



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, August 15, 2017

5:30 PM

Municipal Center

SPECIAL CALLED PUBLIC WORKS COMMITTEE MEETING AT 4:45 P.M.

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

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

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2. PLEDGE OF ALLEGIANCE AND INVOCATION

[play video](#)

3. ROLL CALL BY CITY CLERK DONNA JACKSON

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Present 11 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Bobby Long; Joe Hafner; David McClain and LJ Bryant

Absent 1 - Charles Coleman

4. SPECIAL PRESENTATIONS

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Mayor Perrin said we are extremely honored here in Jonesboro to have three special guests with us today. First Lady Susan Hutchinson is the First Lady of the State of Arkansas and to his knowledge is probably the only one who has ever attended a Jonesboro City Council meeting. We are also honored to have Elizabeth Pulley. Elizabeth is the Executive Director of the non-profit Children's Advocacy Centers of Arkansas. And also, Misty Phillips who is the Assistant to the First Lady. Together, they came here from Little Rock and spent the entire day here in Jonesboro, speaking on behalf of the Northeast Arkansas Children's Advocacy Center and children in need in general. It is my pleasure City Council members and residents to welcome the First Lady Susan Hutchinson and Ms. Pulley to Jonesboro. I would like to allow the First Lady to say a few words about an issue that is dear to her heart as well as ours here in Jonesboro and that is our children.

First Lady Susan Hutchinson said thank you to Mayor Perrin. They have really enjoyed the hospitality of the City of Jonesboro today and it is great to be over here. There have been several visits over here to Jonesboro, but today has been heavy on my heart for the cause of children. Before Asa was elected as governor, four and a half years I spent on the local Children's Advocacy Board up in Benton County. It was there that I discovered there was a larger problem than most Arkansans are aware of and that is that one in four girls and one in six boys by the time they are eighteen years of age shall have suffered some form of sexual abuse.

Growing up I didn't encounter anything like that. My mom taught me about stranger danger. I was fully aware of don't get near cars and don't give directions to strangers and on and on and on. Through life, I realized that 90% of the time, these things that are done against children's bodies are done by people they know. They are done by professional people and non-professional people, by religious and non-religious people. Most often times, this person has access somehow regularly into the young person's life. Through the years, we have done a better job in protecting our pets and our animals from abuse than we have our children. Primarily because there is a huge disconnect between what the child has witnessed, what they have had done to their bodies and that being related to the authority figures. The State of Arkansas has great laws and great law enforcement, great investigators, great DHS agents, wonderful prosecutors and police officers and good people in the great State of Arkansas. But, what do you do when a child has a terrible disclosure to make. That is where the Children's Advocacy Centers came in.

More than 30 years ago, a good democrat prosecuting attorney in Huntsville, Alabama saw the disconnect. Even though he might from time to time have success in the courtroom in labeling the bad person as a really bad person and sending them off to prison, the child went through so much over the course of say three years telling their story over and over and over again and being on the witness stand and torn apart by defense attorneys that the truth wasn't getting out and he came up with what we call the Children's Advocacy Center model.

We are a 501-C3, a bunch of do-gooders, but we have been trained in how to talk to children, how to interview children, how to take the information, how to have trained personnel to do the necessary medical exam. They do not learn this in Nursing School. They do not learn this in medical school. They are having to be taught and trained outside of that. The Children's Hospital helps us with that. Your Nursing Department here at Arkansas State University is helping to train sexual assault nurse examiners. We use those people to make the necessary medical exams and testing for the children. Then, we follow up with the very necessary counseling that is specific to the children that have suffered trauma. When I say children, we handle children verbal up to age 18. If somehow their body is older and their mind is still child-like, we will offer our services to them as well.

Long-term counseling is necessary for them to deal with the trauma. That trauma is very unusual under normal counseling. And, so, our best out of UAMS does the training free of charge. The trauma focused cognitive behavior therapy is very, very important because the child has thought through the whole process and has come up with the wrong conclusions maybe blaming themselves, maybe scared to death to tell anybody, maybe thinking that the whole household will be disturbed, they will go out on the streets hungry, they may not be believed and be put in prison themselves, all kinds of crazy scenarios or their mom and dad might find out and go kill the perpetrator and their mom and dad would go to prison. It is all kinds of strange things

that kids think through. This is where we help. I like to call it where we rescue children, restore children, renew and redirect. It is very important. There are all kinds of long-term studies that have been done where these things are just shoved underneath the blankets, in the dark, and in the closet, and it is not addressed and the child suffers. You can have all sorts of terrible outcomes that will cost us a whole lot more money as a state in the long term whether its medical treatments, incarceration, dysfunctional, not getting totally educated, not being able to hold down a job, not being tax payers but tax absorbers, on and on and we can go to shortening their life by 20 years. There are all kinds of studies out there.

We have the Children's Advocacy Center and I am very happy to tell you that we do have one here and it is been here for about nine years and you may not have heard of it. The Northeast Arkansas Children's Advocacy Center has already served over 1,600 children in the time that it has existed here. That is 1,600 lives they have rescued and redirected. You have wonderful prosecutors here. You have wonderful investigators here and DHS agents. We need your help. We need the community's help. Not only for you to report suspected child abuse, but for you to bring the children to us and let us talk to them. We can get to the truth for them in a very non-threatening way and help them just unleash that. I like to compare that to how salvation works. The Lord tells us to come to him and confess our sins. Now the children don't have the sin, but they are confessing other people's sins and that is the beginning of healing as it is in the beginning of salvation. Once that is out and in the light, they are free of that burden. And, we can follow up and help them stay on that path of recovery and renewal and redirection. We need your help.

In the course of everything, we stay in touch with the agencies DHS, Crimes Against Children, the Prosecutor's office, investigators, anybody in the government who is connected to that case to make sure that justice is done and that the child is taken care of. We also advocate on the part of the child that they need other services whether it is with other charities. They need shelter. They need clothing. Sometimes their clothes have to be turned in as part of evidence or they are not clothed that well to begin with. They need food. They need snacks. They need shelter. We make those connections. We stay in conversation with the state agencies routinely making sure the child is not dropped through the cracks that they get all of the services that they need, that they are helped, and they are safe. I appreciate any help and consideration that you might have and ways that maybe you as an individual, you as a church group, a foundation in any way. Everything we do, we give away. We do not charge. We do not take insurance. We do not take Medicaid. We survive on donations, grants, and so forth. The Department of Justice recognizes us. We are statewide with only 15 centers serving 75 counties and I am 60 short. We are nationwide. We are recognized by the Department of Justice of the United States government. We are international. Sadly, we are the only organization on God's green earth that does what we do. I appreciate your consideration. Thank you.

Mayor Perrin said thank you very much. These ladies have been here all day and have been working with the media. There was a great reception at the Center where we toured the facility. I am pleased to say that in our Community Development Block Grant Program that you all will be voting on tonight which we do every year that there are funds for this center in the City of Jonesboro. We really appreciate it. Thank you very much for coming. Director of Communications Bill Campbell noted that they have kindly left us flyers that are explainers about the Child Advocacy Centers.

5. CONSENT AGENDA

[play video](#)

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, to Approve the Consent Agenda. The motioned PASSED

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

Absent: 1 - Charles Coleman

MIN-17:089

Minutes for the City Council Meeting on August 1, 2017

[play video](#)

Attachments: [Minutes](#)

This item was approved on the Consent Agenda.

RES-17:091

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS FOR THE ADOPTION OF A REGULATED FEE SCHEDULE FOR THE PLANNING DEPARTMENT

[play video](#)

Sponsors: Planning

This item was approved on the Consent Agenda.

Enactment No: R-EN-098-2017

RES-17:092

RESOLUTION FOR THE ADOPTION OF A REGULATED FEE SCHEDULE FOR THE INSPECTIONS DEPARTMENT

[play video](#)

Sponsors: Inspections

This item was approved on the Consent Agenda.

Enactment No: R-EN-099-2017

RES-17:102

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT CONSTRUCTION EASEMENT FROM JONESBORO SCHOOL DISTRICT FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A SIDEWALK

[play video](#)

Sponsors: Engineering

Attachments: [Permanent Construction Easement - JPS](#)

This item was approved on the Consent Agenda.

