



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, July 5, 2022

5:30 PM

Municipal Center, 300 S. Church

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

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

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK APRIL LEGGETT

Present 10 - Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Charles Coleman; Bobby Long; David McClain; LJ Bryant and Brian Emison

Absent 2 - Ann Williams and Joe Hafner

4. SPECIAL PRESENTATIONS

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilperson Chris Gibson, seconded by Councilperson Chris Moore, to Approve the Consent Agenda. The motioned **PASSED**

Aye: 10 - Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Charles Coleman; Bobby Long; David McClain; LJ Bryant and Brian Emison

Absent: 2 - Ann Williams and Joe Hafner

[MIN-22:056](#)

MINUTES FOR THE CITY COUNCIL MEETING ON JUNE 21, 2022

Attachments: [CC Minutes 06212022](#)

This item was passed on the Consent Agenda.

[RES-22:107](#)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A REFUND REVIEW CONSULTING AGREEMENT WITH SALT GROUP OF ARKANSAS

Attachments: [Municipal Agreement](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-104-2022

6. NEW BUSINESS

RESOLUTION TO SET A PUBLIC HEARING

[RES-22:116](#)

A RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF A UTILITY EASEMENT LOCATED ON PART OF LOT 1 OF HB MEDICAL HOLDINGS APACHE DRIVE MINOR PLAT AS REQUESTED BY HB MEDICAL HOLDINGS, LLC

Attachments: [Petition](#)
 [Plat](#)
 [Letters](#)
 [city letter](#)

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

Aye: 10 - Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Bobby Long;David McClain;LJ Bryant and Brian Emison

Absent: 2 - Ann Williams and Joe Hafner

Enactment No: R-EN-105-2022

ORDINANCES ON FIRST READING

[ORD-22:028](#)

AN ORDINANCE FOR A PRIVATE CLUB PERMIT FOR MAI OF JONESBORO DBA AS VALENTINE NAILS LOCATED AT 1841 E. HIGHLAND DRIVE

Attachments: [Ordinance](#)
 [Valentine Nails Highland Drive_Redacted-USE THIS](#)

Councilmember John Street motioned, seconded by Councilmember LJ Bryant, to suspend the rules and offer ORD-22:028 by title only. All voted aye.

Councilmember Chris Moore said, I have a couple of questions. This seems to be the first private club permit that we have entertained that was not primarily a restaurant. Could Carol give us a brief explanation of municipal law and the statutes that might cover this and what the requirements are going to be? City Attorney Carol Duncan said, yes. So, there's two things and Derrel and I actually discussed this at length before it was presented. I reached out to the ABC Commission and asked. Number one, I wanted to clarify what they look at because I expressed to them that our ordinance allows you all to look at whoever the applicants are to make sure that they are in good standing as citizens and are not criminal in any way and things like that. And, then we look at the location to determine if it is properly zoned and that type of thing. So, I wanted to make sure they look further than that. I said you know we are not looking at does the health code provide this is okay. Have they done a proper opening between

the restaurant and the nail salon to make it into a restaurant/nail salon. They assured me that they do. And, yes, the health department would have to say that's okay. They also expressed that is not required that you serve food in a dry county in order to have a liquor permit. But, if you do not serve food, you cannot allow anyone into the establishment that is under the age of 21. So, I think they have two choices. I was kind of hoping that they would be here tonight so I could ask a couple of questions and make sure they understand. If you do not serve food, like if the health department says you can't serve food and I don't know what the health department will say, but if they say that you can't serve food, then they would be limiting their clientele to being over the age of 21. So, that would eliminate quite a bit of business I would think in a nail salon. Those are their two options. It is either to have the food service or be 21 and above according to the ABC. I do have a concern about this ordinance also. It just has three whereas clauses and not a now therefore clause which seems silly I think, but the law is actually in the now therefore clause. They whereas explain it, but the now therefore clause tells what the council is actually adopting. So, the ordinance needs to be fixed.

