



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, July 18, 2017

5:30 PM

Municipal Center

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### SPECIAL CALLED PUBLIC WORKS COMMITTEE MEETING AT 4:30 P.M.

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

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

### APPEAL HEARING AT 5:10 P.M.

*Requested by First Baptist Church regarding the denial by the MAPC to rezone property located at 2814 Wood Street from R-1 to C-4 LUO*

*Attorney Jim Gramling, representing First Baptist Church, spoke regarding the rezoning proposal. The proposed rezoning went before the MAPC on May 23, 2017. It's an application for C-4 Limited Use Overlay for property on the corner of Wood Street and Alexander. They had a hearing with the MAPC on May 23rd and the vote was 4-2 in favor. Two of the commissioners were absent and the chair didn't vote. Because they didn't have the necessary five votes, it comes before the City Council in the form of an appeal. But, they had almost 70% of the vote.*

*Jim McInturff, 817 Amberwood Cove, spoke in opposition to the rezoning. The back fence of his house faces Cathedral Baptist Church and the property where the proposed rezoning is on Wood Street. His wife recently retired from public schools and is currently drawing disability. She enjoys sitting on the back deck looking at the animals along their fence. They fear one day seeing back hoes taking down all the trees on that property to build whatever the developer decides to build. He would like to keep the buffer between him and Alexander Street and I-555.*

*Eric Kriner, 819 Amberwood Cove, also spoke in opposition to the rezoning. He noted the size and scope of the rezoning haven't changed and neither have the opinions of the neighboring residents. He doesn't understand why an appeal wouldn't amount to a successive hearing of that application within that six month period.*

*Gary Rodgers, 2815 Wood Street, spoke in opposition to the rezoning. When he looks at the proposed rezoning, he looks at the possible justifications that could be made to warrant the rezoning. He thinks the property is marginal, at best, commercial property. Commercialization would disrupt the neighborhood and provide possible noise, lights, pollution and traffic. It could also affect the property values in the area. To do so would be ignoring the opinions of a vast majority of the people who live in the neighborhood. They have started walking the streets with a petition and have received unanimous support from everyone they talked to. They do not want this and are in unison. He hasn't talked to everybody because there are a few more streets he hasn't been down. But, they haven't come across anyone who thinks the rezoning should happen. Residents ask what is going to be there, but the church nor the*

council can tell anyone what is going to be there because they don't know. The plan says it's supposed to be a high density growth sector. He listed what is allowed within high density. This is not a proper presentation of what the area is. It is made up of single-family residences. He noted when the proposal was taken to the MAPC, no pictures were shown of the residences to the north and west of the property. This is a transaction for the church, but life for them because they have to live with it. He's been on the property for 30 years. They need to ask about what the highest use is of the property. That property was residential until the church tore it down. He's spoken with real estate agents. Some of them say it could be developed commercially, but it would be marginal. He questioned how they get high density growth out of 1.52 acres of land. He then questioned if it has a measurable impact on the future development of the city of Jonesboro. What they're really looking at is what the church can sell the property for as residential versus commercial. It's a marginal issue. They can come up with lots of reasons to deny the rezoning. Some are emotional, but the church has said they want to be a good neighbor. They don't have a problem with the church selling the property. But, the rights stop when it infringes on someone else's. He was told when he bought that property there wouldn't be an Alexander Drive. The Highway Department said there wouldn't be a service road there because of the needed specifications. They don't think it's fair to put more traffic on that area. He doesn't see any way for the church to lose. They won't have any loss if it sells as residential. The only ones who lose are the residents.

Robin Crisp, 821 Amberwood Cove, stated she is against the rezoning. Everything that has already been stated is true. She then questioned whether the Council members would want this in their backyards. This is her home and she doesn't want to look at a concrete building. She doesn't want to see big lights and hear the noise pollution that comes from what this would produce.

Councilman Hafner questioned what is going there. Mayor Perrin explained that question can't be asked. All they are doing is rezoning the property. Whoever buys the property will have to go to the MAPC.

Cheryl Rodgers, 2815 Wood Street, stated they asked people in opposition to come to the meeting. She asked everyone who was in attendance and against the rezoning to please stand so they can be noticed.

### **APPEAL HEARING AT 5:20 P.M.**

*Requested by Sign-Tech of Paragould, LLC and Cache Beauty Supply regarding the decision of the MAPC to deny a conditional use permit to allow for the modification of an existing billboard at 2826 E. Highland Drive*

Justin Roberts, representing Mr. Dickens, for 2825 East Highland. This was brought to the MAPC on May 23rd to get approval to go digital on the billboard. At the time, it was presented there wasn't an off-site permit on the sign. But, Mr. Dickens brought his paperwork from 1999. The issue was then tabled until the next meeting. It didn't get on the June 13th meeting due to some publishing issues in the newspaper. It went back to the MAPC on June 27th. It was then denied 4-3. He thinks some of the commissioners were looking at it as a billboard and others were looking at it as whether it should go digital. In 1999 when Mr. Dickens put the billboard up, the state allowed him to advertise on the side facing the west, but the side facing the east where the mall is located had to be onsite. He assumes that was because it was a scenic byway and you can't have an off-site sign. Now from what he sees, the scenic byway goes downtown and along Highway 18. In order to go digital, the state said they had to get the city's approval first. Before it didn't need an off-site permit, but according to current state regulations it does. At the denial, they were told it was

considered an on-site sign. A day or two later, they were told it was an off-site facing the west. Their concern is if it is denied, it's a 288 square foot sign which is larger than the 12% allowance for an on-site sign. So, it's currently too big for an on-site sign as well. That's their biggest concern. If it's denied, then Mr. Dickens has a sign that is not usable.

Bill Dickens, 807 Park Avenue, stated he would be happy to answer any questions.

Tom Gibbons, general manager for Lamar Outdoor Advertising, spoke concerning the appeal. They have a billboard that is located within 100 foot proximity of the subject sign that is being discussed. They have concerns and are in opposition to it. He will have his counsel explain how the code applies. In their opinion, the sign is in non-conforming use status.

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

### **2. PLEDGE OF ALLEGIANCE AND INVOCATION**

### **3. ROLL CALL BY CITY CLERK DONNA JACKSON**

**Present** 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner and David McClain

### **4. SPECIAL PRESENTATIONS**

#### **COM-17:049**

PRESENTATION BY MAYOR PERRIN TO BRAD SMITHEE, DISTRICT ENGINEER WITH AHTD

**Sponsors:** Mayor's Office

*Mayor Perrin honored members of the Arkansas State Highway Department with Keys to the City. He thanked them for their recent work in repairing an overpass after a wreck damaged the pillars under the overpass. He presented keys to District Engineer Brad Smithee and Mike Hill, who is over the state heavy bridge maintenance crew. He commended them for their outstanding job in repairing the overpass.*

**This item was Read.**

### **PRESENTATION TO COUNCILMAN DARREL DOVER**

*Mayor Perrin announced tonight will be Councilman Dover's last City Council meeting. He is moving to the Bentonville area to be closer to his family in that area. He presented Councilman Dover with a proclamation signed by all of the City Council members for his work on the City Council. He also presented Councilman Dover with a plaque expressing the city's appreciation for his work.*