Enactment No: R-EN-100-2017

[RES-17:109](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ISSUE A PURCHASE ORDER TO PICKERING TO PERFORM PROFESSIONAL ENGINEERING SERVICES

[play video](#)

Sponsors: Engineering

Attachments: [Proposal](#)

This item was approved on the Consent Agenda.

Enactment No: R-EN-101-2017

[RES-17:110](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ISSUE A PURCHASE ORDER TO PICKERING TO PERFORM PROFESSIONAL ENGINEERING SERVICES

[play video](#)

Sponsors: Engineering

Attachments: [Proposal](#)

This item was approved on the Consent Agenda.

Enactment No: R-EN-102-2017

[RES-17:111](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT CONSTRUCTION EASEMENT FROM RAYMOND W. HOLLADAY FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A SIDEWALK

[play video](#)

Sponsors: Engineering

Attachments: [Permanent Construction Easement](#)

This item was approved on the Consent Agenda.

Enactment No: R-EN-103-2017

[RES-17:112](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT CONSTRUCTION EASEMENT FROM RAYMOND W. HOLLADAY FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A SIDEWALK

[play video](#)

Sponsors: Engineering

Attachments: [Permanent Construction Easement - Holladay](#)

This item was approved on the Consent Agenda.

Enactment No: R-EN-104-2017

RES-17:113

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT CONSTRUCTION EASEMENT FROM NETTLETON PHILLIPS SPECIAL SCHOOL DISTRICT FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A SIDEWALK

[play video](#)

Sponsors: Engineering

Attachments: [Permanent Construction Easement - Nettleton](#)

This item was approved on the Consent Agenda.

Enactment No: R-EN-105-2017

RES-17:114

A RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AN AGREEMENT WITH RITTER COMMUNICATIONS TO PROVIDE CLOUD HOSTING SERVICES

[play video](#)

Sponsors: Information Systems

Attachments: [City of Jonesboro RHS MSA](#)
[COJ Proposal Quote with 90 day ramp 07182017](#)
[Ritter Communications Agreement Savings](#)
[Ritter Agreement - Final_08012017.pdf](#)
[Ritter Agreement - Final_08032017.docx](#)
[City of Jonesboro RHS MSA_07202017_new_08032017.pdf](#)

This item was approved on the Consent Agenda.

Enactment No: R-EN-106-2017

RES-17:119

A RESOLUTION FOR THE CITY OF JONESBORO, ARKANSAS TO ISSUE A PURCHASE ORDER TO CIVIL ENGINEERING ASSOCIATES, LLC TO PERFORM PROFESSIONAL ENGINEERING SERVICES

[play video](#)

Sponsors: Finance

Attachments: [Jonesboro Bike Pedestrian Plan Jonesboro062317](#)

This item was approved on the Consent Agenda.

Enactment No: R-EN-107-2017

RES-17:120

A RESOLUTION AUTHORIZING CITY OF JONESBORO TO SUBMIT FOR THE FY 2018 OUTDOOR RECREATION MATCHING GRANT

[play video](#)

Sponsors: Grants and Parks & Recreation

Attachments: [SF424 - Jonesboro Parks and Recreation Assurances - 424D](#)
[Certifications Regarding Debarment DI 2010](#)
[2016CivilRightsAssurance](#)
[2016EnvironmentalAssessment](#)
[2016FloodHazardCertification02](#)
[2016RecreationPriorities](#)
[2016ProjectBudget](#)
[2016ProjectFundSourceAssurance](#)
[CFP Pumptrack - Site Design](#)
[Site map for Pump Track](#)
[June 21, 2017 Meeting minutes 06222017 rev1](#)
[17 Project Narrative](#)
[Bike ramp designs](#)

This item was approved on the Consent Agenda.

Enactment No: R-EN-108-2017

6. NEW BUSINESS

[play video](#)

ORDINANCES ON FIRST READING

[play video](#)

ORD-17:059

AN ORDINANCE DECLARING AN EXCEPTIONAL SITUATION AND WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR OVERHEAD DOOR REPLACEMENT FOR THE PUBLIC WORKS BUILDING AT 2603 DAN AVENUE.

[play video](#)

Sponsors: Finance

Attachments: [Overhead Door estimates](#)
[Updated overhead door information](#)
[Email from Suzanne Allen](#)

Councilmember John Street motioned, seconded by Councilmember Chris Gibson, to suspend the rules and read by title only. All voted aye.

Councilmember Joe Hafner said he received a phone call expressing concern over the process related to this ordinance. Do we need to hold it at second reading? Mayor Perrin said we can. There is no need to go through all three readings on this because what we are doing with this is basically cleaning up for legislative audit.

Councilmember Hafner said there was a separate question beyond that I think we need to have a couple of weeks to look at it. Mayor Perrin said we won't do anything and hold it.

Held at one reading**[ORD-17:061](#)**

AN ORDINANCE TO AMEND THE JONESBORO CODE OF ORDINANCES SEC. 117-2 AND SEC. 117-107 TO DEFINE AND PROVIDE ZONING CLASSIFICATIONS FOR PHARMACIES, MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA CULTIVATION CENTERS

[play video](#)

Sponsors: Metropolitan Area Planning Commission and Planning

Attachments: [Map Locations](#)

Councilmember John Street motioned, seconded by Councilmember Chris Moore, to suspend the rules and read by title only. All voted aye.

Councilmember Chris Moore asked that this ordinance be read on three separate occasions since we are likely to have some public input on this. Mayor Perrin said he agreed. The Commission that was appointed by the Governor is still working on that. They don't even have that. In fact, they aren't even going to open up anything until probably the later part of September. We will just leave it there at the first reading and read the second reading.

Held at one reading**[ORD-17:067](#)**

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2017 GENERAL FUND BUDGET IN ORDER TO REPLACE THREE CONCESSION STAND ROOFS AND ONE RESTROOM FACILITY AT JOE MACK CAMPBELL PARK

[play video](#)

Sponsors: Finance and Parks & Recreation

Attachments: [Joe Mack Campbell Park Concessions & Restroom Bldgs-City of Jonesboro](#)

Councilmember John Street motioned, seconded by Councilmember Chris Gibson, to suspend the rules and read by title only. All voted aye.

Mayor Perrin said that we need to get this done.

Councilmember John Street motioned, seconded by Councilmember Chris Gibson, to suspend the rules and waive the second and third readings. All voted aye.

Councilmember John Street motioned, seconded by Councilmember Mitch Johnson, to adopt the emergency clause. All voted aye.

Councilmember Joe Hafner asked if we needed to state a reason for the emergency clause. Councilmember Chris Moore said for the record someone should state the reason for the emergency clause. Councilmember Hafner said he believes the reason why is that the roof is leaking and they want to get them fixed before there is more damage from the weather coming up. Mayor Perrin said he apologizes. He thinks it is in the ordinance. City Attorney Carol Duncan said it is in the ordinance. Mayor Perrin said the answer to the question is the timeframe.

A motion was made by Councilman John Street, seconded by Councilman Chris Gibson, that this matter be Passed . The motion PASSED with the

following vote.

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

Absent: 1 - Charles Coleman

Enactment No: O-EN-052-2017

ORD-17:068

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE INFORMATION TECHNOLOGY DEPARTMENT TO PURCHASE SOLE SOURCE FROM RITTER COMMUNICATIONS FOR CLOUD STORAGE, VEEAM BACKUP AND DISASTER RECOVERY SERVICES

[play video](#)

Sponsors: Finance and Information Systems

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

Mayor Perrin stated that this ordinance basically contains all of our support agreements and also contains the cost savings and agreement as well as we also have some of the other agreements coming up that once we go here, we won't have to do that. This ordinance along with a resolution you will be seeing later on is a total savings to the City of Jonesboro on an annualized basis of \$42,866.28. It is in two separate deals. One is on this which is strictly on the what I call the support maintenance agreements. The other part is on the storage and on the hardware.

Councilmember John Street motioned, seconded by Councilmember Chris Gibson, to suspend the rules and waive the second and third readings. All voted aye.

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

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

Absent: 1 - Charles Coleman

Enactment No: O-EN-053-2017

RESOLUTIONS TO BE INTRODUCED

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RES-17:105

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 4004 E. Highland, Owner: Kevin Kissee.

