



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Public Works Council Committee

Thursday, July 6, 2017

5:00 PM

Municipal Center

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

Mayor Harold Perrin was in attendance.

Present 6 - Gene Vance; Chris Moore; John Street; Mitch Johnson; Charles Coleman and Ann Williams

Absent 1 - Darrel Dover

3. Approval of minutes

[MIN-17:063](#)

Minutes for the Public Works Committee meeting on June 6, 2017

Attachments: [Minutes](#)

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

Aye: 5 - Gene Vance; Chris Moore; Mitch Johnson; Charles Coleman and Ann Williams

Absent: 1 - Darrel Dover

4. New Business

Ordinances To Be Introduced

[ORD-17:058](#)

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND APPROVE THE PURCHASE OF A CASE TRACTOR FOR THE STREET DEPARTMENT, APPROPRIATING FUNDS, AND DECLARING AN EMERGENCY

Chair member Street stated he needed to walk-on ORD-17:058 to Public Works and forward it to full Council. He said the ordinance needed to be declared an emergency because they have a tractor down and it will cost more to fix it just about than they can buy a new one for. It is needed for mowing. Street Department Director Steve Tippitt said the tractor is one of our side-arm tractors that mows the roadside ditches. We had significant repairs done on it last year and the transmission went out on it again this year but it broke some hard parts. It is going to cost \$25,000 to rebuild it. We can get a new one for \$81,000 and get a trade-in with one that they have in their shop now of ours. Council member Moore asked if it is just factu on the Case. I noticed that the State uses John Deere. Mr. Tippitt said they do. If it goes out for bids,

then we are going to have to also purchase the side arm with the tractor. With the new one, the side arm will just pop in. This tractor is tore down in their shop and they couldn't tell us what was wrong with it until they tore it down. I don't see us spending \$45,000 for a seven-year old tractor. Council member Moore said if the implement is specific to the line of tractor, you won't. Is there an ordinance for that? Chair member Street said there is. It is ORD-17:058 and it needs to be walked on to the Council tonight and the emergency clause as well. Council member Moore motioned, seconded by Council member Vance to forward ORD-17:058 to the full Council due to the fact that the emergency being that ours is torn up and we need to get back to mowing. Mr. Tippitt said that we have nine zones that we have to take care of. Two tractors are not going to do it. Chair member Street said he had a motion and second to walk on ORD-17:058 with the emergency clause to the full Council. All voted aye.

A motion was made by Councilman Chris Moore, seconded by Councilman Gene Vance, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance;Chris Moore;Mitch Johnson;Charles Coleman and Ann Williams

Absent: 1 - Darrel Dover

ORD-17:046

AN ORDINANCE TO CLOSE A PORTION OF MONROE AVENUE AS REQUESTED BY THE ROTARY CLUB OF JONESBORO

Attachments: [Conceptual Design Rotary Club FOA.pdf](#)
[Rotary Club.pdf](#)

Chair member Street said the Rotary Club of Jonesboro is looking into acquiring a grant to expand that as a park and put balusters up that would prevent thru traffic. I understand that there is a legal question as to whether that needs to be advertised or not. City Attorney Carol Duncan said she has not been able to find the statute in the last five minutes because she doesn't have Lexis on her ipad like she does at the office. It may not be since we are not abandoning utilities, but I would feel more comfortable actually reading a statute that tells me that. I didn't realize that we would be walking on and trying to waive all the readings and trying to do an emergency clause in one night. When you are closing a street, I think some notice to the public is important no matter what whether you are abandoning the utilities or not. I do understand there are grant deadlines that pose a problem. Chair member Street said that July 31, 2017 is the deadline for grant. If they can't get it, it is my understanding that they will pursue something else. Ms. Duncan stated the question she has is whether they could go ahead and apply for the grant without the official closing yet. I think it may be technically possible on this first grant. They are concerned about it being a waste of time to do that if it ends up not getting abandoned.

