



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes - Draft Public Works Council Committee

Tuesday, October 1, 2019

3:30 PM

Municipal Center

NOTE: TIME CHANGE

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

Present 6 - Gene Vance; Mitch Johnson; John Street; Chris Moore; Charles Coleman and Ann Williams

Absent 1 - LJ Bryant

3. Approval of minutes

[MIN-19:088](#)

Minutes for the Public Works Meeting on September 3, 2019

Attachments: [PW090319 MINUTES](#)

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

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Abstain: 1 - LJ Bryant

4. New Business

ORDINANCES TO BE INTRODUCED

[ORD-19:053](#)

AN ORDINANCE TO CHANGE THE NAME OF AGGIE ROAD AND FRONT STREET TO DR. MARTIN LUTHER KING JR. BOULEVARD AND TO ERECT APPROPRIATE SIGNS AND FOR OTHER PURPOSES

Sponsors: Charles Coleman, David McClain and LJ Bryant

Attachments: [Letter to the Public Works Committee pdf.pdf](#)

Councilmember Chris Moore said, I am personally opposed to re-naming streets in general John so I am going to make the motion to postpone the ordinance indefinitely on this first ordinance. Councilmember Gene Vance said I second.

Gary Tate, 2300 Manchester Street Drive said, I served on this committee. As for as reference to the Freedom Trail, the committee was unanimous. But, as for re-naming streets, it was not. There were nine members present and the vote was six to three on both this ordinance and the next one. My opposition still stands the same as for re-naming existing city streets. I have never been opposed to naming a new street or the extension of the eastern arterial. But, when it comes to re-naming streets I am still opposed to that. I have gotten several calls asking for support in not changing any streets so that's my position on it. Chairman John Street said, Thank You Mr. Tate. Perry Vann, 1009 Glendale, Jonesboro, Arkansas. Councilmember Chris Moore said, I am sorry but I did not hear your name. Perry Vann. Mr. Vann said, I'm against the trail, and I am against Aggie Road too because nobody travels that. We need something that will stand out for Dr. King. Changing street names don't cost that much. The business that's causing this, they don't have to change their signs. They could take Johnson on up. I'm against the bike trail, nobody rides their bike anymore. This is something for people out of town to see and for Jonesboro, really to just enjoy and travel on. Dr. King did stuff for all people not just one race. I am against the trail, but I am for a street. Aggie Drive is out of the way and Commerce Drive is way out of the city where it can't be seen. We need a street that is traveled so people can see it to honor Dr. King. Chairman John Street said, Thank You Sir.

Barbara Ring, 712 East Nettleton Road. I would like to speak in opposition to the re-naming of Aggie Road. The following passage was taken directly from the ASU website. This is a quote, "ASU developed from an agriculture school founded on April 1, 1909, by Act 100 of the 37th General Assembly. It was created as one of four Arkansas High Schools to teach agriculture, horticulture, and the art of textile manufacturing. Despite its agricultural focus, the Aggie School offered a well-rounded curriculum from the beginning." This is a quote from the ASU story. "The history of Arkansas State University by, Lee Dew. The contract for the main building was let in August, 1910. Contracts for the residence halls were let in on September 15, 1910. Dew said, the two new dormitories, which were Barnhart and Lewis Halls, "were to be built across the road from the main building which is now Wilson Hall. A road already coming to be known as Aggie Road. The new campus was occupied in the fall of 1911. So, as early as 1911 and maybe even 1910 references were made to Aggie Road. As you can see this is a history of well over a hundred years. It's a small thing but I think it is an important piece of Jonesboro's and Arkansas State's history and we need to preserve it. Chairman Street said, okay, Thank You Ma'am. Councilmember Chris Moore said, I think this woman just exemplified the exact reason why I am opposed to re-naming roads. Every road has some history that is going to cause grief with somebody. I think she summed it up in here statement about Aggie. I'll yield the floor to the people that want to speak.

Don Bridger, 103 Azalea Lane, just off of Aggie Road. I have spent the biggest part of eighty years living on Aggie Road and I think it is a poor choice to re-name. Number one it's not a boulevard, it's a two lane street and I don't think it will be anything more

than that anytime soon. And then, of course with its connection with Arkansas State University as the Aggie School, an agriculture school, I am opposed to it. Chairman Street said, okay, thank you Sir.

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

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

[ORD-19:054](#)

AN ORDINANCE TO CHANGE THE NAME OF COMMERCE DRIVE, ALONG WITH ITS FUTURE EXTENSIONS, TO DR. MARTIN LUTHER KING JR. DRIVE AND TO ERECT APPROPRIATE SIGNS AND FOR OTHER PURPOSES

Sponsors: Charles Coleman, David McClain and LJ Bryant

Attachments: [Letter to the Public Works Committee pdf.pdf](#)

