



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, February 5, 2019

5:30 PM

Municipal Center

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-19:007](#) 2018 STATE OF THE CITY PRESENTATION BY MAYOR HAROLD PERRIN

Attachments: [STATE of the CITY 2018 v2.pptx](#)

The State of the City was presented by Mayor Harold Perrin.

Councilmember Dr. Charles Coleman motioned, seconded by Councilmember Bobby Long, to adjourn for a five-minute recess. All voted aye.

Councilmember Chris Gibson motioned, seconded by Councilmember Chris Moore, to reconvene from the five-minute recess. All voted aye.

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilperson Chris Moore, seconded by Councilperson Chris Gibson, 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-19:007](#)

Minutes for the City Council meeting on January 15, 2019

Attachments: [Minutes](#)

This item was APPROVED on the consent agenda.

[RES-19:002](#)

A RESOLUTION FOR THE ACCEPTANCE OF THE 2019 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM CHANGE ORDER WITH THE ARKANSAS STATE POLICE

Attachments: [Change Order for STEP](#)

This item was APPROVED on the consent agenda.

Enactment No: R-EN-008-2019

[RES-19:009](#)

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO A CHANGE ORDER WITH RITTER COMMUNICATIONS, INC. TO INCREASE STORAGE CAPACITY

Attachments: [Copy of Upgrade Quote 1152019.pdf](#)

This item was APPROVED on the consent agenda.

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: R-EN-009-2019

6. NEW BUSINESS

RESOLUTIONS PULLED FROM THE CONSENT AGENDA

[RES-19:003](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS REQUESTING CITY WATER & LIGHT (CWL) PAY FOR THE REMAINDER OF THE NEW JONESBORO FIRE DEPARTMENT PUMPER TRUCK

Councilmember John Street asked that he be recused from consideration and discussion on this matter due to the fact that he is on the CWL Board of Directors. Councilmember Charles Frierson asked that he be recused from consideration and discussion on this matter due to the fact that he is an attorney for the CWL Board of Directors.

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

Aye: 10 - Ann Williams;Chris Moore;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

Recused: 2 - Charles Frierson and John Street

Enactment No: R-EN-010-2019

[RES-19:008](#)

A RESOLUTION FOR THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE MICRO-ENTERPRISE BUSINESS ACCELERATOR (MBA) PROGRAM SUB-RECIPIENTS OF THE 2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

Attachments: [Agreement_Candy Apples BBQ.docx](#)
 [Agreement_Granite Works, LLC.docx](#)
 [Agreement_RJW Plumbing.docx](#)
 [Agreement_The Fainting Goat.docx](#)

Councilmember Bobby Long asked, before they are awarded these grants, what type of documentation do they have to submit as far as business plans, projected income, and things like that? Mayor Harold Perrin stated, most of these are already in business. They did submit financials. They did submit a full application through the grants division. All of those were looked at through their advisory board committee as well as the administration within the grants division. In addition to that and I know the resolution doesn't state that, but they have to give us an accounting to the grants division on their progress each month. We definitely tied it down.

Councilmember LJ Bryant asked, is there a thought process to target certain sectors or what is the thought process about who it should be? Mayor Perrin stated, we advertised in the newspaper. Grants did advertise in the paper and throughout the city. Of all the advertisements that were done, you can see here that there were several of them that applied. I can't tell you the exact number and Community Development Director Tiffny Calloway is at the Delta Regional Authority tonight. Of those, they narrowed them down and you can see in here that it is everything from a restaurant business, a plumbing business, a granite business. It is kind of scattered. I think they did a good job on the selection of what they have done.

Councilmember Joe Hafner stated, in the Finance Committee meeting, Tiffny said there was maybe like twenty people that applied. Mayor Perrin said, this is also the one that I mentioned in the State of the City that I have asked Mark Young from the Chamber of Commerce, would he consider matching this if this is a great program. Then, if we did get the same amount as this year on our entitlement. This year we got \$680,000 on the CDBG program totally. If that continued for the next year, then we could go back and if in fact we used the \$20,000, then we could have \$40,000 to give to these people. That is a good question on what you are talking about. In what area of concentration would you want that in? Councilmember Chris Moore said, the first three were self-explanatory, but what was the Fainting Goat? Just out of curiosity. Mayor Perrin said, it is a reading and game room on Main Street. They are going to use this money for salaries for students at Arkansas State University, to work with the students and the games and teach them several things. This is on Main Street.

Councilmember Long said, I think it is a great idea to support local entrepreneur's that want to open up new businesses in our community. I think that is great. I want to make sure that when we do give money that could be used elsewhere that we go back and see how successful these are because we don't want to get into a situation where we give money and then when the money runs out, they go out of business and things like that. Also, and that these are new businesses and not one's that have already been established for five or ten years that are looking to get grant money, you know, for certain things and that we do use this in an appropriate manner to do that. Mayor Perrin said, I will be glad to get for you and all of the council, the applications they had to fill out. I think that be good because that tells you. It asks how long have you been in business, what experience do you have in that business. We also tied that into

where we wanted a report back on this stuff on a monthly basis. I would be glad to get Tiffany to give us an update on this in three months. I would be happy to. We want them to be successful.