[play video](#)

Sponsors: Code Enforcement

Attachments: [1](#)
[2](#)
[3](#)
[4](#)
[inspection report](#)
[Kissee](#)
[Limited Title Search](#)
[RES-17-105.pdf](#)

City Clerk Donna Jackson and City Attorney Carol Duncan said that this resolution needs to be pulled. Mayor Perrin said this needs to be pulled.

Per an email, Code Enforcement Officer Michael Tyner stated that this condemnation had an incorrect address on the paperwork that was sent to Mr. Kissee. Mr. Kissee called and advised Mr. Tyner of the incorrect address on the paperwork that was sent to him. The Edge GIS mapping software gave a physical address of 4004 E. Highland Drive when the actual address is 4006 E. Highland Drive. Mr. Tyner said he was advised by City Attorney Carol Duncan to restart the condemnation process since the previous paperwork was inaccurate.

Councilmember Chris Moore motioned, seconded by Councilmember John Street, to postpone indefinitely. All voted aye.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Postponed Indefinitely . The motion PASSED with the following vote.

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

Absent: 1 - Charles Coleman

RES-17:115

A RESOLUTION FOR THE CITY OF JONESBORO TO APPROVE THE 2017-2021 CONSOLIDATED PLAN AND THE 2017 ACTION PLAN THAT INCLUDES THE 2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECTS AND BUDGET.

[play video](#)

Sponsors: CDBG Citizen Advisory Committee, Community Development and Grants

Attachments: [Jonesboro 2017-2021 Consolidated Plan and 2017 Action Plan](#)
[SF424 2 1-V2.1](#)
[SF424B-V1.1](#)
[SFLLL 1 2-V1.2](#)
[The jonesboro Sun HUD Five Year Plan and Action Plan](#)
[Approved AFH Plan](#)

Mayor Perrin said if you will look at that, I want to say thanks to the Advisory Board. They spent many hours on this and you see the spread of funds that went to all of these different types of agencies touching our community. I want to say thanks on that. Emma Agnew works with that Advisory Board and has done an outstanding job.

Councilmember Joe Hafner said he wanted to point out or caution Council members on any conflicts of interest and be aware of it.

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

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

Absent: 1 - Charles Coleman

Enactment No: R-EN-109-2017

7. UNFINISHED BUSINESS

[play video](#)

ORDINANCES ON SECOND READING

[play video](#)

ORD-17:035

AN ORDINANCE TO AMEND THE JONESBORO CODE OF ORDINANCES TO ESTABLISH A PERMIT PROCESS AND REGULATIONS FOR TEMPORARY STREET AND LANE CLOSURES IN THE CITY OF JONESBORO, ARKANSAS

[play video](#)

Sponsors: Engineering

Attachments: [Regulations](#)

Councilmember Chris Moore stated he thought they were going to read this on three separate readings. Mayor Perrin said we would just hold it there.

Held at second reading

ORDINANCES ON THIRD READING

[play video](#)

ORD-17:051

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 LUO FOR PROPERTY LOCATED AT 2814 WOOD STREET AS REQUESTED BY FIRST BAPTIST CHURCH

[play video](#)

Attachments: [Appeal Letter.pdf](#)
[COJ Rezoning Ordinance.doc](#)
[Rezoning Plat.pdf](#)
[Application.pdf](#)
[Staff Summary.pdf](#)
[Wood Street Opposition.pdf](#)
[Wood Opposition Presentation.pdf](#)
[CWL.pdf](#)

Jim Gramling, 2807 Nix Lake Drive, is the attorney for First Baptist Church. I have here with me Tim Stewart, our Minister of Education and Robin Nix, the Chairman of the Properties Committee. You have heard from me once now and the opposition twice. I am going to try to keep it brief. I don't intend to take a full 15 minutes. Just a brief reminder of the history, this was originally a C-3 application. We met with the neighbors before we even made the application. Because of concerns that were raised about noise and after-hours activity, we decided to apply for C-4 rather than C-3. C-4, as you all know, under the code is designed to serve adjacent residential neighborhoods. More importantly, C-4 requires any building to be residential in appearance so we are not talking about a concrete block with windows here. The requirements of C-4 include that it be residential in appearance. In addition to that, we not only decided to go with C-4 rather than C-3, we added a limited-use overlay. We took out ATM machines, car wash, convenience store, hospital, nursing home, restaurant. Again, the intention there was to take out anything that would be operating after-hours, creating any kind of nuisance for the surrounding landowners. We are trying to do whatever we could to address their concerns. What does that leave us with? Animal care, bank, bed and breakfast, church, college or school, daycare, government service, library, medical or general office, museum, parks and recreation, post office, safety services, or minor utilities. None of those things are the types of uses that would be after-hours operation and be destructive to the neighborhood.

The staff summary found that this met all of the criteria. It is in a high-intensity growth sector. I recognize that the Land Use Map doesn't have the force of ordinance. It is just a guide, but it is a guide. In this case, it reflects what the trend in this area is. All up and down Alexander and across the bypass and all up and down Parker Road has gone commercial all around there. A good bit of it is C-3, not C-4. With some of the concerns that have been addressed, uncertainty is one of the biggest concerns I have heard. We don't know what is going to go there. No, we don't. First Baptist Church is not a developer and we don't have a plan for that. I would argue that this application actually provides more certainty to them. If this gets approved, C-4, extremely limited-use overlay, we know the kinds of things that will go there and more importantly we know the kind of things that won't. It will have to be residential in appearance, no after-hours, that sort of thing. If it stays vacant, in all likelihood this property is going to go commercial. The topography and the location is just not suitable for residential development. Who knows what a future application is going to look like. I doubt that it would be as restrictive as our application is C-4 with extremely limited uses. If C-4 limited use is approved and somebody comes back and tries to change it to C-3, it is a high-intensity growth sector, I think at that point, it is a much tougher row to hoe. We have already had one bite at the apple, the property has been rezoned. I think it is a much tougher argument at that point to go from C-4 to C-3 particularly if there is objection and that is assuming something doesn't get built there in the interim. If this gets rezoned C-4, limited use overlay, and something like a Rabo AgriFinance gets built there then that's the end of it. You have a nice commercial business there that would be a good neighbor. The issue would be moot after that.

I also understand that there was a letter to the City Council and the Mayor. I was not copied on that and have been unsuccessful today in trying to get a copy of it. I understand it has to do with a prior request for access to that property from Alexander Drive that was either denied or not considered. I believe the response in the letter was that we don't deal in hypotheticals, there is no site plan. The same thing is true here. There is no site plan before you now. This is a land use question. Any sort of access request with the State Highway Department is going to be judged on a case-by-case basis and that will be for whomever wants to submit a site plan for that purpose to deal with. Same thing with, I understand there was a discussion with CWL and possible issue with sewer connection. Again, that is an issue for the developer at site plan time. I don't think that is a consideration at the rezoning stage.

We think that we have addressed as best we can the legitimate concerns of these neighbors. I understand they have concerns and I believe them to be heartfelt. What this boils down to is what is the highest and best use of this property? Given the location where it is, the topography of it, it slopes very drastically going east, it is not suitable for residential use. It will just sit there vacant. With a C-4 extremely limited use overlay that we have proposed, I think we strike a reasonable balance between their concerns which are legitimate and we have tried to address and the growth and development of the City. MAPC found that it met all of the factors and for all of these reasons, we ask that you approve this application.

Sherrell Rogers, 2815 Wood Street, asked if everyone that is here in opposition to this rezoning to stand. I have one sheet that I wanted to project onto the screen and I'm still not sure how to do that. I wanted you to be able to see it. Mayor Perrin asked if she was referring to technical problems. Ms. Rogers said she was referring to technical problems. They tried, but they left and I don't know where they went. Mayor Perrin asked Director of Communications, Bill Campbell, to check on that. She has a drive in there. Ms. Rogers said it is just one sheet, but she wanted to put it up on the screen so that you could see when I am referring to it. Mayor Perrin asked if Ms. Rogers if she had a hard copy. She said she did. City Clerk Donna Jackson said the screen hasn't been turned back on. Media Coordinator Christina Davenport said the screen was on until the power went out and it is not rebooting. Mayor Perrin stated if you have the one sheet, we can make copies of that for all of the Council members. Ms. Rogers said she can go ahead and start with her presentation.