Councilmember Chris Moore said, maybe City Engineer Craig Light or somebody can tell me the technical, I know like when we go to New Orleans, Canal Street and Lafayette Street is Martin Luther King Expressway. But, they are still called by their street names. Is that what Commerce Street would be? Chairman Street said, that is not what this ordinance says. Mayor Perrin said, there are two issues there. Councilmember Moore said, my question is could we leave Commerce Drive as Commerce Drive but make the entire stretch of Commerce Drive and the new extension, could it be named the Martin Luther King Expressway and signage be put up because I have seen that in several other cities where the original street name is still on the corner, but on the big signs on the interstate it will say the Martin Luther King Expressway or the something expressway. Mr. Light said, I believe that you can do that. My only question would be that you could mark it on the Pacific end and then up on Highway 49 but then the middle, it would be in the County. Councilmember Vance said, yes, that is how the Highway Department does it when they do memorial highways like the stretch of highway down by Marked Tree is a memorial highway for a State Trooper. Councilmember Moore said, my point with this ordinance, and I'm in favor of recommending this to the full council, but I think what we should recommend is naming the entire stretch, including the future extensions The Martin Luther King Expressway while maintaining the short section still as Commerce and Martin Luther King Expressway. That way, no business or factory on that street should have an objection to that, because they will still be able to receive mail at the original address, but, yet the entire stretch of road would be labeled the Martin Luther King Expressway. Councilmember Vance said, I have a question for the Mayor. Is this what we are considering our new Eastern Bypass and is this going to become part of the state system? Mayor Perrin said, yes. This is through the STIP, the state program of taking the Arterial or Eastern Bypass which goes from I-555 all the way to Highway 49 and the city limit ends at Pacific. What Mr. Light is talking about from Pacific on, it is in Craighead County. So, I don't know how that is going to work other than if they acquire the land, they will be acquiring the land from the owners that is in Craighead County which would be a state project. So the answers to your question, it would be a state project. Councilmember Vance asked, does the State Highway Department have the option, if the County did not want to, the State Highway Department would have the option to name the entire stretch from Highway 49 to I-555? Mayor Perrin said, the naming of roads on that is done by the cities and submitted to ARDOT for approval. In most cases all of those are approved when they send it down. So, we would have to pass a resolution of naming, let's just say Commerce Drive, Dr. Martin Luther King Memorial highway or Expressway or whatever come up on that. You would have the signs on each end of that deal. Now, the question that Councilmember Moore asked about is that you can have it the memorial highway or whatever and that is what was discussed on Johnson and you wouldn't have to change the addresses. But, it depends on what your ordinance reads or the way it is written the way that it is written now, you would change everything. Chairman Street said yes, this would have to be amended. Councilmember Vance said, my next question would be, should we, be recommending a resolution to the

council instead of an ordinance to the Council? Counselor? City Attorney Carol Duncan said, in the past we have done it both ways. In the past, we have renamed streets both by ordinance and by resolution. I don't know that it matters a whole lot. We just determined that we liked the formatting on the ordinance we had used in the past better and we were going to be consistent with that. It seemed to have more language and just be better written than some of the old resolutions we had done. But, I think either can be appropriate. Councilmember Vance said, we could have time to think it through and amend it properly when it hit the council floor. MS. Duncan said either way.

Councilmember Chris Moore said, there are two issues that I see that could derail this. We don't have the right to name the section that is in the County. So, if we maintain the section on Commerce in the city and we name it the memorial highway, but the people in the county decide to name that little section something else, I think we could success with having the memorial highway designation with the Highway Department. Chairman Street asked, well, will not the start of it off Highway 49 be inside of the city limits of Jonesboro? Councilmember Moore said, when it crosses the tracks, it won't be. Chairman Street said, no, it won't be, but if it was in this side. Councilmember Moore, said, I am just telling you. Let me just finish stating the two issues that I see that could derail this and I am trying to avoid. One is that we already have the rights to name inside of the city limits. Someone else has the other. If we call it the memorial highway, it doesn't matter what they call the other end. Second is we would avoid any objection from the factories, businesses or residences in that area if we also maintain the designation of Commerce Drive also. So that is the two things I am trying to avoid.

Tony Thomas, 915 Live Oak Circle, said, there has been some discussion with the county personnel. Craighead County Judge Marvin Day did indicate that the county would be willing to follow suit along with the City in the event that the name changes to Martin Luther King Drive, Boulevard, or whatever. Judge Day has the sole authority for naming recommendations in the County, and it would not require the approval of the Quorum Court in that regard and so, his support is there. Chairman Street said, you answered my question. Councilmember Vance said, I have had that same indication from the Judge. I was unsure and I was going to ask. I am pretty sure that the Judge has that authority on his own. Councilmember Mitch Johnson asked, would we be better off to wait until this is actually brought into play and the road is actually built and then do the renaming instead of doing a memorial and just rename the whole thing when it is done? Councilmember Vance said, well, I think we have kicked the can long enough and it needs to go to council for discussion. If the council votes it down, then the council votes it down. But, I would like to recommend and maybe my motion to change the ordinance to where it reflects the memorial highway. That we have the authority and maybe even amend it to ask the county to take their part of it and make it a memorial highway from end to end and leave the postal designations alone.

Councilmember Moore said, and that is what I am asking. I am asking that we still leave that section call Commerce. Chairman Street said, well right now we have a motion and a second on the floor Gene. Councilmember Vance said, I am making an amendment to my motion. Chairman Street asked, well what about the second, Dr. Coleman? Councilmember Dr. Coleman said, I will second that amendment, Chairman Street said, state your motion again Gene. Councilmember Vance said, that we ask the City Attorney to rewrite the ordinance to where it reflects instead of a total name change, that this section of city street and future city street be named a memorial highway and also ask the administration work with the County Judge and hopefully end up with a memorial highway designation from I-555 to Highway 49 while maintain the postal designation as they stand. Councilmember Dr. Coleman said, I am still saying second as long as we do something. Chairman Street said, so we have a motion and a second. Is there any discussion?

