



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, January 3, 2017

5:30 PM

Municipal Center

SPECIAL CALLED FINANCE COMMITTEE MEETING AT 4:45 P.M.

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

APPEAL HEARING AT 5:15 P.M.

Regarding the appeal by Neil Stallings Properties #1, LLP, and Stallings & Gibson, Inc. concerning the decision of the MAPC to grant a conditional use permit to Chris Kidd for a self-service laundry at 2404 E. Matthews

Attorney Bobby Gibson, representing the Stallings, stated Attorney Don Parker, who is representing Mr. Kidd, had a death in family. They are jointly requesting a continuance of the hearing.

Councilman Moore asked when Mr. Gibson would like to hold the hearing. Mr. Gibson answered in two weeks, at the next meeting.

Councilman Moore motioned, seconded by Councilman Frierson, to reschedule the hearing for January 17, 2017, at 5:15 p.m. All voted aye.

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

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. ROLL CALL BY CITY CLERK DONNA JACKSON

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

4. SPECIAL PRESENTATIONS

Mayor Perrin welcomed Mr. Hafner and Mr. McClain to the City Council.

5. CONSENT AGENDA

[MIN-16:154](#)

Minutes for the City Council meeting on December 20, 2016

Attachments: [Minutes](#)

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

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

6. NEW BUSINESS

COM-16:106

Decision by the City Council regarding the appeal by Neil Stallings Properties #1, LLP, and Stallings & Gibson, Inc. concerning the decision of the MAPC to grant a conditional use permit to Chris Kidd for a self-service laundry at 2404 E. Matthews

Attachments: [Appeal hearing request](#)
[Exhibit A](#)
[Exhibit B](#)
[Property Owner Affidavit with Exhibits](#)

Councilman Vance motioned, seconded by Councilman Gibson, to postpone the decision until the next regularly scheduled meeting on January 17, 2017. All voted aye.

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-16:042

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO RM-12 LUO FOR PROPERTY LOCATED AT 3423 HUDSON AS REQUESTED BY ROBIN CALDWELL

Attachments: [Plat](#)
[Planning Dept. Report](#)
[Letter from City Water & Light](#)
[Aerial View](#)
[Application](#)
[HUDSON DR - SEWER](#)
[Rezoning Questions](#)
[Supporting Information](#)
[Opposition Letter](#)

Attorney Zac Baker, representing Ms. Caldwell, provided supporting documentation to the City Council regarding the rezoning request (see attached supporting documentation). He noted it is the same information from the last meeting, so some of the Council members may already have it. He discussed the subject property and reiterated some information from the last meeting. The MAPC approved the rezoning request at their June 28, 2016, meeting. The property is in a high-intensity growth sector and that multi-family use is appropriate for this high-intensity growth sector. As such, the proposed rezoning conforms with the city's comprehensive plan. The MAPC report notes the proposed use would not be a detriment to the area and would have minimal impact on community facilities and services. There were no objections by any city departments or agencies.

Mr. Baker explained the subject land was purchased by the applicant's parents in 1952. The current owner grew up in the single-family residence that is on the property. She has owned the property since 2003. The property has been listed on multiple listing services in Jonesboro with a real estate broker since August, 2015, with no offers and essentially no interest. There are parties who have expressed interest in the property if it is re-zoned.

He noted at the last meeting there was a question about sewer services. They were correct in their thinking that sewer services are offered to the property on its southern border. He added a letter from CWL was provided to the City Clerk's Office and attached on the agenda that confirms the availability of city services to the property.

Councilman Long referred to information provided by the applicant that indicated the neighbors understand the area is to be redeveloped and accept the inevitability the neighborhood will not continue to remain as it is. He then questioned how they know that and if they spoke with the neighbors. Mr. Baker stated he believes that question was answered during the first Council meeting in which the rezoning was presented and the answer was yes, an attempt was made. Numerous persons were spoken to by Cole Stevenson, the property owner's real estate broker, and they gave their responses. Councilman Dover asked if Mr. Baker had a copy of those. Mr. Baker answered they were verbal.

