



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, January 15, 2019

5:30 PM

Municipal Center

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

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

*President Pro Tempore Chris Moore presided over the meeting in the absence of Mayor Harold Perrin.*

#### 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

#### 5. CONSENT AGENDA

##### *Approval of the Consent Agenda*

**A motion was made by Councilperson Chris Gibson, seconded by Councilperson Bobby Long, 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-19:004](#)

Minutes for the City Council Meeting on January 3, 2019

**Attachments:** [Minutes](#)

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

[RES-18:197](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO GRANT EASEMENTS (CONSTRUCTION AND UTILITY) TO CITY WATER AND LIGHT PLANT OF JONESBORO, ARKANSAS

**Sponsors:** Engineering

**Attachments:**     [Easement Agreement](#)

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

Enactment No: R-EN-004-2019

[RES-18:202](#)

A RESOLUTION TO THE CITY COUNCIL OF JONESBORO, ARKANSAS AUTHORIZING THE OFFER AND ACCEPTANCE TO PURCHASE A PERMANENT CONSTRUCTION EASEMENT FROM CHRISTOPHER AND DEBORAH HAAS FOR THE PURPOSE OF THE CONSTRUCTING AND MAINTAINING A CITY STREET

**Sponsors:**        Engineering

**Attachments:**     [Permanant Construction Easement - Haas.pdf](#)

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

Enactment No: R-EN-005-2019

## **6. NEW BUSINESS**

### *RESOLUTIONS TO BE INTRODUCED*

[RES-18:094](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 916 Hope, Owner: Tyrone Green.

**Sponsors:**        Code Enforcement

**Attachments:**     [county data](#)  
                          [Inspection.doc](#)  
                          [title search.pdf](#)  
                          [pic 1](#)  
                          [pic 2](#)  
                          [pic 3](#)

*Director of Code Enforcement Michael Tyner said this property is a single wide trailer on the corner of Hope. We've been working on this since March 2018. We ended up having difficulty locating heirs to Mr. Green's estate. Mr. Green is deceased. We just finished up with the Attorney Ad Litem and are ready to move forward.*

*Ms. Sallie Brown, 805 Cartwright, said we are going to remodel that trailer at 916 Hope. I think they are trying to condemn it. I believe, but somebody lives in that trailer. President Pro Tempore Chris Moore said regardless of the outcome of the City Council's decision tonight, and let's say it is condemned, you will still have an opportunity to come in and purchase a permit to be able to complete construction on that. Ms. Brown said okay. Yes sir. President Pro Tempore Moore said the vote by the City Council tonight, either way, you'll still have that opportunity. Ms. Brown said yes sir.*

*City Attorney Carol Duncan said could I ask her one question. I know I dealt with you all years ago when we were trying to widen the street there. We were taking a little sliver of the street and we had issues figuring out who was actually the heir to the*

*property. I think we paid that money into the court and left it there so that once you all determined who actually owned the property then somebody could then draw that money out. As far as we can tell, you never got it taken out of Mr. Green's name, and he's been deceased for 12 or 13 years.*

*Ms. Brown said the trailer had been up for auction about five times. Ms. Duncan said right. What about the property? Ms. Brown said the property was up for auction because of the taxes. Mr. Green had left it for the family so I left it for the family because it was kind of confusing and stuff so I just backed out of the way. Nobody stepped up to pay the taxes, so I paid the taxes. Me and my son went there. Ms. Duncan said it was your son who was living there back then. Correct? It was a nephew who was living in the trailer back then. Ms. Brown said no. When I went to Little Rock, we went to buy the trailer out of the tax thing or whatever you call it. That's what I went to do was to buy it because it had been up for auction five times and it had been in the newspaper. Me and my son went to pay to get it out of there, but when we went back to pay it, come to find out they didn't take it out of his name and put it in my name. That's what I was going to do because it was up for auction for anybody who wanted to pay the taxes. Ms. Duncan asked Ms. Brown if she tried to buy the property at the tax sale or if she just caught up the taxes. Ms. Brown said I was going to buy it and that's what I thought I was doing.*

*Ms. Duncan said okay. I'll just recommend again that you all get an attorney, and I think we recommended that years ago to try to get it out of Mr. Green's name, as a deceased individual, because it makes it real complicated dealing with any of it. Ms. Brown said right, right. That's understandable. Like I said, that's what I thought I was doing when I went to buy it from the tax people. That's what I thought I was doing, but come to find out when the issue had come up when the city wanted to buy the property and we started looking into it, they still had it in Mr. Green's name. Ms. Duncan said I'll be honest with you. The only way Code Enforcement knew who all to track down was because of my memory of whom all we had to track down last time when we were trying to deal with you all to pay the money to take that little sliver. Ms. Brown said the man came out. He actually talked to my son. You all wanted to widen the street and we sold you all the portion of the land. Ms. Duncan said we condemned it and that money is still with the court waiting on one of you to take it out. Ms. Brown said no, it wasn't condemned. Ms. Duncan said yes it was. That little sliver of land was, but not the whole property. Ms. Brown said right. That little sliver wasn't condemned. Ms. Duncan said yes ma'am, it was. President Pro Tempore Moore said just as a point of order, we're talking about two different items. Does anyone on the City Council have a question for Ms. Brown?*

