



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, February 21, 2017

5:30 PM

Municipal Center

NOMINATING & RULES COMMITTEE SPECIAL CALLED MEETING AT 4:45 P.M.

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

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PUBLIC HEARING AT 5:20 P.M.

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Ms. Christine Mott spoke stating that they were trying to get a swimming pool put in their yard. Councilman Hafner asked Ms. Mott if the notification of the neighbors were the true property owners and not renters. Ms. Mott stated that the neighbors own the property on either side of her property. Councilman Dover asked City Engineer Craig Light if that would present any problems if they need to get in there and do any work. Mr. Light said no. Mayor Perrin stated the City has signed off as well as the others on the abandonment.

No one spoke in opposition to the abandonment of an undeveloped utility easement.

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

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2. PLEDGE OF ALLEGIANCE AND INVOCATION

[play video](#)

3. ROLL CALL BY CITY CLERK DONNA JACKSON

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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

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Mayor Harold Perrin awarded service pins to council members who have served for five or more years of service to the City. Five year pins were presented to Councilman Charles Coleman who has served six years, Councilman Chris Gibson who has served eight years, and Councilman Gene Vance who has served eight years. Ten year pins were presented to Councilman Darrel Dover who has served 14 years, City Attorney Carol Duncan who has served 12 years, Councilman Charles Frierson who has served 10 years, Councilman Mitch Johnson who has served 12 years, Councilman John Street who has served 14 years, and Councilwoman Ann Williams who has served 14 years. A fifteen year pin was awarded to Councilman Chris Moore who has served 18 years.

COM-17:010

PRESENTATION OF SERVICE PINS BY MAYOR PERRIN TO THE CITY COUNCIL MEMBERS

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Sponsors: Mayor's Office

Read

5. CONSENT AGENDA

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Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilman Charles Coleman, to Approve the Consent Agenda. 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-17:019

Minutes for the City Council Meeting on February 7, 2017

[play video](#)

Attachments: [Minutes](#)

This item was passed on the Consent Agenda.

RES-17:005

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE CITY PERSONNEL TO ENFORCE CERTAIN SECTIONS OF THE 2012 ARKANSAS FIRE PREVENTION CODE

[play video](#)

Sponsors: Engineering

Attachments: [International Commercial Building Code](#)
[International Residential Building Code](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-012-2017

RES-17:016

A RESOLUTION TO EXECUTE A LEASE AGREEMENT WITH NETTLETON LODGE 657

[play video](#)

Sponsors: Mayor's Office

Attachments: [Nettleton Lodge 657 Lease Agreement](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-013-2017

RES-17:017

A RESOLUTION FOR THE CITY OF JONESBORO TO ENTER INTO A CONTRACT WITH AT&T FIBER BUSINESS SOLUTIONS FOR THE UPGRADE TO THE INFORMATION SYSTEM NETWORK

[play video](#)

Sponsors: Information Systems

Attachments: [AT&T Fiber Broadband Bundle Express Agreement Contract ID 8309208 v](#)
[AT&T Fiber Broadband Savings](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-014-2017

RES-17:018

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT WITH SENATOR JOHN BOOZMAN TO UTILIZE OFFICE SPACE IN THE MUNICIPAL CENTER

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Sponsors: Mayor's Office

Attachments: [Boozman Jonesboro New Com 010317 Revision 020817](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-015-2017

6. NEW BUSINESS

[play video](#)

RES-17:019

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION THAT WILL ENABLE STATE AND LOCAL GOVERNMENTS TO COLLECT REVENUES DUE TO LOCAL GOVERNMENT THAT ARE ESSENTIAL TO THE EXPANSION OF OUR LOCAL AND REGIONAL ECONOMY, CREATION OF THOUSANDS OF NEW JOBS, ENHANCEMENT OF THE QUALITY OF LIFE WITHIN OUR COMMUNITIES, AND PRESERVATION OF LIMITED STATE AND LOCAL REVENUE SOURCES.

