



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, August 6, 2019

5:30 PM

Municipal Center

SPECIAL CALLED NOMINATING & RULES COMMITTEE MEETING AT 4:30 P.M.

PUBLIC WORKS COMMITTEE MEETING AT 5:00 P.M.

1. CALL TO ORDER BY MAYOR PERRIN AT 5:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

Present 12 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant

4. SPECIAL PRESENTATIONS

COM-19:050 PROCLAMATION BY MAYOR PERRIN TO DR. MARTI ALLEN FOR THE ROCKABILLY HERITAGE DAY

Read

COM-19:051 PROCLAMATION TO RON COLE WITH UAMS FOR THE 40TH ANNIVERSARY CELEBRATION

Read

COM-19:049 SECOND QUARTER PRESENTATION FROM FINANCE BY FINANCE DIRECTOR DEANNA HORNBACK

Attachments: [2019 2nd Quarter Financial Presentation.pptx](#)

Finance Director Deanna Hornback said, we are going to do a brief presentation on the second quarter financials for the City of Jonesboro. These financials, just as a note, are actually year-to-date. So, all the numbers that you see will be from January to the end of June 2019.

The first slide is on our revenue versus our expenditures. As you can see, our year-to-date revenues for the general fund are \$23,623,003 and our expenditures are \$23,397,057. So, we are ahead by \$225,946. I won't read each line, but as you go through there you can see that we are doing fairly well for our revenues to our expenditures for this year. Our E-911 shows that it is in the negative. However, as you

will see at the bottom, there is a note that we do receive a quarterly payment and that usually comes in June. However, we did not get it until July of this year. So, that should show up and true itself up in July figures. So, that was \$152,394.63 on the E-911. So, the revenue is looking good and we are still ahead \$445,905 versus our expenditures.

This is a slide that shows our 2019 budget versus revenues. So, these are the budgeted numbers and our general budget is \$21,528,494. Revenues are at \$23,623,003. So, we are ahead of the budget by \$2,094,509 in our general fund. Our Street, we are ahead in that as well, \$351,639. There again, our E-911, we are behind the \$196,946 due to the check not being received. As you can see, we are ahead of budget \$2,251,716.

This is our budget versus expenditures. So, as you can see in every category, other than the Street, we are ahead of budget. The Street has to do with the budgeting process and the fact that we have spent more in Street, year-to-date, than what the budget allowed for, but the money is there. So, all in all, I feel like we have done a really good job. The departments, I want to give a shout-out to them. They have done a good job at making sure to keep their expenditures in line and within budget. Nothing fancy, but that is kind of where we are at with our quarterly numbers. The Mayor will have some reports in his Mayor's report as well. If anyone wants more detail, to please reach out to us. We will spend the time. Sit down and talk with everybody about it. Patti came to City Hall yesterday and got some information. So, I encourage anybody to come and spend the time with us and we will go through any questions that anyone has and go into more detail with it. They will be posted on the website each month. Each month that we post them, we will take the prior month off. This quarterly information is in Legistar. April has that so that will be posted within the next couple of days. We will get the financials on the website tomorrow. Any other questions?

Mayor Perrin said, I just want to clarify again, I think what Deanna is saying is that I think there might have been a mix-up on I don't know where these would be posted, but again, the monthly reports will be on the website, Jonesboro's website. Ms. Hornback said, correct. Mayor Perrin said, once the council reviews the quarterly statements on those and then, that is given to the clerk, and that is an official record, again, which then can go on Legistar. Correct me if I am wrong on that, is that right? Deputy City Clerk April Leggett, said, you will have that in your agenda. Mayor Perrin said, I just want to make sure of that because I think what I was saying is that we are posting every month on the website and that is not true. It is the most current one that is on the website. Ms. Hornback said, the most current. That just started. Last month was the first month that we put it out. Mayor Perrin said, right. If anybody has any questions at any time, just like Deanna had mentioned that Patti came by and got some financials or whatever. We are always here. We will be glad, in fact, delighted to go over those figures with you because it does take some time to learn governmental accounting versus the private world. It is a little bit different the way that you have to book things and entries on that. Councilmember Hafner, do you have any other comments on that?

Councilmember Joe Hafner said, no, not right now. I will say this, I think sometimes when it comes to budgeting, you are budgeting for a whole year and sometimes you kind of allocate it to each month equally so we are looking good right now on revenue. I think some of the expenses that were under were just due to timing. There are some things coming up later in the year that we just haven't spent yet. I think it will true itself up over the next few months.

Read

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilperson Chris Gibson, seconded by Councilperson Chris Moore, to Approve the Consent Agenda. The motioned PASSED

Aye: 12 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant

MIN-19:073 Minutes for the City Council meeting on July 16, 2019.

Attachments: [CC Minutes 071619](#)

This item was passed on the consent agenda.

