



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, April 19, 2011

6:30 PM

Huntington Building

PUBLIC SAFETY COMMITTEE MEETING AT 5:30 P.M.

1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

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

4. SPECIAL PRESENTATIONS

COM-11:026 Proclamation by the Mayor for Goodwill Industries Week

Sponsors: Mayor's Office

Mayor Perrin proclaimed the week of May 1 - May 9, 2011, as Goodwill Industries Week and encouraged the citizens to support Goodwill industries.

COM-11:029 Proclamation by the Mayor to CASA - Child Abuse Month

Sponsors: Mayor's Office

Mayor Perrin proclaimed April, 2011, as Child Abuse Prevention Month and asked everyone to participate in efforts to prevent child abuse.

COM-11:031 Proclamation concerning Junior Auxiliary Week

Sponsors: Mayor's Office

Mayor Perrin proclaimed April 3 - April 9, 2011, as Junior Auxiliary Week

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilman Gene Vance, to Approve the Consent Agenda with the exception of RES-11:034. A motion was made that these files be approved by consent voice

vote

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

MIN-11:030 Minutes for the City Council meeting on April 5, 2011

Attachments: [Minutes](#)

This item was PASSED on the consent agenda.

RES-11:028 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM ROBERT S APPLETON (APPLETON BROTHERS FARMS INC.) FOR ROAD IMPROVEMENTS

Sponsors: Engineering

Attachments: [Appleton - Tract 1.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-032-2011

RES-11:029 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM ROBERT S APPLETON (APPLETON BROTHERS FARMS INC) FOR ROAD IMPROVEMENTS

Sponsors: Engineering

Attachments: [Appleton - Tract 2.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-033-2011

RES-11:030 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT RIGHT-OF-WAY FROM MARYSTEL APPLETON (APPLETON FAMILY LIMITED PARTNERSHIP) FOR ROAD IMPROVEMENTS

Sponsors: Engineering

Attachments: [Appleton - Tract 3.pdf](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-034-2011

RES-11:033 A RESOLUTION TO CONTRACT WITH INTEGRITY FIRST BANK FOR SPONSORSHIP OF A CONCESSION STAND SIGN AT JOE MACK CAMPBELL PARK

Sponsors: Parks & Recreation

Attachments: [Integrity First Bank](#)

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

Enactment No: R-EN-035-2011

RES-11:038 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH GILLIS, INC. FOR THE 2011 WILKINS-IVY GREEN DETENTION IMPROVEMENTS - JOB NO. 2011:06

Sponsors: Engineering

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

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

Enactment No: R-EN-036-2011

RES-11:039 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH ATLAS ASPHALT, INC. FOR THE 2011 INDUSTRIAL PARK ROAD IMPROVEMENTS - JOB NO. 2011:05

Sponsors: Engineering

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

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

Enactment No: R-EN-037-2011

RES-11:044 A RESOLUTION TO MAKE APPOINTMENTS/REAPPOINTMENTS TO BOARDS AND COMMISSIONS AS RECOMMENDED BY THE MAYOR

Sponsors: Mayor's Office

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

Enactment No: R-EN-038-2011

RES-11:045 A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR FLOY RED COMMONS ON STADIUM AVE., A COMMERCIAL DEVELOPMENT

Attachments: [Maintenance agreement](#)

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

Enactment No: R-EN-039-2011

RES-11:046 A RESOLUTION TO AMEND THE FACILITY USAGE AGREEMENT FOR ASSOCIATION USE OF JOE MACK CAMPBELL PARK BETWEEN JONESBORO BASEBALL BOOSTERS AND THE CITY OF JONESBORO PARKS AND RECREATION DEPARTMENT

Sponsors: Parks & Recreation

Attachments: [Exhibit A - Original JBB Agreement](#)
[JBB Agreement Amendment 1](#)

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

Enactment No: R-EN-040-2011

RES-11:047 A RESOLUTION TO CONTRACT WITH COMFORT SUITES FOR SPONSORSHIP OF A CONCESSION STAND SIGN AT JOE MACK CAMPBELL PARK

Sponsors: Parks & Recreation

Attachments: [Comfort Suites](#)

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

Enactment No: R-EN-041-2011

RES-11:050 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH BECKER FAB & ERECTION, INC. FOR THE DESIGN/BUILD - CRAIGHEAD FOREST PARK PAVILION BUILDING