*Councilmember John Street asked Ms. Duncan if Ms. Brown could buy a building permit for the property if she didn't have title to it or doesn't own it. Ms. Duncan said that's a good question. I haven't really looked into that issue. I don't know what the rule is on a trailer sitting on somebody else's property. I'm not sure that she can. That's why I said they need to do a Quiet Title and settle the ownership of that property based on who has paid the taxes. Ms. Brown said I am his sister and he did leave me over the land. Ms. Duncan said you need to get a Quiet Title and get that property transferred into your name. We discussed that 12 years ago when we did the first one. Ms. Brown said okay.*

*Mr. Timothy Anderson, 805 Cartwright, said when the man came to purchase the land, he was going to give us the check because we're the ones who had been paying the property taxes on it for the last 13 years, but Ms. Duncan was the one who wouldn't allow it. Ms. Duncan said right. We couldn't do that because it wasn't in your name.*

*We took the money and it's still sitting in the court like we talked about way back then. You all could get it if you could quiet title on that. Mr. Anderson said he was saying that there was a way that he could give us the check because we'd been staying there for so long and then you're the one who had denied it. Ms. Duncan said well, the law denies it. You can't do that. Councilmember Chris Gibson said my question is do we need to table this until they can get the property dispute resolved. Ms. Duncan said it's been 12 years since the first time around.*

*Mr. Anderson said it's not the whole trailer that needs to be condemned. What happened was my uncle that owned the trailer added on an addition. He added on a candy store. That's what's falling down. That's what's falling apart. That's what needs to be took down. The trailer is still in livable conditions. That's the part we need to get knocked down and took care of. If we can get an extension and enough time to take care of that then you all can see that everything is okay.*

*President Pro Tempore Moore said here's the deal for some of the newer members on the City Council. If we continue with condemnation tonight, the code enforcement officer has the right at the end of the time-period to come back and ask for an extension. So, if they are moving forward or moving forward with the Quiet Title, or whatever the situation is, and the officer comes back and asks for an extension, then the City Council can grant an extension. But, you are going to have to move forward either with the Quiet Title to get control of it or to buy a building permit. You may just be able to buy a building permit and fix the repairs. What Ms. Duncan is telling you is that there is money waiting if you'll get it in your name and then you can have the check. Ms. Duncan said correct. Mr. Anderson said okay.*

**A motion was made by Councilperson Chris Gibson, seconded by Councilperson John Street, 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-006-2019

#### ORDINANCES ON FIRST 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

**Sponsors:** Parks & Recreation

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

*Councilmember John Street motioned, seconded by Councilmember Chris Gibson to suspend the rules and offer ORD-18:087 by title only. All voted aye.*

*Councilmember Street said if there is not an emergency, then I'd just say we read it on three readings.*

**Held at one reading.**

## **7. UNFINISHED BUSINESS**

## ORDINANCES ON SECOND 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](#)

*President Pro Tempore Chris Moore said I believe City Attorney Carol Duncan acquired an opinion from the Arkansas Municipal League and she wishes to read it to the City Council.*

*Councilmember John Street asked if Ms. Duncan knew who offered the opinion. Ms. Duncan said Mr. John Wilkerson, head legal counsel for the Arkansas Municipal League. Councilmember Street said I would like to read something that came from the municipal guidebook, 2017 revision. It's very short. President Pro Tempore Moore said you have the floor. Councilmember Street said it addresses professional services. This is from the Arkansas Municipal League and it says, competitive bids are not allowed when the city seeks certain professional services. Professional services are defined as contracts for legal, financial, advisory, architectural engineering services, construction, management and land surveying. (A.C.A. 19-11-802). Cities that need professional services should advertise for Request for Proposals (RFPs) or Request for Qualifications (RFQs). The RFP/RFQ should be evaluated considering the qualifications and reputation of each professional firm. Many cities will ask a professional service representative to make an oral presentation to the entire City Council prior to its making a selection. Next, the city selects three qualified firms and then selects the most qualified. (A.C.A. 19-11-804). Once a qualified professional firm has been selected, the city may then negotiate contract for the desired professional service. If a mutually agreeable contract cannot be negotiated with the first most qualified firm, then the city may attempt to negotiate with the second and then the third. (A.C.A. 19-11-805). This is pretty much down the line with that ordinance and it is the latest edition of it. I'm sure Mr. Mark Hayes probably proffered this or it wasn't going to go out without his stamp. I am going to be in Little Rock at the Arkansas Municipal League Winter Conference and I believe you'll be there for the CLE. I would like to sit down with the legal staff down there and Mr. Hayes to look at this and clarify it.*