### **5. CONSENT AGENDA**

*Approval of the Consent Agenda*

**A motion was made by Councilman Chris Moore, seconded by Councilman John Street, to Approve the Consent Agenda, with the exception of RES-17:093 and RES-17:101. The motioned PASSED**

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

**MIN-17:078**

Minutes for the City Council meeting on July 6, 2017

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

*Mayor Perrin noted there are several condemnation resolutions on the agenda. He asked the Council if those resolutions could be moved to be placed on the consent agenda. He questioned whether there is anyone in the audience that objects to that. He explained it would take a lengthy amount of time to read all of the resolutions.*

*Councilman Street motioned, seconded by Councilman Gibson, to suspend the rules and place the condemnation resolutions on the consent agenda.*

*Councilman Moore asked that the audience be polled in order to see if there's anyone there tonight to speak concerning the condemnations. Someone spoke on behalf of Shawn Parrish regarding the condemnation at 501 Marshall.*

*Councilman Gibson stated he amended his motion to take RES-17:064 out of the motion, leaving it off the consent agenda. Councilman Moore seconded the amended motion. All voted aye.*

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

**RES-17:096**

A RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AGREEMENT WITH THE ARKANSAS STATE POLICE FOR THE 2017 HIGHWAY SAFETY AND TRAFFIC RECORDS PROGRAM SUB-GRANT

**Sponsors:** Grants and Police Department

**Attachments:** [2017 Traffic Records Program Agreement](#)  
[Special Conditions for the 2017 Traffic Records Program](#)

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

Enactment No: R-EN-079-2017

**RES-17:098**

A RESOLUTION TO SUBMIT AN APPLICATION FOR THE FY2017 CREATIVE PLACEMAKING INVESTMENT GRANT THROUGH THE DELTA REGIONAL AUTHORITY (DRA)

**Sponsors:** Grants

**Attachments:** [DCPI-Notice of Intent to Apply 07052017](#)  
[Delta Creative Placemaking Pilot Initiative NOFA](#)

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

Enactment No: R-EN-080-2017

**RES-17:063**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 203 W. Forrest, Owner: Brenda Fletcher

**Sponsors:** Code Enforcement

**Attachments:** [203 Forrest Inspection Report](#)  
[county data](#)  
[Title Search](#)  
[pic 1](#)  
[pic 2](#)  
[pic 3](#)

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

Enactment No: R-EN-081-2017

**RES-17:065**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 615 E. Word, Owner: Charles Mabry, DBA Mabry Properties and Holdings LLC.

**Sponsors:** Code Enforcement

**Attachments:** [615 Word](#)  
[county data](#)  
[Title Search](#)  
[pic1](#)  
[pic2](#)  
[pic3](#)

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

Enactment No: R-EN-082-2017

**RES-17:066**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 208 Maple, Owner: Ronald White, Jr.

**Sponsors:** Code Enforcement

**Attachments:** [county data](#)  
[Inspection report](#)  
[Title Search](#)  
[pic3](#)  
[pic2](#)  
[pic1](#)

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

Enactment No: R-EN-083-2017

**RES-17:077**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 2303 Court, Owner: Eddie Combs

**Sponsors:** Code Enforcement

**Attachments:** [2303 Court inspection report](#)  
[county data](#)  
[Limited Title Search](#)  
[pic3](#)  
[pic2](#)  
[pic1](#)

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

Enactment No: R-EN-084-2017

**RES-17:078**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 4719 Industrial, Owner: Robert and Louetta Guy

**Sponsors:** Code Enforcement

**Attachments:** [4719 Industrial](#)  
[county data](#)  
[Limited Title Search](#)  
[pic3](#)  
[pic2](#)  
[pic1](#)

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

Enactment No: R-EN-085-2017

**RES-17:079**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 1020 Hope, Owner: Gary Toombs

**Sponsors:** Code Enforcement

**Attachments:** [county data](#)  
[inspection report](#)  
[Limited Title Search](#)  
[pic3](#)  
[pic2](#)  
[pic1](#)

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

Enactment No: R-EN-086-2017

**6. NEW BUSINESS**

**RES-17:093**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS SUPPORTING FEDERAL AND STATE LEGISLATION TO ENSURE THE PROPER ASSESSMENT AND COLLECTION OF SALES TAX FROM ALL INTERNET/ONLINE SALES THEREBY CREATING A FAIR AND FREE MARKET FOR ALL BUSINESSES AND CONSUMERS REGARDLESS OF THE LOCATION OF THE BUSINESS FROM WHICH THE PURCHASE WAS MADE.

**Sponsors:** Mayor's Office

**Attachments:** [Councilman Long statement regarding RES 17 093](#)

*Councilman Long read a statement regarding the ordinance (see statement attached to resolution).*

*Mayor Perrin explained the Arkansas Municipal League has asked the cities in the state to pass this resolution in order for them to take it to the governor so he will call a special session, probably in August or the first of September. That will allow the issue to be voted on. He noted this is not a new tax. Arkansas residents are required to report any online items that are purchased on an annual basis. But, this law is not being enforced currently. Last year, 70 Arkansans report the money spent online on their tax returns. There are 3 million Arkansas residents. A conservative figure estimates Arkansas cities are losing \$25 million annually because there is no procedure in place to collect online sales tax. Arkansas sales tax receipts in May were up 7.2% over last year because of Amazon's voluntary collection of sales tax and 6% in June. Retailers support 1 in 4 American jobs and add nearly 4 jobs for every million dollars of increased sales. They add one job for every million dollars of sales. 93% of Americans say local retailers are important to their community's economic health. E-fairness is critical to the survival of small businesses. 95% of small businesses operate just one location and employ fewer than five employees. He asked the Council to vote their convictions.*

*Councilman Long noted this issue was recently brought before the Arkansas legislature and it failed.*

*Debbie Pelley stated while it may not be a new tax, that's how most people see it because when it's talked about they refer to \$100 million of the people's money that will go towards the tax. She explained the thing that concerns her more than anything else is that the Council members and most of their legislatures claim to be conservative, but they will put in this type of agenda that is bureaucracy. She noted Mayor Perrin was appointed to a committee for the National League of Cities. Municipal groups around the country are part of who founded the National League of Cities. The state bureaucracy is approving things he says he does not approve of. 70-80% of the people didn't support this issue. The Council members are supposed to represent the people. If that many people don't support this topic and the Council members vote for it, then they are not representing their public.*

*Ms. Pelley then questioned where the resolution came from. Mayor Perrin answered it came from the Arkansas Municipal League. She noted she's sure the Arkansas Municipal League would also support the International Property Code. Mayor Perrin stated the Arkansas Municipal League is one of the strongest advocates for all cities in the state. Ms. Pelley replied that League is for the city, not for the people. Mayor Perrin disagreed, noting that they help the cities to help the people in those cities. Ms. Pelley stated her view is that the money will go for bureaucracy. Mayor Perrin explained he thinks it's a form of tax evasion because they're not paying the tax. It's not fair to the retailers this city. Further discussion was held regarding the issue. Mayor Perrin noted if she had a problem with the legislation he suggested she contact her representatives. Ms. Pelley stated several of the local representatives voted for the legislation when it was presented earlier this year. Mayor Perrin answered that's because they didn't know where the money was going. Ms. Pelley replied she thinks it's because they heard from their constituents.*

*Harold Carter stated he agrees with the Mayor on this topic. He will end up paying more money, but it'll be optional and on a case by case basis. He doesn't think everyone in Arkansas is anti-tax, especially when it harms the local merchants.*

