



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, January 17, 2017

5:30 PM

Municipal Center

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

[play video](#)

APPEAL HEARING AT 5:15 P.M.

[play video](#)

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

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

[play video](#)

2. PLEDGE OF ALLEGIANCE AND INVOCATION

[play video](#)

3. ROLL CALL BY CITY CLERK DONNA JACKSON

[play video](#)

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

[play video](#)

5. CONSENT AGENDA

[play video](#)

Approval of the Consent Agenda

Councilman Street abstained from voting on the consent agenda. RES-17:002 pertains to the City Water & Light and he is a member of their Board of Directors. Councilman Frierson also abstained due to being the attorney for the City Water &

Light.

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

Aye: 10 - Darrel Dover; Ann Williams; Chris Moore; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner and David McClain

Abstain: 2 - Charles Frierson and John Street

MIN-17:004

Minutes for the City Council meeting on January 3, 2017

[play video](#)

Attachments: [Minutes](#)

This item was APPROVED on the consent agenda.

RES-16:165

A RESOLUTION TO CONTRACT WITH JENNIE FINCH SOFTBALL FOR HOSTING A TWO-DAY SOFTBALL CAMP AT SOUTHSIDE SOFTBALL COMPLEX ON NOVEMBER 4-5, 2017

[play video](#)

Attachments: [Jennie Finch Contract.pdf](#)
[RES-16-165 Redacted.pdf](#)
[Jennie_Finch17_Redacted.pdf](#)

This item was APPROVED on the consent agenda.

RES-17:001

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO A CONTRACT WITH CRAIGHEAD COUNTY JONESBORO PUBLIC LIBRARY FOR PUBLIC SERVICE

[play video](#)

Attachments: [Contract](#)
[Public Library_Redacted.pdf](#)

This item was APPROVED on the consent agenda.

RES-17:002

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO SELL PROPERTY TO CITY WATER AND LIGHT

[play video](#)

Attachments: [CWL Purchase Agreement.pdf](#)
[Appraisal Dan Ave 25 acres.pdf](#)

This item was APPROVED on the consent agenda.

6. NEW BUSINESS

[play video](#)

ORDINANCES ON FIRST READING

[play video](#)

ORD-16:082

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

[play video](#)

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

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

Councilman Street asked that the ordinance be held at one reading in order to give everyone plenty of time to review it. Mayor Perrin agreed to holding it since it is a procedural change. He also noted that City Planner Derrel Smith is working with the home builders and contractors to let them know about the changes.

This item was Held at one reading.

7. UNFINISHED BUSINESS

[play video](#)

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

[play video](#)

Attachments: [Appeal hearing request](#)
[Exhibit A](#)
[Exhibit B](#)
[Property Owner Affidavit with Exhibits](#)
[Stallings additional information](#)
[VAB Enterprises Letter](#)
[Additional information from Kidd](#)

Attorney Bobby Gibson represented the Stallings entities, who filed the appeal. He provided the City Council with a packet of information regarding the appeal (see attached information packet). He discussed the history of the conditional use approval. Kidd Investments applied for a conditional use permit for property that was already zoned I-1, but intends to install a laundromat. The Stallings own property contiguous to the lot Kidd Investments would like to develop. The Stallings have inquired about the property and wanted to be a good neighbor. But, they have expressed some concerns with it. Those concerns were communicated to the City Planner by Cathy Buchanan, one of the principals of the entities involved. Those concerns are related to the safety of the residents and the businesses in the area of the laundromat. There are substantial concerns his clients have about the laundromat being installed there, but there were several technical deficiencies that occurred. If

you drive down to that area, you'll see the Stallings and several others have improved the area over the last decade. They have renovated their office complex, built new offices, installed a city park across the street just across the street from where the laundromat is to be installed. If you look at the technical issues, the Council should pause and think about what to do with this proposal.