Councilmember Moore said, I guess my first question for clarification is so in Jonesboro or I guess anywhere else in the state, you can operate and have a private club permit and food is not even a requirement. Ms. Duncan stated, as long as you limit access to 21 and older is what the ABC attorney advised me. I did not think that was the case, but when I went back and looked, it was right. Councilmember Moore said, I didn't think that was the case either. Ms. Duncan said, right. Councilmember Moore said, I thought food service was a requirement for a private club and I thought furthermore, I thought it was part of our municipal code that we required that. Is that not the case? Ms. Duncan said, I do not remember it being part of our alcohol code. I can look again. I don't remember that being part of it. But, at the time we passed the alcohol code, I think it probably was a part of state law. I don't know if something changed because I am like you. I remembered that being a requirement that they serve some type of food. Councilmember Moore said, at one time, I know it was a requirement. In fact, early on, there was actually a requirement of a percentage of your income to be based on food sales as opposed to alcohol sales. Ms. Duncan said, right. But, when I went to look for that, I could not find it and that is why I reached out to the ABC Commission. Councilmember Moore said, it could be that we had tied our local requirements to the state ABC and that has changed. And, if that is the case, then I think we need to revisit that at a local level requirement also. I mean, otherwise, if food is not a requirement and age is the only requirement, what is to stop anybody from selling alcohol at any business as long as it meets the zoning requirements. Councilmember Dr. Charles Coleman said, yeah. Councilmember Moore said, so I may not understand. Ms. Duncan said, I understand. Councilmember Coleman said, it is not that I am agreeing with Chris Moore, but at the same time when I looked at that I didn't really understand. I still don't understand clearly with that age 21 issue is because I don't think they have made it clear to us personally. I don't think so. Ms. Duncan said, I just wanted to make sure the ABC knew what our Council was considering and did not think that we were looking at everything as far as and then they weren't vetting it. I wanted to make sure they do their own process of making sure it qualifies under Arkansas law and weren't counting on us to do that because I knew primarily what you all adopted that you were going to look at was location and the applicant and whether they were suited to own a private club. Councilmember Coleman said, well, basically speaking in all of this issue with the ABC, they are making us be the bad boys in the whole issue and it's always been an issue with me. It is like we are doing their job and they are not theirs and they are a state agency.

Ms. Duncan said, I don't know if the applicants have dealt with the health department

or have had any contact with them. That was one of my questions I was going to have if they were here, but I do think that is important to know. Councilmember Moore said, I think it is definitely important to know. It appears to me and I am reading their application and I read it pretty thoroughly and I looked at all of this over the weekend. It looks like to me the only two things that we sign off is the zoning correct and the police chief certifies that the applicant is in good standing. That's the only two. We have no other controls over it. Ms. Duncan said, no, that was the way Council drafted, asked that ordinance be drafted when state law changed and required your approval. So, that is how we drafted it, but you can always change that. Councilmember Moore said, well, that was my follow-up question. So, I assume that this form that they fill out was approved by Council and I assume that there could be other stipulations added to that form, including a requirement for food service. Ms. Duncan stated, I would feel more comfortable if we added it to our ordinance if it's not there rather than just to the form. Councilmember Moore said, I would assume the underlying information is the ordinance provides for this form. Ms. Duncan said, right. Councilmember Moore said, that was the only question I had that I wanted clarification on. Ms. Duncan said, just as a technical matter, I do think that the ordinance needs a now therefore clause in order for you to be able to adopt it. Councilmember Moore said, well, that too.

Councilmember Bobby Long said, I had the same concern that Mr. Moore did about this because when we discussed the Malco, the reason I believe the Malco was such an issue was because it was the first of its kind to try to secure a private club. I think this would go right along with that. So, my question, when we started looking at this, they had to have a mission statement. They have to have a board. They have to have proof that they give to a non-profit and on those I voted against, they were not sufficiently answering those questions when I asked them. So, when you said the only thing we look at are three particular things, I was under the impression that we also need to look at if we feel this is a good thing for our community. And, if we can vote no on that, then that would be a big issue because if all we are doing is just validating that sure they meet the requirements. They are not felons and the three things that then our role in this has been really diluted from what the ABC's intent was which was to give local control to whether or not a community wants that particular establishment in it or not. And, if that is all we are doing, then we do need to rewrite that ordinance because that is not what we are doing. Ms. Duncan said, and at the time that the state law changed that required Council approval that is what you all requested and that is what you all approved in your ordinance that you only wanted to look at whether the location was proper under the zoning and whether I mean of course you can look at the elements of the application, like the non-profit and make sure that that exists and that the applicant was suitable which part of the suitability is do they have the proper signatures, do they have the non-profit? I mean yes that was the ordinance that you adopted. You could have put whatever teeth you wanted in it at the time but you all chose not to. Councilmember Long asked, so suitability, does not necessarily mean whether or not we feel it is, it would be a benefit to this community, not just whether or not they crossed their t's and dotted their i's. Ms. Duncan said, I do not believe suitability is actually in that ordinance. I can go back and look at it, but I think what was passed was that we will look at who is applying and whether they have a criminal background or not and we will look at the location. And, other than that, you were leaving it up to the ABC Board to make the decision because there was debate on when we passed that ordinance. Councilmember Long said, ABC is leaving it up to us which I am okay with. I am okay with it being under local control. I believe that is where it needs to be. But, I think if it is under local control, I think it needs to be under local control and we need to determine whether or not that is suitable for our community. Ms. Duncan said, I will say the difference between this and the Malco was obviously the Malco didn't want to limit to only having a Malco for people that were 21