Sponsors: Parks & Recreation

Attachments: [Project Manual for Pavilion mar 17 2011.pdf](#)
[Bid Tab.pdf](#)

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

Enactment No: R-EN-042-2011

6. NEW BUSINESS

RES-11:034 A RESOLUTION TO ACCEPT A RESTRICTIVE AGREEMENT FOR A GREENSPACE SITE FOR HARPS FOOD STORES INC., A COMMERCIAL PLANNED DISTRICT DEVELOPMENT

Sponsors: Planning

Attachments: [GreenSpace Restriction and Use Agreement - Harp's Foods](#)

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

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

ORDINANCES ON FIRST READING

ORD-11:035 AN ORDINANCE TO CONTRACT WITH E.C. BARTON AND CO. FOR THE CONSTRUCTION OF A DECORATIVE ENTRANCE AT CITY CEMETERY

Sponsors: Parks & Recreation

Attachments: [Barton's Agreement](#)
[Stuck & Associates drawing](#)

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

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

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

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

Enactment No: O-EN-026-2011

ORD-11:036

AN ORDINANCE TO CONTRACT WITH ST. BERNARDS FOR THE CONSTRUCTION OF A DECORATIVE ENTRANCE AT CITY CEMETERY

Sponsors: Parks & Recreation

Attachments: [St. Bernards Agreement](#)

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

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

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

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

Enactment No: O-EN-027-2011

7. UNFINISHED BUSINESS

Councilman Frierson stated due to the next ordinances all being on second or third readings. Councilman Frierson motioned, seconded by Councilman Moore, to limit discussion on each side to ten minutes and to allow for more than one person to speak for each side within the respective ten minute allotment. All voted aye, with the exception of Councilman Vance and Councilman Johnson who abstained from voting.

ORDINANCES ON SECOND READING

ORD-11:028

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 TO PD-RM FOR PROPERTY LOCATED AT 1711 ARCH STREET AS REQUESTED BY WESLEY ABERNATHY

Attachments: [Plat](#)
 [MAPC Report](#)
 [Layout](#)
 [Opposition material](#)

Mr. Burl Turman spoke in favor of the rezoning in order to control what Mr. Abernathy builds on the property. He noted at the March 15th meeting it was asked for Mr. Abernathy to meet with the neighborhood to discuss the plans for the property and that has not happened. He explained he reserved the Huntington Building in which to hold the meeting, but Mr. Abernathy did not show. He further explained a friend of Mr. Abernathy's offered a neighboring resident, Mr. Percival, \$15,000 for his house and three lots. He stated Mr. Percival informed him of the offer, to which he reported it to the Mayor's Office and was directed to the Planning Department. He added when he contacted City Planner Otis Spriggs about the offer, Mr. Spriggs spoke rudely to him. He then made an appointment with Mr. Spriggs and Mr. Spriggs showed up an hour late to the meeting and informed him the rezoning was a done deal, so there would be no point in complaining. Mr. Turman stated he did not like people building on the property and they don't need another Links or Villas.

Councilman Moore asked for clarification and questioned if Mr. Abernathy is asking for one less apartment than what he would be allowed to build if the rezoning wasn't passed. Mr. Spriggs stated that's correct. He also noted the rezoning will restrict Mr. Abernathy to a more preferred layout of the property.

Ms. Julie Sartain stated Mr. Abernathy was asked by the Mayor to meet with the residents about the rezoning and Mr. Abernathy has not made any effort to do so.

Mr. Wesley Abernathy explained Wednesdays are his day to see his daughter. He further explained they arrived at the Huntington Building to meet with the neighbors, but the doors were locked. He noted the land is currently zoned R-2 and that the man he bought the property from hadn't heard from anyone in the neighborhood in 25 years.

Mr. Turman spoke and stated the day the meeting was supposed to be held they did not hear from Mr. Abernathy by 3:00 p.m., so he informed the City he would not be needing to use the building.

Councilman Frierson questioned whether the current zoning limits the buildings to single-stories. Mr. Spriggs stated the height limit is 35 feet, so townhomes could be built on the property. He added the proposed zoning is for single-story structures.

Councilman Moore motioned, seconded by Councilman Street, to suspend the rules and waive the third reading. All voted aye.