When the Stallings went to the MAPC meeting, they were caught off guard because it had been represented to them that the laundromat would be attended. They were surprised to find out that had changed, as had the proposed hours of operation. After the decision was made, they were concerned about what was going next to their property. Mr. Gibson then discussed the site plan for the property. The site plan shows the property line is right on the Stallings property. After the meeting, the Stallings looked at their property and found a survey stake that was next to their building. In response, the Stallings have filed a quiet title because they dispute the property line. They contend the property line is actually fifteen feet over to the west. There is a ditch you can see in the photographs located within their documentation that the Stallings have maintained for many decades. That ditch is the only drainage structure and if you look at the site plan there's no provisions for drainage in that area, which also concerns the Stallings. You'll also see on the pictures that the proposal is to build up the lot. The MAPC didn't take into consideration that water would be pushed off onto neighbors to the east and west. He noted there is a daycare in the area.

The MAPC, according to Sec. 117-198 of the Code of Ordinances, was supposed to have given special attention to things such as ingress, egress, parking, safety and general attractiveness. Landscaping and screening are also supposed to be considered, as well as the compatibility of the laundromat to the area in order to not adversely affect the surrounding area. That consideration was supposed to be made, but wasn't.

The procedure is to apply to the MAPC and that application is to be made by the property owner. The city ordinance goes on to add that it has to be verified. The application in question was not signed by the property owner, nor was it verified. So, it wasn't compliant with city ordinances causing it to be defective. In the event this issue is appealed to Circuit Court, they won't have to get into substantive issues; rather, they can focus on the technical issues that exist and may kick it back to the MAPC a year from now for consideration. He noted in their documentation they provided a copy of the warranty deed showing the property wasn't conveyed to Kidd Investments until several weeks after the MAPC decision.

The ordinance says you are also supposed to include, with the application, a graphic representation, such as site plan, showing details of the project. There was no plan with the application; rather, there was just a basic site plan showing the building and parking spaces with no specifics towards things such as drainage.

He added one thing he thinks the MAPC failed to consider is the parking requirements. With a laundromat the number of parking spaces is set by the standard which is the number of washers. The general standard would be at least two spaces per 100 pounds of capacity. In this instance, it would require more than the eleven spaces as shown on the site plan. If more washers are installed later, the question will become will the spaces shown on the site plan be enough. There were no conditions placed on the conditional use as to the number of washers and dryers that could be located in the facility.

The ordinance also requires the applicant is to present evidence to the city planner that all the property owners within 200 feet of the boundaries have been notified at

least 10 prior to the hearing of the time, date and place of the hearing. There's no clarity as to how. In the packet that was made public at the MAPC meeting, there were copies of letters supposedly sent out but nothing indicating the letters had been sent. The city planner then provided them with receipts showing the letters were sent out on September 29th, which would mean the letters were sent out at least 10 days prior, but not necessarily received 10 days prior to the hearing. One of the requirements of proving the property owners were notified is that the applicant is supposed to submit a plat that shows the 200 feet radius and the ownership within that area, so it can be determined everyone has been notified. This was not done. It cannot be truly determined that everyone was notified. And, as indicated in their documentation, the 200 feet would include a railroad easement and ASU property. ASU was not notified.

The most concerning is the fact that if Kidd Investments decides to sell in the future, what does the purchaser have that will tell them there are limitations on the operation of a laundromat. Is there any way to tell there are limitations to hours or staffing? The motion reflected in the MAPC minutes didn't attach any conditions concerning hours, attendants, security, parking, drainage or landscaping as the ordinance would require them to consider. The intention was to place some conditions, but there is no legislation showing those intentions. He thinks the intent was to place restrictions on it, so he thinks that is defective as well.

What should be done tonight? One option is to continue to allow them to present evidence to the substantive issues, such as safety concerns or crimes committed on unattended laundromats. The lack of an attendant, by industry standards, indicates things won't be picked up as much and the property will be dirtier and run down quicker, which is a concern. The preferred location for laundromats is in the midst of a large concentration of apartments. That is not the case here; rather, it's being put in the middle of offices, daycares and parks. They can discuss the substantive issues more, but just the technical issues indicate it can be taken back to the MAPC so the application can be supplemented, signed by the owner, verified, meet all the requirements of Code Sec. 117-199, the hearing be properly noticed and all land owners be notified, as well as the MAPC take into consideration all of those items listed in Code Sec. 117-198 and 199. Details should be made for conditions of approval. Without all of that, this is a situation with a lot of ambiguity and certainly an opportunity for appeal.