Jerry Brackett, with the Rotary Club, said that if this doesn't happen with the two grants that we are applying for where those two grants would certainly assist us, it is not going to stop us from proceeding. We would have to go through other avenues. I am going to be making a presentation to the Council this evening showing what we are proposing to do downtown and I will be happy to answer any questions quickly for this. We are asking to close the street from Church to the alley on Monroe. The alley has to function for garbage for people who live back there. I think the Traffic Committee suggested we make the alley one way north to south. We discussed that. We have talked to property owners through there and we have been working with the City and the Downtown Association. I have met with some of the building owners personally. As long as they have access through that alley, it's not going to be an issue with the people that we talked with. What it does do is create, as you will see in the presentation later, it is going to be quite an improvement for downtown. It is in celebration of the Rotary Club's 100 years in 2019. We have been working on this

probably 18 months to two years to get to the point we are now.

Chair member Street said there is a safety consideration for that too because the kids that perform in various things at the Forum have to walk back and forth across the street. In fact, last year, I called Mayor Perrin about possibly temporarily closing Monroe during the Nutcracker performances. Mayor Perrin said we did put some stuff up during the performances and we had to take them down.

Mr. Brackett said that if you look at site plan, we are also improving with balusters, the traffic down the alley and creating a better space for the kids to come out of the art building which now they step out directly into traffic. We are doing some improvements for safety, but I do want you to understand that this is a plaza or park for the entire City of Jonesboro. It is not for the Foundation of Arts. It is for the Downtown Association and every group we have spoken with that might have an interest in activities downtown. I think you will see in the presentation, it is an excellent location. It is achievable by us as a Rotary Club and that was important that we not take on more than we couldn't achieve. It is going to take some help from the City with utilities and drainage. There is a drainage problem there now. We are trying to solve that problem as well. That is it in a nutshell without showing you my presentation. We will proceed if the grants fall through. The amount of money in those two grants is not going to stop us from proceeding. It may limit some of the things we would like to do.

Council member Moore asked City Attorney Carol Duncan if she wanted to advertise for two weeks. Ms. Duncan said not necessarily. I didn't realize that they were trying to walk it on. I saw the ordinance in Legistar that they wanted to close the road. When the discussion came up a few moments ago about walking it on, waiving all readings, and adding an emergency clause, then City Clerk Donna Jackson and I had a question about notice if you are not abandoning utilities, is the notice the same and it may not be, but I would feel more comfortable if I had a minute to look that up. It may not require a two-week notice. Council member Moore asked if she needed a minute to look it up between the committee meeting and the Council meeting or looking it up sometime this week. Ms. Duncan said no, she would like to look at it tomorrow. She said she tried to look it up earlier and she doesn't have legal research abilities on her ipad. Council member Moore said he hasn't heard any objection to this plan so far. If we read this and Ms. Duncan has adequate notification, Mr. Brackett, do you think it will jeopardize your grant application? Mr. Brackett said the grant application has to be in by the end of July. Beverly Parker said one deadline is the 15th and other is the 30th. We really wanted to try to have our agreement with the City before proceeding with that in terms of our comfort level that this was going to go forward and obviously with the City's time and investing in the grants. Council member Moore said I would assume you would have an answer in two weeks. Ms. Duncan said she thought it could be read two times tonight. Council member Moore said if we read it twice tonight and hold it for a third reading, you will have an answer in two weeks which is July 18, 2017. You would have an answer up or down by that date. Mr. Brackett said he thought that would be good if it did require some kind of notification. Mayor Perrin said that gives her plenty of time. Council member Moore said that way you will have legal standing and you will have the answer you want. Pending any objections which he hasn't heard, you will have both of those on the 18th. Ms. Duncan said we also had a discussion about meeting tomorrow about a memorandum of understanding. We might be able to bring that back also on the 18th and have it all done at once. Mayor Perrin said it would be good if we could do that. Council member Moore said that theoretically someone could challenge that even if we are all in agreement. We just had a discussion about challenges to Council decisions. Without Ms. Duncan giving you that proper safeguard of advertising it, someone might challenge it. City Clerk Donna Jackson said there has to be a Public

Hearing. Ms. Duncan said if it requires a notice. Ms. Jackson said they set a Public Hearing in an open meeting.