Ms. Rogers said I do want to say that I have a new appreciation for all of you Councilmembers and what you do. I have talked with most of you, almost all of you. You have been so kind to listen to me and to listen to our concerns and I really do appreciate it. I want you to know that I think you have a really hard job and I appreciate you keeping an open mind as I present our position tonight. We think that we have some very valid reasons for keeping 2814 Wood Street the same zoning as it is, R-1 Residential. I am going to take a little bit of a different approach tonight as far as when I have talked to you before. I have given you all kinds of reasons why we are opposed to it. The approach I am going to take tonight is that I am going to integrate it with why I think this particular property should not be rezoned from the City's point-of-view in considering it's highest and best use. In addition, there are errors of fact in First Baptist Church's application for rezoning. There are unsupported statements on that application that have no basis in fact.

When First Baptist Church submitted their application for rezoning in May of this year, the City Planning staff issued a report to the Metropolitan Area Planning Commission. The Committee addressed the approval criteria for rezoning like they always do. They are going to look at what the City needs to approve this or not. That part of the report

was supposed to be on the screen, but it's not there. So, hopefully, you will get a copy in just a minute.

Ms. Rogers said she wants to address the criteria that we believe are relevant to this rezoning. The first one is the consistency of the proposal with the Comprehensive Plan and this is a big one. The reason for this is that on the first page of that Planning Committee's report states a wide range of land uses is appropriate in a high intensity zone from multifamily to fast food to Class A office space to outdoor display to highway oriented businesses like automotive dealerships because they will be located in an area where sewer is readily available and transportation facilities are equipped to handle the traffic. Well, I don't know if anyone on the Planning Committee ever checked to see if this property was connected to the sewer or not, but it is not. That statement is false on the Planning Committee's report and recommendation to the MAPC.

We went to see CWL and we asked them where is the sewer location located on this property and they came back and said it is not connected to the sewer. I asked if they were sure. They said yes, it is not connected to the sewer. So, I thought about it for a while and I went back to them and asked again. Is it readily available? I don't know how to define that. They said no. It is not readily available. So, we have submitted a letter from Karen Mangum, Engineering Services Supervisor for CWL to that effect. The letter states that sewer may be available, but the developer would have to meet topographical requirements, obtain easements, pay for construction charges plus adhering to existing CWL policies and regulations at the time of connection and paying designated fees and charges. This would be done at considerable expense to the developer. It would certainly decrease the value of this lot as commercial property and even selling it.

Back to the report by the City Planning Committee, the report also stated and Mr. Gramling mentioned this that the location is recommended as a high intensity growth sector. Yet, the Land Use Plan for the City of Jonesboro that was adopted in 2015, defines a high intensity growth sector as having multifamily, 8 to 14 dwelling units per acre with a height of ten stories. As my husband pointed out at a prior meeting, that designation does not fit that area of single family residences that has been there for years. It is also apparent that the adopted Land Use Plan does not intend for any rezoning request to be approved because that is how the property is shown on the Land Use Map. The City Land Use Map states that it only sets out the rough parameters for zoning of parcels that will be developed or redeveloped. In other words, the Land Use Map recognizes that there will be rezoning requests on properties that may look like on paper that they meet all the requirements for the recommended land use, but when you actually look at all of the facts, the property doesn't fit that Land Use designation at all. We strongly believe that this is the case for 2814 Wood Street.

The report by the Planning Committee also contains the statement that the Planning Committee made regarding transportation facilities being equipped to handle the traffic. That is also questionable. Mr. Gramling mentioned this about the Arkansas State Highway Department. We had a conversation. We talked to Mr. Rick Carmack, a permit officer with District 10 of the Arkansas State Highway Transportation Department about potential entrances and exits to this property off of Alexander Drive. He told us that this issue had already been discussed with a previous potential commercial developer. While Mr. Carmack said that the Arkansas State Highway Transportation Department could not give a written opinion on a hypothetical situation regarding access, he did relate the following from the previous discussions that they had had involving this previous application. He said that no permit for access from

Alexander Drive would be considered until a site plan was delivered to the ASHTD and that is what Mr. Gramling said. But, because of line of sight issues coming over the hill on Alexander Drive, any permits for access would probably be based on that access being as far east as possible on Alexander Drive. In other words, as close to the Church's property on the east as it could possibly be with the ordinances and that Alexander Drive would have to be widened to accommodate a center turn lane. We can only take that to mean that access to Alexander Drive in this area is not readily available. And again, any costs for building a center turn lane would be borne by the developer which would further decrease the value as commercial property.

Without the widening of Alexander Drive, any commercial access to the property would necessarily have to be from Wood Street. They won't issue a permit until they get a site plan. Then if according to the site plan, they can't get access from Alexander Drive, guess where they are going to go, Wood Street. Commercial access coming only from Wood Street would have the smallest amount of road frontage on the property. It would obviously bring with it conditions detrimental to our neighborhood and would make the intersection at Wood Street and Alexander Drive even more hazardous. Commercial development is just not the best use for this property. When the issues with access to Alexander Drive are combined with the information from CWL that sewer service is also not readily available, the ability to successfully develop this property commercially may not even be economically feasible.

Then, I looked at the compatibility with the zoning, uses and character of the surrounding area. The Planning Committee's reports states that there are other commercial locations in the area on Alexander Drive and that is true. This property faces Wood Street. It doesn't face Alexander Drive. Who knows whether they can even get access to Alexander Drive. There are no commercial properties on Wood Street. This is a residential neighborhood of single family homes. Some are starter homes for young families. Some are expensive upscale homes. Some people have lived there for years like my husband and I. We have been there 31 years. The rezoning of this property would adversely affect the character and nature of this neighborhood and would create consequences that we cannot even foresee now.

The next criteria is suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment. In other words, in this case, is this property suitable for residential property? Well, this is another big one. If you look at the Planning Committee's report, it states suitability is not an issue. This lot is zoned R-1 and there are several, really hundreds but they said several, residential houses in the area. This could be a residential lot. The Planning Committee itself did not state that the highest and best use for this property was as commercial property. There was a house on that lot for over fifty years. I have heard some of you say well this property is not desirable as residential property. Because we are not developers and because the Church through their attorney stated many times that they are not developers either, we decided to ask some opinions of some commercial and real estate developers in the City. The residential developer that we talked with gave us the many, many positive attributes that the property has for residential development. A lot of this size, 1.25 acres, beautiful old shade trees, located inside of the bypass, a lot like that is almost non-existent. Because we live across the street from it, my husband and I can certainly say without a doubt, that this property is in a very convenient location. We don't have to deal with a lot of the traffic issues that are being created in other areas of town including for the people who are here for the apartments on Gladiolus Drive. We don't have to deal with that where we are located. It is very convenient. We don't have to try to pass that bypass four or five times a day. We can pretty much get where we want to go very easily. To say that this property is not

desirable for residential use is simply a false statement or at best, an opinion that is not based in fact. He said that the topography was not suitable for residential. Well, there was a house on it for fifty years.

Another point I want to make is that we had an unsolicited inquiry from someone who was potentially interested in this property to build a house on. They came to our house unsolicited and they were looking at our house to buy and looked across the street and asked if that property was for sale. Who owns it? I don't know if they seriously pursued it or not, but apparently not. They were certainly interested in it. So, it's another reason to say it could absolutely be used and enjoyed as residential property.

The next criteria states the extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property. The finding by the City Planning staff regarding this criteria stated the applicant has stated that there would be no negative impact on nearby property. There is no indication that the Planning Committee actually considered impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property. They simply appear to have accepted the Church's statement at face value with nothing whatsoever to back it up. However, the commercial developer who looked at this property for us indicated that the commercial rezoning of this property will not contribute in any measureable way to the growth of economic development to the City of Jonesboro for the simple reason the businesses allowed under the requested rezoning are going to be further reduced simply by the location and the land size. The Commercial Developer also indicated that the Church property adjacent to this property serves as a buffer between the commercial development that is to the east of us on Southwest Drive and our residential neighborhood. His opinion was that this is spot zoning plain and simple. He stated that the City has stated publicly that they are against spot zoning. Unlike Southwest Drive and Woodsprings Road, Wood Street is a residential street. We don't have an overpass that goes over the bypass. The traffic coming off of Wood Street is neighborhood traffic. It's not a thru street. Additionally, this commercial developer indicated that some of the uses allowed under the proposed rezoning are troubling and would have a great impact on our property values.