Councilman Moore asked if their concerns had been presented to the MAPC. Mr. Gibson stated he wasn't present at the MAPC meeting. As indicated earlier, the Stallings attended the meeting but, as shown in the packet of information, it was represented to them that there were conditions that would be presented that the Kidd's were okay with. When they got to the meeting, everything changed.

Councilman Moore then asked the city attorney if a survey dispute by the adjoining property owners a condition to deny a conditional use permit. City Attorney Duncan stated she doesn't know if it would have bearing on a conditional use. It just might limit what can be done with the conditional use. Councilman Moore stated anyone can dispute a property line. They could decide they don't like what is going in next door, so they dispute the property line. Ms. Duncan explained she just doesn't think it will affect conditional use. It could affect setback, where you put the building, how big the building can be, things such as that, which doesn't affect the conditional use itself unless the conditional use required a certain size building.

Councilman Frierson explained the plat presented to them is what they're dealing with, not some plat in the future. If the plat reflects the 15 feet in dispute is part of the plan, then he doesn't think they should be fooling with it. Ms. Duncan stated she

thinks there are different issues other than that. She doesn't think that is decisive in and of itself. Councilman Frierson stated when they are presented with a plat and they're talking about what kind of business is going in there and there's a 15-foot dispute, including a drain that has been an issue, then he doesn't think they should fool with it. Ms. Duncan noted that it wasn't presented to MAPC that there was a dispute on the property line. Councilman Frierson agreed, and added that the MAPC minutes state the conditional use was approved with several conditions attached yet the conditions weren't included. Ms. Duncan agreed that was a problem and stated she has already spoken with the Planning Department about the issue with the minutes. Councilman Gibson indicated that due to the problems presented the issue should be taken back to the MAPC.

Councilman Dover questioned the survey stake that is against the Stallings building. Mr. Gibson explained that was from a survey. It's supposed to show the property line as shown by the site plan presented by Kidd Investments. Councilman Long added the stake shows the floor line of the building being several inches above the grade. Mr. Gibson further explained that is one of the points because that line will not provide the Stallings access to maintain the side of their building. On the site plan, Kidd Investments proposes a fence that will be against the side of the Stallings building.

Councilman Moore stated he is failing to see how the dispute between the property owners concerning the property line affects the city considering there is an engineer's stamp on the site plan that shows the property line is clearly to the west of the Stallings property. Until there's evidence presented that contradicts that, then he questioned what relevance does the position of the Stallings building have to do with the conditional use on adjoining land. Mr. Gibson explained while the Stallings building isn't on the Kidd Investments property, the wall of the Stallings building pretty much serves as the property line. While the property line dispute isn't something the Council can determine, the fact that the building is on the property line leaving the Stallings no access to that side of their building should cause the Planning Department and the City to consider what the effect will be on the Stallings building when this new building is constructed above the grade. He noted the conditional use ordinance, like the zoning ordinance, says things such as drainage should have on adjoining land owners.

Councilman Moore then asked what the floor elevation of the proposed building has to do with the drainage. Mr. Gibson explained Terry Bare is conducting a survey on their behalf. Mr. Bare couldn't be at the meeting, but he has expressed concern about the grade being above that of an adjoining property because the water will have to go somewhere. Often there are detention ponds or drainage structures indicated, but that is not on the site plan. He thinks that is another issue that should've been considered. Ms. Duncan questioned what that has to do with the conditional use because the property owners could build something on that property today that could cause the same issues. Mr. Gibson stated he is referring to the conditional use ordinance that sets out what the MAPC was supposed to consider, but they did not consider it.

Councilman Hafner asked about the setback of the proposed building as shown on the site plan. He noted it indicated there would be a 10-foot setback between the proposed building and the Stallings property. Mr. Gibson explained the classification requires a 10-foot setback. But, if the Stallings are successful in their quiet title action and the property line is actually 15 feet further west than indicated on the site plan that would shift the setback causing them to move their building as least 5 foot to the west, as well as shifting their ingress and egress and parking spaces.

