



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Council Agenda City Council

Tuesday, April 7, 2009

6:30 PM

Huntington Building

PUBLIC WORKS COMMITTEE MEETING AT 5:30 P.M.

City Council Chambers, Huntington Building

1. Call to order by the Mayor at 6:30 P.M.

2. Pledge of Allegiance and Invocation

3. Roll Call by the City Clerk

4. Special Presentations

COM-09:037 A proclamation will be read by Mayor Perrin proclaiming April, 2009, U.S. Census Awareness Month for the City of Jonesboro

Sponsors: Mayor's Office

COM-09:038 Foundation of Arts "Curtain Up Kids" presents a song in honor of Jonesboro's 150th Celebration. Proclamation will be presented to the Foundation of Arts "Curtain Up Kids" by the Mayor.

Sponsors: Mayor's Office

5. Consent Agenda

All items listed below will be voted on in one motion unless a council member requests a separate action on one or more items.

MIN-09:026 Minutes for the City Council meeting on March 17, 2009.

Attachments: [Minutes](#)

RES-09:030 A RESOLUTION TO AMEND RESOLUTION 09:017 BY AND ADDENDUM CONCERNING COMPENSATORY TIME OF PUBLIC SAFETY OFFICERS ASSIGNED TO POSITIONS AS SCHOOL RESOURCE OFFICERS

Sponsors: Police Department

Legislative History

3/17/09	Public Safety Council Committee	Recommended to Council
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RES-09:038 A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO APPROVE A CONTRACT WITH ARKANSAS TAX ASSOCIATES, INC. FOR THE AUDIT AND EVALUATION OF PRIOR TAX PAYMENTS.

Sponsors: Finance

Attachments: [AR Tax Associates agreement](#)

Legislative History

3/19/09 Finance & Administration Recommended to Council
Council Committee

RES-09:048 A RESOLUTION OF THE CITY OF JONESBORO TO APPROVE TEMPORARY TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE JETS FUND AS NEEDED TO SUSTAIN A POSITIVE CASH FLOW.

Sponsors: JETS and Finance

Legislative History

3/19/09 Finance & Administration Recommended to Council
Council Committee

6. New Business

Ordinances on First Reading

ORD-09:018 AN ORDINANCE AUTHORIZING ACCEPTANCE OF THE ARKANSAS RECREATIONAL TRAILS PROGRAM GRANT FROM THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT; AND AMENDING THE 2009 BUDGET APPROPRIATING FUNDS NECESSARY TO THE PROCUREMENT THEREOF

Sponsors: Parks & Recreation and Mayor's Office

Attachments: [2008 REC TRAILS RESOLUTION](#)
[Rec Trails Agreement of Understanding](#)

Legislative History

3/19/09 Finance & Administration Recommended to Council
Council Committee

ORD-09:020 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM RESIDENTIAL R-2 TO RESIDENTIAL RM-16 LIMITED USE FOR PROPERTY LOCATED AT 921 WARNER AS REQUESTED BY MAX DACUS JR.

Attachments: [Plat](#)
[MAPC Report](#)

7. Unfinished Business

8. Mayor's Reports

9. City Council Reports

10. Public Comment

Public Comments are limited to 5 minutes per person for a total of 15 minutes.

11. Adjournment.



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Text File

File Number: COM-09:037

Introduced: 3/24/2009

Version: 1

Current Status: To Be Introduced

Matter Type: Other Communications

Title

A proclamation will be read by Mayor Perrin proclaiming April, 2009, U.S. Census Awareness Month for the City of Jonesboro



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Text File

File Number: COM-09:038

Introduced: 4/1/2009

Version: 1

Current Status: To Be Introduced

Matter Type: Other Communications

title

Foundation of Arts "Curtain Up Kids" presents a song in honor of Jonesboro's 150th Celebration. Proclamation will be presented to the Foundation of Arts "Curtain Up Kids" by the Mayor.



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, March 17, 2009

6:30 PM

Council Chambers

PUBLIC SAFETY COMMITTEE MEETING AT 5:15 P.M.

1. Call to order by the Mayor at 6:30 P.M.

2. Pledge of Allegiance and Invocation

3. Roll Call by the City Clerk

Present 11 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent 1 - Chris Moore

4. Special Presentations

COM-09:027 City Youth Proclamation

Sponsors: Mayor's Office

Mayor Perrin presented Councilman Woods and the City Youth Board of Directors with a proclamation commending City Youth Ministries for their work with at-risk youth. Councilman Vance noted that Finance Director Jim Barksdale also serves on the Board of Directors for City Youth Ministries.

This item was Read.

COM-09:029 Presentation by Mr. Scott Stickel concerning Springbrook

Sponsors: Finance

Attachments: [Jonesboro Summary Project Plan](#)
[PowerPoint presentation - PDF format](#)
[E-Mail from Mark Nannini - PDF](#)

Councilman Gibson motioned, seconded by Councilwoman Williams, to add Mr. Scott Stickel from Springbrook to the agenda. All voted aye.

Mr. Stickel, Vice-President for Springbrook, discussed Springbrook's work with the City of Jonesboro. He explained they formed a team with the City to combine resources to get to the point of having efficient and well-run software. He discussed the company and the project plan (plan attached). He noted out of the 18 issues, 16 have been completed, while two are still in process. He further explained they are

waiting for more information from the City in order to complete the two outstanding issues. He then discussed the projects in the plan and stated the plan will be presented to the Mayor on a semi-monthly basis in order to keep track of what is being done. He added they have spent \$154,533 on the City in the past few months without charging the City for any of the expenses. He noted with additional training another \$30,000 to \$50,000 could be added to that number.

Councilman Hargis questioned the number of clients Springbrook has lost since the City started working with them. Mr. Stickel answered they have lost two clients in the past six years, both of which were small. Councilman Hargis then questioned how many clients Springbrook has and where Jonesboro falls in population size. Mr. Stickel stated they have 400 clients and Jonesboro would be in the top 15%. He explained their largest city is 250,000, while their largest number of employees is about 1,800.

Mayor Perrin noted the City is only utilizing about 20% of the software. Councilman Street questioned the status of the fleet maintenance module. Mr. Stickel explained they have talked about the fleet maintenance module and he thinks the City would be better off with a stand-alone fleet maintenance software program, outside of Springbrook. Mayor Perrin also stated Springbrook is working closely with Alexander Thompson Arnold (ATA) accounting firm, who is currently working on the City's chart of accounts.

This item was Read.

5. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Chris Moore

MIN-09:024 Minutes for the City Council meeting on March 5, 2009.

Attachments: [Minutes](#)

This item was PASSED on the consent agenda.

RES-09:021 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT PROPERTY (PERMANENT EASEMENT) DESCRIBED AS A PART OF LOT 29 OF COBB'S SURVEY TOGETHER WITH PART OF LOT 1 OF COBB'S SURVEY, CRAIGHEAD COUNTY, ARKANSAS FOR CONSTRUCTION AND MAINTENANCE OF INTERSECTION IMPROVEMENTS AT WASHINGTON AVENUE AND BRIDGE STREET

Sponsors: Mayor's Office and Public Works

Attachments: [St Bernard's Agreement](#)
 [St Bernards](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-021-2009

RES-09:029 A RESOLUTION TO ENTER INTO A CONTRACT WITH SCS FIELD SERVICES FOR GAS COLLECTION AND CONTROL SYSTEMS (GCCS) OPERATIONS, MONITORING, AND MAINTENANCE (OM&M) SERVICES;

Sponsors: Public Works and Sanitation

Attachments: [SCS OM&M Proposal](#)

This item was PASSED on the consent agenda.

Enactment No: R-EN-022-2009

6. New Business

Ordinances on First Reading

ORD-08:072 AN ORDINANCE TO AMEND AND ADD TO THE JONESBORO MUNICIPAL CODE OF ORDINANCES, TITLE 6 ANIMALS AND FOWL, CHAPTER 6.08 DOGS, SUB SECTION 6.08.05 DOGS TO BE CONFINED FOR THE PROHIBITION OF IMPROPER CONFINEMENT OF DOGS IN THE CITY OF JONESBORO

Sponsors: Mayor's Office and Animal Control

Councilman Johnson offered the ordinance for first reading by title only.

Councilman Johnson motioned, seconded by Councilman Fears, to suspend the rules and waive second and third reading. All voted aye.

