



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Council Agenda City Council

Tuesday, August 17, 2021

5:30 PM

Municipal Center, 300 S. Church

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

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK APRIL LEGGETT

4. SPECIAL PRESENTATIONS

5. CONSENT AGENDA

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

MIN-21:067 Minutes for the City Council meeting on August 3, 2021.

Attachments: [MINUTES](#)

RES-21:159 A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE ARKANSAS STATE HIGHWAY COMMISSION, AN AGENCY OF THE STATE OF ARKANSAS, TO SELL PROPERTY LOCATED IN THE CITY LIMITS OF JONESBORO

Sponsors: Engineering

Attachments: [100657 Tract 85 Appraisal](#)
[Contract to Sell - Tract 85](#)

Legislative History

8/3/21	Public Works Council Committee	Recommended to Council
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RES-21:160 A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE ARKANSAS STATE HIGHWAY COMMISSION, AN AGENCY OF THE STATE OF ARKANSAS, TO SELL PROPERTY LOCATED IN THE CITY LIMITS OF JONESBORO

Sponsors: Engineering

Attachments: [100657 Tract 15 Appraisal](#)
[Contract to Sell - Tract 15](#)

Legislative History

8/3/21 Public Works Council Recommended to Council
Committee

RES-21:161 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO MAKE APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS AS RECOMMENDED BY MAYOR HAROLD COPENHAVER

Sponsors: Mayor's Office

Legislative History

8/11/21 Nominating and Rules Recommended to Council
Committee

RES-21:162 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO MAKE APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS AS RECOMMENDED BY MAYOR HAROLD COPENHAVER

Sponsors: Mayor's Office

Attachments: [Emails regarding Library Board](#)

Legislative History

8/11/21 Nominating and Rules Recommended to Council
Committee

RES-21:163 RESOLUTION AUTHORIZING CITY OF JONESBORO, ARKANSAS TO ACCEPT THE 2021 KEEP AMERICA BEAUTIFUL CIGARETTE LITTER PREVENTION PROGRAM GRANT FROM THE KEEP AMERICA BEAUTIFUL FOUNDATION

Sponsors: Grants and Parks & Recreation

Legislative History

8/10/21 Finance & Administration Recommended to Council
Council Committee

RES-21:164 A RESOLUTION AUTHORIZING THE CITY OF JONESBORO GRANTS AND COMMUNITY DEVELOPMENT TO APPLY FOR THE U.S. DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE FOR 2021 OUTDOOR RECREATION LEGACY PARTNERSHIP (ORLP)

Sponsors: Grants and Parks & Recreation

Legislative History

8/10/21 Finance & Administration Recommended to Council
Council Committee

RES-21:165 RESOLUTION AUTHORIZING CITY OF JONESBORO, ARKANSAS TO SUBMIT THE 2022 OUTDOOR RECREATION MATCHING GRANT APPLICATION FROM THE ARKANSAS DEPARTMENT OF PARKS, HERITAGE AND TOURISM

Sponsors: Grants and Parks & Recreation

Legislative History

8/10/21 Finance & Administration Recommended to Council
Council Committee

RES-21:166 RESOLUTION TO ENTER INTO A SPONSORSHIP AGREEMENT WITH GETBACK INC.. FOR INFORMATION TECHNOLOGY VAN WRAP

Sponsors: Information Systems

Attachments: [Van Sponsorship 2021](#)

Legislative History

8/10/21 Finance & Administration Recommended to Council
Council Committee

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-21:033 AN ORDINANCE TO THE CITY OF JONESBORO TO PLACE VARIOUS TRAFFIC SIGNS AT DESIGNATED LOCATIONS AS DETERMINED BY THE TRAFFIC CONTROL COMMITTEE

Sponsors: Engineering

Legislative History

7/20/21 Public Safety Council Recommended to Council
Committee

ORD-21:036 AN ORDINANCE AMENDING SECTION 112-128 DESIGN CRITERIA OF THE STORMWATER MANAGEMENT REGULATIONS

Sponsors: Engineering

Legislative History

8/3/21 Public Works Council Recommended to Council
Committee

ORD-21:037 AN ORDINANCE AMENDING SECTION 112-129 PERFORMANCE STANDARDS OF THE STORMWATER MANAGEMENT REGULATIONS

Sponsors: Engineering

Legislative History

8/3/21 Public Works Council Recommended to Council
Committee

ORD-21:038 AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR PROPERTY LOCATED AT 2407 WEST MATTHEWS

Attachments: [Staff Summary \(City Council\) - 2407 W Matthews](#)
[21108138TURNER REZONING PLAT recover Model \(1\)](#)
[Rezoning Plat](#)
[Application](#)
[Info](#)
[USPS Receipts](#)

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-21:030 AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 SINGLE FAMILY RESIDENTIAL TO I-2 GENERAL INDUSTRIAL DISTRICT FOR PROPERTY LOCATED AT 6609 C.W. POST ROAD, JONESBORO, AR AS REQUESTED BY JOHN STUCKEY.

- Attachments:** [Staff Summary - City Council](#)
[Rezoning Plat](#)
[Application](#)
[Nettleton School District Email](#)
[Notification Signed](#)
[Pictures of Rezoning Signs](#)
[USPS Receipts](#)

Legislative History

7/6/21	City Council	Held at one reading
7/20/21	City Council	Postponed Temporarily
8/3/21	City Council	Held at second reading

ORD-21:032 AN ORDINANCE AMENDING APPENDIX 7 OF THE STORMWATER DRAINAGE DESIGN MANUAL

- Sponsors:** Engineering
Attachments: [07.06.2021 ARR 15000 Permit Nov 2021](#)

Legislative History

7/6/21	Public Works Council Committee	Recommended to Council
7/20/21	City Council	Held at one reading
8/3/21	City Council	Held at second reading

8. MAYOR'S REPORTS

9. CITY COUNCIL REPORTS

10. PUBLIC COMMENTS

Public Comments are limited to 5 minutes per person for a total of 15 minutes. This time is allotted for items that are not on the agenda.

11. ADJOURNMENT



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: MIN-21:067

Agenda Date:

Version: 1

Status: To Be Introduced

In Control: City Council

File Type: Minutes

Minutes for the City Council meeting on August 3, 2021.



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, August 3, 2021

5:30 PM

Municipal Center, 300 S. Church

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

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

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK APRIL LEGGETT

Present 10 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Charles Coleman; Joe Hafner; LJ Bryant and Brian Emison

Absent 2 - Bobby Long and David McClain

4. SPECIAL PRESENTATIONS

State Representative Jack Ladyman was presented with the Arkansas Municipal League Distinguished Legislature award.

Mayor Harold Copenhaver presented Navy Seal Veterans, Jimmy Duke and Mark Bezik

[COM-21:036](#)

PRESENTATION OF THE DISTINGUISHED SERVICE AWARD TO STATE REPRESENTATIVE JACK LADYMAN BY THE ARKANSAS MUNICIPAL LEAGUE

Read

[COM-21:037](#)

PRESENTATION OF MEDALLIONS FOR RECOGNITION OF SERVICE TO JIMMY DUKE AND MARK BEZIK

Read

5. CONSENT AGENDA

Approval of the Consent Agenda

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

Aye: 10 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Charles Coleman; Joe Hafner; LJ Bryant and Brian Emison

Absent: 2 - Bobby Long and David McClain

[MIN-21:064](#) MINUTES FOR THE CITY COUNCIL MEETING ON JULY 20, 2021

Attachments: [CC Minutes 07202021](#)

This item was passed on the Consent Agenda.

[RES-21:129](#) RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 200 MULBERRY, JONESBORO, AR 72401, PARCEL 01-144074-09600, OWNED BY LEON JONES

Attachments: [200 Mulberry06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-130-2021

[RES-21:130](#) RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 200 S ALLIS, JONESBORO, AR 72401, PARCEL 01-144181-40800, OWNED BY MICHAEL DUANE DARLIN

Attachments: [200 S. Allis06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-131-2021

[RES-21:131](#) RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 204 WOODROW, JONESBORO, AR 72401, PARCEL 01-144073-23400, OWNED BY NEWEL COOTS

Attachments: [204 Woodrow06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-132-2021

[RES-21:132](#) RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 309 N SECOND, JONESBORO, AR 72401, PARCEL 01-144182-17700, OWNED BY JOHNNY MEADOWS

Attachments: [309 Second06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-133-2021

[RES-21:133](#) RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 317 N SECOND,

JONESBORO, AR 72401, PARCEL 01-144182-17500, OWNED BY MARSHALL MOONEY

Attachments: [317 N. Second06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-134-2021

[RES-21:134](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 405 STATE, JONESBORO, AR 72401, PARCEL 01-144171-03500, OWNED BY CHARLES E NOELL JR

Attachments: [405 State06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-135-2021

[RES-21:135](#)

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

Attachments: [409 Fisher06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-136-2021

[RES-21:136](#)

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

Attachments: [500 Allen06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-137-2021

[RES-21:137](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 616 E OAK, JONESBORO, AR 72401, PARCEL 01-144191-17500, OWNED BY JOYCE SCARBOROUGH

Attachments: [616 Oak06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-138-2021

[RES-21:138](#)

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

Attachments: [816 Hoover06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-139-2021

[RES-21:140](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 1014 S CULBERHOUSE, JONESBORO, AR 72401, PARCEL 01-144192-21300, OWNED BY CHARLES E NOELL JR

Attachments: [1014 S. Culberhouse06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-140-2021

[RES-21:141](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 1305 OAKHURST, JONESBORO, AR 72401, PARCEL 01-143133-18700, OWNED BY DLAN FRANKLIN LLC

Attachments: [1305 Oakhurst06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-141-2021

[RES-21:142](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 1314 TURNER, JONESBORO, AR 72401, PARCEL 01-144191-32500, OWNED BY TIMOTHY A HUSKEY

Attachments: [1314 Turner06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-142-2021

[RES-21:143](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 1328 W HUNTINGTON, JONESBORO, AR 72401, PARCEL 01-143133-18100, OWNED BY DKI LLC C/O RICHARD KNIGHT

Attachments: [1328 Huntington06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-143-2021

[RES-21:144](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 1602 TONYA, JONESBORO, AR 72401, PARCEL 01-144082-00200, OWNED BY MARTISULL LLC

Attachments: [1602 Tonya06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-144-2021

[RES-21:145](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 2101 KATHLEEN, JONESBORO, AR 72401, PARCEL 01-144271-22500, OWNED BY EDNA BOYD

Attachments: [2101 S. Kathleen06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-145-2021

[RES-21:146](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 2501 MARY JANE, JONESBORO, AR 72401, PARCEL 01-144272-24200, OWNED BY KENNETH L & DENA BROADWAY

Attachments: [2501 Mary Jane06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-146-2021

[RES-21:147](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 3806 SCHOOL, JONESBORO, AR 72401, PARCEL 01-144272-16500, OWNED BY PHH MORTGAGE CORPORATION

Attachments: [3806 School06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-147-2021

[RES-21:148](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 4514 KEY LARGO, JONESBORO, AR 72401, PARCEL 01-144112-05200, OWNED BY SCOTT TRASHON

Attachments: [4514 Key Largo06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-148-2021

[RES-21:149](#)

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, TO PLACE A MUNICIPAL LIEN ON PROPERTY LOCATED AT 5407 PROSPECT ROAD, JONESBORO, AR 72401, PARCEL 01-144141-03800, OWNED BY JAMES CODY RUSSELL

Attachments: [5407 Prospect06302021](#)

This item was passed on the Consent Agenda.

Enactment No: R-EN-149-2021

RESOLUTIONS NOT ON THE CONSENT AGENDA

[RES-21:150](#) A RESOLUTION OF THE CITY OF JONESBORO TO ENTER INTO AN AGREEMENT WITH THE WEST END NEIGHBORHOOD ASSOCIATION (WENA) TO CONTINUE WORK ON CWL PARK BLAZING TO FITNESS TRAIL

Attachments: [West End Neighborhood_CDBG2021](#)

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

Aye: 10 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Joe Hafner;LJ Bryant and Brian Emison

Absent: 2 - Bobby Long and David McClain

Enactment No: R-EN-150-2021

[RES-21:151](#) A RESOLUTION OF THE CITY OF JONESBORO TO ENTER INTO AN AGREEMENT WITH THE COURT APPOINTED SPECIAL ADVOCATES (CASA) "Change a Child's Story" FOR THE SECOND JUDICIAL DISTRICT FOR THE CDBG PUBLIC SERVICES PROGRAM

Attachments: [CASA_CDBG2021](#)

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

Aye: 10 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Joe Hafner;LJ Bryant and Brian Emison

Absent: 2 - Bobby Long and David McClain

Enactment No: R-EN-151-2021

[RES-21:152](#) A RESOLUTION OF THE CITY OF JONESBORO TO ENTER INTO AN AGREEMENT WITH THE HOPE FOUND OF NORTHEAST ARKANSAS "PROJECT HOPE" FOR HUMAN VICTIM TRAFFICKING SERVICES AND TO IMPLEMENT COMMUNITY EDUCATION AND AWARENESS PROGRAMS

Attachments: [Hope Found of NEA_CDBG2021](#)

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

Aye: 10 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Joe Hafner;LJ Bryant and Brian Emison

Absent: 2 - Bobby Long and David McClain

Enactment No: R-EN-152-2021

[RES-21:153](#)

A RESOLUTION OF THE CITY OF JONESBORO TO ENTER INTO AN AGREEMENT WITH THE HISPANIC COMMUNITY SERVICES CENTER, INC. FOR THE CDBG PUBLIC SERVICES PROGRAM.

Attachments: [Hispanic Community Services_CDBG2021](#)

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

Aye: 10 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Joe Hafner;LJ Bryant and Brian Emison

Absent: 2 - Bobby Long and David McClain

Enactment No: R-EN-153-2021

6. NEW BUSINESS

7. UNFINISHED BUSINESS

ORDINANCES ON SECOND READING

[ORD-21:030](#)

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 SINGLE FAMILY RESIDENTIAL TO I-2 GENERAL INDUSTRIAL DISTRICT FOR PROPERTY LOCATED AT 6609 C.W. POST ROAD, JONESBORO, AR AS REQUESTED BY JOHN STUCKEY.

Attachments: [Staff Summary - City Council](#)
[Rezoning Plat](#)
[Application](#)
[Nettleton School District Email](#)
[Notification Signed](#)
[Pictures of Rezoning Signs](#)
[USPS Receipts](#)

Held at second reading

[ORD-21:032](#)

AN ORDINANCE AMENDING APPENDIX 7 OF THE STORMWATER DRAINAGE DESIGN MANUAL

Attachments: [07.06.2021 ARR 15000 Permit Nov 2021](#)

Held at second reading

ORDINANCES ON THIRD READING

[ORD-21:026](#)

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

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

Aye: 10 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Charles Coleman; Joe Hafner; LJ Bryant and Brian Emison

Absent: 2 - Bobby Long and David McClain

Enactment No: O-EN-030-2021

[ORD-21:029](#)

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-4, LUO, NEIGHBORHOOD COMMERCIAL DISTRICT TO C-3, GENERAL COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 5441 and 5443 SOUTHWEST DRIVE AS REQUESTED BY JOHN EASLEY OF ASSOCIATED ENGINEERING ON BEHALF OF DAVID AND DEBORAH HARTSHORN

Attachments:

[Staff Summary - City Council](#)

[Rezoning Plat](#)

[Application](#)

[Conceptual Site Plan](#)

[Signed Property Owner Notification](#)

[USPS Receipts](#)

[Vicinity Map](#)

[Hartshorn email 07222021](#)

[Emails regarding ORD-21-029](#)

[Petition Against Rezoning 5441 and 5443 Southwest Drive 029](#)

Councilmember Joe Hafner asked Planning Director Derrel Smith to please come to the podium. Mr. Hafner went on to explain that he had called Mr. Smith earlier in the day and asked him what additional requirements the property owner would have to have since this property was in an overlay district. Mr. Smith printed out these pictures that I have given to all of the other Councilmembers and the Mayor and he asked that Mr. Smith explain these to everyone. Mr. Smith explained that this being in the overlay district it will have to be all brick or stone. There is additional buffer requirements. So, you are going to have 25-feet of landscaping along the front of the building and 10-feet down both sides and in the rear of the building. Trees will be required along the front, a monument sign will be required and the sign cannot be over 10-feet. More requirements is needed since it will be adjacent to other commercial properties, it is not like going out somewhere else and just building mini storages. Mr. Hafner stated that he noticed in the minutes of the MAPC meeting that you thought that C-3 would be the best one to ask for instead of I-2 or I-1 because that would be spot zoning. Mr. Smith explained that the area does not show Industrial on the land use plan so that is the reason we went with C-3, which allows for mini storages but keeps the industrial out.

Steve Floyd, 5421 Southwest Drive, Jonesboro. I am against this. I along with my sister Lisa Bowers who is here, we own the property to the north and to the east and it is zoned residential. Then you have a subdivision to the west that of course is residential. This particular property is zoned on three sides by residential property. I

am a former realtor here in Jonesboro and I feel this is really going to affect the residential property value if this is approved for mini-storages. I know that it was said in the last meeting that mini-storages were the only thing that could be built on this piece of property and that there were issues with the perk tests regarding the property as well. I am sorry that someone bought a piece of property that wasn't perfect. But, the property owners around this property should not suffer because someone bought a piece of property that wasn't right. I do have a list of names that I can give you that is opposed to this and we just asked that you please vote no against this for the rezoning and the mini storages. Councilmember Joe Hafner explained when it comes to rezoning some properties that it will have a negative impact on their property value. As a former realtor have you seen instances of that or is that kind of a gut feeling you have? Mr. Floyd stated that there is instances of it all over Jonesboro, there is instances of it right now down at Valley View. Commercial property has come in and is not taken care of. The Dollar General at Valley View has a fence that is in need of repairs and I have been trying for the last 7-years to get that fixed. It has not been repaired and there has been no help from no one. Trash blows all over my property from Dollar General, again, no help.

There is a construction company in that area that has stuff scattered everywhere, no help from anybody. I just feel like this isn't a good fit. We've got enough properties down there like that now, we don't need minis storages. We have mini storages a quarter-mile down the road if anybody needs one. Councilmember Hafner explained that one of the reasons that he asked about the land value is that as he was getting ready for this meeting I was doing some research and I came across a report that was from Mississippi. This particular city was getting some of the same complaints about property values going down because of the use of land. This particular appraiser that did some work regarding the same complaints. The scope of his work involved locating homes that adjoined property next to mini storages within the county where there is an active real-estate market, and then to compare those sales to homes that do not back-up or adjoin a self-storage facility. In 70% of the cases of the homes that were looked at, the property values were not impacted negatively, they actually sold for more than the homes that did not back-up to the self-storage facilities. I was just trying to get some concrete data instead of a gut feeling. I didn't find anything that said the values went down. It's kind of like multi-family, you can see reports out there that say values go down or values go up. So, I was just trying to see if you had seen that or if it was just more of a gut feeling? Mr. Floyd said, it is a gut feeling. But, like I said the commercial property that we already have down there, and anytime you have property that is not being taken care of it is going to affect the residential property next to you. You all see that all over, you place liens on property all over Jonesboro that is not being taken care of, it affects the one next to you.

John Easley, Associated Engineering representing David and Deborah Hartshorn. We are asking for the rezoning to be approved. Typically mini-storages are low traffic generating, quiet commercial with no great impact. Right now there is two commercial facilities on both sides. The Water Proofing on one side and Dollar General on the other side and then there is a large strip-mall southwest of this property. There is other land that is zoned commercial in that area. With Southwest Drive being a principal arterial by the Master Street Plan and having the Overlay District attached to it it's a commercial corridor. While we don't want commercial just everywhere, we don't consider it spot zoning. Mr. Horace Walls and his wife attended the Planning Commission meeting and spoke out in favor of it, as a matter of fact if you check the minutes Mr. Walls said that he could see no reason why it shouldn't be commercial. So, it's kind of unusual for someone to come to a planning commission meeting and speak for a commercial property. As far as the ground perking, it really doesn't matter

there is sewer 200-feet away and it will be served by public sewer. So, again we are asking you to approve it. Mr. Pruitt and his son have talked to the people in Clearview Estates to the west, in fact one of them was Mr. Pruitt's grandson's teacher. He spent a lot of time out there visiting with the people regarding this matter.

Councilmember Chris Moore asked the Mayor if he could ask Derrell Smith to give them a current list of what the property could be used for as zoned right now. So, what we are debating right now is whether or not to change the zoning to allow mini-storages. Mr. Smith came back to the podium and explained that the property is zoned C-4 and not C-3, which is neighborhood commercial and it has a LUO on it right now.

Off the top of my head there could be an Adult Business, bill boards, and things of that nature. Mr. Moore said, I think I looked at it also and it included businesses that had like veterinarian services, adult businesses, none of those could be allowed. Mr. Smith said normally what you will see is office type buildings, could be a dry cleaners, a florist or medical facility. Those are the kinds of things you see in C-4. Mr. Moore said, okay, could you build a house on it or a single family residential homes under C-4? Mr. Smith said, no. Mr. Moore asked if you could build a duplex on it under C-4. Mr. Smith said you could build above, as long as it was not on the first floor. Mr. Moore said, so, a mixed use, and Mr. Smith said yes, with residential on the second floor. Mr. Moore said, so, right now as it's zoned it's going to have a commercial use of some kind on the property. Mr. Smith said, that is correct.

Councilmember LJ Bryant said stated, he was just looking on GIS and it looks like that the Dollar General is C-4, which kind of surprises me. I wouldn't have thought that Dollar General would be zoned that way. Could it have been a conditional use or something? Mr. Smith said that was done before I was the City Planner and I am not exactly sure how that got there. It probably should have been a C-3. It could have been that they limited the hours of operation at that time.

Brian Biggs, 4012 Ridgepoint Cove. I am for the rezoning. Mr. Pruitt and his son are my friends and I do live real close to the area. I did do a little research for them of a study within about a 3-mile radius of the projected site. What I found out was that there is approximately 13,000 people that lived in that 3-mile radius. Most recent US data that has been collected states that there is a need of 1-unit for every 14 residents. So, that being said there is a need of 928 units in that 3-mile radius. Currently with the 2-mini storage units that are in that 3-mile radius there is 488 units, as of today there are only 4 available between the two that are currently out there. With the new construction that is going on with the new Orchard Subdivision at the corner of HWY 226 and 49 HWY, that need is only going to increase.

Patti Lack, 4108 Forrest Hill Road, Jonesboro. I am against this and I am a friend of Steve Floyds. To approve it is not fair and it's not right. I think you all need to see the list of residents that signed the petition, for the residents that signed stating that they do not want the storage units whether there is a need for it or not, would you want this in your neighborhood. I think it should go back to the MAPC for a conditional use permit.

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

Aye: 9 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Chris Gibson; Charles Coleman; Joe Hafner and Brian Emison

Nay: 1 - LJ Bryant

Absent: 2 - Bobby Long and David McClain

Enactment No: O-EN-031-2021

[ORD-21:031](#)

AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES OF JONESBORO, ARKANSAS, FROM R-2, MULTI-FAMILY LOW DENSITY DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT 3003 KINGSBURY DRIVE AS REQUESTED BY DUYEN TRAN, OWNER.

Attachments: [Staff Summary - City Council](#)
[3003 Kingsbury D-Rezoning Plat](#)
[Rezoning Plat](#)
[Application](#)
[Answers to Questions](#)
[Conceptual Layout of Building on Property](#)
[Craighead Property Card](#)
[USPS Receipts](#)

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

Aye: 10 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Joe Hafner;LJ Bryant and Brian Emison

Absent: 2 - Bobby Long and David McClain

Enactment No: O-EN-032-2021

8. MAYOR'S REPORTS

We have had an exciting last two-weeks and I want to give the council an update of the trip we took to Washington D.C. This is an annual trip that the Mayor's Office takes. First I'd like to commend and say "thank you" to the Congressional Staff. We met with both our Congressman and State Senators. We talked personally with them and their entire staff and it's important that this is shared among staff because I am only one person. When they saw the impact of those that worked on it and then have the discussion among other members of their staff it's important. I have been in sales for 38-years it is our job to sell this community and show what this community is about. We have to understand and make our Congressman and Senators understand and see our passion. I can't say enough about Senator Boozman and his entire staff, he gave us 3-hours of his personal time by himself.

He spoke with our entire staff that traveled with me. I will say that he is in support of this RAISE grant as well as Senator Cotton and Congressman Rick Crawford. They all three did the same thing with their entire staff. The hands-on and the hospitality that they provided us and the citizens of Jonesboro is key. We have to ask, we have to fight for everything because other communities are going to do the same thing that we are doing and we've got to try to bring that money to Jonesboro, they appreciated the group discussions. I will say that the place we stayed did not even have cable

television, so we got to know each other pretty well.

I want to give you an update on the Shooting Sports Complex. We are moving very quickly at this point. Craig Light, the Director of Engineering has basically been the project chair on this. He is working on delegating items to be completed on the punch list so that the complex will be ready to open by the end of September. We are confident that we will be able to do it despite COVID.

July was another strong month, I am proud to announce that there was over \$22,000,000 of construction work done in the city. We conveyed this information to both State Senators and they were amazed by the work being done here in the city. So, we are being seen and noticed. There has been a swath of issues regarding suddenlink services in our community. I recently had a discussion in my office with the President of the company. We suggested a regional call center for suddenlink to be located here in Jonesboro that would consist of at least 10-individuals to provide services for this community. At this point we have not heard back from him on this project. But, he has been very helpful to resolve multiple issues that we bring directly to his attention. We are continuing to do research for the funding of broadband, we have to be competitive in this market. This community is lacking when it comes to broadband and at this point we are looking at a cost of around \$40,000,000 to \$50,000,000 for this. We continue to check out all resources to see how we can provide services for this community.

Construction continues on the Veterans Village, while this will be a City Facility, municipalities by nature are not equipped with the knowledge of staffing or administrating medical needs for individuals. So, we are continuing to explore our options for medical mental health programing necessary to truly make a difference in the lives of our veterans.

The City's Youth Counsel has announced Officers. They are, Chairman Coy Morris, Vice-Chairman John Carter, Treasure Lilly Gaines, Assistant Treasure Nathan Sammons, Secretary Elsie Harris, Assistant Secretary Taylor Cunningham, Parliamentarian Matt Hughes, and Assistant Parliamentarian Jaden Dowdy. I was in a meeting this morning with Jonesboro Unlimited and they are excited about this Youth Council, youth involvement for the future is the key to this community.

Vector Mosquito Control will be spraying pest control treatments this evening. There is also an update on our web-site so that you can see the activity of continued mosquito applications. AR-DOT is scheduled next week to start a paving preservation project on Johnson and Dan Avenue. Please take this in consideration when you travel in those areas. This project is expected to last about a month.

I do want to give you some numbers from Code Enforcement from when we started the Saturation Enforcement task. 111 warning citations were given out, and out of that owners followed up quickly to become compliant. Out of the 111 warnings only 3 were cited, I believe the next saturation site will be in the Fairview area off of Redwolf BLVD.

I would like to "thank" the medical staff in our community for their hard work and dedication. We were all hopeful that COVID was behind us but, sadly it is continuing to surge across the State. Please keep these people in your prayers as we continue to do our part to reduce COVID. Please get the vaccine, wash your hands and distance where you can.

[COM-21:035](#)

JUNE 2021 FINANCIAL REPORTS

Attachments: [Financials Overview June 2021](#)
[Schedule of Changes in F.B. and Required Reserve Report June 2021](#)
[American Rescue Plan Funds June 2021](#)
[Schedule of Revenue vs. Expense June 2021](#)
[Schedule of O&M Departmental Overview June 2021](#)
[Schedule of Fixed Asset and Cap. Imp. Detail June 2021](#)
[Deposit Collateralization Report June 2021](#)
[Sales Tax Report \(Combined\) June 2021](#)
[State Turnback Report \(Combined\) June 2021](#)
[Highway Sales Tax Report June 2021](#)

Filed

9. CITY COUNCIL REPORTS

Councilmember John Street stated that he hoped that a plan would be in place soon to curb the theft problem out at the Public Works Facility on Dan and Lacy. I know it seems that sometimes it doesn't matter what measures you take somebody is out there planning to steal items. I know we are insured but it is still tax payer dollars and I'd hope that we could do a little more to curb that kind of activity. I know they hit us for catalytic convertors at the JETS Facility recently but, this weekend was a wholesale burglary. The other thing that I was going to ask is if there is an update on the Citizen Bank Building. Mayor Copenhaver said, let me first comment on your original statement. Unfortunately they got us before we could get our plan into place. I am real excited about the plan that the Chief of Police and his department along with the IT department, as well as other departments in the City as they are working on an overall safety program which will funnel together cameras at intersections, in our communities and in the Parks. We are going to be presenting that to Council very soon. When it comes to the Citizen Bank Facility we have got to look out for the citizens in the community's safety and we are addressing that. Code Enforcement Director Mike Tyner is working on the safety side of the issue, making sure the windows are boarded up and then hopefully we can take the orange barriers away. We will continue to keep you all updated on where we are going with that.

Councilmember Chris Moore had questions regarding where the old Ice House used to be. I have noticed that there is still a considerable amount of debris there. I noticed that there is a 3-sided shelter on the back, and a house directly to the east. Do we have any information about those? City Attorney Carol Duncan stated that she knew that the house was not included in the condemnation part of the original Ice House building, it is a separate property. Mr. Moore said okay, and then on the same property on the back there is the 3-sided shelter and a variety of vehicles, debris and rubbish, where are we at on all of that? Code Enforcement Director Mike Tyner explained that the shelter was not included in the condemnation, it actually sits separately on another parcel of property. We are working on that and the house that sits directly to the east of the Ice House is a separate property as well and I have that on my list for condemnation as well. We are working on getting the inoperative vehicles removed. Mr. Moore ask if the house to the east belongs to the same owner, Mr. Tyner said yes. Mr. Moore stated that he was glad that Mr. Street brought up the safety concerns of the Citizens Bank Building. What I see is that we have a building that has been sitting empty and unmaintained for years.

When we came to the council the last meeting, evidently parts were falling off of the

structure and the City was having to secure the sidewalk and I notice that is still where we are today. What is the long term plan, do we have any other information from a legal standpoint? Mayor Copenhaver said, as you well know we have had discussions regarding that. Mr. Tyner also gave an update on the facility as well. Mr. Tyner explained that we are going to be working with both the Planning and Inspections Department on finding a long term solution for this particular facility. Right now we are addressing the public safety aspect of the broken windows and possibly some broken fixtures overhanging the sidewalk and roadway. I am trying to identify an appropriate recipient to send legal service to. I have run into a bit of a problem of it being in an LLC that the status isn't revoked. So, I have got to see if the registered agent will accept legal service for the notices before we can proceed. Mr. Moore said, so the burden is on the City to have to secure the building to make the side walk safe? Mr. Tyner said, yes, we are stuck holding the ball on that due to inaction of the actual property owner. Mr. Moore asked the City Attorney if she had a professional opinion on how we may recoup our cost on doing all of this. Ms. Duncan said, if we can get them sited into court you can always ask of restitution for the actual cost of boarding and that type of thing. Mr. Tyner explained that under our boarding and securing ordinance, once we get into court if he doesn't meet the 10-day deadline in securing it I can also request a per-day fine for everyday that it is left unsecured. I am not sure how we would file the lien since the building isn't attached to the property. Ms. Duncan stated that it gets very complicated. Mr. Moore said right now our problems are relatively minor but, I can envision that if we run into a major problem it could be much worse and I don't want to wait until we are faced with something like that to see what our options may be. I will be looking forward to what you, council and the Mayor can determine eventually to lay out what our options are going to be on the building. Mr. Tyner stated we are working very diligently to find a solution to the problem before it gets to that point. Mayor Copenhaver stated, we want to protect the citizens of the community, and what Mr. Moore brought up is a valid point. But, we also want to protect the owner of the facility from liability and hopefully the act of everybody working together we can accomplish that. We will continue to give you updates.

10. PUBLIC COMMENTS

Patti Lack, 4108 Forrest Hill Road, Jonesboro. Sometimes I think we need to stop and think how fortunate we really are that our city has grown so quickly. But, we need to ask, is our city maintaining and taking care of the things that we have such as, streets, roads, sidewalks and our neighborhoods. I've learned that if you take care of things they will last you for a long time. My point is, is that over the years that I have been coming to you guys at city meetings there has been many ideas and discussions on how to help our city and the residents such as, impact fees, hamburger taxes, and a homeless shelter but, it all seems to be just ideas. One of those ideas happened back in January 2018 when there was a zoning request for over 100 apartment units on Savannah Hill which is on the northeast corner off of Harrisburg Road. The previous Administration, and it is on record, said that Russell Drive & Bekah Drive needed to be worked on, that it needed to be widened, and that there needed to be curbs & gutters, and guess what, it has been over 3-years and nothing has happened. So, my question is, here is another idea that we had, and it is here and gone.

Last year and earlier this year owners of Savannah Hills was approved to build over 100 more apartments that are going to be on Craighead Forest Road. Last week I met with Planning Director Derrel Smith and I asked him what the progress of that property was because there are some pipes laying on Craighead Forest Road. Mr. Smith stated that the traffic study hasn't even been done yet. I think when the traffic study is done it will be misleading because I think we are still going to be in COVID times, which we are

right now. Recent rumors has it that the owners of Savannah Hills has purchased a property on Forrest Hill Road and you all have herd Forrest Hill Road a lot from me. The reason why that purchase is going to happen is they want to build a road to be able to meet the Police and Fire requirements to build even more apartments in the future. If this happens that means another small residential street in a neighborhood is going to need widening, curbs & gutters and a million dollars' worth of improvements because of the increased traffic of apartment buildings. So, back to my first statement, are we maintaining and are we taking care of what we have before we expand.