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

**Aye:** 8 - Darrel Dover;Ann Williams;Charles Frierson;John Street;Gene Vance;Chris Gibson;Joe Hafner and David McClain

**Nay:** 4 - Chris Moore;Mitch Johnson;Charles Coleman and Bobby Long

Enactment No: R-EN-087-2017

**RES-17:101**

A RESOLUTION AUTHORIZING THE CITY OF JONESBORO TO ENTER INTO AN AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS ACTING ON BEHALF OF THE UNIVERSITY OF ARKANSAS COOPERATIVE EXTENSION SERVICE FOR THE INSTALLATION OF BIKE RACKS THROUGHOUT THE CITY

**Sponsors:** Planning, Parks & Recreation, Engineering and Grants

**Attachments:** [UoA Extension Office MOA 07102017](#)

*Councilman Hafner explained it's his understanding the University of Arkansas, acting on behalf of the Arkansas Cooperative Extension Service, will be buying the bike racks outright and donate them to the city.*

*Chief Financial Officer Suzanne Allen clarified the resolution needs to be approved; rather, it's the ordinance that no longer needs to be approved because the money no longer needs to be appropriated.*

*Councilman Hafner reiterated his understanding was the resolution was no longer needed. Ms. Allen stated that's not true. The resolution is needed because the city needs the agreement in order for them to purchase the bike racks and donate them. The ordinance isn't needed.*

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

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

Enactment No: R-EN-088-2017

**COM-17:047**

Decision by the City Council regarding the appeal by Sign-Tech of Paragould, LLC and Cache Beauty Supply regarding the decision of the MAPC to deny a conditional use permit to allow for the modification of an existing billboard at 2826 E. Highland Drive

**Attachments:** [MAPC APPEAL combined Application](#)  
[Staff Summary](#)  
[USPS Receipts](#)  
[Handouts](#)  
[Letter](#)

*Councilman Frierson asked for clarification regarding the action that is before the Council tonight. City Attorney Carol Duncan explained MAPC denied the applicant's conditional use. They are now appealing the conditional use denial. Councilman Dover stated if they vote to uphold the appeal, then nothing happens. City Attorney*



*Duncan agreed, adding that if they vote to overturn the appeal then the applicant's conditional use is approved.*

*Mike Shannon, the attorney for Lamar Outdoor Advertising, spoke concerning the conditional use as requested. What is being requested is changing an on-premise sign to a digital off-premise sign. The read that faces the east has always been an on-premise sign. The only thing that might've been an off-premise sign would be the side facing the west. That side has not been used for many years. It's a tri-fold advertising sign that hasn't spun in years. They believe it's an abandonment of a non-conforming use. He quoted Sec. 117-84 of the Code of Ordinances that states "whenever a nonconforming use of a structure or part thereof, has been discontinued or abandoned for a period of one year or more, such use shall not be reestablished..." He added (c) states "where no enclosed structure is involved, discontinuance of a nonconforming use for a period of six months shall constitute abandonment..." If it's an abandonment, the nonconforming use cannot be established. It is nonconforming because Jonesboro ordinances requires billboards, off-premise signs to be 1,500 feet apart. This sign is only 150 feet from a Lamar Advertising billboard. He explained the applicant is basically asking for a 1,350 variance to the city's ordinances. If it's no longer nonconforming, then it must meet current billboard ordinances. Lamar's sign is properly permitted by the Highway Department. He stated this conditional use is not what's best for Jonesboro. The 1,500 spacing was passed for a reason – to ensure areas of the city aren't overburdened with too many off-premise, commercial signs. The applicant wants a digital sign, which will read the same way as Lamar's sign but only 150 feet apart.*

*Mr. Shannon added Sec. 117-199 of the Code of Ordinances states the appeal letter shall explain why the Planning Commission's findings and decisions were "arbitrary, capricious and inappropriate." Their letter did not do this. There is nothing stating the decision was arbitrary or capricious. That is the standard of review. They asked the Council to make the applicant play by the rules as set out in city ordinances and leave the MAPC decision alone.*

*Councilman Dover questioned which sign was put in first. Mr. Shannon explained they have been trying to figure that out, but they believe the signs were put in about the same time. Their sign, though, is clearly permitted by the Highway Department. Councilman Dover asked how two signs were put in so close together if there's an ordinance saying 1,500 feet apart. Mr. Shannon answered the signs were constructed before the city ordinance stating 1,500 feet was passed.*

*Mayor Perrin clarified the appeal letter didn't state everything needed for the appeal. Mr. Shannon reiterated the letter was supposed to explain why the MAPC's decision was arbitrary and capricious as indicated by city ordinance, but it didn't. Mayor Perrin then asked if he understood right that the other sign was not ever permitted by the Highway Department. Mr. Shannon agreed.*

*Councilman Hafner asked if the sign was up prior to the 1,500 foot ordinance requirement, then would this be a grandfathered situation. City Attorney Duncan explained it could be a pre-existing use, but the question is whether the sign has been continually used. City Planner Derrel Smith stated they never found that this was used as an off-premise sign. There is a permit. They applied to the state, but the state did not accept their application back in 1999. The sign advertised a building that was on-site, a beauty supply store. All they can find shows a sign permit was issued in 1999, but it doesn't say on-premise or off-premise. They think it was an on-premise sign. It looks like the Highway Department said it was an on-premise sign in 1999, which is why they didn't issue a permit. Councilman Vance clarified the Highway Department doesn't permit on-premise signs; rather, they only permit off-premise*

signs. It's the city code that permits on-premise and off-premise.

Councilman Dover explained there are two issues – the distance and the on-site/off-site issue. He can understand the 1,500 feet, which would be grandfathered in. Mr. Shannon explained it was built prior to the 1,500 stipulation set by ordinance. But, you don't get to be grandfathered in as an off-premise sign if you were an on-premise sign. Mr. Smith clarified on-premise means the sign is advertising for something the land it's sitting on is used for. Off-premise means they can advertise anything. City Attorney Duncan added they all agree the business it was advertising for as an on-premise sign is no longer in business.

Councilman Hafner stated the appeal letter states VetCare has been a paying customer since 1999. He questioned whether they have been advertising for off-premise companies since 1999. Mr. Smith explained the Cache Beauty store that was being advertised has been gone for at least a year. The sign is a tri-view and there was off-premise advertising being done on it. It hasn't been working for several years, which is why they didn't allow for a new sign to be there. Mr. Shannon explained they took pictures of the sign on May 25 and again on July 14 and the sign looked exactly the same both times. It not spinning and hasn't worked for a while.

Councilman Dover clarified the pole can be there, that it's just a question of what sign can be there. Mr. Smith agreed, adding the MAPC didn't allow the digital sign to go there because it's off-site. Councilman Dover asked if it was on-site if it would be legal. Mr. Smith explained he thinks it would still be nonconforming, but it would be a legal, nonconforming use. Mr. Shannon explained their position is that they haven't operated. Even if there was some off-premise advertising done somewhere in the past on the VetCare side, they haven't done it in years. The sign is not spinning. If you abandon it for more than six months, clearly more than a year, you lose your nonconforming status and it cannot be reestablished. Even if the sign was off-premise on that side, they have abandoned that.