Ms. Jennifer Fenderburg, 707 West Monroe, spoke in opposition after Council voted to adopt the ordinance. She explained she needs to have a chain on her dog or else the dog will get loose and run around town. She stated she doesn't think having a dog on a chain will hurt a child more than having it run loose. She further explained there are reasons not to have a dog chained, but she doesn't think the ordinance should be passed.

Mr. Darren May, 5119 Kara Drive, also spoke in opposition after Council voted to adopt the ordinance. He explained a 9x9 kennel is too small and the ordinance does not address underground confinement. He also noted people cannot go to the park with their dog and tie it to a tree while having a picnic because that would be considered tethering. He stated there is nothing about indoor confinement in the ordinance. He added the ordinance does not affect him, but it will affect a lot of people and a lot of dogs. Mr. May stated the Council got the dogs off a chain, but put them into a little cage. He referred to a previous Public Safety Committee meeting in which Police Chief Michael Yates referred to having a limit of three dogs per yard and questioned whether that was a typo. A Code Enforcement Officer indicated the limit is five.

Mayor Perrin stated any legislation may not be perfect and could be reviewed from

time to time. He explained they are always open to comments and concerns about legislation. He thanked Ms. Wannda Turner for her assistance with making the ordinance.

Councilman Street motioned, seconded by Councilman Johnson, to adopt the emergency clause. All voted aye.

A motion was made by Councilman Mitch Johnson, seconded by Councilman Chris Gibson, that this Ordinance be Passed. The motion CARRIED by a Voice Vote.

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Chris Moore

Enactment No: O-EN-014-2009

ORD-09:010

AN ORDINANCE TO AMEND CHAPTER 11.36 OF THE JONESBORO MUNICIPAL CODE, AMENDING ORDINANCE 2643 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND ADOPTING BY REFERENCE A CERTAIN TECHNICAL CODE ENTITLED THE ARKANSAS MECHANICAL CODE, 2003 EDITION

Sponsors: Inspections and Public Works

Councilmen Street offered the ordinance for first reading by title only.

Councilman Street motioned, seconded by Councilman Dover, to suspend the rules and waive second and third reading. All voted aye.

Councilman Johnson motioned, seconded by Councilman Dover, to adopt the emergency clause. All voted aye.

A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED by an unanimous vote

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Chris Moore

Enactment No: O-EN-015-2009

ORD-09:014

AN ORDINANCE TO SPECIFY DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Sponsors: Engineering

Councilman Street offered the ordinance for first reading by title only.

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

A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED by an unanimous vote

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Chris Moore

Enactment No: O-EN-016-2009

7. Unfinished Business

Ordinances on Second Reading

ORD-09:017 AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES FROM AGRICULTURE AG-1 TO RESIDENTIAL RS-6 LUO FOR PROPERTY LOCATED AT THE REAR OF 3700 FLEMON ROAD ON THE NORTH SIDE OF FLEMON ROAD AS REQUESTED BY TURMAN CONSTRUCTION CO.

Attachments: [Plat](#)
[MAPC Report](#)

City Planner Otis Spriggs stated Mr. Turman is asking that the ordinance be read for the third time tonight and for the emergency clause to be passed. He explained the rezoning is basically a cleanup and there was no opposition. He noted it has already been approved by the MAPC and the subdivision does meet the Stormwater guidelines.

Councilman Dover motioned, seconded by Councilman Gibson, to suspend the rules to waive second and third readings. All voted aye.

Councilman Gibson motioned, seconded by Councilman Johnson, to adopt the emergency clause. All voted aye.

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

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Chris Moore

Enactment No: O-EN-017-2009

Items that have been held in Council

Ordinances on First Reading

ORD-09:013 AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES FROM RESIDENTIAL R-1 TO INDUSTRIAL I-2 LUO FOR PROPERTY LOCATED DIRECTLY WEST OF 2914 CASEY SPRINGS ROAD AS REQUESTED BY ROBERT SARTIN

Attachments: [Plat](#)
[MAPC Report](#)
[Affidavit](#)
[Application for Zoning Ordinance Map Amendment](#)
[Appeal Letter](#)
[Warranty Deed](#)
[Letter from Attorney Skip Mooney](#)
[MAPC Staff Report dated September 18, 2007](#)
[ADEQ Permit](#)
[Aerial Photography](#)
[Information Packet](#)
[Non-conforming documents](#)

Attorney Skip Mooney stated he filed a copy of an application of non-conforming use for the property. He explained the compost site has been running for 19 or 20 years until the City told him to shut the business down. He added he doesn't think the non-conforming application has to go through the zoning board; rather, it can be taken care of by the City Council. Councilman Frierson stated the Board of Zoning Adjustment decision is not brought before Council and that if an appeal is made it goes to the Circuit Court. City Attorney Phillip Crego agreed. Mr. Mooney stated Mr. Sartin is losing money every day and they have supplied all the information necessary to put Mr. Sartin back in business. He added Mr. Sartin owns 15 acres between the compost site and the nearby subdivision in which Mr. Sartin agrees to use that area as a buffer and not do any composting on the site.

Councilman Frierson motioned, seconded by Councilman Dover, to un-table the ordinance. All voted aye.

Councilwoman Williams offered the ordinance for first reading by title only.

Mr. William Budd, 2806 Casey Springs Road, spoke in opposition to the rezoning. He stated Mr. Sartin should have rezoned the property when he purchased it because Mr. Sartin knew it was zoned residential and he was going to use it for commercial use.

Mr. Rick Tribble, 3128 Casey Springs Road, also spoke in opposition to the rezoning. He explained everyone wants to be treated fair. He asked the Council to not let Mr. Sartin open the compost site.

Mr. Bob Wright, 2818 Casey Springs Road, spoke in opposition to the rezoning. He discussed the location of the property and noted the property is not west of Casey Springs Road. He further explained the property is north of Casey Springs Road.

Ms. Judith Holland, 2813 Nottingham Way, spoke in opposition to the rezoning. She explained Mr. Sartin has indicated to neighbors in the Woodsprings Forest area that he wanted to put in a composting facility that are diesel generated. She stated he has never had that at the property and it has not been a composting facility.

Mr. Sidney Crawford, 3021 Casey Springs Road, also spoke in opposition to the rezoning. He stated he has lived in the area since 1974. He discussed problems with the landfill since he has lived in that area and noted more than household goods were taken to the landfill. He added burning compost will cause an odor and they do not want to have to deal with things that may be left in the road due to the transporting of tree limbs.

Mr. Robert Sartin, 3703 South Culberhouse, stated he started his business in 1981. He explained there is a difference between a landfill and a compost facility. He stated for those who bought their property when the landfill was already there, they should have taken that into consideration before purchasing the property. He further explained he has had insurance while he's been out there and he would not have that insurance if he wasn't in business. He added he can't have equipment out there because he has to meet the rules. Councilman Johnson referred to the specification and operation plan and asked if Mr. Sartin made that or if ADEQ made it. Mr. Sartin answered ADEQ. Councilman Johnson stated the report indicates there are several full-time employees that can be designated to perform necessary daily tasks. He noted it says "can be" and not "shall be". He expressed concern over not having employees onsite. He also expressed concern over a fire taking place on the area due to how long it may take to put the fire out. He then referred to a mulch fire that occurred in recent years that burned for six months. Councilman Johnson explained the report states only yard waste will be composted at the facility, yet in another exhibit it shows a compost area for concrete, brick and wood. Mr. Sartin explained that was back in 1994 and that was ADEQ's rules that he had to meet at that time. Councilman Johnson expressed concern over ADEQ and stated he doesn't have much faith in ADEQ monitoring that site. Further discussion was held concerning ADEQ.

Councilman McCall asked Mr. Spriggs what the options are. Mr. Spriggs explained a resident had questioned whether a non-conforming use had to apply for a rezoning. He further explained that is not true and they are protected by law. He added the non-conformancy is a separate issue. Councilman McCall questioned whether the decision concerning the rezoning has any effect on the non-conforming use. Mr. Spriggs stated it is his opinion that the non-conforming use is a separate question. He added the applicant is agreeable to minimal conditions be placed on the facility if it deemed a non-conforming use. He recommended the matter be taken to the Board of Zoning Appeals so the documents can be reviewed by a board and the information be released to the public. Councilman McCall stated regardless of how the Council votes the issue of whether or not Mr. Sartin can continue his business will be decided by another body. Mr. Spriggs agreed. He also explained the reasoning for the landfill being rezoned is because there was some property being used that was not in the footprint. He further explained the purpose was to bring it into compliance. City Attorney Crego explained if the property is rezoned, then it would allow for a commercial use of the compost site. He further explained if the non-conforming use is allowed, then the business would only be able to operate as it was before, meaning he could only compost his own waste and not have a commercial business. Mr. Spriggs added under the definition of non-conforming use Mr. Sartin would not be able to expand the use of the compost facility.