Mr. Stevenson stated his answer to the question was reflective of two parts – talking to the MAPC, reviewing what has happened in the area. They attempted to speak with the property owners whose property abuts the subject property, not any property on Pearl Drive or some of the other areas because the property, as it sits, they didn't see how others would be affected. He personally spoke with Mr. Gibson to the northwest and he had no problems with it. He also spoke with the corner lot owners, who attended a past meeting and didn't have a ton of negative things. He spoke with the Costners, who he thought were of the open that he expressed recently in the paper. He has since been told by the Costners that wasn't their view, so he apologized to them for misrepresenting it. He was unable to make contact with the other neighbors, but they did attempt. They wanted to move forward with the process and did the best they could, so they hope the neighbors take the time to express their opinions now.

Councilman Dover asked if a community meeting was offered. Mr. Stevenson explained they went door to door three times. At the time, they thought that would be sufficient. They didn't realize there would be this outlash from the community given their stances to the previous commercials rezonings around them.

Councilman Moore noted Mr. Stevenson is a licensed agent who does business in Jonesboro. He asked what Mr. Stevenson would attribute the property being vacant since 2005 to. Is it due to too high of an asking price or is it because nobody would want to build R-1 in that area. Mr. Stevenson clarified his answer would be speculative and of his professional opinion. The entire area surrounding this property has gone either commercial or industrial. He doesn't think he can speculate as to the prices. But, he doesn't see a high demand to build a house next to a future commercial development, plus there's industrial property to the south that has been built on. Councilman Moore clarified that Mr. Stevenson thinks the property has the wrong zoning due to the commercial and industrial. Mr. Stevenson answered yes, he thinks that the growth and development in the neighborhood as well as the rezonings attribute to what they are trying to achieve to put the property to its best use. He noted that is just his opinion based on what has been reviewed in the last year.

Councilman Dover referred to the information presented to the Council members,

specifically the Application for Zoning Map Amendment. He stated the application asks the use of the adjoining properties and lists them as residential on the north, east and west with commercial on the south. He questioned how they can say the property is surrounded by commercial or industrial when commercial borders only 25% of the property. Mr. Stevenson noted when they started the process the property to the west had not been rezoned, but it has been rezoned. Mr. Baker stated he has a problem with the inquiry because the MAPC has already decided they are consistent with the Comprehensive Use Plan and everything else. Councilman Dover stated the MAPC doesn't get to make the final decision.

Dan Pasmore, 7114 Highway 351, spoke in opposition to the rezoning. He doesn't live in the neighborhood, but does own a house in the neighborhood. There's only a couple of rental properties in the area. It's mostly homeowners who have been there a long time. Jonesboro is running out of small neighborhoods that can be managed and kept under control. He discussed the neighborhood. He explained if you try to pull out on Hudson you can't see to turn, but then if you go towards 49 you're only 200 yards to the Aggie Road stoplight. Trying to turn left towards the hospital is treacherous. He added he lives out there now and it's a nightmare if you are trying to leave for work at 8 and come home at 5. There's wreck after wreck out there. It is a quiet, respectable neighborhood and it needs to stay that way. Councilman Moore asked if he owns one of the four lots directly to the east. Mr. Pasmore answered he has a lot that is the longest lot backing up to the property on Hudson. He added the only way out of the property is on Hudson, around the curve which is a pretty good blind spot by itself. It's going to be a nightmare. He asked that the property be left alone.

Brenda Hetler, 1811 Pearl Drive, thanked the city because last time she was at a meeting she had a water that has since been taken care of. She then read from a letter she wrote (see attached opposition letter) detailing her opposition to the rezoning.

Councilman McClain questioned what school district this rezoning is in. Mr. Baker answered it is in the Nettleton School District. Councilman McClain noted that their information refers to an increase in tax revenues. He asked if they had any information regarding the tax revenue difference between R-1 and R-12 zoning, the apartments versus single family homes. Mr. Baker answered no. Since this is a pure rezoning and not in conjunction with a site plan, then those aspects are too speculative for them to attempt.

Councilman McClain then asked how long the property was for sale as R-1. Mr. Baker answered the property was listed in 2015 with Mr. Stevenson's brokerage. Mr. Stevenson added Ms. Caldwell, the property owner, hired him in August, 2015, to represent her and it has been listed as R-1 since then. Councilman McClain questioned whether he spoke with developers in order to develop the property as R-1 or whether they went straight for R-12. Mr. Stevenson explained he cannot divulge his client dealings, but he can say this proposition has been discussed at different times. It just seems to him and from what he has seen with the developers that the interest leans towards multi-family zoning, which is why they asked for the rezoning.