Councilman Hafner stated their position is the sign has been abandoned because VetCare is the only one advertising there and it's not spinning for other advertisers. Mr. Shannon agreed and added they're not even sure there's any proof that VetCare has paid money to be on the sign recently. Councilman Hafner asked if VetCare has continually paid, if their stance would change. Mr. Shannon answered no, they still think this is a sign that was built as a tri-view sign and is designed to turn and spin and hasn't done that. That is an abandonment of the use of the off-premise sign.

Councilman Vance asked if they are getting off subject. He questioned if they are just supposed to be looking at the question of changing it from what it is now to a digital sign. They aren't looking at the grandfathering or whether or not it's being used. The only issue is the MAPC didn't allow them to do the digital sign, so that's what the vote should be on. City Attorney Duncan answered that is correct.

Councilman Dover asked what the difference is between the digital sign and what it is now. Councilman Vance answered it is an upgrade. He clarified further that the MAPC turned the applicant down for upgrading the sign. They didn't say whether it was on-premise or off-premise, conforming, grandfathered, etc. Mr. Shannon agreed, explaining the appeal can be denied for the reasons he talked about or because of the other reasons being talked about. They can just set aside the idea of being grandfathered or not. If they don't think the idea of digital is right or if they don't think the decision by the MAPC was arbitrary and capricious, then they can just deny the appeal.

Councilman McClain noted the MAPC report states Mr. Smith doesn't feel like it

*should be changed at this time and questioned whether Mr. Smith still feels that way. Mr. Smith answered yes he does still feel that way. He doesn't feel it should be changed to a digital sign.*

*Councilman Frierson referred back to the grandfathered status. It is his understanding if something is grandfathered in, but then it changed, or was abandoned or the business quit then it stopped. City Attorney Duncan agreed, noting that's what Mr. Shannon is referring to, that the applicant abandoned the pre-existing use.*

*Councilman Dover then asked if the sign was completely new and they went to the Planning Department requesting the sign, whether it would be approved. Mr. Smith answered no.*

*Councilman Moore asked if City Attorney Duncan agreed with Mr. Shannon's comments about the sign being abandoned. City Attorney Duncan stated she has not read it herself, but she assumes he is quoting the city code correctly. But, if that's what it says, then yes.*

*Justin Roberts, representing the owner Mr. Dickens, stated the tri-action was put installed in 1999. The owner indicated to him the tri-vision was turned off in 2009, but he has had several paying customers on it since 1999 and has had paying customers since the electricity was turned off in 2009. The company who installed the tri-action is no longer in business and it's hard to find parts for the sign. He just thinks something was lost in translation. When Mr. Dickens purchased the permit in 1999, it didn't say "billboard"; rather, it said "new sign." It was the same with the state. The interpretation of it not being required then because it was scenic byway and it was further than 300 feet. It's no longer a scenic byway and its 600 feet. He noted that Lamar has some tri-visions that have been turned off over on Nettleton, probably because they can't find parts anymore. But, they're advertising on a single side.*

*Mr. Roberts continued the sign hasn't been abandoned. Mr. Dickens has up kept the lighting and electrical. He's never advertised anyone other than Cache on the side facing the mall, like the state told him he could in 1999. He does have records and receipts of being paid for advertising on the other side. City Attorney Duncan asked how old the payments are. Mr. Dickens answered he got a check from VetCare about twenty days ago. VetCare helped him get the sign and he's received a check from them every month. He's also appreciative of the others that have rented from him until the company who installed the tri-action ceased and he turned the sign off. It's his understanding that's what he was supposed to do when the motion stopped. He was supposed to turn it to one side and leave it there. As far as the east side, he had a decision as to whether to advertise his business or leave it blank. That's why he went ahead and advertised his company there. All he wants to do now is put digital on the west side. He'd like to put digital on the east side if the state allows him. He put the billboard sign up in the first place to help with his retirement.*

*Councilman Hafner referred to a letter that was provided in the appeal information from the chief building official in 1999 confirming a conversation about the billboard. The letter indicated the property is zoned C-3 allowing billboards and signage. Mr. Dickens stated the letter was needed by the state in order to apply for a billboard permit. Councilman Hafner explained it seems to him it was always presented as a commercial billboard and signage. Mr. Dickens answered that's true. The person who visited him from the state told him he could rent the billboard to anyone he wanted on the west side, but on the east side it can only advertise his business. He reiterated to the guy that he could rent it out to anyone on the west side without permitting from the state, but on the east side he can only advertise his business. The guy indicated*

to him that was correct, because the state doesn't have to permit anything that faces away from Highland Drive. The guy went on to tell him that on the east side they wouldn't have a problem with him advertising for any of the businesses in the area.

Mr. Smith stated that because the comments are from 1999, he doesn't know. He also doesn't know the person who signed this from the city. But, he still feels from what he's seen they originally issued the permit for an on-premise sign for Cache Beauty Supply. And that's probably the reason the Highway Department refused to permit it. That's the reason why they felt it shouldn't be upgraded to a digital sign. Mr. Shannon noted they haven't just asked to upgrade it to a digital sign on one side. They've asked to upgrade it to digital on both sides. There's a question about the left hand read and whether it was off-premise. But, there's no question about the right hand read has always been on-premise. That was admitted today. That side would never be grandfathered in. The request before them is to upgrade both sides to digital and give both sides off-site permits. He doesn't believe that is allowed under the city's rules. Lamar already has a digital sign within 1,500 feet of this sign.

Mr. Smith explained they requested a digital sign and it was to be off-premise. Most want digital signs to be off-premise, due to the cost. They can advertise up to 8 per side. Councilman Dover asked if they requested a digital on-site if it would be okay. Mr. Smith answered no. They would've allowed the applicant to change the face, a paper face since that was nonconforming. It would not have allowed them to upgrade all the way to a digital sign.

Councilman Vance noted if no action is taken by the City Council, then the appeal stands. They cannot make a negative motion, so he doesn't know whether a motion is needed or not. City Attorney Duncan explained the motion doesn't sound negative, but it could be handled either way. Mayor Perrin agreed, they can approve the motion on the floor or just take no action and the MAPC decision will be upheld either way.

**Councilman Long motioned, seconded by Councilman Johnson, to let the MAPC decision stand. All voted aye.**

#### ORDINANCES ON FIRST READING

##### ORD-17:050

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2017 BUDGET TO ADD THE SUB-GRANT BUDGET FOR THE ARKANSAS STATE POLICE (ASP) HIGHWAY SAFETY AND TRAFFIC RECORDS PROGRAM SUB-GRANT, AND DECLARING AN EMERGENCY

**Sponsors:** Grants and Finance

**Attachments:** [2017 Traffic Records Program Agreement](#)

Councilman Dover motioned, seconded by Councilman Long, to suspend the rules and offer the ordinance for first reading by title only. All voted aye.

Councilman Street motioned, seconded by Councilwoman Williams, to suspend the rules and waive the second and third readings. All voted aye.

After passage of the ordinance, Councilman Gibson motioned, seconded by Councilman Long, to adopt the emergency clause. All voted aye.