RES-19:096 A RESOLUTION TO CONTRACT WITH ACADEMY SPORTS AND OUTDOORS FOR SPONSORSHIP OF ONE SOCCER FIELD, ONE BASEBALL FIELD AND ONE CONCESSION STAND SIGN AT JOE MACK CAMPBELL SPORTS COMPLEX

Attachments: [Academy Contract for Sponsorship, May 2019.pdf](#)

This item was passed on the consent agenda.

Enactment No: R-EN-098-2019

RES-19:097 A RESOLUTION TO CONTRACT WITH SHADRACHS COFFEE FOR SPONSORSHIP OF ONE ATHLETIC FIELD SIGN AT THE SOUTHSIDE SPORTS COMPLEX

Attachments: [Shadrachs Contract for Sponsorship, July 2019.pdf](#)

This item was passed on the consent agenda.

Enactment No: R-EN-099-2019

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-19:042 AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR PROPERTY LOCATED AT 5403 E. NETTLETON - FRED STREET BY CARLOS WOOD ON BEHALF OF JERRY STEPHENS

Attachments: [Application.pdf](#)
 [Staff Summary - Council.pdf](#)
 [Rezoning Plat.pdf](#)
 [Fred St Rezoning Plat.pdf](#)
 [Lynn Turner Block D Replat.pdf](#)
 [Aerial View of Location.pdf](#)
 [Letter from Nettleton Schools.pdf](#)

Councilmember Chris Gibson motioned, seconded by Councilmember John Street to suspend the rules and offer ORD-19:042 by title only. All voted aye.

Held at one reading

ORD-19:043 AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE ANNUAL RENEWAL OF THE SPRINGBOOK FINANCIAL SOFTWARE FOR THE CITY OF JONESBORO

Attachments: [Jonesboro, AR ROF 20SEP19 - 19SEP20 vSB.pdf](#)

Councilmember John Street motioned, seconded by Councilmember Gene Vance to suspend the rules and offer ORD-19:043 by title only. All voted aye.

Held at one reading

ORD-19:044 AN ORDINANCE ADOPTING BY REFERENCE THE SMALL WIRELESS FACILITY REGULATION OF THE CITY OF JONESBORO FOR ADDITION TO THE JONESBORO CODE OF ORDINANCES

Attachments: [FINAL VERSION Small Wireless Communication Facility Regulation.docx](#)

Councilmember John Street motioned, seconded by Councilmember Chris Gibson to suspend the rules and offer ORD-19:044 by title only. All voted aye.

Mayor Harold Perrin said, I would like to, if I could, introduce Mr. Jason Carter who is the attorney that has been working on these ordinances and let him do a little brief explanation on this and so the floor is yours. Mr. Carter said, thank you Mayor and thank you members of the Jonesboro City Council. Thank you for who you are and for what you do in serving your community. I was a city attorney for twenty years. I know there is a lot of time that you spend on the council that is thankless time, but I am fully aware of that and I appreciate who you are and thank you for your time to listen to me.

With the small cell ordinance that you are considering right now, this regulation that is before you, this can be traced back about a year ago to an original order from the FCC where they were considering small wireless facilities and how to deploy them in America. The issue is bandwidth and it's that the people who are in our communities have an insatiable appetite for bandwidth. They want to be more connected all of the time. We use it for business. We use it for social interaction. We use it for our entertainment. But, it is just very, very important. Bandwidth and connectivity is something that our citizens seem to can't do without. America is trying to figure out the answer to that and the answer that was provided by the FCC is found in small cell devices. Instead of having large cellular antenna's that cover square miles of area, they are going to reduce the size of these things, try to mount them on poles within the right-of-way. Electric distribution poles, street lights, almost any vertical structure that you can think of in the right-of-way and maybe, even, put up a new one where they may be required to try to provide that kind of bandwidth and connectivity that your citizens

want.

The orders that were issued by the FCC that encroach on a city's authority to regulate these, I wasn't very happy about. I mean, we got in and we fought it. I have been told by my counterparts in the telecommunication industries and some policy makers that I just failed to have an appreciation for how important this is. They characterized the race to 5G as being the equivalent of the space race, that it is that important. We are racing the Chinese right now to see who is going to have the best technology, who is going to set the framework for a discussion about how we communicate, and the moral and ethical issues that surround this new connected society that we are just starting to struggle with. So, it is an important national issue and because it is an important national issue, some of your discretion in how this is managed has been taken away from you. And, that is just the long and the short of it. And, of course we have worked, and when I say we, Carol Duncan and I have set down with city staff and appreciate the hard work that everyone has put in to try to think about the rules that are going to work best for this community that will preserve the aesthetic standard of the community, but still get everyone the connectivity that they want and make sure that this technology can be deployed.

The product that you see is not just the product of our thought, but frankly, it is the thought of other people in other cities who have also set down and stubbie penciled their way through all of those pages to try to come up with the best answer for their city and in incorporating all of those ideas here. It is brand new technology. It is coming right now. It is developing right now. So, might there be an occasion in the future that we are going to need to update this, absolutely. As we learn and we refine our processes, we will probably try to come back and tweak this and make it better and make it fit better. But, I think that we have a good answer, a workable answer that is before you and I ask for your vote for this measure.