*Ms. Duncan said you know Mr. Hayes isn't in charge over in the legal office anymore. Councilmember Street said yes, I did. Ms. Duncan said it's Mr. John Wilkerson in charge. I contacted him and asked the question and he said he had an initial comment, but wanted time to do some research on the issue. Then, he sent back this e-mail several days later after consulting with two or three other attorneys on staff. That's all I can tell you is that they are now our legal counsel when it comes to insurance coverage. That's who will represent us, much like APERMA used to represent us, and this was his statement he wanted me to read to the City Council. Councilmember Street said I have questions and surely, you can understand that this seems to contradict that statement to some degree. Ms. Duncan said depending on the definition of suing. Councilmember Street said there might be some different language that could relieve that immunity or reduce it considerably, so I'd like to discuss that with them. Ms. Duncan said obviously, any time the city is sued, every councilmember is sued, but you're being sued in your professional capacity at that*

point. What Mr. Wilkerson is talking about is opening yourself up for individual liability.

Councilmember Street said it's only on the second reading. I would ask that we go ahead and go to the third and that would give me time to talk to them. It would satisfy me anyway that we've covered everything and got due consideration.

Councilmember Bobby Long said my understanding, from what Councilmember Street read and what Ms. Duncan read, is that there almost seems to be two issues. One, it's not that the city can't do exactly what Councilmember Street said it could do, but what is our role in that. To me, it seems that when it talks about the city doing these things, going out for bids and requesting information that that's done on an administrative function, but what Ms. Duncan is talking about is the City Council injecting itself or taking itself out of its legislative function and injecting itself into an administrative function. At that point, from what Ms. Duncan read, we have no legislative protection on that and we're outside of what we were elected to do. Ms. Duncan said that's what Mr. Wilkerson was saying.

Councilmember Gene Vance said personally, I think we need to wait on the third reading. I think we need to let Councilmember Street and Ms. Duncan get more information and disseminate that to us prior to our next meeting. I think there was a very interesting e-mail that we need to take into consideration from a land surveyor about some of the words or the verbiage. It doesn't change the intent of it, but it just clarifies a few areas. Do we need to amend that tonight to that verbiage or just wait and clean it all up at the third reading, if we do a third reading? President Pro Tempore Moore said I would ask that we make an amendment on that and give ample time for the attorneys and for Mayor Perrin to get back. I would feel more comfortable making an amendment with the Mayor here.

Ms. Duncan said I will say that I think there will be some significant changes by that point and it will start over at first reading once we make those changes. I think those changes were somewhat significant in how the process would work because it talked about not requiring them to provide information on their last 200 jobs. There were quite a few changes between that and some other changes that have been proposed.

Councilmember Vance said if I read it correctly, and I have read it a couple of times, he was saying that the form that listed the 200 jobs or the last jobs would be in their annual submittal and not submitted every time that they were asked. I'm going to go back and re-read that. The other one was just where we were asking for his place of business and address, but the way he read the next sentence, and after I read what he said, I didn't disagree with him. It was like it was asking for his employee's home addresses, which it wasn't, but it needs to be cleared up. I didn't take it as significant, but maybe I'm looking at it wrong.

Councilmember David McClain said I have a question really for Councilmember Street, or whoever wants to answer it. Transparency has been one of the terms used. What seems unfair about our process? What am I missing? Councilmember Street said it's not conducted in an open meeting where the citizens and the press are there or where it's filmed. This would make everything as transparent as you could get it. Everyone could witness it. All the participants and all the people who are vying for that particular job could be present to get up and make comments. They can see the process. It's open and transparent. I don't know how it's being done. All we get is a recommendation from somebody as far as the job. That's what we've been getting lately. That's not very transparent.

Councilmember Joe Hafner said obviously, one of the things we're concerned about is transparency. We really have no idea who bids on certain jobs or who's interested in getting certain work. So, depending on how the Municipal League's recommendation comes back in the meeting with Councilmember Street and Ms. Duncan, could we simply get a list? Ms. Duncan said all that's public information any time you ask for it. Am I wrong? That would all be available. Councilmember Hafner said the thing you said is when you ask for it. Ms. Duncan said well, if you're asking for it now, then the answer is yes. It's always been public information for anybody who asks for it. Councilmember Hafner said so when it comes to the Public Works Committee, there could simply be a list of who applied for that job and then the committee could see it and the public could see it. Then, a question could be asked about why a particular company was not considered for the job and the staff could answer that question. Right now, we have no idea who applies. Ms. Duncan said correct. Councilmember Hafner said that's just another thing to consider. Ms. Duncan said yes. That could be done.