11. ADJOURNMENT

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

Aye: 10 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Chris Gibson;Charles Coleman;Joe Hafner;LJ Bryant and Brian Emison

Absent: 2 - Bobby Long and David McClain

_____ **Date:** _____

Harold Copenhaver, Mayor

Attest:

_____ **Date:** _____

April Leggett, City Clerk



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: RES-21:159

Agenda Date:

Version: 1

Status: Recommended to
Council

In Control: Public Works Council Committee

File Type: Resolution

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE ARKANSAS STATE HIGHWAY COMMISSION, AN AGENCY OF THE STATE OF ARKANSAS, TO SELL PROPERTY LOCATED IN THE CITY LIMITS OF JONESBORO

WHEREAS, the City of Jonesboro is owner of certain real property, which is described below:

Part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 14 North, Range 4 East, Craighead County, Arkansas more particularly described as follows:

Commencing at a railroad spike being used as the Section Corner of Sections 25, 26, 35, 36; thence North 89°22'54" East along the South line of the Southwest Quarter of the Southwest Quarter of Section 25 a distance of 22.51 feet to a point on the Easterly right of way line of Arkansas State Highway 18 Spur as established by AHTD Job R00041; thence North 00°20'24" East along said right of way line a distance of 62.64 feet to a point on the Northerly right of way line of C.W. Post Road as established by AHTD Job R00041; thence South 55°43'47" East along said right of way line a distance of 21.63 feet to a point on the Easterly right of way line of Arkansas State Highway 18 Spur as established by warranty deed recorded in Deed Book 779, Pages 579-585; thence North 00°51'49" East along said right of way line a distance of 1,212.56 feet to the POINT OF BEGINNING; thence North 21°09'28" West along said right of way line a distance of 53.33 feet to a point on the North line of the Southwest Quarter of the Southwest Quarter of Section 25; thence North 89°31'36" East along said North line a distance of 50.51 feet to a point on the Easterly right of way line of Arkansas State Highway 18 Spur as established by ARDOT Job 100657; thence South 03°29'32" West along said right of way line a distance of 49.94 feet to a point on the Southerly right of way line of a Railroad Spur as established by Dedication Deed recorded in Deed Book 359, Page 365; thence South 89°23'09" West along said right of way line a distance of 28.23 feet to the point of beginning and containing 0.05 acres more or less as shown on plans prepared by the ARDOT referenced as Job 100657.

WHEREAS, the Arkansas State Highway Commission desires to purchase the above described property;

WHEREAS, the City of Jonesboro has agreed to sell the above described property to the Arkansas State Highway Commission in accordance with the terms set out in the attached "Contract to Sell" for

the purchase price of \$1,275.00.

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

Section1. The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to execute all documents necessary to effectuate this transfer.

**ARKANSAS DEPARTMENT OF TRANSPORTATION
COMPENSATION ESTIMATE**

Arkansas Job Number: 100657 County: Craighead Tract: 85
Location: I-555 – Hwy. 49, Dr. Martin Luther King Jr. DR. Extension
(Jonesboro) (S)


Fee Owner: City of Jonesboro, Arkansas
Address: 300 S Church Street
 Jonesboro, AR 72401
Telephone: 870-932-1052

Area Of The Whole:	4.17± Ac	Permanent Easement(s):
Area Of Remainder:	4.12± Ac	Temporary Easement(s):
Area Of Acquisition:	0.05± Ac	

ACQUISITION COMPENSATION:

Fee Title:	0.05±ac at \$25,500/ac	\$	1,275.00
Temporary Easement(S):		\$	
Permanent Easement(S):		\$	
Improvements Acquired:		\$	
	Subtotal:	\$	1,275.00
Cost To Cure Items:		\$	
SIGNS:		\$	

Estimate of Total Compensation \$ 1,275.00


 PREPARED BY JOHN L ADAMS


 ADMINISTRATIVE APPROVAL

Date: 11/18/2020

Date: 12/10/2020

QC: NIS

COMMENTS: Tract inspected on 11/5/2020. Staking incomplete at time of inspection. Sales used 7 13 14 & 15. Highway frontage access will be partially controlled.



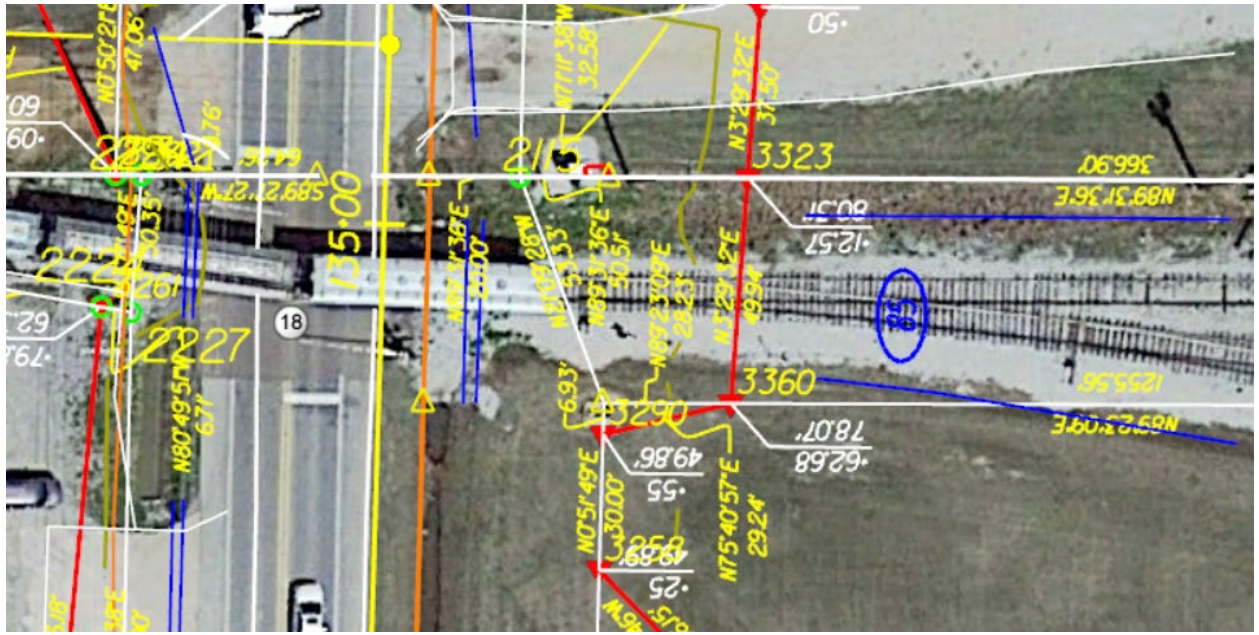
DESCRIPTION: Acquisition Right facing INITIALS: JLA
DIRECTION: SE DATE: 11/5/2020

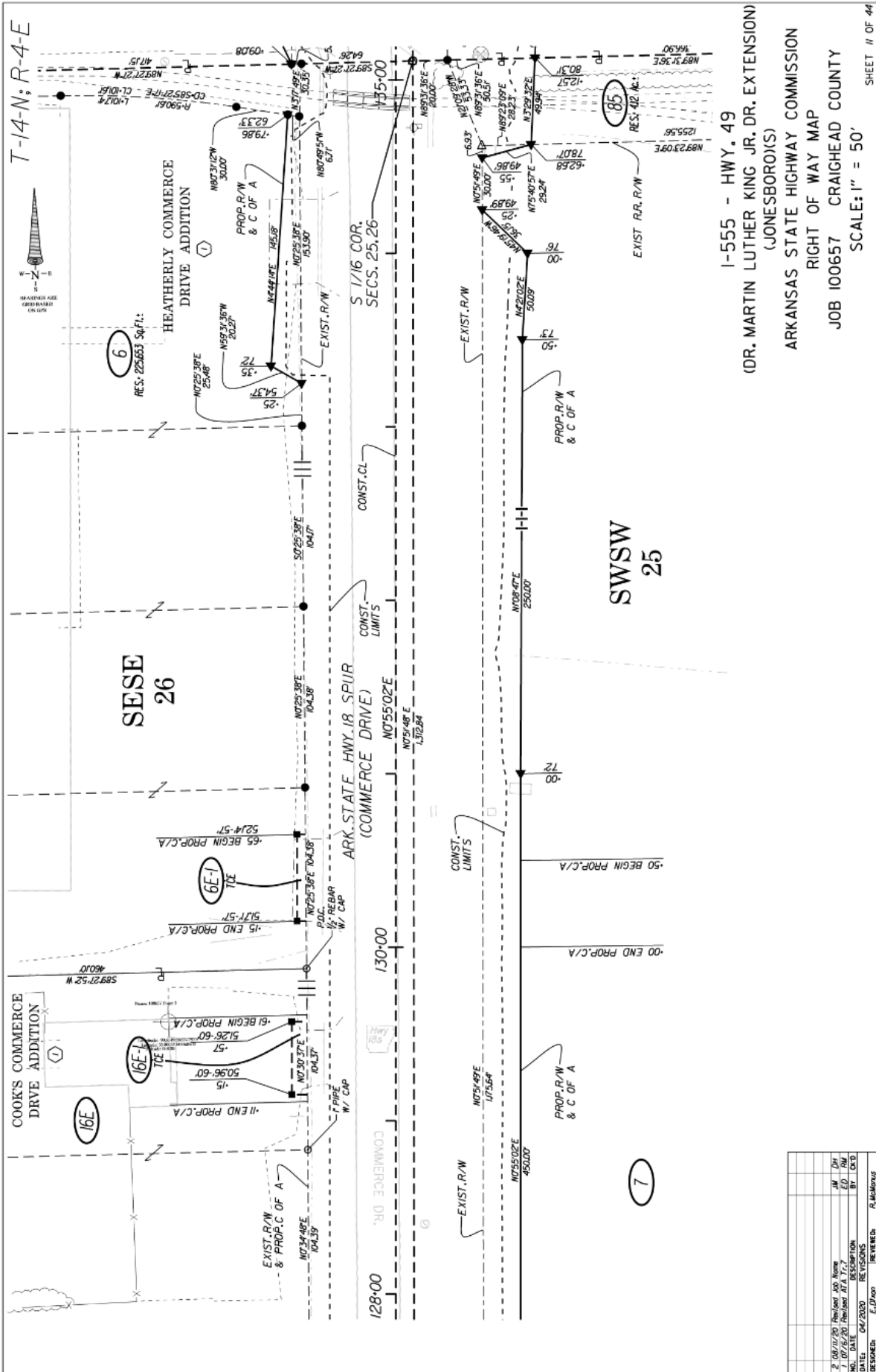


DESCRIPTION: Acquisition Left facing INITIALS: JLA
DIRECTION: E DATE: 11/5/2020

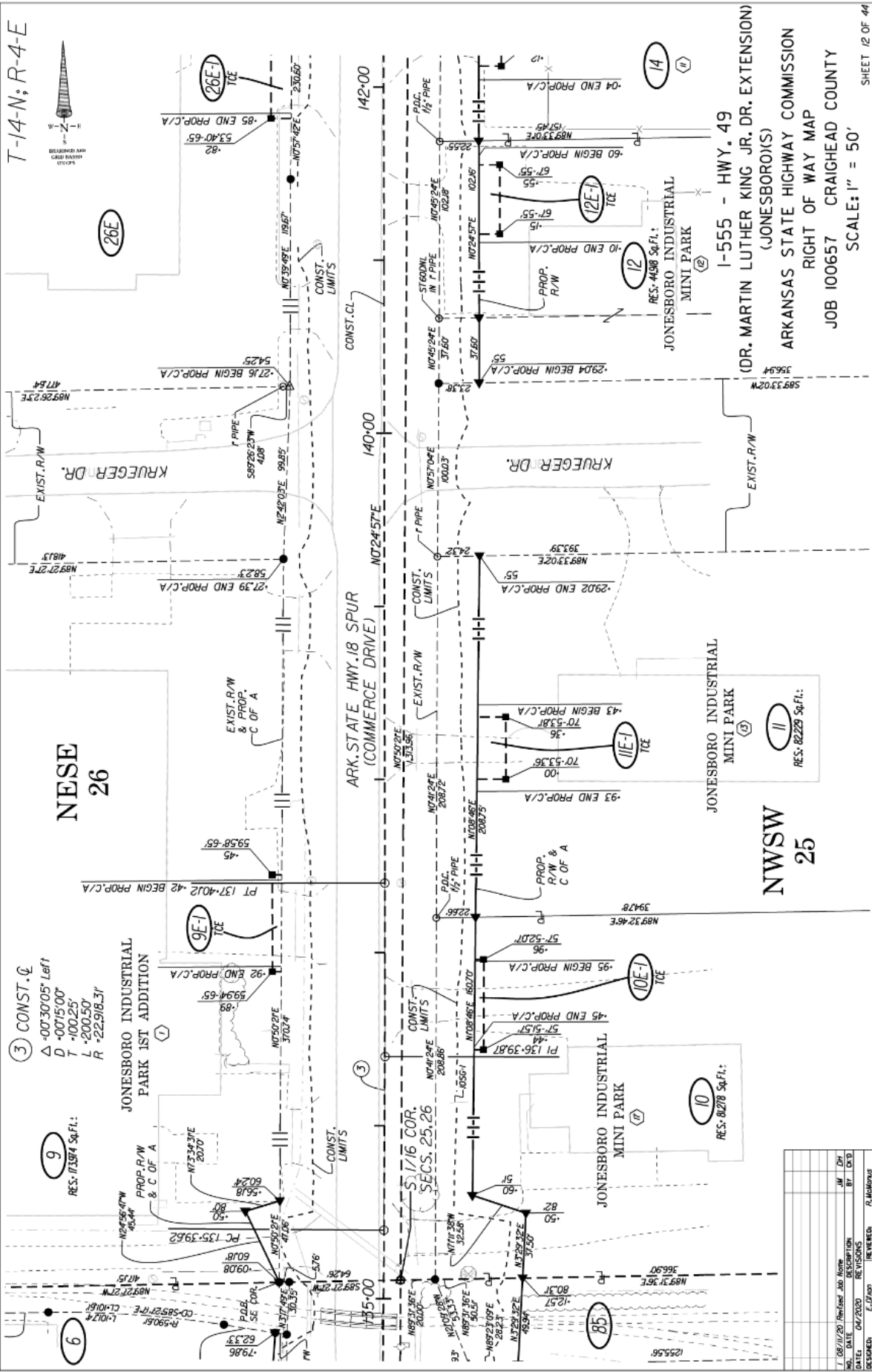


DESCRIPTION: Whole property INITIALS: JLA
DIRECTION: E DATE: 11/5/2020





NO.	DATE	REVISIONS	BY	CHKD
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T-14-N; R-4-E



3) CONST. Q
 Δ -00°30'05" Left
 D -00°15'00"
 T -100°25'
 L -200.50'
 R -222918.31'

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 RES: 11394 SdFl:

JONESBORO INDUSTRIAL
 PARK 1ST ADDITION

6
 RES: 15905 SdFl:

NESE
 26

ARK STATE HWY. 18 SPUR
 (COMMERCE DRIVE)

S 1/16 COR.
 SECS. 25, 26

JONESBORO INDUSTRIAL
 MINI PARK

NWSW
 25

JONESBORO INDUSTRIAL
 MINI PARK

I-555 - HWY. 49
 (DR. MARTIN LUTHER KING JR. DR. EXTENSION)
 (JONESBORO)
 ARKANSAS STATE HIGHWAY COMMISSION
 RIGHT OF WAY MAP
 JOB 100657 CRAIGHEAD COUNTY

SCALE: 1" = 50'

SHEET 12 OF 44

NO.	DATE	DESCRIPTION	BY	CHK
1	04/20/20	REVISIONS		
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Job: 100657 Tract: 85

JOB NAME: I-555-Hwy.49 (Dr. Martin Luther King Jr. Dr. Extension) JOB
(Jonesboro)(S)

100657
TRACT
FAP 85

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES
(A PARTIALLY CONTROLLED ACCESS FACILITY)

Grantor: City of Jonesboro, Arkansas
Address: 300 S. Church Street, Jonesboro, AR 72401
Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except such minerals therein and thereunder, as oil, gas, distillate, condensate, salt water and its component parts, and all other hydrocarbons which do not interfere with the surface use for highway purposes, situated in the County of Craighead, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 14 North, Range 4 East, Craighead County, Arkansas more particularly described as follows:

Commencing at a railroad spike being used as the Section Corner of Sections 25, 26, 35, 36; thence North 89°22'54" East along the South line of the Southwest Quarter of the Southwest Quarter of Section 25 a distance of 22.51 feet to a point on the Easterly right of way line of Arkansas State Highway 18 Spur as established by AHTD Job R00041; thence North 00°20'24" East along said right of way line a distance of 62.64 feet to a point on the Northerly right of way line of C.W. Post Road as established by AHTD Job R00041; thence South 55°43'47" East along said right of way line a distance of 21.63 feet to a point on the Easterly right of way line of Arkansas State Highway 18 Spur as established by warranty deed recorded in Deed Book 779, Pages 579-585; thence North 00°51'49" East along said right of way line a distance of 1,212.56 feet to the POINT OF BEGINNING; thence North 21°09'28" West along said right of way line a distance of 53.33 feet to a point on the North line of the Southwest Quarter of the Southwest Quarter of Section 25; thence North 89°31'36" East along said North line a distance of 50.51 feet to a point on the Easterly right of way line of Arkansas State Highway 18 Spur as established by ARDOT Job 100657; thence South 03°29'32" West along said right of way line a distance of 49.94 feet to a point on the Southerly right of way line of a Railroad Spur as established by Dedication Deed recorded in Deed Book 359, Page 365; thence South 89°23'09" West along said right of way line a distance of 28.23 feet to the point of beginning and containing 0.05 acres more or less as shown on plans prepared by the ARDOT referenced as Job 100657.

ED
3-11-20
Revised JM 08-12-2020

- Uncontrolled Access
- Partially Controlled Access – Access break from Station _____ to Station _____
Station _____ to Station _____
- Fully Controlled Access
- Fully Controlled Access with a frontage road
- Maintenance Agreement

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific instructions on page 3.	<p>1 Name (as shown on your income tax return). Name is required on this line, do not leave this line blank.</p> <p style="text-align: center;"><u>City of Jonesboro, Arkansas</u></p>	
	<p>2 Business name/disregarded entity name, if different from above</p>	
	<p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p> <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> </p> <p><input checked="" type="checkbox"/> Other (see instructions) ▶ <u>Government Entity</u></p>	<p>4 Exemptions (codes apply only to certain entities, not individuals, see instructions on page 3)</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p><small>(Applies to accounts maintained outside the U.S.)</small></p>
	<p>5 Address (number, street, and apt. or suite no.) See instructions.</p> <p><u>P.O. Box 1845 300 S Church Street</u></p>	<p>Requester's name and address (optional)</p>
	<p>6 City, state, and ZIP code</p> <p><u>Jonesboro, AR 72401</u></p>	
	<p>7 List account number(s) here (optional)</p>	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number										
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>										
OR										
Employer identification number										
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 12.5%;">7</td> <td style="width: 12.5%;">1</td> <td style="width: 12.5%;">-</td> <td style="width: 12.5%;">6</td> <td style="width: 12.5%;">0</td> <td style="width: 12.5%;">1</td> <td style="width: 12.5%;">3</td> <td style="width: 12.5%;">7</td> <td style="width: 12.5%;">4</td> <td style="width: 12.5%;">9</td> </tr> </table>	7	1	-	6	0	1	3	7	4	9
7	1	-	6	0	1	3	7	4	9	

Part II Certification

Under penalties of perjury, I certify that:

- 1 The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- 2 I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- 3 I am a U.S. citizen or other U.S. person (defined below); and
- 4 The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶ <u>Tewa Shaw</u>	Date ▶ <u>7-23-21</u>
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

MORTGAGE AUTHORIZATION

Form must be filled out completely, signed and submitted to the Right of Way Division/Administrative Section immediately following first contact.

Job #: <u>100657</u>	Tract#: <u>85</u>
Property Owner: _____	<u>City of Jonesboro</u>
Address: _____	<u>300 S Church Street</u>
	<u>Jonesboro, AR 72401</u>
Telephone #: _____	<u>870-932-1052</u>

Mortgage Company: _____
Address: _____
Telephone #: _____
Loan #: _____
Contact Person: _____

Due to the construction of the above-mentioned project, we are acquiring property from your mortgagor. It will be necessary to obtain a Partial Release from your company. The mortgagor is aware that some or all the proceeds from this transaction may be required to be applied to the principal balance of the mortgage. The mortgagor is also aware that we will be negotiating only with the mortgagor and that any checks for funds conveyed will be made to the property owner.

If no mortgage exists, write "NONE and sign below where indicated."

This form must be completed and signed by the property owner, whether a mortgage exists or not.

By our signatures we are authorizing the Arkansas Department of Transportation to enter into the process necessary to obtain a Partial Release.

Property Owner / Mortgagor's Signature: _____ Date: _____
_____ Date: _____



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: RES-21:160

Agenda Date:

Version: 1

Status: Recommended to
Council

In Control: Public Works Council Committee

File Type: Resolution

A RESOLUTION OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE ARKANSAS STATE HIGHWAY COMMISSION, AN AGENCY OF THE STATE OF ARKANSAS, TO SELL PROPERTY LOCATED IN THE CITY LIMITS OF JONESBORO

WHEREAS, the City of Jonesboro is owner of certain real property, which is described below:

Part of Lot 10 of Jonesboro Industrial Mini Park to the City of Jonesboro, Township 14 North, Range 4 East, Craighead County, Arkansas, more particularly described as follows:

BEGINNING at a two inch pipe with cap being used as the Southwest corner of Lot 10 of Jonesboro Industrial Mini Park, which is also on the Easterly right of way line of Arkansas State Highway 18 Spur as established by the Plat of Jonesboro Industrial Mini Park recorded in Deed Book B, Page 52; thence North 00°43'40" East along said right of way line a distance of 109.90 feet to a point; thence in a Northeasterly direction along said right of way line on a curve to the right having a radius of 40.91 feet a distance of 43.00 feet having a chord bearing of North 30°50'18" East a distance of 41.05 feet to a point on the Easterly right of way line of Arkansas State Highway 18 Spur as established by ARDOT Job 100657; thence South 00°24'57" West along said right of way line a distance of 144.94 feet to a point on the South line of Lot 10 of Jonesboro Industrial Mini Park; thence South 89°26'46" West along said South line a distance of 21.39 feet to the point of beginning and containing 2,834 square feet more or less as shown on plans prepared by the ARDOT referenced as Job 100657.

WHEREAS, the Arkansas State Highway Commission desires to purchase the above described property;

WHEREAS, the City of Jonesboro has agreed to sell the above described property to the Arkansas State Highway Commission in accordance with the terms set out in the attached "Contract to Sell" for the purchase price of \$8,525.00.

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

Section1. The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to execute all documents necessary to effectuate this transfer.

**ARKANSAS DEPARTMENT OF TRANSPORTATION
COMPENSATION ESTIMATE**

Arkansas Job Number: 100657 County: Craighead Tract: 15
Location: I-555 – Hwy. 49, Dr. Martin Luther King Jr. DR. Extension
(Jonesboro) (S)

Fee Owner: City of Jonesboro, AR
Address: 300 S. Church St. Jonesboro, AR 72401
Telephone: 870-932-3042

Area Of The Whole:	215,859±sf	Permanent Easement(s):
Area Of Remainder:	213,025±sf	Temporary Easement(s):
Area Of Acquisition:	2,834±sf	

ACQUISITION COMPENSATION:

Fee Title: 2,834±sf @ \$3.00 / sf.	\$	8,525.00
Temporary Easement(S):	\$	
Permanent Easement(S):	\$	
Improvements Acquired:	\$	
	Subtotal:	\$ 8,525.00
Cost To Cure Items:	\$	
SIGNS:	\$	

Estimate of Total Compensation \$ 8,525.00



 PREPARED BY Nathan Broyles



 ADMINISTRATIVE APPROVAL

Date: 12/04/2020

Date: 12/11/2020

QC: PUB

COMMENTS: Tract inspected on 11/3/2020. Staking incomplete at time of inspection. Sales used 5, 17, 21, and 28. As a result of this project Commerce Dr. will have partially controlled access. This property has one access break.



DESCRIPTION: Acquisition INITIALS: NB
DIRECTION: North DATE: 11/3/2020



DESCRIPTION: Acquisition INITIALS: NB
DIRECTION: South DATE: 11/3/2020



DESCRIPTION: Whole INITIALS: NB
DIRECTION: East DATE: 11/3/2020

T-14-N; R-4-E

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SENE
26

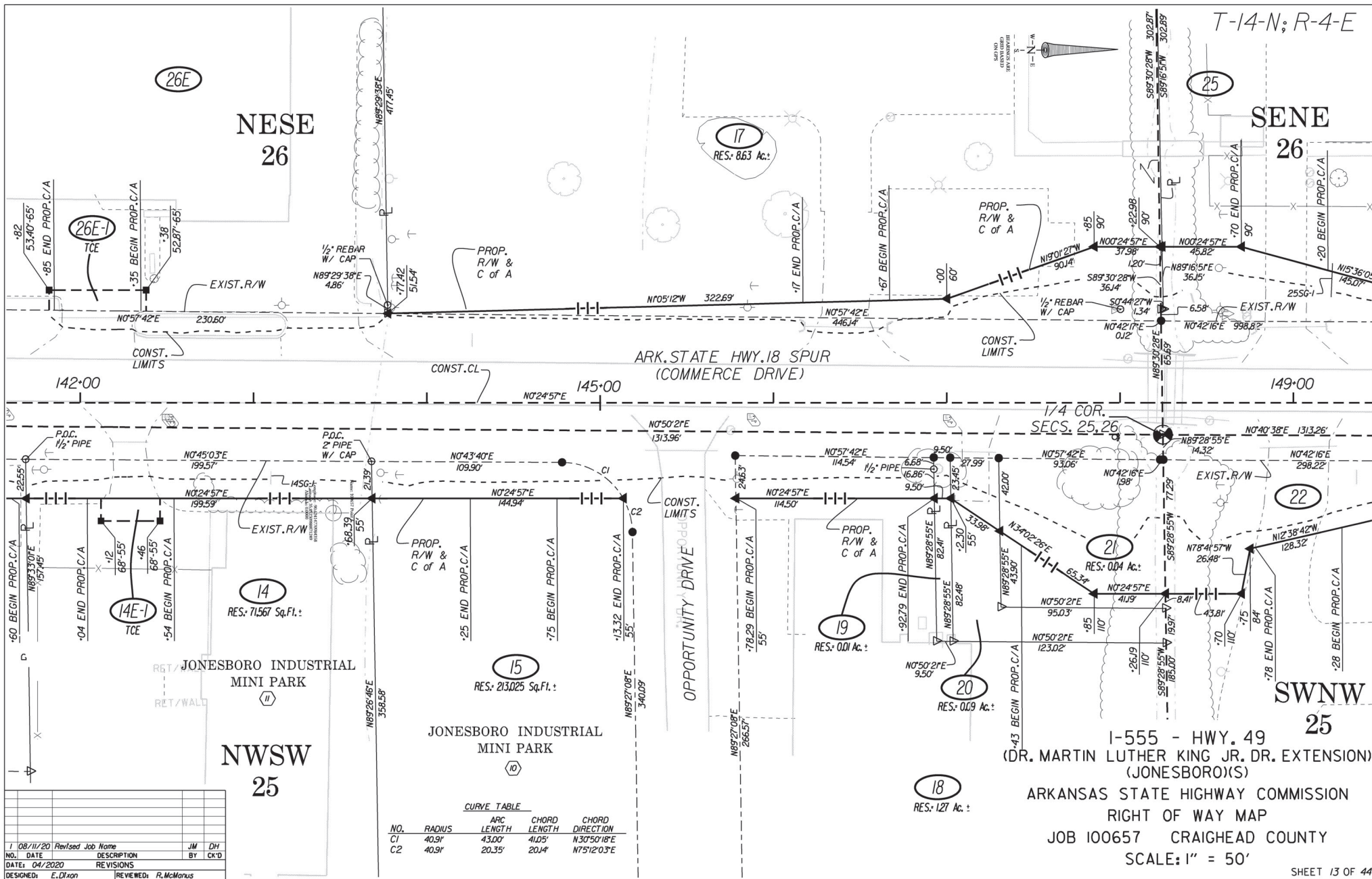
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SWNW
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ARK. STATE HWY. 18 SPUR
(COMMERCE DRIVE)

I-555 - HWY. 49
(DR. MARTIN LUTHER JR. DR. EXTENSION)
(JONESBORO(S))

ARKANSAS STATE HIGHWAY COMMISSION
RIGHT OF WAY MAP
JOB 100657 CRAIGHEAD COUNTY
SCALE: 1" = 50'



CURVE TABLE

NO.	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD DIRECTION
C1	40.91'	43.00'	41.05'	N30°50'18"E
C2	40.91'	20.35'	20.14'	N75°12'03"E

NO.	DATE	Revised Job Name	JM	DH
1	08/11/20			
2	04/2020			
DESIGNED:		E. Dixon	REVIEWED:	
			R. McManus	

JOB NAME: I-555 – Hwy. 49 (Dr. Martin Luther King Jr. Dr. Extension) JOB
(Jonesboro)(S)

100657
15

TRACT
FAP

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES
(A PARTIALLY CONTROLLED ACCESS FACILITY)

Grantor: City of Jonesboro, Arkansas
Address: 300 S. Church St. Jonesboro, AR 72401

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except such minerals therein and thereunder, as oil, gas, distillate, condensate, salt water and its component parts, and all other hydrocarbons which do not interfere with the surface use for highway purposes, situated in the County of Craighead, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of Lot 10 of Jonesboro Industrial Mini Park to the City of Jonesboro, Township 14 North, Range 4 East, Craighead County, Arkansas, more particularly described as follows:

BEGINNING at a two inch pipe with cap being used as the Southwest corner of Lot 10 of Jonesboro Industrial Mini Park, which is also on the Easterly right of way line of Arkansas State Highway 18 Spur as established by the Plat of Jonesboro Industrial Mini Park recorded in Deed Book B, Pge 52; thence North 00°43'40" East along said right of way line a distance of 109.90 feet to a point; thence in a Northeasterly direction along said right of way line on a curve to the right having a radius of 40.91 feet a distance of 43.00 feet having a chord bearing of North 30°50'18" East a distance of 41.05 feet to a point on the Easterly right of way line of Arkansas State Highway 18 Spur as established by ARDOT Job 100657; thence South 00°24'57" West along said right of way line a distance of 144.94 feet to a point on the South line of Lot 10 of Jonesboro Industrial Mini Park; thence South 89°26'46" West along said South line a distance of 21.39 feet to the point of beginning and containing 2,834 square feet more or less as shown on plans prepared by the ARDOT referenced as Job 100657.

ED
7-12-19
Revised JM 08-12-2020

- Uncontrolled Access
- Partially Controlled Access – Access break from Station 144+25.00 (Right) to Station 144+75.00 (Right)
- Fully Controlled Access
- Fully Controlled Access with a frontage road
- Maintenance Agreement

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____

Request for Taxpayer Identification Number and Certification

**Give Form to the
requester. Do not
send to the IRS.**

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific instructions on page 3.	<p>1 Name (as shown on your income tax return). Name is required on this line, do not leave this line blank.</p> <p style="text-align: center;"><u>City of Jonesboro, Arkansas</u></p> <p>2 Business name/disregarded entity name, if different from above</p>	
	<p>3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.</p> <p> <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <small>Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.</small> </p> <p><input checked="" type="checkbox"/> Other (see instructions) ▶ <u>Government Entity</u></p>	<p>4 Exemptions (codes apply only to certain entities, not individuals, see instructions on page 3)</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p style="font-size: small;">(Applies to accounts maintained outside the U.S.)</p>
	<p>5 Address (number, street, and apt. or suite no.) See instructions.</p> <p><u>P.O. Box 1845 300 S Church Street</u></p>	<p>Requester's name and address (optional)</p>
	<p>6 City, state, and ZIP code</p> <p><u>Jonesboro, AR 72401</u></p>	
	<p>7 List account number(s) here (optional)</p>	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number										
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>										
OR										
Employer identification number										
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 12.5%;">7</td> <td style="width: 12.5%;">1</td> <td style="width: 12.5%;">-</td> <td style="width: 12.5%;">6</td> <td style="width: 12.5%;">0</td> <td style="width: 12.5%;">1</td> <td style="width: 12.5%;">3</td> <td style="width: 12.5%;">7</td> <td style="width: 12.5%;">4</td> <td style="width: 12.5%;">9</td> </tr> </table>	7	1	-	6	0	1	3	7	4	9
7	1	-	6	0	1	3	7	4	9	

Part II Certification

Under penalties of perjury, I certify that:

- 1 The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- 2 I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- 3 I am a U.S. citizen or other U.S. person (defined below); and
- 4 The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶ <u>Tewa Shaw</u>	Date ▶ <u>7-23-21</u>
------------------	---	-----------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
 - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
 - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
 - Form 1099-S (proceeds from real estate transactions)
 - Form 1099-K (merchant card and third party network transactions)
 - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

MORTGAGE AUTHORIZATION

Form must be filled out completely, signed and submitted to the Right of Way Division/Administrative Section immediately following first contact.