Councilman Johnson asked about the stipulations put on the conditional use that aren't listed in the minutes. City Planner Derrel Smith explained they listened to audio and video of the meeting and found the stipulations concerning lighting code, adequate parking to meet city code, hours of operation from 6 a.m. to 10 p.m. but being having the doors open until 11 p.m. for customers to leave, and then everything else had to meet city code. Councilman Dover stated the conditional use goes with the property, so if there are new owners then they will have to follow the conditional use as well. Mr. Smith agreed. Councilman Dover added that is why it's important the stipulations be outlined.

Mr. Smith explained the reason the MAPC didn't ask for a full site plan, other than the one they got, is because the zoning is I-1, meaning it will have to go back to the MAPC with a full site plan. Councilman Johnson stated he just wanted clarification that there's no reason to send this back to the MAPC because there are stipulations, they're just not in front of them. Mr. Smith further explained according to the audio there are stipulations. Ms. Duncan then questioned whether the MAPC reflected those stipulations in their motion or whether it's a problem with the minutes. Mr. Smith explained it was a long meeting. The MAPC started off talking about parking, then lighting and hours of operation. The Stallings asked about the attendant, which caused an hour's worth of conversation over that issue. They started the motion with the requirement that lighting and parking meet city code. Then, there was more discussion concerning the hours of operation and what hours they could agree on. Then the last stipulation was that it meet code. But, the motion didn't contain all of that information. Ms. Duncan noted that is her concern. Mr. Smith explained those were the stipulations he heard after listening to and watching the video, but that was not included in the motion and wasn't written. Ms. Duncan added she has already spoken with Mr. Smith and Mr. Gibson and expressed to them all stipulations should be included in the motion and that the minutes reflect those stipulations so there's no doubt about the stipulations.

Councilman Hafner asked if there is a procedure allowing the minutes to be changed if there's a discrepancy. Ms. Duncan answered she thinks you can, but her concern is with the motion itself. City Clerk Donna Jackson added you can discuss something, but if it's not included in the motion then it doesn't go.

Councilman Dover stated the conditional use is really due to the hours since the rest of the proposal has to meet city code. Councilman Vance clarified the conditional use is to put a laundromat in that location because the zoning is I-1. The stipulations were on top of that. He added there's also questions about the number of parking spaces and if they number of spaces should be increased because of the use. Mr. Smith stated they are using commercial standard. Councilman Vance agreed, explaining there could be some question as to the city code based on the different use in a different zoning.

Councilman Street asked if there was an issue because the owner of the property at the time of the conditional use application didn't file the application. Mr. Smith explained the owner didn't sign the application because, it is his understanding, the owner was out of town. They did have the property owner provide an affidavit saying they were aware of the proceedings and they had their permission. Councilman Hafner questioned when the affidavit was filed. Ms. Duncan answered it was filed after the MAPC decision. Councilman Street asked if the filing of the application in the way that is was is in violation of the city code. Ms. Duncan answered technically yes, it is in violation of city code. Councilman Street stated that alone could cause it to go back to MAPC.

Councilman Moore explained if it's going back to MAPC then they need to outline the

circumstances and the information they are requesting. Councilman Vance stated the Council doesn't see this unless it is in appeal. If it goes back to MAPC and they take action, the Council may never see it again unless someone appeals it. Councilman Moore clarified what he's hearing from Mr. Gibson is that all property owners within 200 feet were not notified and the stipulations were not listed. The survey is in dispute but he doesn't think that has anything to do with the city. The elevation of the building is higher, but he doesn't think that has any bearing on the conditional use itself. Ms. Duncan added there's a dispute about the property owners not signing the application, which she thinks is the biggest dispute. Mr. Smith stated the Planning Department was allowing applicants to sign in place of the property owner on the application up until that time. Ms. Duncan noted that is no longer being allowed.

Ms. Duncan explained she doesn't think this body needs to tell the MAPC what to do. They just need to say they affirm or deny the appeal. If it's affirmed and you find there was a problem, then MAPC then can hear it from the beginning. The conditional use can go back to MAPC and they can hear it again.

Attorney Don Parker, representing Chris and Abby Kidd who own Kidd Investments, discussed the history of the conditional use. He provided the City Council with a packet of information (see attached supporting documentation). The Kidd's purchased the property at 2404 East Matthews. He noted the property in question is a block and a half away from the Police Department and a half block away from a Wendy's that is open until 1 a.m. It's also less than a block away from the JETS station located on the corner of Caraway and Matthews.