Mr. Derek Falls, 2812 Nottingham Way, spoke in opposition to the rezoning. He noted the question before the Council tonight is just concerning the rezoning. He explained the non-conforming use will go before the Board of Appeals.

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

A motion was made by Councilman Mitch Johnson, seconded by Councilman Mikel Fears, that this Ordinance be Passed. The motion FAILED by a Voice Vote.

Nay: 11 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; John Street; Mitch Johnson; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods and Mikel Fears

Absent: 1 - Chris Moore

Enactment No:

8. Mayor's Reports

Mayor Perrin stated a team from the Arkansas Highway Department will be coming to Jonesboro to meet with himself and City staff to discuss transportations needs and a current schedule for the area. He added the City hired a surveyor, Josh Bettis, and a GIS Coordinator, Rusty McAlister, that should be at the next meeting for introductions. He noted FEMA has not returned any calls pertaining to why the flood maps were denied. He explained Congressman Berry's office indicated they will send their chief of staff to go to FEMA's office in Texas with the City, if needed. Mayor Perrin stated 248,000 cubic yards of debris has been picked up so far. He explained FEMA was in town last week and will be estimating how much debris they are expecting. He further explained he is expecting the debris to be 300,000 to 350,000 cubic yards. He added the contract may need to be extended to allow for more time for the company to pick up the debris.

Mayor Perrin discussed the stimulus package and stated the Highway Department will be giving the City \$39,200 for the Highway 226 project. He thanked Senator Paul Bookout and Representatives Joan Cash, Butch Wilkins and Ray Kidd for their assistance.

Mayor Perrin added there will be two individuals at City Hall tomorrow to start with the check reconciliation. He stated he will be meeting with legislators next week in Little Rock concerning the stimulus. He explained they should also be closing on the property they have been looking at for the Street and Sanitation facility.

Dr. Charles Coleman discussed the Martin Luther King, Jr., renaming committee and what they have decided. He stated they have come up with three options in order to name a street after MLK, Jr., including Highway 63 & Stadium, a future new street, or a future thoroughfare that circles the Jonesboro area that has been discussed. Dr. Coleman added the City will need to hold a public forum for input from citizens. Councilman McCall expressed concern over renaming Highway 63 when it was already named for Joe N. Martin. Dr. Coleman clarified the option concerning Highway 63 involves renaming the bridges that crosses over Highway 63 on Stadium. Councilman McCall stated he doesn't think the City should re-name anything; rather, they should name something new in honor of Martin Luther King, Jr. Dr. Coleman stated that would be left to the Council to decide. He explained they were looking at naming bridges so it wouldn't affect addresses.

COM-09:034 Budget summary/report by department year-to-date February 28, 2009

Attachments: [Budget Summary](#)

This item was Read.

9. City Council Reports

Councilman Street explained some citizens are concerned about only being able to put out debris until March 22 because some people haven't had theirs picked up for the first time and others need to put out more, but can't do it until what is currently there has been picked up. Mayor Perrin stated the March 22 date is still good, but he would like to get the report back from FEMA to see how much is out there and then work with the contractor. He added the contract may have to be extended.

Councilman Johnson motioned, seconded by Councilman Street, to add a resolution to the agenda. All voted aye.

RES-09:045

A RESOLUTION AUTHORIZING THE POLICE CHIEF AND FIRE CHIEF OF THE CITY OF JONESBORO, ARKANSAS, TO APPLY FOR FEDERAL GRANT FUNDING RELATED TO HOMELAND SECURITY, THE ECONOMIC STIMULUS AND RECOVERY ACT AND OTHER FEDERAL GRANTS ON BEHALF OF THE CITY OF JONESBORO, MAYOR AND CITY COUNCIL

Sponsors: Fire Department and Police Department

A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, that this Resolution be Passed. The motion CARRIED by a Voice Vote.

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Chris Moore

Enactment No: R-EN-023-2009

Councilman Woods thanked the City for the proclamation. He also thanked City departments for their support of CityYouth.

Councilman Gibson motioned, seconded by Councilwoman Williams, to add a resolution to the agenda. All voted aye.

RES-09:023

A RESOLUTION TO MAKE APPOINTMENTS AND/OR REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS AS RECOMMENDED BY MAYOR HAROLD PERRIN

Sponsors: Mayor's Office

A motion was made by Councilman Chris Gibson, seconded by Councilwoman Ann Williams, that this Resolution be Passed. The motion CARRIED by a Voice Vote.

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Chris Moore

Enactment No: R-EN-024-2009

Councilman Gibson motioned, seconded by Councilwoman Williams, to add a resolution to the agenda. All voted aye.

RES-09:042

A RESOLUTION TO AMEND RESOLUTION FILE NUMBER RES-09:27 TO AMEND THE MEMBERSHIP TO VARIOUS MAYORS' TASK FORCE AD HOC COMMITTEES

Sponsors: Mayor's Office

A motion was made by Councilman Chris Gibson, seconded by Councilman Mitch Johnson, that this Resolution be Passed. The motion CARRIED by a Voice Vote.

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Chris Moore

Enactment No: R-EN-025-2009

Councilman Hargis noted sidewalk improvements are not included in the budget. He encouraged the addition of sidewalks. Mayor Perrin explained they are going to meet to discuss sidewalks and will be working with CDBG Coordinator Gayle Vickers.

10. Public Comment

Mr. James Butler, resident of Goobertown, asked for more time to get a plumbing and electrical inspection done to get the electricity turned back on for his property. Code Enforcement Officer Jamie Seaborn stated Mr. Butler purchased a permit that expires tomorrow for improvements to his property at 328 North Bridge. He added they wouldn't object to him getting an extension. Public Works Director Erick Woodruff explained Chief Building Inspector Terry Adams can extend the permit if progress is being made. He added no action is needed by Council since Mr. Adams can extend the time period.

11. Adjournment.

A motion was made by Councilman Darrel Dover, seconded by Councilman Mitch Johnson, that this be Adjourned. The motion CARRIED by a Voice Vote.

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;John Street;Mitch Johnson;Tim McCall;Gene Vance;Chris Gibson;Rennell Woods and Mikel Fears

Absent: 1 - Chris Moore

_____ **Date:** _____
Harold Perrin, Mayor

_____ **Date:** _____
Donna Jackson, City Clerk



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Text File

File Number: RES-09:030

Introduced: 2/26/2009

Current Status: Recommended to
Council

Version: 1

Matter Type: Resolution

Title

A RESOLUTION TO AMEND RESOLUTION 09:017 BY AND ADDENDUM
CONCERNING COMPENSATORY TIME OF PUBLIC SAFETY OFFICERS ASSIGNED
TO POSITIONS AS SCHOOL RESOURCE OFFICERS

Body

WHEREAS, the specific nature of the requirements of public safety officers assign to positions as School Resource Officers requires a higher cap on compensatory time.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF
JONESBORO, ARKANSAS THAT: the following addendum shall be added to the public
safety compensatory time requirements:

In addition, due to the specific nature of the requirements of public safety officers assigned to positions as School Resource Officers, they will be allowed to accumulate the maximum amount of compensatory time allowed by federal and state law, currently 480 hours. Officers removed from such assignments will be required to expend any time accumulated over 100 hours before utilizing any other type of leave.



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Text File

File Number: RES-09:038

Introduced: 3/12/2009

Current Status: Recommended to
Council

Version: 1

Matter Type: Resolution

Title

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS TO APPROVE A CONTRACT WITH ARKANSAS TAX ASSOCIATES, INC. FOR THE AUDIT AND EVALUATION OF PRIOR TAX PAYMENTS.

Body

WHEREAS, The City of Jonesboro desires to obtain assistance and recommendations requiring an independent audit of city invoices for the past three years for the purpose to determine if the City of Jonesboro is due any rebate of sales tax on purchases during this period of time and:

WHEREAS, The City of Jonesboro desires to retain the services of Arkansas Tax Associates, Inc. and:

WHEREAS, the funding for the Contract is based on percentage of refunds, credits, and benefits received including interest. Compensation shall be provided pursuant to the schedule included in the contract and:

WHEREAS, no cost will be incurred by the City of Jonesboro unless rebates are discovered.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

SECTION 1: That the City of Jonesboro shall enter into a contract with Arkansas Tax Associates, Inc. for assistance and recommendations regarding an independent audit of the city's prior tax payments, the recovery of any claims due, and to assist the city with the management of tax accruals for a sum not to exceed 35% of refunds, credits, and benefits received (including interest.) A copy of said contract is attached hereto and identified as Exhibit "A".