and older so that is why they had food service. Right? That is why they added the food service. So, that's why my understanding is Valentine Nails intends to add food service. I don't know about at both locations, but definitely at the one on Highland. Councilmember Long asked, what does that include? Does that just mean that they have to provide like donuts or do they have to provide like food food? Ms. Duncan said, at the one on Highland Drive, he actually owns what used to be the pizza place right next door, Larry's Pizza. And, so my understanding is they were opening up between the two buildings and that kitchen would service, but that's why I questioned whether the health department had looked at that yet. I just don't know the answer to that. But, ABC said that they would look at everything no matter what we approved so I wanted to make sure that they looked the health department for example and made sure that you are allowed to serve food in a nail salon. I'm not really sure about that. Councilmember Long said, I don't know exactly what they look at and what they don't. It seems to me like if we approve it, they approve it. Ms. Duncan said, but this one is different. We have never seen one like this so I don't know. Councilmember Long said, yeah, okay. Councilmember Moore said, it seems to me, I mean for clarification, you gave us, it just seems like the only real decision a business would have would be whether they want to limit their clientele to 21 years of age or older. Ms. Duncan said, that is how it was explained to me. Councilmember Moore said, if you are willing to limit it to 21 years of age or older, the drinking age, you don't have to serve food. Any business could serve alcohol. Ms. Duncan said, that is how it was explained to me by the ABC attorneys. Councilmember Moore said, and that is baring that we put in any local restrictions. And, as far as the ABC Board is concerned, they look at the items you are talking about Bobby, the charter for your club and your whatever, that's not us. We have nothing right now.

Councilmember Long asked, can you forward the ordinance that we passed so we can look at revising that? Ms. Duncan said, yes. I'm sure April and I can, one of us. We adopted it. Councilmember Long said, yeah, please do because if we are going to be responsible for it, we need to be responsible for it and have teeth to where we can either approve it or not approve it, not based solely on whether or not they got the forms filled out correctly. Ms. Duncan said, I don't disagree. Councilmember Moore asked, Carol, was that the motion on the whereas? What were the technical items you wanted changed? Ms. Duncan said, it is just that there are three whereas clauses and actually I mean all of our ordinances have whereas clauses that explain what you are trying to do, but the actual law that you adopt is under when it says now therefore it be adopted and then you list what Council is actually adopting and this doesn't have that section. Councilmember Moore asked, who is representing them? Ms. Duncan said, no one. Councilmember Moore asked, they don't have legal counsel? Ms. Duncan said, I think it would be a great idea. We have expressed that to them. Councilmember Long asked, how could we go about rejecting this until that is done because right now that is on the first reading? And, it has two more. Ms. Duncan said, you could table it. You could table it until they fix that. Councilmember Long said, I move we table this until they fix this ordinance. Councilmember Moore said, if we are going to table it or something along that, I think we ought to ask the people to show first at the next meeting. And, then we can ask them questions and their plan and get a little more clarity of what their business plan is. If we can ask them to agree to Carol's changes and if they don't or we are not happy at that point, I would think that we could postpone for a given amount of time or permanently. Councilmember Long asked, if we do table it at the next one, would this reading be counted toward the three. If we table it right now, they have a chance to fix it before the next one and it would move them two weeks closer. But, if we wait until the next time to table it, then we are going to start all back over with another three readings, right? Councilmember Moore said, we can postpone and we can postpone temporary. You give them time to do whatever they

need to do. Ms. Duncan said, right, and pick a certain date. Councilmember Moore said, including postponing temporary until xxx is changed so I mean if we put a time on it okay. Ms. Duncan said, I will say if we change the ordinance to give it more teeth that this is a pre-existing application and it wouldn't apply to this. Councilmember Moore said, I would think that is true too.