[play video](#)

Sponsors: Mayor's Office

Attachments: [Web Sales Tax Article.pdf](#)

Councilman Bobby Long moved to have RES-17:009 removed from the Consent Agenda. He wanted to make sure that they were talking about the tax on internet purchases. He stated that we are going to send a resolution as a council that we support the Marketplace Fairness Act. Normally, when Congress names something Fairness, it is not fair. He wanted to make sure the council pulled the resolution so they could vote on it because he is not sure he can vote for something that he may not be in favor of passing. Mayor Perrin stated that this has been going on for a number of years. He said companies, particularly online and those with internet sales do not collect sales tax. Mayor Perrin stated that it is estimated that Arkansas alone is losing \$64 million annually due to internet sales. He said that we are probably closer than we have ever been with our congressmen and our senators to get this bill passed so that they can start collecting that tax. The Arkansas Municipal League has endorsed this. Mayor Perrin stated that if you have any questions, he would be glad to answer them. It is not fair for those who have brick and mortar stores within the state who collect sales taxes. Mayor Perrin stated that the Arkansas Department of Finance now has software that can calculate sales tax based on zip code and it will go to the DFA and come back to the City in our sales tax. He stated that we desperately need any amount of money that we can possibly get. Amazon and some other large internet based companies have already agreed to start collecting sales tax. Councilman Street stated the Arkansas Department of Finance would be sending out the software. Councilman Long stated to be fair that most brick and mortar stores have an online presence. They sell their goods and services online as well so he thinks there may be a better way.

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

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Joe Hafner and David McClain

Nay: 1 - Bobby Long

Enactment No: R-EN-016-2017

ORDINANCES ON FIRST READING

[play video](#)

ORD-17:005

AN ORDINANCE ABANDONING AND VACATING THE UNDEVELOPED UTILITY EASEMENT IN: THE 15' UTILITY EASEMENT LYING WITHIN LOT 49 OF THE REPLAT TO ADD LOT 48, SOUTHBEND SUBDIVISION PHASE ONE, JONESBORO, ARKANSAS, AS SHOWN BY PLAT RECORDED IN PLAT CABINET "C", PAGE 193, PUBLIC RECORDS OF CRAIGHEAD COUNTY, AT JONESBORO, ARKANSAS, RECORDED APRIL 22, 2008.

[play video](#)

Attachments: [Engineering & Planning Department Letters.pdf](#)
[Petition](#)
[Survey](#)
[Utility Letters](#)

Councilman Street offered by title only.

Councilman Dover motioned, seconded by Councilman Moore to waive the second and third readings.

Councilman Hafner asked the reason for suspending the second and third readings. Councilman Dover responded by saying he thought so they could go ahead and do the work they need to do. Councilman Hafner asked if there was a time crunch. He would like to know why they are doing it instead of going through all three readings. He said suspension of the second and third readings moves the adoption of the ordinance forward one month. Christine Mott, 5509 Viney Creek Lane, stated that all of the utilities have signed off and her immediate neighbors have signed off. She said they are under a contract to get a swimming pool installed. She said they need this done so the work can continue.

A motion was made by Councilman Darrel Dover, 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: O-EN-008-2017

ORD-17:006

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES; FROM R-1 AND C-3 TO RM-8, L.U.O. FOR PROPERTY LOCATED AT 1917 KELLERS CHAPEL ROAD AS REQUESTED BY DEVON SCOTT

[play video](#)

Attachments: [Application.pdf](#)
 [Staff Summary RZ 16-28 1917 Kellers Chapel Road.pdf](#)
 [layout](#)
 [PETITION AGAINST REZONING OF 1917 KELLERS CHAPEL ROAD.pdf](#)
 [Map of Location.pdf](#)
 [Pictures of Rezoning Sign.pdf](#)
 [Photos of Property.pdf](#)

Councilman Street offered by title only.

Councilman McClain had a question for City Planner Derrel Smith. He asked if this rezoning met all requirements except for one. He wanted to know some of the questions or concerns that Mr. Smith had about this rezoning. Mr. Smith said he did not have a lot of questions about the rezoning request. He said the majority of the land is already zoned C-3. He said probably 2/3 of the lot is zoned C-3 right now with the remaining 60-70 feet being zoned R-1. Mr. Smith said they felt this would be a good transition between the C-3 and the R-1.

Councilman Street motioned, seconded by Councilman Dover, to hold at one reading. No vote was taken.

The ordinance was held at one reading.

ORD-17:007

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES; FROM R-1 TO C-3 FOR 4.15 ACRES LOCATED AT THE BACK OF 2319 CONGRESS COVE

AS REQUESTED BY KELLY D. POPE OWNER OF GREEN GRASS INVESTMENTS, LLC

[play video](#)

Attachments: [Application.pdf](#)
 [Staff Summary RZ 17-03 2319 Congress Cove - City Council.pdf](#)
 [Rezoning Plat.pdf](#)
 [Map Location.pdf](#)

Councilman John Street offered by title only.