SECTION 2: The funding for the Contract is based on percentage of refunds, credits, and benefits received including interest. Compensation shall be provided pursuant to the schedule included in the contract.

SECTION 3: The Mayor, Harold Perrin, and the City Clerk, Donna Jackson, are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this change order.

OFFICE ADDRESS
2908 King Street
Jonesboro, AR 72401
PHONE: 870.802.2666
FAX: 870.802.2727



MAILING ADDRESS
P.O. Box 1552
Jonesboro, AR 72403
TOLL FREE: 858.952.7445
WWW.ARKTAX.COM

December 19, 2008

"Specializing in Arkansas Sales & Use Taxes"

City of Jonesboro
Attn: Mr. Jim Barksdale
515 West Washington
Jonesboro, Arkansas 72401

AGREEMENT FOR POST AUDIT REVIEW OF STATE AND LOCAL EXCISE TAXES

Arkansas Tax Associates, Inc. is pleased to complete an agreement with the City of Jonesboro for the audit and evaluation of prior tax payments; the recovery of any claims due; and to assist client with the quality management of tax accruals.

I. DEFINITION OF CLIENT AND LIAISON

Arkansas Tax Associates, Inc. (ATA); P.O. Box 1552, Jonesboro, Arkansas, 72403.
Performs audits; files claims for refunds on CLIENT'S behalf, and consults with client in the review of State and Local Sales/Use Taxes.

City of Jonesboro (Client); P.O. Box 1845, Jonesboro, Arkansas 72403.
Operates a business which is liable for all or part of such taxes.

II. SCOPE OF SERVICES

Arkansas Tax Associates, Inc. will perform services for CLIENT for the period January 1, 2009 through completion of the refund process.

- A. Services provided by this agreement support the following:
 - 1. State Excise Taxes
 - 2. Local Excise Taxes
 - 3. Federal Excise Taxes (if applicable)
- B. Services provided by this agreement will entail:
 - 1. Post Audits
 - a. Audit of the period January 1, 2006 through December 31, 2008 for overpayment of Federal, State and Local Excise Taxes.

III. FEES AND EXPENSES

ATA therefore proposes to provide materials, labor and equipment as necessary to perform these Services for a fee as follows.

A. POST AUDIT REVIEW

During the period of this Agreement, audits will be completed by ATA for overstated State and Local Sales/Use Taxes paid upon purchases or directly reported. Upon completion, a report will be prepared to set forth issues to be addressed and to correct errors in tax accruals.

These services will be provided in consideration of an assignment of:

~~10%~~ of refunds, credits, and benefits received (including interest).

35% GAR 2/10/09

B. OTHER SERVICES

Other services not set out in Section III (A) will be invoiced at time and expenses unless otherwise stated. Fees for time and expenses will be invoiced at \$125.00 per hour for Senior Partners/Auditors, and \$40.00 per hour for support personnel. Other services would include but not limited to: establishing MIC programs, representing Client during state audits, etc.

Note: Other services must be requested by client on purchase order by a designated agent of the CLIENT.

IV. TERMS

A. CONTINGENT FEE

1. Included with a contingent fee, ATA will support its position and defend by appearance as needed with the State's attorney and audit personnel. Additionally, ATA reserves the right to pursue disallowed refunds with the State courts, at ATA's expense.
2. Contingent fees will be invoiced CLIENT, upon receipt of refunds and/or benefits.
3. Any refunds assessed by the State of Arkansas or repaid as a part of this agreement will be indemnified to CLIENT in accordance with fees received for same.

B. TERMINATION AND FEE FOR DISCONTINUING SERVICE

Either party shall have the right to terminate this agreement by giving the other party 30 days prior notice in writing. Fees for benefits earned and not received will be due in full at the expiration or termination of this agreement. If CLIENT notifies ATA that the services are to be canceled prior to completion, ATA will complete any work in process as stated in this agreement. ATA reserves its assignment of benefits.

C. HOLD HARMLESS AGREEMENT

In the event ATA prepares any reports, forms, or other documents as may be required by this agreement, or at the request of CLIENT; CLIENT agrees that ATA shall have no liability of any kind or nature with respect to the preparation of such form, documentation, or reports after such form, document, or report has been executed on behalf of CLIENT by a duly authorized

agent who shall timely file such form, document, or report with the appropriate regulatory agency and timely remit any tax, charge, or imposition due.

V. CONFLICT OF INTEREST

The staff of **ATA** has no conflict of interest with employment, association, or relationship with the State of Arkansas, any other state, company, or affiliation. **ATA** utilizes the services of an independent law firm for counsel and representation before the Arkansas Department of Finance and Administration.

VI. CONFIDENTIALITY

ATA's staff agrees that they are subject to and will abide by any reasonable confidentiality or protective orders as instructed. **ATA** also agrees that all documents or other information made available to **ATA** in connection with this agreement will be confidential.

VII. AUTHORITY TO EXECUTE

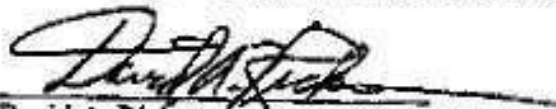
The agent of **CLIENT** who executes this agreement on behalf of the **CLIENT** has the authority to bind the **CLIENT** with respect to the subject matter of this agreement.

VIII. PARAGRAPH HEADINGS

The paragraph headings contained herein are for convenience only and should not be used or employed in any way to interpret or construe the provisions of this agreement.

VIII. CONCLUSION

The terms as described in this agreement are effective for 30 days. Upon approval, please sign and return the original copy to **ATA**. Any alterations to this agreement must be approved by **ATA** and **CLIENT** in writing.



David A. Rickman
Arkansas Tax Associates, Inc.

City of Jonesboro

Signature

Title

Date



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Text File

File Number: RES-09:048

Introduced: 3/20/2009

Current Status: Recommended to
Council

Version: 1

Matter Type: Resolution

title

A RESOLUTION OF THE CITY OF JONESBORO TO APPROVE TEMPORARY TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE JETS FUND AS NEEDED TO SUSTAIN A POSITIVE CASH FLOW.

body

WHEREAS, the Jonesboro Economical Transit System (JETS) is a Department of the City of Jonesboro operating under the regulation of the Federal Transit Authority and the Arkansas Highway and Transportation Department for the purposes of providing public transportation for the City of Jonesboro; and

WHEREAS, the majority of JETS funding comes from Federal Transit Authority reimbursement under provisions of 49 U.S.C. 5307; and

WHEREAS, such reimbursements are received by JETS only after qualifying, documented expenses have been filed with the Federal Transit Authority; and

WHEREAS, the filing process occasionally results in delays in reimbursement which significantly impair JETS ability to conduct its daily operations; and

WHEREAS, JETS is currently experiencing a shortage in its operating account due to a reimbursement delay; and

WHEREAS, the City of Jonesboro has sufficient cash reserves to provide a transfer of funds in the amount of \$50,000 into the JETS Fund for the temporary relief of the shortage in JETS operating account; and

WHEREAS, JETS agrees that such revenue temporarily transferred from the City of Jonesboro General Fund into its account for the relief of its operating account shortfall shall be reimbursed from the JETS Fund into the City of Jonesboro General Fund on or before, June 30, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

SECTION 1: The city authorizes temporary interfund transfers to the JETS Fund from the City of Jonesboro General Fund for the purpose of sustaining a positive cash flow as needed.

SECTION 2. The transfer of funds should not exceed \$50,000.

SECTION 3. Funds transferred into the JETS Fund from the City of Jonesboro General Fund in accordance with Sections 1 and 2 above shall be fully reimbursed on or before June 30, 2009.

SECTION 4. The Mayor, Harold Perrin, and the City Clerk, Donna Jackson, are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate this change order.