Councilmember Dr. Charles Coleman said I have a question for Councilmember Street. When I first got on the City Council, we used to get a list. So, why did that stop? Councilmember Street said we used to do it just like we're proposing to do it, too, but I have no idea what happened. We had a lot of projects at the time and, in fact, that's where I first met Engineering Director Craig Light when he was with one of the firms that made a presentation to the Public Works Committee about a detention pond. That's how we used to do it. We ranked them, sent them to the Mayor to negotiate the deal and they did. Ms. Duncan said obviously, that was before my time, but I would assume it wouldn't change without City Council action to change it. Councilmember Dr. Coleman said that's why I asked the question. Ms. Duncan said I would assume you all had to vote to change that procedure. Councilmember Dr. Coleman said how would that change without the City Council's action. Ms. Duncan said I don't think it would have. Councilmember Street asked City Clerk Donna Jackson if she had any idea. Ms. Jackson said procedures change with each new administration and each new department head. I'm fairly certain it was never voted on to make the change. Ms. Duncan said I don't know. Councilmember Street said I don't recall it either. I would like to address Councilmember Vance. I agree with what he said and have looked at and read that e-mail in-depth, too, and there are several things that are pretty significant. I agree, but it can be changed with a couple of words. I have a list of those things to propose to make that very simple and clarify it. I believe it would be better to do it all at once at the end.

Michael Daniels, 2013 Timber Trails, said I'm the one who wrote the e-mail and the comments to you. I just wanted to bring it to your attention that you have asked for RFQs for this year already. They came out December 26, 2018, and the minimum requirements that are being asked to be turned in tomorrow are directly from this ordinance. So, when you're discussing the amount of projects you've done over the last two years, that's still being required to be turned in tomorrow. Councilmember Street said but we haven't passed this. Ms. Duncan said other than not doing any projects, I think the decision was made to go ahead with this year. Otherwise, nothing was going to be done and it was going to be summer before we had anything adopted. My understanding was they talked to you about that Councilmember Vance. Councilmember Street said I'm sure one of his concerns is the two years of projects. Ms. Duncan said I don't think it followed this ordinance completely. I don't know if anybody could speak to it. Councilmember Street said that could be changed easily. A current list of significant projects over the previous two years. That would be up to you, Mr. Daniels, to determine what projects are significant to you. Mr. Daniels said yes. I just want you all to be aware that everyone will be turning these in by 2:00 p.m.

tomorrow and to fulfill your requirements we're going to have to meet the ordinance you're discussing. Ms. Duncan said obviously, that was Mayor Perrin's decision.

Councilmember Vance said Purchasing Agent Steve Kent and Mr. Light asked my opinion and I gave them my opinion. Mr. Kent took the basic highlights of this ordinance and made his request by that so that if the ordinance does pass, everything he has in the file is correct and he won't have to advertise for them again before next year. Ms. Duncan said that was not my understanding. Councilmember Charles Frierson said but they can't apply if we haven't adopted the ordinance, Councilmember Vance. Ms. Duncan said my understanding was that it was going to be done like last year and that this ordinance's requirements wouldn't take effect until next year. That was my understanding of what they were going to do. Obviously, that didn't happen. Councilmember Vance said what Mr. Kent asked for is not required by ordinance. Mr. Kent did that as a requirement of the purchasing department. Councilmember Street said I think Mr. Kent could change that. I don't think it applies because we haven't passed anything yet.

President Pro Tempore Moore said I would agree with Councilmember Frierson that it's not a requirement until this ordinance, or if this ordinance, passes. Ms. Duncan said right now, it is however Mayor Perrin wants the policy to be. That's how it exists right now. So, I guess if Mayor Perrin directed it, and we don't know without him here, but right now, the way it reads is that the Mayor sets the policy for how these are handled. So, if Mayor Perrin directed Mr. Kent to do that, then that's the way it's done until this ordinance is passed. Does that make sense? Because Mayor Perrin is in charge of it right now. Councilmember Vance said it's a requirement of the administration, but not a requirement by ordinance. Ms. Duncan said correct. Mr. Daniels said so, in the submittals that are due tomorrow, if they don't follow this request, they're not valid. Councilmember Vance said not following the ordinance, but following the purchasing department's request. So, yes, if you turn in one tomorrow, you should turn it in the way the purchasing department requested. Mr. Daniels said thank you. Councilmember Vance said I'll say this about when you turn in an RFQ or RFP like this, if you want to be considered, you do it the way the requestor asked for it. President Pro Tempore Moore said duly noted Councilmember Vance.

Mr. Mike Cameron, 1612 Leaf Cove, asked what did you all do about the ordinance. Was it read the second time? President Pro Tempore Moore said yes it was. Mr. Cameron said okay. Ms. Duncan said I read it before we started discussion. President Pro Tempore Moore said it was by title only. So, it was quick.

