



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Public Works Council Committee

Tuesday, April 4, 2023

5:00 PM

Municipal Center, 300 S. Church

1. Call To Order

2. Roll Call by City Clerk April Leggett

Councilmember Dr. Anthony Coleman entered the meeting was present as of 5:01pm

Present 7 - John Street; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant; Janice Porter and Anthony Coleman

Absent 1 - Ann Williams

3. Approval of minutes

[MIN-23:023](#)

Minutes for the Public Works Committee meeting on Tuesday, March 07, 2023

Attachments: [Minutes](#)

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

Aye: 5 - Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Janice Porter

Absent: 2 - Ann Williams and Anthony Coleman

4. New Business

ORDINANCES TO BE INTRODUCED

[ORD-23:016](#)

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF JONESBORO, ARKANSAS AND FOR OTHER PURPOSES

Sponsors: Mayor's Office

Attachments: [CO-2023-1 \(ORDER\)](#)
[CO-2023-1 hearing minutes](#)
[overhead view close up](#)
[overhead view](#)
[Petition](#)
[Checklist](#)
[Chief Hamrick email](#)
[CityAttorneyResponse 04062023](#)
[ORDINANCE of ANNEXATION](#)
[ORDINANCE of ANNEXATION](#)

Councilmember Chris Moore said, I will reserve my comments. I think Mr. Gramling wants to make a presentation.

Jim Gramling with Gramling Law Firm approached the podium and said, I have here James Turner, his wife Brandy, Jameson Turner who is 14, and William Turner who's 8. This petition is for the annexation of their house. If you will look at the handout I just gave you; this first page is just a bird's eye view. The highlighted portion is the city limits and you can see Old Greensboro Road there. If you then go to the second page; this is a little bit closer view and you can see a three sided area that is not inside the Jonesboro city limits and that's the only part of the property east of Hwy 351 that is not in Jonesboro city limits until you get way past Sage Meadows. If you go to the last page that I gave you; you will see the parcel that is the Turner's. You will see that's the only house on this little strip. There are no other houses there, so this is a one acre lot where the Turner's live and have lived there for some time and plan to keep living there. I know that annexation has been sort of a dirty word in the past, but I think that this is a unique situation because this little strip of property that has sort of been orphaned and then being the only house on that property. The biggest issue is, what happens if they have a fire at their house. As it stands right now they've got to call the volunteer department in Brookland and that's 30 minutes away. They're only a mile and a half from Hilltop. They're closer to the Jonesboro Fire Department than the folks at Scotchwood or Sage Meadows. At the beginning of this Mr. Turner and I met with Chief Hamrick of the fire department. I sent this to Mrs. Leggett earlier and this is available on Legistar, but I would like to read into record the following email from Chief Hamrick. "Mr. Gramling, in response of Mr. Turner's request for annexation the property does not pose any undue burden on the fire department as to providing emergency services. The fire department already response to property surrounding Mr. Turner's."

I come before the City Council a lot for rezoning and sometimes I win them and sometimes I lose them. That's ok because that's the way it works. But this is about this families safety and where they live, and having them annexed into the city of Jonesboro is not only going to be the highest and best use of their land but it is going to give them the safety of being served by Jonesboro Fire Department that is way closer than anybody at Scotchwood or Sage Meadows that is inside the city limits. We consulted with City Water and Light, because Sage and Scotchwood are already city limits, the infrastructure goes right along Mr. Turner's property so there's no problem at all with City Water and Light. This isn't a situation where a developer is coming to you asking for annexation to increase the value of their development as a selling point to folks. This is a one-off deal, in my mind, to correct what should have been done in the first instance, because Hwy 351 is a natural boundary for the city limits and it is everywhere until you get on past Sage Meadows. It is everywhere except this small little strip. What we're asking is to essentially correct what I think should have been

done in the first place. I would ask that even if you are against it, I know a lot of folks have been against annexation in the past, that we at least let it go to the full City Council and let the City Council as a whole vote. I'm available for questions if anybody has any.

Councilmember Dr. Charles Coleman said, I don't have any problem with this except for on this checklist. The Secretary of State, is that something they do last after this approval? Mr. Gramling said, yes sir. I coordinated with a Jennifer Wheeler who works for the Arkansas Department of Transportation GIS, which I don't know exactly what that stands for, but when all this is done the clerk sends this to her, they fill out the check list and they file it and it all becomes official at that point.