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Text File

File Number: ORD-09:018

Introduced: 3/4/2009

Current Status: First Reading

Version: 3

Matter Type: Ordinance

Title

AN ORDINANCE AUTHORIZING ACCEPTANCE OF THE ARKANSAS RECREATIONAL TRAILS PROGRAM GRANT FROM THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT; AND AMENDING THE 2009 BUDGET APPROPRIATING FUNDS NECESSARY TO THE PROCUREMENT THEREOF

Body

WHEREAS, Resolution Number 08:068 authorized the Mayor and City Clerk to execute all appropriate agreements and contracts necessary to make application to the Recreational Trails Grant Program, and

WHEREAS, Ordinance Number ORD-09:005 adopted the 2009 annual budget for the City of Jonesboro; and

WHEREAS, the City of Jonesboro has been awarded funding totaling \$34,800 to continue work on the Turtle Creek Greenway; and

WHEREAS, the City of Jonesboro will received 80% or \$29,000 in funding from federal sources and must provide a 20% or \$5,800 local match.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

SECTION 1: The City of Jonesboro hereby accepts the Arkansas Highway and Transportation Department's Recreational Trails Program Grant.

SECTION 2: The City hereby agrees to provide the required 20% match in the amount of \$5,800; and further agrees to the terms and conditions of the grant as outlined in the Agreement of Understanding attached hereto and made a part hereof, the execution of which by the Mayor is hereby authorized.

SECTION 3: The annual 2009 budget for the City of Jonesboro is amended by an additional appropriation of \$34,800 to provide funding for this award, with \$29,000 being applied for reimbursement once project activities are complete.

SECTION 4: For the financial and operational continuity of the City of Jonesboro it is hereby found and declared that an emergency exists and that this ordinance shall take effect from and after it passage and approval.



City of Jonesboro

Legislative File Number RES-08:068 (version 1)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF JONESBORO TO UTILIZE FEDERAL AID MONEYS TO CONSTRUCT SECTION FOUR THROUGH SIX OF THE TURTLE CREEK GREENWAY

WHEREAS, The City of Jonesboro is applying for funding through the Arkansas Recreational Trails Program to develop or improve the City of Jonesboro, and

WHEREAS, The City of Jonesboro is willing and able to provide the required twenty percent (20%) of the total project cost, and

WHEREAS, The City of Jonesboro understands that Federal-Aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement, and

WHEREAS, the City of Jonesboro understands that there will be no reimbursement for any work accomplished prior to the issuance by the Arkansas State Highway and Transportation Department of an official Notice To Proceed, and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The City of Jonesboro will participate in accordance with its designated responsibility, including maintenance of this project

Section 2: Mayor Doug Formon and City Clerk, Donna Jackson are hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of the above stated project.

Section 3: The City Council pledges its full support and hereby authorizes the City of Jonesboro to cooperate with the Arkansas State Highway and Transportation Department to initiate action to implement this project.

PASSED AND APPROVED this 15th day of April, 2008.

AGREEMENT OF UNDERSTANDING

BETWEEN

JONESBORO PARKS DEPARTMENT

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U. S. Department of Transportation
Federal Highway Administration

RELATIVE TO

Implementation of Job 100683, Turtle Creek Greenway (Phase IV) (hereinafter called "Project"), as a recreational trail development or improvement project.

WHEREAS, the Arkansas State Highway Commission has made available 80% Federal-aid funds for certain recreational trail projects; and

WHEREAS, the Jonesboro Parks Department (hereinafter called "Sponsor") has expressed its desire to use Federal-aid funds for an eligible project; and

WHEREAS, funding participation for each phase of the project will be as follows subject to a limit of \$29,000 maximum Federal-aid approved for the project:

	<u>Federal %</u>	<u>Sponsor %</u>	
Project Design:	-0-	100%	
Utilities/Right of Way:	-0-	100%	
Project Inspection:	-0-	100%	
Project Construction:	80%	20%	;and

WHEREAS, the Sponsor knows of no legal impediments to the completion of the project; and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to create the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement; and

WHEREAS, the Sponsor understands that the Arkansas State Highway and Transportation Department (hereinafter called "Department") will require the Sponsor to adhere to the General Requirements for Recipients and Sub-recipients Concerning Disadvantaged Business Enterprises as stated on Attachment A; and

IT IS HEREBY AGREED that the Sponsor and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation of the Project and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Indemnify and hold harmless the Arkansas State Highway Commission, the Department, its officers and employees from any and all claims, lawsuits, judgments, damages, costs, expenses, and losses, including those arising from claims before the Arkansas Claims Commission or lawsuits brought in any other legal forum, sustained on account of the operations or actions of the Sponsor, including any act of omission, neglect or misconduct of said Sponsor. Further, the Sponsor shall take no action to compromise the immunity from civil suits afforded the State of Arkansas, the State Highway Commission, Arkansas Code § 19-10-305, or the 11th Amendment of the United States Constitution. This obligation of indemnification shall survive the termination or expiration of this Agreement.
2. Request review from the Arkansas Historic Preservation Program (AHPP) (See Attachment B). Then, forward AHPP's approval to the Department.
3. Comply with provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act of 1964, FHWA Recreational Trails Program Guidance, and any other Federal, State, and/or local laws, rules and/or regulations.

The Arkansas State Highway and Transportation (Department) complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in Department programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to James B. Moore, Jr., Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: james.moore@arkansashighways.com.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

4. **Refrain from any Project construction for which the Sponsor expects monetary reimbursement until a Notice to Proceed is received from the Department.**
5. Be responsible for its portion of the total project cost, which will include project design, construction, construction inspection services, appraisal and acquisition of right-of-way, relocation services (when required), and adjustment of all man-made improvements, including utilities.
6. Provide a copy of the registered deed or an appropriate certification stating the Sponsor's clear and unencumbered title to any right-of-way to be used for the project (See Attachment C).
7. Grant the right of access to Sponsor's records pertinent to this project and the right to audit by the Department and Federal Highway Administration officials. Be responsible for the inspection and certification of all work in accordance with the plans and specifications for the Project and to retain all records relating to such inspections, certifications, any billing statements, and any other files necessary to document the performance and completion of the work. A statement in writing must be submitted to the Department when the Project is completed. The Sponsor shall retain **all records for three years** upon completion of the project. in accordance with the requirements of

49 CFR, Subtitle A, Part 18, Subpart C, Section 18.42 – (See Attachment D for retention and access requirements for records). The date of completion of the project will be construed as the check date of the final payment submitted to the Sponsor by the Department.

8. If the project is to be advertised, for bids, it must be done in accordance with State and Federal procedures as shown in Attachment E.
9. Prepare plans, specifications, and a cost estimate for construction. These plans will be reviewed by the Department at the Pre-Construction Conference and these records need to be maintained by the Sponsor for three years after the completion date of the project. A registered licensed professional engineer, architect, or landscape architect must sign the plans and specifications for the project for any project over \$25,000. For any project under \$25,000, the Sponsor's legal representative must countersign the plans. (See Attachment F for certification letter to be sent to the Department).
10. Submit a certification letter (Attachment G), including all items noted, to the Department when requesting authority to begin construction on the project.
11. Be responsible for 100% of any and all expenditures which are declared non-participating in Federal funds, including awards by the State Claims Commission.
12. Be responsible for 100% of all project costs incurred should the project not be completed as specified. Repay to the Department the Federal share of the cost of any portion of this Project if the Federal Highway Administration removes Federal participation due to actions of the Sponsor, its agents, its employees, or its assigns, or the Sponsor's consultants or their agents. Such actions shall include, but are not limited to, Federal non-participation arising from problems with design plans, construction, change orders, construction inspection, or contractor payment procedures.
13. Retain total, direct control over the Project throughout the life of the improvements and **not, without prior written approval from the Department:**
 - sell, transfer, or otherwise abandon any portion of the Project;
 - change the intended use of the project as stated in the approved Project application;
 - make significant alterations to any improvements constructed with Federal-aid funds; or
 - cease maintenance or operation of the project due to the Project's obsolescence.
14. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the project in accordance with Federal-aid requirements may result in the Sponsor's repayment of Federal funds and may result in the withholding of future Federal-aid funds. The Sponsor understands and agrees that the Department may cause necessary funds to be withheld from the Sponsor's gasoline tax allotment should the Sponsor fail to pay to the Department any required funds, fail to complete the project as specified, or fail to adequately maintain or operate the project.
15. Promptly notify the Department if the project is rendered unfit for continued use by natural disaster or other cause.
16. Repay all Federal funds if this is determined necessary for any reason.