**A motion was made by Councilman John Street, seconded by Councilwoman Ann Williams, that this matter be Passed . The motion PASSED with the following vote.**

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

Enactment No: O-EN-040-2017

[ORD-17:051](#)

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

**Attachments:** [Appeal Letter.pdf](#)  
[COJ Rezoning Ordinance.doc](#)  
[Rezoning Plat.pdf](#)  
[Application.pdf](#)  
[Staff Summary.pdf](#)

*Councilman Dover motioned, seconded by Councilman Street, to suspend the rules and offer the ordinance for first reading by title only. He also asked that the ordinance be held at one reading tonight and for the City Council to decide whether they want to have discussions at length tonight or at second or third reading. All voted aye.*

*Councilman Vance noted that the vote to decide on the rezoning will not happen at the August 1st meeting; rather, it will be at the August 15th meeting when the ordinance is on third reading.*

*Jim Gramling, representing First Baptist Church, discussed the rezoning proposal. The church originally wanted C-3 zoning, but they had a meeting with some of the surrounding neighbors. A lot of the concerns were related to after hours. After that meeting, they decided to apply for C-4. They took a further step of adding the limited use overlay. While they don't know what will be there, they can say what won't be there. In addition to what was lost between C-3 and C-4 zoning, there also won't be fast food, a restaurant of any kind, convenience store, ATM car wash, hospital or nursing home. They have severely limited the use of the property to address after hours use. And, C-4 has to be residential in appearance. No one will be looking out their window and seeing a concrete block structure. The appearance will be subject to MAPC approval. The city's land use map shows it to be a high intensity growth sector. They are asking for C-4 with a very limited use. There is commercial all around there along Alexander that is consistent with the high intensity growth sector. The staff report shows the property with C-4 limited uses meets all of the criteria. It is consistent with the land use plan and verses of Chapter 117. It is about what is the highest and best use of the land. He doesn't think anyone will build a home on Alexander Drive given what is out there now.*

*The property has C-5 on the east, beyond that there is a park. There's residential on the north. South across the bypass is all commercial. Further down on Alexander is commercial. Suitability is not an issue. As far as noise and light, there's already ordinances in place to protect people from that. Any final site plan is subject to approval. The church has gone above and beyond to address the legitimate concerns of the neighbors. He thinks C-4 with a limited use as they have submitted is entirely appropriate.*

*Eric Kriner, 819 Amberwood Cove, spoke in opposition to the rezoning. He discussed the history of the rezoning proposal. The property was donated to First Baptist Church. The church held a meeting in March with the neighbors. The church indicated the neighborhood needed to be on board with their rezoning request or they would sell the property to someone who would develop it with no concern for their*

interests. He personally viewed it as an ultimatum. He wanted everyone to know that everything First Baptist has said in their meetings and in the public is disingenuous. They said they wanted to be a good neighbor, but their intention is to sell the property and leave the neighborhood. The church also rejected the MAPC call to further restrict the development and their proposals for buffer zones, all of which would've appeased their fears and concerns. With regards to the questionnaire with the application, they are asked what the purpose is and why the rezoning is necessary. They answered so the property can be used for its highest and best use, yet they stated on the record they have no intentions of developing the property. When asked how the rezoning would benefit the community, they responded by saying it would support the growth and economic development of the city. Yet, they will not be developing the property nor do they know what's going to go there.

The application also asked if there were reasons why the property couldn't be used under the current zoning. But, they didn't list a reason as to why R-1 was unsuitable or otherwise prohibitive. When asked how the rezoning would affect the neighborhood, they indicated there should be no adverse effects. Yet, they have already experienced stress when thinking of a commercial establishment coming up in their backyard. The neighborhood would like to know how the applicants determined their property values won't be adversely affected, or how the traffic won't be adversely affected. The burden of proof is on them. The church didn't entertain any notion of putting an ingress or egress on Alexander Drive, so he wanted to know how the streets wouldn't be affected. Mr. Kriner then questioned why the church didn't put on their application that they were going to sell the property, instead saying it was undetermined as to when they would develop the property.

Mr. Kriner then noted on the application the church failed to mention the neighbors unanimously opposed the church's proposal. He stated the city shouldn't be part of a church's profit motive. He asked the City Council to think about the MAPC's denial.

Mr. Gramling stated he did not threaten the neighbors; rather, he said if this doesn't pass they have no idea who will come in next and what they'll ask for. But, he doesn't think they would have the same concerns for the neighboring land owners as First Baptist Church. He doesn't know what is going to go there because the church will not be developing it. He noted the staff report showed no issues from the city departments. They have tried to involve the neighbors and listen to their concerns.

**This item was Held at one reading.**

**ORD-17:053**

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

**Sponsors:** Metropolitan Area Planning Commission and Planning

**Attachments:** [2017 Master Street Plan](#)

Councilman Street motioned, seconded by Councilman Vance, to suspend the rules and offer the ordinance by title only. He also asked that the ordinance held to be read at three readings. All voted aye.

Councilman Vance asked if an amendment needed to be done by a Council member, if that could happen at the third reading. It was noted an amendment could take place at any of the readings.

**A motion was made by Councilman John Street, seconded by Councilman Darrel Dover, that this matter be Held at one reading . The motion PASSED with**

the following vote.

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

**ORD-17:060**

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2017 BUDGET TO ADD THE SUB-GRANT BUDGET FOR THE 2014-2016 U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES CENTER FOR DISEASE CONTROL AND PREVENTION SUB-GRANT, AND DECLARING AN EMERGENCY

**Sponsors:** Grants, Planning, Parks & Recreation and Engineering

**Attachments:** [UoA Extension Office MOA 07102017](#)

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

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

**ORD-17:062**

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-2 TO RS-4 FOR PROPERTY LOCATED AT 512 WEST JEFFERSON AS REQUESTED BY GARY HARPOLE

**Attachments:** [Plat](#)  
[USPS Receipts](#)  
[USPS Returned Green Cards](#)  
[Warranty Deed](#)  
[Aerial View of Location](#)  
[Application](#)  
[Signed](#)  
[Staff Summary - Council](#)

*Councilman Street motioned, seconded by Councilman Vance, to suspend the rules and offer the ordinance for first reading by title only. All voted aye.*

*Councilman Hafner questioned why the ordinance has an emergency clause on it. Councilman Street explained he spoke to Mr. Harpole today and he indicated while the weather is good, he would like to begin construction as soon as possible. There was no opposition at MAPC. Councilman McClain asked if that truly constitutes an emergency. Councilman Street answered it does if you want to put it in place.*

**A motion was made by Councilman Chris Moore, seconded by Councilman Chris Gibson, to Waive Second Reading. The motion PASSED with the following vote.**

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

**ORD-17:063**

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

**Attachments:**     [Plat](#)  
                              [Staff Summary - Council](#)  
                              [USPS Certified Cards and Letter Returns](#)  
                              [USPS Receipts](#)  
                              [Application](#)  
                              [Property Owner Notifications](#)  
                              [Street Drawing](#)  
                              [Traffic Report](#)  
                              [Aerial View of Location](#)  
                              [Gladiolas Drive Rezoning Opposition](#)

*Councilman Dover motioned, seconded by Councilman Moore, to suspend the rules and read the ordinance by title only. All voted aye.*

*Jim Gramlin, representing the Ditta Family, discussed the proposed rezoning. It's currently zoned C-3 and there is C-3 zoning all around it. The original application was for RM-16, but they agreed to reduce that to RM-14 after discussion at the MAPC meeting. The western border has a very wide and large ditch, which provides a natural buffer between the property and nearest residential property around. They are willing to provide an additional buffer in the form of trees. The property was part of a larger tract and when it was conveyed out a 30 foot easement was retained. They are negotiating with the property owners to the north to get access that would come from the northeast corner of the property to the street that comes just west of the Walmart Marker on Harrisburg Road. It's not part of the application, but is a de facto requirement due to fire code.*