Debra Rochelle, 795 South Hill Drive, said, I was involved with some of the initial

conversations regarding the renaming. What I am hearing here is not a re-naming, it is a designation of a memorial highway, or expressway, and or drive. But, that extension that is being built could be named anything, and so, what I want to ensure is that at the very minimum is that this resolution designates that the extension will be named Martin Luther King Highway. Councilmember Moore said, I 100% agree with your statement. I would expect that after this the Mayor work with the County Judge. That extension is out of our control when it is out of the city limits. Ms. Rochelle said, but the resolution that you just recommended was that it would be. Councilmember Moore said, but it would only govern our section of the road in the city limits. Mr. Thomas just told you that the County Judge has sole authority to name streets in the county, but our resolution will reflect that we are going to ask the County Judge to work with us regarding the naming when that extension is built. Ms. Rochelle said, I would appreciate it if it had stronger language that states that this is our recommendation. Councilmember Vance said, some of us have already had those conversations and do not think that there is a problem, but by putting it in writing, we have asked the Mayor to work with the County Judge to take care of that and make that designation. Councilmember Moore said, it will be a formal request. We are going to instruct the Mayor to ask the County Judge to formally name that section that has yet to be built. Ms. Rochelle said, I just don't want to see us get to the point we wind up again with pieces. It has got to be better than this. Councilmember Dr. Coleman said, I don't think we are going to get to that point again. That is why the amendment was made so we can do that and it will be proper, especially since Mr. Thomas spoke. It will be taken care of. Ms. Rochelle said, thank you. Chairman Street said, thank you ma'am. Gary Tate, 2300 Manchester Drive, said the people that have been call me would not be opposed to leaving Commerce Drive as Commerce Drive but making it a memorial highway in honor of Dr. Martin Luther King. The opposition is about changing addresses. But, as far as doing a memorial highway, I don't think any of them would have a problem with that. I don't Chairman Street said, this proposal would not change any of the addresses on Commerce. Councilmember Moore said, that's my intent altogether. I just want to head that fight off because I know that will be the next fight if we go to change all of those addresses. That was my intent of the memorial highway designation was to leave their addresses as Commerce Drive and cut that fight off. Councilmember Johnson said, for clarification, addresses don't change, Commerce Drive signs remain in place. Councilmember Moore said, that is right. Councilmember Jonson said, we are not changing the official name of a street. Councilmember Vance said, that is the intent of the motion. Councilmember Johnson said, I am just asking for clarification here before I cast my vote. Councilmember Vance said, well where your vote will count is at the Council meeting and that is all cording to how our attorney writes it, whether it is that way or not, but that is the intent. Councilmember Johnson said, that is why I am asking for the clarification now because the last time this came up, I was not going to vote something "aye" just to take something to council if my belief is to not change the official name of a street. Councilmember Moore said, and, that is me Mitch. I can't pass it onto the council if we were just headed for a stall at the Council. Councilmember Johnson said, I will totally agree with that. I want to make sure all of this before us "aye," that we are all on the same page. Councilmember Vance said, if my Sedgwick verbiage was correct, that is the total intent of what I said. Councilmember Johnson said, okay. Well, I will take your Sedgwick verbiage. Tony Thomas, 915 Live Oak Circle, said, I understand that Commerce will remain Commerce. There is a new section of roadway within the city limits and it has no name. There is an existing roadway that goes all the way through the city limits. City Attorney Carol Duncan said, I got a text message from Chief of Staff Mike Downing who sat in on a lot in the committee that there is a section of road that is just known as highway 49 that does not have name and so that is your point of clarification. Mr. Thomas said, there is a street in the city limits that has not name. Ms. Duncan said, he (Mike

Downing) said it is the extension just north of the current Commerce Drive doesn't have a name that the city has designated, Councilmember Moore asked, and it's a city street with no name yet? Ms. Duncan said it is just referred to as Highway 49 unless we name it. Councilmember Vance said, it cannot be Highway 49. Councilmember Moore said, it can't be Highway 49 because that is Johnson Avenue. Ms. Duncan said, I would have to have a map to look at to know what road. Councilmember Vance said, I think he is mistaken about what we are talking about. Ms. Duncan asked, what do you know Craig? Mr. Light said, there will be a section north of Pacific that goes to the ditch and I'm not sure how far how far it would be, maybe a quarter of a mile that will be in the city limits that would be a continuation of Commerce Drive, but it will be a new street. Chairman Street asked, it is just north of Pacific, right, starting there and calling it Martin Luther King. That section is in the city too. Councilmember Vance said, well than that should be part of my amendment. Chairman Street said, that is a brand new street. I mead it would be brand new. It wouldn't affect anyone.