Councilmember Chris Moore said, Counsel I appreciate your comments. The reason that I'm against this proposal, number one, there's nothing advantageous about this for the city. So for us to consider annexing more property there either has to be greater public good, for instance the fairgrounds where we annexed out on Clinton School Road, or it has to be something advantageous to the city. In fact, you're actually causing a bump out on a straight property line and I would say probably 10 to 15 times a year I get calls from people adjoining the city. Everybody would like to be in the city. It's fiscally responsible to be in the city. It's advantageous from that stand point. If we allow them to annex this property we would have no grounds to deny anybody else. You haven't made a case because there's several hundred houses across the street in the same fire protection district as this house. Mr. Gramling said, most everything across the street is commercial. Councilmember Chris Moore said, well if you go right behind this church and drive down Peachtree Lane you'll have a whole new appreciation for residential. Mr. Gramling said, I fully understand but I have two responses. Number one, those houses are in a much larger area that was left inside of Jonesboro. Here we have a very small section that was carved out, that wasn't included in the city. The little sliver of property that's east of Hwy 351, that's a natural boundary and nobody else's application is before you. Every application is going to be different and they're not going to have the same geography that this application has. Councilmember Chris Moore said, there's four neighbors adjoining that same little strip. You don't think one of them would like to be in the city too and arbitrary and capricious wouldn't apply if we turn them down. Mr. Gramling said, I think it would be a different case but they've not applied. Councilmember Chris Moore said, how do you think it would be different between theirs and their next door neighbor? Mr. Gramling said, well the Turners don't have a next door neighbor. Councilmember Chris Moore said, they own the entire strip of property from the city limits where it crosses at the mill? Mr. Gramling said, no but there are no other houses there. Councilmember Chris Moore said, I don't mean houses. I'm talking about the property itself. Mr. Gramling said, if someone happen to come and ask for that to be rezoned. Councilmember Chris Moore said, not rezoned, annexed. Mr. Gramling said, frankly, I've talked to some folks that are on the City Council that said the city should annex that whole little strip and I said, hey look, I only represent James Turner. I understand and respect your opinion if you're against this but my only request is that we at least let it go to the City Council for a full vote.

Councilmember Chris Moore said, we typically try to come to some kind of understanding in the committee meeting and the only case that you've made to annex their property is fire protection, which we have numerous other people within 200 yards of that house, across the street, down Peachtree and I would argue all around the city limits that are just outside of the city limits, in the same situation. So I can't take that into consideration and I would think that if we approved theirs for no other reason other than you just want to be in the city, I don't know how we would turn down any other annexation in the future. Mr. Gramling said, again I respect your comments but I think

another application from another area that is not in this little sliver is going to be different. There's going to be appreciable difference in the geography of the application. Councilmember Chris Moore said, we have those little slivers all the way around the city limits. There's lots of roads that do not run on the city limit boundary. Mr. Gramling said, this is the application that is before the city now. I can't speak for others, but this is literally a matter of safety for these folks. If they have a fire breakout and they're trapped in their house and they've got to wait 30 minutes for folks to come from Brookland.

Councilmember L.J. Bryant said, this is probably for staff. Let's say 9-1-1 got a call right now at this address; would 9-1-1 know not to dispatch JFD and JPD? Chairman John Street said, I'm sure they would know that it wasn't in the city but I wouldn't know whether they would respond. Since we cooperate with the adjoining fire departments they may or may not respond. Chief Operating Officer Tony Thomas approached the podium and said, everything in 9-1-1 is based off of a mapping system so the map automatically goes to the location, identifies the stations, as well as the responding police department and unit. The information that's provided in the map should correctly identify what fire protection district and what police department it is served by, and so the dispatchers should utilize that information in order to dispatch the call. There are times, based upon the location, Brookland Fire Department may call forth one of our departments to assist in a response. That does happen from time to time. For now, the map would direct them to the proper responding area.

Councilmember L.J. Bryant said, Chief to get you up to speed. My question was, the property in question that we're considering annexing, if they called 9-1-1 today, FD question too. If the house catches on fire tonight would our fire department respond even though it's not in the city limits? Fire Chief Marty Hamrick approached the podium and said, if we're requested, yes. Typically how that works, of course that's in Brookland fire protection district so they would be the first ones alerted to it. There are times when it is that close and depending on what dispatcher is working, they'll know I have a station right down the road that's Jonesboro. They'll also call us but technically Brookland has to request our assistance. Councilmember L.J. Bryant said, in the current situation we just basically don't get paid. I mean not to be so crass about it, but when we respond outside the city limits we're really not compensated in anyway. Chief Hamrick said, typically we don't get compensated for any fire run. Councilmember L.J. Bryant said, I mean indirectly. We're not getting any property tax money. Chief Hamrick said, yes. It's not uncommon if it's that close or if it's on the other end of Hwy 49 at Brookland city limits, if they need help we have standing mutually agreements that we'll go out anywhere in the county.

Councilmember Chris Moore said, the biggest point I was making. I would probably say there are several hundred pieces of property that have some common boundary with the city limits. Their property is no different than hundreds of other houses that adjoin the city. I mean there's nothing unique about this situation. I'm sure counsels right, the trash truck goes by the location weekly and we could pick up one more can. The police goes by there to go to Sage Meadows so we could respond to a call. That's not the point, the point is there's lots of other properties that adjoin the city and we have to be prepared to defend in court when we deny somebody else the right to annex, because we turned around and annexed one piece of property. I'm not talking about the two adjoining neighbors here. I'm talking about on the entire boundary of our city.