*They had a traffic study done. It said with the secondary access to Parker Road the traffic would actually improve. This may be one of the few multi-family applications that actually improves traffic rather than hindering it.*

*The staff report shows the property as being half high intensity and half medium intensity growth sector. There are all kinds of uses that are already allowed in C-3 zoning. The property has been vacant for a while and people have become used to it. It is already commercial, so they are just requesting to go from C-3 to RM-14.*

*Patty Lack, 4108 Forest Hill Road, spoke in opposition to the apartments. At the last meeting, only Loretta Young was present to oppose the apartments. The reason for that is because the sign announcing the rezoning and hearings is at the end of Gladiolas street at the end of the Gladiolas apartments. That is the only sign that is visible. She doesn't live at those apartments; rather, she lives before it. The residents in the area probably don't know a lot about the request because she hasn't seen a lot about it on television or in the newspaper. She gets the newspaper since she takes care of the Pine Hill Cemetery. She then noted in the area there are already apartments at the Links, Gladiolas, the condos, the apartments on Craighead Forest Park going towards the cemetery. The road in that area is horrible and will get worse if they put more apartments in that area. She only became aware of the issue two days ago and has talked to several of her friends in the area and they all oppose it. But, they don't know how to oppose it. She is going to try and start a petition to get signatures. She questioned the storm water flow and where the water goes when it rains. She then noted the crime in the area and referred to a recent armed robbery in the Gladiolas apartments. That's next door to where they want the apartments to go. When more apartments go in, the crime rate goes up. The Exxon station has had their ATM taken out twice. The Dollar General has been robbed several times that they had to put in a security system. The traffic will go from bad to worse, even with the rode widening. It takes her 20 minutes to turn left from Forest Hill Road to*



Harrisburg in the mornings when school is in session. And that's just with current traffic. She noted that is also in the Nettleton School District. She volunteers there and if you put more apartments in the district the district won't be able to handle it and the education will go downhill. She hopes the Council will give her two weeks because the sign was not visible to anyone other than people who go down towards the Gladiolas apartments. She thinks that is unfair. They don't need apartments. Something else can be put on that land.

Councilman Street questioned the placement of the sign. He asked if that sign could be put in a more conspicuous location so more people can see it. Mr. Smith answered the sign is supposed to be on the property and that's where the property is. Councilman Street suggested looking at the rules for instances like this because Ms. Lack has a valid point. That's not a good way to inform the public. Mr. Smith noted it was on the front page of the paper at least twice. Mayor Perrin added it was also on television.

Tom Sims, 1411 Branchwood, spoke in opposition to the rezoning. He questioned how many is enough apartments in that part of town. He thinks if you draw a three-mile radius starting at the Links there would be 4,000 apartments within that radius. That's a lot. South Jonesboro doesn't need any more apartments. He listed the different apartments in the area. There are a lot of nice neighborhoods. He's been out there for 20 years. For the better of the community, he asked that the Council please consider what is enough for that are as far as apartments. Mr. Sims added he didn't even know there was a sign posted. He asked them to consider the integrity with which that part of town was built. People who settled there wanted to be out of town, but not too far away. They had a public golf course there, but it was taken away and apartments were built. There are already several big apartment complexes in the area. He thinks there's been enough growth with apartments in that part of town. There are other areas that need housing. There's blight and old homes that need to be destroyed. People need houses and apartments, but not in this part of town. The street does flood when it rains hard. He doesn't see how a development like this will help the issue. They have contacted the state about it since it's a state highway.

Mr. Gramling explained the difference between this application and the one on South Caraway is that this property is already C-3 and there will be a four-lane highway going through there. He reminded the Council of a moratorium study that was done which indicated a 4% vacancy rate. He reiterated they had a traffic study done. It found the intersection of Harrisburg and Gladiolas is an F, but if the road is widened it is a C. Even with this project, if you add the additional access to Parker Road it improves it. While it may look like the traffic will make things worse, the experts who have studied the issue say it will make the traffic better.

**A motion was made by Councilman Darrel Dover, seconded by Councilman Chris Moore, that this matter be Held at one reading . The motion PASSED with the following vote.**

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

**ORD-17:064**

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

**Sponsors:** Mayor's Office

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

Councilman Moore motioned, seconded by Councilman Gibson, to suspend the rules and offer the ordinance by title only. All voted aye.

**This item was Held at one reading.**

### RESOLUTIONS TO BE INTRODUCED

#### RES-17:064

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 501 Marshall, Owner: Wendell Parrish

**Sponsors:** Code Enforcement

**Attachments:** [501 Marshall](#)  
[county data](#)  
[Title Search](#)  
[pic3](#)  
[pic2](#)  
[pic1](#)

*Christy Tyler, 2311 SE Front Street, Hoxie, represented Mr. Parrish concerning the condemnation. She explained the last year has been a bad year for them. He has gotten three bids and would like to get a remodeling permit. He is going to weigh that out to see which is the best way to go, to condemn or remodel it. There was always somebody renting it. She added he has two bids and they are waiting on the third bid.*

*Councilman Dover noted that even if the resolution is passed tonight, they still have 45 days to get a permit. That should fit within his timeframe.*

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

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

Enactment No: R-EN-089-2017

## 7. UNFINISHED BUSINESS

### ORDINANCES ON SECOND READING

#### ORD-17:047

AN ORDINANCE FOR THE CREATION OF A REGULATED FEE SCHEDULE FOR THE PLANNING DEPARTMENT, AND FOR THE AMENDMENT OF THE JONESBORO CODE OF ORDINANCES CHAPTER 42, LICENSES, PERMITS, AND MISCELLANEOUS BUSINESS REGULATIONS - PLANNING DEPARTMENT

**Sponsors:** Planning

**This item was Held at second reading.**

#### ORD-17:048

AN ORDINANCE FOR THE CREATION OF A REGULATED FEE SCHEDULE FOR THE INSPECTIONS DEPARTMENT, AND FOR THE AMENDMENT OF THE JONESBORO CODE OF ORDINANCES, CHAPTER 42, ENTITLED LICENSES, PERMITS, AND MISCELLANEOUS BUSINESS REGULATIONS - INSPECTIONS DEPARTMENT

**Sponsors:** Inspections

**This item was Held at second reading.**

*ORDINANCES ON THIRD READING*

**ORD-17:035**

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

**Sponsors:** Engineering

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

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

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

**ORD-17:042**

AN ORDINANCE FOR THE CREATION OF A REGULATED FEE SCHEDULE FOR THE STREET DEPARTMENT, AND FOR THE AMENDMENT OF THE JONESBORO CODE OF ORDINANCES, CHAPTER 42, LICENSES, PERMITS, AND MISCELLANEOUS BUSINESS REGULATIONS - STREET DEPARTMENT.