17. Complete all documentation necessary to obtain environmental, archeological, wetland and other clearances and transmit all necessary documentation pertaining to these clearances to the Department.
18. Construct the Project in accordance to plans and specifications that were developed by the Sponsor, or the Sponsor's representative, and were reviewed and approved by the Department prior to the issuance of the Notice to Proceed.
19. Notify the Department upon completion of various phases of the work in order that a Department representative may review the project before any payments for such work are made to the Contractor. Once the Sponsor makes payments to suppliers and visible progress has been made toward the completion of the Project an on-site inspection of the Project may be requested by the Sponsor. No reimbursement will be made by the Department without an on-site inspection of the Project.
20. Provide the Department with all necessary documentation including a resolution of support from the Sponsor's governing body, approval from the State Historic Preservation Officer, proof of ownership, plans and specifications, and permits or rulings from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Environmental Protection Agency, or other applicable agencies within one calendar year of the date this Agreement of Understanding is signed by the Director of the Arkansas State Highway and Transportation Department. Extensions will not be granted without good cause and must be requested in writing to the Department. Funding for a project failing to provide this documentation will be withdrawn and will be allocated to other eligible recreational trail projects.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds and for project approval and acceptance.
2. Review and approve environmental, archeological, wetland, or other necessary clearances.
3. Review plans and specifications for the Project.
4. Advise the Sponsor when to proceed with construction of the Project.
5. Review and approve any necessary change orders for Project eligibility, regardless of funding source.
6. Visually verify (insofar as is reasonably possible) that the work meets contract requirements before reimbursement is made to the Sponsor.
7. Reimburse the Sponsor for all legitimate, documented costs in accordance with the final executed contract.

IT IS FURTHER AGREED that should the Sponsor fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the Sponsor from receiving future Federal-aid funds administered by the Department.

IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for implementation of the project or fail to complete the project as specified in this Agreement or fail to adequately maintain or operate the project, the Sponsor hereby authorizes the Director of the Department of Finance and Administration to transfer from any of the Sponsor's State funds to the Department's RRA account such sums as the Director of Highways and Transportation shall certify as due the Department under terms of this Agreement.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement on this _____ day of _____, 20__.

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

JONESBORO PARKS DEPARTMENT

Dan Flowers
Director of Highways and Transportation

Arkansas State Highway and Transportation Department

Notice of Nondiscrimination

The Arkansas State Highway and Transportation (Department) complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in Department programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to James B. Moore, Jr., Section Head-EEO/DBE (ADA/504/Title VI Coordinator), P.O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: james.moore@arkansashighways.com.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING DISADVANTAGED BUSINESS ENTERPRISES

It is the policy of the U. S. Department of Transportation that disadvantaged business enterprises (DBEs) as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR Part 26 applies to this Agreement.

The recipient or its contractor agrees to ensure that DBEs as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a disadvantaged business enterprise affirmative action program, which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 26, Subpart F, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in 49 CFR Part 26, Subsections 26.101 and 26.107 shall substitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub recipient", and the term "contractor" modified to include "subcontractor".)

DATE

Mr. George McCluskey
Arkansas Historic Preservation Program
1500 Tower Building
323 Center Street
Little Rock, AR 72201

Re: Arkansas Recreational
Trails Project
Job #
Job Name
County

Dear Mr. McCluskey:

The *(Sponsor Name)* proposes a recreational trail *project and location*.

Describe the project. A location map is enclosed.

(enclose a map a USGS 7.5 minute topographic quadrangle is preferred by SHPO)

We appreciate any comments you may have regarding the handling of this project. If *(name the contact person for the sponsor and phone number)* ... can be of assistance in this activity, please let us know.

Sincerely,

NAME
Sponsor's Name
Office of Individual

Enclosure(s)

CERTIFICATION LETTER for RIGHT-OF-WAY OWNERSHIP

DATE

Mr. Alan Meadors
Planning and Research Engineer
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: Job #
Job Name
County

Dear Mr. Meadors:

Regarding right-of-way for the referenced recreational trail project, I certify that
(Choose one of the following)

(1) title to right-of-way necessary for construction of the project is already in public ownership. No additional right-of-way is needed.

(2) title to a portion of the right-of-way necessary for construction of the project is already in public ownership. The additional right-of-way necessary for this project has been acquired in accordance with applicable Federal Highway Administration procedures as shown below.

Tracts _____ # Paid _____ # Donations _____ # Condemnations _____

(3) title to right-of-way necessary for construction of the project has been acquired in accordance with applicable Federal Highway Administration procedures as shown below.

Tracts _____ # Paid _____ # Donations _____ # Condemnations _____

Additionally, I certify that arrangement for adjustment of existing conflicting utilities has been accomplished. Enclosed are preliminary plans showing the existing right-of-way limits. ***(for No. 2 and 3 above, add the following)*** and the boundary of additional right-of-way needed for construction of this project.

Sincerely,

NAME & OFFICE
(Sponsor's Name)

Enclosure(s)

49 CFR 18.42

UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

Post-Award Requirements

Retention and access requirements for records.

(a) *Applicability.* (1) This section applies to all financial and programmatic records, supporting documents, statistical records, and other records of grantees or subgrantees which are:

(i) Required to be maintained by the terms of this part, program regulations or the grant agreement, or

(ii) Otherwise reasonably considered as pertinent to program regulations or the grant agreement.

(2) This section does not apply to records maintained by contractors or subcontractors. For a requirement to place a provision concerning records in certain kinds of contracts, see Sec. 18.36(i)(10).

(b) *Length of retention period.* (1) Except as otherwise provided, records must be retained for three years from the starting date specified in paragraph (c) of this section.

(2) If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.

(3) To avoid duplicate recordkeeping, awarding agencies may make special arrangements with grantees and subgrantees to retain any records which are continuously needed for joint use. The awarding agency will request transfer of records to its custody when it determines that the records possess long-term retention value. When the records are transferred to or maintained by the Federal agency, the 3-year retention requirement is not applicable to the grantee or subgrantee.

(c) *Starting date of retention period--(1) General.* When grant support is continued or renewed at annual or other intervals, the retention period for the records of each funding period starts on the day the grantee or subgrantee submits to the awarding agency its single or last expenditure report for that period. However, if grant support is continued or renewed quarterly, the retention period for each year's records starts on the day the grantee submits its expenditure report for the last quarter of the Federal fiscal year. In all other cases, the retention period starts on the day the grantee submits its final expenditure report. If an expenditure report has been waived, the retention period starts on the day the report would have been due.

(2) *Real property and equipment records.* The retention period for real property and equipment records starts from the date of the disposition or replacement or transfer at the direction of the awarding agency.

(3) *Records for income transactions after grant or subgrant support.* In some cases grantees must report

income after the period of grant support. Where there is such a requirement, the retention period for the records pertaining to the earning of the income starts from the end of the grantee's fiscal year in which the income is earned.

(4) *Indirect cost rate proposals, cost allocations plans, etc.* This paragraph applies to the following types of documents, and their supporting records: indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(i) *If submitted for negotiation.* If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the grantee) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

(ii) *If not submitted for negotiation.* If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the grantee) for negotiation purposes, then the 3-year retention period for the proposal plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

(d) *Substitution of microfilm.* Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

(e) *Access to records--(1) Records of grantees and subgrantees.* The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.

(2) *Expiration of right of access.* The right of access in this section must not be limited to the required retention period but shall last as long as the records are retained.

(f) *Restrictions on public access.* The Federal Freedom of Information Act (5 U.S.C. 552) does not apply to records unless required by Federal, State, or local law, grantees and subgrantees are not required to permit public access to their records.

**GUIDELINES FOR ADVERTISING AND OPENING BIDS
FEDERAL-AID PROJECTS
FOR GOODS, MATERIALS, OR LABOR TALLING \$25,000 OR MORE:**

Upon receipt of written authorization from the Arkansas State Highway and Transportation Department, the project may be advertised for bids. The following minimum guidelines for advertising must be met:

- The minimum advertising period is three weeks.
- In addition to meeting the State requirements for advertising for construction projects, the project must be advertised a minimum of two times in a statewide newspaper.
- The notice must contain: (1) the time, date, and place that sealed bids are to be accepted, opened, and publicly read; (2) a brief description of the kind or type of work contemplated; and (3) the place at which prospective bidders may obtain plans and specifications.
- The Sponsor will include the following language in the solicitation for bids:
 “The Sponsor hereby notifies all bidders that this contract is subject to applicable labor laws, non-discrimination provisions, wage rate laws and other federal laws including the Fair Labor Standards Acts of 1938. The Work Hours Act of 1962 and Title VI of the Civil Rights Act of 1964 also apply.”
- All bids received in accordance with the terms of the advertisement shall be publicly opened and at a minimum, the total amount bid must be read (the sponsor may choose to read the bids item by item).
- If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud shall be publicly announced at the letting.
- In accordance with 23 CFR 635.110, any procedures and requirements for qualifying and licensing contractors must be approved by the Federal Highway Administration.
- Negotiation with contractors during the period following the opening of bids and before the award of the contract is not permitted.