Job #: _____	Tract#: _____
Property Owner:	_____
Address:	_____

Telephone #:	_____

Mortgage Company:	_____
Address:	_____

Telephone #:	_____
Loan #:	_____
Contact Person:	_____

Due to the construction of the above-mentioned project, we are acquiring property from your mortgagor. It will be necessary to obtain a Partial Release from your company. The mortgagor is aware that some or all the proceeds from this transaction may be required to be applied to the principal balance of the mortgage. The mortgagor is also aware that we will be negotiating only with the mortgagor and that any checks for funds conveyed will be made to the property owner.

If no mortgage exists, write "NONE and sign below where indicated."

This form must be completed and signed by the property owner, whether a mortgage exists or not.

By our signatures we are authorizing the Arkansas Department of Transportation to enter into the process necessary to obtain a Partial Release.

Property Owner / Mortgagor's Signature: _____ Date: _____
_____ Date: _____



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: RES-21:161

Agenda Date:

Version: 1

Status: Recommended to
Council

In Control: Nominating and Rules Committee

File Type: Resolution

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO
MAKE APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS
AS RECOMMENDED BY MAYOR HAROLD COPENHAVER

WHEREAS, the following appointments/reappointments have been recommended by Mayor Harold
Copenhaver.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF
JONESBORO, ARKANSAS, that the following appointments/reappointments be confirmed:

NORTHEAST ARKANSAS INDUSTRIAL DEVELOPMENT COMMISSION

Reappointment of Al Heringer III and Murray Benton and to a 3 year term ending 7/30/2024

Appointment of Harold Perrin to a 3 year term ending 7/30/2024

BOARD OF ADJUSTMENTS AND APPEALS

Reappointment of Kathy Buchannon and Doug Gilliam to 3 year terms ending 8/2/2024

KEEP JONESBORO BEAUTIFUL COMMISSION

Appointment of Coy Morris to a term ending 8/3/2023

CRAIGHEAD COUNTY SOLID WASTE DISPOSAL AUTHORITY

Appointment of Willis Tyler to a 3 year term ending 8/2/2024

Reappointment of Mitchell Fitts and Rick Miles to 3 year terms ending 8/2/2024



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: RES-21:162

Agenda Date:

Version: 2

Status: Recommended to
Council

In Control: Nominating and Rules Committee

File Type: Resolution

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO
MAKE APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS
AS RECOMMENDED BY MAYOR HAROLD COPENHAVER

WHEREAS, the following appointments/reappointments have been recommended by Mayor Harold Copenhaver.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF
JONESBORO, ARKANSAS, that the following appointments/reappointments be confirmed:

STORMWATER MANAGEMENT BOARD

Appointment of LaGanzie Kale to a 3 year term ending 7/30/2024

CRAIGHEAD COUNTY JONESBORO LIBRARY BOARD

Appointment of Shalon Tate to a 5 year term ending 8/2/2024

-----Original Message-----

From: Karen N <karenfnewberry@gmail.com>
Sent: Wednesday, August 11, 2021 11:20 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Sharon Tate

My name is Karen Newberry and I am a constituent that lives at 3625 Blue Ridge Circle. I am writing to ask to please appoint Sharon Tate to the Craighead County Jonesboro public library. I believe that Miss Tate is more than qualified to serve in this capacity especially since her background is in education and she will have the best insight into the needs of the library's role in our community and as education partners with our schools. Thank you again for your consideration of Sharon Tate.

Sincerely,
Karen Newberry

-----Original Message-----

From: Lori Gramling <loribethrn@hotmail.com>
Sent: Wednesday, August 11, 2021 11:26 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Library board

My name is Lori Gramling and I am a constituent that lives at 4505 Finn Road Jonesboro, Ar. I am writing to ask for you to please appoint Sharon Tate to the Craighead County Jonesboro public library board. I believe that Miss Tate is more than qualified to serve in this capacity especially since her background is in education and she will have the best insight into the needs of the library's role in our community and as education partners with our schools. Thank you again for your consideration of Sharon Tate.

Sincerely,
Lori Gramling

Sent from my iPhone

From: Rosemary Runyan <roroasu@yahoo.com>
Sent: Wednesday, August 11, 2021 11:30 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Sharon Tate for Library Board

My name is Rosemary Heyl and I am a constituent at 2106 Trinity Oaks Drive. I have two children, ages 11 and 3. I am writing you to urge you to appoint Ms Sharon Tate to the library board. I believe that given her background in education, especially for the pre-teen age range, coupled with her views as a successful black woman will give her a unique insight that the board is currently lacking. Further as a member of the administration of a local school, she will be able to better coordinate activities and programs between the library and the schools, enhancing both without detracting from either. She will be an excellent addition and I wanted to add my voice to those calling for her nomination.

Thanks,
Rosemary Heyl

From: Autumn Northcutt <autumn@rhealana.com>
Sent: Wednesday, August 11, 2021 11:33 AM
To: Council Coments <CouncilComments@jonesboro.org>
Subject: Library Board Nominees

In regard to the special meeting for library board nominees being held this afternoon, I request to ensure before nomination that the nominee is committed to keeping sexuality OUT of the children's area of the library. Thank you for your hard work!

Autumn Northcutt

-----Original Message-----

From: Judy Casteel <fairymom12@gmail.com>
Sent: Wednesday, August 11, 2021 11:34 AM
To: Chris Gibson <cgibson@jonesboro.org>; Charles Coleman <CColeman@jonesboro.org>; Ann Williams <AWilliams@jonesboro.org>; Charles Frierson <CFrierson@jonesboro.org>; Chris Moore <CMoore@jonesboro.org>; Brian Emison <BEmison@jonesboro.org>
Cc: April Leggett <ALeggett@jonesboro.org>
Subject: Appointment to Library Board

Good Day to All,

It's my understanding that you will be considering the appointment of Ms Shalon Tate to the library board today. I know Ms Tate and think she would be a good addition. She's an intelligent woman who has been in education for a long time and a great advocate for children.

Regards,

Judy Casteel
1902 Independence Cove
Jonesboro

From: Alysa Fenner <alysa.fenner@gmail.com>
Sent: Wednesday, August 11, 2021 11:37 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: In Support of Shalon Tate

My name is Alysa Fenner, and I am a constituent that lives at 904 Valhalla Dr. I am writing to ask to please appoint Shalon Tate to the Craighead County Jonesboro Public Library board. I believe that Miss Tate is more than qualified to serve in this capacity especially since her background is in education, and she will have the best insight into the needs of the library's role in our community and as a person of color since the board is currently lacking in diversity. Thank you again for your consideration of Shalon Tate.

Sincerely,
Alysa Fenner

From: M Bishop <matthew.bishop319@gmail.com>
Sent: Wednesday, August 11, 2021 11:38 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: The appointment of Shalon Tate

My name is Matthew Bishop, and I am a constituent that lives at 5934 Rees Rd. I am writing to ask to please appoint Shalon Tate to the Craighead County Jonesboro Public Library board. I believe that Miss Tate is more than qualified to serve in this capacity especially since her background is in education, and she will have the best insight into the needs of the library's role in our community and as a person of color since the board is currently lacking in diversity. Thank you again for your consideration of Shalon Tate.

Sincerely,
Matthew Bishop

From: Steven Summers <steven.m.summers@gmail.com>
Sent: Wednesday, August 11, 2021 11:40 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Shalon Tate's appointment to library board

My name is Steven Summers, a resident of Valley View (6055 Beaver Run to be exact), and I'm writing in support of Shalon Tate, who has been nominated to the Craighead County Library Board. Shalon is highly qualified and will be an excellent member of the board; given the current makeup of the board, she will also help to better represent the diverse city of Jonesboro and its surrounding communities. Our community needs such a strong presence on the board, so I hope she will be confirmed.

Thank you and have a great day.

Steven

From: paul vellozo <vellozo.p@gmail.com>
Sent: Wednesday, August 11, 2021 11:40 AM
To: Aldermen <Aldermen@jonesboro.org>; City Clerk <CityClerk@jonesboro.org>; Harold Copenhaver <HCopenhaver@jonesboro.org>; mday@craigheadcounty.org
Subject: Library board

I support Principal Shalon Tate's nomination to the library board.

Thanks

Paul vellozo

-----Original Message-----

From: Emily Allen <emilyeallen@gmail.com>
Sent: Wednesday, August 11, 2021 11:41 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: In favor of Shalon Tate

Hello,

I am in favor of nominating Shalon Tate to the Library Board. Hope you approve this nomination.

Thank you,

Emily Allen

From: Mandy Bashaw <mandy.bnbs@gmail.com>

Sent: Wednesday, August 11, 2021 11:42 AM

To: Aldermen <Aldermen@jonesboro.org>

Subject: Shalon Tate

My name is Amanda Bashaw Newberry and I am a constituent that lives at 806 CR 761, Brookland, AR, and own 2 businesses and a couple commercial properties here in Northeast, Arkansas. I am writing to ask to please appoint Shalon Tate to the Craighead County Jonesboro public library. I believe that Miss Tate is more than qualified to serve in this capacity especially since her background is in education and she will have the best insight into the needs of the library's role in our community and as education partners with our schools. Thank you again for your consideration of Shalon Tate.

Sincerely,

Mandy Bashaw

Graphic Artist

From: Stephanie Nichols <stephanie.nichols777@gmail.com>

Sent: Wednesday, August 11, 2021 11:43 AM

To: Council Coments <CouncilComments@jonesboro.org>

Subject: For TODAY'S noon meeting--library appointment comments

Dear Council Members,

Please review the attached slides and photos of recent displays regarding sexual concepts promoted in the children's area of the Jonesboro public library. Obviously, this is an important issue that needs to be dealt with before parents like myself can feel comfortable taking our children to explore the wonderful educational resources in the library. I respectfully request that you ensure today's nominee (and any future nominees) be questioned on whether they think these displays on sexual issues in the children's section are appropriate. I have heard from many, many patrons who no longer feel comfortable taking their children to the library, and it is a shame for children to have less access to educational resources for this reason. I'm also attaching a letter I sent to the library board recently that further explains these issues.

I would appreciate a thorough review of these materials and a response as to what actions city council members intend to take to ensure their library board appointees are managing the library appropriately, which is an important educational trust for our community.

Respectfully,

Stephanie Nichols

Attorney at Law

P.O. Box 1115

Jonesboro, AR 72403
(501) 288-2927

-----Original Message-----

From: Rebekah <rebekah.laurel@gmail.com>
Sent: Wednesday, August 11, 2021 11:45 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Shalon Tate nomination

Dear Councilors,

Shalon Tate is being nominated to serve on the library board, and I wholeheartedly support her nomination. She is an elementary school principal and a small business owner. She is collaborative, energetic and kind. Her expertise and her character make her a wonderful fit. Please support her nomination; she deserves it, and we will all benefit.

Sincerely,
Rebekah Evans, PhD
Jonesboro

Sent from my iPhone

From: Ashleigh Givens <ashleigh.givens@gmail.com>
Sent: Wednesday, August 11, 2021 11:45 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Library board

Council,

I am writing to voice my support for Shalon Tate's appointment to board of the Craighead County Public Library. Ms. Tate is an outstanding educator with deep connections to families in our community. She will bring valuable perspective and expertise to the board's oversight. She is well-qualified, well-respected, and more than able to take on this responsibility.

Thank you for your consideration and your service.

Ashleigh Givens
2301 Paula Drive
Jonesboro, AR

From: Beth Tennison <bethtennison75@gmail.com>
Sent: Wednesday, August 11, 2021 11:45 AM
To: Council Coments <CouncilComments@jonesboro.org>
Subject: Library Board Nomination

I was at the recent library board meeting where I heard lots of parents pleading with the board to keep the CHILDREN's area of the library a safe place free from sexual content being on display for all to see regardless of age or maturity level.

It was asked that they move that material to the adult section where parents could decide if they wanted to check it out that rather than kids viewing it on display as they walk through the children's library. The decision was turned down.

There was NO compromise for protecting parents of little children from subjects they feel their kids are not ready for. Instead we were told by the director of the library that he guesses pornography would be inappropriate for the children's area.

As a library board member you should have a higher standard than *anything but pornography* in a children's library and should expect that from the library's director. I expect that to be taken into consideration at today's meeting.

I've heard from many people that this is a PUBLIC library and that it is. It's not the Craighead County Liberal library and should not be run as such. Public spaces should have standards that protect all-conservative and liberal alike. There are numerous books regarding gender fluidity in the children's library-they are available for those that want them. But we asked and were ignored when we simply wanted those sensitive topics to not be splashed all over the children's library.

Rated R movies are checked out to 8 year olds on their library cards. Even the movie theater requires permission for a 16 year old to buy a ticket for a rated r movie.

If we are going to have a children's library at all-then keep it themed and appropriate for children. All children. And that INCLUDES those with conservative homes.

Sent from my iPhone

From: Joey Box <joseph.box84@gmail.com>
Sent: Wednesday, August 11, 2021 11:46 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Shalon Tate

I'm highly in favor of appointing Shalon Tate to the Library Board. The board has never had an African American since its inception and it's highly past time.

From: Jolene Mullet <jolenemullet@gmail.com>
Sent: Wednesday, August 11, 2021 11:48 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Library board member

I just wanted to take a moment to show my support for Shalon Tate nomination for the library board. Mrs. Tate is an incredibly qualified candidate. Please do not allow extremists to block our first person of color to serve on the board in more than 20 years.

From: Katherine Baker <keb5u@virginia.edu>
Sent: Wednesday, August 11, 2021 11:48 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Support for the appointment of Shalon Tate to the Library Board

Good morning,

This is a quick note in support of the Mayor's nomination of Shalon Tate to the Library Board. Given Ms. Tate's leadership role in public education, she would bring an important different perspective to the committee. Furthermore, this group is not currently representative of the racial make-up of Jonesboro, and this candidate would help to rectify that gap.

I am a constituent of Jonesboro's 3rd ward, with a property on Live Oak Circle. Thank you again for your consideration of Shalon Tate.

Best regards,
Katherine Baker

From: Beth Robison <robison.beth@gmail.com>
Sent: Wednesday, August 11, 2021 11:52 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Library Board nomination

I am a Jonesboro resident, my address is 4729 Inverness Run Drive. I am writing in support of the appointment of Shalon Tate to the Craighead County Jonesboro Public Library Board. I believe that Ms. Tate is more than qualified to serve in this capacity, particularly with a background in education, and she will have good insight into the needs of the library and its role in our community and as an education partner with our schools. Thank you for your consideration of Shalon Tate.

Sincerely,
Beth Robison

From: Brandi Hodges <brandimhodes11@gmail.com>
Sent: Wednesday, August 11, 2021 11:52 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Attention: Library Board member appointment

My name is Brandi Hodges and I am a constituent that lives at 5261 Nathan Drive in Jonesboro.

I am writing to ask you to please appoint Shalon Tate to the Craighead County Jonesboro Public Library board. Miss Tate is more than qualified to serve in this capacity. With a background in education, Ms. Tate is a Jonesboro elementary school principal and she will have the best insight into the needs of the library's role in our community and as education partners with our schools.

Thank you again for your consideration of Shalon Tate.

Brandi Hodges

From: Daniel Zambrano <danzamb001@gmail.com>
Sent: Wednesday, August 11, 2021 11:54 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Shalon Tate to the Library Board

Hello,

I am writing today in support of appointing Shalon Tate to the library board for Jonesboro. Miss Tate is clearly qualified enough and her background in education lends itself to not only what should be the direction of the public library but to relationships with local education institutions. As a resident of Jonesboro and a person of color I am often dismayed at the lack of representation of marginalized groups in local leadership and this would be an excellent step for the community to take.

Thank you for your time and respectfully,

Daniel Zambrano

From: Deanne Copeland <dea_615@hotmail.com>
Sent: Wednesday, August 11, 2021 11:55 AM
To: Council Coments <CouncilComments@jonesboro.org>
Subject: Nomination of Library Board

Before confirmation, is the nominee in question able to state whether or not they will be making decisions to keep issues of sexuality out of the Children's library?

Deanne Copeland
(870) 316-1341

-----Original Message-----

From: Michelle Reese <michelle_72472@yahoo.com>
Sent: Wednesday, August 11, 2021 11:57 AM
To: Council Coments <CouncilComments@jonesboro.org>
Subject: New nominee

Council Committee ,

Please advise and ensuring the new nominee will deal with sexual concepts presented in the children's area. This is a major problem and needs to be handled!

Thank you ,

Michelle Reese

michelle_72472@yahoo.com

Sent from my iPhone

From: Kier Heyl <kierhey@gmail.com>
Sent: Wednesday, August 11, 2021 11:57 AM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Support for Shalon Tate for Library board

I'm writing to support Shalon Tate's membership on the board of directors for the Jonesboro public library. She is eminently qualified to do the job and will bring diversity to an otherwise predominantly non-diverse group of people. Her experience in education, and her ability to coordinate between schools and the library are excellent qualifications that she brings to the table!

From: Jamie Stahl <ladybug-boutique@hotmail.com>
Sent: Wednesday, August 11, 2021 11:59 AM

To: Aldermen <Aldermen@jonesboro.org>
Subject: Shannon Tate

Good morning, I just wanted to send an email in support of Shannon Tate to the board. I think she would make a wonderful addition. Thank you for your time and your service to our community.

Jamie Stahl (life long Jonesboro resident)
3000 Bermuda Drive
Jonesboro

From: Seth <srcopeland@gmail.com>
Sent: Wednesday, August 11, 2021 12:01 PM
To: Council Coments <CouncilComments@jonesboro.org>
Subject: Today's library board nominee

Before nomination, please ensure the nominee is committed to keeping sexuality out of the children's section of the public library. Thank you.

Sincerely,
Seth Copeland

From: Stephanie Sweeney <sweeney.artist@gmail.com>
Sent: Wednesday, August 11, 2021 12:04 PM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Library board nominee

In regards to the confirmation of Shalon Tate, a school principal for Health and Wellness in Jonesboro school district for the Craighead County Jonesboro Public Library board, I'm not sure how you can argue the fact that an elementary school principal doesn't have the best interest of children at heart.

This nominee would reflect the diversity of our community and give valuable insight that may otherwise be overlooked. This can only increase the effectiveness of the library board in the long run.

Please take the needs of all the community into consideration and not the voices of an irate few.

Sincerely,
Stephanie Sweeney

From: Maegan Wilde <maegan.wilde@gmail.com>
Sent: Wednesday, August 11, 2021 12:06 PM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Library Board

Good Day,

Please hear my concern and appoint Ms. Tate to the board. She reflects my interests and is a voice that most closely reflects mine.

Maegan Wilde
870.200.4538

From: Kayla Morrow <kaylawritesthings.8@gmail.com>
Sent: Wednesday, August 11, 2021 1:10 PM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Shalon Tate Nomination

My name is Kayla Morrow and I am a constituent that lives at 1100 S Madison Street. I am writing to ask to please appoint Shalon Tate to the Craighead County Jonesboro public library. I believe that Miss Tate is more than qualified to serve in this capacity especially since her background is in education and she will have the best insight into the needs of the library's role in our community and as education partners with our schools. Thank you again for your consideration of Shalon Tate.

Sincerely,

Kayla Morrow

From: Robin S Kuykendall <robin@kuykendalladvocates.com>
Sent: Wednesday, August 11, 2021 11:20 AM
To: Aldermen <Aldermen@jonesboro.org>
Cc: Dolly Parton's Imagination Library <support@imaginationlibrary.com>; Harold Copenhaver <HCopenhaver@jonesboro.org>
Subject: Library board appointment

Dear Friends of Jonesboro,

The Rules committee just called an emergency meeting to recommend a candidate to fill the newly empty Library Board seat. Mayor Copenhaver has nominated a highly qualified candidate, with vast knowledge of literacy instruction and personal experience with leadership from a minority perspective. What more could be wanted?

Please examine local school district literacy and math proficiency scores to understand why a literacy professional is needed on the Library Board.

I attended the most recent Library Board meeting and was, frankly, disgusted to see and hear partisan political puffery coming out of the mouths of two current board members. There was no mention of the First Amendment rights we ALL should enjoy, nor of how a broad selection of children's literature inspires ALL children to pick up a book and try to, simply, READ. One perspective can always be countered by another, where freedom of speech is valued. Good librarians understand this and defend the First Amendment every day regardless of consequences.

These partisan declarations at Monday's meeting paved the way for even more inflammatory rhetoric (wouldn't you know, the words, "veterans" and "masks" found their way into the off-purpose mix) by two state legislators, speaking to the need to censor our highly qualified and otherwise exemplary professional library staff. This one-two flurry, the right from the board and then a right hook from the state, was obviously a planned strategy. I haven't seen state officials so engaged on public library concerns since the last time evolution in textbooks got hot press. I have visited and used MANY libraries

in my academic, professional, and maternal careers. Forgive me while I conclude that legislators practice library management about as well as they give medical advice.

Please review agenda and proceedings from today's Rules Committee. Failure to recommend a highly skilled and experienced black woman to the Library Board will only unsettle the community we have all tried to strengthen over the past decade.

We do not need to be fighting about library books or about black school administrators on the Library Board!! A better solution is to support qualified people AND build a community endowment specifically designated to fund a county-wide implementation of Dolly Parton's Imagination Library. That way, EVERY child has GOOD books to call their own, and the minority that holds Jonesboro hostage through bigotry and self-interest will melt into the puddle from which it began.

Sorry I can't attend the Rules Committee personally, but I plan to preside over the weekly Kiwanis meeting today at noon, Mayor Emeritus Perrin, addressing.

Best of all wishes now and always,

Robin S. Kuykendall
(870) 918-3431

-----Original Message-----

From: Crystal Welborn <crw8596@hotmail.com>
Sent: Wednesday, August 11, 2021 1:27 PM
To: Council Coments <CouncilComments@jonesboro.org>
Subject: Library board

I request to ensure before nomination that the nominee is committed to keeping sexuality OUT of the children's area of the library.

Crystal Welborn
Sent from my iPhone

-----Original Message-----

From: Suddenlink <hjstonecipher@suddenlink.net>
Sent: Wednesday, August 11, 2021 4:52 PM
To: Aldermen <Aldermen@jonesboro.org>
Subject: Shalon Tate

Good afternoon,
I just wanted to take a minute, as a Jonesboro resident, to show my support for Shalon Tate for Craighead County Library Board.

Thank you,
Hollie Stonecipher

Sent from my iPhone

-----Original Message-----

From: Cara Sullivan <carasullivan1@gmail.com>
Sent: Wednesday, August 11, 2021 5:17 PM
To: alderman@jonesboro.org
Cc: City Clerk <CityClerk@jonesboro.org>
Subject: Library Board

To whom it may concern,

I am a voter and resident of Jonesboro, 1120 S Main St. I am writing to express my full support of Shalon Tate to the library board. Ms. Tate's experience in education is exactly the background that suits this kind of responsibility. I also expect she will be invaluable in helping the library meet the needs of local schools. Thank you for giving Ms. Tate sincere consideration for this post.

Cara Sullivan

Sent from my iPhone

From: Kay Martin <kaymartin319@gmail.com>
Sent: Thursday, August 12, 2021 4:40 AM
To: alderman@jonesboro.org; City Clerk <CityClerk@jonesboro.org>
Subject: Shalon Tate

My name is Kay Martin and I am a library patron and constituent who lives at 2202 Blue Spruce Lane, Jonesboro AR. I am writing to ask you to appoint Shalon Tate to the Craighead County Jonesboro Public Library Board. I believe that Ms. Tate is more than qualified to serve in this capacity especially since her background is in education. As an educator, she will have knowledgeable insight into the needs of the library's role in our community and as education partners with our schools. Thank you again for your consideration of Shalon Tate at your next meeting on August 17th.

Respectfully,
Kay Martin
(Retired teacher from Nettleton Public Schools)



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: RES-21:163

Agenda Date:

Version: 1

Status: Recommended to
Council

In Control: Finance & Administration Council Committee

File Type: Resolution

RESOLUTION AUTHORIZING CITY OF JONESBORO, ARKANSAS TO ACCEPT THE 2021 KEEP AMERICA BEAUTIFUL CIGARETTE LITTER PREVENTION PROGRAM GRANT FROM THE KEEP AMERICA BEAUTIFUL FOUNDATION

WHEREAS, the City of Jonesboro, Arkansas was awarded the FY21 Keep America Beautiful Cigarette Litter Prevention Grant to install cigarette litter collection stands throughout Jonesboro's public places, including downtown and at the entrance of all city parks; and

WHEREAS, Keep America Beautiful will provide a cash award of \$5,000 in two installment payments, seventy percent within thirty days of receiving the executed grant agreement and thirty percent upon the acceptance of the final grant project report.

WHEREAS, the project will be undertaken in a joint effort between the Keep Jonesboro Beautiful Commission and the Jonesboro Parks and Recreation Department.

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

SECTION 1: The Jonesboro City Council supports the acceptance of the 2021 Keep America Beautiful Cigarette Litter Prevention grant in the amount of \$5,000; and

SECTION 2: The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to execute all necessary documents to effectuate the grant agreement; and

SECTION 3: The Grants and Community Development Department is hereby authorized by the City Council for the City of Jonesboro to submit all necessary documents for accepting this grant.

WHEREAS, the City of Jonesboro, Arkansas was awarded the FY21 Keep America Beautiful Cigarette Litter Prevention Grant to install cigarette litter collection stands throughout Jonesboro's public places, including downtown and at the entrance of all city parks; and

WHEREAS, Keep America Beautiful will provide a cash award of \$5,000 in two installment payments, seventy percent within thirty days of receiving the executed grant agreement and thirty percent upon the acceptance of the final grant project report.

WHEREAS, the project will be undertaken in a joint effort between the Keep Jonesboro Beautiful Commission and the Jonesboro Parks and Recreation Department.

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

SECTION 1: The Jonesboro City Council supports the acceptance of the 2021 Keep America Beautiful Cigarette Litter Prevention grant in the amount of \$5,000; and

SECTION 2: The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to execute all necessary documents to effectuate the grant agreement; and

SECTION 3: The Grants and Community Development Department is hereby authorized by the City Council for the City of Jonesboro to submit all necessary documents for accepting this grant.



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: RES-21:164

Agenda Date:

Version: 1

Status: Recommended to
Council

In Control: Finance & Administration Council Committee

File Type: Resolution

A RESOLUTION AUTHORIZING THE CITY OF JONESBORO GRANTS AND COMMUNITY DEVELOPMENT TO APPLY FOR THE U.S. DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE FOR 2021 OUTDOOR RECREATION LEGACY PARTNERSHIP (ORLP)

WHEREAS, applications are now being accepted for the 2021 Outdoor Recreation Legacy Partnership (ORLP) program; and,

WHEREAS, the 2021 Outdoor Recreation Legacy Partnership (ORLP) program is funded at 50% Department of Interior and a 50% local match is required; and

WHEREAS, the Jonesboro Parks and Recreation Department is seeking funding for \$2 million of which \$1 million is federally funded and \$1 million is a local match, which includes land donation, private donations, and city funds.

WHEREAS, the Jonesboro Parks and Recreation Department will be building a new park in northeast Jonesboro. The first phase of the east side park will be to acquire an estimated 25+ acres of land, build walking/biking trails around the park, an adventure playground, tennis and multipurpose courts, a fishing pond, and a nine-hole disk golf course. Future phases will include additional recreational facilities.

WHEREAS, the City of Jonesboro commits to using the aforementioned land and facilities for outdoor recreation in perpetuity, as defined by the boundary map submitted with the application, regardless if the property is bought or developed with grant funds.

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

SECTION 1: The City of Jonesboro, Arkansas supports the submission of the Department of Interior, National Park Service to submit the 2021 Outdoor Recreation Legacy Partnership (ORLP) grant for \$2 million for land acquisition and construction of new outdoor recreation facilities.

SECTION 2: The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to execute all documents necessary to effectuate this application.

SECTION 3: The Grants and Community Development Department is hereby authorized by the City Council for the City of Jonesboro, Arkansas to submit all necessary documents for this federal grant.



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: RES-21:165

Agenda Date:

Version: 1

Status: Recommended to
Council

In Control: Finance & Administration Council Committee

File Type: Resolution

RESOLUTION AUTHORIZING CITY OF JONESBORO, ARKANSAS TO SUBMIT THE
2022 OUTDOOR RECREATION MATCHING GRANT APPLICATION FROM THE
ARKANSAS DEPARTMENT OF PARKS, HERITAGE AND TOURISM

WHEREAS, the City of Jonesboro, Arkansas seeks to develop a new park in southwest Jonesboro for outdoor recreational facilities and wishes to seek grant funding assistance; and

WHEREAS, in order to obtain the funds necessary to develop the new park, it is necessary to obtain an Outdoor Recreation Matching Grant from the Arkansas Department of Parks, Heritage and Tourism; and

WHEREAS, the plans for such recreation areas have been prepared and the price therefore has been established; and

WHEREAS, the City of Jonesboro, Arkansas local match would be \$250,000, which will be covered through land donation, and the grant match would be \$250,000 for a total of \$500,000 to complete the project; and

WHEREAS, this governing body understands the grantee and grantor will enter into a binding agreement which obligates both parties to policies and procedures contained in the Land and Water Conservation Fund Grants Manual including, but not limited to the following; the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all present and future overhead utility lines within the project boundary must be routed away or placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner.

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

SECTION 1: The Jonesboro City Council supports the submission of the 2022 application to the Outdoor Recreation Grant to develop the new park in southwest Jonesboro, Arkansas; and

SECTION 2: The Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro, Arkansas to execute all necessary documents to effectuate the application; and

SECTION 3: The Grants and Community Development Department is hereby authorized by the City Council for the City of Jonesboro to submit all necessary documents for this grant; and

SECTION 4: The Jonesboro City Council pledges its full support and hereby authorizes the Arkansas Department of Recreation to initiate action to implement this project.



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: RES-21:166

Agenda Date:

Version: 1

Status: Recommended to
Council

In Control: Finance & Administration Council Committee

File Type: Resolution

RESOLUTION TO ENTER INTO A SPONSORSHIP AGREEMENT WITH GETBACK INC.. FOR INFORMATION TECHNOLOGY VAN WRAP

WHEREAS, the City of Jonesboro owns and maintains an Information Technology van; and

WHEREAS, Getback Inc. D/B/A JTown Grill and Munchies, is seeking sponsorship for this van wrap for a period of five (5) years commencing on the Effective Date and ending at midnight on the fifth anniversary; and

WHEREAS, Getback Inc. D.B.A JTown Grill and Munchies, hereafter known as the Sponsor, shall pay for the cost of the wrap of the Van which is estimated to be \$3,600.00 and it is agreed between the City and the Sponsor that the Sponsor shall have an option to negotiate the renewal of this agreement for an additional three (3) years upon the expiration of this contract.

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

SECTION 1: That the City of Jonesboro shall contract with Getback, Inc. D.B.A JTown Grill and Munchies for a five (5) year sponsorship of the van wrap on the City of Jonesboro Information Technology Van at an estimated cost of \$3,600. A copy of the contract is attached.

SECTION 2: The Mayor, Harold Copenhaver and City Clerk, April Leggett, are hereby authorized by the City Council for the City of Jonesboro to execute all documents necessary to effectuate the agreement.

SPONSORSHIP AGREEMENT
FOR CITY OF JONESBORO
INFORMATION TECHNOLOGY VAN

This agreement is made by and between Getback, Inc. d/b/a JTown Grill and Munchies (SPONSOR) and the CITY OF JONESBORO (CITY), on this ____ day of August, 2021 (the “Effective Date”).

WHEREAS, the CITY is the owner of an information technology van, and hereafter referred to as the “Van”; and

WHEREAS, SPONSOR and the CITY desire to enter into this agreement for the purpose of evidencing the agreement of the parties with regard to sponsorship of the Van by SPONSOR and the respective obligations of the parties regarding the sponsorship and maintenance of the Van;

NOW, THEREFORE in consideration of the promises and the reciprocated covenants and obligations contained herein, the parties agree as follows:

I. Term

- (1) The term of this Agreement is for a period of five (5) years commencing on the Effective Date and ending at midnight on the fifth (5th) anniversary thereof.

II. Sponsorship of Van

- (1) It is agreed between the parties hereto, in return for the covenants and conditions set forth herein that the SPONSOR’s name shall be put on the Van and said sponsorship and name shall remain for a period of five (5) years.
- (2) It is agreed between the parties that the SPONSOR shall pay for the cost of the wrap of the Van which is estimated to be \$3,600.00.
- (3) It is agreed between the CITY and the SPONSOR that the SPONSOR shall have an option to negotiate the renewal of this agreement for an additional three (3) years upon the expiration of this contract.
- (4) It is agreed between the CITY and the SPONSOR that this sponsorship is non-assignable without prior written approval of the CITY.

- (5) It is agreed by CITY and the SPONSOR that the SPONSOR shall not be responsible for the maintenance or upkeep on the Van or the wrap on the Van.

III. Assignability and Exclusivity

This agreement is a privilege for the benefit of SPONSOR only and may not be assigned in whole or in part by SPONSOR to any other person or entity.

IV. Miscellaneous Provisions.

- (1) No modification of this Agreement shall be effective unless it is made in writing and is signed by the authorized representative's of the parties hereto.
- (2) This Agreement shall be construed under and in accordance with the laws of the State of Arkansas and venue for any litigation concerning this Agreement shall be in Craighead County, Jonesboro, Arkansas.
- (3) Nothing in this Agreement shall be construed to make the CITY or its respective agents or representatives liable in situations it is otherwise immune from liability.
- (4) In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- (5) Each party represent to the other that the individual signing this Agreement below has been duly authorized to do so by its respective governing body and that this Agreement is binding and enforceable as to each party.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year set forth below.