The next criteria is the impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services. The finding by the City Planning Staff regarding this criteria states the applicant has stated that there would be no negative impact on nearby property. I am not even sure what that statement means. It sure doesn't answer the question that was asked in the criteria. Again, the Planning Committee appears to be accepting the Church's statement at face value with nothing to support it. Clearly, as I have already explained, commercial development of this property would impact streets, utilities, and potentially all emergency services in ways that we just can't foresee now.

This property wasn't purchased by First Baptist Church. It was a gift. They chose to demolish a very nice older home last year that could have been renovated. The Church said it was a liability and they were going to rezone the property. The Church's representatives have publicly stated that they are requesting the rezoning to maximize their profit from the gift. The Church is choosing to ignore the overwhelming opposition of the neighborhood residents. I am all for the Church profiting from the gift, just not at the expense of our neighborhood. We believe that we as neighborhood residents have

been put in a position of having to justify why this property should not be rezoned when it is fact inherent upon First Baptist Church to substantiate their position instead of only providing self-serving statements that are not supported when you look at the facts. First Baptist Church did meet with a group of resident neighbors last spring. Basically, they more or less were trying to be somewhat accommodating. I will give them that, but they were coming from the position that we are going to rezone this property. Now what would you accept? When someone asks you that question, it sounds like a foregone conclusion that acceptance of some kind of commercial venture is the only choice you have. I do not believe that is the only choice for this property and neither does the City Planning Committee. I believe that the highest and best use for this particular property for the City of Jonesboro and for our neighborhood is that it should remain R-1 Residential because of the beauty, the size, the convenience of location, and also because of the difficulties in development costs of commercial use. It also doesn't even fit the City's own definition of a high intensity growth sector.

When you consider the minimal if any economic impact of this property on the growth of Jonesboro as compared to how it can change the nature and character of our neighborhood, the choice should be clear. We are also tired of this fight. It has already been going on for several years. Some of us have spent countless hours in preparing the opposition to this rezoning request. I have walked the blocks closest to this property talking with my neighbors. I have met a lot of very nice people through this process. That was kind of an added plus of doing this. People who care about their homes and families. People who do not want the character of this neighborhood to be changed. We have presented a petition signed by 133 of our neighbors that represents 99% of the people that we spoke with. Many are here tonight. I spoke with some older neighbors who would have liked to have been here, but they couldn't come because of health or other reasons. But, I did have one older gentleman who said to me, "Go and speak for us." I hope you as Councilmembers will hear us. Thank you.

Mr. Jim Gramling said he thought he addressed the issues raised. City Planner Derrel Smith said that you all have a copy of the staff report that we presented to MAPC and we stand behind that.

Councilmember Charles Frierson said in order to get it to a vote, I will motion that it be adopted, but that doesn't mean I am going to vote for it. Councilmember Chris Moore seconded that motion to bring it to a vote. He also asked that the roll be called.

Councilmember Frierson said that there are times when I really don't want to be here, but here I am. I would like to think that I have considered carefully all of the information that has been presented. After all of that, no.

The motion failed with the following vote: Councilmembers Frierson, Vance, Moore, Street, Johnson, Bryant, Hafner, Long voted no. Councilmembers Williams, Gibson, and McClain voted aye. Councilmember Coleman was absent.

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

Aye: 3 - Ann Williams;Chris Gibson and David McClain

Nay: 8 - Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Bobby Long;Joe Hafner and LJ Bryant

Absent: 1 - Charles Coleman

[ORD-17:053](#)

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

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Sponsors: Metropolitan Area Planning Commission and Planning

Attachments: [2017 Master Street Plan](#)

Councilmember David McClain asked if we could ask questions of City Planner Derrel Smith. City Attorney Carol Duncan said you can ask questions now. Councilmember McClain said he knows they haven't developed the bike plan that we are about to submit yet, but looking at that shouldn't we include that in here? I didn't see a section for that. Mayor Perrin said what will happen is the deal on the bike plans and trails is probably going to take close to almost a year or so. What we will do is adopt this and come back and make the changes on the bike trails and amend this Master Street Plan. A few years ago, the Land Use Plan and Master Street Plan had not been updated in years, like 15 or 20 years. What we said we would do to the public is that every other year, we would go and look and try to come up and update those. City Engineer Craig Light said we have already started on the Land Use Plan. Mayor Perrin said to answer your question, as soon as you adopt this and you adopt the Master Bike Plan, once it gets here, we will pull this back out. Councilmember Joe Hafner said in the document talking about the bike plan and the pedestrian plan, it mentions that all studies completed within the last five years related to streets, trails, downtown and other master plans will be looked at. Mayor Perrin said that is also MPO and John Street is Chairman. They have looked at that. In fact, they are doing another study now. We have done a walkability. We have done I don't know how many studies. This engineering firm that we have hired will pick all of those studies up from the MPO as well as the staff, the City Planner and City Engineer before they ever start putting the plan together.

Heather Bunkley Allen, 6005 Charity Court, said she had a question in regards to Councilmember McClain's question. If this is passed tonight, how do we get things back on there because as you just stated Mayor Perrin sometimes it can go 15 or 20 years. I am very concerned about no transit plan, no bike plan, no ped plan. Mayor Perrin said they will be approving a contract to enter into with an engineering firm to immediately start. Ms. Allen said that was for a Recreation Plan if she is not mistaken. Mayor Perrin said it is the bike, walking trail, and all of that will be done plus they will pick up every study that has been done through the MPO. We are not going to let these plans go that far. I was just giving you an example that every other year, the City of Jonesboro should be updating the Land Use as well as the Master Street Plan. Ms. Allen asked after this is passed, is the only way that it is ever brought up is from someone on the MPO or from someone on the Council or can it be brought up by anyone. Mayor Perrin said that a citizen can bring up any legislation by asking one of us to present that for you. Ms. Allen said just by the show of people here tonight, we don't have as big of a bike crew as we would like to have, but there are at least some cyclists in the audience and I would like for them to stand. I know that we have some bike and ped plans people as well. Mayor Perrin said I hear you and that is why we have sent the plan that we are presenting to the Council to the Highway Department because they just adopted by state law all of the guidelines. I wanted to make sure that was in this new plan. I hear you. You have various groups of cyclists or bicyclists in the City of Jonesboro and we definitely know that. We want those roads to be safe

for you all and the connectivity from Craighead Forrest to here to ASU. My goals in the future would even be to tie Bono and Brookland together with a very safe route where you can ride for many miles. Ms. Allen said she appreciates that and it's not just us cyclists either. The bike, ped, and sidewalk plans, all of it. I am very intrigued by this. Thank you.

