plan and received positive feedback.

They will have to do something regarding improving the Earl Bell pool. He will let the Council know how they are going to proceed in the near future.

Councilman Vance explained the Building Facilities Committee met with the architect concerning the spatial study and recommended expanding City Hall to house the offices currently located in the Huntington Building. They have asked for proposals for the building and those will be in a week from Friday. They will select an architect and proceed from there.

Mayor Perrin referred to the 2011 budget and noted they projected a \$2.5 million

surplus. The General Fund actually ended with a \$6 million surplus due to extra income from building permits, county sales tax, city sales tax and the public safety sales tax.

Bids will be let out at the Highway Department for the Highway 1 and Parker Road project, which will be the last of the projects they have discussed with AHTD. After that, they will know how much money is left in order to extend Parker Road to Washington Avenue.

All property owners encroaching on the former Edwards property the City now owns have agreed to buy their extra land, with the exception of one property owner. They will be closing on those properties and then ask for bids for the remaining property.

The Pavilion 1 bathhouse at Craighead Forest will be completed this week.

Southside concession stand bids will be opened in the next few weeks.

City Attorney Crego discussed the last two condemnation actions where the City was taking property for drainage structures. There were disparities in the appraisals. In one instance, the City's appraisal was \$28,500, while the property owner's appraisal was \$205,000. The first lawsuit went to trial with the jury awarding the property owners \$140,677 for 1.88 acres which the City is required to pay. There is a second parcel of property and it is slightly larger at 2.33 acres. The City's appraisal is \$35,000 with the property owner's appraisal being \$230,000. The City's options are to negotiate a settlement or proceed with trial. He suspects the jury will come back with a settlement closer to the property owner's appraisal than the City's. The property owner's have offered a settlement of the same amount of the other trial, \$140,677. He recommended, along with Mayor Perrin, for the City to accept the settlement offer of \$140,677.

Councilman Street motioned, seconded by Councilman Johnson, to accept the \$140,677 settlement offer. All voted aye.

Mayor Perrin referred to a Jonesboro Sun article regarding the JETS bus system. He explained the City is paying 6% out of general revenue, which amounts to \$313,000 for 2012. The routes have been reduced on JETS to help with expenses.

COM-12:017

Financial reports for February, 2012

Attachments: [2012 City Sales Tax Revenue Ben - Cash Basis](#)
[2012 Combined Sales Tax Revenue Ben - Cash Basis](#)
[2012 County Sales Tax Revenue Ben - Cash Basis](#)
[2012 Feb Statement of Rev, Exp and Changes in FB](#)
[2012 February Expense Report](#)
[2012 February Revenue Report](#)
[2012 Franchise Fees Period Comparison](#)
[2012 Hotel tax Comparison Report](#)
[2012 Hotel tax Comparison Report](#)
[2012 Hotel tax Report \(Cash\)](#)
[2012 Public Safety Sales Tax - Cash Basis](#)
[2012 State Turnback Report Ben](#)
[Deposit Collateralization Report](#)
[Required Reserves 2-29-12](#)

For 2012 through February, revenues were \$10.331 million with expenses being \$9.8 million. He further discussed the financial reports. The budget is close to actual numbers.

Read

9. CITY COUNCIL REPORTS

Councilman Woods announced a Youth Policy Summit at the Chamber of Commerce on March 29th from 9:30 a.m. to 1 p.m. They will discuss ways to help youths in the area. He encouraged everyone to attend.

Councilman Dover motioned, seconded by Councilman Street, to suspend the rules and place RES-12:040 on the agenda.

RES-12:040 A RESOLUTION TO MAKE APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS AS RECOMMENDED BY THE MAYOR

Sponsors: Mayor's Office

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

Aye: 8 - Darrel Dover; Ann Williams; John Street; Mitch Johnson; Gene Vance; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 4 - Charles Frierson; Chris Moore; Tim McCall and Chris Gibson

Enactment No: R-EN-052-2012

ORD-12:007 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-8 L.U.O. FOR PROPERTY LOCATED AT TURFWAY DRIVE/SADDELCREST DRIVE AS REQUESTED BY B&T LAND CO.