#### **Held at second reading**

### **ORDINANCES ON THIRD READING**

#### **[ORD-18:082](#)**

AN ORDINANCE ABANDONING AND VACATING AN ALLEY LOCATED IN THE 1000 BLOCK OF BURKE STREET AS REQUESTED BY STEVEN CHAPLAIN

**Attachments:**     [notarized petitions from abutting property owners.pdf](#)  
[RESOLUTION.pdf](#)  
[ORDINANCE NO alley.pdf](#)  
[plat.pdf](#)  
[Alley Abandonment - Chaplain.pdf](#)  
[utility letters.pdf](#)

Councilmember John Street asked Planning Director Derrel Smith if there has been



*any further inquiries by anybody that adjoins that alley. Mr. Smith said we checked the names of all the adjoining property owners and checked the names we have on file, which were all notarized by one of the clerk's here in the collections office who actually saw them sign the affidavits. All of that matches. They are all in agreement. There was one individual who is out of the country right now that we couldn't check with, but everything else followed up the way it should.*

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

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

Enactment No: O-EN-005-2019

[ORD-18:088](#)

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR PROPERTY LOCATED ON THE NORTH SIDE OF U.S. HWY. 49 AND SOUTH OF FLEMON ROAD AND EAST OF HWY. 226 AND WEST OF WILKERSON DRIVE FROM AGRICULTURAL, AG-1 TO SINGLE-FAMILY RESIDENTIAL, RS-8 LUO AS REQUESTED BY TRAVIS FISCHER WITH TRALAN ENGINEERING ON BEHALF OF CBS REVOCABLE TRUST

**Attachments:** [COJ Rezoning Ordinance.pdf](#)  
[Revised Rezoning Plat.pdf](#)  
[Staff Summary - HWY 49, Flemon and Wilkerson Road.pdf](#)  
[Application.pdf](#)  
[Valley View School Approval.pdf](#)

*Councilmember David McClain said at the last meeting, we had somebody show up in opposition. Did you have any more opposition to this? Planning Director Derrel Smith said no sir. When we had the public hearing at MAPC, there were several people who spoke at the time. That's the reason the LUO was placed on it and the zone was changed to RS-8, but the minimum lot size was increased to 7,100 square feet. We haven't heard anything since. President Pro Tempore Moore said they agreed to that didn't they. Mr. Smith said yes sir, they did.*

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

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

Enactment No: O-EN-006-2019

[ORD-18:089](#)

AN ORDINANCE FOR THE APPROVAL OF AN APPLICATION FOR A LARGE EVENT FACILITY PRIVATE CLUB PERMIT FOR THE GARDEN AT HARMONY

**Attachments:** [application.pdf](#)  
[Mission Statement 2019 Jan 04.pdf](#)  
[Perrin Mayor Letter 2019 Jan 07.pdf](#)

*Councilmember Bobby Long asked if there was anyone present with the Gardens at Harmony. When I was reviewing this, I looked at the application that was submitted online. I just have a couple of questions. I see one for a private club license transfer*

and then in the back, it asked for a private club permit. President Pro Tempore Moore asked Councilmember Long if he had a specific question. Councilmember Long said well, I want to know which one it is.

Mr. Harry Truman Moore, attorney from Paragould representing Ms. Kathy Smith, 4517 East Parker Road, said there is not an existing permit that we are asking to be moved. This is an initial permit application. I'm trying to look and see where you're referring to on the application. Councilmember Long said it was on Legistar. I pull it up and the first thing that comes up is a private club licensing transfer that is not signed, but it is signed by Chief Rick Elliott and Planning Director Derrel Smith. The next document is a letter from Mr. Moore. Mr. Moore said could you go back to the document you were talking about. I think that may have come from the city.

City Attorney Carol Duncan said I could be wrong, but I think it's supposed to have a comma between license and transfer. Is that correct? Chief Elliott said yes. It's the same form. Councilmember Long said it's the same form. Okay. Ms. Duncan said I think there's supposed to be a comma in there. Maybe we need to get that added. Mr. Moore said that was the form the city had that we filled in, but we weren't seeking a change of transfer, but if you were transferring the location, that also has to come to the City Council, but this is not a permit that has been located in one place and being moved to this location. This is an initial application.

Councilmember Long said this is for a large event private club. Mr. Moore said facility, yes. Councilmember Long said you have to bear with me because we're new at this. I am, specifically. My purpose for this is to make sure that you're operating in such a way that you are privy to those conditions and also the benefits of being a private club. One of those, from my understanding on the event facility, is that you say in your letter that you provided to Mayor Perrin that you're catering. You're not going to have a kitchen on site. Is that correct? Mr. Moore said there's a very small kitchen on site, but most of the work will be done by catering, which is allowed under the Alcohol Beverage Control (ABC) regulations. This is not going to be a situation like most private clubs where somebody can walk in and say I want a meal and a drink. A person just can't walk in off the street and do that. The facility will be used as shown. There were examples of various groups that have used the facility in the past for either weddings, family gatherings, charitable events, church events, high school events and whatever. Obviously, if it's a high school event, they won't be serving liquor. So, it's not going to be a restaurant type private club where you have a bar there that is always set up or you have a restaurant there that is always set up. Under the ABC regulations for a large event facility like this, yes, caterers will be used and they will be contracted, and that's specific with the ABC regulations. That is permitted. Councilmember Long said yes.