Mayor Perrin asked, can you just elaborate on the mandate of September 1, 2019? Mr. Carter said, the concern about September 1, 2019 really pertains to state law. So, Act 999, which was adopted during this last session, implemented many of the FCC rules in Arkansas. And, one of the provisions in Act 999 has to do with a term that the lawyers like to call severability. If your ordinance is adopted after September 1, 2019, and a part of that ordinance is found to be unlawful, does not comply with the state standard, then your entire ordinance would be thrown out. The entire ordinance would be voided. If your ordinance is adopted before September 1, 2019, and some provision in it is found to be erroneous, then that provision would be cut out, but the rest of your ordinance would stand. So, I think that the deadline is important for how far are you willing to push your creativity to best represent your community.

Mayor Perrin said, with that, if we could read this two times tonight and then hold it and have another discussion on the third reading, then we would meet our mandate for the state. Many cities already had one. If you will remember, we had one. I believe we were working on one. City Attorney Carol Duncan said, in January or February, we had one. Mayor Perrin said, right. The problem is that the legislature this last session went as Mr. Carter said, and took a lot of that stuff out. And, if you want to be in control of the aesthetics and where they go and how they are installed and all of the things in that, in fact, there is one page on what I think is called the scope. I believe it is on page 9 or something, but it gives you exactly what we had to come out with the legislative session this year. I know that Mr. Carter was in daily at the Capital working on this thing trying to represent the cities, the counties, municipalities and all of those throughout the entire state of Arkansas. I am kind of glad that we didn't go ahead and do ours because we would have had to amend it anyway such as Fayetteville,

Springdale, and some of those that we discovered at one of our Municipal League meetings that they had already adopted one.

Councilmember Gene Vance said, Mayor, before we vote, I would like to ask for one clarification. Mayor Perrin said, ok. Councilmember Vance asked, what we are doing is regulating and not inviting these cell towers in, correct? Mr. Carter said, that is 100% correct. So, by virtue of the FCC's orders, and then how that order was implemented by state law, you need to know that a wireless provider has the right to install these in your right-of-way. If you don't adopt rules, then you are waiving your right to regulate the small wireless facilities regarding any of the aesthetics looks or where they are positioned to try to make it work best for your community. Councilmember Vance said, thank you.

Councilmember David McClain asked, so if I am clear, you are saying if we do nothing, they can come in and regardless of what we say, I mean, they are coming, pretty much. It will be here, right? Mr. Carter said, I can absolutely guarantee you that if you choose not to adopt an ordinance, that small cell wireless facilities will still be installed in your community because they have the right to be there under now, both federal and state law. Councilmember McClain said, ok. Thank you. Mayor Perrin said, let me add one other thing to Councilmember McClain's deal, if you want to control this deal on the size of the unit and all of that and we went through a lot of this at the Public Works meeting. You could have some of these things the size of a refrigerator or whatever sitting right out there on your right-of-way and that is not what we want. So, that is what this is all about.

Councilmember Chris Moore said, it is also important to note that based on the calculations I made, there is going to be almost 1,000 of them in the City of Jonesboro, almost a 1,000 based on our land mass. Ms. Duncan said, potentially. Mr. Carter said, potentially. I think it is going to depend on how the capital is deployed by entities who are deploying it. Right now, we are seeing lots of mobilization by AT&T and Verizon, of course, as you would expect. I would expect them to be in Jonesboro rather quickly. There was an announcement, I think, in the last two weeks that T-mobile and Sprint, that merger appears to be moving forward. The Department of Justice has dropped their antitrust objection. As part of that case, they have given assurances to the Department of Justice that they will have 5G access to 70% of America by 2025. So, that is another player that I think that is in the game that will push capital pretty quickly. You know, to try to get coverage.

Councilmember Moore said, my point was with like the Mayor, if we are going to have the possibility of having a 1,000 of something, we don't want 1,000 refrigerators sitting on the side of the right-of-way or hanging on poles or whatever. Ms. Duncan said, even simple things as saying you need to position it toward the side of the property line in a residential neighborhood instead of right in front of your living room window, right. I mean even those types of things. Councilmember Moore said, right, instead of straight in front of a house.

Councilmember John Street asked, Mr. Carter, is there any regulation in that which states that they have to share, if it is possible, like they do now with cell towers. Mr. Carter asked, so to try to co-locate multiple cellular facilities on one pole? Councilmember Street said, right, if T-Mobile, AT&T and Verizon and everybody else. Mr. Carter said, I think the challenge with that is the technology doesn't work when it is co-located. And, this has just been my communications with AT&T and Verizon. They can't get enough separation between the heights of the antennas and especially all of this capital is being deployed with the anticipation of 5G. 5G radios are not out yet.