Councilmember LJ Bryant said, as we look at this, I mean I know there are franchises with hair salons that have alcohol and barber shops that have alcohol and stuff so that will be coming. So, maybe as we address this, we might address it with those things in mind. Ms. Duncan said, I know the police department has addressed this with several places in town that don't have a liquor license that are hair salons and boutiques and spas about serving alcohol that they are not supposed to serve. So, I don't think it is unusual in Jonesboro. It's just a matter of catching them or getting a complaint about them.

James Elwin Hinds, 508 Ridgecrest, said, I don't think it surprises any of you to know to learn that I am opposed to this and even if you have the food thing I do wonder at what point they are going to say we have a snack machine in our breakroom so we serve food. We don't need to go down this. Like it or not and I think most of you know I am a not. We kind of have an understanding about the restaurants. Okay. But, this is a whole new avenue and I don't think we need to go there. But, having listened to the discussion, I think there are some valid things as saying we need maybe need to wait and next time having reviewed our ordinance and see if there are changes that need to be made and that sort of thing. I think that is probably a wise path that some of you at least probably all of you are saying that you ought to do and I do think you need to review the ordinance, maybe update the ordinance and before this is considered too much farther down the line. Mayor Copenhagen said, thank you for your comments.

Held at one reading

[ORD-22:031](#)

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 FOR PROPERTY LOCATED AT 5459 E. NETTLETON AVENUE AS REQUESTED BY EASTON AGRICULTURAL, LLLP

Attachments: [Staff Summary-C.C.](#)
[HANCOCK SURVEY 20220426](#)
[Application](#)
[Certified Mail Receipt](#)
[Charge Sheet - Paid](#)
[Hancock Survey](#)
[Publication Fee Receipt](#)

Councilmember John Street motioned, seconded by Councilmember Chris Gibson, to suspend the rules and offer ORD-22:031 by title only. All voted aye.

Held at one reading

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

[ORD-22:029](#)

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE

PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 FOR PROPERTY LOCATED AT 4913 E. JOHNSON AVENUE AS REQUESTED BY HALL PREMIER DEVELOPMENT, LLC

Attachments: [Staff Summary - City Council](#)
[Application](#)
[Boundary Plat](#)
[Boundary Plat Johnson](#)
[Site Plan](#)
[Certified Mail Receipt](#)
[Charge Sheet - Paid](#)
[Publication Fee Receipt - Rezoning](#)

Held at second reading

ORDINANCES ON THIRD READING

[ORD-22:019](#)

AN ORDINANCE TO THE CITY OF JONESBORO TO PLACE VARIOUS TRAFFIC SIGNS AT DESIGNATED LOCATIONS AS DETERMINED BY THE TRAFFIC CONTROL COMMITTEE

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: 10 - Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Bobby Long;David McClain;LJ Bryant and Brian Emison

Absent: 2 - Ann Williams and Joe Hafner

Enactment No: O-EN-029-2022

[ORD-22:022](#)

AN ORDINANCE TO THE CITY OF JONESBORO TO PLACE VARIOUS TRAFFIC SIGNS AT DESIGNATED LOCATIONS AS DETERMINED BY THE TRAFFIC CONTROL COMMITTEE

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

Aye: 10 - Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Bobby Long;David McClain;LJ Bryant and Brian Emison

Absent: 2 - Ann Williams and Joe Hafner

Enactment No: O-EN-030-2022

[ORD-22:025](#)

AN ORDINANCE TO AMEND THE SECTION 2-95 TO ADD THE A&P COMMISSION AND THE PACE COMMISSION TO THE LIST OF COMMITTEES/COMMISSIONS THAT MAY SUBMIT MATTERS DIRECTLY TO COUNCIL WITHOUT REQUIRING ANOTHER COMMITTEE REVIEW

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

Aye: 10 - Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Bobby Long;David McClain;LJ Bryant and Brian Emison

Absent: 2 - Ann Williams and Joe Hafner

Enactment No: O-EN-031-2022

[ORD-22:026](#)

AN ORDINANCE TO AMEND SECTION 2.55 OF THE JONESBORO CODE OF ORDINANCES FOR THE ESTABLISHMENT OF NEW WARD BOUNDARIES BASED ON 2020 CENSUS INFORMATION AND UTILIZATION OF EFS GEOTECHNOLOGIES GEOGRAPHIC INFORMATION SYSTEMS SOFTWARE.