Harold Carter, 902 Tony, said as he remembered the plan starting off in that 15 year period as a strategic plan depending upon what the Council decided. Then, it was changed. It was true that it wasn't changed for many years, but there was plenty of opportunity to change it and it never was changed to my knowledge because I asked about it. There was an opening in the old plan to open it up anytime the Council made changes in the zoning and other things. Mainly the Council's actions affected the plan. To a large degree, that was never done. The Council made whatever changes they wanted to. The Land Use Plan was never substantially changed. I used to like it under the old plan what it called its strategic plan. The only thing I can see with this new plan and I know that it was decided earlier to make it a two year plan. The only thing I see is these neighborhoods are that these neighborhoods are going to just get slowly chiseled down by developers who have their own reasons, namely real estate reasons, to want all of these neighborhoods and other areas chiseled and changed. Most of them have the resources to do it. I don't know what that takes and I am not implying anything dishonest, but nonetheless, it does happen. We all know what happens. We call it negotiations, but it is allowed to be done nowadays every two years. That is going to be done as you can hear from the people being represented. Some people may argue that it helps the City and they might be right and they might be wrong. Once all of these changes are made in these neighborhoods to facilitate this Master Street Plan, you can't go back. If you think you can, why don't you try it? You are on the Council, you can try to go backwards and make things more compatible with what residential dwellers want or people with lower commercial ratings. My prediction is that you aren't going to go back there because largely you can't. You can't adversely change the zoning and make it worth less or at least you are not going to feel like you can. I don't think you can. All I can say is that I would like to see a real strategic Master Street Plan and Land Use Plan instead of this constant nibbling away at residential neighborhoods and of neighborhoods of a lower commercial rating, residential, apartment, or otherwise. If it keeps going this way, I know where it is going. This last Land Use Plan, the setbacks on Highway 49, are now maybe 600 ft. or maybe more. I may have that wrong. It is a long way further than it used to be. What we are talking about in terms of that is massive strip zoning. Pretty soon, all of the neighborhoods, affectively, maybe not immediately, because people may not decide to build houses or build commercially and get the rezoning they need. But, they can and it is going to be massive acreage that they are allowed. By the time it is all over, and it won't happen overnight admittedly, these residential neighborhoods that we have now are going to much, much, much attenuated and everybody is going to be hemmed into narrower and narrower areas plus the Council, once again, is still free to do spot zoning at your discretion. That is what you are here for. But, people who own houses don't like that, at least houses on residential lots, particularly R-1. I request that this Master Street Plan go back to more of a strategic plan like it was supposed to be in the first place. That is one of the reasons there wasn't much difference, as much changes made, but even back when the changes were allowed on a year in and year out basis, it was never really followed because I read the plan. I know what was allowed. It told the Planning Director, not the one we have now, when you get a substantial change collectively due to Council actions or perhaps other reasons, to ask to change the Land Use Plan and Master Street Plan. To a large degree or perhaps never was that done. Changing it from a 15 or 20 year plan to a 2 year plan just means you are really never going to have a final product. You are going to just keep nibbling it away except

now instead of just incrementally as the Council sees it at the Council's individual discretion on a case-by-case basis, it is allowed to be done on a massive basis. I object to that. I don't like it. It's not to the advantage of the residents, people who have lived in residential houses, even apartments. It is just not to their advantage.

Councilmember John Street said he would like to point out that the bike/pedestrian plan was passed tonight under the consent agenda, RES-17:119. That is the one Mayor Perrin referred to that will be 270 days before it is complete. Mayor Perrin said that was right. Councilmember Street said he supposed they could postpone the Master Street Plan until it is done but it would be pointless. We can incorporate it into this. Mayor Perrin said the thing is that it is just a plan. This City is changing so fast that what we tried to do is with traffic counts and all of those things taken into consideration, is to try to keep the map current whether it may need to be an arterial, connector, or whatever. I don't see any problem going ahead and adopting the plan because you are talking about 270 days that is almost a year before you even get your bike plan. Councilmember Gene Vance said it is kind of a misnomer calling it a plan. A lot of us and especially myself, when I think of a plan, I think of something that is ready to be built, to be concrete. This is a guide to where we think that the future streets and any changes would be and it does need to be updated every two years. If we get into six or nine months, we get a good bike plan, we can amend this ordinance that day if we desire.

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

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

Absent: 1 - Charles Coleman

Enactment No: O-EN-055-2017

[ORD-17:063](#)

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-3 TO RM-14 FOR PROPERTY LOCATED AT THE END OF GLADIOLUS DRIVE AS REQUESTED BY VICTOR DITTA

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Attachments: [Withdrawal Letter for Ordinance-17-063.pdf](#)
[Plat](#)
[Staff Summary - Council](#)
[USPS Certified Cards and Letter Returns](#)
[USPS Receipts](#)
[Application](#)
[Property Owner Notifications](#)
[Street Drawing](#)
[Traffic Report](#)
[Aerial View of Location](#)
[Opposition Presentation.pdf](#)
[Opposition Signed Petition.pdf](#)
[Nettleton School Letter of Opposition](#)
[Gladiolas Drive Rezoning Opposition](#)
[Gladiolus.pdf](#)

NOTE: The following discussion was held before Mayor Perrin called the City Council meeting to order.

Mayor Harold Perrin made an announcement at the beginning of the Council Meeting that the legal counsel for the developer on ORD-17:063, which is in reference to the apartments on Gladiolus Drive, has pulled this ordinance from the agenda. He said that it will not be discussed this evening. He said that people are welcome to stay through the entire City Council meeting, but that the ordinance has been pulled by the legal counsel for developer. When it comes back on the agenda, it will be advertised and notifications will be publicized so you all will know well in advance of when it comes back on the agenda.

An audience member asked if they could have the people stand that are here in reference to this ordinance tonight. Mayor Perrin said if you are here for this ordinance, you are welcome to stand. He said he apologizes, but it was in the paper that the attorney for the developer did call and have it pulled from the agenda.

An audience member said that she had the paper from Friday which said it would still be on the agenda. I don't normally receive the newspaper. How can that go about when we were told it would and it is not? City Attorney Carol Duncan said that it is still officially on the agenda. We were just letting you know that once we get to that item on the agenda, it is being pulled. So, if you want to stay until that moment you can.

An audience member asked if it would come back on the first reading. Mayor Perrin said that it would come back on the third reading. It will come back at exactly where it is at. Ms. Duncan said it would unless they make significant changes. If they try to make changes to it, it could go back to the first reading. Otherwise, it would come back to where it is. The audience member asked if he had to keep his eyes on the paper. Mayor Perrin said we would do advertisement. We will make sure that you are notified well in advance. We will have it in the paper. Our Director of Communications Bill Campbell will work with all of our media outlets to make sure to let everyone know that it is coming back on the agenda. It will be on the website, Facebook, and everything that we use here as far as media is concerned.

Patti Lack asked if it will be on the next Council meeting. Mayor Perrin said he could not answer that because he is not the attorney for the developer. It could be two weeks or 30 days, but I have no idea. Ms. Lack asked who was the person who decides that.

Mayor Perrin said it would be the developer. Ms. Lack asked if they can decide how long they want to take. Mayor Perrin said that we are taking it off of the agenda tonight and then when they decide to bring it back for consideration for the third reading or as our attorney said if there are major changes to that then it can go back to the first reading. Councilmember Chris Moore asked about the time limit. Ms. Duncan said she thought there was a 90-day time limit. It will be sometime within that 90 days.

An audience member stated that normally a proponent has six months to gain final approval of the rezoning. Is that six months from the time that they first applied or is it six months from the time that this got withdrawn? Ms. Duncan said what we are saying is that there is a 90-day window to get it back on the agenda as of now. That is a different rule that you are quoting which is six months for the Council to pass it. We expect that it will be back on the agenda within 90 days.

An audience member asked if the signage would be changed on that and if there was something that could be done to change the requirements on it. Ms. Duncan said that was something the Council is going to work on. We will have to propose adjustment to the ordinance or change on the ordinance. Yes, that is something that is on the agenda for Council to look at. Mayor Perrin said that was made very clear at the last meeting of when it abuts a street or etc. It is a good point and well taken. Ms. Duncan said they are going to do some research on it.

An audience member said that it needs to come back as a number one reading so everybody can figure out what is going on. Mayor Perrin said that is so noted.

Mayor Perrin said he wanted to make the audience aware of the change before he called the Council to order.

NOTE: The following discussion was held during the City Council meeting.

Councilmember Chris Moore motioned, seconded by Councilmember Street, to postpone temporary. City Attorney Carol Duncan said that we do not need to postpone it temporarily because we don't have a date. They withdrew it as of right so I don't think we need a motion, a second, and a vote. Councilmember Moore asked what her recommendation would be. Ms. Duncan said that just as a note on the agenda, it was withdrawn by the developer as we announced earlier. Mayor Perrin said he would note as chair that ORD-17:063 has been pulled from the agenda. Councilmember Hafner said he would like to make a comment. There was a lot of confusion as to whether or not it was still on the agenda. I wasn't even sure until we sat down and discussed it tonight. I don't know what we can do moving forward to avoid this confusion. Mayor Perrin said that in the newspaper, it stated that the legal counsel for the developer had asked for it to be pulled. I think City Clerk Donna Jackson did a good job on that. Her response was that it will continue to stay on the agenda until it gets to the Council and then the Council will make a decision on whether to pull it, postpone it temporarily, postpone it indefinitely, and it could take a whole year to come back. When you read or hear that, it is still going to be on this agenda for you all to address. Councilmember Hafner said ok. Councilmember David McClain asked if it will still be here the next time we meet. Ms. Duncan said no. The ordinance allows for the developer to withdraw one time as of right. Councilman McClain asked if they had 90 days to bring it back. Ms. Duncan said yes. He has indicated that it would be back before the end of the 90 days, but then obviously they have to give notice to the City Clerk that they are asking to be put back on the agenda and that is when we will publish.