But, it is in anticipation of 5G and at those frequencies, they would step on each other. So, they are really only going to be able to locate one per, which if we can have a nice aesthetic package, then it should work fine and really keep the community connected. I will say AT&T and Verizon, they have been pretty forthright in working with us to try to get something that looks good for the community. Whatever aesthetic standards that we have, we cannot prohibit the technology. We are not allowed to create a standard that prohibits the technology. So, some of that is a lot of working back and forth to make sure that it will work and that it works for the community as well.

Councilmember John Street motioned, seconded by Councilmember Gene Vance to suspend the rules and waive the second reading. All voted aye.

Mayor Perrin said, thank you Jason for coming up here from Little Rock today to be with us and we were working on this, this afternoon. So, thank you very much. Mr. Carter said, thank you.

A motion was made by Councilperson John Street, seconded by Councilperson Gene Vance, that this matter be Waived Second Reading . The motion PASSED with the following vote.

Aye: 12 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant

ORD-19:045

AN ORDINANCE ADOPTED PURSUANT TO ACT 1112 OF 2017 AND APPLICABLE ABC REGULATIONS APPROVING THE PRIVATE CLUB APPLICATION FOR MALCO HOLLYWOOD CINEMA AT 2407 E. PARKER ROAD, JONESBORO, CRAIGHEAD COUNTY, ARKANSAS.

Attachments: [Malco Private Club Application Redacted.pdf](#)

Councilmember John Street motioned, seconded by Councilmember Chris Moore to suspend the rules and offer ORD-19:045 by title only. All voted aye.

Councilmember Joe Hafner said, Mayor, if someone is here representing Malco, I would like to ask a question real quick.

Jeff Harris, Manager of Malco Theatres, 2407 E. Parker Road. Mr. Harris said, I live at 916 Oriole Drive.

Larry Etter, Senior Vice President of Malco Theatres. Mr. Etter said, my address is 751 Lonewood Way, Collierville, TN.

Councilmember Hafner said, I would like some clarification on how serving would happen. I see that there is going to be like a lobby in the front corner or an area in the front corner that is going to have like a full menu and a bar area. I would just kind of like to know what the plan would be as far as like serving or consumption within the theatres themselves. Mr. Etter said, you are correct. We are currently under renovation and 14 of the auditoriums are having recliners installed and to extend the entertainment experience, we will have a full restaurant and adult beverages. That area is designated for that, the right-hand side as you enter, and we will have a guestbook there so that everyone signs in. We have full management there. We have servers. We will be serving food in the auditoriums so that if you order and you want to go into the auditorium, one of Jeff's staff will bring the food to you. Councilmember Hafner asked, and the drinks or just the food? Mr. Etter said, the drink also if you so choose. Councilmember Hafner said, because one of the things that I was just curious about

is, I know at like a regular restaurant, you know, obviously it is easy to see everybody and who is drinking and who is not, but in a dark theatre, kind of, what would be the safeguards to help prevent minors serving minors or someone buying a beer and then handing it to their minor friend? Mr. Etter said, so, it is interesting that you bring that up because we have 16 other locations that are already doing this so we already have significant experience. What I tell the other city councils is that we have been in business for 103 years. Believe it or not, people will smuggle contraband in so we have been monitoring auditoriums and behavior for 103 years. Now, all we are going to do is end up selling it to you as opposed to having you sneak it in and consume it, you know, as contraband.

Councilmember Mitch Johnson said, I don't think that is really answering the question that Councilmember Hafner is asking which is what I wanted to ask. How are you going to monitor what is being served within the theatre itself? Mr. Etter said, first of all, you have to attend or approach the bartender. We are not bringing alcoholic beverages into the auditorium. Councilmember Johnson said, I understand that, but once again, who is going to be in the theatre monitoring where that alcohol goes to once it is given to the patron. Mr. Etter said, currently, under our system, we have ushers that go into the auditoriums on a regular basis at least twice per movie and then we monitor what goes in and what goes out. Councilmember Johnson said, thank you. Councilmember Hafner said, thanks.

Councilmember Chris Moore said, I think you hit an interesting point. Are you saying that the customer would leave the auditorium and buy their own beverage and they would take it back as opposed to a bartender bringing it into the auditorium in the dark and serving it? I think that is a pretty big distinction there because usually you could check I.D.'s. You could check a variety of things. Mr. Etter said, absolutely so. Every I.D. will be checked. We don't serve alcohol into the auditorium. You have to come out to the lobby and pick it up. Generally speaking, what's happening in our other locations is that people get there 30 minutes, 45 minutes early. They order some food and they might have a glass of wine or a beer. They consume it there and then go into the auditorium. The one thing when we first experimented with this was that you may purchase a glass of wine and you drink about half of it, your show is about to start, and you want to take it into the auditorium. You have already paid for something and you want to consume it, much like a Coca-Cola or a popcorn or anything else. And, so, we have had to manage that very carefully.