By: _____

Name: _____

Title: _____

Date: _____

CITY OF JONESBORO

Harold Copenhaver, Mayor

Date: _____

ATTESTED BY:

April Leggett, City Clerk



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: ORD-21:033

Agenda Date:

Version: 1

Status: First Reading

In Control: Public Safety Council Committee

File Type: Ordinance

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

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF JONESBORO, ARKANSAS, to make the following changes as recommended by the Traffic Control Committee:

ESTABLISH 25 MPH SPEED LIMIT AT THE FOLLOWING LOCATIONS:

Cottonwood Street
Shasta Drive
Bowling Lane
Hill Drive

ESTABLISH 30 MPH SPEED LIMIT AT THE FOLLOWING LOCATIONS:

Conway Lane

INSTALL STOP SIGNS AT THE FOLLOWING LOCATIONS:

West Strawn Avenue at Haven Street
Prospect Farm Lane at Yukon Drive
Hill Drive at Bowling Lane



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: ORD-21:036

Agenda Date:

Version: 1

Status: First Reading

In Control: Public Works Council Committee

File Type: Ordinance

AN ORDINANCE AMENDING SECTION 112-128 DESIGN CRITERIA OF THE STORMWATER MANAGEMENT REGULATIONS

WHEREAS, the City Council adopted the Stormwater Management Regulations on December 18, 2008 (ORD-08:099);

WHEREAS, the Stormwater Management Board desires to amend Section 112-128 Design Criteria of the Stormwater Management Regulations.

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

Section 1. That ORD-08:099 passed and approved by the City Council on December 18, 2008 be hereby amended.

Section 2. The following Section 112-128 Design Criteria be amended as follows:

112-128 Design Criteria

(6) Detention

g. Required Buffer Widths. The top-of-bank or toe-of-slope of a retention/detention facility shall be no closer than ten (10) feet to an abutting property line.

Section 3. The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro to adopt the above referenced amendment to the Stormwater Management Regulations.



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: ORD-21:037

Agenda Date:

Version: 1

Status: First Reading

In Control: Public Works Council Committee

File Type: Ordinance

AN ORDINANCE AMENDING SECTION 112-129 PERFORMANCE STANDARDS OF THE STORMWATER MANAGEMENT REGULATIONS

WHEREAS, the City Council adopted the Stormwater Management Regulations on December 18, 2008 (ORD-08:099);

WHEREAS, the Stormwater Management Board desires to amend Section 112-129 Performance Standards of the Stormwater Management Regulations.

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

Section 1. That ORD-08:099 passed and approved by the City Council on December 18, 2008 be hereby amended.

Section 2. The following Section 112-129 Performance Standards be amended as follows:

112-129 Performance Standards

(3) Located along lot lines within the rear yards of lots or parcels. Stormwater runoff channels located along front and side lot lines shall be enclosed with conduits sized in accordance with the drainage manual, except (i) Industrial zoned properties located in the Craighead Technology Park; and, (ii) side lot line channels serving 100 acres or more of up stream drainage area. Channels along rear lot lines can be open ditch. In all cases, provisions (site grading, berms, dikes, swales, etc.) shall be provided for the safe containment or conveyance of the base flood along these routes. All channels shall be designed in accordance with the Drainage Design Manual.

Section 3. The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro to adopt the above referenced amendment to the Stormwater Management Regulations.



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: ORD-21:038

Agenda Date: 8/17/2021

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

AN ORDINANCE AMENDING CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FOR PROPERTY LOCATED AT 2407 WEST MATTHEWS

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

SECTION 1: CHAPTER 117, 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: Single Family Residential, R-1

TO: Commercial, C-3

THE FOLLOWING DESCRIBED PROPERTY:

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 3 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE S89°13'24"W 95.01 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23 TO THE POINT OF BEGINNING; THENCE S0°15'10"W 420.00 FEET TO A POINT, THENCE S89°13'24"W 115.01 FEET TO A POINT, THENCE N0°15'10"E 420.00 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23, THENCE N89°13'24"E 115.01 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23 TO THE POINT OF BEGINNING, CONTAINING SOME 1.11 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF MATTHEWS AVENUE ON THE NORTH SIDE THEREOF AND SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

LEGAL DESCRIPTION:

2407 West Matthews Avenue, Jonesboro, Arkansas. Recorded as Document #2021R-000438 in the records of the Recorder of Deeds for Craighead County, Arkansas.

SECTION 2: The Rezoning of this property shall adhere to the following stipulations:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the Planning Department, prior to any redevelopment of the property, which will include parking, signage, landscaping, fencing, sidewalks, buffering, etc.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosure, sidewalks etc. shall be submitted to the Planning Department prior to any redevelopment of the property.

*City of Jonesboro Metropolitan Area Planning Commission
Staff Report – RZ 21-06: 2407 W Matthews
Municipal Center - 300 S. Church St.
For Consideration by the MAPC Commission on August 10, 2021*

REQUEST: To consider a rezoning of one tract of land containing 1.1 +/- acres more or less.

PURPOSE: A request to consider recommendation to Council for a rezoning from “R-1” Single Family Residential District to “C-3” General Commercial District for 1.1 +/- acres of land.

**APPLICANTS/
OWNER:** Casey Turner Construction, LLC, Jonesboro, AR 72405
Same

LOCATION: 2407 W Matthews Avenue

**SITE
DESCRIPTION:** **Tract Size:** Approx. 1.1 Acres
Street Frontage: 112 ft. along W Matthews Avenue
Topography: Slightly Sloped with Trees
Existing Development: Storage Structures Located on Property

SURROUNDING CONDITIONS:

ZONE	LAND USE
North – R-1	Home and Vacant Land
South – R-1	Vacant Land
East – C-3	Commercial Building
West – R-1	Vacant Land

HISTORY: Storage buildings located on property

ZONING ANALYSIS:

City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

COMPREHENSIVE PLAN LAND USE MAP:

The Current/Future Land Use Map recommends this location as a Moderate Intensity Growth Sector. A wider mix of land uses is appropriate in the Moderate Intensity Sector. Control of traffic is probably the most important consideration in this Sector. Additionally, good building design, use of quality construction materials and more abundant landscaping are important considerations in what is approved, more so that the particular use. Limits on hours of operation, lighting standards, screening from residential uses, etc. maybe appropriate. Consideration should be given to appropriate locations

of transit stops.

Moderate Intensity Recommended Use Types Include:

- *Single Family Residential*
- *Attached Single Family, Duplexes, Triplexes and Fourplexes*
- *Neighborhood Retail*
- *Neighborhood Services*
- *Office parks*
- *Smaller medical offices*
- *Libraries, schools, other public facilities*
- *Senior living centers/nursing homes*
- *Community-serving retail*
- *Small supermarkets*
- *Convenience store*
- *Bank*
- *Barber/beauty shop*
- *Farmer's Market*
- *Pocket Park*

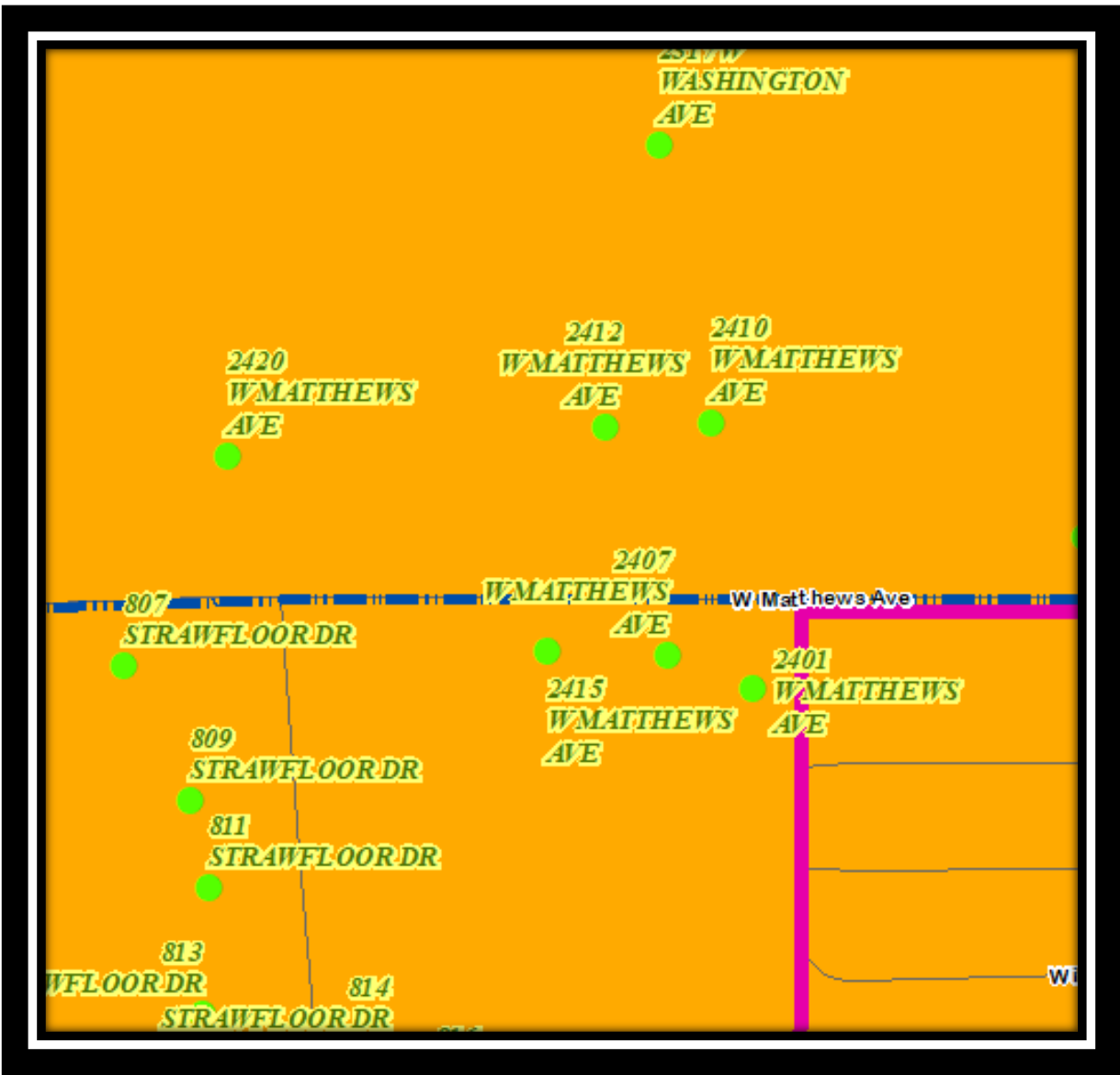
Density:

No more than six dwelling units per acre for Multi-Family. Multi-Family should only be allowed on collector and above streets that have been improved or scheduled to be improved in the next construction cycle of the city projects unless the developer is willing to build the roads to Master Street Plan standards that serve the development. The Height on the development would be no more than four (4) stories.

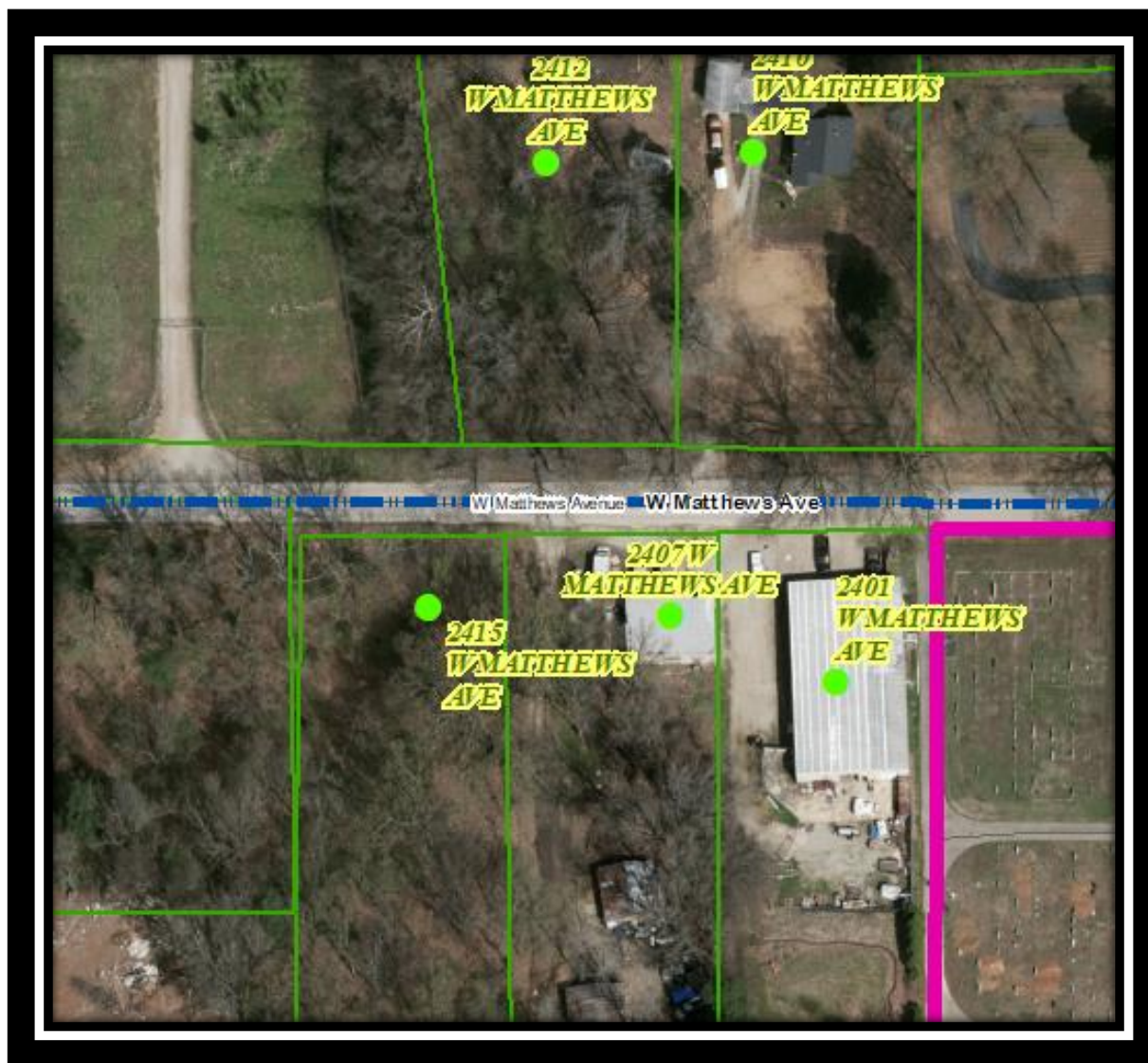


Landscape: Landscaping will be required per the City of Jonesboro ordinances.

Signage: Signage must meet the standards set forth in the City of Jonesboro ordinances.



Land Use Plan



Master Street Plan

Master Street Plan/Transportation






The subject property is served by W Matthews Avenue on the Master Street Plan is classified as a proposed Minor Arterial, requiring a 100 ft. right-of-way. The applicant will be required to adhere to the Master Street Plan recommendations.


Minor Arterials provide the connections to and through an urban area. Their primary function is to provide short distance travel within the urbanized area. Since a Minor Arterial is a high volume road, a

minimum of 4 travel lanes is required. At intersections with Collector Streets or other Arterials (principal or minor), additional right-of-way may be required if the anticipated turning movements warrant extra lanes.

Approval Criteria- Chapter 117 - Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the MAPC or City Council in reaching a decision. The criteria to be considered shall include, but not be limited to the following list on the next page.

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed district rezoning is consistent with the Adopted Land Use Plan, which was categorized as a Moderate Intensity Growth Sector.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117, with compliance of all District standards.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved with this rezoning considering the 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;	This is currently zoned “R-1” Single Family Residential. The request is to rezone the property to “C-3” General Commercial.	
(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;	No detrimental or adverse impacts are predicted, if proper assess management controls are implemented.	

<p>(f) 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</p>	<p>Minimal impact if rezoned due to the fact that businesses and residential currently exist in this area.</p>	
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Staff Findings:

Applicant's Purpose

The proposed area is currently classified as an R-1 Single-Family Residential Zone. The purpose of the rezoning is to accommodate a construction company office and house equipment storage.

Rezoning this property is consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*. Rezoning makes sense considering there is a C-3 General Commercial lot to the east and the property has been used in the past as commercial storage.

Chapter 117 of the City Code of Ordinances/Zoning defines C-3 General Commercial District as follows:

Definition of C-3 General Commercial District - The purpose of this district is to provide appropriate locations for commercial and retail uses, which are convenient and serve the needs of the traveling public. The district also provides locations for limited amounts of merchandise, equipment and material being offered for retail sale that are more suitable for storage and display outside the confines of an enclosed structure. Appropriate locations for this district are along heavily traveled Arterial Street. Development of groupings of facilities shall be encouraged, as opposed to less desirable strip commercial.

Departmental/Agency Reviews:

The following departments and agencies were contacted for review and comments. Note that this table will be updated at the hearing due to reporting information that will be updated in the coming days:

Department/Agency	Reports/ Comments	Status
Engineering	No issues were reported	
Streets/Sanitation	No issues were reported	
Police	No issues were reported	
Fire Department	No issues were reported	
MPO	No issues were reported	
Jets	No issues were reported	
Utility Companies	No issues were reported	
Code Enforcement	No issues were reported	

MAPC RECORD OF PROCEEDINGS: PUBLIC HEARING HELD ON MAY 11TH, 2021

RZ-21-06 REZONING 2407 W Matthews

Casey Turner is requesting MAPC Approval for a Rezoning from “R-1” Single Family Residential District to “C-3” General Commercial District for 1.1 +/- acres of land located at 2407 W. Matthews.

APPLICANT: Tim Bobrosky for Casey Turner requesting commercial use for a building that is already in existence on that property. Behind the building are other structures that were in disrepair so this is an aged piece of property with older buildings in a wooded area. When Casey Turner purchased the property and was going to rehab the buildings for storage, adding new metal, electrical etc. he was shut down and told we would have to rezone to commercial because there was not a residential dwelling on the property. He did not know it was not zoned commercial when he bought it. The existing property has had running water and electricity for years before Casey bought the property but when we started working on it, we were told it was not in compliance. We want to rezone the property without having to build a home and to bring out its proper value.

STAFF: Ryan Robeson stated we have reviewed this and we would recommend approval with the following conditions. The proposed site shall satisfy all requirements of the city engineer, all the requirements of the current storm water drainage design manual and flood plain regulations regarding any new development. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the Planning Department prior to any redevelopment of the property. Any change of use shall be subject to Planning Department approval in the future. The final site plan illustrating compliance with site requirements for parking, storage, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosures, sidewalks, etc. shall be submitted to the Planning Department prior to any redevelopment of the property.

COMMISSION: Jimmy Cooper asked would you be doing a facelift to the building.

APPLICANT: We are not adding any square footage. A simple rehab to make it look better is all we want to do.

COMMISSION: Jimmy Cooper asked what does the parking look like.

APPLICANT: The parking will be gravel around the buildings, right now it is dirt. In front of the one building on Matthews, it is a pull in area. It is like an old gas station with an old office and roll up doors. An HVAC Company used it as their office for a long time years ago before Casey bought it. There will not be additional traffic.

COMMISSION: Jim Little asked does this property go back and connect to Strawfloor.

APPLICANT: Yes it does but the 1.1 acres connect to an additional 3.3 acres.

COMMISSION: Jim Little asked so you're just rezoning part of this property.

APPLICANT: Yes.

COMMISSION: Jim Little asked don't you need a replat to do that.

APPLICANT: The replat should be available through McAlister Engineering.

COMMISSION: Monroe Pointer asked is there another access to the part that won't be rezoned.

APPLICANT: Yes, off Strawfloor.

COMMISSION: Paul Ford stated I know Casey parks a lot of his vehicles and trailers on the Methodist Church lot. Is this something he wants to do so he does not have to do that anymore or is there another reason.

APPLICANT: When the property was first purchased that was the intention and also Casey was going to build his house on the other acre behind it, but after wanting to replace the building and learning we didn't have the permits to do it we got here. The initial answer is yes. Going forward we want to rehab the property to get the value up. We are not going in there to start a business that will drain a lot of traffic. The most traffic would be two trucks and trailers leaving in the morning and two trucks and trailers coming back around 4:00 or 5:00 in the afternoon, some would be pickup trucks pulling in and out to drop something off.

STAFF: Michael Morris stated he would still have to go through the permitting process for all the other steps.

A motion was made by Jimmy Cooper to approve the request with stipulations, seconded by Monroe Pointer, that this matter be Approved. The motion PASSED with the following vote.

Mr. Jimmy Cooper made a motion to approve Case: RZ: 21-06, as submitted, to the City Council with the stipulations that were read by the Planning Department:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the Planning Department, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosure, sidewalks etc. shall be submitted to the Planning Department prior to any redevelopment.

The MAPC find to rezone property "R-1" Single Family Residential District to "C-3" General Commercial District Limited Use Overlay for 1.1 +/- acres of land. Motion was seconded by Mr. Monroe Pointer.

Roll Call Vote

Aye: 5 – Paul Ford; Kevin Bailey; Monroe Pointer; Jimmy Cooper and Jim Little

Nay: 0

Absent: 4 – Stephanie Nelson; David Handwork; Dennis Zolper and Lonnie Roberts, Jr.

Conclusion:

The Planning Department Staff finds that the requested Zone Change submitted for subject parcel, should be evaluated based on the above observations and criteria of Case RZ 21-06 a request to rezone property from “R-1” Single Family Residential District to “C-3” General Commercial District; the following conditions are recommended:

- 5. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual and Flood Plain Regulations regarding any new construction.
- 6. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the Planning Department, prior to any redevelopment of the property.
- 7. Any change of use shall be subject to Planning Commission approval in the future.
- 8. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosure, sidewalks etc. shall be submitted to the Planning Department prior to any redevelopment.

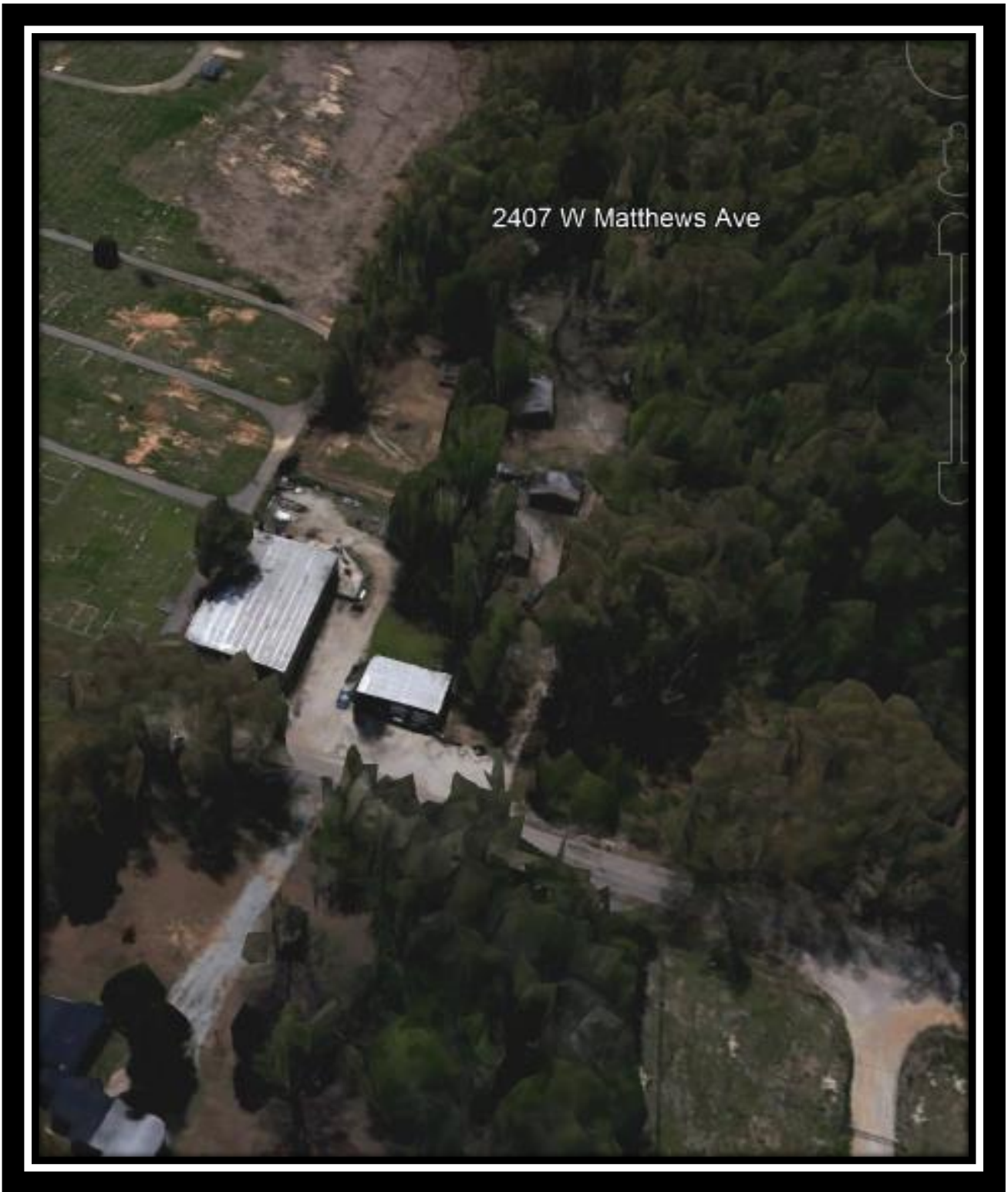
Respectfully Submitted for City Council Consideration,
The Planning and Zoning Department

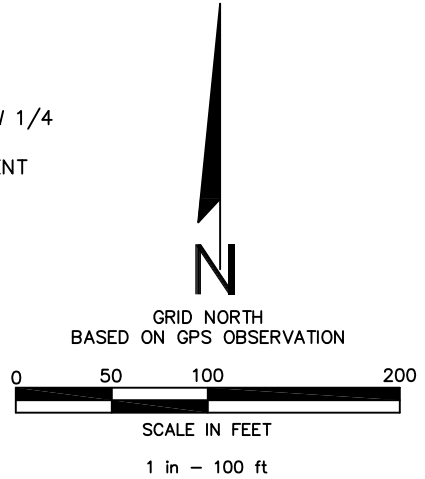
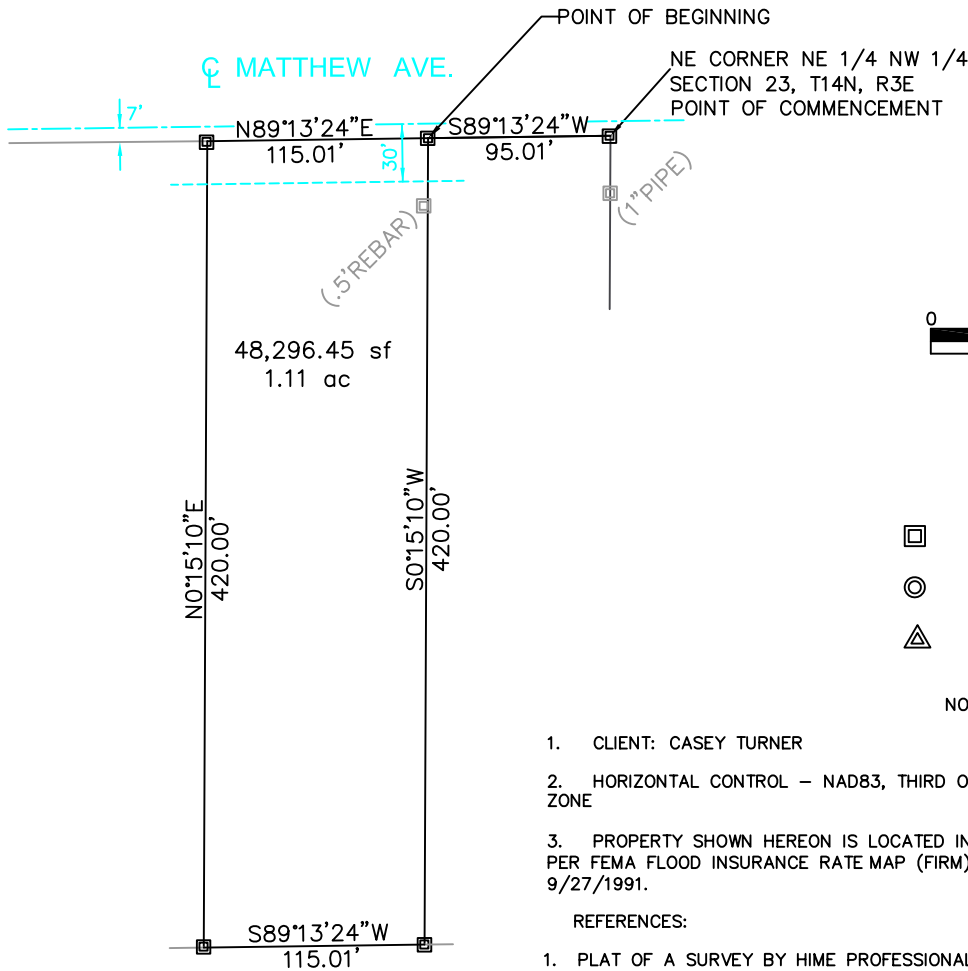
Sample Motion:

I move that we place Case: RZ 21-06 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that to rezone property from “R-1” Single Family Residential District to “C-3” General Commercial District for 1.1 +/- acres of land will be compatible and suitable with the zoning, uses, and character of the surrounding area.









LEGEND

- — FOUND IRON PIN (CPS)
- ⊙ — SET IRON PIN 1/2" REBAR WITH McALISTER PS1303 CAP
- △ — COMPUTED POINT

NOTES

1. CLIENT: CASEY TURNER
2. HORIZONTAL CONTROL – NAD83, THIRD ORDER CLASS 1, ARKANSAS SPC NORTH ZONE
3. PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE X (NOT IN THE FLOOD PLAIN) PER FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 05031C0131C, EFFECTIVE DATE 9/27/1991.

REFERENCES:

1. PLAT OF A SURVEY BY HIME PROFESSIONAL SURVEYING, COMPLETED ON JULY 6TH, 2018 FOR DARREL COOK. FOUND IN A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 3 EAST, CRAIGHEAD COUNTY, ARKANSAS.

DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 3 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 FROM THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 23; THENCE S89°13'24"W 95.01 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23 TO THE POINT OF BEGINNING; THENCE S0°15'10"W 420.00 FEET TO A POINT, THENCE S89°13'24"W 115.01 FEET TO A POINT, THENCE N0°15'10"E 420.00 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23, THENCE N89°13'24"E 115.01 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23 TO THE POINT OF BEGINNING, CONTAINING SOME 1.11 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF MATTHEWS AVENUE ON THE NORTH SIDE THEREOF AND SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

OWNER'S CERTIFICATION

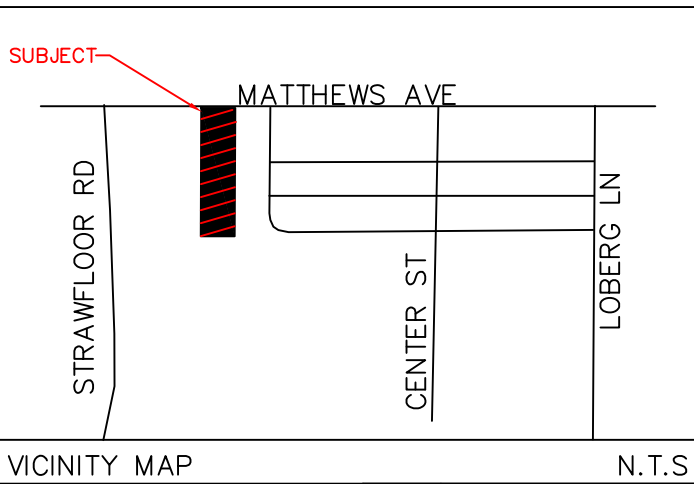
I, CASEY TURNER, HERBY CERTIFY THAT CASEY TURNER CONSTRUCTION LLC IS THE OWNER OF THE ABOVE DESCRIBED PROPERTY AND THAT CASEY TURNER CONSTRUCTION LLC. HEREBY REQUESTS A CHANGE IN ZONING FROM R-1 TO C-3 FOR THE PROPERTY SHOWN HEREON.