A motion was made by Councilperson John Street, seconded by Councilperson Ann Williams, 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: R-EN-011-2019

RESOLUTIONS TO BE INTRODUCED

[RES-18:199](#)

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO FILE A JUDICIAL FORECLOSURE AGAINST WENDELL PARRISH FOR PROPERTY LOCATED AT 501 MARSHALL STREET, JONESBORO, ARKANSAS.

Attachments: [Lien Paperwork for 501 Marshall](#)

Councilmember Joe Hafner said, I noticed that there wasn't a sponsor or a committee on this one. Is it because it is a judicial lien? Mayor Harold Perrin said, this comes from the Land Bank, but you are right. It didn't come out of the committee. It came straight from administration and Carol Duncan, our city attorney.

Land Bank Director Jonathan Smith said, as to why there is not a sponsor, we tried originally to get Legistar to work with the Land Bank as a department. Long story short, we are not able to utilize the Legistar software to the same capacity that other departments are. There is not a Land Bank option so that is the reason why it doesn't have a sponsor. Councilmember Hafner asked, is that something that can be added because it is kind of confusing when I look on here and ask where did it come from. I think with the last one with the Land Bank, we were trying to buy the property. Mr. Smith said, I think, in the past, they have been under the Mayor's office. I can check on that. We can work with the City Clerk's office or wherever to try to add something. City Clerk Donna Jackson said, it is not that Legistar can't do it. It is because it doesn't go to a committee. Mayor Perrin said, they have their commissioners just like the Airport Commission. Basically, this is foreclosing on this property at 501 Marshall, correct me if I am wrong.

Mr. Smith said, this is going to be the Land Bank's first lien foreclosure. Assistant City Attorney Jessica Thomason can correct me if I am wrong, but I believe this is the city's first lien foreclosure. Just a little background, this property was condemned by Code Enforcement in 2017 I believe. There was a duplex on the property. Long story short, the owner did not bring the structure up to code so Code Enforcement was forced to go and demo the house and clean the lot up. Afterwards, a lien was placed against the property. To date, it has not been paid. And, you can tell that the taxes have been delinquent since 2015. This is the first time for us to do this, but a success would be a judge allowing this property to be placed up for auction. And, hopefully, there will be a private citizen who will take an interest in the lot and will obviously bid at the auction. If that happens, we will just get the money back for our lien, the \$3,000 back for our lien. In the event that there is not a bidder at the auction, then by default, I think that the property will go into the Land Bank inventory which is why this came through the Land Bank.

Councilmember Chris Moore asked, is that a buildable lot over there? Mr. Smith said, as I said before, it had a duplex on there. There were just code violations with the structure and it was never brought up to code. Councilmember Moore said, well, I would expect them, if \$3,800 is going to be the asking price and it is a buildable lot, I would assume that we are going to exceed that. I mean, that is going to be quite a success on the Land Bank because we are going to recoup our money. What happens to the funds? Mr. Smith said, the money goes back into the general fund. It won't go directly back into my budget. It will go back to the general fund. Hopefully, if this works, according to the way that we think it is going to work, this will be a way that the city can on our larger liens, we don't want to do this on a \$160 grass lien, but on a several thousand dollar liens that we have, this will be a way for us to try to recoup that revenue. Councilmember Moore said, I think with adequate advertisement that will easily exceed our cost. Mr. Smith said, and like I said, in a worst case scenario, it comes back to us in our inventory. We will correct any title issues and put it up for sale through the Land Bank. Councilmember Moore asked, how many of those do you have coming down the line? Mr. Smith said, right now, because we only have two city attorneys, I am trying to be nice to them and we are going to take it one at a time. As of right now, the software that we use to track our outstanding balances is at around \$140,000, give or take. So, this would eliminate \$3,000 if that puts it into perspective.

Assistant City Attorney Jessica Thomason said, our office asked that we start with one because this is a new process for everybody involved. It will be a new process for our judges as well. Let us get through the first one and then we will go forward from there. Mr. Smith said, there is a very specific process according to state statute that you have to follow with these liens both filing them and going through the foreclosure process. With only two attorneys and myself, it could be a little overwhelming with the paperwork and the learning process. So, right now, we are taking it one at a time. Hopefully, if this goes well, we will try to address a few more.