Councilmember Moore said, I think that is an important distinction because the fact that the customer would be out in the bar area buying and ordering their own drinks. You are not going into the auditorium amongst the crowd and selling or serving alcohol in the dark or whatever. Mr. Etter said, here is our strategy. Our strategy is to create a very nice entertainment complex that Jonesboro can be proud of. We are not here to be Jonesboro's next bar. We want to show movies and we want you to enjoy your stay. Councilmember Johnson said, I think you guys are a class act all around in the years that Malco has been here and I would expect that this would continue that way as well. I think I had these same questions and I have the list here so I just wanted to make sure that it continued to be a family atmosphere and that all of this stuff is monitored real closely. Mr. Etter said, and that is exactly our premise. The last thing that we want is for any incident to take place because it is a family organization and that is where our roots are. But, we do see progress and we know that there are other theatres. We have one in Fayetteville, one in Springdale, one in Rogers, that have been very successful. We have not had any issues. We try to handle it as professionally as we can. Councilmember Hafner said, it was just a little bit different than the way that we have dealt with these private club permits before so I just wanted some clarification.

So, thank you.

Mr. Etter said, Jeff brings up a good issue. One of our policies is we only sell one alcohol beverage per I.D. So, you can't come in and buy six drinks and take them to the auditorium. Does that make sense? Mr. Harris said, if you and your wife want a beverage, you both have to be in the bar area with your I.D.'s to get that beverage. Councilmember Johnson said, very good. I like that even better. Councilmember Hafner said, thank you.

Councilmember David McClain said, can I ask a question Mayor? Is there a limit as to how many you can serve? Mr. Etter said, at our prices, you can't afford to. Councilmember McClain said, I know. Mr. Harris said, we do have software that will help us with scanning the I.D. and we are going at a goal of one per hour as a limit. Most of our movies are 1 ½-2 hours long so you are only looking at two drinks before you leave the building. Councilmember Hafner said, unless you are not really there to watch a movie.

Councilmember Bobby Long said, one more question. So you have a 21-year old that buys a beverage and you have a 16-year old that is sitting in the movie theatre. The 21-year old buys the beverage, takes it into the auditorium, and gives it to the 16-year old. How do you prevent that? Mr. Etter said, what typically happens is that he would have to buy a drink. He takes it into the auditorium. We have ushers that are monitoring the auditoriums and go thru and walk thru and look at that. It is a great question. It is one of our concerns because when that happens, we are responsible. We lose our liquor license. So, we have a great deal of risk involved. We don't want that happening. So, we try to take every measure we possibly can to make sure that doesn't happen. We actually look for things like that, believe it or not, because it is a serious business for us. We wouldn't lose a liquor license. We would lose attendance. If the theatre shut down, we are going to lose movie tickets and grosses. It is serious business for us. Councilmember Moore said, well, you would have that same possibility at any restaurant though Bobby. You go to Outback and you are sitting at a table, you have that same possibility of swapping drinks or whatever. Councilmember Johnson said, nothing is 100%. Mr. Etter said, you have t-ball fields and people are sitting there with their coolers. It is not Coca-Cola in the cooler.

Mr. Harris said, if it helps at all, as well, on the weekends when we expect most of our business, Friday and Saturday nights and if we need to extend it to Sunday, we are welcome to. We have security at our location by the Jonesboro Police Department. Sgt. Racy handles all of that for us. So, we actually have police personnel on site every Friday and Saturday and it could be Sunday if we needed to do that. Mr. Etter said, that is really another important part that we really didn't discuss, but we also have security guards in the building that are walking the halls, going into the restrooms, and checking for those same type of opportunities.

Held at one reading

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

ORD-19:040

AN ORDINANCE FOR THE APPROVAL OF AN APPLICATION FOR A PRIVATE CLUB PERMIT FOR TEXAS ROADHOUSE OF JONESBORO, INC.

Attachments: [Texas Roadhouse Private Club Permit Application_Redacted.pdf](#)

Held at second reading

ORDINANCES ON THIRD READING

ORD-19:033

AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS UNDER THE MUNICIPALITIES AND COUNTIES INDUSTRIAL DEVELOPMENT REVENUE BOND LAW FOR THE PURPOSE OF SECURING AND DEVELOPING INDUSTRY; TO AUTHORIZE THE SALE OF THE BONDS AND THE APPROVAL OF A BOND PURCHASE AGREEMENT AND A PAYMENT IN LIEU OF TAXES AGREEMENT IN CONNECTION THEREWITH; TO AUTHORIZE THE EXECUTION AND DELIVERY OF A TRUST INDENTURE SECURING THE BONDS; TO AUTHORIZE AND PRESCRIBE CERTAIN MATTERS PERTAINING TO THE PROJECT, THE ACQUISITION, CONSTRUCTION, AND EQUIPPING THEREOF, AND THE FINANCING THEREOF; TO AUTHORIZE THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT RELATING TO THE PROJECT; AND FOR OTHER PURPOSES.