FOR GOODS, MATERIALS OR LABOR TALLING BETWEEN \$5,000 AND \$25,000 THEN A MINIMUM OF THREE BIDS MUST BE OBTAINED BY DIRECT MAIL, TELEPHONE, TELEGRAPH, INTERNET, OR IN WRITING.

FOR PURCHASES UNDER \$5,000, COMPETITION SHOULD BE USED TO THE MAXIMUM EXTENT PRACTICABLE.

Records of all quotes, bids, and invoices must be retained for three years. Invoice copies must be submitted for reimbursement purposes.

CERTIFICATION LETTER
REQUESTING CONCURRENCE IN AWARD OF THE CONTRACT

DATE

Mr. Alan Meadors
Planning and Research Engineer
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: Job #
Job Name
County

Dear Mr. Meadors:

The following documents are submitted concerning the referenced project:

1. One set of bid tabulations.
2. Justification of award (if low bid amount is greater than 10% over the estimate).

I certify that the referenced project was advertised and bids were received in accordance with the regulations governing Federal-aid projects and all other applicable state and federal regulations, and that this process has been reviewed and approved by the City Attorney. Additionally, I certify that the bid is being awarded to the lowest responsive and qualified bidder and that there has not been, nor will there be, any negotiations with the contractor or other bidders regarding the amount bid.

Your concurrence in the award of this contract to CONTRACTOR is requested.

Sincerely,

NAME & OFFICE
(Sponsor's Name)

Sponsor's Attorney or Engineer/Architect

Enclosures

CERTIFICATION LETTER
REQUESTING AUTHORITY TO BEGIN CONSTRUCTION

DATE

Mr. Alan Meadors
Planning and Research Engineer
Arkansas State Highway and Transportation Department
P. O. Box 2261
Little Rock, AR 72203

Re: Job #
Job Name
County

Dear Mr. Meadors:

The following documents are submitted concerning the referenced project:

1. One set of plans and specifications.
2. A copy of the preliminary estimate of cost.
3. An unexecuted copy of the bid proposal form.

I certify that the plans, specifications and estimate comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable State and Federal regulations, including Airport Clearance when necessary, for the type of work involved.

I understand that if any project items are declared non-participating in federal funds due to failure to comply with any State or Federal requirements, the Sponsor will promptly repay such funds to the Arkansas State Highway and Transportation Department (AHTD). Further, I hereby authorize the Director of the Arkansas State Department of Finance and Administration to transfer such funds from the City's State Turnback Funds to the AHTD's RRA Fund upon notification by the Director of Highways and Transportation that such funds are due AHTD and have not been paid by the City.

Approval to proceed with construction of the project is requested.

Sincerely,

NAME & OFFICE
(Sponsor's Name)

Enclosures



City of Jonesboro

515 West Washington
Jonesboro, AR 72401

Text File

File Number: ORD-09:020

Introduced: 3/19/2009

Current Status: First Reading

Version: 1

Matter Type: Ordinance

title

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES;

body

BE IT ORDAINED BY THE CITY COUNCIL OF JONESBORO, ARKANSAS:

SECTION 1: TITLE 14, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS BE AMENDED AS RECOMMENDED BY THE METROPOLITAN AREA PLANNING COMMISSION BY THE CHANGES IN ZONING CLASSIFICATION AS FOLLOWS:

FROM Residential, R-2 TO Residential, RM-16, Limited Use,

THE FOLLOWING DESCRIBED PROPERTY:

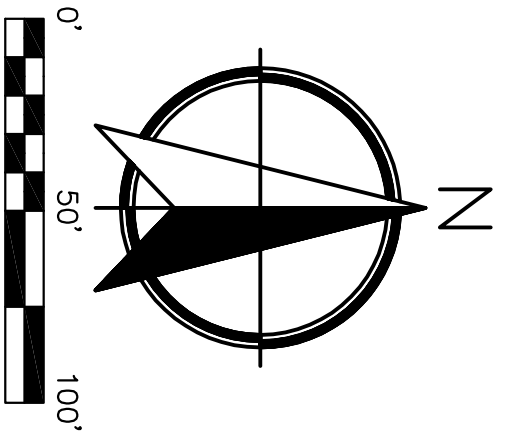
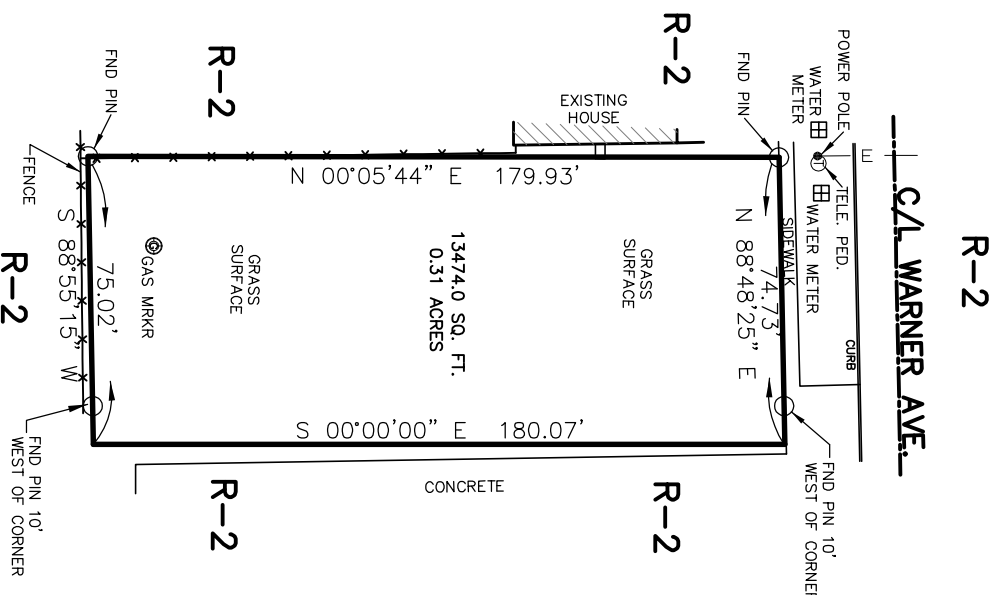
LEGAL DESCRIPTION:

Lot 4, Block 3 of Culberhouse's Third Addition, Jonesboro, AR

SECTION 2: THIS PROPERTY IS TO BE DEVELOPED IN ACCORDANCE WITH THE PERMITTED USE, AS INDICATED BELOW:

PERMITTED USE:

Residential, Multi-family, Maximum four (4) dwelling units



LEGAL DESCRIPTION:

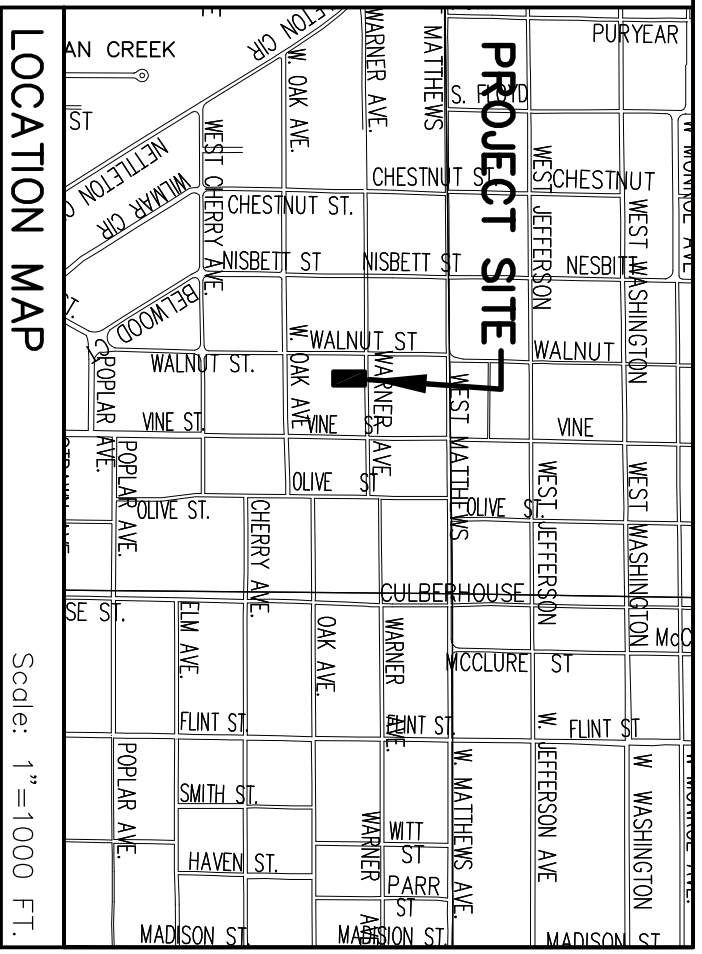
Lot 4, Block 3 of Culberhouse's Third Addition, Jonesboro, Craighead County, Arkansas.