Councilman Gene Vance said where the confusion came in on this was that they

waited until after the agenda had been published to make that withdrawal. If they had made the request on Wednesday, it would not even have been on the agenda tonight. They didn't make that request until Friday. Councilman Hafner said he didn't know if that was something they needed to clear up is the time that the request needs to be made. Ms. Duncan said there has been some question about maybe even looking at making change to that rule which obviously the Council can do. If anyone wants to email me a suggestion, I am happy to help draft language if that is the will of the Council. The way the rule is now is withdrawn one time as of right.

Mayor Perrin said there is no need to vote on this. It is just a matter of statement for the record. It has been pulled by the legal counsel for the developer.

Councilmember Moore asked Ms. Duncan if the six-month rule would apply to them. Ms. Duncan said she thinks it still does. Councilmember Moore said there is 90 days for reconsideration if they put it back. Ms. Duncan said if they pulled it a second time, they have the 90 days to bring it back. But, the six-month rule is ultimately still there. Councilman Moore said that is in effect regardless of what action the attorney takes. Mayor Perrin and Ms. Duncan said that was right.

Councilmember Bobby Long asked Ms. Duncan if she could clarify though they cannot withdraw this a second time without Council approval. They have one time they could do it. Ms. Duncan said as of right. Councilmember Long said the second time if they try to do that again, we would have to approve that. Ms. Duncan stated the rules say that on or after the second time withdrawal is granted, so to me that means the Council votes on it on the second time as opposed to the first one which says as of right. That is where the 90 days comes in. It says they have 90 days to bring it back unless the Council waives that or a Planning Commission waives that. Councilmember Moore asked if Ms. Duncan would explain the six-month rule to the new members and what date that might be. Ms. Duncan said she doesn't have it on here. Basically, anything that is brought from MAPC to the Council has six months to be approved. We have six months to rule on it or it is considered dead. Councilmember Moore asked if that was six months from the time that it appeared on our agenda. Ms. Duncan said that was correct.

Selena Reithemeyer, 4102 Forest Hill Road, said she heard the Mayor say that they could ask that something be put on the agenda for an ordinance for whatever we recommend. Can we start on that sign process? Ms. Duncan said that she and the City Planner, Derrel Smith have already started on that. We have already started looking into options we might have to bring back to Council for the Committee to consider. We are going to look at what other cities are doing if anything. There may not be anything out there. We may be creating the wheel, but we are going to be looking at what options we have. There are some limitations with requiring someone to place a sign on someone else's property. We can't do that. If you don't say property abutting a roadway, we have to figure out where we could require them to place it. That is a little bit more complicated than one might think because we can't force someone at the end of that road for example to allow them to put a sign there. It is a little more complicated than that. We are looking at it and what options we might have and we are hoping that will come back to Committee once we get some ideas. Ms. Reithemeyer asked if they had any idea of long that will take. Ms. Duncan said she doesn't know. Obviously, it just came up and we just started looking at it. I don't have a timeline on it. Mayor Perrin said we won't let it lie. Ms. Duncan said it's not going to just lie there. We are looking at it.

Phillip Cook, 5216 Richardson Drive, asked how long will it be before if they come

back and want to bring it back, how many days or weeks will it be before the general public is notified. Ms. Duncan said as soon as they ask to put it on an agenda, I assume the Clerk will begin the normal notification just like any other item that is placed on the agenda. Mr. Cook asked if it would be at the third reading. Ms. Duncan said as we said earlier, unless they make significant changes, I believe it would come back at where it left which would be at the third reading. If they make some kind of significant changes to the plan, we would start the process over again. Mr. Cook said he understands that. I want to know if they decide to bring it back, how long has the general public got to know or know how much time will be given to the general public to know to be published or whatever you are going to do. City Clerk Donna Jackson said the way that this was just described, the attorney would send me notice that he wants it on the agenda. Mr. Inman would get a copy of the agenda and publish it in the paper. Councilmember Moore said it could be as few as five days. If they wanted to wait until the last minute, Madam Clerk, what is the cutoff on that. Ms. Jackson said 10 a.m. the Thursday prior to any Council meeting is the cutoff. Councilmember Moore said it could be as late as 9:59 a.m. on Thursday, they could request it be placed on the agenda for the following Tuesday's City Council meeting. Mr. Cook said in other words, we are not going to have much notice. Councilmember Moore said that is the answer to your question, that's correct. Mayor Perrin said that is the shortest. Ms. Duncan said it was the same as any other agenda item. Councilmember Moore said that is the shortest. City Clerk Donna Jackson said that you are more than welcome to call the Clerk's office after 10 a.m. on the Thursday before a Council Meeting and we can let you know.

Patti Lack, 4108 Forest Hill Road, asked if when that comes up and we come to the third reading of it, do we have time to present some last minute information? Mayor Perrin said yes. We will definitely give both sides plenty of time to present their information.

Withdrawn by Petitioner's Legal Counsel

[ORD-17:064](#)

AN ORDINANCE TO REPEAL AND REPLACE JONESBORO CODE OF ORDINANCES CHAPTER 2, ARTICLE III, DIVISION 2 ESTABLISHING MEETING RULES AND PROCEDURES IN THE CITY OF JONESBORO

[play video](#)

Sponsors: Mayor's Office

Attachments: [Clean Copy City Council Rules.docx](#)

A motion was made by Councilman Chris Gibson, seconded by Councilman 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;Gene Vance;Chris Gibson;Bobby Long;Joe Hafner;David McClain and LJ Bryant

Absent: 1 - Charles Coleman

Enactment No: O-EN-056-2017

[ORD-17:065](#)

AN ORDINANCE TO DELETE AND REPLACE THE LANGUAGE OF ORDINANCE 66-6 TO PROVIDE FOR TEMPORARY, LONG TERM OR PERMANENT STREET CLOSURES BY THE CITY OF JONESBORO

[play video](#)

Sponsors: Engineering

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

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

Absent: 1 - Charles Coleman

Enactment No: O-EN-057-2017

ORD-17:066

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-4 TO RS-2 FOR PROPERTY LOCATED AT 5416 MAPLE VALLEY DRIVE AS REQUESTED BY WADE CARPENTER

[play video](#)

- Attachments:**
- [Rezoning Plat](#)
 - [Staff Summary - Council](#)
 - [USPS Receipts](#)
 - [USPS Returned Cards and Letters](#)
 - [Warranty Deed](#)
 - [Aerial View of Location](#)
 - [Application](#)
 - [Minutes](#)
 - [Property Location](#)
 - [Property Owner Notifications](#)

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

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

Absent: 1 - Charles Coleman

Enactment No: O-EN-058-2017

ITEMS THAT HAVE BEEN HELD IN COUNCIL

[play video](#)

RES-16:162

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 119 Coleman, Owner: Steve Penebaker.

[play video](#)

Sponsors: Code Enforcement

Attachments: [Pic 1](#)
 [Pic 2](#)
 [Pic 2](#)
 [119 Coleman County Data](#)
 [inspection report](#)
 [Penebaker Title Report](#)

Mayor Perrin asked if there has been any other development or anything on this issue.

Code Enforcement Officer Michael Tyner said he has been working with the gentleman that is living there, a Mr. DeShawn Kellem. He is the owner's nephew. The owner has signed the property over to him. He has a copy of the deed. He is currently on the waiting list for the Grants Program and is working on getting his paperwork and application together for a rehabilitation grant for the property. I would ask that we postpone it again to give him time to get his application and stuff in for the Rehab grant. Mayor Perrin asked how long he would need. Mr. Tyner said there was a six-month backlog just to get on the waiting list. If he could have another 90-100 days. Mayor Perrin said even if we declare it and do a condemnation, he still has the right of 45 days to come back.