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

RESOLUTIONS TO BE INTRODUCED

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RES-16:160

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 313 W. Huntington, Owner William Feild.

[play video](#)

Sponsors: Code Enforcement

Attachments: [Pic 1](#)
 [Pic 2](#)
 [Pic 3](#)
 [Pic 4](#)
 [County Data](#)
 [Feild Title Report](#)
 [Inspection report](#)

Councilman Vance asked to abstain from discussion and voting due to a potential conflict of interest because although he no longer owns property next to this, he did when the process started.

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

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner and David McClain

Abstain: 1 - Gene Vance

Enactment No: R-EN-017-2017

RES-16:161

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 916 Old Paragould Hwy, Owner: Dennis

Gregory.

[play video](#)

Sponsors: Code Enforcement

Attachments: [Pic 1](#)
[Pic 2](#)
[Pic 3](#)
[916 Paragould County Data](#)
[Gregory Title Report](#)
[inspection report](#)

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-018-2017

RES-16:162

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 119 Coleman, Owner: Steve Penebaker.

[play video](#)

Sponsors: Code Enforcement

Attachments: [Pic 1](#)
[Pic 2](#)
[Pic 2](#)
[119 Coleman County Data](#)
[inspection report](#)
[Penebaker Title Report](#)

Code Enforcement Officer Michael Tyner stated he is currently working with the occupant of the property. He has been able to make contact both with him and the owner. The occupant is in the process of buying the property from his aunt. Mr. Tyner stated he has helped him with a Grants application. Mr. Tyner asked that they defer condemnation for six months while they are going through that process. Mayor Perrin asked if they had someone that is trying to buy the property. Mr. Tyner stated that the occupant is in the process of purchasing the property from his aunt. He said he didn't have a correct address when he had it on Public Safety. He has since been able to make contact with the occupant and his aunt. The occupant is working on getting the deed in his name so he can qualify for a grant. Mr. Tyner stated he helped him fill out the application to get him on the waiting list and he was advised by Grants that there is about a six month waiting list. Councilman Hafner asked Mr. Tyner if he felt confident that the grant could help the house get back where it needs to be. Mr. Tyner stated he does and through a preliminary interview with him, he would more than qualify under the income requirements to receive a grant. Mr. Tyner stated he does believe it is possible to get the property up to code given the scope of the repairs.

Councilman Moore motioned, seconded by Councilman Hafner, to postpone temporarily for six months. All voted aye.

A motion was made by Councilman Chris Moore, seconded by Councilman Joe Hafner, that this matter be Postponed Temporarily . 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

7. UNFINISHED BUSINESS

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ORDINANCES ON THIRD READING

[play video](#)

ORD-16:033

AN ORDINANCE AMENDING ORDINANCE 08:045 REMOVING THE TEN (10) YEAR LIMITATION ON THE PRE-EXISTING NON-CONFORMING USE

[play video](#)

Attachments: [Plat](#)
[Planning Dept. Report](#)
[Quinn Aviation.pdf](#)

Dustin McDaniel, attorney for Paulette Quinn and Quinn Aviation, stated that it is a privilege to represent this business. Mr. McDaniel stated he is here with co-counsel Bart Calhoon and Phillip Crego. He said they represent Ms. Quinn and Quinn Aviation. Quinn Aviation has been in business in this same location since 1962. In 2008, this council saw fit to allow them to annex into the City of Jonesboro. He did not represent them at the time, but they did consent to a ten-year grandfather clause on their non-conforming use. Looking back at it now, that was probably not in their best interest and wasn't necessary, but it is what they did and they got what they asked for.

Mr. McDaniel thinks that businesses far more sophisticated than Quinn Aviation did not appreciate some of the trials and tribulations that the last few years economically have brought. They do have this property up for sale. They have a sign where it is listed. They would like to sell the property. Realistically, the sale price on this property should be about \$3.2 million and the costs of relocating this business will be roughly \$1.25-\$1.50 million. Once they sell this property, it is going to be no problem to relocate this business out into the county, pay their taxes, and divide up the profits. This ten year arbitrary clause is creating pressure on this business and its employees, the ability to get financing from bank. There is a government arbitrary date that where you either sell the property for whatever you can get for it and move or you have to close the business and go elsewhere and hold onto the property, either of which would be a burden.