CERTIFICATE OF SURVEY:

To all parties interested in Title to these premises: I hereby certify that I have prior to this day made a survey of the above described property as shown on the Plat of Survey hereon. The property lines and corner monuments, to the best of my knowledge and ability, are correctly established: the improvements are as shown on the Plat of Survey. Encroachments, if any, as disclosed by Survey, are shown hereon.

NOTES:

- 1) THIS SURVEY AND PLAT ARE THE PROPERTY OF THE SURVEYOR AND ARE INTENDED FOR THE SOLE USE AND BENEFIT OF THE SURVEYOR & CLIENT.
- 2) THIS SURVEY WAS COMPLETED USING A PENTAX PCS-2S AND HAS A CLOSURE PRECISION OF 1' IN 100,000', AND AN ANGULAR ERROR OF 00'00"00" PER ANGLE, AND WAS NOT ADJUSTED.
- 3) THE CLOSURE PRECISION OF THE PLAT IS IN EXCESS OF 1' IN 134,000'.
- 4) THE RESEARCH COMPLETED FOR THIS SURVEY INCLUDES LEGAL DESCRIPTION PROVIDED.
- 5) ALL PINS SET ARE 1/2" REBAR, UNLESS NOTED OTHERWISE.
- 6) FLOOD PLAN: THIS TRACT DOES NOT LIE WITHIN THE 100-YR FLOOD PLAN PER FLOOD INSURANCE RATE MAP OF CRAIGHEAD CO., ARK. AND INCORPORATED AREAS, COMMUNITY PANEL NO. 05031C0131 C, DATED 09/27/91. THIS TRACT DOES LIE WITHIN A ZONE "X" FLOOD PLAN, PER THE MAP REFERENCED ABOVE.



EXISTING R-2 ZONING
 REQUESTED RM-16 L.U.
 MAX. 4 UNITS

ENGINEERS	PLANNERS	SURVEYORS	
203 Southwest Dr.-Jonesboro, AR-(870)932-7880-www.civilogic.net			
REZONING PLAT LOT 4, BLOCK 3, CULBERHOUSE 3rd ADDN. FOR MAX DACUS, JR. JONESBORO, ARKANSAS			
Date	Scale	Job No.	Street No.
02/06/09	1"=50'	108227	1 of 1
Section	Township	Range	County
19	14N	4E	CRAIGHEAD
ONLY COPIES WITH VIOLET COLORED SIGNATURE ARE VALID CIVILOGIC COPIES			
© 2009, Civilogic		Drawn By: RE	Index No.:
JOB FLDR			

OWNER'S CERTIFICATION:

We hereby certify that we are the owners of the property shown and described hereon, that we adopt the plan of subdivision and dedicate perpetual use of all streets and easements as noted.

City of Jonesboro City Council
Staff Report – RZ09-03: 921 Warner Ave. Rezoning
Huntington Building - 900 W. Monroe
For Consideration by the Council on March 17, 2009

REQUEST: A recommendation by MAPC to rezone property containing 0.31 acres more or less.

PURPOSE: To rezone a tract of land from R-2 to RM-16, Limited Use, 4 units maximum

**APPLICANT/
OWNER:** Max Dacus, Jr.
3094 Hwy. 91 West, Jonesboro, AR 72404

LOCATION: The subject site is located at 921 Warner Ave., South side of Warner.

SITE DESCRIPTION: Tract Size: 0.31 acres, 13,474 S.F.
Frontage: Approx. 75 +/- ft. on Warner Ave.
Topography: Predominantly Flat
Existing Dvlpmt: Vacant (formerly single family residence)

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-2	Multi-Family – 12 units
South:	R-2	Multi-Family – 2 units
East:	R-2	Multi-Family – 7 units
West:	R-2	Single Family Home

HISTORY: None

ZONING ANALYSIS: City Planning Staff has reviewed the proposed development and offers the following findings.

COMPREHENSIVE PLAN FUTURE LAND USE MAP

The Comprehensive Plan shows the area of the subject property as “Medium Density Residential”. This is defined on Page 21 of the Comprehensive Plan as: Includes all existing and future residential uses that are more than are more than three and a maximum of ten units net per acre (This classification generally corresponds to the current R-2 Residential District for residential uses other than single-family).

This area is under restudy by the Land Use Advisory Committee, and updates are forthcoming for adoption in the very near future. Staff anticipates that the subject area will remain Medium Density Residential. Consistency is achieved with the development patterns of this area.

Approval Criteria- Section 14.44.05, (5a-g)- Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the planning commission or city council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

- (a) Consistency of the proposal with the Comprehensive Plan
- (b) Consistency of the proposal with the purpose of the zoning ordinance.
- (c) Compatibility of the proposal with the zoning, uses and character of the surrounding area;
- (d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;
- (e) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual, odor, noise, light, vibration, hours of use/operation and any restriction to the normal and customary use of the affected property;
- (f) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and
- (g) Impact of the proposed development on community facilities and services, including those related to utilities, streets, drainage, parks, open space, fire, police, and emergency medical services.



Findings:

The applicant has requested that the property be rezoned to RM-16 Multi-Family to allow for a maximum of 4 units on the subject tract. The minimum requirements for the RM-16 District are as follows: Min. Lot width: 80 ft. (subject site has 75 ft. width); Front yard setback= 25 ft.; Side yard setback: 15 ft.; Rear yard setback: 20 ft., and the minimum lot area per dwelling unit is 2,722 s.f.

Although the minimum lot width does not meet the requirement by 5 ft., Staff does not oppose the request, if and only if joint and cross access easements can be obtained from the neighboring ownership to the east to connect the drive and parking areas, with a single entry curb-cut. The said lot to the east has four units built on an even smaller tract of land. The developer must satisfy minimum standards required by the Stormwater/Drainage Ordinance and Regulations as required by the City Engineering Department.

Record of Proceedings- Metropolitan Area Planning Commission:

The Metropolitan Area Planning Commission held a Public Hearing on March 10, 2009 and offers the following record of proceedings and recommendation of approval:

Mr. George Hamman, of Civilogic presented the case of 921 Warner Avenue requesting a maximum of 4 units.

There was no opposition. City Planner, Otis Spriggs stated that the property is currently zoned R-2 multi-family and will permit 4-plexes, but the lot was shy of a few square feet. In fact the existing 4-plex to the east is on a smaller lot. Staff recommends approval as RM-16 L.U.O. with a maximum of 4 units subject to cross access easements with a property to the east. A motion was made by Mr. Lonnie Roberts Jr., seconded by Mr. Joe Tomlinson, that this Rezoning be Recommended to Council for approval. The motion CARRIED by a 5 to 0 vote; Roll Call: Mr. Tomlinson- Aye, Mr. Hoelscher- Aye; Ms. Norris- Aye; Mr. Dover- Aye; Mr. Roberts- Aye; Mr. Day, Absent; Mr. Halsey-Absent; Mr. Collins- Absent.

Conclusion:

The MAPC and the Planning Staff has reviewed the request and recommends approval to the Council with the stipulation that the cross access easements be established and recorded with the adjacent tract to the east for the access drive and parking lot layouts - a rezoning of the subject property from R-2 to RM-16 Multi-Family, L.U.O. with a maximum of 4 units.

Respectfully Submitted for Council Consideration,

Otis T. Spriggs, AICP
Planning Director

Site Photographs



View Looking South toward the site



View Looking West



View Looking East



View Looking North



View looking north at the surrounding multi-family units