**Sponsors:** Streets

*Mayor Perrin noted these fee schedules will not take effect immediately, as they don't have the emergency clause. He doesn't anticipate them taking effect until September, after they can get the information out to the public.*

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

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

Enactment No: O-EN-041-2017

**ORD-17:043**

AN ORDINANCE FOR THE CREATION OF A REGULATED FEE SCHEDULE FOR THE ENGINEERING DEPARTMENT, AND FOR THE AMENDMENT OF THE JONESBORO CODE OF ORDINANCES, CHAPTER 42, LICENSES, PERMITS, AND MISCELLANEOUS BUSINESS REGULATIONS - ENGINEERING

**Sponsors:** Engineering

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

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

Enactment No: O-EN-042-2017

**ORD-17:044**

AN ORDINANCE FOR THE CREATION OF A REGULATED FEE SCHEDULE FOR THE PARKS & RECREATION, CEMETERY DEPARTMENT, AND FOR THE AMENDMENT OF THE JONESBORO CODE OF ORDINANCES, CHAPTER 42, LICENSES, PERMITS, AND MISCELLANEOUS BUSINESS REGULATIONS- PARKS/RECREATION AND CEMETERY

**Sponsors:** Parks & Recreation

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

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

Enactment No: O-EN-043-2017

**ORD-17:052**

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 TO C-2 FOR PROPERTY LOCATED AT 1121 SOUTH MAIN STREET AS REQUESTED BY SARAH RUSSELL AND DEREK SPIEGEL

**Attachments:** [Application.pdf](#)  
[Letter.pdf](#)  
[Question Answers.pdf](#)  
[Rezoning Plat.pdf](#)  
[Aerial View of Location.pdf](#)  
[Warranty Deed.pdf](#)  
[Staff Summary - Council.pdf](#)  
[Minutes of Neighborhood Meeting held May 25.pdf](#)  
[Opposition.pdf](#)  
[People within 200 ft.pdf](#)  
[Property Owner Notifications.pdf](#)  
[Signature sign in sheet for meeting.pdf](#)  
[USPS Receipts.pdf](#)

*Councilman Moore motioned, seconded by Councilman Vance, to suspend the rules and read the ordinance by title only. All voted aye.*

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

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

Enactment No: O-EN-044-2017

**ORD-17:054**

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO I-2 FOR PROPERTY LOCATED ON NW BARNHILL ROAD/CW POST ROAD AS REQUESTED BY CITY, WATER, & LIGHT

**Attachments:** [Application.pdf](#)  
[Barnhill Road Plat Ballard.pdf](#)  
[Staff Summary.pdf](#)  
[Aerial View of Location.pdf](#)  
[Craighead Technology Park Map.pdf](#)  
[REZONING CWL.pdf](#)

*Councilmen Street and Frierson abstained from discussion and voting on ORD-17:054, ORD-17:055, ORD-17:056 and ORD-17:057 due to their relationship with City Water and Light.*

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

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

**Abstain:** 2 - Charles Frierson and John Street

Enactment No: O-EN-045-2017

**ORD-17:055**

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO I-2 FOR PROPERTY LOCATED ON THE SOUTH SIDE OF THE STREET BETWEEN NESTLE ROAD AND TRINITY ROAD OF CW POST ROAD TRACT 3 AS REQUESTED BY CITY, WATER, & LIGHT AND JIDC

**Attachments:** [Application.pdf](#)  
[Staff Summary.pdf](#)  
[South of CW Post Plat 190AC.pdf](#)  
[Aerial View of Location.pdf](#)  
[Craighead Technology Park Map.pdf](#)  
[Property Owner Notifications - signed - notofication.pdf](#)  
[USPS Receipts.pdf](#)  
[Warranty Deed.pdf](#)  
[REZONING CWL.pdf](#)

*Councilmen Street and Frierson abstained from discussion and voting on ORD-17:054, ORD-17:055, ORD-17:056 and ORD-17:057 due to their relationship with City Water and Light.*

*Councilman Dover motioned, seconded by Councilman Moore, to amend the ordinance to state Trinity Road as opposed to Nordex Road. All voted aye, with the exception of Councilmen Street and Frierson who abstained from voting.*

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

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

**Abstain:** 2 - Charles Frierson and John Street

Enactment No: O-EN-046-2017

**ORD-17:056**

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING

ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-3 TO I-2 FOR PROPERTY LOCATED ON THE PART OF LOTS 1 & 2 OF HAAG-THRASHER ADDITION BETWEEN LITTLE BAY ROAD AND GRISHAM ROAD AS REQUESTED BY CITY, WATER, & LIGHT

**Attachments:**     [Application.pdf](#)  
                              [HAAG THRASHER ADD Plat.pdf](#)  
                              [Staff Summary.pdf](#)  
                              [Aerial Veiw of Location.pdf](#)  
                              [Craighead Technology Park.pdf](#)  
                              [Warranty Deed.pdf](#)  
                              [REZONING CWL.pdf](#)

*Councilmen Street and Frierson abstained from discussion and voting on ORD-17:054, ORD-17:055, ORD-17:056 and ORD-17:057 due to their relationship with City Water and Light.*

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

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

**Abstain:** 2 - Charles Frierson and John Street

Enactment No: O-EN-047-2017

**ORD-17:057**

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO I-2 FOR PROPERTY LOCATED ON THE SOUTH SIDE OF THE STREET BETWEEN NESTLE ROAD AND TRINITY ROAD OF CW POST ROAD TRACT 1 AND TRACT 2 AS REQUESTED BY CITY, WATER, & LIGHT AND JIDC

**Attachments:**     [Application.pdf](#)  
                              [Staff Summary.pdf](#)  
                              [Aerial View of Location.pdf](#)  
                              [Craighead Technology Park Map.pdf](#)  
                              [Property Owner Notifications - signed - notofication.pdf](#)  
                              [South of CW Post Plat 190AC.pdf](#)  
                              [USPS Receipts.pdf](#)  
                              [Warranty Deed.pdf](#)  
                              [REZONING CWL.pdf](#)

*Councilmen Street and Frierson abstained from discussion and voting on ORD-17:054, ORD-17:055, ORD-17:056 and ORD-17:057 due to their relationship with City Water and Light.*

*Councilman Dover motioned, seconded by Councilman Moore, to amend the ordinance to state Trinity Road as opposed to Nordex Road. All voted aye, with the exception of Councilmen Street and Frierson who abstained from voting.*

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

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

**Abstain:** 2 - Charles Frierson and John Street

Enactment No: O-EN-048-2017

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

*Mayor Perrin reported on the following items:*

*The city has 43 condemnations so far for the year, which is pretty high since they normally do only 50 per year.*

*FEMA had a meeting here last week. City Engineer Craig Light, among others, attended. The city is probably a year or two out to get a flood map.*

*JETS had an all-time high in ridership last month of over 11,000 riders, almost 11,500.*

*Today he attended a meeting with the attorney general at the Chamber of Commerce for civic and faith-based leaders. They did discuss issues such as marijuana and ABC permits. They will be working with the City Attorney's Office to come up with some good ordinances.*

*He and City Clerk Donna Jackson will be closing tomorrow on the property at Nice-Pak. They will be collecting \$47,000 to put back into the General Fund.*

### **COM-17:050**

Airport Commission financial statement for the six months ending June 30, 2017

**Attachments:**     [JAC Jonesboro Airport Financials 6\\_17.pdf](#)

*Mayor Perrin stated the airport is having a great year. A lot of traffic is coming into Jonesboro to look at industry.*