Mr. McDaniel stated that the MAPC supported the original request to change the zoning from R-1 to I-1. He thought the council saw that as an unnecessary leap. We agree with that and we appreciate the council amending the motion to leave at R-1 and simply lifting the ten year grandfather clause on the non-conforming use. He said he hopes they sell it tomorrow. He does firmly believe they will sell this property and relocate this business, but, in the meantime, it is the sole source of employment for this family and for their employees. The Quinns ask that the council grant them some mercy even though it is mercy from what they had asked for originally. If you can do

that without creating any negative precedent or harming any other landowners, he would hope that this council would grant it. Mr. McDaniel said he appreciates Councilman Moore in addressing some safety issues and suggesting that the Quinns commit in writing that the aircraft no longer take off or land over Southwest Drive. If you drive around the area, all of it is business. There is a tractor dealership on one side. There is a sandblasting location. There is a body shop. There is closed gas station across the street. There is Valley View Agri and Grain. Mr. McDaniel distributed a packet at the last council meeting with letters from neighboring businesses and landowners all of which are in support of Quinn Aviation. Mr. McDaniel stated he would be happy to answer any questions that the council may have.

Councilman Street asked how long the strip is. Mr. McDaniel stated that it is a total of a half mile which is about 2,800 feet with 1,600 feet of it paved. Councilman Street asked if he thought it was feasible to take off from the South. Mr. McDaniel said yes unless the winds were to shift and there was a safety issue. Then, they simply are not going to operate that day.

Dr. Jim Sanders, 4123 Friendly Hope, stated that the problem here tonight is by letting the airstrip remain there, you will, long term, strictly limit the development of Southwest Jonesboro. He doubts seriously if anyone is going to want to develop a residential area next to this. Dr. Sanders said he owns his home with the surrounding land. He has never met Ms. Quinn and he does not know any of the employees of Quinn Aviation. He is a member of the Land Use Advisory Committee and at this time, he is not on any other public, private, or charitable boards or committees.

Dr. Sanders said that in 2008, Jonesboro had a swinging door policy on City Planners. He thinks the city has been through four or five during the 2006-2008 time period. He said we have had some difficulty with a lot of them. Unfortunately, when former City Planner Otis Spriggs came to Jonesboro, this was one of his first deals that he went through. Mr. Spriggs originally told them they could bring the property in as an R-5 district, which you couldn't do. All annexed lands had to come in as an R-1. Mr. Spriggs also suggested they could use an industrial thing as an overlay to bring in the airstrip. That was not true either. It is stated in the documents that 13 plus acres of the property was brought in as industrial, but it couldn't have been because the county has no rating system on any of these. If you are bringing the property in, it has to be R-1. Ms. Quinn, at that time, did agree and there was a lot of debate on this 2008 project. It went from being tabled to being referred back to committee and it took from March to about August to get it approved. It came in as R-1 with the LUO overlay. In order to get it into the city, Ms. Quinn had to request that it was a grandfathered clause for the airstrip. It was stated to be ten years or when further development was carried out on the property.

Dr. Sanders said that Mr. McDaniel appears to believe that this date was arbitrary. If it was arbitrary, Ms. Quinn developed it. Now, we come to the point where it was brought to the city council back in June of 2016. At that time, Ms. Quinn wished to change the zoning on that property to the industrial on that one section of 13 plus acres. Dr. Sanders stated that he has a transcript of all of the statements of the city council and Ms. Quinn's attorney at that time. It states in the 2008 version, that Ms. Quinn is the sole owner of the property. If it was wrong then and you had to have the grandfather clause on that property to get it into the city, then why should we remove it? If you remove it, you are going to have an airstrip in the middle of Jonesboro for the rest of your life. Dr. Sanders stated that Mr. McDaniel says it will be very expensive to move the airstrip and it would really make it difficult on the Quinn's because it is the sole source of their income. Dr. Sanders said if you look closely, Quinn Aviation has two other airstrips in this area. One of them is in Bay and the

other one is in Buffalo Island. There is an area of viability for the airstrip having the two others. There is also a question of whether it is legal to ahead and build a second building on the airstrip property since it was a grandfathered clause. Mr. McDaniel mentioned that they had support of the surrounding business owners. If you look at the letters, every single one of them starts the same way and they were all written at approximately the same time. It is simply a form letter. All of them except one are in the agriculture business. There is one letter from the surrounding neighborhood from a farmer that lives in the county. Another letter came from a neighbor that lives in Duckswater and that's about 2-3 miles away.