Ms. Sartain added since the last time the Council met the residents have had to wait an hour for the nearby train to move and there has been a time when the trains on each end of the neighborhood ended up blocking them in, which backed up traffic and caused a lot of problems.

Councilman Dover questioned what the significant differences are between what the current zoning is and the proposed zoning. Mr. Spriggs explained the current zoning restricts it to one structure per lot, but the proposed zoning will allow for a development such as the one shown in the staff report attached to the ordinance, which is cookie cutter with a street running through the middle. He added the planned development will have a privacy fence, as well as other items that are detailed in the ordinance, and the property owners will have to abide by the layout as approved by

Council. He noted the ordinance will stay with the property, no matter who the owner is.

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

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

Enactment No: O-EN-028-2011

ORD-11:032

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-12 LUO FOR PROPERTY LOCATED ON THE EAST SIDE OF COMMERCE BETWEEN MOORE CREEK AND PACIFIC ROAD AS REQUESTED BY ROBERT REES

Attachments: [Plat](#)
[MAPC Report](#)
[Citizen email message - Jennifer Easley](#)
[Opposition petition and email](#)

Ms. Jennifer Easley, 5910 Pacific Road, presented the Council with a petition and a letter from the opposition. She noted the petition is signed by more than 50 residents that live on Commerce, Pacific and Easley Lane. She explained every person they have spoken to is against the rezoning. She further explained the infrastructure is not capable of handling the added traffic. She noted their neighborhood was one of the last to receive power when the ice storm hit last year and the infrastructure has not improved. Ms. Easley discussed the neighborhood issues and traffic concerns. She noted they were told by MAPC during the development of the Land Use Map that the area should be low-density. She then discussed the surrounding neighborhood and current apartment openings. Ms. Easley questioned what might happen in the future with other rezonings if this rezoning is approved.

Mr. Robert Rees, property owner, explained they asked for RM-16, but have agreed to RM-12. He added they have calls every day for apartments, but he doesn't have many that are open. He noted plants in the Industrial Park are hiring more employees and those employees need a place to live, but houses are harder for people to buy than it used to be. He further explained his track record shows apartments that are kept up. He stated he will have single-story units.

Councilman Frierson questioned whether the ordinance will have any control over what is being built on the property. Mr. Spriggs stated there are some constraints due to the limited use overlay. He then discussed the limits and stated they are comfortable with the proposed rezoning with MAPC looking at the site plan.

Councilman Street questioned how long it will take to build on the 30 acres. Mr. Rees answered it will take a long time depending on how long it takes to get financing, but he is not expecting to build it all at one time.

Ms. Easley stated there are apartments and asked for single family homes in that area.

Councilman Fears motioned, seconded by Councilman Moore, to suspend the rules and waive the third reading. Councilman Dover questioned how many acres will be developed. Mr. Spriggs stated Mr. Rees originally proposed to develop 80 acres. All

voted aye on the motion, with the exception of Councilman Gibson who voted nay.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Passed. After a tie vote, Mayor Perrin voted to pass the measure.

Aye: 6 - Ann Williams; John Street; Mitch Johnson; Gene Vance; Rennell Woods and Charles Coleman

Nay: 6 - Darrel Dover; Charles Frierson; Chris Moore; Tim McCall; Chris Gibson and Mikel Fears

Enactment No: O-EN-029-2011

ORDINANCES ON THIRD READING

ORD-11:026

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF JONESBORO, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF JONESBORO, ARKANSAS, AMENDING THE ZONING ORDINANCE OF JONESBORO, ARKANSAS, AND ASSIGNING SAME TO WARDS

Attachments:

[Plat](#)

[Layout](#)

[MAPC Report](#)

[Annexation Application](#)

[Petition to Accept Annexation](#)

[Opposition - attorneys material for March 15 meeting](#)

[Opposition - citizen material for March 15 meeting](#)

[Opposition - attorneys material for April 5 meeting](#)

[Opposition - citizen emails for April 5 meeting](#)

[Opposition - James Malone information for April 5 meeting](#)

[Opposition - other supporting information for April 5 meeting](#)

[Citizen email message - Carolyn Deal](#)

[Citizen email message - Shelly Jones](#)

[Citizen email message - Shelly Jones #2](#)

[Citizen email message - Shelly Jones #2 supporting info](#)

[Citizen email message - Shelly Jones #3](#)

[Citizen email message - Shelly Jones #3 supporting info](#)