**This item was Filed.**

### **COM-17:051**

CITY OF JONESBORO FINANCIAL REPORT

**Sponsors:**       Finance

**Attachments:**     [Required Reserves May 2017.pdf](#)  
                          [05-2017 State Turnback Report.pdf](#)  
                          [2017 May Revenues, Expenditures and Fund Balance Changes.pdf](#)  
                          [2017 May Franchise tax report.pdf](#)  
                          [05 2017 Sales tax.pdf](#)  
                          [May 2017 Deposits Collateralization Report.pdf](#)  
                          [May 2017 Expenditure Report.pdf](#)  
                          [May 2017 Hotel Tax comparison public .pdf](#)  
                          [May 2017 Revenue Report.pdf](#)  
                          [Observations Regarding May 2017 Financial Statements.docx](#)

*Mayor Perrin stated the first six months of the year look good. Department heads are doing a good job of controlling expenses. The revenue stream is about the same as was projected.*

**This item was Filed.**

**9. CITY COUNCIL REPORTS**

*Councilman Street motioned, seconded by Councilman Johnson, to suspend the rules and place RES-17:099 on the agenda. All voted aye.*

**RES-17:099**

A RESOLUTION TO THE CITY OF JONESBORO TO ENTER INTO AN INDEMNIFICATION AGREEMENT WITH WINDOVER HTS

**Sponsors:** Planning and Engineering

**Attachments:** [Indemnification Agreement](#)  
[Description for Windover Hts Indemnification Agreement](#)

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

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

Enactment No: R-EN-090-2017

*Councilman Street wished Councilman Dover luck. He thanked Councilman Dover for everything he's done for Jonesboro.*

*Councilman Johnson concurred with Councilman Street's statement.*

*Councilman Dover stated it's been an honor and a privilege to serve on the City Council. He thanked the public for allowing him to serve. It's been a pleasure serving along with the council members. Jonesboro is great city and he wishes everyone the best of luck.*

*Councilman Hafner asked for an update about the master bike path plan. Mayor Perrin explained he has not been able to meet with Councilman Street yet, but has given him along with MPO Director Erica Tait a copy of the plan. Councilman Street added they have a meeting next Thursday.*

*Councilman Hafner stated Councilman Dover has done a great job on Council. He's worked with him for a brief time on the Council, but appreciates all of his input with the Finance Committee. He wished Councilman Dover good luck.*

*Councilman Long agreed, adding that in the short time he's worked with Councilman Dover he's asked him for advice and asked questions. He thanked Councilman Dover.*

*Councilman McClain stated they will miss Councilmen Dover and he appreciates him for his service.*

*Councilman Gibson motioned, seconded by Councilman Street, to suspend the rules and place RES-17:106 on the agenda. All voted aye.*

**RES-17:106**

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ACCEPT THE LOW BID AND ENTER INTO AN AGREEMENT WITH DELTA SPECIALTY



CONTRACTORS, LLC FOR THE JONESBORO MOTORIZED ATV PARK TRAIL ENHANCEMENT - JOB NO. 100903 (2017:03)

**Sponsors:** Grants, Parks & Recreation and Engineering

**Attachments:** [Bid Tab](#)  
[Bid Number 2017 03](#)  
[Agreement](#)

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

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

Enactment No: R-EN-091-2017

*Councilman Gibson echoed the statement for Councilman Dover.*

*Councilwoman Williams stated she drove down South Patrick today and it looks great. She also wished Councilman Dover good luck.*

*Councilman Moore thanked Councilman Dover for his service. He wished him the best.*

*Councilman Coleman thanked Councilman Dover for his service. He also announced on July 29th they are having another cleanup. They will meet at the Magnolia Church on the corner of Patrick and Magnolia. He thanked the Council and everyone who worked on the South Patrick improvements. Now they're going to work on North Patrick. Mayor Perrin noted he met with some people this week on the north side of Patrick to discuss sidewalks. He also thanked Public Safety for listening to him about what's happening on Drake Street. He hopes they can get something done.*

*Councilman Vance wished Councilman Dover the best.*

*Councilman Frierson wished Councilman Dover a very pleasant future.*

## **10. PUBLIC COMMENTS**

*Cathy Carnes, 606 Old Canyon Cove, spoke concerning bicycle safety. She is a licensed bicycle instructor to teach people how to bike safety in town. Last Sunday night, a group she was in with about nine women rode from Valley View to Bay at about 12 mph. It's a quiet ride with not much traffic. On County Road 425, they were passed by a Polaris with two teenage boys with one of them hitting her. Yesterday, she went to the Jonesboro PD and Sheriff's Office to file a complaint, but she wasn't able to do that. She would like to be able to file a complaint when a bicyclist is assaulted in that way. This was a Polaris, so there was no license plate for her to see. She noted that it was due to her experience that she didn't fall. She asked that they work with the rules to make a statistical list of the times that bicyclists are assaulted.*

*TJ Thompson, 3816 South Culberhouse, thanked Councilman Dover for his service. He explained a few years ago his house was broken into. Recently a police officer*

*stopped by there home to ask permission to do sit in their house to do some radar. The officer then asked how they were doing since the break-in. He thanked the police force for caring about the citizens and making that personal step to check on them. He then thanked Councilman Hafner for his continued support of quality of life and infrastructure changes. He thanked the Council for pushing those projects forward.*

*Donna Balon, 712 Valley Drive, stated she was on the ride that Ms. Carnes spoke about earlier in public comments. She didn't know what happened until afterwards because they were spaced apart when they were riding. She noticed the Polaris as well and the passenger of the vehicle waved his arm at her as well. She thinks he was going to do the same thing to her as he did to Ms. Carnes. She is not as experienced of a rider as Ms. Carnes, as she has only been doing it a year. If he had hit her, she would've fallen on the road. The week before on the same road with another group, there was a pickup truck who passed them with less than the required three foot passing space. They were able to get the license plate and reported it. She is concerned about the safety of reporters. She also asked for a place for them to be able to report incidents to in order for them to be kept track of. City Attorney Duncan noted that incident was in the county. But, in the city she knows they often do extra patrols as requested on certain roadways or around certain houses. She suggested if they know when they're going to be riding and where, they could inform the county ahead of time and ask for an extra patrol to be done around the time of their ride. She doesn't know if the county does the same thing as the city on that issue, but that might help them out. Ms. Carnes noted the county did offer to do extra patrols on Sunday nights while they're riding. Mayor Perrin added the city has done several things on Channel 24 regarding bicycle safety and they will continue to do so. Once the master bike plan is completed, he encouraged everyone who is interested to come to the meetings.*

*Heather Bunkley Allen, 6005 Charity Court, stated she lives in the southwest part of town and rides a bicycle out there all the time. She often goes between city roads and county roads because a lot of times its safer on county roads than city streets. She appreciates all the time the Council has spent discussing safety for bicyclists, people who walk/run, etc. She knows there will be more discussion on the topics. It's something they feel strongly about. There are least seven bike groups in town all united under NEABC. They speak together and have come together concerning the issues they would like to see addressed. She then commended Officer Baggett for his willingness to work with the SRO's and the schools to get together with the bike groups and do some education. They also discussed doing PSA's and videos to educate drivers about the laws that are out there.*

## **11. ADJOURNMENT**

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

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

\_\_\_\_\_ Date: \_\_\_\_\_

**Harold Perrin, Mayor**

**Attest:**

\_\_\_\_\_ Date: \_\_\_\_\_

**Donna Jackson, City Clerk**