In September, 2016, the Kidd's filed a conditional use application to build and operate a self-service unattended laundromat. All property owners to their knowledge were notified. In accordance to city procedure, all of the adjoining property owners within 200 feet are provided by the city. The city provides the applicant with mailing labels to mail the certified letters. The applicant takes the labels, attaches them to envelopes with the letters inside, takes them to the post office with the green cards attached, pays the postage and mails it. The green cards are returned and given to the city. The green cards for the Kidd's were not part of the applicant's package due to an oversight in the Planning Department, but the department has provided them as well as Mr. Gibson with copies of all of the letters, green cards and receipts with the list provided by the city.

On October 11, 2016, the MAPC met. After a three-hour meeting and a lot of discussion about this measure, Mr. Kidd agreed to opening at 6 a.m. and lock the doors at 10 p.m. with all patrons out by 11 p.m. He already planned to install a security system with security cameras he can access remotely. If an alarm goes off, the first two calls will go to Mr. and Mrs. Kidd. There will not be a call made to the Police Department unless authorized by the Kidd's.

After considering the criteria, the MAPC voted unanimously to approve the conditional use. He pointed the Council to the documentation within the packet. In the documentation he included a letter he wrote to Mr. Smith where he had raised the question where the conditions are. Mr. Smith replied to his email with the conditions, after listening to the audio of the meeting. The conditions were adequate lighting (which would be considered with the site plan), hours of operation, and to meet all of the city codes. He noted a lot of the deficiencies raised by Mr. Gibson would be addressed at the site plan phase of the project. Since this is an I-1 property, there is a requirement for them to get the site plan approved. Issues such as the drainage and elevation being too high or too low would all be addressed during site plan review. Based on the MAPC approval, the Kidd's closed on the property on October 24th. The property had been vacant for several years and was on the market for two

years.

Mr. Parker stated the Stallings claim the unattended laundromat is not safe and there is minimal parking. As they've already discussed, and the city engineer can verify if needed, the parking was based on commercial use, not industrial use. There is one space per 250 square feet. There's actually two extra spaces for parking than is required by city code under the commercial section.

One condition the MAPC stipulated is the project must meet all city code, including lighting and parking. The Stallings also claim the surrounding properties are managed during working hours and cater to vehicular traffic. He enclosed pictures of the adjacent businesses in the packet of information. There a couple of barber shops and hair salons, a pizza restaurant, a couple of second hand stores, a t-shirt shop, a gun shop, a bookkeeping service and temporary staffing, as well as several vacancies. Across the street is a Mexican restaurant that is open until 9 p.m. Some of the adjacent buildings are in somewhat of disrepair. There have been efforts to rehabilitate by owners and landlords, but he would be hard pressed to call the area upscale, retail or commercial. In fact, the Chateau Apartments are across the street on the other side of a vacant lot.

The Stallings claim the use is incompatible and will adversely affect adjacent property. There's no detail of facts offered to support that claim. The properties located on the north side are all zoned I-1. Under I-1 owners could have automated teller machines operated 24-hours day or a self-serve car wash operated 24 hours a day. There could be a cemetery, a communications tower, an RV park opened 24 hours, a service station open 24-hours a day, a used car lot, mini storage with 24 hour access, vehicle storage yard. All of these uses are permitted within I-1, meaning the Kidd's wouldn't have to do anything at the MAPC level to do take part in any of those uses.

Adjacent property is also I-1. He asked the Planning Department about the I-1 property, which as retail services on the property, and when they got their conditional use to operate the retail space. They discovered there is no conditional use permit granted on file with the city for the adjacent property owners, even with the commercial businesses.

Another claim made by the Stallings is the conditions weren't attached. He raised that issue with Mr. Smith, as shown in the earlier mentioned email between him and Mr. Smith. If that was a technical violation, that is something that could be fixed by the MAPC amending their minutes without sending the issue back to MAPC to correct the deficiency.