Councilmember Long said on a private club permit you will not be engaged in food services. Sometimes you'll have hors d'oeuvres. Sometimes you'll have full sit down meals. Tell me about the presence of minors in the private club, because in Section 5.49, it says no minors may be allowed or permitted on the premises of a private club when alcoholic beverages are being served, unless there's a food service available from a Health Department approved kitchen facility on such premises where the food is prepared and being served. Mr. Moore said that is true if it's a restaurant, but, again, on a public, large event facility they can use caterers and of course, the caterers have to be approved and whatever else, but it is permissible to use caterers under the ABC regulations for this type of facility, rather than having a full-time kitchen there. Councilmember Long said I assume at weddings you'll have alcohol and there are going to be children there. How are you going to monitor that? Mr. Moore said one of

*the ways they will do that is, before anybody can be served an alcoholic beverage, they would have to present an I.D. just like they would at any other type of club, and then, what Ms. Smith plans to do is either have a stamp or a wristband to show that that person has been proven to be of 21 years of age or older, before they can be served.*

*Councilmember Long asked how do they go about applying for membership. Is the whole property going to be assumed to be the private club? Mr. Moore said yes. Councilmember Long said so, when you enter into that property, you are entering into the private club. Mr. Moore said that is correct and, just like any other restaurant, at the main entrance for anybody who comes in to use any part of the facility there will be a registration desk there where the person has to sign in just as they do for any other type of private club here in town. Councilmember Long said okay, and how do you propose that you are going to identify that person as a member or a non-member for the purpose of providing alcohol to that person. Mr. Moore said well, the member can allow a guest to be there and you can serve the guest alcohol in addition to the member, just like you can on a private club, but there has to be a member present. Councilmember Long asked so how do you know if there's a member present or not. Mr. Moore said before they rent the facility, they're going to be sure that they're renting it to somebody who has a membership. Councilmember Long said okay. Mr. Moore said so, that's how that would be done. That would be very easy. If someone wants to contract to be there and they're not on the membership list already, they could apply for a membership. It's a simple procedure.*

*Councilmember Long said yes, and I know that you had mentioned this in the letter to Mayor Perrin that you identified this as different from most other venues. The majority of the time, when we allow for alcohol permits, it's at a restaurant where you have food preparation and you have a kitchen there that has a menu. People will get a drink with their meal. From my understanding, there is only one large event facility and that's at Arkansas State University (ASU) and ASU is served by Sodexo, which actually has food preparation there. This would be something that is totally different from anything this City Council has actually seen before. Whereas, you would be permitted to serve alcohol without actually having a restaurant there. Am I correct?*

*Councilmember Gene Vance said I'd like to answer that. President Pro Tempore Moore said you don't have the floor Councilmember Vance. When Councilmember Long is finished questioning, I'll give you the opportunity. Let me just expedite this. Mr. Moore, did you say that it was allowed under the ABC rules to have off site catering? Mr. Moore said yes it does. President Pro Tempore Moore said okay. Does that answer your question Councilmember Long? Councilmember Long said yes it does. President Pro Tempore Moore asked Councilmember Long if he had another question. Councilmember Long said no I do not. President Pro Tempore Moore said Councilmember Vance you have the floor.*

*Councilmember Vance said I just want to clarify one thing that Councilmember Long said. At ASU, there is not food service preparation in the First National Bank Arena, nor in the football stadium, and both of those facilities have the private club license. They are all catered from a central kitchen to that. This is not different to that except that it won't be on the same campus where the food is prepared.*

**A motion was made by Councilperson Mitch Johnson, seconded by Councilperson 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; Charles Coleman; Joe Hafner; David McClain and LJ Bryant

**Nay:** 1 - Bobby Long

Enactment No: O-EN-007-2019

*ITEMS THAT HAVE BEEN HELD IN COUNCIL*

[RES-18:198](#)

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A CONTRACT TO PURCHASE PROPERTY LOCATED AT 827 WARNER AVENUE FROM GUY CREMEENS.