Councilmember Moore asked, do you anticipate that most of them will be judicial foreclosures for the cleanup cost of the demolition of the structure? Mr. Smith said, that is usually what we see. Just because it costs on average anywhere from \$55 to \$160 to mow it, that is a lot of mowings in a year or two to build up to a significant number. Right. We would have to mow it ten to twenty times to get to a significant amount of money. I don't want to go before a judge and Jessica correct me if I am wrong, but I don't want to go before a judge and ask to foreclose on somebody's property for \$160 grass mowing lien. So, I think the better case is to wait for demolition liens, the larger liens that will be a significant amount of money. So, to answer your question, I assume starting off especially. Councilmember Moore said, the reason I ask that is because the average cost of cleanup is \$3,000-\$4,000. I can't imagine a buildable lot that is already zoned for a duplex selling for less \$7,000-\$8,000 at minimum. It might be that we solicit and contract out legal services because if we are going to be collecting \$7,000-\$8,000 on a \$3,800 bill we can afford to roll with this and not tie up the city attorney. Ms. Thomason said, we discussed that about using professional services money to do something like that. That is something that Carol, I, and the Land Bank have all had a discussion about it. That may be where we end up. Councilmember Moore said, it looks like we have a lot of room in that because that lot will bring much more than \$3,800.

Mr. Smith said, again, I am not sure how it is going to work. We will found out with this process. I don't think we are going to get additional money. I think we are only going to get the money for our lien. If it sells above and beyond, I would anticipate the additional revenue either going back to the owner or some other entity. If we foreclose

on this \$3,000 lien, we are only going to get \$3,000. We wouldn't get \$8,000. Councilmember Moore said, that brings me to the second part of my question. By using a professional services contract to attach the legal fees to that, our actual costs are going to be more than \$3,800. And, so, then we would be able to recoup and we are not tying up city personnel and not be compensated for them. Ms. Thomason said, we can recoup our actual costs. We have actually sat down and talked about how to put that in numbers right now. As of now, Carol and I are on salary. We can't count our time that we spend on it, but we can recoup our filing costs and things like that. So, there are costs that we can get back. And, when we go the professional services route, that is also something that we can look at.

Mr. Smith said, if you look on the deal, there is a list of itemized charges. There is an admin fee or something to that effect that will encompass some of the staff costs. I don't think it does salaried employees. But, we kind of just grouped it all together. Councilmember Moore said, I think the Mayor knows which direction I am going. We are not going to be able to recoup the city attorney's fees if we just go for the \$3,800, but if we go out on a professional services contract and hire an outside entity to administer that judicial foreclosure. Mayor Perrin said, we have and we have also talked about that and we are looking at Little Rock and visiting with them on that too. That's why I said in the very beginning on this Land Bank, we want to go slow, be cautious and careful and make sure that we do it properly. I think everybody decided to let the city attorney's office do the first one. Then, let's take a look at it and we may go on into professional services. Am I correct on that? Ms. Thomason said, yes. Mayor Perrin said, you are absolutely right on what you are saying. Time is money. We found out that we can recoup our costs on legal services. Councilmember Moore said, thank you.

A motion was made by Councilperson Chris Gibson, 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: R-EN-012-2019

[RES-19:010](#)

A RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF THE NORTH SEVEN AND ONE HALF FEET (7.5') OF THE SOUTH FIFTEEN FEET (15') WIDE DRAINAGE EASEMENT ALONG THE SOUTH PROPERTY LINE OF LOT 17 BLOCK "A" OF TWIN OAKS SUBDIVISION AS REQUESTED BY CARLOS WOOD ON BEHALF OF CHRIS FUTRELL

Attachments: [notarized petition.pdf](#)
[TWIN OAKS FUTRELL RECORD PLAT-AbandonPlat.pdf](#)
[PandE Letter.pdf](#)
[adjacent owner concurrence letter.pdf](#)
[ATT.pdf](#)
[Center Point Entergy Drainage Release Form.pdf](#)
[CWL Response-DRAINAGE ESMT - TWIN OAKS.pdf](#)
[Ritter Response.pdf](#)
[Suddenlink Easement Abandonment Response.pdf](#)

Councilmember Joe Hafner asked, is this a different phase than the one that the lawsuit is about? Isn't there a lawsuit from Chris Futrell on the city regarding Twin

Oaks subdivision. Mayor Harold Perrin said, I don't think there is a lawsuit. I think a comment was made at the MAPC about a lawsuit. Councilmember Hafner said, I thought litigation was filed. Planning Director Derrel Smith said, no, there is no litigation on this. We are still working on trying to relocate the street with the developer and engineer. So, that is still on-going. So, there has been nothing filed.