CERTIFICATION

 CASEY TURNER, CASEY TURNER CONSTRUCTION LLC . DATE

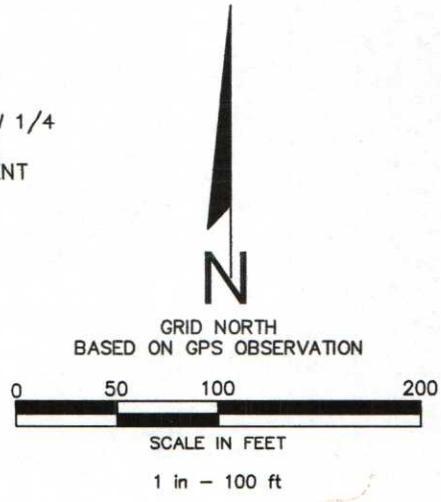
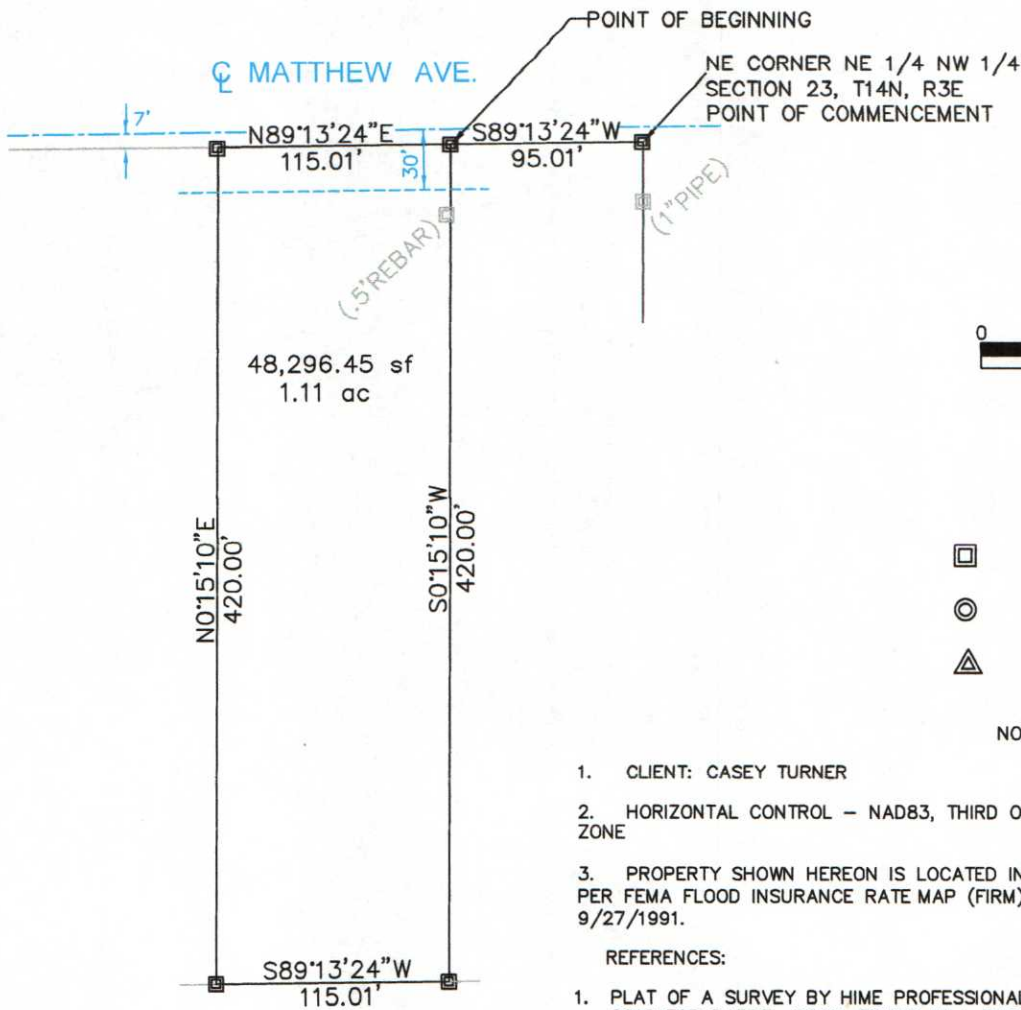
I HEREBY CERTIFY THAT McALISTER ENGINEERING HAS THIS DATE MADE A BOUNDARY SURVEY OF THE DESCRIBED LANDS IN COMPLIANCE WITH THE ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS AND THAT ALL PROPERTY LINES AND CORNER MONUMENTS HAVE BEEN CORRECTLY ESTABLISHED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

 CLARENCE W. "MAC" McALISTER, PS1303 DATE



REZONING PLAT

A PART OF THE NE1/4, NW1/4 SECTION 23, TOWNSHIP 14 NORTH, RANGE 3 EAST JONESBORO, CRAIGHEAD COUNTY, ARKANSAS	
McAlister Engineering, PLLC CIVIL ENGINEERING AND LAND SURVEYING 4508 STADIUM BLVD, STE D JONESBORO, AR 72404 870-931-1420	DRAWN BY: EC DATE: 3FEB21 DWG REF. 23-14N-03E JOB NO. 21104603
Checked By: CM	FILE:21104603TurnerPlat.dwg
Scale: 1" = 100'	500-14N-03E-0-23-410-16-1303
Clarence W. "Mac" McAlister, PE, PS	



LEGEND

- — FOUND IRON PIN (CPS)
- ⊙ — SET IRON PIN 1/2" REBAR WITH McALISTER PS1303 CAP
- △ — COMPUTED POINT

NOTES

1. CLIENT: CASEY TURNER
2. HORIZONTAL CONTROL — NAD83, THIRD ORDER CLASS 1, ARKANSAS SPC NORTH ZONE
3. PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE X (NOT IN THE FLOOD PLAIN) PER FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 05031C0131C, EFFECTIVE DATE 9/27/1991.

REFERENCES:

1. PLAT OF A SURVEY BY HIME PROFESSIONAL SURVEYING, COMPLETED ON JULY 6TH, 2018 FOR DARREL COOK. FOUND IN A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 3 EAST, CRAIGHEAD COUNTY, ARKANSAS.

DESCRIPTION

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 3 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 FROM THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE S89°13'24"W 95.01 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23 TO THE POINT OF BEGINNING; THENCE S0°15'10"W 420.00 FEET TO A POINT, THENCE S89°13'24"W 115.01 FEET TO A POINT, THENCE N0°15'10"E 420.00 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23, THENCE N89°13'24"E 115.01 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 23 TO THE POINT OF BEGINNING, CONTAINING SOME 1.11 ACRES, MORE OR LESS, SUBJECT TO THE RIGHT OF WAY OF MATTHEWS AVENUE ON THE NORTH SIDE THEREOF AND SUBJECT TO ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

OWNER'S CERTIFICATION

I, CASEY TURNER, HERBY CERTIFY THAT CASEY TURNER CONSTRUCTION LLC IS THE OWNER OF THE ABOVE DESCRIBED PROPERTY AND THAT CASEY TURNER CONSTRUCTION LLC. HEREBY REQUESTS A CHANGE IN ZONING FROM R-1 TO C-3 FOR THE PROPERTY SHOWN HEREON.

Casey Turner

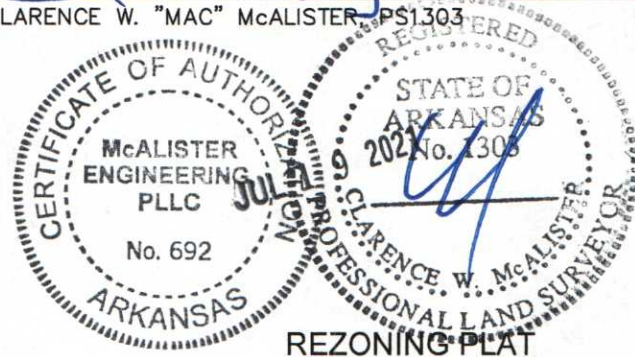
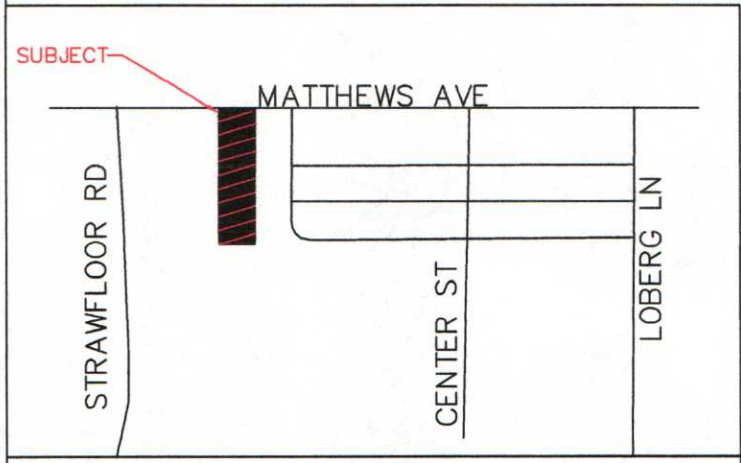
 CASEY TURNER, CASEY TURNER CONSTRUCTION LLC . DATE

CERTIFICATION

I HEREBY CERTIFY THAT McALISTER ENGINEERING HAS THIS DATE MADE A BOUNDARY SURVEY OF THE DESCRIBED LANDS IN COMPLIANCE WITH THE ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS AND THAT ALL PROPERTY LINES AND CORNER MONUMENTS HAVE BEEN CORRECTLY ESTABLISHED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Clarence W. McAlister

 CLARENCE W. "MAC" McALISTER, PS1303 DATE



A PART OF THE NE1/4, NW1/4 SECTION 23, TOWNSHIP 14 NORTH, RANGE 3 EAST JONESBORO, CRAIGHEAD COUNTY, ARKANSAS		
McALISTER ENGINEERING, PLLC CIVIL ENGINEERING AND LAND SURVEYING 4808 STADIUM BLVD, STE D JONESBORO, AR 72404 570-931-1420	DRAWN BY: EC SCALE: 1" = 100' DATE: 3FEB21 DWG REF. 23-14N-03E JOB NO. 21104803	CHECKED BY: CM FILE: 21104803TurnerPlat.dwg 86
CLARENCE W. "MAC" McALISTER, PE, PS 500-14N-03E-0-23-410-16-1303		



METROPOLITAN AREA
PLANNING COMMISSION
Jonesboro, Arkansas

Application for a Zoning Ordinance Map Amendment

Meeting Date: 8/10/21 Date Received: 7/16/21
Meeting Deadline: 7/19/21 Case Number: R221-12

LOCATION:

Site Address: 2407 Matthews

Side of Street: S between Strawfloor Dr. and Wildflower Dr.

Quarter: NW Section: 23 Township: 14N Range: 3E

Attach a survey plat and legal description of the property proposed for rezoning. A Registered Land Surveyor must prepare this plat.

SITE INFORMATION:

Existing Zoning: R-1 Proposed Zoning: C-3

Size of site (square feet and acres): 1.1 ac. (47,916 s.f.) Street frontage (feet): 112'

Existing Use of the Site: Commercial building, several storage buildings

Character and adequacy of adjoining streets: Residential and commercial, cemetery; good condition

Does public water serve the site? Yes

If not, how would water service be provided? _____

Does public sanitary sewer serve the site? Yes

If not, how would sewer service be provided? _____

Use of adjoining properties:

North Public Right of Way (Residential across street)

South Residential

East Commercial

West Residential

Physical characteristics of the site: Slightly sloped and wooded with several storage buildings

Characteristics of the neighborhood: Mix of commercial and residential, with a city cemetery.

Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Area Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is on the public meeting schedule. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.

REZONING INFORMATION:

The applicant is responsible for explaining and justifying the proposed rezoning. *Please prepare an attachment to this application answering each of the following questions in detail:*

- (1). How was the property zoned when the current owner purchased it? *R-1*
- (2). What is the purpose of the proposed rezoning? Why is the rezoning necessary? *Advised by inspector. Lot sits next to commercial property.*
- (3). If rezoned, how would the property be developed and used? *Construction Company Office, Equipment Storage*
- (4). What would be the density or intensity of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)? *No additional buildings will be added. Existing storage buildings may be improved.*
- (5). Is the proposed rezoning consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*? *Yes (Moderate Intensity Growth sector)*
- (6). How would the proposed rezoning be the public interest and benefit the community? *Providing an home office for a construction company*
- (7). How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area? *Zoning matches property immediately to the east*
- (8). Are there substantial reasons why the property cannot be used in accordance with existing zoning? *Lot gives the visual effect of commercial property.*
- (9). How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property. *No significant affects on any, as the land is only looking to improve existing buildings.*
- (10). How long has the property remained vacant? *The lot is currently being used.*
- (11). What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services? *As no major chages are being made, no increase on service demand would be expected*
- (12). If the rezoning is approved, when would development or redevelopment begin? *The existing buildings will be improved in the coming months.*
- (13). How do neighbors feel about the proposed rezoning? Please attach minutes of the neighborhood meeting held to discuss the proposed rezoning or notes from individual discussions. *If the proposal has not been discussed with neighbors, please attach a statement explaining the reason. Failure to consult with neighbors may result in delay in hearing the application.*
All neighbors have been notified by registered mail (see attached)
- (14). If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted.

OWNERSHIP INFORMATION:

All parties to this application understand that the burden of proof in justifying and demonstrating the need for the proposed rezoning rests with the applicant named below.

Owner of Record:

I certify that I am the owner of the property that is the subject of this rezoning application and that I represent all owners, including spouses, of the property to be rezoned. I further certify that all information in this application is true and correct to the best of my knowledge.

Name: Casey Turner
 Address: 206 Lake Drive
 City, State: Jonesboro ZIP 72405
 Telephone: 870-919-5368
 Facsimile: _____
 Signature: Casey Turner

Applicant:

If you are not the Owner of Record, please describe your relationship to the rezoning proposal:

Name: _____
 Address: _____
 City, State: _____ ZIP _____
 Telephone: _____
 Facsimile: _____
 Signature: _____

Deed: *Please attach a copy of the deed for the subject property.*

Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Area Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is on the public meeting schedule. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.



STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid



File Number: 21-0145

Grantee: CASEY TURNER CONSTRUCTION, LLC
Mailing Address: 3577 BARBARA ANN
JONESBORO AR 724010000

Grantor: REX HOLLADAY
Mailing Address: 746 CR 730
JONESBORO AR 724050000

Property Purchase Price: \$100,000.00
Tax Amount: \$330.00
County: CRAIGHEAD
Date Issued: 01/07/2021
Stamp ID: 352569344

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): Casey Turner Construction, LLC
Grantee or Agent Name (signature): Nix Title as agent Date: 1/7/2021
Address: 3577 Barbara Ann
City/State/Zip: Jonesboro, AR 72401

ACKNOWLEDGMENT

STATE OF Arkansas
COUNTY OF Craighead

Be it remembered, that on this day came before me the undersigned, a Notary Public duly commissioned qualified and acting, within and for said County and State, in person the within named **Rex Gordon Holladay, a single person**, to me personally well known to be the person whose name is subscribed to the within instrument and acknowledged that **he/she/they** executed the same for the purposes therein contained.

In testimony whereof I have hereunto set my hand and official seal this **6th** day of **January, 2021**


Sanda Greene, Notary Public

My Commission Expires:
August 20, 2030



I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument.


Casey Turner Construction, LLC

Mailing Address: ~~2407 W Matthews Ave., Jonesboro, AR 72401~~

3517 Barbara Ann

NX 9

2021R-000438

FILED

JONESBORO DISTRICT

CRAIGHEAD COUNTY, ARKANSAS

CANDACE EDWARDS, CLERK & RECORDER

01/07/2021 01:51:41 PM

FFF- 25 00

PAGES: 3

FELICIA PERSFULL

THIS INSTRUMENT PREPARED BY: J. ROBIN NIX, II, ATTORNEY AT LAW

Warranty Deed

(Single Person)

KNOW ALL MEN BY THESE PRESENTS:

That I, **Rex Gordon Holladay**, a single person, for and in consideration of the sum of **\$100,000.00**, and other good and valuable considerations to me in hand paid by the **Grantee** the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **Casey Turner Construction, LLC**, and unto its successors and assigns forever, the following described land situated in the County of **Craighead**, State of **Arkansas**, to-wit:

The West 115 feet of the East 210 feet of the North 420 feet of the Northeast Quarter of the Northwest Quarter of Section 23, Township 14 North, Range 3 East.

And

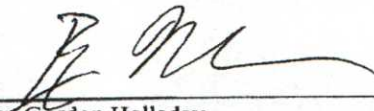
Part of the Northeast Quarter of the Northwest Quarter of Section 23, Township 14 North, Range 3 East, more particularly described as follows: Begin at the Northeast Corner of the Northeast Quarter of the Northwest Quarter of said Section 23; thence run South 420 feet to the point of beginning proper; thence West 313 feet; thence South 300 feet; thence West to the now existing County Road; thence South along said County Road 105 feet, more or less; thence East 453.63 feet, more or less; thence North 405 feet to the point of beginning.

Subject to assessments, building lines, easements, mineral reservations and/or conveyances, restrictions, and any other matters of record or fact.

To have and to hold the same unto the said **Grantee** and unto its successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

And I hereby covenant with said **Grantee**, that I will forever warrant and defend the title to the said lands against all claims whatsoever.

WITNESS my hand and seal on this 6th day of **January**, 2021.



Rex Gordon Holladay

Warranty Deed - Single



REFERENCES: GILLIAM TO GILLIAM E 1/2 SENE AND NE1/4, NE1/4, SE1/4 ALL IN THE OFFICE OF THE CIRCUIT CLERK FOR CRAIGHEAD COUNTY IN JONESBORO, AR BY JASON BEARD FOR CML 09/25/2018 SECTION 09, TOWNSHIP 13 N RANGE 04 EAST AS RECORDED IN THE OFFICE OF THE STATE LAND SURVEYOR. BY JASON BEARD FOR CML 05/08/2018 SECTION 09, TOWNSHIP 13 N RANGE 04 EAST AS RECORDED IN THE OFFICE OF THE STATE LAND SURVEYOR. BY JASON BEARD FOR CENTURY 21 WRIGHT-PAGE REAL ESTATE 10/10/2018 SECTION 09, TOWNSHIP 13 N RANGE 04 EAST AS RECORDED IN THE OFFICE OF THE STATE LAND SURVEYOR.

Wood Vernon
2419 W Matthews
Jonesboro AR
Toniae rablo
814 strawflor
J. Amy Penna Millard
816 strawflor
David Sandborn
2401 W Matthews
George Hamant
2410 W Matthews

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For delivery information, visit our website at www.usps.com™
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 Return Receipt (hardcopy) \$4.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00
Postage \$0.55
Total Postage and Fees \$7.00
Postmark Here 0408 80
07/15/2021
Sent To 2401 W Matthews
Street and Apt. No., or PO Box No.
City, State, ZIP+4®
PS Form 3800, April 2015 PSN 7502-02-000-9047 See Reverse for Instructions

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Street and Apt. No., or PO Box No.
City, State, ZIP+4®
PS Form 3800, April 2015 PSN 7502-02-000-9047 See Reverse for Instructions

McALISTER ENGINEERING, PLLC
CIVIL ENGINEERING AND LAND SURVEYING
4508 STADIUM BLVD STE D
JONESBORO, AR 72404

PLAT
VISION PLAN
ELOPMENT
KANSAS
DRAWN BY: TM
SCALE:
CAD FILE 2110



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: ORD-21:030

Agenda Date:

Version: 1

Status: Third Reading

In Control: City Council

File Type: Ordinance

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 SINGLE FAMILY RESIDENTIAL TO I-2 GENERAL INDUSTRIAL DISTRICT FOR PROPERTY LOCATED AT 6609 C.W. POST ROAD, JONESBORO, AR AS REQUESTED BY JOHN STUCKEY.

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES.

BE IT ORDAINED by the City Council in the City of Jonesboro, Arkansas:

SECTION 1:

Chapter 117, Article III, known as the Zoning Ordinance of the City of Jonesboro, Arkansas be amended as recommended by the Metropolitan Area Planning Commission ("MAPC") by the changes in zoning classification as follows:

FROM: R-1 Single Family Residential

TO: I-2 General Industrial District

For the following described property:

LEGAL DESCRIPTION:

WARRANTY DEED (2020R-013551):

The West 396 feet of the East 792 feet of the North Half of the Northeast Quarter of Section 36, Township 14 North, Range 4 East, containing 12 acres more or less, LESS that part conveyed to the City of Jonesboro as shown in Deed Record 361 Page 184 at Jonesboro, Arkansas.

AS SURVEYED:

Part of the North Half of the Northeast Quarter of Section 36, Township 14 North, Range 4 East, Craighead County, Arkansas. Being more particularly described as follows: Commencing from the North Quarter corner of said Section 36, thence North 89°22'39" East 1731.38 feet to the point of beginning; thence North 89°22'39" East 396.15 feet; thence South 01°03'45" West 1269.36 feet; thence South 89°38'42" West 396.15 feet; thence North 01°03'53" East 1267.51 feet to the point of beginning proper. Containing 502,309.5 square feet, or 11.53 acres more or less. Being subject to all public and private easements and right-of-ways.

SECTION 2:

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3:

The rezoning of this property shall adhere to the following conditions:

1. That the proposed site plan shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual Flood Plain Regulations and Traffic Access Management Policy regarding any new development.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the Planning Department, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Commission approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosure, sidewalks etc. shall be submitted to the Planning Department prior to any redevelopment of this property.

City of Jonesboro City Council
Staff Report – RZ 21-09 6609 C. W. Post Road
Municipal Center - 300 S. Church St.
For Consideration by the Council on July 6th, 2021

REQUEST: To consider a rezoning of one tract of land containing 12 +/- acres more or less.

PURPOSE: A request to consider recommendation to Council for a rezoning from “R-1” Single Family Residential District to “I-2” General Industrial District.

**APPLICANTS/
OWNER:** John C. Stuckey, 10415 Stuckey Lane, Trumann, AR 72472

LOCATION: 6609 C.W. Post Road, Jonesboro, AR 72401

**SITE
DESCRIPTION:** **Tract Size:** Approx. 12 Acres
Street Frontage: 400 ft. – C. W. Post Road
Topography: Predominately flat – farm land
Existing Development: Farm Land

SURROUNDING CONDITIONS:

ZONE	LAND USE
North	I-2 Industrial and AG-1 Farmland and Residential
South	R-1 Single Family Residential
East	R-1 Single Family Residential – Vacant and Agricultural
West	R-1 Single Family Residential – Vacant and Agricultural

HISTORY: The site is Agricultural Land.

ZONING ANALYSIS:

City Planning Staff has reviewed the proposed Zone Change and offers the following findings:

COMPREHENSIVE PLAN LAND USE MAP:

The Current/Future Land Use Map recommends this location as Industrial Intensity Growth Sector. Large Scale Manufacturing is appropriate in the **Industrial Intensity Growth** Sector. Industrial uses include those considered “heavy”, such as large-scale manufacturing and production concerns, including assembly and processing, regional warehousing and distribution, bulk storage and utilities. These areas are located in close proximity to the major transportation corridors, and should generally

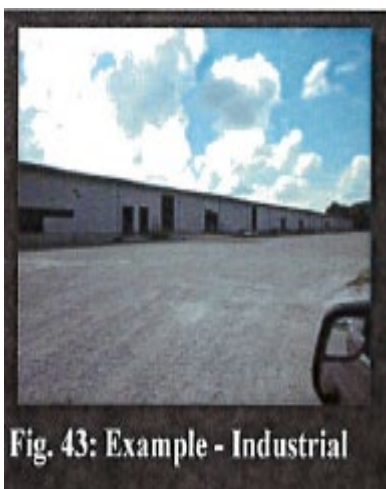
be buffered from surrounding development by transitional uses or landscape areas that increase in size as development intensity increases. Heavy Industrial Centers may require larger sites because activities are not confined entirely to buildings. Conveyor belts, holding tanks, smoke stacks, or outdoor storage all may be present in a Heavy Industrial Center.

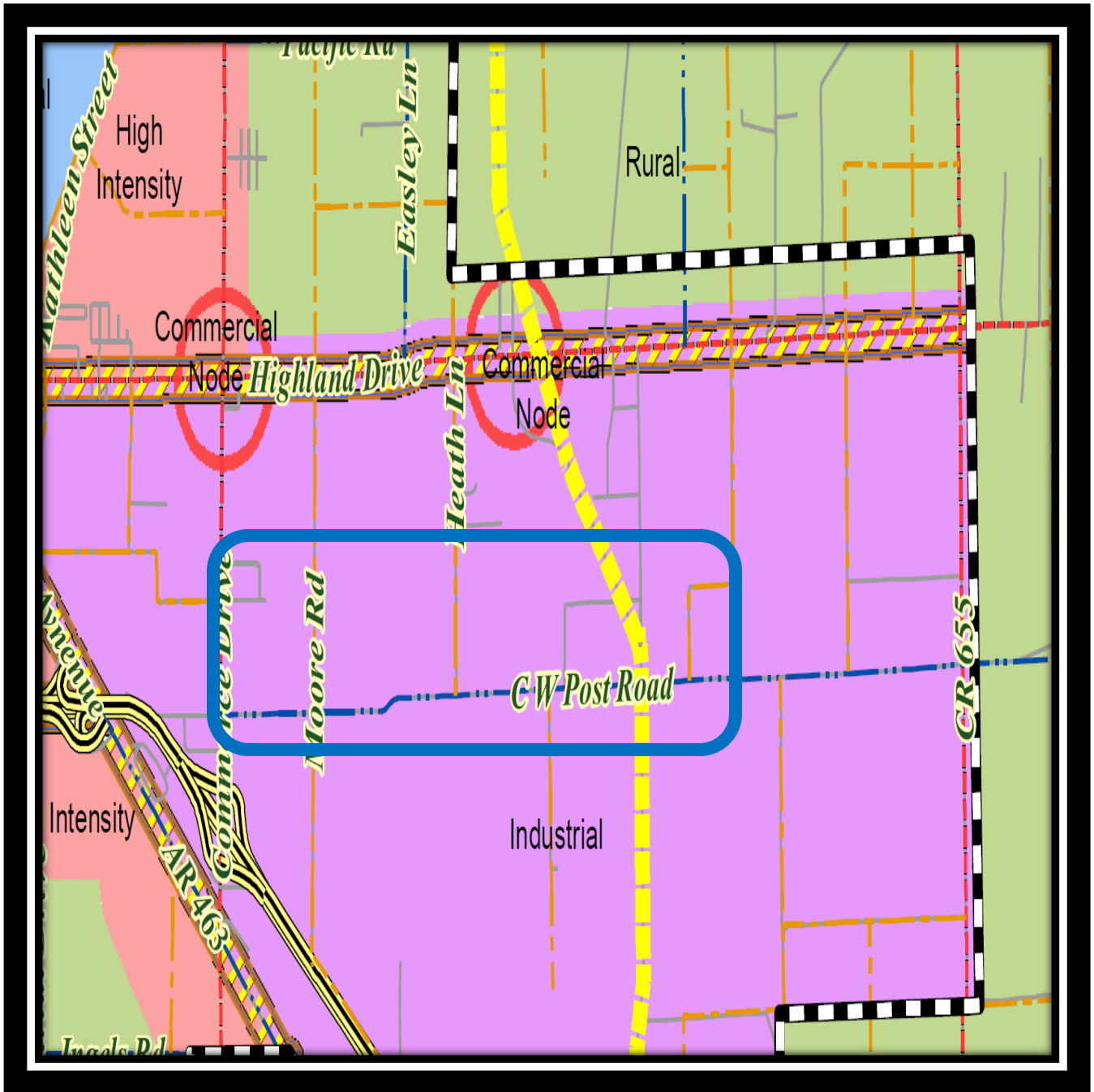
Smaller scale “light” industrial uses include warehousing, storage, limited manufacturing, research and development, laboratories, transportation terminals, and wholesale activities in enclosed facilities without offensive emissions or nuisance.

INDUSTRIAL INTENSITY GROWTH SECTORS - RECOMMENDED USE TYPES INCLUDE:

- Freight Terminals
- Warehousing
- Wholesaling
- Packaging
- Storage
- Fabrication

EXAMPLES:





Land Use Plan

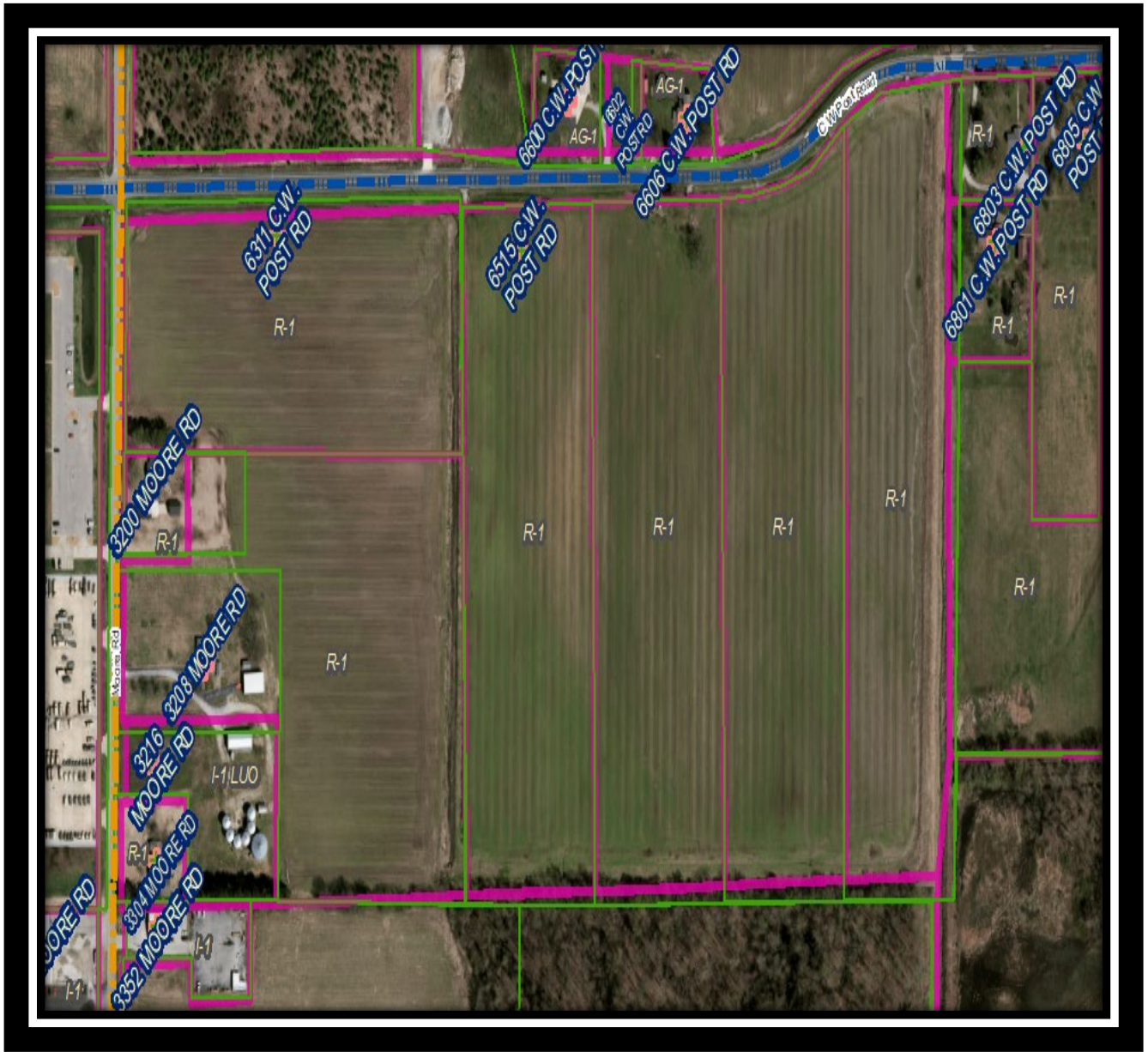
MASTER STREET PLAN/TRANSPORTATION



Master Street Plan Map

Master Street Plan/Transportation







The subject property is served by C. W. Post Road. C. W. Post Road on the Master Street Plan is classified as a Minor Arterial. A Minor Arterial Street provide the connections to and through an urban area. The Minor Arterial Street primary function is to provide short distance travel within the urbanized area. Since a Minor Arterial is a high volume road, a minimum of 4 travel lanes is required. At intersections with Collector Streets or other Arterials (principal or minor), additional right-of-way may be required.



Zoning Map

Approval Criteria- Chapter 117 - Amendments:

The criteria for approval of a rezoning are set out below. Not all of the criteria must be given equal consideration by the MAPC or City Council in reaching a decision. The criteria to be considered shall include, but not be limited to the following list on the next page.

Criteria	Explanations and Findings	Comply Y/N
(a) Consistency of the proposal with the Comprehensive Plan/Land Use Map	The proposed district rezoning is consistent with the Adopted Land Use Plan, which was categorized as an Industrial Intensity Growth Sector.	
(b) Consistency of the proposal with the purpose of Chapter 117-Zoning.	The proposal will achieve consistency with the purpose of Chapter 117, with compliance of all District standards.	
(c) Compatibility of the proposal with the zoning, uses and character of the surrounding area.	Compatibility is achieved with this rezoning considering there are I-1 and I-2 Zoning in this area.	
(d) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment;	Without the proposed zoning map amendment, this property will not develop as anything other than what is on this location now or new house. This is an R-1 Single Family Residential District and only a single family home can be built. This is located in the Floodway and actually, no home can be built on it.	
(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;	No detrimental or adverse impacts are predicted, if proper planning is implemented.	
(f) 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	Minimal impact if rezoned due to the fact that businesses and residential currently exist in this area.	

Staff Findings:

Applicant's Purpose

The proposed area is currently classified as an R-1 Single Family Residential District. The applicant wants to rezone to engage a geotechnical firm to evaluate the subsurface materials and has been informed that those materials are suitable for the purposes of placement of fill materials for roadways and building structures. Therefore, the owner seeks to rezone to be allowed to excavate the materials for use on other sites under the same ownership in the near vicinity.

Rezoning this property is consistent with the *Jonesboro Comprehensive Plan* and the *Future Land Use Plan*. Rezoning makes sense considering there are already Industrial Businesses located in the area.

Chapter 117 of the City Code of Ordinances/Zoning defines I-2 General Industrial District as follows:

Definition of I-2 General Industrial District - This district is intended for the more intensive industries and those manufacturing facilities making products from raw materials. Regulations are the minimum for mutual protection between industries. Rail service is typically necessary, as is adequate highway access.

Departmental/Agency Reviews:

The following departments and agencies were contacted for review and comments. Note that this table will be updated at the hearing due to reporting information that will be updated in the coming days:

Department/Agency	Reports/ Comments	Status
Engineering	Reported no issues.	
Streets/Sanitation	No issues were reported	
Police	No issues were reported	
Fire Department	Reported no issues.	
MPO	No issues were reported	
Jets	Reported no issues.	
Utility Companies	Reported no issues.	CWL
Code Enforcement	Reported no issues.	