[Citizen email message - Shelly Jones #4](#)

[Citizen email message - Michelle Malone](#)

[Citizen email message - Shelly Jones #5](#)

[Citizen email message - Shelly Jones #5 supporting info](#)

[Citizen email message - Shelly Jones #6](#)

[Citizen email message - Shelly Jones #6 supporting info](#)

[Citizen email message - Shelly Jones #7](#)

[Citizen email message - Catherine Willis](#)

[Citizen email message - Myca Barker](#)

[Citizen email message - Danna Johnson](#)

[Supporting information presented at the April 19 meeting](#)

Councilman Vance, Councilman Johnson and Councilman McCall abstained from discussion and voting.

Attorney Bobby Gibson, representing the property owners, presented the Council with a PowerPoint presentation concerning the annexation. See attached file for presentation information. He noted the land use plan is to be advisory and may be changed at any time. He added the property is outside of the city limits and is not currently zoned. He stated there is a significant commercial node in the area. He explained the Fire and Police Chiefs have indicated, as stated in the MAPC report, they do not foresee a measurable impact on the surrounding area concerning public safety. He then discussed the Conway fairgrounds site, which the demographics show have a higher population around the fairgrounds site compared to where the Jonesboro proposed fairgrounds will be. A signed agreement from the Fair Board to the adjoining residents was presented showing the promises made to the residents.

Attorney Jim Lyons, representing the opposition, stated his clients have no issues with the fairground moving; rather, they just don't want it in their neighborhood. He noted the traffic will be significantly increased due to developments in the area and he added the ordinances enacted by the City need to be followed, namely the ordinances regarding paved parking.

Mr. Brian Malone, a resident in the Oak Subdivision, spoke in opposition to the annexation. He discussed the Conway development and noted the Conway fairground site is county only, while the Jonesboro site is for northeast Arkansas. He also stated the Conway fairground site does not have an amphitheatre, whereas the Jonesboro site will. He explained they have received opinions from professionals stating there will be a negative impact on the surrounding homes. He expressed concern about the statement where the Fair Board indicates they will have the fairground site at that location regardless of the annexation being a bluff. Mr. Malone further explained that while he's been living at that location he has not had to worry about crime in the neighborhood.

Councilman Moore motioned, seconded by Councilman Woods, to allow for extra time to hear the concerns of the citizens. All voted aye, with the exception of Councilmen Johnson, McCall and Vance who abstained from voting.

Mr. Bob Wood stated Highway 49 was designed to carry 50,000 cars a day, while there is currently a count of 20,000 cars per day. The construction of Baptist Hospital will increase that county by 10,000 cars per day. During ASU football games, car count would increase by 8,000 to 10,000 cars per game. Mr. Woods stated that would bring the car count up to 40,000 cars per day and that does not include any further development along Highway 49. He stated he expects the traffic to be at 50,000 cars per day by 2013, possibly sooner. He noted the fairgrounds have made no plans for the added traffic, which could negatively affect ambulances coming from Paragould. Mr. Wood explained Highway 63 as well as other locations would provide for less congested areas for the fairgrounds. He stated he does not think this is a good location for the fairgrounds, but he is supportive of the fairgrounds itself.

Mr. Gibson stated Peters and Associates conducted a traffic study with recommendations that the Fair Board is committed to seeing through. The recommendations were part of the attached packet of information discussed earlier. He noted if there were legitimate concerns regarding traffic in that area, then Peters and Associates would have addressed those issues. He added this shows a commitment by the Fair Board to move forward with the project.

Ms. Catherine Willis spoke against the annexation and expressed concern regarding the effect of the events at the fairgrounds on her children.

Councilman Moore questioned whether the Fair Board will build on the property regardless of the annexation. Mr. Gibson answered yes. Councilman Moore then questioned if the City can annex the property, but not zone the property to what the property owners are requesting. City Attorney Phillip Crego answered he doesn't think so in its current position. He noted the Council could defer a zoning request or request a zoning change in some circumstances. Councilman Frierson added the petitioners would have to go through the County Court again.

Councilman Moore asked if the Fair Board could build on the property without the annexation. Mr. Crego answered yes, that it is his understanding there are no zoning restrictions in the county that would prohibit the Fair Board from building on the property. Councilman Moore questioned if the Council chose to not annex the property and the Fair Board continued to build on the property, if the City could use funds and/or people and equipment on the property. Mr. Crego stated the general answer is no, but there would be some emergency situations and cooperation agreements that would allow the City to offer aide to a county area. He noted the circumstances would be more limited than if it were in the City limits.