Councilman Dover stated he gets hung up on the "best use" statement. He explained if the best use of the property was R-12, then it would've been R-12 in the land use map. Rather, what's being said is R-12 is the best use of the property for the money. Mr. Baker answered the land owner and the market decide what is the best use of the property. The land owner is saying what the best use is, as is the real estate broker. He didn't have any way to second guess them.

Councilman Hafner stated the property has been vacant since 2005 and was listed for sale in August, 2015. He noted there was a ten-year period when there was no effort to sell the property, so it was vacant by choice. Mr. Baker answered yes. Councilman Hafner then asked if there were any sales comparisons in the area to reflect what homes sell for in the area over the last two or three years. Mr. Baker answered no. Councilman Hafner said then they can't be sure if the reason the property hasn't sold is due to a high asking price. Mr. Baker explained his understanding of the process is that if someone is interested they can call and haggle when it comes to price. But, there has been absolutely no interest in the property as it's presently zoned. There has been interest in the event it is rezoned. There is a better chance of the property being developed if it's rezoned. Councilman Vance clarified there is no offer contingent upon the property being rezoned. Mr. Baker stated that is correct.

Councilman Gibson noted he received a text today from Mark Belk, a Nettleton School Board member, who expressed his objection to the rezoning.

Councilman Street explained he still goes back to his original complaint that single-family homes have a slower absorption rate than apartments. If the property is developed as R-1, then it probably has an absorption rate of 8-10 years allowing time to possibly widen Highway 351 or make other traffic changes to help the infrastructure. But, if you put 96 apartments up then in nine months you would instantly have the traffic and the schools would have the kids to make space for. He then asked the city planner to speak about the rezoning. He noted the current city planner was not involved in the rezoning of this property on the front-end.

City Planner Derrel Smith explained the rezoning did occur before his tenure started, but he's not sure it meets the Land Use Plan. He thinks parts of it do fit. He did agree with former City Planner Otis Spriggs' comment that these are not hard and fast lines. But, he's not sure all of this needs to be in the high intensity growth sector. He also has access concerns in regards to Hudson Drive, as well as the compatibility to the adjacent neighbors. In the future, this may turn out to be the best zoning for the property, but at this time he's not sure it is. He clarified that actually he does not feel this is the best zoning for the property at this time.

Councilman Hafner then questioned how they came up with the number of 96 units. Mr. Stevenson explained when they started the process with the multi-family aspect he had long discussions with Mr. Spriggs about what the number would be density-wise. He and Mr. Spriggs made the decision for R-12. They then came up with the 96 units by multiplying what is allowed in R-12 and the amount of acreage.

Councilman Vance stated at the last meeting he made a statement towards Mr. Baker that his argument was arguing towards impact fees. He wanted to clarify that he is not advocating for the start of impact fees; rather, he's just saying impact fees would be a way for this developer to pay for the expansion and improvement through Hudson Drive from one end to the other. He's not advocating for impact fees and he hopes that everyone understands. It may be something that needs to be looked at in the future, but he's not pushing for it.

Councilman Long read from the applicant's information that states the property would be utilized in its highest and best use to create needed housing for continued growth. And it would also serve to saturate the surrounding commercial developments with new patrons and raise tax revenues. He stated that is what he would not want to happen in this particular instance. They will be saturating an area of land with two blind spots on a two-lane road in the middle of a residential neighborhood. Next are concerns about safety, schools and drainage. Those are the issues he has with the

rezoning. Their information also stated the property will be solicited as vacant land for an upscale multi-family development, but they don't know that it will be upscale. He thinks they don't make determinations when it's convenient, but they also make a lot of determinations that he thinks are speculative.