Councilmember Hafner asked, so, this wasn't the one, like another phase of this same subdivision? Mr. Smith said, this is the subdivision, but it doesn't have anything to do with the right-of-way. It is just relocating an easement and we are actually just moving it to the south is what is going on. It is still going to be a fifteen foot wide easement. It is just off setting a little bit. Mayor Perrin said, I think his first request in MAPC was that they were trying to ask for a smaller, much narrower road in the subdivision. Mr. Smith said, we had a collector street shown on the Master Street Plan. They had originally dedicated a right-of-way for a collector street. Once they were getting ready to final plat it to build it, they didn't want the collector going through the property. They offered property to the south, but it wasn't the same length and so that wasn't approved through the MAPC. That has never been litigated. It has never been filed. We are still working, like I said, with the developer and the engineer trying to make that connection work to the south, but we haven't got it done yet. Councilmember Hafner said, I thought there was litigation, but there was a threat of litigation which is why we didn't hear the appeal last year. Mr. Smith said, there was talk of litigation, but it never happened. Councilmember Hafner said, ok. I just wanted to make sure.

Councilmember Gene Vance asked, did we ever set a date and time for that. Mayor Perrin said, yes. She read it. It is February 19, 2019 at 5:20 p.m. She read it within the resolution.

A motion was made by Councilperson Chris Gibson, 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: R-EN-013-2019

ORDINANCES ON FIRST READING

[ORD-19:003](#)

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 1639 WHICH ESTABLISHED THE AUDITORIUM COMMISSION AND PROVIDED FOR THE RESPONSIBILITIES AND DUTIES OF COMMISSIONERS

Attachments: [MOU Auditorium Commission](#)

Councilmember Chris Gibson motioned, seconded by Councilmember Chris Moore, to suspend the rules and offer ORD-19:003 by title only. All voted aye.

Mayor Harold Perrin asked, would you all like to hold this at one reading? Basically, what this is doing is cleaning up an old ordinance on the Auditorium Commission. Plus, it is taking it from seven members to nine members with a five-year term. And, that is because of the renovations and stuff that we are doing there, we wanted to make sure. So, in your packet, what you have is a memorandum of understanding between the Foundation of Arts (FOA) and the Auditorium Commission. The Auditorium Commission reports back to the city. That is what you have got. I would prefer to hold that at one reading if that is ok.

Held at one reading

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

[ORD-18:087](#)

AN ORDINANCE TO TO AMEND CHAPTER 50-31 TO REFLECT THE NAME CHANGE AT THE DOG PARK AND CHAPTER 50-33 TO REQUIRE ALL ADULT DOGS TO BE SPAYED OR NEUTERED BEFORE ENTERING THE PARK

Attachments: [ORD 18 070.pdf](#)

Councilmember David McClain asked, are we going to require them to provide some type of certificate? How are we going to make sure that the dog is spade or neutered? Councilmember Gene Vance said, we would leave that up to the necessary official to check.

Held at second reading

ORDINANCES ON THIRD READING

[ORD-18:060](#)

AN ORDINANCE TO PROVIDE FOR TRANSPARENCY AND ACCOUNTABILITY IN THE SELECTION OF PROFESSIONAL ARCHITECTS, ENGINEERS, AND SURVEYORS AND AWARDING OF CONTRACTS FOR CITY OF JONESBORO PROJECTS AND FOR OTHER PURPOSES.

Attachments: [Daniels_email_01042019.pdf](#)
[Daniels_Comments.pdf](#)
[Professional services AML opinion](#)
[Resolution_City Attorney Introduced_02052019.pdf](#)
[Municipal League Opinion Introduced 02052019.pdf](#)
[ORD-18-060_Redacted.pdf](#)

Councilmember Bobby Long asked, is this the ordinance that is reflective of this resolution? Is that correct? Assistant City Attorney Jessica Thomason said, I was asked by a couple of different councilmembers to come up with a resolution that reflected some of the things the council wanted differently from the ordinance. That was something I did today and finished. It is actually a resolution that was introduced in 2008 that for whatever reason did not pass. It has some tweaks to it. So, it is not technically on the floor tonight, but it was something that I was asked to prepare and I did that.

Councilmember Long said, so in essence, what you are saying is that this resolution that was handed out is not on the floor tonight, but would replace the ordinance and actually provide other things that the council wanted that we could actually do by ordinance or actually do by resolution and not the ordinance? Ms. Thomason said, if that is the desire of the council. Councilmember Chris Gibson asked, what resolution are we referring to? Ms. Thomason said, there is a resolution. I don't know if it has been handed out. I made copies for everyone. Councilmember Gene Vance said, we don't have a copy. Councilmember Charles Frierson said, we are discussing something that has not been handed out. City Clerk Donna Jackson said, it was just provided tonight. Mayor Harold Perrin said, the question was asked for a resolution and it was a

handout that they laid on the table.