Attachments: [Recognition Nondisturbance and Attornment Agreement \(Risever 2019\).DOC](#)
[PILOT Agreement \(Risever 2019\).DOC](#)
[Trust Indenture \(Risever 2019\).DOCX](#)
[Bond Purchase Agreement \(Risever 2019\).DOCX](#)
[Lease Agreement \(Risever - 2019\).DOCX](#)

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

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

Enactment No: O-EN-045-2019

ORD-19:037

AN ORDINANCE FOR THE APPROVAL OF AN APPLICATION FOR A PRIVATE CLUB PERMIT FOR QVW, HOLDINGS, DBA ICHIYA RAMEN RESTAURANT

Attachments: [QVW Holdings Private Club Permit Application_Redacted.pdf](#)

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

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

Enactment No: O-EN-046-2019

ORD-19:039

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM AG-1 AGRICULTURAL DISTRICT TO I-1 LIMITED INDUSTRIAL DISTRICT FOR PROPERTY LOCATED AT 5307 E. HIGHLAND DRIVE, JONESBORO, AR AS REQUESTED BY RAJEEV KUMAR ON BEHALF OF

SAI REAL ESTATE LLC

Attachments: [Rezoning Plat \(2\).pdf](#)
 [Staff Summary - City Council RZ 19-09.pdf](#)
 [Application.pdf](#)
 [Pictures of Rezoning Sign.pdf](#)
 [Warranty Deed.pdf](#)
 [Rezoning Plat.pdf](#)

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

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

Enactment No: O-EN-047-2019

8. MAYOR'S REPORTS

Mayor Harold Perrin reported on the following items:

This week I will be visiting with CRDC and just looking at a project for the homeless. This is a problem not only in Arkansas, but nationwide. We want to talk about that. I did talk with Senator Cotton about that today and it appears that there is a lot of funding on the national level.

We will have our exit audit interview from Legislative Audit this Thursday and I have asked Councilmember Joe Hafner who is our Finance Chairman to attend that meeting. He has signed the waiver so he will be attending that with me and the staff.

We will be attending a congressional chat with Representative Crawford on Monday, August 19th.

Our Jonesboro Leadership has 18 people signed up again this year. It will start on August 29th. Our Citizen's Police Academy starts Thursday, August 22nd. I think you all average somewhere between 32 and 35 in that class. Police Chief Rick Elliott said, it averages 28-30. Mayor Perrin said, that has really been an excellent program.

The Forum renovations started yesterday. They are tearing out the ceilings and moving the ticket box up to the front like it used to be. There will be all new concession stands on the top balcony as well as the bottom. I think you are going to see a wonderful renovation on that. They should have that finished by September 19th or 20th.

Last month, we did \$10,350,628 worth of permits. Residential was \$5.9 million and commercial was \$4.3 million so that was a good mix.

Our E-911 Center was hit by lightning last week. Our IT and Building Facilities Departments quickly responded. Hats off to you all. You all did a great job in getting us back on the air.

Our Wolfpack Cricket team has won all of the tournaments in Arkansas. This Saturday, at the Southside Sports Complex at 10:00 a.m., will be us playing

Tennessee. So, if you have a chance to go out and want to see a good cricket tournament, it will start at 10:00 a.m. at the Southside Sports Complex.

We will be meeting with our existing industries. As you all know, we were blessed enough to get a \$2.3 million grant which I thanked Senator Cotton for again today. We will be meeting with all existing industries. The reason for that is that this city adopted a master railroad plan some months back. That totals around \$14 million, but we did receive \$2.3 million that will take care of Commerce getting the railroads off of that street and also putting additional spur in there for C.W. Post, but the key to that is that we also have a great deal of need for additional rail spur in our industrial park. The reason for that is Riseover, we just approved that bond issue just a minute ago. In addition to that, we also have a peanut shelling company. Tommy Jumper, they have already started construction on their facility and they will also need rail spur. So, we will be working with AEDC trying to get some funds from them as well as on the national scene. I just wanted to kindly share that with you all.

Finance Director Deanna Hornback, I think, did a good job. I will just hit some highlights on our individual accounts and things that we look at each month. Our combined state turn back from the state of Arkansas was \$38,000 year-to-date and that is through June and that is at about 1.83%. We should be a little higher, but that is what it came in at.

On our combined sales tax, this is through June, the total over last year and I always like to look and compare last year versus this year, we are up \$1,033,720, 6.5%. Again on that, the county represented over \$800,000 of that and the city was about \$500,000. So, sales tax is up a little bit. If you all remember last year, it was flat, somewhere around 3-4% last year for the whole year so that is good.

On our required reserves, based on our fund balances of \$28,273,000 at the end of June, our required reserves for the state of Arkansas was \$8.4 million and in addition to that, we have \$19.8 million in the account. However, you have to subtract from that \$3.8 million that we have committed encumbered for the STIP projects so that would leave us in excess reserves of about \$15.9-\$16 million in excess reserves through June.