Mr. Baker then drew attention to the provided color-coded map where there is property zoned as C-3 LUO on the corner of Hudson Drive and Old Greensboro Road. It was rezoned approximately six months ago. During that rezoning, City Council did not take a single issue with attempting to improve that intersection. Councilman Vance asked if that property is controlled by property that is due south that connects directly with Johnson Avenue. He thinks there is a partnership in all of that. Mr. Baker continued the issue is when the other rezoning happened the second reading was waived and the rezoning was approved without anyone saying anything about traffic. Not one word was said about traffic and no one from the neighborhood came to complain. The property was rezoned to C-3 and that intersection is a danger to the city and the surrounding landowners. He would've thought the rezoning would be a critical time to take up those issues. He has a problem with the city requiring things differently for his client and their rezoning when the other rezoning was just six months ago. He also referred to the Curtis rezoning which was five years ago and the prior rezoning was done by Terry Trotter via ORD-16:028 at 1822 Old Greensboro Road. There's also a C-3 LUO that is south and east of the subject property rezoned C-3 LUO from R-1 via ORD-12:002 at 3603 Hudson. That property's ingress and egress is exclusively on Hudson Drive. Like the Trotter rezoning, that rezoning was also pushed through unanimously without the slightest bit of disapproval or questioning as to traffic or other impact on Hudson.

Councilman Dover asked what was allowed in the rezoned properties Mr. Baker referred to. Mr. Smith answered with the LUO's he would have to go back and look at the rezonings. Councilman Dover stated that 96 apartments wouldn't have been allowed. Mr. Smith answered no, but to make a comparison he would have to go back and look at the rezonings.

Mr. Baker noted that, again, 96 units isn't what they are looking for; rather, they are looking for the change between R-1 and R-12. Councilman Dover stated they are just reading the application.

Mr. Baker explained that essentially the testimony is that Hudson Drive is already over-burdened, so if the applicant were to build a single residence on it then it would negatively impact Hudson. Councilman Long stated he thinks that is an incorrect assumption. Mr. Baker disagreed, adding it's been the testimony that no one wants any more traffic on Hudson and he doesn't think that statement could be disputed.

Councilman Street stated the property is zoned R-1, so they could start developing it as R-1 tomorrow and there's nothing anyone could do about it. He thinks there's a big difference between 8-10 years of development and nine months of 96 units when it comes to traffic. Mr. Baker noted 8-10 years is speculation.

Councilman Dover asked what the vote was at MAPC. Mr. Baker answered the vote was 5-3. Councilman Dover stated so that means the three people who voted against it also acted in an arbitrary and capricious manner. Mr. Baker answered to his recollection one vote was, but he's not familiar enough with it. Councilman Moore asked for a point of order because someone's personal motive on the MAPC is not before us right now.

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

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

Enactment No: O-EN-001-2017

ORD-16:083

AN ORDINANCE VACATING A DEVELOPED STREET RIGHT- OF- WAY AS REQUESTED BY HJE,LLC/HJE III

Attachments: [Engineering & Planning Department Letter](#)
[Petition](#)
[Updated Plat](#)
[Utility Letters](#)

Councilman Moore asked if this is the one on Aggie Road where they needed to build a new gate. Mayor Perrin answered he thinks that's right.

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

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

Enactment No: O-EN-002-2017

ORD-16:084

AN ORDINANCE VACATING A DRAINAGE EASEMENT AS REQUESTED BY RACE STREET ATHLETIC CLUB

Attachments: [Engineering & Planning Department Letter](#)
[Petition](#)
[Plat](#)
[Utility Letters](#)

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

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

Enactment No: O-EN-003-2017

8. MAYOR'S REPORTS

Mayor Perrin reported on the following items:

The Walton Foundation will be visiting around January 16 or 17. They will also be meeting with someone from the Foundation on January 6 to discuss biking and walking trails in Jonesboro.

Last week he met with MBC Holdings as well as Fire Marshal Jason Wills and Chief Building Official Tim Renshaw about the Citizens Bank Building. They are getting a structural engineer to do some work. He will also be meeting with the attorney and First Security Bank, who has the mortgage on the building, next week while he's in Little Rock. If things work out, then they will get with the engineer to see what can be done with the building.

Next week is the Municipal League Winter Conference, January 11-13.

Building permits totaled \$4,249,000. 90% is residential with 10% being commercial.

He will be giving the state of the city address before the end of February.