Perry Vann, 1009 Glendale Street, asked, why is it so hard to name a street after Dr. King? When you sit back and name a street, remove it, remove the address and everything and named it Red Wolf after something that is almost extinct, but you can't name a street after Dr. King after all the work that he did. Councilmember Moore said, please let the record reflect that I and John Street voted against re-naming Red Wolf. Chairman Street said, and so did Mitch Johnson. I will state for the record, I will not vote to change the name of an existing street for anyone. Mr. Vann said, we came here to ask what this was all about was to name a street after Dr. King to honor him. We've gone from naming a street after him to calling it a memorial highway. If someone comes from Post Road, they are not going to know that the street is honoring Dr. King. What is the problem with naming a street after Dr. King for the work he did? Every other city has done it and had no problem doing it. Councilmember Vance said, I will say one thing to what you just said about every other city. You go check every other city, and there are a lot of cities that have streets named one thing but are Martin Luther King Memorials, and that's all we are trying to do here. Mr. Vann said, every city that I have been to has a Dr. King Boulevard and not a two-way street. Most of them are four lane and it should be no problem to name a street after Dr. King. Why do you hate him so much? Councilmember Moore said, that doesn't have anything to do with it. Chairman Street said, I don't think anybody hates him, Councilmember Vance said, we don't hate him. It is not naming a street that is the issue, it is renaming a street. Councilmember Moore said, this is not a referendum on Dr. King. Mr. Vann said, what is the problem with naming a street after Dr. King? Chairman John Street said, Mr. Vann, if you have a comment that is pertinent to what we are discussing, you're welcome to make it, but we are not going to go there. Do you have anything to say about the proposal? Mr. Vann said, the committee asked for a street. We said a street. Chairman Street said, we are talking about the proposal that is before the committee. Moore said, we asked for a comment about the proposal that is before the committee. Mr. Vann said, we are asking for his name on a street. Chairman Street asked, do you want to make a comment that is before this committee, if not we are done. Thank you sir.

Roy Ockert, 3617 Alabama Road, said, I volunteered to have my street re-named, I have never been too fond of Alabama Road. But, that wasn't part of the suggestions. After you postponed the resolution for Johnson Avenue it just so happened I became unemployed again about that time, so I volunteered to help the Unity Coalition that you established. Therefore, I sat through all of the meetings and kept minutes. I think the group that was appointed debated every possible angle that they could have. I would just like to remind you though that if you just want a memorial highway you could have done that with Johnson Avenue without changing any addresses. Thank you. Chairman Street asked, are there any other comments? If not, the motion before the committee right now is to have the City Attorney Carol Duncan draft, redraft this

ordinance with an amendment that makes from the city limits no1th at the pleasure of the County Judge, Martin Luther King Boulevard, Street or whatever and from the city south it would be Martin Luther King Boulevard. Is that correct? Ms. Duncan said, the City Attorney doesn't get to pick whether it is a Boulevard or an Expressway or Memorial Highway. You all have to pick that. That is not something that I get to pick. Councilmember Vance said, I think it should be Expressway. I don't think it is going to be a Boulevard for many, many years. I particularly like Expressway, but I am willing to go with anything anyone else here thinks. Councilmember Moore said, Boulevard means it has a divider in the middle. So, it is not going to have a divider. Eventually, it is going to be a major four lane road. Mr. Light said, typically, an expressway has control of access. This is going to be minimal control of access. Council member Vance asked, well, what should we call it? Mr. Light said, Boulevard is probably as accurate as it could be or Highway. Councilmember Vance said, I don't have a problem with Highway, Expressway. It doesn't matter to me. Chairman Street said, ok, but Carol has to have something specific. Councilmember Vance said, Boulevard it is. Mr. Ockert said, the Unity Coalition asked that it be named Drive. Councilmember Moore said, I am not opposed to Drive. I will second that. Councilmember Vance said, my motion means Drive. Ms. Duncan said, one more question because there was also discussion. Are you asking that we include any section not designated Commerce shall so be named Martin Luther King Drive within the city? Councilmember Moore said, yes. Councilmember Vance said, yes Councilmember Dr. Coleman said, yes. Ms. Duncan said, that motion was technically that I redraft it. Are you asking that it come back to committee or are you asking that it go to council? Councilmember Vance said, full council. Ms. Duncan said, we probably need that motion. Chairman Street asked, is that your motion Gene? Councilmember Vance said, that is my motion, yes. Councilmember Dr. Coleman said, yes on second.

A motion was made by Councilperson Gene Vance, seconded by Councilperson Charles Coleman, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

[ORD-19:055](#)

AN ORDINANCE TO NAME TWO SEGMENTS OF THE JONESBORO MULTI-PURPOSE TRAIL SYSTEM IN HONOR OF DR. MARTIN LUTHER KING JR. AND TO ERECT APPROPRIATE SIGNS FOR EDUCATIONAL PURPOSES

Sponsors: Charles Coleman, David McClain and LJ Bryant

Attachments: [Letter to the Public Works Committee pdf.pdf](#)