Beverly Parker said that in terms of the finances, we can manage without the grants so that is not the big issue. In terms of the street, we really need that street closure in terms of the safety issues Mr. Street had mentioned and really, how we want to improve that whole facility. There is not a lot of space in that park and we really need the street so that once you walk out of the Forum, it looks like one big plaza and it all flows together. Council member Moore said that he doesn't think anyone is arguing that. I think we are just trying to make sure that we are on legal ground here to give you what you want.

Chair member Street said he thought that was a good idea. He would like to walk it on tonight and hold it two times. Council member Moore said that was right and that gives two weeks to advertise it. City Attorney Carol Duncan said that it is important to note that if the two week requirement comes into play, then there is also a Public Hearing requirement that comes into play. So, we will just cross that bridge when we figure it out. If none of that applies, then we should be able to have everything in place on the 18th. Council member Vance wanted to know if we were going to do one reading tonight and two in two weeks or do we do two tonight and one in two weeks. Council member Moore said that we would do one reading tonight with the understanding that we intend to move forward with it. Mayor Perrin said that gives the Rotary Club the deal with us reading it once tonight and then the two. I also agree with Ms. Duncan that she can work on finding out about the law on the notification and the MOU or memorandum of understanding so that we would have all of those documents ready to go. We will notify you.

Chair member Street asked Council member Moore if he made a motion that we walk it on. Council member Moore said that Council member Vance is asking a question about whether we should go ahead and set a Public Hearing and then cancel it if we don't need it, but go on and set the Public Hearings in the two week time span. Chair member Street said that would probably be a good idea. Council member Moore said he concurs with that to go ahead and schedule that and if Ms. Duncan comes back and says it's not needed, then we will cancel it. Someone is fixing to have to make a decision. Council member Vance said it will have to be scheduled during the Council meeting. City Clerk Donna Jackson made the suggestion that she goes and gets the Code Book so that they can look at it. Chair member Street said they will come back to this.

Council member Moore asked City Attorney Carol Duncan to give them one recommendation on what we should do so we can move forward. Ms. Duncan said that in reading the ordinances dealing with vacating streets, I do think this is different than vacating a street because we are not vacating any utilities and we are not changing anything in a permanent nature, and it can be changed back at any moment technically. I would like to find legal authority that gives the Mayor and/or the Council the ability to do that. I don't think that will be hard to find and I don't think that will require a Public Hearing once I find it so I say if you want to walk it on tonight and do the one reading and hopefully, we will be good to go by the next Council meeting. Council member Moore asked Ms. Duncan if she thought there was an ordinance that needs to be passed because right now the Mayor closes a variety of streets for different events and this will have a direct reflection. Ms. Duncan said there has to be something that gives him that authority. Council member Frierson said there is a resolution, not an ordinance. Council member Vance said we are not vacating the street. We are just limiting access to the street. Ms. Duncan said that she just said that we were not vacating a street and that those ordinances do not apply.

Council member Moore said he thinks what they need to do is to give Ms. Duncan a day to come to this conclusion because the answer to this question is also going to answer whether or not the Mayor has the right close Huntington every Thursday night or if he has the right to close any street for a special event. All of this in effect will be a special event that is indefinite. Ms. Duncan said her question is do we do a resolution to close for Barbeque Fest or Thursday night Downtown. Council member Frierson said why don't we limit it to worrying about what we are looking at here. Ms. Duncan said they made the comparison and she is just taking it a little further.

Council member Moore said his recommendation is that they allow Ms. Duncan one day to come back with her recommendation because it is going to have an effect on other events. Ms. Duncan said absolutely. Chair member Street asked what the committee wanted to do with this. Council member Moore said nothing until we hear back from Ms. Duncan. Chair member Street asked if they wanted to postpone temporarily. Council member Moore said postpone temporary. Council member Vance asked which ordinance they were postponing. Chair member said they are temporarily postponing ORD-17:046.