Mr. Sanders stated there are about 1,000-1,500 more homes out there than there were in 2008. He thinks the airstrip is a danger. If you allow this, you are going to have this airstrip for the rest of your lives and future council members will have to deal with the problems as well. The new ordinance is completely different from the original ordinance. The title has changed, but the ordinance number is the same which tells him that there is a lot of backroom negotiation going on somewhere.

City Attorney Carol Duncan stated that the council approved the changes at the last meeting so they are aware of them. Dr. Sanders said he thinks it is rather unusual for the ordinance to change from a rezoning to an ordinance removing the ten year limitation. He does not believe that it is a real financial burden on the family or Quinn Aviation to move the airstrip. He believes the council will be sorry if they do not vote the ordinance down. His feeling is that a deal was made a long time ago and that they should keep that deal. He said Quinn Aviation had ten years to make a change and they didn't. Dr. Sanders said he believes that the council should reject this. He has a lot of documentation on this matter and if anyone wants to see it, he will be glad to give it to them.

Councilman Dover wanted to ask Mr. McDaniel about the unlimited number of years. He wanted to know if they could come up with something a little more definite.

Mr. McDaniel replied to Councilman Dover and stated he appreciated the concern there. He believes the primary reason for this is not to put another date on it because they should not have put an arbitrary date in there to begin with. Dr. Sanders is correct that it was at the request of the Quinns. It is proven not to be a wise decision and your City Planner says that never before in this city or another other has he seen an arbitrary sunset clause on a grandfather like this. Mr. McDaniel stated that he totally disagrees that this will be a problem that lasts forever. He believes that this property will sell. The market is turning around and the stock market is improving. Unemployment is dropping. Optimism abounds. The 1,000 homes that has been constructed in that area since 2008 is evidence that even in a bad economy, this runway has not been a hindrance to development in Southwest Jonesboro. If you put a hard date on it, it's only kicking the can down the road that this council will have to come back again. He doesn't think that is going to happen because he believes the property will sell. He wouldn't want to present a proposal to a bank on behalf of a business with an anvil on his head that by a certain date he has to change his business.

Councilman Dover stated that he assumes that by what Mr. McDaniel says that if they sell the property, they are going to move the airstrip somewhere else. Mr. McDaniel said that was correct. Councilman Dover stated the business is not going to go out of business. Mr. McDaniel said the business is not going out of business. Councilman Dover said that makes that point kind of mute.

Mr. McDaniel said that when the property sells, you will have financing to move the business. He said you are talking about hazardous chemicals, a regulatory burden,

the EPA. You are not just paving a little strip somewhere out in the country. Geographically, he did not know they owned other properties elsewhere in the county, but those are not where Quinn Aviation operates their business out of because they don't serve the farms they service. Once they get the property sold, they will have plenty of money to pay their taxes, construct a new facility, and houses can be built there and it will move on. But, there is development on either side of it; you have a Dollar General Store and a Tractor Sales facility and all kinds of warehouses. There is no one trying to build any houses right there beside it. Mr. McDaniel stated he appreciates the concern on it, but he hopes that they will be able to look past it and grant lifting this grandfather clause. He said we will make every effort to get it sold quickly.

Councilman Long asked how many people they got signed letters from in the residential neighborhoods. Mr. McDaniel stated they had three residential letters and four or five business letters. To his understanding, there are no neighbors other than Dr. Sanders that have expressed any opposition. Councilman Long asked Mr. McDaniel how positive he was that this land was going to sell. Mr. McDaniel stated that he is real positive that it will sell someday. Will it sell for the price that they want, he doesn't know. Councilman Long asked Mr. McDaniel if he would be willing to buy the property in ten years if it didn't sell. Mr. McDaniel said sure. He said he went to law school and there are these things called illusory promises. He said you can't hold me to that. He said he would like to own it for sure.

Councilman Moore stated that he was on the council in 2008, he thinks that Ms. Quinn made a mistake when she agreed to a timeframe. To his knowledge, nobody that we have ever annexed their property did we ever put a stipulation on it that they had to sell it by a certain date. He said he is not aware of that stipulation on any other annexation. He thinks there was a fundamental mistake in the original agreement and he thinks Ms. Quinn was over optimistic that it was going to sell rapid, but he thinks they erred on that.