Mayor Perrin said, let's go back on this ordinance because again, this is for third reading. This is the one on transparency and accountability. I missed the last council meeting because I was at the Arkansas Municipal League Winter Conference. This is the way of how do you select architects, engineers, surveyors, etc. The council asked for a legal opinion, I think, from the Arkansas Municipal League from that. The full ordinance that we have been working on was sent to the Arkansas Municipal League which now represents us on our legal counsel. In that, at the conference, they had discussed with us, the deal of maybe not adopting this because of possibly the liability of getting to vote on this, the councilmember would be in on that committee and then come back up here on the council and vote on it again. I am just telling you what they said. The question was asked, is it legal or is it not legal. The answer on that and we have got it on stationary here and I am going to let Jessica go over this with the letter from John Wilkerson who is the league attorney for the Arkansas Municipal League.

Ms. Thomason said, I think everybody has a copy. I don't know if everybody has had a chance to read it. I think it got passed out at the beginning of the meetings. Essentially, what Carol read, the email that we got a couple of weeks ago, it essentially says some of the same things. This has it flushed out a little bit more. It also goes into a couple of other issues. As he reviewed the whole ordinance, he said that there are a couple of other things that I am uncomfortable with. At the end of the day, the Municipal League represents us. They are our coverage. So, their opinion is that the way our ordinance is written now, the council would be opening itself up to personal liability. By making administrative decisions, such as what is in this ordinance, you would lose your legislative immunity. So, it is how the city council has immunity. As long as you are acting as a legislative body, you are protected. The minute you step out of that, there is personal liability, the same as if you made an administrative decision to hire or fire. The other things it gets into are essentially how the Mayor has the ability and shall negotiate contracts and how the ordinance as written right now would take away powers that are actually reserved for the Mayor. He actually says, "I fear the council will muddle the separation of powers. For that reason, I do not believe the city council involving itself in this process is wise." Our coverage is saying this is not what we want to do. This is not good for the council. We have options, but this isn't the way they want us to go.

Councilmember David McClain said, I appreciate you reading the letter from the Municipal League. One thing I feel like this would create would be some conflicts, maybe some conflicts of interest to have this type of ordinance in place. I know that we have discussed it recently, looking at conflicts of interest and what constitutes that. I think we need to make sure we are above board when we are dealing with contracts and we are dealing with any type of legislation. I want to make sure that we get it right. I will vote against this ordinance as it stands just because of that. Because I feel that it does create that sense of maybe something doesn't look right. I don't want us to be liable for that. I know we discussed getting an answer from Mark Hayes at the Municipal League. Mayor Perrin said, Mark Hayes is now the Executive Director and John Wilkerson took his place as Chief Legal Counsel for the Municipal League. Councilmember McClain asked, so, we are clear, Municipal League says we should not do this? Ms. Thomason said, correct. Mayor Perrin said, correct. That was sent to us today. Ms. Thomason said, three attorneys from the Municipal League reviewed it. Councilmember McClain asked, so they discouraged us from it? Mayor Perrin said, that is right.

Councilmember John Street said, I did visit with Mark Hayes shortly. I also visited with

Mr. Wilkerson. He did connect me with another one of their attorneys who seemed to grasp that because he and Mr. Wilkerson didn't see this the same at all. He did, in fact, say that we do have the right to do this. It was not legislatively out of bounds so to say. Even in this, he says, "Please do not misunderstand, I am not saying that you can't do it or that any lawsuit would be successful." Mark said he didn't know of any that had occurred. He also didn't think anybody who would take that route would be successful and neither did Mr. Wilkerson. In fact, if you look, and I have studied and studied this thing, under the procurement laws and rules of Arkansas, it almost outlines verbatim what we have got here. The Guidebook for Municipal Officials and Hot Springs Procurement for Professional Services is right down the lines of what this ordinance has proposed. I did agree with him that in Section 7, it says here that the Department of Engineering shall provide the necessary information required for response on call. That is probably wrong. It should be the Mayor's designee. He was also under the impression that we were going to negotiate the contract and sign it. That is not so. All we would do is rank them. We would have no negotiation with them at all, that would be the Mayor's job to negotiate the contract. I mean, all of that was perfectly legal. Again, we have messed with that since October. There are a few minor things that could change here, but I think it will stand legal muster. I move that we call a vote. We have messed with this for a long time. City Clerk Donna Jackson said, we have a motion and a second. Mayor Perrin said, we have a motion and a second, but I am just asking for any other questions.

Councilmember Joe Hafner said, obviously, in my opinion, the way that we are doing it right now, I think can be vastly improved. When I came in here tonight, I had a few questions and I was probably ready to make a vote, but then we get handed two sheets of paper. One is dated February 5th (today) and the other one that was typed up today. I don't know if I am ready to vote on this, but one of the things I have a question about is the ordinance that is on the floor right now. Is it going to be a mess when it comes to the ranking and who makes the motion to rank them in certain order and stuff like that? The way that I am understanding the procedure is that the committee is going to rank them during the meeting and then someone is going to have to make a motion to rank them 1,2,3, and if I have them 2,3,1 and someone else has them 1,2,3 and then we are going to get into a conversation over how to make the motion and no, I don't think that one needs to be 1, I think this one needs to be 2. Councilmember Street said, it is by scores. Councilmember Hafner said, I know. Councilmember Street said, you would have ten points on some and twenty-five on others and at the conclusion of your ranking, there isn't any discussion. It is the total of the scores. And, that would determine 1, 2, and 3. Councilmember Hafner said, ok. Just getting handed two sheets of paper when we get here at 5:20 p.m., I feel that kind of muddies the water right now when it is time to vote. That's like walking in and me saying hey, let's vote, but here is some more information.