**Attachments:**     [827 Warner - County Information](#)  
                          [827 Warner - Limited Title Search](#)  
                          [827 Warner - Title Search](#)  
                          [827 Warner - Signed Offer and Acceptance](#)  
                          [Staff Summary - 827 Warner Ave.](#)

*Land Bank Director Jonathan Smith said I'll be short and then I'll just take questions. The goal or end result for 827 Warner would, hopefully, be to rehab the structure. We were out going through the west end area, one of the areas where we were trying to spend some of our resources, and this came across our desk. Obviously, the Land Bank Commission reviewed some of the documents and decided that this would be a good first project to get our feet wet when it comes to rehabbing a structure. I don't know if you want to call it RFQs or letters of interest since this really isn't a specified professional service, but we're currently drafting a letter to put out publically. We're going to use Communications Director Bill Campbell to get that out. We're going to start soliciting for local developers who would be interested in completing this project. With that being said, I'll take questions.*

*Councilmember Gene Vance said I did have questions earlier today and I made a couple of phone calls and received a phone call and I understand where they're going. My understanding of the Land Bank from the way Mayor Perrin explained it and the way the people from Little Rock came and told us about their Land Bank that it would not be a single house in a neighborhood that's in pretty good shape. The way it was explained to me was that this is a good way at an economical price for them to perhaps have a home run that will be able to expand into other areas across the city. So, I had my questions answered and really favor this now.*

*President Pro Tempore Chris Moore said let me just tell you what Dr. Bob Warner, Land Bank Chair, told me and you correct me if I'm wrong. The goal here was that there was a house that by all rights should be condemned. The city can move forward with the condemnation and we can pay the entire clean-up cost on it, which would be estimated at \$3,000 to \$4,000. At the end of that, we would have a lot that is unbuildable and therefore, unsellable. Dr. Warner explained that the Land Bank wants to purchase this for \$10,000 and solicit bids and try to find a developer who will buy it from the city, even if it's less than \$10,000, such as \$6,000 or \$7,000. They will then restore the house, redevelop it and return it to useable condition. The difference in that money was less than if the city had paid the \$3,500 clean-up fee on it and then we were left with a lot that could not be built on. Is that the general premise here?*

*Mr. Smith said yes. To add to that, once we go through that process and the city does the clean-up work, ultimately we'd place a lien on the property and a majority of the time that money is just left out there. There's not a mechanism for us to go back and try to force the owner to pay us. We're working on that right now, but, a long story*

*short, for this particular property, we're going to try to see how it goes. I think we can get what Dr. Warner was saying. We have talked to a few developers. I think we can get at least \$5,000 out of the property. Ultimately, instead of creating an undeveloped lot, that we're going to be mowing indefinitely until it sells at the auction, we're going to create a single family home for a family.*

*Councilmember John Street said hopefully, it will serve as an example. President Pro Tempore Moore said I think there are quite a few people watching it pretty closely. In my conversation with Dr. Warner, it is a fiscally responsible thing to do if we don't have to mow it and we don't end up with that lot. Councilmember Street said it will promote additional revitalization in that area, which that's what the aim is, I take it.*

*Mr. Smith said another benefit to it is when you start talking about RFPs, RFQs and development projects, the land commissioners are fairly new to that in some respects. This will be an easy win on the commission's side of things to get them familiar with looking through RFPs, when we get to that point to identify what type of project would best fit on that lot. It will benefit the neighborhood. Obviously, Dr. Warner is the west end president and we've gone through that route and talked to the neighborhood and we've not received any negative feedback on that side of things. So, we think we're good to go.*

*Councilmember Dr. Charles Coleman said is this going to do the same thing on our side, too. Not so much for this property, but I mean others. Mr. Smith said I'm not going to go too in depth. I don't want to waste everybody's time, but we're in negotiations with several lots on the north end. I think we've already bought three right there on Bridge Street and Drake, as well. The problem is we're just kind of getting our feet wet. We want to make sure that we have an easy project, with this being mostly an interior revision. It's not a complete new structure. There are some connections with local developers, obviously. It will just be an easy project to kick off and get our feet wet. Hopefully, in the long run, as Dr. Warner is saying, we're going to save the city money by saving the structure, rather than condemning it.*

*Councilmember L.J. Bryant said I would like to make a comment. President Pro Tempore Moore said you have the floor. Councilmember Bryant said I went on the tour with JET and I know you are looking at a lot of properties in various parts of town, so I think that's great. I think it's really cool that this property is on a corner. Something about that is just so cool that I think it makes it more of a catalyst. Mr. Smith said being on a corner with setback requirements, those who are developers understand that corner lots typically have larger setbacks being on the street and it just adds to the reason why you want to save the structure rather than remove it because of those setbacks and the size of the lot.*

*Councilmember David McClain said so, the goal is to make sure we're putting back the same house, but making it nicer, of course, but not tearing it down and putting up something not as attractive. Mr. Smith said this is where I'm going to defer to City Attorney Carol Duncan, once we get to that point, but, hopefully, by the end of this week we'll have, what I'm calling RFQs or letters of interest, ready to go public, and we'll start taking in letters of interest from developers. Once we get that group established, we're going to ask for their individual proposals and we'll go through that list, look at all the proposals and the commissioners, myself and city staff will look at those and decide as a group which one we feel like is the best project or the best interior revision. The City Council is also more than welcome to sit in, as well. The ultimately goal is to salvage the structure. Otherwise, you would have to go through and do a rezoning or get variances to put up a duplex or any type of project like that, and*