Councilman Dover said if he remembers correctly, it was kind of a quid pro quo of that if you annex us, we promise to sell this property in ten years. The reason for it to be annexed was to help it sell better. Councilman Moore said that was correct. Councilman Dover said the reason they put that in there was to entice us to annex it. Councilman Moore stated that is the reason why everyone wants their property annexed because it increases their value and helps them to sell it. He said that he is just not aware of a timeframe requiring someone to sell their property by a certain date as a condition of annexation except for this one example.

Councilman Moore stated that he did not hear a list of specific issues that the Quinn's cause there. He is familiar with that airstrip. He does not get calls that the Quinn's are causing a public nuisance with that airstrip other than the northbound traffic in which they have agreed to cease. He asked Dr. Sanders if there was something else they do down there in the neighborhood that is causing civil unrest.

Dr. Sanders said that your take on it is not exactly right. It doesn't say to sell the property, it says if the property does not sell, then you will move the airstrip. The airstrip was the caveat that it be moved is how it was taken into the city in the first place. Councilman Moore stated that he would yield his point to the fact that he is not aware that the council has ever required someone to close their business or sell their property as a condition for annexation. Dr. Sanders said they are not closing their business. Councilman Moore said they would if they could not get an extension. They would be closing it in that location. Dr. Sanders said if you look on google, it states that Quinn Aviation's annual income is approximately \$900,000. He thinks they can afford to move their airstrip.

Councilman Street asked Mr. McDaniel if the property is listed for sale. Mr. McDaniel said that it is not listed with a realtor, but they do have a for sale sign up. Councilman Street said that he thought that was kind of a critical element. There doesn't just need to be a sign listed as for sale by owner. He said it needs to be truly listed with someone who will actively market it because a property is not going to move as well if it is not actively marketed.

Mr. McDaniel stated he thinks they get into freedom issues all of the time in government. The government has to take a look at people and say you could do this or you could do that, but it might be better if you do it this way than if you did it that way. This council goes out of it's way to not interfere with the business decisions even if it is with business decisions it disagrees with. If they choose to list it and actively market it in a way that they do not have to pay a commission, that is their choice. If the council votes down this decision and the impetus becomes much more dire, they may have no choice but to really ratchet up their marketing and take a smaller price and pay a commission and give up that money. But, that would be the government telling them here's how you have to do it, here's how you have to sell your property, do it this way or else and if it costs you money, it costs you money. You wouldn't look at it that way if it was a tax. If someone was telling you to run a tax on this business, this council would say no way I don't want to put a tax on it.

Councilman Street stated in the whole argument it speaks to the sincerity of I am actively trying to sell it because it is worth more being annexed into the city than if it was the county. No one is asking us to de-annex it. Mr. McDaniel said that is true and he wants to assure the council that they sincerely want to sell it. Would someone else market it in a different way, maybe? Would someone else hire a realtor and be willing to pay a commission, maybe? Councilman Street said that commissions are negotiable, but no realtor is going to try to sell something if they are not going to get a commission. Mr. McDaniel said he is not sure, but they very well may list it. He wants to assure the council that it is a sincere effort to get it sold and when it sells, they will apply that money to moving the business.

Councilman Vance asked Mayor Perrin to call question.

A motion was made by Councilman Charles Frierson, 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-009-2017

[ORD-16:082](#)

AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-33, AMENDING THE PROCEDURES FOR AMENDING TEXTUAL PROVISION OF THE CHAPTER, AND THE OTHER BEING A CHANGE OF BOUNDARY IN A ZONING DISTRICT, WITHIN THE CITY LIMITS OF JONESBORO, ARKANSAS

[play video](#)

Sponsors: Planning and Metropolitan Area Planning Commission

Attachments: [Sec 117 \(rezoning changes\)](#)
[Zoning Changes](#)

Councilman Hafner proposed an amendment to ORD-16:082 under Section B,

Notice, #2, (iii), where it talks about School Board notification. He thinks it needs to read provide notification to the school district serving the area by sending notice to the superintendent of the school district of the zoning request. This needs to be added: Notice shall be sent by certified mail with return receipt requested 15 days prior to the meeting. Councilman Hafner recommended one more change. It should say the school board shall send their opinion in writing to the Office of the City Planner with 10 days which would give it five days to get it back in before the meeting and get it into record. Councilman Moore asked if that should also be sent to the City Clerk since they are the keeper of public records. He thinks any correspondence would need to go to the City Clerk.