So, again, at the end of June, we did have in the O&M, we had a small shortage of \$95,107 and that was directly related to basically additional expenses that we had to spend on the Street Department. They are still within budget. Also, the E-911 because the check was \$179,000 that we did not receive. Overall, within the capital improvements, when you look at those, it takes that \$95,107 down to \$82,000 net. I thought that was a good month through June. So, we just hope and pray that our sales tax will continue as well as some other things to make sure that we will be well, I think, under budget this year at the end of the year. But, again, you never know what is going to happen. We also got Keller's Chapel that is \$180,000 expense that we will be doing soon I am sure. I will be bringing that to you all because the road was torn up out there on Keller's Chapel. So, you just never know what you are going to have to face everyday here. The cities, what they do on a budget, is that they budget revenue blind. We can control expenses. There is no question about that so as we go in starting next month, we will ask our department heads to start writing down their needs. To that, we will get those and calculate those up and then you have to forecast your revenue and that's what I think Councilmember Hafner was talking about a while ago. It is very difficult to do that because you have got to calculate. Everything we have is just a guess if you will or a calculation on sales tax increases. Is it going to go up or down? Any of our fees and permits, plumbing, electrical, and all of that, we don't know if

business will continue house building and etc. So, I thought we have done pretty good. It is very, very tight, the way that we do our budgets. So, I just kindly wanted to share that with you.

COM-19:048

June 2019 Financials

Attachments: [06-2019 Sales tax.pdf](#)
 [06-2019 State Turnback Report.pdf](#)
 [2019 JuneRev, Exp and Changes in FB.pdf](#)
 [June 2019 Revenue Report.pdf](#)
 [June Expense vs Budget.pdf](#)
 [Observations Regarding June 2019 Financial Statements.pdf](#)
 [Required Reserves June 2019.pdf](#)

Filed

9. CITY COUNCIL REPORTS

Councilmember John Street said, the only thing I have got is the Chief kindly offered to take me out and give me a look at the range. If you haven't seen that recently, I encourage you to either holler at him or go out there and take a look. It is really coming along. It is impressive. I can't wait for that to get done. But, a lot of work has been done on that and it is coming along pretty quick. Mayor Harold Perrin said, it has been real good. The road is in and some of the parking lots are done. The berm is going up now. It is moving along pretty quickly. Thank you for that.

Councilmember LJ Bryant said, I will just say one thing that other folks might have noticed. Arkansas Business had a list of the wealthiest zip codes in the state. They did it by looking at IRS data based upon the percentage of people in that zip code that had a household income of over \$100,000 and 72404 did make that list. I think it was 12th and 12th is actually quite good when you take out several Little Rock zip codes and several northwest Arkansas zip codes. Of course, our challenge is to make sure that all of our zip codes can make that list someday, but I thought, nonetheless, that was good news.

Councilmember David McClain said, the only thing I got is August 24, 2019 and I will reach out to Bill, but I am going to have coffee with a councilmember and I will also have members of Team Jonesboro there. I want to have a public forum for them to come and answer questions. I know they are doing that right now, but to have another forum for them to do that. It will be at Fat City from 9:00 a.m. until 11:00 a.m. on the 24th of August. Mayor Perrin said, we will get that out for you. Bill will be back on Thursday. Councilmember McClain said, thank you.

Councilmember Chris Gibson said, Nominating and Rules met earlier tonight and I would like to suspend the rules and walk on RES-19:106. Councilmember Chris Moore, said, second. Councilmember Joe Hafner said, Mayor, I am one of the nominees listed on that and I would like to abstain from voting. Councilmember Dr. Charles Coleman said, I abstain. All other members voted aye.

RES-19:106

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO APPOINT MEMBERS TO THE OVERSIGHT INTEGRITY COUNCIL

Councilmember Chris Gibson motioned, seconded by Councilmember Chris Moore, to

suspend the rules and walk on RES-19:106. Councilmember Joe Hafner and Councilmember Dr. Charles Coleman abstained from all voting on RES-19:106 because they are a part of the Oversight Integrity Council. All others voted aye.

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

Aye: 10 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Bobby Long;David McClain and LJ Bryant

Abstain: 2 - Charles Coleman and Joe Hafner

Enactment No: R-EN-100-2019

Councilmember David McClain said, I would like to make a comment real quick. I will be brief. I know they are getting ready to vote on who gets terms based on one, two, three years, am I correct? Mayor Perrin said, they will draw. Councilmember McClain said, they will draw, yes, correct. City Attorney Carol Duncan said, they will set that at their first committee. Councilmember McClain said, just going forward, I would like to make sure that we have representation across wards. I know we have differences right now, but if we can make sure that we are representing different wards. Thank you. Councilmember Bobby Long asked, Mayor, can you explain first of all, how many people applied and then the lengths that you tried to make sure that each demographic was represented? Mayor Perrin said, sure. I believe there were 59 that applied. Some of those people had called and said that they applied, but they weren't really sure that they wanted to be on there. So, when we started narrowing those down, that was the first step. We had to do that and then we had to start looking at their occupation. In other words, what do you want on this committee, such as accounting, business, and things of that nature because a lot of the projects that are going to come there, you are going to have to look at not only, there will be a multitude of questions on there they have got to ask, the location, the utilization, the total cost of the project, what are the operating costs of the project, what is the sustainability of that project, what is the economic impact of that project to the city of Jonesboro. So, we try to take all of those considerations. We feel like we have come up with some people that have been in business for some time or at least represents an area, but we did not try to tie anybody on that committee. I didn't want to tie anybody to that committee that is tied to any specific individual group or amenities or anything that has been discussed to what I have read in the paper and in the media. And, that did take some time. Councilmember Long said, thank you.