After passage of the ordinance, Councilman Moore motioned, seconded by Councilwoman Williams, to adopt the emergency clause. All voted aye.

A motion was made by Councilman Chris Moore, seconded by Councilman Rennell Woods, that this matter be Passed . The motion PASSED by a unanimous vote

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

Enactment No: O-EN-030-2011

ORD-11:029

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO PD-M FOR PROPERTY LOCATED NORTH OF AGGIE ROAD AND WEST OF PARAGOULD DRIVE AS REQUESTED BY GERRY MCGOUGH

Attachments: [Plat](#)
[MAPC Report](#)
[Layout](#)
[Citizen email message](#)
[Supporting information](#)
[Additional map](#)

Ms. Gerry McGough discussed the rezoning and presented the Council with information regarding the property. She noted there are numerous apartments in the area, but she reiterated she is not building apartments. She explained the property will be for owner residences and include her own house. She added she is not looking to forward to building other houses, but she would do so if she needed the money. She further explained the housing she is describing is a new concept and has spoken with others about it without and derogatory remarks. She then addressed crime issues and questioned how much crime St. Bernard's Village has because that is what she is envisioning to build. Ms. McGough explained she wants to build nice homes with play areas that would be an asset to the City.

Mr. Spriggs discussed the rezoning and explained the request is for 28 lots to be rezoned, with conditions listed in the ordinance. He noted single family homes could be built on the lots, but 50% of the residences could be a form of a duplex arrangement that would be owner-occupied. Councilman Moore questioned whether

the owner owning the residence they reside in is a stipulation in the conditions listed in the ordinance. Mr. Spriggs answered no because there is nothing on their books that would provide for enforcement. Councilman Moore then asked if there are any other thresholds for the property, such as age requirements, since Ms. McGough is referring to building an area such as St. Bernard's Village. Mr. Spriggs answered no and there would be no way to enforce those requirements; rather, they can only enforce the density.

Attorney Jim Lyons, representing the opposition, stated they have no objection to the single family residences. He noted surrounding properties are R-1 and the proposal is not consistent with the Comprehensive Plan. He added that Ms. McGough can build single-family residences, which would allow for people to live with the owners and assist them if needed. Mr. Lyons explained if the zoning is passed there is nothing to control what will happen on the property. He stated the property should remain R-1 unless Ms. McGough wants to prepare a bill of assurance for the property that will lay out what will happen there.

Ms. McGough stated she will make a bill of assurance, but is waiting on the decision of the Council before she proceeds with it.

Councilman McCall questioned whether there were any objections with the property not following the Land Use Plan. Mr. Spriggs stated there are no objections; however, they have to look at other ways to accomplish goals. He explained it would have been nice had they been able to zone the property to a single family district that would allow for accessory dwellings for individuals to assist the owners.

Councilman McCall then questioned why the MAPC passed this rezoning on even though it does not conform to the Land Use Plan. Mr. Spriggs explained Ms. McGough fell under the threshold for single family homes on the property, which is why the request was forwarded to the Council.

Councilman Frierson questioned whether this would be considered spot zoning considering Ms. McGough is staying within the numbers for residential. Mr. Crego agreed.

Councilman Moore then noted a bill of assurance is only enforceable by the property owners, not by the City of Jonesboro. Mr. Crego agreed.

Councilman Gibson expressed concern over allowing the rezoning when Ms. McGough has stated she is mainly concerned with building her own residence.

Councilman Moore clarified that the zoning would continue with future owners. Mr. Crego agreed.

A motion was made by Councilman Charles Frierson, seconded by Councilman Chris Moore, that this matter be Passed . The motion failed by the following vote.

Aye: 1 - Charles Frierson

Nay: 11 - Darrel Dover;Ann Williams;Chris Moore;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

8. MAYOR'S REPORTS

COM-11:032

Discussion concerning settlement of the King's Ranch lawsuit

Attachments: [Letter from Abigail Sutherland](#)

Mayor Perrin discussed the King's Ranch lawsuit. He stated the APERMA attorney stated the settlement is unreasonable. Mr. Crego explained he has forwarded information to the Council regarding the financial aspects of the lawsuit and what would be claimed as damages. He further explained if the settlement is agreed to, it would not place any restrictions on the property concerning future development. He stated restrictions were proposed as part of the settlement and it was rejected by the property owners.