Councilmember Gene Vance made a motion, seconded by Councilmember Chris Moore, to postpone indefinitely and let him bring it to us if he sees that he is not going to do what he says. All voted aye.

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

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

Absent: 1 - Charles Coleman

8. MAYOR'S REPORTS

[play video](#)

Mayor Perrin said that we have with us this evening just to give you an update Jason Franken with Foster & Foster. For the new councilmembers, the City of Jonesboro had a very old retirement plan for it's employees. On January 1, 2012, we froze that plan with Principal. They do the investments on that plan and about every other year, we get an actuarial evaluation to see how the fund is working, how much assets are in there. Mr. Franken visited with us this afternoon. I wanted him to give you an update on that. Basically, the bottom line, we had talked about at some point and time is to just pay everybody out and buy annuities. The amount of money that is in here now, the penalty would be somewhere around \$700,000 to do that now. It would take you a twenty year recovery based on that. The plan is doing good and is earning money. We have brought that actuarial deficiency way down from where it was.

My name is Jason Franken and I am an actuary with Foster and Foster. I am a fellow of the Society of Actuaries and an enrolled actuary. Mr. Franken made a brief presentation. It is a closed plan. It is a frozen plan. There are no new benefits being earned in this plan. The active employees are now participating in a defined contribution or a 401-K type plan. When the plan was frozen effective December 31,

2011, they were entitled to pension benefits at that point. The City has the obligation to pay those pension benefits to the members once they are eligible to start receiving them. The total required contribution from the City is zero dollars again this year. The assets exceed the total liabilities of the plan. As a result, there are no required cash contributions that need to go into the plan at this point. As of 1/1/2017, there are 277 people who are covered by this plan who are entitled to some sort of benefit upon reaching retirement age. This is a closed group so that number will slowly go down as people are no longer eligible to receive their pensions. Last year it was 280, so you can see it will be a long slow process. On 1/1/2017, the asset value was about \$9.4 million dollars and the liabilities are \$7.7 million dollars. The assets in the plan exceed the liabilities by about \$1.7 million dollars. This is based on a long-term assumption that the plan will earn 7.5% per year. We are considering lowering that assumption. Since it is a closed plan, the life expectancy of the plan is no longer infinite. We probably need to start taking a more conservative approach to our investments at some point. To the extent that we lower that assumption, our liabilities will go up. If we lower it by 1%, that \$1.7 million dollar surplus that we have won't be completely eliminated.

What the Mayor had mentioned about buying annuities to the extent that the City wanted to sell the pension benefits to an insurance company. An insurance company would require that these calculations be done at a much lower interest rate, essentially a short-term spot rate which could be as low as 3%. If you were going to sell these benefits on the open market, the liability would be much, much higher. As the Mayor eluded to, it would exceed the value of the assets that are in the plan by at least \$700,000 and probably more than that. It is something to consider, but at this point with the interest rates where they are at the historical lows that's probably something that is cost prohibitive at this point. If interest rates were to start to rise, that would be an option that the City could consider. There aren't a lot of ongoing expenses that are associated with this plan. It is roughly about \$50,000 a year. So, it would be \$50,000 per year or come up with an extra million dollars, potentially a million dollars immediately to offload these benefits to an insurance company. Just to be clear, the members would still receive all of the benefits that they are entitled to if the City were to try to terminate the plan. There are a lot of pages in the plan, but those are just the highlights. I am here to answer any questions that you have.

Mayor Perrin said we have worked on this for a long time. I know our employees now love the defined contribution plan which we match dollar for dollar up to 5% of their pay. The participation on that plan has went up dramatically compared to this old plan where we had the defined benefit. Those folks are happy. We froze this plan. It did not take anything away that any employee had accrued. It is good and I am glad that the earnings are there. I think the expenses come out of this plan too. Is that correct or do we pay those direct? Mr. Franken said he believes they are paid directly by the City. Most expenses would be paid from the trust. Not all of them, but a majority of them if the City wanted to go that route. By doing that, you would be depleting the assets, and eventually have to make it up with a contribution later on.

Mayor Perrin said we are pleased. This is the second time that you have done that. It says that we don't have to put anything in which means that there are more assets than there are liabilities. That is good. We appreciate it. I did talk with Mr. Franken about possibly every other year doing a shorter type report so we can present that to you all. We waited two years on this one because we knew the assets are in there. Finance watches that.

Councilmember Chris Moore asked what would be the downside of paying the \$50,000 a year expense out of the assets. You are reducing the assets in which you might have

to eventually make a contribution, but you might not. Right now, rather than us paying \$50,000 a year when we are up almost \$2 million dollars, it looks like to me that you could take \$50,000 out of the assets. Mayor Perrin said you can. You can notify Principal and have the addendum done to that to pay it out of there. We can look into that. Councilmember Moore said it looks like if we are up and the investments eventually started to get close, then we could change that and pay it. Mayor Perrin said the plan has done well. Out of the last three years, it has done real well in one year. Mr. Franken said the returns in 2015 were about zero percent that year. The market in 2015 wasn't great, but in 2014 and 2016 it was. There were decent returns. Mayor Perrin said we are doing extremely well now, but obviously look at the market. The Dow is setting there at a 22,000 index. Anytime you have that, you have a correction. We are going to have to watch this. We get it monthly. We get the assets. We look at those and we will have to make sure that we stay very closely in tune with Principal as well as Stephens because this market can change quickly.

COM-17:057

Foster and Foster Actuaries Presentation

Attachments: [Foster and Foster Actuaries.pdf](#)

Read

9. CITY COUNCIL REPORTS[play video](#)

Councilmember John Street said he wanted to congratulate Mayor Perrin on receiving the Lion's Club Distinguished Service Award. It is a very prestigious award. You do a great job and thank you for your leadership and service.

Councilmember L.J. Bryant said he looks forward to serving and he appreciates the opportunity the fellow councilmembers gave him and he looks forward to visiting with the public.

Councilmember Bobby Long asked Mayor Perrin if he could give an update on the asphalt situation out by the roundabout and what is going on with that. I have had several calls on that. Mayor Perrin said he would be glad to. He has gotten calls and knows that Councilmember Long has too since it is in his ward. The contractor that is there should have had that cleaned up by now including the little pile of asphalt. The grass is extremely high. They are out there digging a ditch to replace a 36-inch pipe to help the drainage on that for the church, Grace Baptist Church. I talked to Chief Operations Officer Ed Tanner today about that. We are probably going to move on in and clean that up ourselves. There is no need for the citizens to suffer like that. If you all remember, that gentleman was paying \$1,300 a day on penalty. That was not a good deal. It took way too long to put in that roundabout. It has worked extremely well, but it is not pretty. We need to make it pretty. We need to do a bunch of mowing, edging, and a lot of things. I don't think we are going to put in flowers or shrubs in the center because they will probably be run over. We will look at that later on. Councilmember Long said maybe we can adopt a roundabout.

Councilmember Chris Moore said that at the last Council meeting, Denise Snider from City Youth came with a complaint. Have we had any progress or any updates on debris on the road? Mayor Perrin said we met with Jack Grundfest last week. He came up and spoke with me, Carol, Craig, and Ed. He went by and saw Denise before he left. He hired a contractor while he was here to go ahead and do exactly what Craig had told

him to do on the specs to get the curbs and stuff on that area. I did see Denise today and she was very appreciative. Councilmember Moore said good deal. Mayor Perrin said it has been done.

Councilmember Moore asked if we were going to clean up all of that asphalt and all of the debris out there. Mayor Perrin said yes on the roundabout. He said he knew Steve could probably use that. It is one of those things you can get into with a contractor. That contract was between the Highway Department and the contractor, not the City. Anyway, we will get it done.

Councilmember Gene Vance said he wanted to say Happy Birthday to City Engineer Craig Light.

10. PUBLIC COMMENTS

[play video](#)

11. ADJOURNMENT

[play video](#)

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

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

Absent: 1 - Charles Coleman

_____ **Date:** _____

Harold Perrin, Mayor

Attest:

_____ **Date:** _____

Donna Jackson, City Clerk