Total building permits for 2016 is at \$184 million, which is an increase over last year.

Quality of Life had three demolitions last month, two by Grants, 17 by owners. There were also 9 rehabs. There are 21 pending cases for condemnation.

The Highway Department approved the request to get an engineer on board for Harrisburg Road. This will be from Parker Road to the fire station, in the area of Central Baptist Church. The other is for Southwest Drive and Parker Road to do intersection improvements. They will be meeting with some people tomorrow to get that started.

Winter Wonderland attendance for this year was 4,083, an all-time high. The skating rink has taken in \$14,830 through last Friday. It will be open through the rest of this month and should hit around \$20,000. They will take that money and put it back into that operation to make it bigger and larger for next year.

The city received a grant to do advertising for recycling. That will start next week with an ad in the paper.

The city has right at 10,000 followers on Facebook, which is double what it was last year. It has been a great media outlet for the citizens.

9. CITY COUNCIL REPORTS

Councilman Street motioned, seconded by Councilman Dover, to elect Chris Moore as President Pro Tempore for 2017. All voted aye.

He commended Winter Wonderland and the ice skating rink.

Councilman Dover motioned, seconded by Councilman Street, to suspend the rules and place ORD-16:086 on the agenda. All voted aye.

ORD-16:086

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE A CONTRACT WITH USABLE TO PROVIDE INSURANCE COVERAGE FOR CITY EMPLOYEES FOR 2017

Sponsors: Human Resources

Attachments: [City of Jonesboro Amendment USABLE.pdf](#)
[USABLE.pdf](#)

Councilman Dover offered the ordinance for first reading.

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

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

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

Enactment No: O-EN-004-2017

Councilman Hafner stated he is honored to be representing the citizens of Jonesboro. He hopes they can continue to make good, informed decisions to keep the city moving forward. He noted in December the MAPC tabled discussion on sidewalks in order to form a committee. He asked about the status of the committee. Mayor Perrin stated he met with Mr. Smith today. They have been waiting on people to submit their names and have now gotten the information back. They are at 11 for the committee and will be bringing it back to Council. It was a good base from architects to engineers. Councilman Hafner explained he thinks that will be an important committee for development and safety in order to get a good, fair system.

Councilman Long noted the roundabout is starting to get traffic on it. Mayor Perrin explained when the company is paying \$1,300 a day in penalties things will get done quicker. The penalty will stop due to the winter months, but they have done a good job of getting the roundabout to a certain point. The first layer of paving is done and has been striped. They have put up the stop signs and probably won't come down until the roundabout is completed.

Councilman McClain stated he is looking forward to the next four years serving for the city.

Councilman Gibson stated as current acting chair of Nominating & Rules it had been discussed having a special meeting tonight, but Councilmen Hafner and McClain accepts the roles their predecessors were in so there's no need for a meeting at this point, but we may revisit it later in the year.

He then asked Mr. Smith to report an update on the changes to Section 117 that had been previously discussed last year. Mr. Smith explained the Public Works Committee had asked for a change to the proposed ordinance. He will make that change so the ordinance should be on the Council agenda for the next meeting.

COM-17-001

Letter from Sage Meadows Property Owners Association regarding street improvements in the subdivision

Attachments: [Letter](#)

Councilman Gibson read for a letter from the Sage Meadows Property Owners Association. He read the letter (see letter attached to communications file). He asked that he, Mayor Perrin, Street Director Steve Tippett and Councilwoman Williams set some available times to visit the areas in question to address the issues. Mayor Perrin stated he will meet with Mr. Tippett and get back with Councilman Gibson.

This item was Read.

Councilwoman Williams asked for an update concerning the widening of South Patrick. City Engineer Craig Light explained there's a water line on the west side of the road that needs to be relocated. He spoke with CWL. They think they can have it

relocated in about four weeks. They will begin advertising the project once they see CWL start relocating the water line.

10. PUBLIC COMMENTS

Dan Pasmore, 7001 Highway 351, asked when the update with the new Council members addresses and information will be on the website. Mayor Perrin stated it's already on there.

11. ADJOURNMENT

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

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

_____ **Date:** _____

Harold Perrin, Mayor

Attest:

_____ **Date:** _____

Donna Jackson, City Clerk