Councilmember Dr. Charles Coleman said, have any of these other's, I see three houses, tried to petition or has Mr. Turner talked to any of those people? Mr. Gramling

said, no sir.

Councilmember Janice Porter said, I have a question for the city attorney. Have we had a similar case come before us before and how was it decided? City Attorney Heather Owens said, I have no idea, I would have to go back and look at that. Mr. Gramling said, I will say that the last couple of annexations that I looked up on Legistar; they've been three to four years ago but they passed. Councilmember Chris Moore said, most of those normally, and counsel can correct me if I'm wrong, most of those involved a piece of property that was either an island surrounded by city or it was a piece of property that the city had three sides of it and we straightened up the border to a straight line. I'm not aware of annexing just a single piece of property outside of the city on a straight line border since I've been on the council. Mr. Gramling said, I believe one of them was property out adjoining Sage Meadows. Councilmember Chris Moore said, that's correct out on Macedonia Road. Mr. Gramling said, again, all I'm asking is that we let this go to the full council. Let Mr. Turner and his family make their argument to the full council.

Brittney Turner, 1642 Hwy 351, approached the podium and said, I appreciate you giving us the time today. I just wanted to speak to what you were saying about the other houses there. I don't know why it looks that way on the map, but I know, from where we live, the house to the right of us is serviced by City Water and Light and the house to the left of us is serviced by City Water and Light. We are the only house there between Johnson and Sage Meadows that is not. So I think it is a unique situation because we have fire trucks drive past our house all day long. We've been living there almost seven years. It will be seven years in November. There are accidents in front of our house all the time because people stop to turn into the Dollar General there and they usually get rear-ended because people aren't paying enough attention. Every time there's been an accident there it has been Brookland volunteer fire department that has responded. The church across the street, my parents go there and have since it's been there. One of their deacons had a heart attack there and Brookland volunteer fire department was the one that responded to that as well. I work from home and so I've stood at my window and timed from the time the accident happened until the first person arrived on the scene and it's almost always been 30 minutes. I do feel that it is a unique situation because we have people driving past us all the time anyway. I think some of the properties you're referring to; the city limits doesn't go past their house. They may be on the border of it but right now, as it stands, the city limits does go past our house and it feels like there's things further away from Jonesboro that are part of the city and we're not. Also, we didn't have the opportunity to vote for mayor and things like that and we're very much a part of Jonesboro and we don't get to participate in those ways as well. Thank you very much.

Chairman John Street said, you've had a bunch Mr. Gramling. One more comment because I'm fixing to take a vote on this. We can't do this all night. Do you have something specific to say? Mr. Gramling said, no I'm fine.

A motion was made by Mitch Johnson, seconded by LJ Bryant, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Mitch Johnson; Charles Coleman; LJ Bryant; Janice Porter and Anthony Coleman

Nay: 1 - Chris Moore

Absent: 1 - Ann Williams

RESOLUTIONS TO BE INTRODUCED

[RES-23:060](#) A RESOLUTION BY THE CITY OF JONESBORO TO ENTER INTO AN INDEMNIFICATION AGREEMENT WITH CIRCA 1859, INC., d/b/a THE DOWNTOWN JONESBORO ALLIANCE (DJA)

Sponsors: Mayor's Office

Attachments: [Indemnification Agreement - DJA](#)

A motion was made by LJ Bryant, seconded by Mitch Johnson, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 6 - Mitch Johnson;Chris Moore;Charles Coleman;LJ Bryant;Janice Porter and Anthony Coleman

Absent: 1 - Ann Williams

[RES-23:066](#) A RESOLUTION BY THE JONESBORO CITY COUNCIL DECLARING AN EXCEPTIONAL SITUATION AND WAIVE COMPETITIVE BIDDING TO REPAIR DAMAGE TO CITY-OWNED INDUSTRIAL TRACK

Sponsors: Engineering

Attachments: [Eastside Rice LLC](#)

Councilmember Chris Moore said, is that the derailment off of Gee Street down by the rice mill? Chairman John Street said, Tony is that out here in industrial park? Chief Operating Officer Tony Thomas approached the podium and said, yes this was on our rail spur out in the industrial park and it was something that needed to be repaired rather quickly in order to not impede the abilities of others out in that park to get products to and from.

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

Aye: 6 - Mitch Johnson;Chris Moore;Charles Coleman;LJ Bryant;Janice Porter and Anthony Coleman

Absent: 1 - Ann Williams

5. Pending Items

6. Other Business

7. Public Comments

8. Adjournment

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

Aye: 6 - Mitch Johnson;Chris Moore;Charles Coleman;LJ Bryant;Janice Porter and Anthony Coleman

Absent: 1 - Ann Williams