Councilman Street motioned, seconded by Councilman Moore, to allow the courts to make the decision concerning the lawsuit.

Attorney Jim Gramling, representing the property owners, discussed future development on the property. He stated it is his understanding that future development on the 10-acre tract would require a rezoning to R-3, which no longer exists. He referred to the 70-acre tract, which would also require a rezoning and not a conditional use permit. He explained the settlement is concerning the federal lawsuit in which the lawsuit claims the City failed to grant a reasonable accommodation by waiving the definition of family to allow up to 8 unrelated children. He noted there are already five unrelated children living on the property. Mr. Gramling stated if the settlement is agreed to it will not set a precedent because the future development will require a rezoning.

Councilman Frierson noted the two lawsuits are separate matters and questioned what the risk is if the settlement is turned down. He stated he was told the \$75,000 was about half of what the attorney's fees are. Mr. Gramling explained the federal lawsuit will consider the decrease in donations that King's Ranch has suffered since the start of the lawsuit, which is at least \$30,000 a year. He then noted if the settlement concerning the federal lawsuit is accepted by the City, then there is no reason to continue to pursue the state lawsuit.

Discussion was held regarding whether or not further discussion is needed to inform the current Council members of the situation in case they were not part of the Council when the issue was first brought to Council. Mr. Gramling stated they have spoken with the federal judge, Judge Holmes, recently that indicated if there is no settlement tonight by the Council, then the judge is ready to rule and they are confident the judge will rule in their favor.

Discussion was then held regarding possible damages and implications of accepting the settlement. Mr. Spriggs explained due to limited frontage on the road, the 10-acre tract would require a rezoning in order to construct additional homes to house more children. He added the other acreage is not associated with this request. Councilman Johnson expressed concern over future requests in order to house more children.

Attorney Jim Lyons noted proof in court regarding damages due to loss of donations faces a lot of speculation due to having to prove the donations were lost due to improper action by the Council. He added a key to the case is the Coopers have refused to stop at 8 children, which indicates they want to put more children at the location. Mr. Lyons stated the residents of the area are opposed to the City accepting the settlement. Councilman Woods questioned whether Mr. Gramling is correct in stating there could be a ruling in the near future that could go in their favor. Mr. Lyons stated he cannot tell anyone what Judge Holmes will do and it is his understanding after speaking with the APERMA attorney that Judge Holmes does not know how he

will vote. Councilman Street noted the City can appeal the ruling if needed. Mr. Lyons agreed.

Councilman Moore motioned, seconded by Councilman Street, to reject the settlement. All voted aye.

COM-11:033 Financial reports for March, 2011

Attachments: [City Sales and Use Tax Report](#)
[Combined Sales and Use Tax Report](#)
[County Sales and Use Tax Report](#)
[Deposit Collateralization Report](#)
[Expenditure Report-3-31-11](#)
[Franchise Fee Comparison Report](#)
[Hotel Occupancy Tax Comparison Report](#)
[Hotel Occupancy Tax Report](#)
[Required Reserves-3-31-11](#)
[Revenue Report-3-31-11](#)
[State Turnback & Comparison Report](#)
[Stmt of Rev Exp and Changes in FB-3-31-11](#)

Mayor Perrin thanked the public safety officers for their role in the funeral of Trumann Police Officer Jonathan Schmidt, who was killed in the line of duty last week.

9. CITY COUNCIL REPORTS

Councilman Street asked everyone to keep the Schmidt family in their prayers.

Councilman Woods thanked Mayor Perrin and the new Channel 24 for helping with airing information regarding non-profit organizations.

10. PUBLIC COMMENTS

Mr. Kevin Snider questioned how long it takes to get City services after being annexed into the City. Councilman Frierson stated the services are not covered by the City; rather, they are to be negotiated with City Water and Light. Mr. Snider stated he was annexed into the City twelve years ago and still has not received sewer or gas services. He referred to apartments that were annexed into the City receiving services. Councilman Frierson explained they negotiated the services with City Water and Light.

11. ADJOURNMENT

A motion was made by Councilman Chris Moore, seconded by Councilman Mitch Johnson, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.

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