MAPC RECORD OF PROCEEDINGS: PUBLIC HEARING HELD ON JUNE 22, 2021

George Hamman of Civilogic on behalf of John Stuckey are requesting MAPC Approval for a Rezoning from “R-1” Single Family Residential to “I-2” General Industrial District for 11.53 +/- acres of land located around the 6609 C W Post Road.

COMMISSION: Lonnie Roberts stated there was an error on the staff summary stating they were requesting an I-1 zoning when it’s an I-2 zoning.

APPLICANT: Jim Gramling on behalf of John Stuckey. We did not have a neighborhood meeting for this particular request because there’s no structure being proposed. We’ve been here recently for some surrounding properties for Mr. Stuckey that were rezoned I-2 for warehouse and storage space. The purpose of this rezoning to I-2 would be to allow him to use some of the dirt on this property at the other properties that have been rezoned. This is an industrial intensity growth sector so this property would be consistent with the cities future land use plan.

STAFF: Ryan Robeson asked were the notifications that were sent out zoned correctly.

APPLICANT: Jim Gramling stated yes.

STAFF: Ryan Robeson stated it does meet the requirements of our zoning questions that we normally ask so we would recommend approval with the following stipulations:

- 1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual Flood Plain Regulations and Traffic Access Management Policy regarding any new development.**
- 2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the Planning Department, prior to any redevelopment of the property.**
- 3. Any change of use shall be subject to Planning Department approval in the future.**
- 4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosure, sidewalks etc. shall be submitted to the Planning Department prior to any redevelopment of this property.**

STAFF: Craig Light stated you would be moving dirt off this site to another site.

APPLICANT: Jim Gramling stated the purpose would be to use dirt, which is correct.

STAFF: Craig Light stated on this site or other sites.

APPLICANT: Jim Gramling stated to take dirt from this site and move it in connection with construction development that have been rezoned I-1.

COMMISSION: David Handwork stated so when you're borrowing the soil off this site I'm assuming it's going to create almost a pond type of situation.

APPLICANT: Jim Gramling stated I suppose it's possible.

COMMISSION: David Handwork asked is there any regulation to that Craig.

STAFF: Craig Light stated they would have to get a grading permit. My question is would they have to get a mining permit for the site. An I-2 classification would allow you to get a mining permit. That was the reason for my question. It could be permitted through a grading process or a mining process on the property. Whether or not they wanted it as a detention facility or not could be determined as it was dug out. The city does own some pits on Barnhill Road where we borrow material for this same reason.

COMMISSION: David Handwork asked could this create future challenges for development in this area if we create a ball pit.

STAFF: Ryan Robeson stated I wouldn't think so. As Craig said, in the area we've already had some ball pits, so I think it would be ok with our development.

COMMISSION: Kevin Bailey stated in the pre-meeting, this entire piece of property is in the floodway so it is not buildable.

STAFF: Craig Light stated it is north of our new gun range facility. We have a 40-acre block of woods separating the two but it is still north of our gun range.

COMMISSION: David Handwork asked are there any restrictions for excavating in the floodway.

STAFF: Craig Light stated not for excavating.

COMMISSION: Lonnie Roberts ask for Public Comments on this Rezoning Request and gave a minute on the clock for someone to call in.

PUBLIC: No calls or comments were made.

COMMISSION: Lonnie Roberts Jr. asked for commissioner's comments or motion.

COMMISSION ACTION:

Mr. Kevin Bailey made a motion to approve Case: RZ: 21-09, as submitted, to the City Council with the stipulations that were read by the Planning Department:

- 1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual Flood Plain Regulations and Traffic Access Management Policy regarding any new development.**

2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the Planning Department, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Department approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosure, sidewalks etc. shall be submitted to the Planning Department prior to any redevelopment of this property.

The MAPC find to rezone property “R-1” Single Family Residential District to “I-2” General Industrial District for 11.53 +/- acres of land. Motion was seconded by Mr. Jim Little.

Roll Call Vote: 7-0, Aye’s: Paul Ford; Stephanie Nelson; David Handwork; Kevin Bailey; Monroe Pointer; Jimmy Cooper; Jim Little.

Nay’s: 0

Absent: Dennis Zolper

Conclusion:

The Planning Department Staff finds that the requested Zone Change submitted for subject parcel, should be evaluated based on the above observations and criteria of Case RZ 21-09 a request to rezone property from “R-1” Single Family Residential District to “I-2” General Industrial District; the following conditions are recommended:

1. That the proposed site shall satisfy all requirements of the City Engineer, all requirements of the current Stormwater Drainage Design Manual Flood Plain Regulations and Traffic Access Management Policy regarding any new development.
2. A final site plan subject to all ordinance requirements shall be submitted, reviewed, and approved by the Planning Department, prior to any redevelopment of the property.
3. Any change of use shall be subject to Planning Department approval in the future.
4. A final site plan illustrating compliance with site requirements for parking, signage, landscaping, fencing, buffering, outdoor storage, dumpster enclosure, sidewalks etc. shall be submitted to the Planning Department prior to any redevelopment of this property.

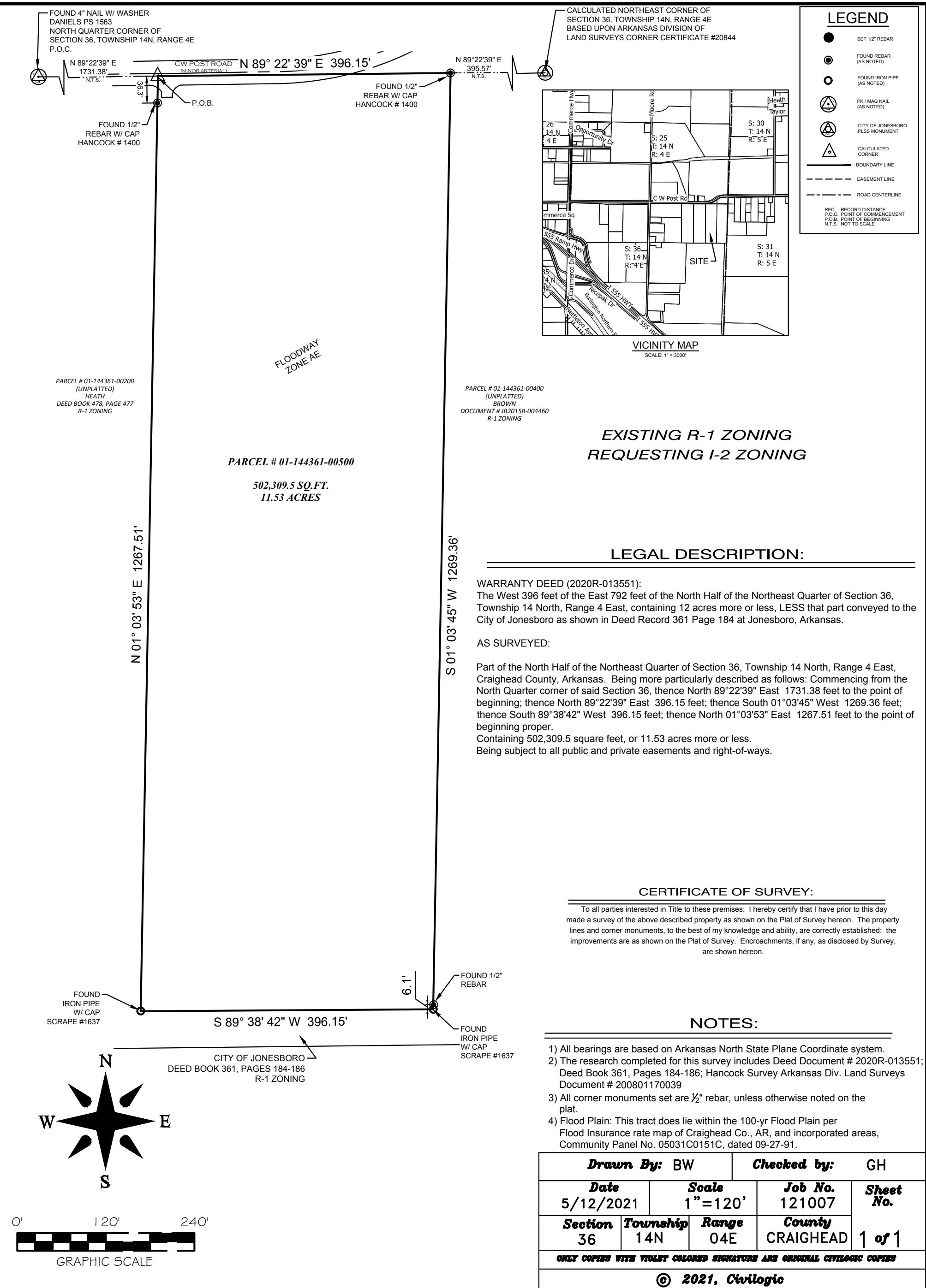
Respectfully Submitted for City Council Consideration,
The Planning and Zoning Department

Sample Motion:

I move that we place Case: RZ 21-09 on the floor for consideration of recommendation by MAPC to the City Council with the noted conditions, and we, the MAPC find that to rezone property from “R-1” Single Family Residential District to “I-2” General Industrial District will be compatible and suitable with the zoning, uses, and character of the surrounding area.



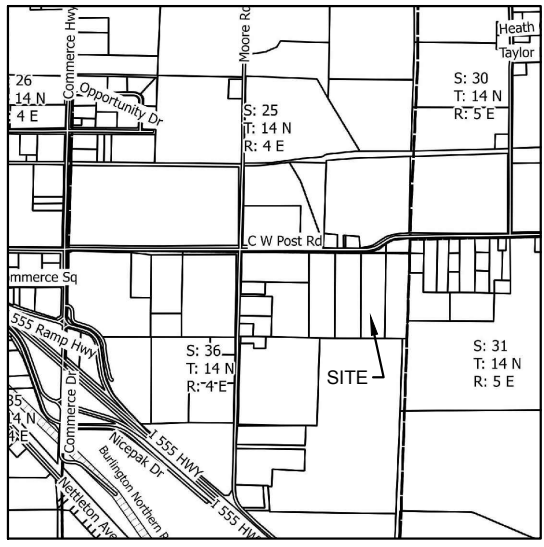




LEGEND

- SET 1/2" REBAR
- ⊙ FOUND REBAR (AS NOTED)
- FOUND IRON PIPE (AS NOTED)
- ⊙ PK / MAG NAIL (AS NOTED)
- ⊙ CITY OF JONESBORO PLSS MONUMENT
- ⊙ CALCULATED CORNER
- BOUNDARY LINE
- - - EASEMENT LINE
- - - ROAD CENTERLINE

REC. RECORD DISTANCE
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING
N.T.S. NOT TO SCALE



PARCEL # 01-144361-00200
(UNPLATTED)
HEATH
DEED BOOK 478, PAGE 477
R-1 ZONING

PARCEL # 01-144361-00500
502,309.5 SQ.FT.
11.53 ACRES

PARCEL # 01-144361-00400
(UNPLATTED)
BROWN
DOCUMENT # JB2015R-004460
R-1 ZONING

**EXISTING R-1 ZONING
REQUESTING I-2 ZONING**

LEGAL DESCRIPTION:

WARRANTY DEED (2020R-013551):
The West 396 feet of the East 792 feet of the North Half of the Northeast Quarter of Section 36, Township 14 North, Range 4 East, containing 12 acres more or less, LESS that part conveyed to the City of Jonesboro as shown in Deed Record 361 Page 184 at Jonesboro, Arkansas.

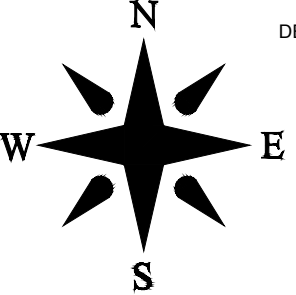
AS SURVEYED:
Part of the North Half of the Northeast Quarter of Section 36, Township 14 North, Range 4 East, Craighead County, Arkansas. Being more particularly described as follows: Commencing from the North Quarter corner of said Section 36, thence North 89°22'39" East 1731.38 feet to the point of beginning; thence North 89°22'39" East 396.15 feet; thence South 01°03'45" West 1269.36 feet; thence South 89°38'42" West 396.15 feet; thence North 01°03'53" East 1267.51 feet to the point of beginning proper.
Containing 502,309.5 square feet, or 11.53 acres more or less.
Being subject to all public and private easements and right-of-ways.

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) All bearings are based on Arkansas North State Plane Coordinate system.
- 2) The research completed for this survey includes Deed Document # 2020R-013551; Deed Book 361, Pages 184-186; Hancock Survey Arkansas Div. Land Surveys Document # 200801170039
- 3) All corner monuments set are 1/2" rebar, unless otherwise noted on the plat.
- 4) Flood Plain: This tract does lie within the 100-yr Flood Plain per Flood Insurance rate map of Craighead Co., AR, and incorporated areas, Community Panel No. 05031C0151C, dated 09-27-91.



Drawn By: BW		Checked by: GH	
Date 5/12/2021	Scale 1"=120'	Job No. 121007	Sheet No. 1 of 1
Section 36	Township 14N	Range 04E	County CRAIGHEAD

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ENGINEERS PLANNERS SURVEYORS

Civilogic

SHEET NUMBER
1 of 1

CERTIFICATE OF AUTHORIZATION
CIVILOGIC
No. 329
ARKANSAS-ENGINEER

REGISTERED
STATE OF ARKANSAS
NO. 1273
SIGNATURE
DATE
GEORGE M. HAMMAN
PROFESSIONAL SURVEYOR

REZONING PLAT
PT. N 1/2, NE 1/4, SEC. 36-T14N-R04E
C.W. POST ROAD
FOR
JOHN STUCKEY

Application
for a
Zoning Ordinance Map Amendment

METROPOLITAN AREA
PLANNING COMMISSION
Jonesboro, Arkansas

Date Received:

5/19/21

Case Number:

R221-09

LOCATION:

Site Address: CW Post Road, Jonesboro, AR 72401 (no address assigned, to date)

Side of Street: South side of CW Post Road

Quarter: Part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 36, Township 14 North, Range 4 East

Attach a survey plat and legal description of the property proposed for rezoning. A registered Land Surveyor must prepare this plat.

SITE INFORMATION:

Existing Zoning: R-1 **Proposed Zoning:** I-2

Size of site (square feet and acres): 502,310 S.F. – 11.53 Acres

Street Frontage (feet): Approximately 400 feet along CW Post Road

Existing Use of the Site: There is no evidence this site has ever been used as anything other than agricultural.

Character and adequacy of adjoining streets: CW Post Road is currently a two-lane road which has been classified by the Master Street Plan as a Minor Arterial. The Master Street Plan will be followed for the future development if this rezoning request is granted.

Does public water serve the site? Existing 24" water, north side of CW Post Road

If not, how would water service be provided? N/A

Does public sanitary sewer serve the site?

There is no existing sanitary sewer service available in the immediate vicinity.

If not, how would sewer service be provided?

This site lies within the FEMA Floodway. Therefore, no development that includes placement of a structure is allowed on this parcel. Therefore, extension of sanitary sewer is not a consideration for this parcel.

Use of adjoining properties: **North:** Agricultural (AG-1) – one home, and Agricultural
South: Industrial (I-1) – vacant / wooded
East: Residential (R-1) – vacant / agricultural
West: Residential (R-1) – vacant / agricultural

Physical Characteristics of the site:

There is little slope to the land, and it drains generally west to east. The site has been used as agricultural land.

Characteristics of the neighborhood:

This site is surrounded by sparse development of any sort. There is one residence on the north side of CW Post Road, but the vast majority of the remainder of the surrounding land is undeveloped.

Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Areas Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is the 17th of each month. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.

REZONING INFORMATION:

The applicant is responsible for explaining and justifying the proposed rezoning. *Please prepare an attachment to the application answering each of the following questions in detail:*

- (1) How was the property zoned when the current owner purchased it?**
The property was zoned R-1 at the time of acquisition.
- (2) What is the purpose of the proposed rezoning? Why is the rezoning necessary?**
The developer has engaged a geotechnical firm to evaluate the subsurface materials and has been informed that those materials are suitable for the purposes of placement of fill materials for roadways and building structures. Therefore, the owner seeks to rezone the property to a classification of I-2, in order to be allowed to excavate the materials for use on other sites under the same ownership in the near vicinity.
- (3) If rezoned, how would the property be developed and used?**
If rezoned, the applicant / owner / developer seeks to rezone the property to a classification of I-2, in order to be allowed to excavate the materials for use on other sites under the same ownership in the near vicinity.
- (4) What would be the density of development (e.g. number of residential units; square footage of commercial, institutional, or industrial buildings)?**
This site lies within the FEMA Floodway. Therefore, no development that includes placement of a structure is allowed on this parcel.
- (5) Is the proposed rezoning consistent with the Jonesboro Land Use Plan?**
The *Jonesboro Land Use Plan* indicates this area as Industrial. Therefore, the request is consistent with the *Jonesboro Land Use Plan*.

(6) How would the proposed rezoning be in the public interest and benefit the community?

With the proper planning of access, this parcel could be used to provide materials need for development in the immediate area, thereby providing employment opportunities in our community during.

(7) How would the proposed rezoning be compatible with the zoning, uses, and character of the surrounding area?

This request is completely compatible with the development in, and the character of the surrounding area. There are no buildings proposed, only the excavation of the existing materials.

(8) Are there substantial reasons why the property cannot be used in accordance with the existing zoning?

Excavation of this sort is not allowed in the R-1 Classification.

(9) How would the proposed rezoning affect nearby property including impact on property value, traffic, drainage, visual appearance, odor, noise, light, vibration, hours of use or operation and any restriction to the normal and customary use of the affected property.

This proposed zoning classification should have no detrimental impact on any of the following aspects of the immediate area.

- A) Property Values
- B) Traffic
- C) Drainage
- D) Visual Appearance
- E) Odor
- F) Noise
- G) Light
- H) Vibration
- J) Hours
- K) Restrictions

(10) How long has the property remained vacant?

There are no indications this property has ever been developed.

(11) What impact would the proposed rezoning and resulting development have on utilities, streets, drainage, parks, open space, fire, police, and emergency medical services?

A change in the zoning from R-1 to I-2 should have no detrimental impact on any of the following aspects.

- A) Utilities
- B) Streets
- C) Drainage
- D) Parks
- E) Open Space
- F) Fire
- G) Police
- H) Emergency Medical Services

(12) If the rezoning is approved, when would development or redevelopment begin?

The current anticipated plan calls for material excavation only. The proposed excavation is proposed to begin as soon as the zoning and other applications can be properly processed, in accordance with the appropriate standards and specifications.

(13) How do neighbors feel about the proposed rezoning? Please attach minutes of the neighborhood meeting held to discuss the proposed rezoning or notes from individual discussions. *If the proposed rezoning has not been discussed with neighbors, please attach a statement explaining the reason. Failure to consult with the neighbors may result in delay in hearing the application.*

No neighborhood meeting has been organized for this request, since no buildings are proposed.

(14) If this application is for a Limited Use Overlay (LUO), the applicant must specify all uses desired to be permitted.

This request is not for a Limited Use Overlay.

OWNERSHIP INFORMATION:

All parties to this application understand that the burden of proof in justifying and demonstrating the need for the proposed rezoning rests with the applicant named below.

Owner of Record:

I certify that I am an owner of the property that is the subject of this rezoning application and that I represent all owners, including spouses, of the property to be rezoned. I further certify that all information in this application is true and correct to the best of my knowledge.

Applicant:

If you are not the Owner of Record, please describe your relationship to the rezoning proposal:

The owner of the property is:

John C. Stuckey
10415 Stuckey Lane
Trumann, AR 72472



John C. Stuckey, Owner / Applicant

Deed: *Please attach a copy of the deed for the subject property. Applications will not be considered complete until all items have been supplied. Incomplete applications will not be placed on the Metropolitan Areas Planning Commission agenda and will be returned to the applicant. The deadline for submittal of an application is the 17th of each month. The Planning staff must determine that the application is complete and adequate before it will be placed on the MAPC agenda.*

 Reply  Reply All  Forward



Jennifer Morgan <jennifer.morgan@nettletonschools.net>

Tracy McGaha; Ronald Cooper ▾

Rezoning Request

We have no issues with the rezoning of the south side of CW Post Road from residential to industrial.

Thanks,

Jennifer Morgan
Nettleton School District
Superintendent's Secretary
3300 One Place
Jonesboro, AR 72401
870-910-7800 ext 1221
870-910-7854 (Fax)

**CITY OF JONESBORO
REZONING ADJOINING PROPERTY OWNER NOTIFICATION**

The Metropolitan Area Planning Commission, City of Jonesboro, Arkansas, will hold a public hearing at the City of Jonesboro Municipal Center, 300 S. Church St., Council Chambers, 1st Floor, Jonesboro, Arkansas, on:

June 22, 2021 at 5:30 p.m.

NOTE: During the COVID-19 protocol this meeting may not be open to the public. If you are interested in participating, please contact the City of Jonesboro Planning Department [(870) 932-0406] and they can provide you with an invitation to participate through the social media known as "Zoom".

One item on the agenda for this meeting is a request to the Commission to approve a revision to the zoning ordinance concerning property that is within 200 feet of property under your ownership. You have the opportunity to attend this meeting to voice your approval or disapproval if you wish. If you have information that you feel should be taken into consideration before a decision is rendered, you are encouraged to submit such information to the Commission. If the Commission renders a decision you feel is unfair or unjust, you may appeal the decision to Circuit Court.

REZONING REQUESTED BY:	John Stuckey
DATE:	Meeting Date: June 22, 2021 at 5:30 p.m.
SUBJECT PROPERTY ADDRESS:	South side of CW Post Road; Approximately 1,900 feet east of Moore Road; No address assigned at this time
DESCRIPTION OF REZONING REQUESTED:	From R-1, Residential to I-2 Industrial

In affixing my signature below, I am acknowledging my understanding of this request for a Rezoning. I further understand that my signature only indicates my receipt of notification of the request for a Rezoning and does not imply an approval by me or the Rezoning, unless so written by me to the Commission.

City of Jonesboro
Printed Name of Property Adjacent Owner
300 South Church Street
Jonesboro, AR 72401-2911
Address



(Signature)

Date

unknown
Phone

If you would like to obtain additional information, or voice an opinion regarding this request, you may do so by contacting the Planning Department, at 300 S. Church St., or by calling 870-932-0406, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.



REZONING REQUESTED
FOR THIS
PROPERTY
Public Hearings to be held
2nd & 4th Tuesdays of Each Month
Municipal Center
300 S. CHURCH ST.
8th Floor
CALL 870-932-0406
FOR TOWN OF WASHINGTON
PLANNING DEPARTMENT



Tracy McGaha

From: george@civilogic.net
Sent: Thursday, June 10, 2021 4:34 PM
To: Tracy McGaha
Subject: [FWD: CW Post Rezoning]

Here are the USPS receipts - also sent on Monday, 06/07/2021.

----- Original Message -----

Subject: CW Post Rezoning
From: <george@civilogic.net>
Date: Mon, June 07, 2021 3:57 pm
To: "Tracy McGaha" <TMcGaha@jonesboro.org>

Tracy,

These are the notifications for the rezoning request on CW Post Road for the MAPC meeting on 06/22/2021.

Thank you,
G. Hamman

----- Original Message -----

Subject: Pak Mail eReceipt
From: "PAK MAIL 0487" <mailserver@notify.postalmate.net>
Date: Mon, June 07, 2021 3:36 pm
To: GEORGE@CIVIOLOGIC.NET

e-Receipt

PAK MAIL 0487
361 Southwest Dr
JONESBORO, AR 72401
870-931-5151 Store: 487

Shipment-----
USPS First Class Mail
Ship To:
JAMES DUNIVAN, SUPERINTENDENT
3300 ONE PL
JONESBORO, AR 72404-9318
Package ID: 283241 6.31
Tracking #: 9407111108036866174063
Actual Wt: 0 lbs .4 ozs
Rating Wt: 0.06 lbs
Certified [\$5.64]

Shipment-----
USPS First Class Mail
Ship To:
ANNETTE SCOTT LIVING TRUST
10380 PLANTATION WOODS DR

LAKELAND, TN 38002-7995
Package ID: 283243 6.31
Tracking #: 9407111108036866175978
Actual wt: 0 lbs .4 ozs
Rating wt: 0.06 lbs
Certified [\$5.64]

Shipment-----

USPS First Class Mail
Ship To:

DEAN CARROLL SHUCK & KATHRYN G. SHU
6606 C W POST RD
JONESBORO, AR 72401-9651

Package ID: 283245 6.31
Tracking #: 9407111108036866172793
Actual wt: 0 lbs .4 ozs
Rating wt: 0.06 lbs
Certified [\$5.64]

Shipment-----

USPS First Class Mail
Ship To:

HENRY WILLIAMS
2205 WINDING CREEK LN
FORT PIERCE, FL 34981-5061

Package ID: 283249 6.31
Tracking #: 9407111108036866170294
Actual wt: 0 lbs .4 ozs
Rating wt: 0.06 lbs
Certified [\$5.64]

Shipment-----

USPS First Class Mail
Ship To:

N & T ASSOCIATES, LLC
3878 RIDGEWOOD CV
JONESBORO, AR 72404-6887

Package ID: 283250 6.31
Tracking #: 9407111108036866170089
Actual wt: 0 lbs .4 ozs
Rating wt: 0.06 lbs
Certified [\$5.64]

shipment-----

USPS First Class Mail
Ship To:

CITY OF JONESBORO
300 s Church St
JONESBORO, AR 72401

Package ID: 283251 6.31
Tracking #: 9407111108036866178733
Actual wt: 0 lbs .4 ozs
Rating wt: 0.06 lbs
Certified [\$5.64]

SUBTOTAL	37.86
TAX	0.00
TOTAL	37.86
TEND Chk: 8071	37.86

Total shipments: 6
GEORGE HANNAN

06/07/2021
03:36 PM

#126068
Workstation: 0 - MAINPC

Signature_____

Thank you for your business

TRACK YOUR PACKAGE AT:
WESHIPJONESBORO.COM



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: ORD-21:032

Agenda Date:

Version: 1

Status: Third Reading

In Control: Public Works Council Committee

File Type: Ordinance

AN ORDINANCE AMENDING APPENDIX 7 OF THE STORMWATER DRAINAGE DESIGN MANUAL

WHEREAS, the City Council adopted The Stormwater Drainage Design Manual on December 18, 2008 (ORD-08:099);

WHEREAS, Appendix 7, ADEQ Permit No. ARR150000 of the Stormwater Drainage Manual, will expire on October 31, 2026 and shall be replaced with the most current permit.

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

Section 1. That ORD-08:099 was adopted by the City Council on December 18, 2008 (ORD-08:099).

Section 2. That Appendix 7, ADEQ Permit No. ARR150000 of the Stormwater Drainage Design Manual, is replaced in its entirety with an updated copy of the permit (attached).

Section 3: That the Mayor and the City Clerk are hereby authorized by the City Council for the City of Jonesboro to adopt the above referenced amendment to the Stormwater Drainage Design Manual.

**AUTHORIZATION TO DISCHARGE STORMWATER UNDER
THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND THE
ARKANSAS WATER AND AIR POLLUTION CONTROL ACT**

In accordance with the provisions of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et seq.), and the Clean Water Act (33 U.S.C. 1251 et seq.), an

Operator of Facilities with Stormwater Discharges Associated with Construction Activity

is authorized to discharge to all receiving waters except as stated in Part I.B.11 (Exclusions).

For large construction sites that are eligible for coverage under this General Permit (GP), the Arkansas Department of Energy and Environment - Division of Environmental Quality (DEQ), Office of Water Quality will provide a Notice of Coverage (NOC) with tracking permit number which starts with ARR15 and a copy of the permit to the facility. The cover letter includes the DEQ's determination that a facility is covered under the GP and may specify alternate requirements outlined in the permit.

Small construction sites that are eligible for coverage under this GP will be considered to have automatic coverage under this GP and must follow the permit requirements outlined in Condition 6 of Part I.

Effective Date: November 1, 2021

Expiration Date: October 31, 2026



Digitally signed by Alan J. York
DN: cn=Alan J. York, o, ou,
email=alan.york@adeq.state.ar.us,
c=US
Date: 2021.05.04 09:13:53 -05'00'

Alan J. York
Associate Director, Office of Water Quality
Division of Environmental Quality

05/04/2021

Issue Date

PART I PERMIT REQUIREMENTS

Information in **Part I** is organized as follows:

Section A: Definitions with Included Commentary

Section B: Coverage Under this Permit:

1. Permitted Area
2. Eligibility
3. Responsibilities of the Operator
4. Where to Submit
5. Requirements for Qualifying Local Program (QLP)
6. Requirements for Coverage
7. Notice of Intent (NOI) Requirements
8. Posting Notice of Coverage (NOC)
9. Applicable Federal, State or Local Requirements
10. Allowable Non-Stormwater Discharges
11. Limitations on Coverage (Exclusions)
12. Short Term Activity Authorization (STAA)
13. Effluent Limitation Guidelines (ELG)
14. Natural Buffer Zones
15. Waivers from Permit Coverage
16. Notice of Termination (NOT)
17. Responsibilities of the Operator of a Larger Common Plan of Development for a Subdivision
18. Change in Operator
19. Late Notifications
20. Failure to Notify
21. Maintenance
22. Releases in Excess of Reportable Quantities
23. Attainment of Water Quality Standards
24. Requiring an Individual Permit

SECTION A: DEFINITIONS WITH INCLUDED COMMENTARY

1. "**Arkansas Pollution Control and Ecology Commission**" shall be referred to as APC&EC throughout this permit.
2. "**Automatic Coverage**" is a term used to define the method of coverage for a small construction site.
3. "**Best Management Practices (BMPs)**" schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control construction site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. According to the EPA BMP manual, the use of hay-bales in concentrated flow areas is not recommended as a BMP.
4. "**Cognizant Official**" is a duly authorized representative, as defined in Part II.B.9.B.
5. "**Commencement of Construction**" is the initial disturbance of soils (or breaking ground) associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site).
6. "**Contaminated**" is a substance the entry of which into the MS4, waters of the State, or Waters of the United States may cause or contribute to a violation of Arkansas water quality standards.
7. "**Control Measure**" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the State.
8. "**Construction Activity**" earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants.
9. "**Construction Site**" is an area upon which one or more land disturbing construction activities occur that in total will disturb one acre or more of land, including areas that are part of a larger common plan of development or sale that may be less than one acre where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan such that the total disturbed area is one acre or more.
10. "**Construction Support Activity**" a construction-related activity that specifically supports the construction activity and involves earth disturbance of pollutant-generating activities of its own, and can include, but not limited to, activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and burrow areas.
11. "**CWA**" is the Clean Water Act or the Federal Water Pollution Control Act.
12. "**Department**" is referencing the Department of Energy and Environment.
13. "**DEQ**" or "**Division**" is referencing the Division of Environmental Quality. The Division is the governing authority for the National Pollutant Discharge Elimination System program in the state of Arkansas.

14. "**Detention Basin**" is an area where excess stormwater is stored or held temporarily and then slowly drains when water levels in the receiving channel recede. In essence, the water in a detention basin is temporarily detained until additional room becomes available in the receiving channel.
15. "**Director**" is the Director of the Division of Environmental Quality, or a designated representative.
16. "**Discharge**" is when used without qualification means the "discharge of a pollutant".
17. "**Disturbed area**" is the total area of the site where any construction activity is expected to disturb the ground surface. This includes any activity that could increase the rate of erosion, including, but not limited to, clearing, grubbing, grading, excavation, demolition activities, haul roads, and areas used for staging. Also included are stockpiles of topsoil, fill material and any other stockpiles with a potential to create additional runoff.
18. "**Drainageway**" is an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.
19. "**Duly Authorized Representative**" is a representative of the Responsible Official meeting the requirements specified in Part II.B.9.B.
20. "**Eligible**" refers to being qualified for authorization to discharge stormwater under this general permit.
21. "**Erosion**" is the process by which the land's surface is worn away by the action of wind, water, ice or gravity.
22. "**ERW**" Extraordinary Resource Water, in accordance with Rule 2.
23. "**ESW**" Ecologically Sensitive Waterbodies, in accordance with Rule 2.
24. "**Facility**" or "**Activity**" is any NPDES "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.
25. "**Final Stabilization**":
- A. All soil disturbing activities at the site have been completed and either of the two following criteria are met:
 - 1) A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 80% or more of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
 - 2) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
 - B. When background native vegetation will cover less than 100% of the ground (e.g., arid areas, beaches), the 80% coverage criteria is adjusted as follows: if the native vegetation covers 50% of the ground, 80% of 50% ($0.80 \times 0.50 = 0.40$) would require 40% total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
 - C. For individual lots in residential construction, final stabilization means that either:
 - 1) The homebuilder has completed final stabilization as specified above, or

- 2) The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

D. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to “waters of the State”, and areas which are not being returned to their pre-construction agricultural use shall meet the final stabilization criteria in A, B, or C above.

26. **"Grading Activities"** as used in this permit are those actions that disturb the surface layer of the ground to change the contouring, surface drainage pattern, or any other slope characteristics of the land without significantly adding or removing on-site rock, soil, and other materials. This can include demolition, excavation, and filling.

27. **"Impaired Water"** is a waterbody listed in the current, approved Arkansas 303(d) list.

28. **"Infrastructure"** refers to streets, drainage, curbs, utilities, etc.