Gary Tate, 2300 Manchester Street, said, when Dr. Coleman first brought this up and brought us information with pictures of plaques regarding the Freedom Trail, I thought this was an excellent idea. When we started discussing it originally, the discussion was to make the plaques and the markers all the way from Allen Park to downtown Jonesboro. I was the one that made the motion to forward it to this committee. My recommendation and the way that it was voted on was to keep the educational part between ASU and downtown. I am here to tell you that I've got grandkids that are 10, 11, and 13 years old that have never heard of Dr. Martin Luther King. They don't know who he was. They don't know what he did. My reasoning for keeping the educational part between downtown and ASU is so that schools could do field trips and the children could learn the history of Dr. Martin Luther King. They could let them off at one end and walk 7 /10ths of a mile which is less than 4,000 feet and they could read the history and learn something about Dr. Martin Luther King. I think this is an excellent idea. Thank you. Councilmember Mitch Johnson said, out of the three choices that we had, I thought that it was an excellent idea myself. Councilmember Chris Moore said, I did too. Councilmember Johnson said, I am afraid that the street we just voted to do is going to be confusing to people, but that has already been passed. Chairman John Street said, well, it is going to council. Councilmember Moore said, it hasn't been passed. It was forwarded to the full council for consideration. Mayor Perrin said, it will be discussed later.

A motion was made by Councilperson Charles Coleman, seconded by Councilperson Chris Moore, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

[ORD-19:057](#)

AN ORDINANCE TO REPEAL ORDINANCE 14:038 ADOPTING THE 2010 ADA STANDARD CODE BY REFERENCE

Sponsors: Human Resources

Attachments: [COJ ADA Complaint Guidelines+.pdf](#)

Councilmember Gene Vance asked, does this mean that the city is no longer going to assist contractors and architects in interpretation and compliance with the ADA requirements? City Attorney Carol Duncan said, what it means is that their architect is supposed to do that. They hire a design professional that is supposed to do that. Under the law as we understand it from the AML and from everyone else, other than what is in the building code, right, we will still enforce the parts that overlap into the building code or fire code. Councilmember Vance said, I didn't say enforce, I said assist. We have in the past, as contractors, been given assistance by the City Engineering Department in some interpretations and some construction methods to make sure we complied.

Ms. Duncan said, I don't know if I can answer that part. I am saying that we will not enforce. I don't know whether they will still assist people or not or if they can. Chairman John Street asked, Craig, do you have any insight? City Engineer Craig Light said, I am sure we can continue to answer questions but, we have no authority to grant variances on what the code is. Councilperson Vance said, that is not what I was talking about. I was just talking about assisting in interpretation and in construction methods. Ms. Duncan said, with the caveat that they cannot be held to that. If it ends up to be wrong and we get sued. Council member Vance said, the things that Joe used to help us with. Mr. Light said, we will continue to try to be helpful to the .building community, but we have no authority to say whether or not something is compliant or not compliant. Councilmember Vance said, I understand that but, that was not my question.

A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

RESOLUTIONS TO BE INTRODUCED[RES-19:137](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS, TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM GRANT AND JACQUELIN MCDANIEL & JENNA MCDANIEL FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

Sponsors: Engineering

Attachments: [Permanent Drainage Easement - McDaniel.pdf](#)

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

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

[RES-19:138](#)

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS, TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH ALVIN CRABTREE & SON CONSTRUCTION, INC., FOR THE PATRICK STREET SIDEWALK IMPROVEMENTS -- PHASE II

Sponsors: Engineering

Attachments: [Bid Tab Patrick Street Sidewalks - Phase II.pdf](#)
[Contract Documents - Patrick Street Sidewalks - Phase II.pdf](#)

Mayor Perrin said, Mr. Chairman let me make a comment and then you can get a motion and a second. On some of these resolutions like this, I think we should start putting the dollar amount in the resolution. In the case on this resolution, I have no idea how much is coming (I probably do, but I am just saying.) from Capital Improvement of the \$198,000 and how much is coming from CBDG. Because, it is a federal grant it would to me, need to have more documentation for legislative audit if the resolution states the total will be \$198,000 with blank coming from CDBG and blank coming from Capital Improvements. Chairman John Street said, I concur. This came from Engineering like that. Mayor Perrin said, because a lot of people will say, "Well you transferred this money around." No, that is not what we have done. I think it needs to be very clear and very specific particularly when you are getting audited like that. Chairman Street said, I think that would be an internal decision that you can make. Mayor Perrin said, well, I am just telling you that is what I am going to ask. Chairman Street said, I agree with you because all you can do is go through the bid documents and look at the contract. Councilmember Gene Vance asked, does this need to go to council tonight or can it wait the two weeks? Chairman Street asked, Craig, does this need to wait or can wait? He said it can wait. Mayor Perrin said, we are still waiting on some stuff from Crabtree. City Engineer Craig Light said yes, it can wait.

A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Gene Vance, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

[RES-19:139](#)

A RESOLUTION TO EXECUTE A TRAFFIC CONTROL DEVICE
AGREEMENT TO MAINTAIN A CONTROL DEVICE

Sponsors: Engineering

Attachments: [Traffic Control Device Agreement - Highway 18 and Caraway.pdf](#)

Mayor Perrin asked, is this the Trinity Rail or is this on Caraway and 18 which is Highland? City Chairman John Street said, Highland. Mayor Perrin said, I believe this is the one going to bid in November. Engineer Craig Light said, yes, it is Caraway and Highland. Mayor Perrin said, it is Caraway and Highland. I want make sure everyone understands that, it is where the old Coke Plant used to be. Chairman Street asked, is that the new improvements to the intersection? Mayor Perrin said, correct, that is correct.