Attachments: [Plat](#)
[MAPC Report](#)
[Duplex Drawings](#)
[Opposition Material](#)
[Flyer for information meeting](#)

Councilwoman Williams explained they received a request from Carlos Wood to reconsider the denial of ORD-12:007, which was a rezoning request from B&T Land Company. City Attorney Crego explained someone in the majority of the voting side can request a reconsideration of the ordinance. He noted Councilman Gibson abstained and Councilman Johnson was absent. If reconsideration is passed, it will be placed on the next Council agenda. The ordinance will be placed back on third reading and will be voted on again.

Councilman Johnson noted he was absent, but he feels there was an unjust done to the proponent because he was not present at the meeting.

Councilman Vance asked for clarification as to whether the ordinance will be on second or third reading. City Attorney Crego answered it will be on third reading.

Councilman Dover explained the public showed up for the first two meetings, while the

proponent did not show for the second meeting. He questioned why the proponent did not show up to the second meeting. Attorney Matt Modelevsky, on behalf of B&T Land Company, explained Mr. Carlos Wood, the engineer for the project, was sick and was unable to attend the last meeting. He added Mr. Wood wrote a letter to the Council explaining his absence. Councilman Dover noted the letter was written after the meeting. Mr. Modelevsky apologized for the absence and the late notice. He explained the MAPC approved the rezoning unanimously. He asked the Council to reconsider the rezoning. Councilman Dover questioned whether Mr. Wood informed one of the four owners that he was going to be unable to attend the meeting. Mr. Modelevsky answered to his knowledge Mr. Wood did not notify anyone. Mr. Wood stated he intended to contact Mr. Rick Turman, but he could not remember whether or not he actually contacted Mr. Turman.

Councilman Fears stated that the applicants did not notify the neighbors that the rezoning was being proposed, yet indicated on the application that they had notified the neighbors. Mr. Modelevsky explained if the Council has concerns regarding notification they will be glad to speak with the neighbors in addition to having the signs posted.

Councilman Johnson asked for the proponents to notify the neighbors if there is a third reading.

Councilman Dover asked for the neighbors to be notified. Mayor Perrin stated they will notify the neighbors by email and phone to let them know it will be on the next agenda.

Councilman Woods motioned, seconded by Councilman Coleman, to reconsider ORD-12:007. Voting aye were: Vance, Coleman, Williams, Street, Johnson and Woods. Voting nay were: Dover and Fears. Mayor Perrin voted in favor of the reconsideration in order to have the seven votes necessary to pass the measure.

10. PUBLIC COMMENTS

Mr. William James, a resident on Monroe, asked who his City Council member is. Mayor Perrin stated it is Ward 2, which is represented by Councilman Coleman and Councilman Moore. Mr. James then asked who is responsible for the crosswalks by Flint and Washington. Mayor Perrin answered it is the City of Jonesboro. Mr. James asked whether the City is having trouble with the timing of the lights. Mayor Perrin answered yes, and they have already purchased software to help with correct the timing issues. Mr. James stated he goes across Flint in his wheelchair almost every day, but by the time he gets halfway across the road he has cars honking at him because the lights have already turned green. Mayor Perrin stated they will look into that tomorrow morning.

11. ADJOURNMENT

A motion was made by Councilman Mitch Johnson, seconded by Councilman John Street, that this meeting be Adjourned . The motion PASSED by a unanimous vote

Aye: 8 - Darrel Dover;Ann Williams;John Street;Mitch Johnson;Gene Vance;Rennell Woods;Mikel Fears and Charles Coleman

Absent: 4 - Charles Frierson;Chris Moore;Tim McCall and Chris Gibson

Harold Perrin, Mayor

Date: _____

Attest:

Donna Jackson, City Clerk

Date: _____