Councilman Hafner said he was fine with that. City Attorney Carol Duncan said you may want to say both. She said the issue with this is that it will be going on the MAPC agenda so it could be both. Councilman Street said the School Boards meet twice a month and it might be a conflict with the meetings.

Mayor Harold Perrin said there are three items to this amendment: 1) the notice shall be sent by certified mail with return receipt requested 15 days prior to the meeting; 2) The notice will be sent to the City Planner and the City Clerk; and 3) the notice shall be returned with 10 days.

A motion was made by Councilman Joe Hafner, seconded by Councilman Darrel Dover, that this matter be Passed as Amended . 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-010-2017

ITEMS THAT HAVE BEEN HELD IN COUNCIL

[play video](#)

RES-17:012

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ESTABLISH AND APPOINT A SIDEWALK COMMITTEE

[play video](#)

Sponsors: Mayor's Office

Mayor Perrin stated that he had submitted a list of people for the sidewalk committee. Councilman McClain at the last council meeting made a motion that we add more names to the list. Mayor Perrin stated that he has four additional names that he would like to submit for the sidewalk committee. He would like a motion to amend RES-17:012 and add the following names to the sidewalk committee: Dr. George Grant, Sharon James, Mary Margaret Jackson, and Brenda Ward. Mayor Perrin stated that he believes all of these people are involved in sidewalks in some form or fashion.

Councilman Frierson asked if they were removing some from the sidewalk committee. Mayor Perrin stated they were only adding these to the committee and they were not taking any off. He said some people who had initially applied to be on the committee withdrew their applications, but this did not affect removing anyone from the appointments to the sidewalk committee.

Councilman Frierson motioned, seconded by Councilman Street, to amend the

resolution to add the four names.

Councilman Hafner stated he thought this sidewalk committee was going to be really important. He said this committee can be boiled down to three different things. This committee is being tasked with finding a way to build sidewalks, not finding a way not to build sidewalks. He thinks they have two issues with sidewalks in new developments and sidewalks in existing areas without sidewalks. Many times out in the public he has heard the comment, we don't need to build sidewalks out in the middle of no where. He doesn't believe that is a good reason not to build sidewalks because connectivity will come as building progresses. He said we need sidewalks for safety and for growth.

Mayor Perrin stated that he agrees and just last year, they spent a little over \$2.5 million dollars on sidewalks. He said we have a complete map of every sidewalk in town. The first thing they did in 2009 was work on sidewalks for Public Safety for schools. We also made sure there was some type of connectivity between the hospitals, library, and other public venues. We have been working on building sidewalks. This committee will be charged on whether or not to build new sidewalks. Some people withdrew their applications because they were under the assumption that they could tell where the sidewalks could go and that is not the issue. The issue is to make a legitimate decision on should this city require new sidewalks be placed where. Councilman Vance stated that it would then be brought to the council to vote on as an ordinance. Mayor Perrin stated that we have a lot of sidewalks, but there are a lot more that we need to add for walkability, transportation, exercise.

Pam Alexander, 4501 Mt. Carmel Road, thanked the council for their comments, but it raised confusion in her mind. It was her understanding that we were talking about new sidewalks for new development. She said her concern is that there is a real need for sidewalks where we have development, they never were built, and it uncovers a set of problems for this committee.

Councilman Hafner stated his comment was for two separate issues of new development and existing areas where there are no sidewalks. This committee may not come up with answers for both of them, but he thinks it is two separate issues. Mayor Perrin stated that City Planner Derrel Smith wants to get this committee started soon and try to call the first meeting next week. Ms. Alexander asked what their charge is. City Attorney Carol Duncan stated that it is for new development.

Beverly Parker, 205 Windover, wanted clarification of residential versus commercial. Mayor Perrin stated there is an ordinance on commercial as well.

Norma Ferrell, 108 E. Gordon, wanted to know if this was for sidewalks for new development only. Councilman Dover stated that this committee was for new developments only. Ms. Ferrell asked about old developments that don't have sidewalks. Mayor Perrin stated that Engineering looks each year and gives the Administration Department a list of the sidewalks within the City of Jonesboro. They look at connectivity and try to tie those together. We also look at the CDGB Advisory Board's input as well as any other organization to make sure because the city is going to spend anywhere from \$250,000-\$500,000 each year on sidewalks. Mayor Perrin said we have two pending right now that we were given the money to complete by the Highway Department. We try to find money through the Highway Department and any other place so that we can to build sidewalks.