A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Gene Vance, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

[RES-19:140](#)

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH W. WILLIAM GRAHAM JR., INC., TO PROVIDE PROFESSIONAL SERVICES FOR THE JONESBORO INDUSTRIAL LEAD RAIL SPUR (COMMERCE ROAD RAIL GRADE CROSSING TO NESTLE RAIL GRADE CROSSING) PROJECT

Sponsors: Engineering

Attachments: [Industrial Lead Rail Spur Agreement+.pdf](#)

Chairman John Street said, it is noted in there that the contract ceiling price is \$255,000. Mayor Perrin said, Mr. Chairman, I have a comment and we discussed this in our Department Head Meeting. I think this contract is way too far out in my opinion. We are giving Mr. Graham up to November of 2020 and I think six months on this deal is plenty of time. Let me give you an example on why. You've got Risever Manufacturing and Delta Peanut that is fixing to open up, we've got \$2.3 million dollars from the Federal Highway Department. To give this man this much time to draw what he's going to draw, he should be able to do this in six months. I am not an engineer. City Engineer Craig Light said, I'm sorry I missed the meeting on Monday, but that is to have the construction complete. That is not to have it designed. That is to have the construction complete by November of next year. Mayor Perrin said, well, it was said Monday that it was for the drawing. So, you missed Monday's meeting, right? Chairman Street said, we do need that spur and it was great to get that TAP Grant for that. Mayor Perrin said, we are working now with the East Arkansas Development Planning District. Community Development Director Regina Burkett is working with Melissa and we are applying for an additional \$2.4 million dollars I believe. We have also talked to the Delta Regional Authority to assist on that to help with our match. To get that money, we will have to fly to Austin to get that grant. Chairman Street said, that is going to be a big boost for our Industrial Park and I think everybody is looking forward to it. Mayor Perrin said, you will see several hundred jobs in the rail spur. Trinity said they would hire x number of people, if, in fact, that rail was ever to stack up of the railcar. Risever is not open, but it will employee up to 125 people. Delta Peanut said in the press release that it will employee up to 125 people as well. So, we have got to get this done. Councilmember Mitch Johnson asked, would it be better to move this forward tonight and save two weeks-time? Mayor Perrin said, well, it would be fine with me, but I am not the committee. City Engineer Craig Light said, we are still waiting on the final agreement with CRISI. We really can't let him loose until we have that agreement in place. And since they are the ones ultimately paying for it, there is no since in moving it forward tonight since we do not have the CRISI agreement ready to execute. Mayor Perrin asked, you are talking about the Federal Grant right? When are we going to have that? Mr. Light said, we are still waiting on our contact with the Federal Railroad on the final agreement. We do not have the final draft yet. Mayor Perrin asked, they haven't given you any indication on when you are going to get it? Mr. Light said, we've looked at a couple of versions or a couple of sections of the final agreement, but we do not have the final agreement yet. One thing about this grant, they are not in a big hurry to actually spend the money. There is no ending deadline to have the money spent. They are dealing with several grants. We are having to wait on their time frame. Councilmember Gene Vance asked, Mayor are you happy with the 2020 construction and not the design? Mayor Perrin said, if, in fact what I am hearing our Chief Engineer say, is that not only will it be drawn but that it will be a turnkey job and we will have full rail ready to go and inspected by November 2020 is fine. Councilmember Vance asked, you are positive that you are going to get the rest of the money for construction because this money is just for design? Mayor Perrin said, that is exactly why we are

trying to get the grant now to do that. I've talked to some of our Federal Legislators, Senator Boozman and others who got us the \$2.3 million in the beginning. Actually we need \$14 million dollars added to the master Plan that you all approved. We are doing in it steps. \$2.3 million has been approved. What Craig is say is that they are in no hurry to turn loose of the money. My deal is they can't even get a federal balanced budget. The House has passed to go to the Senate to go to November and to extend our federal budget for only thirty days. I don't think that has been approved yet. I am telling you now, if you have a federal grant you better go after it and get your money. Res – 19:141

Mayor Perrin said, this is a good thing for the city as well as CWL because this is money we received from FEMA on repetitive flood loss on a house. We were able to get federal money to purchase the house from the owners. This property is abutting the CWL sewer treatment plant out on Highway 63 going towards Bay. By transferring the property to CWL, the city no longer has to maintain it. Councilmember Chris Moore said, before we have a motion and vote on it, I would like to read one Attorney General's Opinion and let City Attorney Carol Duncan make a decision on it. I became aware of this the last time we did a land swap with a public entity. The opinion is 2018-003 requester, David Whitaker, State Representative. His question was, "Can a city agree to a land exchange valued in excess of \$20,000 with a state agency such as the University of Arkansas without competitive bidding?" Referred to in Arkansas Code Annotated 14-54-302 and Act 470 of 2017 question two, "can such land exchange include a monetary component to off-set the greater value of the city's proposed land, representative conveyance value to the city?" The Attorney General's opinion was that statutory changes made to Arkansas Code Antedated section 14-54-302, by Act 470 of 2017 appears to prohibit a city wishing to dispose of real property valued at \$20,000 or more from selling or exchanging without competitive bidding. In my opinion, the legislative clarification would be necessary to permit this transaction and it refers back.