*that's really not what the Land Bank is looking to do. Councilmember McClain said okay. Thank you. Mr. Smith said with us being the owners, we can ultimately decide what to do with the property.*

**A motion was made by Councilperson Chris Gibson, seconded by Councilperson Gene Vance, 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-007-2019

## **8. MAYOR'S REPORTS**

## **9. CITY COUNCIL REPORTS**

## **10. PUBLIC COMMENTS**

*Ms. Patti Lack, 4108 Forest Hill Road, said I just want to follow up with you all about what happened last Wednesday. There were four of us who travelled to Little Rock to attend the Arkansas State Highway Commission business meeting, and it was really interesting to attend. After that, we met with the Assistant Chief Engineer in Planning and the head of the Environmental Division, which was very informative because we wanted some questions answered about Harrisburg Road. We learned a lot about this project. The first thing we learned was that at the intersection of Parker Road and Harrisburg Road there is going to be extensive changes in the intersection where the 17,000 cars go by every single day. We learned that there is going to be a right-hand turn lane in every direction, and then there is going to be a separate lane when you come off the bypass that goes onto Parker Road. We didn't see any plans for the specific area of Parker Road and Harrisburg Road that was lined out in red, but today when I was driving by, I saw Fisher and Arnold surveyors out surveying that area. We also learned there was a big need to have a right-hand turn lane at Gladiolus Drive and Forest Hill Road. The next thing we learned is that we were told that Jonesboro is growing with a lot of business in the Harrisburg Road area. I think they are talking about between Walmart and Home Depot, and I think like you know and we know, the only way those businesses are going to have an exit and entrance is going to be on Parker Road, with the exception of one business that will come out on Gladiolus Drive. You have to remember that we are a residential area.*

*We were told that there is going to be a public meeting and I checked with Traffic Engineer Mark Nichols and a man in Little Rock today and that the meeting will be on February 28. So, I wanted to let all the people know. They don't know the location yet, but there's going to be a public meeting on February 28. I think the frustration is that, again, down there they told us that they are listening to our concerns and I hope our concerns this time are taken seriously when we come to these public meetings. With the new information that we got, I want to go back to the City Council meeting from June 19, 2018. Mayor Harold Perrin had said that the five lanes would end at Forest Hill Road. He also showed concerns that there were safety concerns for school buses with kids riding on them, people crossing over Harrisburg Road and those using the JET system and, also, the consideration for those who live in the houses right on Harrisburg Road. Those people are the Ishmaels, the Browns and the Essmons. It's the people we have to be concerned about, too.*

*I don't know if people from Fisher and Arnold are here. I know Engineering Director Craig Light is here because I saw him. These are just some of the suggestions that we'd like to just provide to them for Harrisburg Road. First, maybe have two lanes on the west side of the road going south from Parker Road to Forest Hill Road, so you would have access to turn right on Gladiolus Drive and Forest Hill Road. That's the side of the Exxon station going south. Then, have two lanes on the east side after the bridge, going north. This way the Ishmael's house, the Brown's house and the Essmon's house, along with two other houses, and their life investments won't be ruined because their houses are going to be taken over if that road goes right through their yard. We also have concerns about those houses that are closer to Parker Road and Harrisburg Road. Plus, this would make it safer on Forest Hill Road if you're making a left onto Harrisburg Road because there would only be three lanes instead of five lanes. So, you could join that short little area and connect that because that was one of the concerns that we had. Maybe the idea is to have a four-lane road instead of a five-lane road with a turn signal. That would cut off like 12-feet of that road. An example of this is Windover. If you look at Windover from Harrisburg Road all the way to Red Wolf Blvd, there are four lanes there, and if you think about it, that road has probably been there for about 15 years or more. In order to get federal funds, the idea is to prove that you can be supportive after 20 years and make it worthwhile for doing the improvements. So, those are some of the ideas that I would like to suggest to Mr. Light and Fisher and Arnold to take into consideration when drawing up their plans in the next couple of weeks.*

*I look at this sign right here in front of you all that says People, Pride and Progress. It lists people first, and I think we have to really consider what the people in this area are looking at because that's one of the most important parts of it. One last thing, this is an article from the Arkansas State Highway Commission talking about state highways and how we need to preserve them, and that's a state highway and a scenic bypass. Thank you. President Pro Tempore Moore asked Ms. Lack if she had any written comments she would like to submit to the City Clerk. Ms. Lack said she would send them by e-mail.*

## **11. ADJOURNMENT**

**A motion was made by Councilperson Chris Gibson, 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**