



Meeting Minutes  
City Council

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Monday, August 31, 2009

6:30 PM

Huntington Building

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

**APPEAL HEARING AT 6:15 P.M.**

*Ms. Stacey Bond, 4510 Harrisburg Road, explained they are appealing the decision made by the MAPC to deny their request for a conditional use. She further explained there were three votes for the conditional use and two votes against it, but there were also some commissioners absent at the meeting. She noted she has followed the rules required for the conditional use. She also noted the area in which they want to put their home in does not consist of million dollar homes; rather, they are mostly older homes that are still in good shape. She provided the Council with a picture of a Clayton manufactured home and stated that is the home they are looking at building. Ms. Bond explained they are looking at a modular home in which the home is built off-site and then brought on-site after it's built. She further discussed the home they are looking at purchasing. She noted once it is brought on-site it will be considered a residential home and will not depreciate the values of the surrounding homes. Councilman Hargis questioned the size of the property. Ms. Bond stated the property is right at four acres and will not be subdivided.*

*Mr. Michael Stallings, 4521 Finn, read his prepared statement. He noted all of the surrounding property owners have signed a petition stating they are against the conditional use, with the exception of one property owner that was not at home. He referred to the older homes located on Main Street and stated manufactured homes do not hold up like those homes located on Main Street.*

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

**2. Pledge of Allegiance and Invocation**

**3. Roll Call by the City Clerk**

**Present** 9 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson and Rennell Woods  
**Absent** 3 - Ann Williams; Gene Vance and Mikel Fears

**4. Special Presentations**

**5. Consent Agenda**

**A motion was made by Councilman Mitch Johnson, seconded by Councilman Chris Moore, to Approve the Consent Agenda. A motion was made that these**

files be approved by consent voice vote.

**MIN-09:086** Minutes for the City Council meeting on August 18, 2009.

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

**This matter was adopted on the Consent Agenda.**

**Aye:** 9 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson and Rennell Woods

**Absent:** 3 - Ann Williams; Gene Vance and Mikel Fears

## **6. New Business**

**COM-09:112** Decision by the City Council concerning the request by Garrett and Stacey Bond regarding the denial by the MAPC for a conditional use in order to place a mobile home on an R-1 zoned parcel of land located at 4510 Harrisburg Road.

**Attachments:** [Appeal Letter](#)  
[MAPC Report](#)  
[Applicants Photos](#)  
[Bond Record of Proceedings Conditional Use](#)  
[Oppositions Petition](#)  
[Picture of Clayton Manufactured Home](#)  
[Statement by Michael Stallings](#)

*Councilman Street questioned whether the surrounding property owners were required to approve the conditional use. City Planner Otis Spriggs explained under the conditional use process the only requirement they have is to notify anyone within 200 feet and give those property owners the particulars of the public hearing so they can appear if wanted. Councilman Johnson then questioned whether they have granted a conditional use for a permanent manufactured home or if it's usually on a temporary basis. Mr. Spriggs answered yes, there have been a number of those cases since he started his position in 2006. He discussed the requirements for a conditional use for a manufactured home. He added the MAPC has approved about five conditional uses since 2006. He noted those decisions were made by MAPC and did not appear before Council. He explained this is an appeal due to an MAPC denial, while the other requests were granted by the MAPC. Councilman Frierson referred to the MAPC minutes and noted Commissioner Tomlinson had found 17 design standards for this type of request and stated the request met all 17 standards. Mr. Spriggs agreed, adding the petitioners have to meet all 17 standards. Councilman Dover questioned why MAPC allowed other conditional uses for manufactured homes, but denied this one. Mr. Spriggs stated in this instance they barely had a quorum due to the absence of three commissioners. He explained they needed five votes minimum to pass the measure. Councilman Dover then questioned whether the Bonds' should go back to the MAPC. Mr. Spriggs stated the Council does have the discretion to have the Bonds' go back to the MAPC. Councilman Street expressed concern over the request being permanent and noted that they typically uphold the decisions of the MAPC. Councilman Dover asked whether there is a difference between referring the request back to the MAPC and upholding the MAPC's decision to deny the conditional use. Mayor Perrin explained if the Council votes to uphold the decision, then the request would be denied. Councilman Street questioned whether or not the Council can send the request back to the MAPC since the MAPC has already voted on it. City Attorney Phillip Crego stated the process exists, but since*

there are no new findings. He explained if the Council decided to send the request back to MAPC, then they should also send guidance, such as needing other facts in order to make a determine, as opposed to just asking the MAPC to re-vote on the request. Councilman Moore questioned whether all conditional uses for a manufactured home have been approved by the MAPC. Mr. Spriggs stated he does not remember an accurate count, but he believes the majority of the requests have been approved. Councilman Johnson then asked whether anything else could be built on the property due to the conditional use. Mr. Spriggs answered no, it would just be this one structure on this lot. He explained the only exception would be if something happened and the home burned down, then the property owners would be allowed to re-build.