29. **"Landscaping"** is improving the natural beauty of a piece of land (i.e. entrance of subdivision) through plantings or altering the contours of the ground.

30. **"Large Construction Site"** is a construction site in which construction activity including clearing, grading and excavation. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or greater. (Please see Part I.B.15 for partial waivers.)

31. **"Larger Common Plan of Development or Sale"** is a contiguous (sharing a boundary or edge; adjacent; touching) area where multiple and distinct construction activities may be taking place at different times on different schedules under one plan. Such a plan might consist of many small projects (e.g. a common plan of development for a residential subdivision might lay out the streets, house lots, and areas for parks, schools and commercial development that the developer plans to build or sell to others for development). All these areas would remain part of the common plan of development or sale. The following items can be used as guidance for deciding what might or might not be considered a “Common Plan of Development or Sale.” The “plan” in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot. The applicant shall still meet the definition of operator in order to be required to get permit coverage, regardless of the acreage that is personally disturbed.

If a smaller project (i.e., less than 1 acre) is part of a larger common plan of development or sale (e.g., you are building a residential home on a ½ acre lot in a 40 acre subdivision or are putting in a fast food restaurant on a ¾ acre pad that is part of a 20 acre retail center), permit coverage is required.

32. **"Losing Stream Segment"** a stream segment which, beginning at the point of existing or proposed discharge and extending two (2) miles downstream, contribute thirty percent (30%) or more of its flow at a 7Q10 flow or one (1) cfs, whichever is greater, through natural processes such as permeable subsoil or cavernous bedrock into an aquifer.

33. **"Natural Buffer"** for purposes of this permit, an area of undisturbed natural cover surrounding waters of the State. Natural cover includes vegetation, exposed rock, or barren ground that exists prior to commencement of construction activities

at the site.

- 34. "**NOC**" Notice of Coverage.
- 35. "**NOI**" Notice of Intent to be covered by this permit.
- 36. "**NOT**" Notice of Termination.
- 37. "**NSW**" Natural and Scenic Waterways, in accordance with Rule 2.

38. "Operator"/"Permittee" for the purpose of this permit and in the context of stormwater associated with construction activity, means any person(s), an individual, association, partnership, corporation, municipality, state or federal agency, associated with a construction project that has financial and operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; additionally, the Division may require any person(s), an individual, association, partnership, corporation, municipality, state or federal agency, associated with a construction project that has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions can be named as a co-permittee.

In addition, for purposes of this permit and determining who is an operator, "owner" refers to the party that owns the structure being built. Ownership of the land where construction is occurring does not necessarily imply the property owner is an operator (e.g., a landowner whose property is being disturbed by construction of a gas pipeline or a landowner who allows a mining company to remove dirt, shale, clay, sand, gravel, etc. from a portion of his property). Likewise, if the erection of a structure has been contracted for, but possession of the title or lease to the land or structure is not to occur until after construction, the would-be owner may not be considered an operator (e.g., having a house built by a residential homebuilder).

- 39. "**Outfall**" a point source where stormwater leaves the construction site.
- 40. "**Owner**" refers to the owner or operator of any "facility or activity" subject to regulation under the NPDES program. In addition, for purposes of this permit and determining who is an operator, "owner" refers to the party that owns the structure being built. Ownership of the land where construction is occurring does not necessarily imply the property owner is an operator (e.g., a landowner whose property is being disturbed by construction of a gas pipeline). Likewise, if the erection of a structure has been contracted for, but possession of the title or lease to the land or structure is not to occur until after construction, the would-be owner may not be considered an operator (e.g. having a house built by a residential homebuilder).
- 41. "**Physically Interconnected**" means that one municipal separate storm sewer system is connected to a second municipal separate storm sewer system in such a way that it allows for direct discharges into the second system.
- 42. "**Point Source**" is any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
- 43. "**Qualified Local Program**" is a municipal program for stormwater discharges associated with construction sites that has been formally approved by DEQ.
- 44. "**Qualified personnel**" a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of stormwater discharges from the

construction activity.

45. "**Regulated Small Municipal Separate Storm Sewer System**" are all municipal separate storm sewer systems that are either:
- A. Located within the boundaries of an "urbanized area" with a population of 50,000 or more as determined by the latest Decennial Census by the Bureau of Census; or
 - B. Owned or operated by a municipality other than those described in paragraph A and that serve a jurisdiction with a population of at least 10,000 and a population density of at least 1,000 people per square mile; or
 - C. Owned or operated by a municipality other than those described in paragraphs A and B and that contributes substantially to the pollutant loadings of a "physically interconnected" municipal separate storm sewer system.
46. "**Responsible Official**" is the authorized representative, as defined in Part II.B.9.A.
47. "**Retention Basin**" a basin that is designed to hold the stormwater from a rain event and allow the water to infiltrate through the bottom of the basin. A retention basin also stores stormwater, but the storage of the stormwater would be on a more permanent basis. In fact, water often remains in a retention basin indefinitely, with the exception of the volume lost to evaporation and the volume absorbed into the soils. This differs greatly from a detention basin, which typically drains after the peak of the storm flow has passed, sometimes while it is still raining.
48. "**Runoff Coefficient**" is the fraction of total rainfall that will appear at the conveyance as runoff.
49. "**Sediment**" is material that settles to the bottom of a liquid.
50. "**Sediment Basin**" is a basin that is designed to maintain a 10 year-24 hour storm event for a minimum of 24-hours in order to allow sediment to settle out of the water.
51. "**Small Construction Site**" is a construction site in which construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
52. "**Stormwater**" is stormwater runoff from rainfall, snow melt runoff, and surface runoff and drainage.
53. "**Stormwater Discharge Associated with Construction Activity**" refers to the discharge of runoff from any conveyance which is used for collecting and conveying stormwater and which is directly related to construction activity.
54. "**Stormwater Pollution Prevention Plan (SWPPP or SWP3)**" is a plan that includes site map(s), an identification of construction/contractor, activities that could cause pollutants in the stormwater, and a description of measures or practices to control these pollutants.
55. "**Temporary Sediment Controls**" are controls that are installed to control sediment runoff from the site during construction activity. These could be silt fencing, rock check dams, etc.
56. "**Total Maximum Daily Load**" or "**TMDL**" is the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for non-point sources and natural background. If the receiving water has only one point

source discharger, the TMDL is the sum of that point source WLA plus the LAs for any non-point sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measure.

57. "Uncontaminated" means that the water will not exceed the water quality standards as set forth in APC&EC Rule 2; also not containing a harmful quantity of any substance.

58. "Urbanized Area" means the areas of urban population density delineated by the Bureau of the Census for statistical purposes and generally consisting of the land area comprising one or more central place(s) and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile as determined by the latest Decennial Census by the Bureau of Census.

59. "Waters of the State" waters of the State means all streams, lakes, marshes, ponds, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state.

SECTION B: COVERAGE UNDER THIS PERMIT

Introduction

This Construction General Permit (CGP) authorizes stormwater discharges from large and small construction activities that result in a total land disturbance of equal to or greater than one acre or less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. This permit also authorizes stormwater discharges from any other construction activity designated by DEQ where DEQ makes that designation based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to waters of the State. This permit replaces the permit issued in 2016. The goal of this permit is to minimize the discharge of stormwater pollutants from construction activity into waters of the State. The operator shall read and understand the conditions of the permit. A copy of the CGP is available on the DEQ web site at <https://www.adeg.state.ar.us/water/permits/npdes/stormwater/>. A hard copy may be obtained by contacting the DEQ's General Permits Section at (501) 682-0623.

1. **Permitted Area.** If a large or small construction activity is located within the State of Arkansas, the operator may be eligible to obtain coverage under this permit.
2. **Eligibility.** Permit eligibility is limited to discharges from “large” and “small” construction activity, or as otherwise designated by DEQ. This general permit contains eligibility restrictions, as well as permit conditions and requirements. Operators shall meet the requirements of Part I.B.6.A or Part I.B.6.B to be eligible for coverage under this permit. In such cases, operators shall continue to satisfy those eligibility provisions to maintain permit authorization. If operators do not meet the requirements that are a pre-condition to eligibility, then resulting discharges constitute unpermitted discharges. By contrast, if operators are eligible for coverage under this permit and do not comply with the requirements of the general permit, they may be in violation of the general permit for otherwise eligible discharges.
 - A. This general permit authorizes discharges from construction activities as defined in 40 C.F.R. §122.26(a), 40 C.F.R. §122.26(b)(14)(x), 40 C.F.R. §122.26(b)(15)(i)-(ii) and 40 C.F.R. §450.
 - B. This permit also authorizes stormwater discharges from support activities (e.g., concrete or asphalt batch plants, concrete truck washout, fueling, equipment staging yards, materials storage areas, excavated material disposal areas, stockpiles of top soil, borrow areas) provided:
 - 1) The support activity is directly related to a specific construction site that is required to have NPDES permit coverage for discharges of stormwater associated with the construction activity;
 - 2) The support activity is not a commercial operation, nor does it serve multiple unrelated construction projects; and does not continue to operate beyond the completion of the construction activity at the project it supports;
 - 3) Pollutant discharges from support activity areas are minimized in compliance with conditions of this permit; and
 - 4) Discharges from the support activity areas shall be identified in a Stormwater Pollution Prevention Plan (SWPPP) stating appropriate controls and measures for the areas off the construction site.
 - C. Other activities may be considered for this permit at the discretion of the Director as defined in 40 C.F.R. §122.26(b)(15)(ii).

3. **Responsibilities of the Operator.** Permittees with operational control are responsible for compliance with all applicable terms and conditions of this permit as it relates to their activities on the construction site including construction support activities off site, including protection of endangered species and implementation of BMPs and other controls required by the SWPPP. Receipt of this general permit does not relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance or regulation.
4. **Where to Submit.** The operator shall submit a complete and signed Notice of Intent (NOI) and SWPPP to DEQ through ePortal, unless the operator receives a waiver from DEQ, which can be found on the following website:

<https://eportal.adeg.state.ar.us/>

- A. The operator shall submit the application fee to DEQ through ePortal (when available), submit an email requesting an invoice to be created to pay online, or mail in invoice from ePortal with a check (listing the invoice number on the check) to the follow address:

Division of Environmental Quality
ATTN: Fiscal
5301 Northshore Drive
North Little Rock, AR 72118-5317

NOTE: Notice of Coverage (NOC) will **NOT** be issued until payment has been received by DEQ.

- B. Waivers from electronic reporting may be granted based on one of the following conditions:
- 1) If the operational headquarters is physically located in a geographic area (i.e. Zip code or census tract) that is identified as under-served for broadcast internet access in the most recent report from the Federal Communications Commission;
 - 2) If available computer access or computer capability is limited; or
 - 3) If the operator is a religious community that choose not to use certain modern technologies pursuant to 40 C.F.R. §127.15(c)(1).
- C. In order to apply for a waiver from the electronic reporting, the operator must submit the required information outlined in 40 C.F.R. §127.15(b)(2).
- D. If DEQ grants a waiver approval to use a paper NOI, and operator elects to use it, the operator **must** use the approved form developed by DEQ.
5. **Requirements for Qualifying Local Program (QLP).** DEQ reviews and approves the QLPs to ensure that they meet or supersede both state and federal requirements outlined in this permit and 40 C.F.R. §122.44(s). DEQ will review the QLP at least every 5 years for recertification. If DEQ approves a QLP, then the QLP requirements shall at the minimum meet the DEQ's requirements. This includes all templates and forms. This permit may be modified to add new QLPs or modify existing QLPs at DEQ's discretion. All public notice and other applicable costs incurred by the modification of the permit for the addition or modification of a QLP will be paid by the QLP.

If a small construction site is within the jurisdiction of a QLP, the operator of the small construction site is authorized to discharge stormwater associated with construction activity under QLP permit requirements only.

At the time of issuance of this permit, only the City of Hot Springs is meeting the DEQ minimum requirements.

6. Requirements for Coverage.

A. Small Construction Sites. An operator of a small construction site will be considered to have automatic coverage under this general permit and may discharge without submitting a NOI, SWPPP or fee if the following conditions are met:

- 1) A completed Notice of Coverage (NOC) must be posted at the site prior to commencing construction and remain posted until final stabilization is completed;
- 2) A Stormwater Pollution Prevention Plan must be prepared in accordance with good engineering practice as described in Rule 6.203(B), completed prior to posting the NOC, implemented upon commencement of construction activities, and the latest copy must be maintained at the construction site;
- 3) All permit conditions set forth in this general permit must be followed; and
- 4) The operator is responsible for ensuring that the site is in compliance with any changes or updates of this general permit, by either contacting DEQ or reviewing the DEQ website:

<https://www.adeg.state.ar.us/water/permits/npdes/stormwater/>

B. Large Construction Sites. An operator of a large construction site discharging under this general permit shall submit the following items at least ten (10) business days prior to the commencement of construction activities:

- 1) A complete NOI in accordance with the requirements of Part I.B.7 of this permit.
- 2) A complete SWPPP in accordance with the requirements of Part II.A of this permit.
- 3) An initial permit fee shall accompany the NOI under the provisions of APC&EC Rule 9. Subsequent annual fees will be billed by DEQ until the operator has requested a termination of coverage by submitting a Notice of Termination (NOT). Failure to remit the required initial permit fee shall be grounds for the Director to deny coverage under this general permit. Failure to remit the required annual fees shall be grounds for the Director to revoke coverage under this permit.

C. Modification of Permit Coverage to Include Additional Acreage. Any request to increase the total acreage of a construction site shall be accompanied by a \$200 permit modification fee and an updated SWPPP. Any request to only increase the disturbed acreage without changing the total acreage shall be accompanied by an updated SWPPP. A \$200 permit modification fee is not required with an increase in disturbed acreage. The operator shall submit a complete and signed Additional Acreage Request Form to DEQ through ePortal, which can be found on the following website:

<https://eportal.adeg.state.ar.us/>

7. Notice of Intent (NOI) Requirements.

A. NOI Form. Large construction site operators who intend to seek coverage for a stormwater discharge under this general permit shall submit a complete and accurate DEQ NOI form through the ePortal system (at <https://eportal.adeg.state.ar.us/>) at least ten (10) business days prior to the date coverage under this permit is desired, unless granted a waiver in accordance with Part I.B.4.D. The NOI form completed **must** be the current version obtained from ePortal.

If the NOI is deemed incomplete, DEQ will notify the applicant with regard to the deficiencies by a letter, email, or phone within ten (10) business days of the receipt of the NOI. If the operator does not receive a notification of deficiencies from DEQ's receipt of the NOI, the NOI is deemed complete. If the applicant does not provide DEQ with the requested deficiencies within the deadline set by DEQ, then DEQ will return the NOI, fee and SWPPP back to the

applicant.

B. Contents of the NOI. The NOI form contains, at a minimum, the following information:

- 1) Operator (Permittee) information (name, mailing address, telephone, and E-mail address)
- 2) Whether the operator is a federal, state, private, public, corporation, or other entity
- 3) Invoice mailing information (name, address, and telephone and fax numbers)
- 4) Project Construction site information (name, county, address, contact person, directions to the site, latitude and longitude for the entrance of the site or the endpoints for linear project (in degrees, minutes, and seconds), estimated construction start date and completion date through site final stabilization, the total project acreage and the acreage to be disturbed by the operator submitting the NOI, type of the project (subdivision, school, etc), whether the project is part of a larger common plan of development or sale.)
- 5) Discharge information (name of the receiving stream, ultimate receiving stream, name of municipal storm sewer system)
- 6) List of current permits
- 7) The Certification statement and signature of a qualified signatory person in accordance with 40 CFR 122.22, as adopted by reference in APC&EC Rule 6
- 8) The certification of the facility corporation
- 9) Other information (location of the SWPPP)
- 10) And the SIC Code.

C. Notice of Coverage (NOC). Unless notified by the Director to the contrary, operators who submit a complete NOI and SWPPP in accordance with the requirements of this permit are authorized to discharge stormwater from the construction sites under the terms and conditions of this permit ten (10) business days after the date the NOI is deemed complete (which may not be the original submission date if revisions or additions were necessary) by DEQ. If the NOC has not been received by the permittee ten (10) business days after the date the NOI is deemed complete by DEQ, the NOI may be posted until the NOC is received. Upon review of the NOI and other available information, the Director may deny coverage under this permit and require submittal of an application for an individual NPDES permit.

8. Posting Notice of Coverage (NOC).

A. Automatic Coverage Sites. The NOC for small sites, as defined in Part I.A.51, shall be obtained from the DEQ's Stormwater website:

<https://www.adeg.state.ar.us/water/permits/npdes/stormwater/> .

The NOC must be posted at the site prior to commencing construction. In addition, a copy of the latest signed and certified SWPPP must be available at the construction site in accordance with Part II.A.2.B and D prior to commencing construction.

B. Large Sites: NOC Posting for Large Construction Sites. The posting for large construction sites shall be obtained from DEQ only after the permittee has submitted the required NOI, permit fee and complete SWPPP to DEQ for the coverage.

C. Linear Projects. If the construction project is a linear construction project (e.g., pipeline, highway, etc.), the notice shall be placed in a publicly accessible location near where construction is actively underway and moved as necessary.

Please note, this permit does not provide the public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that the permittee allow members of the public access to a construction site.

9. **Applicable Federal, State or Local Requirements.** The operator shall ensure that the stormwater controls implemented at the site are consistent with all applicable federal, state, or local requirements. Additionally, an operator who is operating under approved local erosion and sediment plans, grading plans, local stormwater permits, or stormwater management plans shall submit signed copies of the NOI to the local agency (or authority) upon the local agency's request.

10. **Allowable Non-Stormwater Discharges.**

- A. The following non-stormwater discharges as part of the construction activity may be authorized by this permit through appropriate controls. Non-stormwater discharges shall be addressed in the stormwater pollution prevention plan and measures to minimize or eliminate non-stormwater discharge should be taken if reasonably possible.
- 1) Fire-fighting activities;
 - 2) Fire hydrant flushings;
 - 3) Water used to wash vehicles and equipment (where detergents, soaps, solvents or other chemicals are not used) or to control dust in accordance with Part II.A.4.J.2;
 - 4) Potable water sources including uncontaminated waterline flushings;
 - 5) Uncontaminated landscape irrigation;
 - 6) Uncontaminated routine external building wash down which does not use detergents, soaps, solvents or other chemicals;
 - 7) Uncontaminated pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents, soaps, solvents or other chemicals are not used);
 - 8) Uncontaminated air conditioning compressor condensate (See Part I.B.13.C of this permit);
 - 9) Uncontaminated springs, excavation dewatering and uncontaminated groundwater (See Part I.B.13.C of this permit);
 - 10) Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated groundwater (See Part I.B.13.C of this permit).

11. **Limitations on Coverage (Exclusions).** The following stormwater discharges associated with construction activity are not covered by this permit:

- A. *Post Construction Discharge.* Stormwater discharges associated with construction activities that originate from the site, as well as construction support activities located off site, after construction activities have been completed, the site has undergone final stabilization, and the permit has been terminated.
- B. *Discharges Mixed with Non-Stormwater.* Stormwater discharges that are mixed with sources of non-stormwater other than those identified in Part I.B.10.
- C. *Discharges Covered by another Permit.* Stormwater discharges associated with construction activity that are covered under an individual or an alternative general permit may be authorized by this permit after an existing permit expires, provided the expired permit did not establish numeric effluent limitations for such discharges.
- D. *Discharges into Receiving Waters with an Approved TMDL.* Discharges from a site into receiving waters for which there is an established total maximum daily load (TMDL) allocation (<https://www.adeq.state.ar.us/water/planning/integrated/tmdl/>) are not eligible for coverage under this permit unless the permittee develops and certifies a SWPPP that is consistent with the assumptions and requirements in the EPA approved TMDL. To be eligible for coverage under this general permit, operators shall incorporate into their SWPPP all conditions applicable to their discharges necessary for consistency with the assumptions and requirements of the TMDL within the timeframes established in the TMDL. If a specific numeric allocation has been established that

applies to the project's discharges, the operator shall incorporate that allocation into its SWPPP and implement necessary steps to meet that allocation. If a numeric limit has been assigned to the facility, quarterly monitoring shall be submitted to DEQ demonstrating compliance with the assigned Waste Load Allocation established in the TMDL. Please note that DEQ will be reviewing this information. If it is determined that the project will discharge into a receiving stream with a TMDL, then DEQ may require additional BMPs.

- E. Discharges into Impaired Receiving Waters (303(d) List). If stormwater discharges from a construction site enters the receiving water listed as impaired under Section 303(d) of the Clean Water Act (<https://www.adeg.state.ar.us/water/planning/integrated/>), the permittee shall incorporate into the SWPPP the additional BMPs needed to sufficiently protect water quality. Please note that DEQ will be reviewing this information. If it is determined that the project will discharge to an impaired water body, then DEQ may require additional BMPs.
- F. Discharges into an Extraordinary Resource Water (ERW), Natural and Scenic Waterway (NSW), or Ecologically Sensitive Waterbody (ESW). Discharges from a construction site located within the watershed of any water body or waterway designated as an Outstanding Resource Water as defined in the APC&EC Rule 2.203, including ERWs, NSWs, or ESWs are not eligible for coverage under this permit unless the permittee develops and certifies a SWPPP that includes additional BMPs needed to prevent to the maximum extent possible exposure to precipitation and to stormwater of pollutants that could potentially impact water quality. For the purposes of this permit, the watershed of an Outstanding Resource Water will be identified by the United States Geological Survey's twelve (12) digit Hydrological Unit Code (HUC). Please note that DEQ will be reviewing this information. If the site will discharge to an ERW, NSW, or ESW, then DEQ may determine that additional requirements are necessary.
- G. Discharges into an area of the state which includes potential losing stream and/or sensitive aquatic species native to these areas. Discharges from a construction site located within the watershed of any potential losing stream and/or sensitive aquatic species native to the area are not eligible for coverage under this permit unless the permittee develops and certifies a SWPPP that includes additional BMPs needed to prevent to the maximum extent possible exposure to precipitation and to stormwater of pollutants that could potentially impact water quality. In accordance with Part I.B.3, it is the responsibility of the permittee to prevent activity which may take or otherwise risk harm to endangered species. Please note that DEQ will be reviewing this information. If the site will discharge to an area of the state which includes potential losing stream and/or sensitive aquatic species native to these areas, then DEQ may determine that additional requirements are necessary.
- 12. Short Term Activity Authorization (STAA)**. Any work being conducted in waters of the State will require a STAA from DEQ in accordance with Rule 2.305. An STAA is necessary for any in-stream activity that has the potential to exceed the water quality standards, including, but not limited to: gravel removal, bridge or crossing repair/maintenance, bank stabilization, debris removal, culvert replacement, flood control projects, and stream relocation. Any work being conducted in Waters of the United States may require a Section 404 permit from the U.S. Army Corps of Engineers. This permit does not authorize any activity under an STAA, Individual 401 Certification, or Section 404 permit. The necessary forms to apply for coverage under an STAA or Individual 401 Certification can be found on the following website:

<https://www.adeg.state.ar.us/water/planning/instream/>

The SWPPP shall be updated to include a copy of the STAA letter (and Individual 401 Certification if needed) upon receipt. Re-submittal of the SWPPP is not required unless specifically requested by DEQ.

- 13. Effluent Limitation Guidelines (ELG)**. All permittees shall comply with the following effluent limits:
- A. Erosion and Sediment Controls. Design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls shall be designed, installed and maintained to:

- 1) Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
 - 2) Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
 - 3) Minimize the amount of soil exposed during construction activity;
 - 4) Minimize the disturbance of steep slopes;
 - 5) Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls shall address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;
 - 6) Provide and maintain natural buffers around waters of the State, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible;
 - 7) Minimize soil compaction. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted; and
 - 8) Unless infeasible, preserve topsoil. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.
- B. Soil Stabilization. Stabilization of disturbed areas must, at a minimum, be initiated immediately (unless weather conditions do not allow immediate initiation) whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding fourteen (14) calendar days. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the permitting authority. Stabilization must be completed within fourteen (14) calendar days. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.
- C. Dewatering. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls. There shall be no turbid discharges to waters of the State resulting from dewatering activities. If trench or ground waters contain sediment, it shall pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag, or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care shall be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant sources.
- D. Pollution Prevention Measures. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures shall be designed, installed, implemented and maintained to:
- 1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters shall be treated in a sediment basin or BMP control that provides equivalent or better treatment prior to discharge;
 - 2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use); and
 - 3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

E. Prohibited discharges. The following discharges are prohibited:

- 1) Wastewater from washout of concrete, unless managed by an appropriate control;
- 2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
- 3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
- 4) Soaps, solvents, or detergents used in vehicle, equipment washing, or external building washdown.
- 5) Toxic or hazardous substances from a spill or release.

F. Surface Outlets. When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

14. Natural Buffer Zones. A natural buffer zone as stated below shall be maintained at all times and direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible. Exceptions from this requirement for areas such as water crossings, limited water access, and restoration of the buffer are allowed if the permittee fully documents in the SWPPP the circumstances and reasons for the buffer zone encroachment. Additionally, this requirement is not intended to interfere with any other ordinance, rule or regulation, statute or other provision of law.

A. For construction projects where construction activities or construction support activities occur, the SWPPP shall provide at least twenty-five (25) feet of natural buffer zone, as measured horizontally from the top of the bank to the disturbed area, from any waters of the State.

B. DEQ will require at least fifty (50) feet of natural buffer zone, as measured horizontally from the top of the bank to the disturbed area, from established TMDL water bodies, streams listed on the 303(d) list, an Extraordinary Resource Water (ERW), Ecologically Sensitive Waterbody (ESW), Natural and Scenic Waterway (NSW), or any other uses at the discretion of the Director.

C. Linear projects will be evaluated individually by DEQ to determine natural buffer zone setbacks.

15. Waivers from Permit Coverage. The Director may waive the otherwise applicable requirements of this general permit for stormwater discharges from construction activities under the terms and conditions described in this section.

A. Waiver Applicability and Coverage. Based upon 40 C.F.R. §122.26.b.15.i.A, operators of small construction activities may apply for and receive a waiver from the requirements to obtain this permit.

B. No Stormwater Leaving the Site. If all of the stormwater from the construction activity is captured on-site under any size storm event and allowed to evaporate, soak into the ground on-site, or is used for irrigation, a permit is not needed.

C. TMDL Waivers. This waiver is available for sites with automatic coverage if the DEQ has established or approved a TMDL that addresses the pollutant(s) of concern and has determined that controls on stormwater discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator must certify to the Director that construction activity will take place, and storm water discharges will occur within the drainage area addressed by the TMDL or equivalent analysis. Information on approved TMDLs is available on DEQ's website:

<https://www.adeq.state.ar.us/water/planning/integrated/tmdl/>.

16. Notice of Termination (NOT). When all construction activities that disturbed soil are complete, the site has reached final stabilization (100% stabilization with 80% density or greater, or as defined in Part I.A.25.B for sites where background native vegetation will cover less than 100% of the ground), all stormwater discharges from construction activities authorized by this permit are eliminated and all temporary sediment controls are removed and properly disposed, the operator of the facility may submit a complete Notice of Termination (NOT) to the Director. Along with the NOT, pictures that represent the entire site shall be submitted for review. Final stabilization is not required if the land is returned to its pre-construction agriculture use. Operators of small construction sites are not required to submit NOTs for their construction sites. However, final stabilization is required on all sites. If a NOT is not submitted when the project is completed, the operator will be responsible for annual fees.

17. Responsibilities of the Operator of a Larger Common Plan of Development or Sale.

- A. The operator is ultimately responsible for the runoff from the perimeter of the entire development. Regardless of the reason for the runoff, the operator is responsible for ensuring sufficient overall controls of the development.
- B. The operator shall not terminate the permit coverage until the following conditions have been met:
 - 1) After all construction activities including landscaping and lot development has been completed; and
 - 2) All lots are sold and developed.

The following exceptions to this requirement may apply:

- a. Less than 100% sold and developed at the discretion of the Director, or
 - b. Separation of the larger common plan if twenty-four (24) months have passed with no construction activity, or
 - c. All lots are developed and there are no temporary common controls for subdivision outfalls, i.e. sediment basins, large sediment traps, check dams, etc.
- 3) If lots are sold and then re-sold to a third party, permit coverage shall be obtained by each of the operators while they have ownership of the lots. The second owner is responsible for obtaining the same certification from the third owner (i.e. the certification shall pass from owner to owner).
- C. The operator shall not terminate permit coverage until the operators of all of the individual lots within the larger common plan of development or sale are notified of their permitting requirements under this general permit. In this case, the signed certification statements from each operator of individual lots shall be maintained in the stormwater pollution prevention plan for the larger common plan of development or sale. A copy of the signed certifications shall be submitted to DEQ with the NOT. The certification shall be as follows:

“I, _____, operator of an individual lot # _____, block # _____ of _____ subdivision, certify under penalty of law that I was notified by the operator of the larger common plan of the stormwater permitting requirements for my construction site(s). I understand prior to commencement of any construction activity I have to prepare and comply with a SWPPP and post the Construction Site Notice . I understand that prior to the sale of this lot to another party; I must notify the new owner of DEQ requirements and obtain this certification from the new owner.”

Signature _____

- D. The following examples are provided as clarification:

- 1) If a small portion of the original common plan of development remains undeveloped and there has been a period of time (i.e., more than 24 months) where there are no ongoing construction activities (i.e., all areas are either undisturbed or have been finally stabilized), operators may re-evaluate the original project based on the acreage remaining from the original “larger common plan of development or sale.” If less than five (5) but more than one (1) acre remains to build out the original “common plan”, coverage under the large permit may not be required. However, operators will need to comply with the terms and conditions for Small Construction Sites in the Construction General Permit. If less than one acre remains of the original common plan, the individual project may be treated as a part of a less than one acre development and no permit would be required.
- 2) If operators have a long-range master plan of development or sale where some portions of the master plan are conceptual rather than a specific plan of future development and the future construction activities would, if they occur at all, happen over an extended period of time (i.e., more than 24 months), operators may consider the “conceptual” phases of development to be separate “common plans” provided the periods of construction for the physically interconnected phases will not overlap.
- 3) Where discrete construction projects within a larger common plan of development or sale are located ¼ mile or more apart and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same “common plan” is not concurrently being disturbed. For example, if an interconnecting access road or pipeline were under construction at the same time, they would generally be considered as a part of a single “common plan” for permitting purposes.
- 4) If the operator sells all the lots in the subdivision to one or more multi-lot homebuilder(s), provisions shall be made to obtain stormwater permit coverage by one of the following options:
 - a. The permit may be transferred from the first “operator” to the new/second “operator”.
 - b. A new, separate permit coverage may be obtained by the second “operator”.NOTE: If a new permit coverage is to be obtained, then it shall be obtained before the first/original permit is terminated.
- 5) If the operator retains ownership of any lots in the subdivision, the operator shall maintain permit coverage for those lots under the original permit coverage. The operator shall modify the SWPPP by stating which lots are owned and marking the lots on the site map. If there are one (1) or two (2) lots remaining and the total acreage is less than five (5) acres, the original permit coverage could be terminated and those lots could be covered as a small site.

18. Change in Operator. For stormwater discharges from large construction sites where the operator changes, including instances where an operator is added after the initial NOI has been submitted, the new operator shall ensure that a permit transfer form is received by DEQ at least two (2) weeks prior to the new operator beginning work at the site.

19. Late Notifications. A discharger is not precluded from submitting an NOI in accordance with the requirements of this part after the dates provided in Part I.B.7 of this permit. In such instances, the Director may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges of stormwater associated with construction activity that have occurred on or after the dates specified in this permit.

20. Failure to Notify. The operator of a construction site who fails to notify the Director of their intent to be covered under this permit, and who potentially discharges pollutants (sediment, debris, etc.) to waters of the State without an NPDES permit, is in violation of the Arkansas Water and Air Pollution Control Act.

21. Maintenance. Determination of the acreage of disturbance does not typically include disturbance for routine maintenance activities on existing roads where the original line and grade, hydraulic capacity, or original purpose of the road is not being altered, nor does it include the paving of existing roads. Maintenance activities (returning to original conditions) are not

regulated under this permit unless one or more acres of underlying or surrounding soil are cleared, graded, or excavated as part of the operation.

22. Releases in Excess of Reportable Quantities.

- A. The discharge of hazardous substances or oil in the stormwater discharge(s) from a facility shall be prevented or minimized in accordance with the applicable stormwater pollution prevention plan for the facility. This permit does not relieve the operator of the reporting requirements of 40 C.F.R. §110, §117 and §302. Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reporting quantity established under either 40 C.F.R. §110, 40 C.F.R. §117, or 40 C.F.R. §302, occurs during a twenty-four (24) hour period, the following action shall be taken:
- 1) Any person in charge of the facility is required to notify the National Response Center (NRC) (800-424-8802) in accordance with the requirements of 40 C.F.R. §110, 40 C.F.R. §117, or 40 C.F.R. §302 as soon as he/she has knowledge of the discharge;
 - 2) The operator shall submit within five (5) calendar days of knowledge of the release a written description of the release (including the type and estimate of the amount of material released), the date that such release occurred, and the circumstances leading to the release, and steps to be taken in accordance with Part II.B.17 of this permit to the DEQ.
 - 3) The SWPPP described in Part II.A of this permit shall be modified within fourteen (14) calendar days of knowledge of the release to:
 - a. Provide a description of the release and the circumstances leading to the release; and
 - b. The date of the release;
 - 4) Additionally, the SWPPP shall be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan shall be modified where appropriate.
- B. *Spills.* This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

23. Attainment of Water Quality Standards.

The operator shall select, install, implement, and maintain control measures at the construction site and construction support activities off site that minimize the discharge of pollutants for which a stream is impaired at the discretion of the Director as necessary to protect water quality. In general, except in situations explained below, the stormwater controls developed, implemented, and updated to be considered stringent enough to ensure that discharges do not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.