Councilman Hafner stated he needed more clarification. He said the resolution doesn't specify just new development. Councilman Vance stated that the only codes they have are on new development. City Planner Derrel Smith stated that MAPC

asked them to set a committee to look at new development on residential and to look at the multi-family and commercial because they were granting waivers and to look at a way to see if that was feasible or not. What we are looking at is new development only.

Councilman Vance stated the council expressed some concerns about some waivers that the Planning Commission was giving so we thought we needed a new ordinance that addressed it.

Pam Alexander asked if it has been established when those meetings will take place. Mayor Perrin stated that if this is approved, that the City Planner Derrel Smith will be getting that information out with a date, time, and place of those meetings. He said that it will be on the website and will be in the news media.

A motion was made by Councilman Chris Gibson, seconded by Councilwoman Ann Williams, that this matter be Passed as Amended . 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-019-2017

8. MAYOR'S REPORTS

[play video](#)

COM-17:009

Airport Commission financial statement for January 31, 2017

[play video](#)

Sponsors: Municipal Airport Commission

Attachments: [Financial statement](#)

Filed

COM-17:012

Erick Woodruff appeal hearing

[play video](#)

Mayor Harold Perrin said to show no conflict of interest, he would like to recuse himself and ask Vice Mayor Chris Moore to continue the meeting.

Councilman Moore made a motion, seconded by Chris Gibson, to adjourn to executive session for the purpose of the appeal of the termination of a department head. He requests that they meet in the large conference room on the 1st floor with the Mayor, Erick Woodruff, and Suzanne Allen. All voted aye.

Councilman Moore reconvened the city council meeting from executive session. He asked if he had a motion to file before the city council. Councilman Vance motioned, seconded by Councilman Street, to uphold the Mayor's decision in the appeal of Erick Woodruff's dismissal. All voted aye except Councilman McClain who voted no.

Councilman Vance motioned, seconded by Councilman Street, to uphold the Mayor's decision in the appeal of Erick Woodruff's dismissal. All voted aye

except Councilman McClain who voted no.

9. CITY COUNCIL REPORTS

[play video](#)

RES-17:008

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property located at 300 E. Allen, Owner: Harvey and Neoma Williams

Sponsors: Code Enforcement

Attachments: [title search](#)
[inspection report](#)
[County Data](#)
[Pic 1](#)
[Pic 2](#)

Councilman Johnson stated that they had a condemnation from the earlier Public Safety Committee Meeting that Code Enforcement felt they should go ahead and move forward with immediately.

Councilman Johnson motioned, seconded by Councilman Street, to suspend the rules and walk on RES-17:008. All voted aye.

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-020-2017

RES-17:022

RESOLUTION TO MAKE APPOINTMENTS & REAPPOINTMENTS TO THE CWL BOARD, THE COMMUNITY TRANSPORTATION ADVISORY BOARD AND THE LAND USE ADVISORY COMMITTEE AS RECOMMENDED BY MAYOR PERRIN

Sponsors: Mayor's Office

Councilman Gibson stated that Nominating and Rules Committee met tonight. It is a resolution to make appointments and reappointments to the CWL Board Community Transportation Advisory Board and the Land Use Advisory Committee as recommended by Mayor Harold Perrin.

Councilman Frierson and Councilman Street asked to abstain from discussion and voting on RES-17:022 due to a conflict of interest.

Councilman Gibson motioned, seconded by Councilman Vance that they suspend the rules and walk on RES-17:022. All voted aye.

A motion was made by Councilman Chris Gibson, seconded by Councilman Gene Vance, 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: R-EN-021-2017

Councilman Coleman stated they had a meeting with the Chief of Police and the community. The consensus was to do a little more for the North side of Jonesboro for the community. He depends upon the Police Department to help clean this part of the community up. One group of individuals cannot clean this city up. It takes the whole city. On March 18, 2017 from 12-3 p.m., they are going to have a rally at Fisher Street United Methodist Church. In case it rains, the rally will be held inside.

Councilman Moore asked if they could get an email sent out to remind everyone.

10. PUBLIC COMMENTS

[play video](#)

11. ADJOURNMENT

[play video](#)

A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, 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