Mayor Perrin said, let me explain. The letter, again today, I had asked Jessica to call to get that on letterhead on their opinion so that you would have that because I was not at the last council meeting. The second thing is that what you have got in front of you is a resolution. What Jessica just got through saying is that there are options other than what is in front of you. Now, it is the desire of the council of what you want to do, whether you want to adopt this ordinance or not. But, let me make it clear that the Arkansas Municipal League is the one who represents us. I am not an attorney. I would have to yield to my attorney before I did that. If Carol Duncan tells me that I can't do that, then I don't do it as Mayor. Any discussion or contract that I have to do goes through the city attorney's office. Ms. Thomason said, just to be clear, if the Mayor does go against what Carol says and gets sued, he has personal liability in it as well. That is in state law. That is where the Municipal League is coming from. When you go

against your advice of counsel, you run the risk of opening yourself up to liability that you are not otherwise. And, then the next question comes if our insurance coverage has told us don't do this and we do it anyway, are we going to have coverage? They haven't come out and said no, but they posed the question to Carol and me. That is a decision that they will make on anything that comes to them. But, that would be an option for them, if they told us no and we do it anyway.

Councilmember McClain said, I wanted to touch a little bit on the conflicts of interest. If I rank 1,2,3 on someone I know or have done business with, how do we know there is not a relationship that should be brought to light. I think that we need to be careful with that. Councilmember Street said, if you have done business with them, you would recuse yourself like anything else if you felt it was a conflict. But, they did not say, and again, not to be argumentative, but they have told me verbally and then right here it says it appears to be allowable under the law. They don't necessarily recommend it, but it is allowable. It is legal. Mark Hayes and this gentleman here John Wilkerson, both said they doubted very seriously if anything would ever become of it. And, if somebody did sue, they both said, yeah, you would win. It would just put us through the course of action to have to go through it. Councilmember Chris Gibson said, that to me is a dice roll with personal liability though. Councilmember Long said, yeah, I agree. Councilmember Gibson said, if we go the route of this resolution, does this alleviate that personal liability from this council? Ms. Thomason said, yes. A couple of councilmembers contacted our office about the process. We want to see the process, even if we aren't the process. What the resolution would be is the people in the room would then bring the scorecards, how they ranked, who all bid, how they ranked them all, and how they came up with their top person. There still is that transparency which is the desire of the council because that would be in an open public meeting. Everything is FOI able right now, but that would put it even more at the forefront and you are not making the decision at that point. You are just reviewing the decisions that have been made. So, yes, you would still be within your legislative immunity. Councilmember Long said, and from my understanding, there would be more in the resolution than there would be in the ordinance that actually does what the resolution says it is going to do which is account for transparency. And, also, I am in agreement with Councilmember Gibson that I don't want to dice roll on our personal liability. That's not for someone to say yes, I doubt that you would lose. There is always that one thing and if there is anyway that we can do this where that would alleviate that in addition to increase the transparency, that is what the ordinance is meant to do and I think that there is a better way to do it other than this ordinance.

Councilmember Mitch Johnson said, as a point of order, we are here to discuss this ordinance and there is a motion on the floor. We are not here to discuss a resolution that has been thrown onto us at the last moment. We need to either vote the ordinance up or down and then worry about this at the next meeting. Councilmember Long asked, can we ask for a roll call on this? Mayor Perrin asked, are there any other questions or comments on the ordinance as it stands? Councilmember Hafner said, if this ordinance is voted down, can we have time to look at the resolution? Mayor Perrin said you can submit something else, but not tonight. Councilmember Hafner said, through the proper committee. Mayor Perrin said, that is correct. Councilmember Hafner said, honestly, I wish we could postpone this until the next council meeting to be looked at. Mayor Perrin said, I think we have had this on the agenda for a long time since October. I have a lot of jobs that I need to get engineers, surveyors, all the things that are stacking up on this deal. So, I am going to summarize very quickly. You have heard from the AML which is not only your legal counsel, but is also your insurance carrier. Again, I apologize maybe for the confusion on this thing, but I did ask our attorney to contact them today to get that on letterhead because someone had

asked us, one of you all had asked us, have we got a legal opinion and is it on paper? That is the reason I called the Arkansas Municipal League today to get it from Mr. Wilkerson. In addition to that, he also found some other things in there. How many times can you review something and keep finding things within an ordinance? I guess that is what I am saying. With that said, I think we need to have a roll call on this and if we could do that please.