At any time after authorization, DEQ may determine that the stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, DEQ will require the permittee to:

- A. Develop a supplemental BMP action plan describing SWPPP modifications to address adequately the identified water quality concerns and submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
- B. Cease discharges of pollutants from construction activity and submit an individual permit application.

All written responses required under this part shall include a signed certification consistent with Part II.B.9.

24. Requiring an Individual Permit

The Director may require any person eligible for coverage under the general permit to apply for and obtain an individual permit. In addition, any interested person(s) may submit an application for an individual permit. The Director may consider the issuance of individual permits according to the criteria in 40 C.F.R. §122.28(b)(3).

Coverage of the facility under this general permit is may be terminated by DEQ if the operator fails to submit or respond to the permitting process or requests for information in a timely manner.

Any operator covered under this general permit may request to be excluded from the coverage of this permit by applying for an APC&EC Rule 6 individual permit. The operator shall submit an application for an individual permit with the reasons supporting the application to DEQ. If a final, individual NPDES permit is issued to an operator otherwise subject to this general permit, the operator is required to submit a NOT. Coverage under this general permit will then be terminated no earlier than the effective date of the individual NPDES permit. Otherwise, the applicability of this general permit to the facility remains in full force and effect.

PART II STANDARD CONDITIONS

Information in **Part II** is organized as follows:

Section A: Stormwater Pollution Prevention Plans (SWPPP):

1. Deadlines for Plan Preparation and Compliance
2. Signature, SWPPP, Inspection Reports, and Notice of Coverage (NOC)
3. Keeping SWPPP Current
4. Contents of the Stormwater Pollution Prevention Plan
5. Plan Certification

Section B: Standard Permit Conditions:

1. Retention of Records
2. Duty to Comply
3. Penalties for Violations of Permit Conditions
4. Continuance of the General Permit
5. Need to Halt or Reduce Activity Not a Defense
6. Duty to Mitigate
7. Duty to Provide Information
8. Other Information
9. Signatory Requirements
10. Certification
11. Penalties for Falsification of Reports
12. Penalties for Tampering
13. Oil and Hazardous Substance Liability
14. Property Rights
15. Severability
16. Transfers
17. Proper Operation and Maintenance
18. Inspection and Entry
19. Permit Actions
20. Re-Opener Clause
21. Local Requirements
22. Applicable Federal, State Requirements

SECTION A: STORMWATER POLLUTION PREVENTION PLANS (SWPPP)

The operator shall prepare a SWPPP before permit coverage. The SWPPP shall follow the order outlined in Part II.A.4 & 5 below. This basic DEQ format is available through DEQ's website <https://www.adeg.state.ar.us/water/permits/npdes/stormwater/>. Other formats may be used at the discretion of the Director if the format has been approved by DEQ prior to use. The operator shall implement the SWPPP as written from initial commencement of construction activity until final stabilization is complete, with changes being made as deemed necessary by the permittee, local, state or federal officials. The plan shall be prepared in accordance with good engineering practices, by qualified personnel and shall:

- Identify potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges from the construction site and construction support activities off site;
- Identify, describe and ensure the implementation of BMPs, with emphasis on initial site stabilization, which are to be used to reduce pollutants in stormwater discharges from the construction site and construction support activities off site;
- Be site specific to what is taking place on a particular construction site;
- Ensure compliance with the terms and conditions of this permit; and
- Identify the responsible party for on-site SWPPP implementation.

1. Deadlines for Plan Preparation and Compliance.

A. Automatic Coverage Sites.

The plan shall be completed prior to obtaining permit coverage and commencement of construction activities and updated as appropriate. Submittal of the NOI, permit fee and SWPPP is not required. All conditions set forth in Part II.A must be followed, and the NOC must be posted at the site prior to commencing construction activities. In addition, a copy of the SWPPP must be available at the construction site in accordance with Part II.A.2.B and D prior to commencing construction.

B. Large Construction Sites.

The plan shall be completed and submitted for review, along with an NOI and initial permit fee ten (10) business days prior to the commencement of construction activities. Submittals of updates to the plan during the construction process are required in accordance with Part I.B.6.C or if requested by the Director.

C. Existing Permittees.

Existing permittees that were permitted prior to the issuance of this renewal permit are required to update their plan as appropriate to come into compliance with the requirements contained in Part II.A.4 by the effective date of this permit.

2. Signature, SWPPP, Inspection Reports and Notice of Coverage (NOC).

- A. The SWPPP and inspection reports shall be signed by the operator (or cognizant official) in accordance with Part II.B.9 and be retained at the construction site during normal business hours (8:00 A.M. – 5:00 P.M.). The inspections frequency shall be conducted in accordance with Part II.A.4.N.1.
- B. The operator shall make SWPPP and inspection reports available, upon request, to the Director, the EPA, or a State or local agency reviewing sediment and erosion plans, grading plans, or stormwater management plans, or, in the case of a stormwater discharge associated with construction activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.

- C. The Director, or authorized representative, may notify the operator at any time that the plan does not meet one or more of the minimum requirements of this Part. Within seven (7) business days of such notification from the Director (or as otherwise provided by the Director) or authorized representative, the operator shall make the required changes to the plan and submit to the Director a written certification that the requested changes have been made. DEQ may request re-submittal of the SWPPP to confirm that all deficiencies have been adequately addressed. DEQ may also take appropriate enforcement action for the period of time the operator was operating under SWPPP that did not meet the minimum requirements of this permit.
 - D. The operator shall post the NOC near the main entrance of the construction site and visible to the public. The NOC shall indicate the location of the SWPPP. If the SWPPP location is changed from the initial location, the NOC shall be updated to reflect the correct location of the SWPPP.
3. **Keeping SWPPP Current.** The operator shall amend the SWPPP within seven (7) business days or whenever there is a change in design, construction, operation, or maintenance at the construction site which has or could have a significant effect on the potential for the discharge of pollutants to the waters of the State that has not been previously addressed in the SWPPP. The SWPPP shall also be modified if a determination has been made through inspections, monitoring (if required), *or* investigation by the operator, local, state, or federal officials that the discharges are causing or contributing to water quality violation or the plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in stormwater discharges from the construction site.
4. **Contents of the SWPPP.** The SWPPP shall include the following items:
- A. **Site Description.** SWPPP shall provide a description of the following:
 - 1) A description of the nature of the construction activity and its intended use after the NOI is filed (i.e., residential subdivision, shopping mall, etc.);
 - 2) A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading, infrastructure installation, etc.);
 - 3) Estimates of the total area of the site including off-site borrow and fill areas and the total area of the site that is expected to be disturbed by excavation, grading or other activities; and
 - 4) An estimate of the runoff coefficient of the site for pre- and post-construction activities and existing data describing the soil or the quality of any discharge from the site.
 - B. **Responsible Parties.** The SWPPP shall identify (as soon as this information is known) all parties (i.e., General Contractors, Landscapers, Project Designers, and Inspectors) responsible for particular construction activities and services they provide to the operator to comply with the requirements of the SWPPP for the project site and construction support activities off site, and areas over which each party has control. If these parties change over the life of the permit, or new parties are added, the SWPPP shall be updated to reflect these changes.
 - C. **Receiving Waters.** The SWPPP shall include a clear description of the nearest receiving water(s), or if the discharge is to a MS4, the name of the operator of the municipal system, and the ultimate receiving water(s).
 - D. **Documentation of Permit Eligibility Related to the 303(d) list and Total Maximum Daily Loads (TMDL).** The SWPPP shall include information on whether or not the stormwater discharges from the site enter a waterbody that is on the most recent 303(d) list or with an approved TMDL. If the stormwater discharge does enter a waterbody that is on the most recent 303(d) list or with an approved TMDL, then the SWPPP shall address the following items:
 - 1) Identification of the pollutants that the 303(d) list or TMDL addresses, specifically whether the 303(d) list or TMDL addresses sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation);
 - 2) Identification of whether the operator's discharge is identified, either specifically or generally, on the 303(d) list or

- any associated assumptions and allocations identified in the TMDL for the discharge; and
- 3) Measures taken by the operator to ensure that its discharge of pollutants from the site is consistent with the assumptions and allocations of the TMDL.

If DEQ determines during the review process that the proposed project will be discharging to a receiving water that is on the most recent 303(d) list or with an approved TMDL, then DEQ may notify the applicant to include additional Best Management Practices in the SWPPP.

- E. Documentation of Permit Eligibility Related to Discharges into an ERW, NSW, or ESW. The SWPPP shall include information whether or not the construction site located within a watershed of an ERW, ESW, or NSW. If the construction site is located within a watershed of an ERW, ESW, or NSW, then the SWPPP should consider using additional BMPs for these areas. The practices shall be considered during the progression of site activities and updates to the construction site SWPPP for continued protection of underground water resources.
- F. Documentation of Permit Eligibility related to potential losing stream and/or sensitive aquatic species native to these areas. The SWPPP shall include information whether or not the construction site located within a watershed of a potential losing stream, and/or sensitive aquatic species native to these areas. If the construction site is located within a watershed of a potential losing stream and/or sensitive aquatic species native to these areas, then the SWPPP shall consider using BMPs for losing stream areas. The practices should be considered during the progression of site activities and updates to the facility SWPPP for continued protection of underground water resources.
- G. Attainment of Water Quality Standards After Authorization.
 - 1) The permittee shall select, install, implement, and maintain BMPs at the construction site and at the construction support activities off site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in situations explained below, the SWPPP shall be developed, implemented, and updated to be considered as stringent as necessary to ensure that the discharges do not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.
 - 2) At any time after authorization, DEQ may determine that the stormwater discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, DEQ will require the permittee to:
 - a. Develop a supplemental BMP action plan describing SWPPP modifications to adequately address the identified water quality concerns and submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - b. Cease discharges of pollutants from construction activity and submit an individual permit application.
 - 3) All written responses required under this part shall include a signed certification (Part II.B.9).
- H. Site Map. The SWPPP shall contain a legible site map (or multiple maps, if necessary) complete to scale, showing the entire site, that identifies, at a minimum, the following:
 - 1) Pre-construction topographic view;
 - 2) Direction of stormwater flow (i.e., use arrows to show which direction stormwater will flow) and approximate slopes anticipated after grading activities;
 - 3) Delineate on the site map areas of soil disturbance and areas that will not be disturbed with regards to the construction activities and construction support activities off site under the coverage of this permit;
 - 4) Location of major structural and nonstructural controls identified in the plan;
 - 5) Location of main construction entrance and exit;

- 6) Location where stabilization practices are expected to occur;
- 7) Locations of all construction support activities off-site (i.e. materials, waste, borrow area, or equipment storage areas);
- 8) Location of areas used for concrete wash-out;
- 9) Location of all waters of the State with associated natural buffer boundary lines. Identify floodplain and floodway boundaries, if available;
- 10) Locations where stormwater is discharged to waters of the State or a municipal separate storm sewer system if applicable,
- 11) Locations where stormwater is discharged off-site (shall be continuously updated);
- 12) Areas where final stabilization has been accomplished and no further construction phase permit requirements apply;
- 13) A legend that clearly specifies any erosion and sediment control measure symbols/labels used in the site map and/or detail sheet; and
- 14) Locations of any storm drain inlets on the site and in the immediate vicinity of the site.

I. *Stormwater Controls.* Each plan shall include a description of appropriate controls and measures that will be installed and implemented at the construction site. The plan shall clearly describe each construction activity identified in the project description control measures associated with the construction activity and the schedule during the construction process that the measures will be implemented. Perimeter controls for the site shall be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls shall be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary controls shall be removed and properly disposed of after final stabilization. The description and implementation of controls shall address the following minimum components:

- 1) Initial Site Stabilization, Erosion, and Sediment Controls and Best Management Practices. Design, install, implement, and maintain effective erosion and sediment controls to minimize the discharge of pollutants. At a minimum the following controls and BMPs shall be designed, installed, implemented, and maintained. Therefore, the SWPPP shall address, at a minimum, the following:
 - a. For larger common plans of development or sale, only streets, drainage, utility areas, areas needed for initial construction of streets (e.g., borrow pits, parking areas, etc.) and areas needed for stormwater structures may be disturbed initially. Upon stabilization of the initial areas, additional areas may be disturbed.
 - b. The construction-phase erosion (such as site stabilization) and sediment controls (such as check dams) shall be designed to retain sediment on-site to the extent practicable.
 - c. All control measures shall be properly selected, installed, and maintained in accordance with the manufacturer's specifications, good engineering, and construction practices. If periodic inspections or other information indicates a control has been used inappropriately or incorrectly, the permittee shall replace or modify the control for site situations.
 - d. If sediment escapes the construction site, off site accumulations of sediment shall be removed before the next business day to minimize off-site impacts (e.g., to prevent fugitive sediment in a street could be washed into storm sewers by the next rain or pose a safety hazard to users of public streets). This permit does not give the authority to trespass onto other property; therefore this condition should be carried out along with the permission of neighboring land owners to remove sediment.
 - e. Sediment shall be removed from sediment traps (if used, please specify what type) or sedimentation ponds when design capacity has been reduced by 50%.
 - f. Litter, construction debris, and construction chemicals exposed to precipitation and to stormwater shall be prevented from becoming a pollutant source for stormwater discharges (e.g., screening outfalls picked up daily).
 - g. Construction support activities off site (i.e. material storage areas, overburden and stockpiles of dirt, borrow areas, etc.) used solely by the permitted project are considered a part of the project and shall be addressed in the SWPPP.

- 2) Stabilization practices. The SWPPP shall include, at a minimum, the following information:
- a. Description and Schedule: A description of initial, interim, and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed areas are stabilized. Stabilization practices may include, but not limited to: mulching, temporary seeding, permanent seeding, geotextiles, sod stabilization, natural buffer strips, protection of trees, and preservation of mature vegetation and other appropriate measures.
 - b. Description of natural buffer areas: DEQ requires that a natural buffer zone be established between the top of stream bank and the disturbed area. The SWPPP shall contain a description of how the site will maintain natural buffer zones. For construction projects where clearing and grading activities will occur, SWPPP shall provide at least twenty-five (25) feet of natural buffer zone from any named or unnamed streams, creeks, rivers, lakes or other water bodies. The plan shall also provide at least fifty (50) feet of natural buffer zone from established TMDL waterbodies, waterbodies listed on the 303(d) list, an ERW, ESW, NSW, or other uses at the discretion of the Director. If the site will be disturbed within the recommended buffer zone, then the buffer zone area shall be stabilized as soon as possible. Exceptions from this requirement for areas such as water crossings, limited water access, and restoration of the buffer are allowed if the permittee fully documents in the SWPPP the circumstances and reasons for the buffer zone encroachment. Additionally, this requirement is not intended to interfere with any other ordinance, rule or regulation, statute or other provision of law. Please note that above-grade clearing that does not disturb the soil in the buffer zone area does not have to comply with buffer zone requirements.
 - c. Records of Stabilization: A record of the dates when grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan.
 - d. Deadlines for Stabilization After Construction Activity Temporarily Ceases: Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily ceased, but in no case more than fourteen (14) calendar days after the construction activity in that portion of the site has temporarily ceased, except:
 - (1) Where the initiation of stabilization measures by the fourteenth (14th) calendar day after construction activity temporarily ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
 - (2) In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed as specified by the permitting authority.
 - e. Deadline for Stabilization After Construction Activity Permanently Ceases: Stabilization measures shall be initiated immediately in portions of the site where construction activities have permanently ceased, except:
 - (1) Where the initiation of stabilization measures immediately after construction activity permanently ceases is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
 - (2) In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures shall be employed as specified by the permitting authority.
- 3) Structural Practices. A description of structural practices to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may

be subject to Section 404 of the Clean Water Act. Such practices may include but are not limited to:

- silt fences (installed and maintained);
- earthen dikes to prevent run-on;
- drainage swales to prevent run-on;
- check dams;
- subsurface drains;
- pipe slope drains;
- storm drain inlet protection;
- rock outlet protection;
- sediment traps;
- reinforced soil retaining systems;
- gabions;
- temporary or permanent sediment basins.

A combination of erosion and sediment control measures is encouraged to achieve maximum pollutant removal. Adequate spillway cross-sectional area and re-enforcement shall be provided for check dams, sediment traps, and sediment basins.

a. Sediment Basins:

- (1) For common drainage locations that serve an area with ten (10) or more acres (including run-on from other areas) draining to a common point, a temporary or permanent sediment basin that provides storage based on either the smaller of 3600 cubic feet per acre, or a size based on the runoff volume of a 10 year, 24 hour storm, shall be provided where attainable (so as not to adversely impact water quality) until final stabilization of the site. In determining whether installing a sediment basin is attainable, the operator may consider factors such as site soils, slope, available area on site, etc. Proper hydraulic design of the outlet is critical to achieving the desired performance of the basin. The outlet should be designed to drain the basin within twenty-four (24) to seventy-two (72) hours. (A rule of thumb is one square foot per acre for a spillway design.) The 24-hour limit is specified to provide adequate settling time; the seventy-two (72) hour limit is specified to mitigate vector control concerns. If a pipe outlet design is chosen for the outfall, then an emergency spillway is required. If "non-attainability" is claimed, then an explanation of non-attainability shall be included in the SWPPP. Where a sediment basin is not attainable, smaller sediment basins or sediment traps shall be used. Where a sediment basin is un-attainable, natural buffer strips or other suitable controls which are effective are required for all side slopes and down slope boundaries of the construction area. The plans for removal or final usage of the sediment basin shall be included with the description of the basin in the SWPPP.
- (2) For drainage locations serving an area less than ten (10) acres, sediment traps, silt fences, or equivalent sediment controls are required for all side slope and down slope boundaries of the construction area unless a sediment basin providing storage based on either the smaller of 3600 cubic feet per acre, or a size based on the run off volume of a 10 year, 24 hour storm is provided. The outlet should be designed to drain the basin within twenty-four (24) to seventy-two (72) hours. (A rule of thumb is one square foot per acre for a spillway design.) The 24-hour limit is specified to provide adequate settling time; the seventy-two (72) hour limit is specified to mitigate vector control concerns. If a pipe outlet design is chosen for the outfall, then an emergency spillway is required. However, in order to protect the waters of the State, the Director, at their discretion, may require a sediment basin for any drainage areas draining to a common point.

b. Velocity Dissipation Devices:

Velocity dissipation devices shall be placed at discharge locations, within concentrated flow areas serving two

or more acres, and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (i.e., no significant changes in the hydrological regime of the receiving water). Please note that the use of hay-bales is not recommended in areas of concentrated flow.

J. Other Controls.

- 1) No solid materials identified in Part I.B.13.D shall be discharged to waters of the State or offsite.
- 2) Off-site vehicle tracking of sediments and the generation of dust shall be minimized through the use of a stabilized construction entrance and exit or vehicle tire washing.
- 3) For lots that are less than one (1) acre in size an alternative method may be used in addition to a stabilized construction entrance. An example of an alternative method could be daily street sweeping. This could allow for the shortening of the construction entrance.
- 4) The plan shall ensure and demonstrate compliance with applicable State or local waste disposal, temporary and permanent sanitary sewer or septic system regulations.
- 5) No liquid concrete waste shall be discharged to waters of the State. Appropriate controls to prevent the discharge of concrete washout waters shall be implemented if concrete washout will occur on-site.
- 6) No contaminants from fuel storage areas, hazardous waste storage and truck wash areas shall be discharged to waters of the State or offsite. Methods for protecting these areas shall be identified and implemented. These areas shall not be located near a waterbody, if there is a water body on or near the project.

K. Non-stormwater discharges. Sources of non-stormwater listed in Part I.B.10 of this permit that are combined with stormwater discharges associated with construction activity shall be identified in the plan. This list shall be site specific non-stormwater discharges.

L. Post-Construction Stormwater Management. The operator is required to provide a description of measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur after construction operations have been completed. Structural measures shall be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 (Corps of Engineers) of the Clean Water Act. This permit only addresses the installation of stormwater management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. However, post-construction stormwater BMPs that discharge pollutants from a point source once construction is completed may need authorization under a separate DEQ NPDES permit. Such practices may include but are not limited to:

- infiltration of runoff onsite;
- flow attenuation by use of open vegetated swales and natural depressions;
- stormwater retention structures;
- stormwater detention structures (including wet ponds);
- sequential systems, which combine several practices.

A goal of at least eighty percent 80 % removal of total suspended solids from these flows which exceed predevelopment levels should be used in designing and installing stormwater management controls (where practicable). Where this goal is not met, the operator shall provide justification for rejecting each practice listed above based on site conditions.

M. Applicable State or Local Programs. The SWPPP shall be updated as necessary to reflect any revisions to applicable federal, state, or local requirements that affect the stormwater controls implemented at the site.

N. Inspections. Inspections shall be conducted by qualified personnel (provided by the operator). Inspections shall include all areas of the site disturbed by construction activity and construction support activities located off site that are exposed to precipitation and to stormwater. Inspectors shall look for evidence of, or the potential for, pollutants entering

the stormwater conveyance system. All stormwater control measures shall be observed to ensure proper installation, operation, and maintenance. Discharge locations shall be inspected to determine whether all stormwater control measures are effective in preventing significant impacts to waters of the State or offsite, where accessible. Where discharge locations are inaccessible, nearby downstream locations shall be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking. Inspections may not be required if the remaining lot(s) within a larger common plan of development or sale disturb less than one acre of land. In addition, inspections may not be required on a completed section of a linear project if final stabilization has been completed for that section. Stabilized areas of the project shall be indicated in the SWPPP and site map and show what date they were stabilized. The operator shall ensure that no sediment will leave the lot(s) that are stabilized. These lots shall be identified within the SWPPP and show what date they were stabilized. If the operator is unable to ensure this, then inspections shall continue.

- 1) Inspection Frequency. Inspections shall be conducted in accordance with one of the following schedules listed below. The schedule **must be specified** in the SWPPP.
 - a. At least once every seven (7) calendar days, or
 - b. At least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of a storm event of 0.25 inches or greater (a rain gauge must be maintained on-site).
- 2) Inspection Form. The DEQ inspection form should be used for all inspections. The inspection form shall include all stormwater controls that are being used on site as well as at construction support activities off site. The form is available on DEQ's website www.adeg.state.ar.us. If a different form is used, it shall at a minimum contain the following information:
 - a. Inspector name and title;
 - b. Date of Inspection;
 - c. Amount of rainfall and days since last rain event (only applicable to Part II.A.4.N.1.b);
 - d. Approximate beginning and duration of the storm event;
 - e. Description of any discharges during inspection;
 - f. Locations of discharges of sediment/other pollutants;
 - g. Locations of BMPs in need of maintenance or where maintenance was performed;
 - h. If the BMPs are in working order and if maintenance is required (including when scheduled and completed);
 - i. Locations that are in need of additional controls;
 - j. Location and dates when major construction activities begin, occur or cease;
 - k. Signature of qualified signatory official, in accordance with Part II.B.9.

Additional information may be added to the inspection report at the permittee's discretion.

- 3) Inspection Records. Each report shall be retained as part of the SWPPP for at least three (3) years from the date the site is finally stabilized. Each report shall be signed and have a certification statement in accordance with Parts II.B.9 and 10 of this permit.
- 4) Winter Conditions. Inspections will not be required at construction sites nor the construction support activities located off site where snow cover exists over the entire site for an extended period, and melting conditions do not exist. If there is any runoff from the site at any time during snow cover, melting conditions are considered to be existent at the site and this inspection waiver does not apply. Regular inspections, as required by this permit, are required at all other times as specified in this permit. If winter conditions prevent compliance with the permit, documentation of the beginning and ending date of winter conditions shall be included in the SWPPP.
- 5) Adverse Weather Conditions. Adverse conditions are those that are dangerous or create inaccessibility for personnel, such as local flooding, high winds, or electrical storms, or situations that otherwise make inspections

impractical, such as extended frozen conditions. When adverse weather conditions prevent the inspection of the site, an inspection shall be completed as soon as is safe and feasible. If adverse weather conditions prevent compliance with the permit, documentation of the beginning and ending date of adverse weather conditions shall be included in the SWPPP.

- O. ***Maintenance.*** A description of procedures to maintain vegetation, erosion and sediment control measures and other protective measures in good, effective operating condition shall be outlined in the plan. Any repairs that are needed based on an inspection shall be completed, when practicable, before the next storm event, but not to exceed a period of three (3) business days of discovery, or as otherwise directed by state or local officials. However, if conditions do not permit large equipment to be used, a longer time frame is allowed if the condition is thoroughly documented on the inspection form. Maintenance for manufactured controls shall be done at a minimum of the manufacturer's specifications. Maintenance for non-manufactured controls, i.e. check dams and sediment traps, shall be done when 50% of treatment capacity remains.
 - P. ***Employee Training.*** The permittee/operator is responsible for training personnel, who are responsible for implementing activities identified in the SWPPP, on the components and requirements of the SWPPP and the requirements of the general permit. This includes contractors and subcontractors. Training shall be given by a knowledgeable and qualified trainer. The SWPPP shall identify periodic dates for such training for all personnel and records of training shall be maintained with the SWPPP. Training records that are maintained electronically (i.e. database, etc.) do not need to be maintained with the SWPPP, but shall be accessible upon request. Formal training classes given by Universities or other third-party organizations are not required but recommended for qualified trainers; the permittee is responsible for the content of the training being adequate for personnel to implement the requirements of the permit.
5. **Plan Certification.** The SWPPP Certification shall be signed by either the operator or the cognizant official identified on the NOI. All documents required by the permit and other information requested by the Director shall be signed by operator or by a duly authorized representative of the operator (Please see Part II.B.10 below for certification).

SECTION B: STANDARD PERMIT CONDITIONS

1. Retention of Records.

- A. The operator shall retain records of all Stormwater Pollution Prevention Plans, all inspection reports required by this permit, and records of all data used to complete the NOI to be covered by this permit for a period of at least three (3) years from the date the NOT letter is signed by DEQ. This period may be extended by request of the Director at any time.
- B. The operator shall retain a signed copy of the SWPPP and inspection reports required by this permit at the construction site from the date of project initiation to the date of final stabilization.

2. Duty to Comply. The operator shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Water Act and the Arkansas Water and Air Pollution Control Act and is grounds for: enforcement action; permit termination, revocation and re-issuance, or modification; or denial of a permit renewal application.

3. Penalties for Violations of Permit Conditions. The Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et seq.) provides that any person who violates any provisions of a permit issued under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year, or a criminal penalty of not more than twenty five thousand dollars (\$25,000) or by both such fine and imprisonment for each day of such violation. Any person who violates any provision of a permit issued under the Act may also be subject to civil penalty in such amount as the court shall find appropriate, not to exceed ten thousand dollars (\$10,000) for each day of such violation. The fact that any such violation may constitute a misdemeanor shall not be a bar to the maintenance of such civil action. Any person that purposely, knowingly, or recklessly causes pollution of the water of the state in a manner not otherwise permitted by law and thereby places another person in imminent danger of death or serious bodily injury shall be guilty of a felony and shall be subject to imprisonment, a fine not more than two hundred fifty thousand dollars (\$250,000), or both such fine and imprisonment.

4. Continuance of the General Permit. Permittees wishing to continue coverage under this general permit shall submit a Renewal NOI (see Part I.B.4 for where to submit documentation) up to 180 days prior to the expiration date, but no later than thirty (30) days prior to the expiration date. No additional fee is required to be submitted along with the Renewal NOI.

An expired general permit continues in force and effect until a new general permit is issued. If this permit is not re-issued or replaced prior to the expiration date, it will be administratively continued in accordance with Ark. Code Ann. § 8-4-203(m) and remain in force and effect. If a permittee was granted permit coverage prior to the expiration date, the permittee will remain covered by the continued permit until the earliest of:

- A. The effective date of the re-issuance or replacement of this permit and a timely submittal of a renewal NOI by the operator; or
- B. The operator's submittal and DEQ approval of a NOT; or
- C. Issuance and effectiveness of an individual permit for the project's discharges and completion of item B of this section (see Part I.B.24); or
- D. A formal permit decision by DEQ to not re-issue this general permit, at which time operators must seek coverage under an alternative permit (see Part I.B.24).

Small site operators are responsible for ensuring that the site is in compliance with any changes or updates of this general permit by reviewing DEQ's website at:

<https://www.adeg.state.ar.us/water/permits/npdes/stormwater/>

5. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for an operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
6. **Duty to Mitigate.** The operator shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has reasonable likelihood of adversely affecting human health or the environment.
7. **Duty to Provide Information.** The operator shall furnish to the Director, an authorized representative of the Director, the EPA, a State or local agency reviewing sediment and erosion plans, grading plans, or stormwater management plans, or in the case of a stormwater discharge associated with industrial activity which discharges through a MS4 with an NPDES permit, to the municipal operator of the system, within a reasonable time, any information which is requested to determine compliance with this permit.
8. **Other Information.** When the operator becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Director, he or she shall promptly submit such facts or information.
9. **Signatory Requirements.** All NOIs, reports, or information submitted to the Director shall be signed and certified by the operator.

A. All NOI shall be signed as follows:

- 1) **For a corporation:** by a responsible corporate officer. For purposes of this section, a responsible corporate officer means:
 - a. A president, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- 2) **For a partnership or sole proprietorship:** by a general partner or the proprietor, respectively;
- 3) **For a municipality, State, Federal or other public agency:** by either a principal executive or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
 - a. The chief executive officer of the agency; or
 - b. A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

B. All reports required by the permit and other information requested by the Director shall be signed by a person described

above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- 1) The authorization is made in writing by a person described above and submitted to the Director;
- 2) The authorization specifies either an individual or a person having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or position of equivalent responsibility for environmental matters for the company (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
- 3) Changes to authorization. If an authorization under this Part is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the above requirements shall be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

10. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments such as Inspection Form were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Note: For this permit only, "this document" refers to the Stormwater Pollution Prevention Plan, "attachments" refers to the site map and inspection forms, and "system" is referencing the project site.

- 11. Penalties for Falsification of Reports.** The Arkansas Water and Air Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under this permit shall be subject to civil penalties specified in Part II.B.3 of this permit and/or criminal penalties under the authority of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101 et seq.).
- 12. Penalties for Tampering.** The Arkansas Water and Air Pollution Control act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the Act shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment for not more than one (1) year or a fine of not more than twenty five thousand dollars (\$25,000) or by both such fine and imprisonment.
- 13. Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the operator from any responsibilities, liabilities, or penalties to which the operator is or may be subject under Section 311 of the Clean Water Act or Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).
- 14. Property Rights.** The issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property, any invasion of personal rights, or any infringement of Federal, State, or local laws or regulations.
- 15. Severability.** The provisions of this permit are severable. If any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provisions to other circumstances and the remainder of this permit shall not be affected thereby.

- 16. Transfers.** This permit is not transferable to any person except after notice to the Director. A transfer form shall be submitted to DEQ as required by this permit.
- 17. Proper Operation and Maintenance.** The operator shall at all times:
- A. Properly operate and maintain all systems of treatment and control (and related appurtenances) which are installed or used by the operator to achieve compliance with the conditions of this permit. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by an operator only when the operation is necessary to achieve compliance with the conditions of the permit.
 - B. Provide an adequate operating staff which is duly qualified to carry out operation, inspection, maintenance, and testing functions required to ensure compliance with the conditions of this permit.
- 18. Inspection and Entry.** The operator shall allow the Director, the EPA, or an authorized representative, or, in the case of a construction site which discharges to a municipal separate storm sewer, an authorized representative of the municipal operator of the separate sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:
- A. Enter upon the operator's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - B. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;
 - C. Inspect at reasonable times any facilities or equipment, including monitoring and control equipment and practices or operations regulated or required by the permit;
 - D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location on the permitted property.
- 19. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for any cause including, but not limited to, the following:
- A. Violation of any terms or conditions of this permit;
 - B. Obtaining this permit by misrepresentation or failure to fully disclose all relevant facts;
 - C. A change in any conditions that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - D. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or
 - E. Failure of the operator to comply with the provisions of DEQ Rule 9 (Fee Rule). Failure to promptly remit all required fees shall be grounds for the Director to initiate action to terminate this permit under the provisions of 40 C.F.R. §122.64 and §124.5(d), as adopted by reference in DEQ Rule 6, and the provisions of DEQ Rule 8.
- 20. Re-Opener Clause.**
- A. If there is evidence indicating potential or realized impacts on water quality due to any stormwater discharge associated with industrial activity covered by this permit, the operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Part I.B.24 of this permit, or the permit may be modified to include different limitations and/or requirements.
 - B. Permit modification or revocation will be conducted in accordance with the provisions of 40 C.F.R. §122.62, §122.63, §122.64 and §124.5, as adopted by reference in DEQ Rule 6.
- 21. Local Requirements.** All dischargers shall comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding any discharges of stormwater to storm drain systems or other water sources under their jurisdiction, including applicable requirements in municipal stormwater management programs developed to

comply with the DEQ permits. Dischargers shall comply with local stormwater management requirements, policies, or guidelines including erosion and sediment control.

- 22. Applicable Federal, State, or local Requirements.** Permittees are responsible for compliance with all applicable terms and conditions of this permit. Receipt of this permit does not relieve any operator of the responsibility to comply with any other applicable federal, state or local statute, ordinance policy, or regulation. Nothing in this permit shall be construed to preclude the institution of any legal action or enforcement actions or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable local state, or federal law or regulation.