**Councilman Street moved, seconded by Councilman Moore, to uphold the decision of the Metropolitan Area Planning Commission to deny a conditional use for placement of a manufactured home located at 4510 Harrisburg Road as requested by Garrett and Stacey Bond. A voice vote was taken resulting in all members voting aye with the exception of Councilman Charles Frierson who voted nay. The motion carried.**

#### *Resolutions To Be Introduced*

**RES-09:132**

A RESOLUTION TO SET A PUBLIC HEARING FOR THE PURPOSE OF ABANDONING A RIGHT OF WAY AT 212 E. WORD STREET KNOWN AS LIBERTY STREET ALLEYWAY AS REQUESTED BY RENNELL WOODS

**Attachments:** [Plat](#)  
[Rennell Petition](#)  
[Utility Letters](#)

*Councilman Rennell Woods abstained from voting because he was a proponent of the measure.*

**A motion was made by Councilman Darrel Dover, seconded by Councilman Chris Moore, that a public hearing be set for 6:20 p.m. on September 15, 2009, for the purpose of abandoning a right of way located at 212 E. Word Street. The motion PASSED by an unanimous vote.**

**Aye:** 8 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall and Chris Gibson

**Absent:** 3 - Ann Williams; Gene Vance and Mikel Fears

**Abstain:** 1 - Rennell Woods

Enactment No: R-EN-091-2009

## **7. Unfinished Business**

#### *Ordinances on Third Reading*

**ORD-09:054**

AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING DISTRICT BOUNDARIES LOCATED AT 2506 AND 2510 E. JOHNSON AVENUE FROM C-4 AND R-1 TO C-3 FOR PROPERTY LOCATED AT 2506 & 2510 EAST JOHNSON AVENUE AS REQUESTED BY JAMES CARR AND WILLIS AND CAROLINE GRAY

**Attachments:**     [Carr & Gray Plat](#)  
                                  [MAPC Report](#)

*Councilman Street motioned, seconded by Councilman McCall, to adopt the ordinance.*

*Mr. Spriggs explained this rezoning should contain a Limited Use Overlay. City Attorney Crego stated the LUO stipulation is not in the ordinance. Mr. Spriggs stated it is an error in the ordinance because the ordinance should reflect an LUO stipulation. He explained the LUO is recommended by the MAPC. Councilman Frierson questioned whether the ordinance can be amended before the third reading. City Attorney Crego answered yes.*

**A motion was made by Councilman Charles Frierson, seconded by Councilman Darrel Dover, that this matter be Postponed Temporarily. The motion PASSED by an unanimous vote.**

**Aye:** 9 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson and Rennell Woods

**Absent:** 3 - Ann Williams; Gene Vance and Mikel Fears

#### *Ordinances on Second Reading*

**ORD-09:055**     AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 RESIDENTIAL TO C-4 COMMERCIAL LUO FOR PROPERTY LOCATED AT 726 SOUTHWEST DRIVE AS REQUESTED BY BRAD VADEN

**Attachments:**     [Plat A](#)  
                                  [Plat B](#)  
                                  [MAPC Report](#)

*Councilman Moore questioned whether there is any opposition to the rezoning. Mr. Spriggs explained there were some issues raised by the surrounding citizens. He further explained the applicant addressed it with a new layout, which will be reviewed by the MAPC during the final site plan review. He added there were a lot of things changed in the layout that addressed some of the issues raised.*

*Councilman Chris Moore moved, seconded by Councilman Charles Frierson, to waive the rules and suspend with the third reading. A voice vote was taken resulting in all members voting aye.*

**A motion was made by Councilman Chris Moore, seconded by Councilman Tim McCall, that this matter be Passed . The motion PASSED by an unanimous vote**

**Aye:** 9 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson and Rennell Woods

**Absent:** 3 - Ann Williams; Gene Vance and Mikel Fears

Enactment No: O-EN-044-2009

## **8. Mayor's Reports**

**COM-09:115**     Presentation by Sgt. Larry Rogers regarding the Animal Control Department

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

*Sgt. Rogers discussed the Animal Control Department.*

*Councilman Hargis questioned whether the department still hosts other Animal Control Departments from around the state on a yearly basis. Sgt. Rogers explained since the Police Department has taken over Animal Control, the Law Enforcement Academy has implemented animal cruelty into mandatory training for law enforcement officers. He further explained he teaches the classes at Black River Technical Center. He stated they have discussed the need for state-wide minimum standards for animal control officers to be taught. He added there are some seminars, with one being in Hot Springs this year.*