So, is this property valued at \$20,000 or more? Because if it is not, then there is not an issue, but if it is over \$20,000, it is an issue. Mayor Perrin said, I am going to say that for what we paid for the house through the grant that FEMA gave us would be more than the \$20,000. City Engineer Craig Light said, the existing acre of property that is there floods, I would have a hard time saying it would be worth over \$20,000. Mayor Perrin said, I would think it would be. We tore down the house. Councilmember Moore said, I would think so either but, we have an Attorney General's Opinion dated less than a year ago that says that we cannot exchange or convey property even to another public entity without competitive bidding. Mayor Perrin asked, are you talking about giving or selling? Councilmember Moore said, well, we will just let Carol read it. Mr. Light said, we can check the appraisal if you just want to hold this. Councilmember Moore said, well it may be that we want an appraisal on it. Mr. Light said, we have the pre-appraisal before the house torn down. Councilmember Moore said, I know that we spent more than \$20,000 when we bought it and, but that doesn't reflect the value of it today. Councilmember Gene Vance said, the appraisal should tell you what the property was worth prior to the house being condemned. Basically, the federal government has condemned the property for any use at all. Councilmember Moore said, I'm just saying in order to cross our T's, we may need an appraisal that reflects less than a \$20,000 value. Mayor Perrin said, if the appraisal we have from Bobby Gibson, I am assuming he did that one, doesn't show the land like Councilman Vance said then we will get another one. Mr. Light said, his appraisal would not include the deed restriction that's on the property. Councilmember Moore said, that is correct. Mr. Light said, it's not buildable. You can't put a structure on it. Councilmember Moore said, what I am saying is that we may need CWL to reimburse us for the price of the appraisal that reflects its current value as opposed to the value we actually gave for it. We will let the City Attorney Carol Duncan make a decision on it. Mr. Light said, we are

not in a big hurry to move this one to council. Mayor Perrin said, they are not either. We have got time. Ms. Duncan asked, how much time would it take? Councilmember Moore said, it is not going anywhere. Mayor Perrin said, we can get it in two weeks, until the next council meeting. That is no big deal. Ms. Duncan said, you could postpone it until the next committee meeting. Councilmember Moore said, it will only need to come back to the committee if the value reflects over \$20,000. If it doesn't, you can go ahead and move it on to council as long as the appraisal reflects a value of less than \$20,000. Ms. Duncan said, I would prefer that we don't move things on to council until we know.

A motion was made by Councilperson Gene Vance, seconded by Councilperson Charles Coleman, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

[RES-19:141](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS, AUTHORIZING THE MAYOR AND CITY CLERK TO TRANSFER PROPERTY LOCATED AT 5713 EAST NETTLETON AVENUE, JONESBORO, ARKANSAS, TO CITY WATER AND LIGHT (CWL), A PUBLIC ENTITY

Sponsors: Engineering

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

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

[RES-19:142](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 409 NORTH FISHER, PARCEL 01-144181-10500, JONESBORO, ARKANSAS 72401, OWNED BY JOSHUA GAMBILL

Sponsors: Code Enforcement

Attachments: [Affidavit of Statutory Lien - 409 North Fisher.docx](#)
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Councilmember Gene Vance asked, this is written to place a municipal lean. Is that a new way in saying we are condemning the property? Code Enforcement Director Michael Tyner said, no. What these are for, in addition to if we have to condemn a property and demolish a house, for any work such as grass mowing and debris removal that we perform on the property. This way we prefect our service and prefect any lien in the event where the city needs to foreclose on the property to recoup funds that were spent. Chairman Street asked, and this was for mowing and cleanup? Mr. Tyner said, yes. This was for mowing and cleanup. City Attorney Carol Duncan said, you are going to start seeing a lot more of these. Councilmember Vance said, I understand and I am in agreement with them. I just wanted to make sure I understood what we were are doing. So, if we actually condemn a house it will be in a separate resolution? Mr. Tyner said, yes. It will go through the normal process that we use to condemn a house and in the event that we have to hire a contractor to raze the house, you will see one of these come back through.

Councilmember Vance asked, it will come after the condemnation? Ms. Duncan said yes, once we know the actual cost that we spend. Mr. Tyner said, once we have done the work, we have paid all of the contractors, landfill fees and everything like that, it will come through and I will have a grand total so we can go and file the lien.

Councilmember Vance asked, but on mowing and cleanup, this is all we will see? Mr. Tyner said, yes. Mowing and cleanup, we have got 120 days to get a lien filed so I am probably looking at bringing large batches of these once or maybe twice a quarter for approval so I can get the filing taken care of on those. Councilmember Moore asked, Carol, can you still come back and have a second lien if you have to tear the house down, even after the mowing and clean-up, let's say of the yard and debris, and then if he has to condemn the house six months later, could you still have a second lien? Mayor Perrin said, you can do that. Ms. Duncan said, sure.

Councilmember Dr. Coleman said, I have a question because this is up the street from my house and I want it down. Once this lien is in effect, how long would it be before it can be torn down? Ms. Duncan said, this lien wouldn't have anything to do with tear down. This is a mowing lean. Dr. Coleman said, I understand that, but I am asking a

question. If that person doesn't bring it up to par or whatever, what is the next procedure? Mr. Tyner said, we have a monetary threshold that we have to meet for the court before we can foreclose on it. It is somewhere in the neighborhood of \$3,000-\$4,000 has to be accumulated before we can foreclose for grass mowing's and \$10,000 for demolition. Once it gets to that point, then we get a hold of legal and start the judicial foreclosure process.