Councilmember LJ Bryant asked, as a question on a point of order, does a motion to postpone supersede a motion to vote? Councilmember Chris Moore said yes. Councilmember Bryant said, ok. I think Councilmember Hafner is on track. I would make a motion to postpone until the next council meeting. Councilmember Hafner said, I will second the motion. Mayor Perrin said, I have a motion and a second to postpone ORD-18:060 until the next council meeting. The following councilmembers voted no: Johnson, Long, McClain, Frierson, Coleman, Moore, and Gibson. The following councilmembers voted yes: Street, Bryant, Hafner, Vance, and Williams. The vote was 7 nays to 5 aye. The motion to postponed failed.

Councilmember Street asked, so we vote on the ordinance right? Councilmember Long asked, do we vote on the ordinance now? Mayor Perrin said, that is correct. We vote on the ordinance now as it is. That is correct. I would like to have a roll call on that if I could please. The following councilmembers voted no: Long, McClain, Frierson, Williams, and Gibson. The following councilmembers voted yes: Street, Johnson, Bryant, Hafner, Vance, Coleman, and Moore. The vote was 5 nays to 7 aye. The motion to adopt passed. Mayor Perrin said the ordinance passes. This administration will follow through on that and I will ask for additional legal on this deal as the Mayor on this ordinance. I will bring it out and bring it to you all at the next council meeting.

A motion was made by Councilperson John Street, seconded by Councilperson Gene Vance, that this matter be Passed . The motion PASSED with the following vote. ON FRIDAY, FEBRUARY 8, 2019, MAYOR HAROLD PERRIN TOOK ACTION TO VETO ORD-18:060 or O-EN-008-2019 BY RETURNING IT UNSIGNED.

Aye: 7 - Chris Moore;John Street;Mitch Johnson;Gene Vance;Charles Coleman;Joe Hafner and LJ Bryant

Nay: 5 - Ann Williams;Charles Frierson;Chris Gibson;Bobby Long and David McClain

Enactment No: O-EN-008-2019

ITEMS THAT HAVE BEEN HELD IN COUNCIL

[ORD-18:081](#)

AN ORDINANCE TO AMEND CHAPTER 42 OF THE JONESBORO CODE OF ORDINANCES TO ADD ARTICLE VI SHORT-TERM RESIDENTIAL RENTALS AND AMEND CHAPTER 117-138 AND 117-139 OF THE ZONING USE TABLES

Attachments: [Jonesboro Fire Department STR.pdf](#)
[Short Term Rental Permit Application.pdf](#)
[STRP Affidavit.pdf](#)
[STRP Instructions.pdf](#)
[STRP Notification Template.pdf](#)

Councilmember Chris Moore motioned, seconded by Councilmember John Street, to amend the ordinance to remove the requirement to have someone live in the houses on R-1. Mayor Harold Perrin said, we have a motion and a second to amend the ordinance

18:081 to take out, that you do not have to reside in the facility. All voted aye, except Councilmember Gene Vance who voted no.

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

Aye: 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant

Nay: 1 - Gene Vance

Enactment No: O-EN-009-2019

8. MAYOR'S REPORTS

Mayor Harold Perrin reported on the following items:

I will be brief.

First, you all have seen the Airport Commission financial statements through December 31, 2018.

The sales tax in January, we received those. Again, they were up 5.47%. So, at least we are starting the year with an increase on the sales tax.

The other thing is that myself and some others are working very hard and are working with some developers on trying to create a downtown boutique hotel. We have taken trips out of town on that. I will try to keep you updated as we get closer to that on the confidentiality agreement.

Also, the Arkansas Municipal League session on the bills if you will, all you have got to do is logon to the Arkansas Municipal League. All the bills that are being done in the Legislature, you need to look at those bills very carefully and make sure because the AML has several bills out there that they want to pass this year in the session. If you will, just look at those. It is free. All you have to do is logon. There is one that has been filed by one of our state representatives that got back to me because I am First Vice-President of the Municipal League and that is that we can buy things up to \$50,000. Right now, there is a threshold of \$20,000 in the state and it would go to \$50,000. If that even passed, let me make it very clear publically, I would want this council to hold it to \$20,000. So, we will stop that rumor real quick. I had nothing to do with that bill. It is a bill of the Arkansas Municipal League because there are a lot of cities that are much larger that have a lot of problems getting things purchased through their system. I am just going to say that if it does pass and gets out of the House and out of the Senate and becomes a bill that I would want to keep the \$20,000 here and we not adopt the state, but that will be your decision, not mine.