Councilmember Chris Moore said, Mayor, you touched on the budgeting process. The only thing that I would ask would be that you include, and I don't know which department you would put it under, you include the eight annual sprayings that you and I have supported for the last couple of years on mosquito control in the budget report. I think that made a big impact this year. It is \$40,000 and we got eight sprayings regardless, and I think it made a noticeable impact. So, I would ask that you include that in your deliberations. Mayor Perrin said, I would be happy too.

Councilmember Dr. Charles Coleman said, this Thursday at 5:00 p.m. at 315 Allis, we are giving away school supplies for kids from 5-12. Also, we are being helped by the Police Department with feeding part of the community. This will be from 5-7. We will be giving away free supplies to school kids. It will be this Thursday at 5:00 p.m. at 315

Allis. Mayor Perrin said, I think we have got that on the website. If not, we can get Brandon to put it on there. Thank you very much.

Councilmember Gene Vance asked, when is the next committee meeting on the MLK Committee? Dr. Coleman said, that is tomorrow evening at 5:30 p.m.

10. PUBLIC COMMENTS

Patti Lack, 4106 Forest Hill Road, said, I just want to say to you that I am really enthused about the number of people that have been attending the city council meetings. I know that there have been some really important issues with our community and I think we have had a really good turnout. I think we need to keep that up and I hope you guys are excited with that because I think that should be a big part of what we need to do. There are one or two meetings that the city has, the BZA meeting and the MAPC meeting that is at 1:30 p.m. and 3:00 p.m. in the afternoon which is really difficult for people that want to come and they want to either speak up or for that. It is really difficult for them to come to those meetings. I don't know if we can start changing that to be a 5:00 p.m. meeting and be consistent with that meeting, especially with the MAPC meeting. The BZA meeting is at 1:30 p.m. and that is really difficult too. So, those are two meetings that I think would be important. I don't know who or how we can get those changed so we can get more people attending. I think that is where kind of the core part of it starts. I am really happy with the number of people that are starting to show up at the meetings. I think it is important. I don't know who I talked to. City Attorney Carol Duncan said, each committee sets their meeting times. So, you would need to speak with them individually. I know when MAPC added the second meeting, they used to only meet once a month at 5:30 p.m. on the second Tuesday, and then, they added a second meeting for some things. Those meetings used to last 3-4 hours. So, they added that second meeting to try to take some of the weight off of that. They try not to put anything that is tremendously controversial on that meeting. If it appears to be controversial, they move it to the 5:30 meeting for that very reason. But, it was kind of to get some of the routine things out of the way so that everybody wasn't sitting here for 3-4 hours. But, you talk to each committee individually. Ms. Lack said, so talk to the Chairman of each committee? Ok. Thank you.

Councilmember Joe Hafner said, I want to state that the first OIC meeting is tomorrow at 1:00 p.m. and obviously, it is open to the public. It will be held on the first floor in the conference room.

Harold Carter, 902 Tony, said, I have had a question that has been pending in the Mayor's office for several weeks which is, it is not a complicated question, but I haven't gotten an answer. Is this parking out here on East Street in front of the Post Office legal in front of Waddell Law Firm? Mayor Perrin said, yes. That is owned by them. Our road ends at the end of that and then they own that and CWL owns the balance of the that and that is in their right-of-way because I had it checked out. Mr. Carter said, well, I did question quite a few people about it and I got no answer. I still haven't got an official answer. I'll take this as an official answer. Councilmember Charles Frierson said, good for you. Yes, it is an official answer. Mr. Carter said, well, I appreciate all of the comments, but I am still going to say what I have to say anyway until I am totally thrown out. I would just like an answer when I ask a question and a simple answer will do. Mayor Perrin said, sometimes, Harold, it takes some time to search that out because, again, as you know, CWL, and I know that we have a board member and we also have the legal counsel of the board on there. So, we have to pull that up and make sure exactly before I give you that answer. I would hate to say I am not for sure

or whatever. You don't want to hear that. So, we had to pull the plats and all of that to look to make sure that did go with the Post Office when CWL acquired it. Mr. Carter said, well, I thought about situations like this. It came up before with the church down the street and other places. But, thanks for your answer. Mayor Perrin said, you are quite welcome.

11. ADJOURNMENT

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

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

_____ **Date:** _____

Harold Perrin, Mayor

Attest:

_____ **Date:** _____

Donna Jackson, City Clerk