Ms. Duncan said, I thing you are asking about condemnation verses foreclosure, right? Councilmember Dr. Coleman said, yes. Ms. Duncan said, so condemnation is totally different from this mowing lien. It would have to meet all of the other requirements for condemnation. Mr. Tyner said, yes, that is right. It would have to go through all of the regular condemnation process and meet that criteria in order for us to tear down a house. Councilmember Coleman said, that is just right up the street and we are trying to keep that place clean. That is at 409 which is about two blocks up from my garden. Mr. Tyner said, obviously, if they are not mowing the grass, they are more than likely not taking care of a lot of things and it will eventually get to that point.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Charles Coleman, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

[RES-19:144](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 309 SECOND STREET, PARCEL 01-144182-17700, JONESBORO, ARKANSAS 72401, OWNED BY JOHNNY MEADOWS

Sponsors: Code Enforcement

Attachments: [Affidavit of Statutory Lien -309 Second St.docx](#)

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A motion was made by Councilperson Chris Moore, seconded by Councilperson Charles Coleman, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

[RES-19:146](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 607 MEADOWBROOK, PARCEL 01-143133-08000, JONESBORO, ARKANSAS 72401, OWNED BY KIMBERLY ROBERSON

Sponsors: Code Enforcement

Attachments: [Affidavit of Statutory Lien - 607 Meadowbrook.docx](#)
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A motion was made by Councilperson Chris Moore, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

[RES-19:147](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 500 ALLEN, PARCEL 01-144181-30100, JONESBORO, ARKANSAS 72401, OWNED BY KENNY COLEMAN

Sponsors: Code Enforcement

Attachments: [Affidavit of Statutory Lien - 500 Allen.docx](#)
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A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Chris Moore, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

[RES-19:148](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 1004 WEST HUNTINGTON, PARCEL 01-143134-07800, JONESBORO, ARKANSAS 72401, OWNED BY CHRISTOPHER JAY BROWN, ET AL

Sponsors: Code Enforcement

Attachments: [Affidavit of Statutory Lien - 1004 W. Huntington.docx](#)
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A motion was made by Councilperson Chris Moore, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

[RES-19:149](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 816 HOOVER, PARCEL 01-144181-14800, JONESBORO, ARKANSAS 72401, OWNED BY ROBERT WHITAKER

Sponsors: Code Enforcement

Attachments: [Affidavit of Statutory Lien - 816 Hoover.docx](#)
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A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant

5. Pending Items

6. Other Business

7. Public Comments

Jennifer Clack, 1119 Union Street and Jennifer Reeves, 3123 Bowden Drive. Ms. Clack said, first we want to thank you. We were instrumental in bringing the parks smoke free ordinance to you all and it passed. Our next goal is to make a comprehensive smoke free ordinance for the City of Jonesboro. Ms. Reeves said, basically we just want to start the conversation and provide you with some education to let you know what we are working on and then come back at a later date to present. The comprehensive plan is not to tell people that they can't smoke in their own cars or their own homes, unless it is a daycare facility or they have an agreement with their landlord. Basically, what it is, is telling people we understand you have a right to smoke or vape, but we want to protect the citizens of Jonesboro by saying you have to smoke or vape twenty-five feet or fifty feet away from all public entrances so that you are not walking through the smoke and the vape. It would ask that all public work places ban smoking or vaping. There are still some places like the VFW that still allow smoking and vaping in their facilities but some of those are already planning to ban smoking and vaping. We want to protect everyone, we think that everyone has the right to work in a smoke free work place. We just wanted to get the conversation started. We know that several other communities are looking forward to this. Someone is just waiting to make the big move and we would like for Jonesboro to make the big move to set the example for the Northeast region. We have a great new convention center coming into Jonesboro and a lot of the health conferences that I attend will not go to places unless they have a comprehensive policy and their city is comprehensive. We could do great things with that. So, thank you for your time and we will come back in a couple of weeks and present. Mayor Perrin asked, do you have any material that you want to leave with us. Ms. Reeves said, this is actually just a starting point. Councilmember Chris Moore asked, where you talking about banning smoking in private businesses? Ms. Reeves said, no. We want to ban smoking and vaping in all public work places or all work places. Councilmember Moore asked, are you talking about municipal work places? Ms. Reeves said, well, like bars and restaurants and clubs. Councilmember Moore asked, isn't that a private business? Ms. Reeves said, well, it is. Councilmember Moore said, that was my question. Chairman John Street asked, having you done any polling or had any meetings? Ms. Reeves said, I have. My administrative assistant from the health department called every restaurant and vendor in the city of Jonesboro. We had very few who really didn't understand, but once we explained you can still smoke on your patio. I didn't get any push back. In fact, in the past two weeks, I have delivered over 65 smoke free/vape free stickers to restaurants and the restaurants are wanting the. I can't keep them in stock.

8. Adjournment

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

Aye: 5 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman and Ann Williams

Absent: 1 - LJ Bryant