This Thursday, February 7, 2019, at 5:00 p.m., ARDot is having a public hearing on the Commerce project. It will be at the Nettleton High School Presentation Room which is at 420 Chieftan Lane. I would encourage you all to go by if you have time. I think that is from 5-7 p.m. That is on the Commerce project which is the eastern arterial project.

Building permits last month had \$6.6 million in residential and \$4.9 million in commercial. So, we did a total of \$11.5 million in building permits which I thought was

a very good month.

On the Forum update, we met again with the Auditorium Commission and the Foundation of Arts. We will be doing several things in renovations to the Forum. I will be getting that to you. We are working on getting new fire resistant drapes in there. We are working with the Fire Chief and Fire Marshall on that. We are looking at a new sound system. We are looking at taking out the first five rows as you enter into the auditorium to add handicap rail accessibility. We are looking at new concession stands and one company here has agreed to put them in at their cost of \$35,000 for the bottom as well as the top. We are looking at all new soundboards and all new lighting. The plan is to bring the front of the Forum out so they can serve concessions in there when they have things on the plaza at the Rotary Park. I'll keep you updated on that as we get the bids in and get the work in process.

That is all I have. I wanted to keep it short tonight because I knew it was going to be a lengthy night.

[COM-19:004](#)

Airport Commission Financial Statements ending December 31, 2018

Attachments: [JAC Jonesboro Airport Financials 12. 18.pdf](#)

Filed

9. CITY COUNCIL REPORTS

Councilmember Joe Hafner said, you had mentioned that the A&P Commission would be looking at a convention and visitor's bureau or somebody to serve that role. Just for comparison purposes, for 2017, Fayetteville, their revenue on A&P was over \$3 million and they awarded \$66,500 in grants. So, they used 98% of their revenue for overhead. Mayor Perrin said, that is right. Councilmember Hafner said, where our revenue was \$673,000 and we awarded \$667,000 in grants. We awarded 99% out to the public. That may or may not be good. We don't have the bureaucracy that a lot of other places have. That is not something we want to go towards. When you are getting a convention center and more hotels, you want to have more people working to put bodies in those places or the weekend or during the week. That would be an interesting meeting. Mayor Perrin said, good. Councilmember Hafner said, thank you.

Councilmember Bobby Long said, I have just a few things. On January 20, 2019, Jonesboro had it's first annual March for Life, the Northeast Arkansas March for Life. We had a great turnout although there was very little media coverage there, it was heavily discussed on social media. I know the Mayor was there and I want to thank you for that and having that proclamation there. We look forward to doing it next year. There was a great turnout. Options on Main, our pregnancy resource center, was the one that actually got that thing together. It was just a great time. Many of the local churches were involved with that along with some of us in the community as well. So, I want to thank you for doing that and being such a supporter of that. Also, I did meet with Planning Director Derrel Smith. It is my understanding that the city doesn't have any type of adopted master park plan. So, I talked to him about moving forward with a pocket park idea. Had we done that or implemented that in 2018, we would have seventeen additional parks which would mean more green space, more bigger trees, and a lot more walkability to the parks for local people. So, we are going to be working on that coming up. I believe, it is my goal that we can increase our network of walkable parks and also increase our green space and retention of old growth trees and do so in a way that is attractive to developers, desirable to property owners and

also do that as a limited cost to the city when we do private partnerships with those parks. So, I am looking forward to working with Derrel on that. Also, I wanted to get an update to where we are on the website and redesign, the get involved button on that for those interested for consideration and nomination for various committees that the city may come up with from time to time. One other thing that I would like is, I would like for you to provide the council with a list of services that the city provides at no additional cost which we pay for out of our taxes that other cities may have carved out and charged additional like sanitation. I know some cities charge a sanitation fee. We don't have one. Those like that so we can get a good idea of exactly of what our tax dollars are going for and in to relation to what other cities our size may carve out and charge as an additional fee. The other thing is what is the status of where we are on the impact fee study? I believe that is it. I believe that is enough. Mayor Perrin asked, do you want me to send that to you in an email? Councilmember Long said, yes. Mayor Perrin said, I am making my list out and just wanted to make sure. I will get that to you tomorrow. Councilmember Long asked, could you expand on where we are as far as the impact fees? Mayor Perrin said, yes, I will be glad to. On the impact fees, we sent out the request for proposal or qualifications. Derrel and his crew has gone through all of those. I have got those. I have looked at them and reviewed those. I had a few questions on some of them. What I can do is I can send all of you a list of every company and what their primary emphasis was within that impact fee study and also the estimated revenue that we think would happen on that if in fact we have an impact fee. I will be glad to do that. I know Councilmember Ann Williams is real concerned about that too. I will be glad to do that tomorrow.

10. PUBLIC COMMENTS

11. ADJOURNMENT

A motion was made by Councilperson Joe Hafner, seconded by Councilperson Mitch Johnson, 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