A motion was made by Councilman Chris Moore, seconded by Councilman Gene Vance, that this matter be Postponed Temporarily . The motion PASSED with the following vote.

Aye: 5 - Gene Vance;Chris Moore;Mitch Johnson;Charles Coleman and Ann Williams

Absent: 1 - Darrel Dover

ORD-17:053

AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, AND ADOPTING THE CITY OF JONESBORO MASTER STREET PLAN; PROVIDING FOR AMENDMENTS OF ARTICLE III, CHAPTER 101, AND ADOPTING SUCH AMENDMENTS TO THE MASTER STREET PLAN BY REFERENCE

Attachments: [2017 Master Street Plan](#)

Chair member Street asked City Engineer Craig Light if he would address any questions that they might have. Mr. Light said the Master Street Plan Committee met over several months and went over the Master Street Plan that was proposed back in 2015. They looked at the map and the cross section, made some additional changes to the cross sections and a couple of minor changes to the mapping, nothing very major at least in my mind. Mainly in the southwest part of the City, down in the Valley View area, there were some roads that didn't make a whole lot of sense in hindsight so that was modified. It did go through the Master Street Planning Committee. It went for two hearings for the Planning Commission and they voted unanimously to send it on to City Council to consider.

Chair member Street said if we walk it on, we could do it in three readings. There is no rush. Mayor Perrin said there was no rush and in fact, he would prefer if they go ahead and read it three times separately like we did the Land Use Plan. That gives people more time to look at it even though we have had two Public Hearings and it has gone through the MAPC. That way, it would be over a six-week period.

Mr. Light said he did want to state that up in the Greensborough Village area, in the 2015 plan that was not adopted by Council, we showed a road going through the Greensborough Village Development, that is still shown on this map. We realize that the Highway Department is looking at various options for improvements in that area. The Committee chose to leave the map as it is right now until the Highway Department makes a decision on what they are going to do and then change the map at that point. Right now, there are too many questions that we have and too many

options out there to really know what the Highway Department is going to select as the best option in that area. The Committee decided to just kick the can on it for a little while.

Chair member Street said if the Highway Commission is going to do anything, they will hold hearings on their proposed route through that if they do it. Mr. Light and Mayor Perrin said they will. Mayor Perrin said if you all will remember, this is in the STIP on the \$90 million that he has spoken with Commissioner Farmer about. I think Mark Nichols and I are going down to Little Rock next week to meet with Lori Tudor and Scott Bennett to talk about this because this is probably the next one that we want to try to get under contract but you can't do that until you get a plan. They have been working on several alternatives on that. I can come back the next time and have a lot more information than we have tonight. I want to make it clear that what he is saying in the Master Street Plan is that in the 2015 plan that was not approved, they just rolled it over into the 2017 Master Plan. They just left it in there knowing full well that ARDOT, the Arkansas Highway Department, has multiple types of alternatives that they want to do on that and until that is discussed, then we will go back and change that Master Street Plan at that time. It was better to go ahead and forward it to the MAPC and us and just leave it in there. There has been a lot of conversations and a lot of articles in the newspaper about that, but nothing is final on that road in Greensborough. There is a Phase I that is going on now in Greensborough and the development firm of Harpole and Halsey has put up a cash deposit of \$548,430 for the first portion of Phase I only. What you see out there with all of that heavy equipment is only in Phase I of that development. It was said in some part of the paper in some kind of letter that nothing was put up, no surety bond, but that is not correct. It is here and anyone can look at it.

A motion was made by Councilman Chris Moore, seconded by Councilman Gene Vance, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance;Chris Moore;Mitch Johnson;Charles Coleman and Ann Williams

Absent: 1 - Darrel Dover

5. Pending Items

6. Other Business

7. Public Comments

8. Adjournment

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

Aye: 5 - Gene Vance;Chris Moore;Mitch Johnson;Charles Coleman and Ann Williams

Absent: 1 - Darrel Dover