**This item was Read.**

*Mayor Perrin stated they have been working with CWL concerning the rural water building. He explained the fire station on Highway 18 appraised for more than the rural water building, but they are working on the final details. He further explained if they are able to swap the land the Parks Department will be housed in that location.*

*Mayor Perrin noted sales tax collections were down in August by \$215,000. He added they hope those numbers will start increasing, but year-to-date sales tax is down by about 2.1% from 2008.*

*Mayor Perrin announced Ms. Karen Bassett from ADEQ will be here September 10. He explained they hope to discuss with her plans for a compost site.*

*Mayor Perrin also announced Congressman Marion Berry will be holding a water resource meeting with the Corps of Engineers on September 2nd at 2:00 p.m. at Congressman Berry's office.*

*Mayor Perrin stated the Revenue Enhancement Committee will meet this week and will be taking their recommendations to the Finance Committee. He explained the committee has looked at all of the fees being charged by the City in every department, which some have not been increased in 25 to 30 years. He further explained he will be sending the Council a full copy of the findings so everyone can take a look at them.*

*Mayor Perrin announced a meeting with the president of the Homebuilder's Association on September 3rd to discuss working with the City. He also announced a Sanitation Committee meeting tomorrow, September 1st, at 2:00 p.m.*

*Mayor Perrin then announced a CDBG meeting on September 10th at 6:00 p.m. at Parker Park. He explained Grants Coordinator Gayle Vickers has been working with a major foundation and will be handing out details on that project during the meeting. He invited the Council to the meeting.*

*Mayor Perrin stated they will have a booth at the fair for the sesquicentennial celebration. He invited the Council members to work at the booth.*

**COM-09:116**

Preliminary month-end report dated August 31, 2009, showing expense vs. budget for 2009 as presented to the City Council at the meeting on August 31, 2009.

**Attachments:** [Expense vs. Budget Year to Date 8-31-09](#)

Mayor Perrin noted the benchmark for this time of the year is 33%. He expressed some concern over the Operations & Maintenance Funds being 27.3%. He explained the deficit through August 31, 2009, is \$6.5 million. He further explained the lease payments are \$2.3 million of the \$6.5 million deficit. He thanked the staff and department heads for working on their budgets.

**This item was Read.**

## **9. City Council Reports**

**RES-09:126** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF TWO STREAMGAUGES IN JONESBORO

**Sponsors:** Engineering

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

Councilman John Street moved, seconded by Councilman Chris Moore, to suspend the rules and place RES-09:126 on the agenda. A voice vote was taken resulting in all members voting aye.

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

**Aye:** 9 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson and Rennell Woods

**Absent:** 3 - Ann Williams; Gene Vance and Mikel Fears

Enactment No: R-EN-092-2009

Councilman Street thanked Mr. Spriggs and his staff for their work on the Land Use Planning meetings.

Councilman McCall announced a sesquicentennial Downtown Jonesboro Association historical home tour that will take place on Friday, September 11, and Saturday, September 12. He noted some of the homes are the oldest in Jonesboro. He added interested parties can contact the Jonesboro Public Library for tickets.

## **10. Public Comment**

**COM-09:114** Statement by Harold Carter regarding ORD-09:056

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

Mr. Carter, 902 Toni Drive, discussed the closing of Caraway Road. He expressed concern over how the closing would affect pedestrians around ASU. He noted there will be sidewalks on the overpass, but they could be dangerous depending on how the traffic flows. He further discussed the overpass and how it will affect pedestrians

and bike riders. He also expressed concern over eliminating foot traffic between Fisher Street and Airport Road due to the overpass.

**This item was Read.**

*Ms. Marcia Patton, 1211 Harrisburg Road, thanked Councilman McCall and the Sesquicentennial Committee for their hard work. She also thanked the Council for the new sidewalks at MacArthur and the new sirens at on Stroud. She then thanked Marvin Light, Mr. Spriggs, Mr. Light, Ms. Alexander and the MPO office for the Land Use meetings. She then asked the everyone to pick up their yards and clean up Jonesboro. Lastly, she challenged Nettleton and Jonesboro Schools to bring cans of food for the Food Bank as a contest to see who can bring in the most food.*

**11. Adjournment.**

**A motion was made by Councilman Mitch Johnson, seconded by Councilman Jim Hargis, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.**

**Aye:** 9 - Darrel Dover; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Tim McCall; Chris Gibson and Rennell Woods

**Absent:** 3 - Ann Williams; Gene Vance and Mikel Fears

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Harold Perrin, Mayor**

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Donna Jackson, City Clerk**