Attachments: [Wards 2011 11x17](#)
 [Wards 2022 11x17](#)
 [Ward Legal Description](#)
 [2022 Ward Map Circled Changes](#)

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: 10 - Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Bobby Long;David McClain;LJ Bryant and Brian Emison

Absent: 2 - Ann Williams and Joe Hafner

Enactment No: O-EN-032-2022

8. MAYOR'S REPORTS

Mayor Harold Copenhaver reported on the following:

As I hope everyone had a great Independence Holiday season and enjoyed their family and friends. We had wonderful fireworks displays in our community. I want to thank KFIN, Jonesboro Radio Group, and Nettleton Baptist for putting on safe displays that wowed large members of our community.

Having said that, the burn ban went into effect today for Craighead County. I think the tremendous heat and lack of recent rain makes it rather obvious that we don't need to be burning leaves, limbs, and other combustibles on fire until we have some relief. This will be vigorously enforced so don't ignore or forget the ban while it is in effect. The consequences can be deadly.

I want to make you aware that we have approved overtime for the Streets and Sanitation Departments. As you are well aware, we don't have full staffing right now so service is hard to provide when you are undermanned. Cities around the nation are dealing with these shortages of manpower as well. So, we are not facing this alone, but it is an issue.

I ask that everyone be patient, do your part and help out by following their code ordinances which exist to protect you and your neighbors. Our Code Enforcement Department is working hard to help out. So, please respect their work and don't make them knock on your door. The first time you might get a warning, but I assure you the second will not be. We have to treat Jonesboro like we love it.

I do want to give a special thanks to Central Baptist Church and First Christian Church of Jonesboro. Since our last meeting, both churches hosted a law enforcement appreciation dinner and luncheons with all sorts of good food and treats. I want to say thank you to them all and for their community members for supporting all of our first responders.

And, in closing, folks, it's hot. It's just going to be hot for a bit. So, if you are working outside, please drink plenty of water. And check on elderly family and neighbors. Limit young children's outdoor exposure and remember to keep an eye on your pets and don't leave anything in a parked car that shouldn't be. Thank you.

[COM-22:027](#)

CITY OF JONESBORO, ARKANSAS FINANCIAL STATEMENTS OVERVIEW, MAY 2022

Attachments: [May 2022 Financials_202206230827180192](#)

Filed

9. CITY COUNCIL REPORTS

Councilmember David McClain said, Mayor, if we could or if you don't mind, maybe even Danny just sending an update on the ASU to Downtown Trail and where we are. I know that we are buying right-of-ways and all of that good stuff. Mayor Harold Copenhaver said, I can go ahead Councilmember McClain and give you an update. As early as last week, we are finalizing plans with CWL. Hopefully, we will be seeing that proceed very shortly within the next month or so with groundbreaking and moving forward with that. So, we are looking at our options. Bring it forth on underground electrical lines versus above ground electrical lines and what that cost will be. We want to make sure that we are not only putting in a thoroughfare, but one that provides for a great opportunity for the future and we lead by example in doing that. So, we are looking at all of that, but the good part is that it is coming down now to a short number of days.

Councilmember Chris Moore said, I would like to welcome the new Fire Chief. I see him sitting in the corner over here tonight. He has big shoes to fill. The other thing, obviously we are probably going to consider some changes to the alcohol ordinance. Carol, could you poll other cities or three or four of the biggest cities and see what local control options they use and forward me that information please. City Attorney Carol Duncan said, I can. And, for those who want to look at the ordinance that you all adopted, it is ORD-17:071. It is the one where you adopted the permitting process. Councilmember Moore asked, if you will just forward me what three or four of the largest cities in Arkansas that what they put on there for local controls. Thank you.

Councilmember Dr. Charles Coleman said, I would like to thank Code Enforcement Officers and the Chief of Police for what they helped us do with the cleanup last Saturday. We had about five tons and almost 50 tires that we picked up. To me, that is too many tires, but that is the way it goes. But, anyway, thank you.

10. PUBLIC COMMENTS

11. ADJOURNMENT

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

Aye: 10 - Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Bobby Long;David McClain;LJ Bryant and Brian Emison

Absent: 2 - Ann Williams and Joe Hafner

_____ **Date:** _____

Harold Copenhaver, Mayor

Attest:

_____ **Date:** _____

April Leggett, City Clerk