He explained before this issue was raised the city department would routinely accept conditional use applications signed by someone other than the owner, usually a potential buyer that would make it a condition of their closing. Obviously, that is in violation of the letter of the ordinance but it had been standard operating procedure in the city until this appeal. He stated he doesn't think the Kidd's should be penalized for what has been standard operating procedure in the city. By what they have presented, the allegations made by the Stallings have been either disproved or shown to be inaccurate or incorrect.

There was a lot of discussion about the Planning Commission and what they are required to review to fulfill their duties. It starts with the application the Kidd's filed in September. Before the MAPC even considers the issue, a staff report is made containing the history, code analysis and applicant's proposal. The staff report is part of their information packet. He read from the staff report. It was noted the zoning

code requires the request by approved by the MAPC. Staff anticipated no issues with the application and will meet all other requirements. Staff found the requested use would be a proper fit in the general vicinity.

They also included in their packet pictures of what the proposed laundromat will look like. The pictures come from properties in Paragould and Springdale. They are conceptual designs.

Councilman McClain asked if there were comments or questions from other neighbors surrounding the property. Mr. Parker stated they have not heard from any other neighbor than the Stallings and Ms. Buchanan who was present at the MAPC meeting. Councilman Moore then asked if there were any other citizens who spoke about the proposal at the MAPC meeting. Mr. Parker answered according to the minutes Harold Carter discussed the proposal as well. Mr. Carter came to the podium. He stated if the business is successful it will attract a lot of customers and some will be on foot from the apartments nearby. There's no crosswalk there for people to use to cross the street. He was primarily concerned with people being in an unattended facility. It will attract people who will use it as a warm place to hang out. He expressed concern about it attracting a bunch of people hanging around and sitting at the property while there's not an attendant.

Councilman Hafner stated he thinks they have to be careful not to make decisions based on speculation. Facts would be things such as people who have been hit by vehicular traffic while crossing the street from the apartments to Wendy's. But, they should be careful about speculation.

Mr. Parker explained while the laundromat will be unattended, the Kidd's will be active in managing the property and being present a significant amount of time. They hope the business will be successful enough to offer a wash, dry, fold service where an attendant may be present part of the day. They will spend \$600,000 in the facility, so it's not like they're going to let it run down. They will protect the investment. They laundromats like those shown in the pictures are not seedy, don't attract crime especially because they are well lit.

Mr. Parker pointed out that Jerry Gibson, with Allied Equipment, is also in attendance. He will supply the Kidd's with equipment if the laundromat is approved. Previously to being employed with Allied, Mr. Gibson was employed with Maytag. He has seen a lot in terms of the industry and is qualified to speak about the new generation laundromats and how they operate. They serve over 100 laundromats in Arkansas, as well as hotels and other facilities with commercial grade services. All of the laundromats they serve are unattended with about 25% having the wash, dry, fold service part of the day. He says crime is virtually non-existent. In the eleven years he's been with Allied, he's only aware of two instances of theft or other crime associated with the laundromat.

The picture that is being painted is that it will bring crime into the neighborhood. He reminded them it is only a block and a half from the police station. All of the technical violations show they aren't really violations and, if they are, the Kidd's should not be penalized for what has been routinely approved by the city.

Mr. Parker asked the Council to deny the appeal.

Councilman Hafner asked for the more details concerning the security camera system. Chris Kidd, property owner, explained there will be security cameras inside and outside of the building, with an alarm system as well. He discussed a friend of his with a camera system at his business. The friend is able to pull up camera feed on

his iPhone, so as long as you have cell phone service you can view what is going on at the building. They will have interior lights on different circuits, so when it gets closer to closing time the lighting will help notify customers about the upcoming closing time. At 10 p.m. the doors will lock, so people won't be able to get in. At 11 p.m. the security system will engage. He will get calls if someone triggers the alarm system. It was also suggested to him to have a PA system, but he has not looked into that yet. But, after the alarm system goes off if anyone moves inside the building it will set the alarm off. They will also be checking on the store every night from their home before they go to bed to make sure everyone is out of the building.

Councilman Hafner stated his understanding from the MAPC meeting is for Mrs. Kidd to be present at the store during the day if she's available. But, with the camera system they will be able to watch the store even if someone's not there. Mr. Kidd explained in the very beginning she will be present to do cleaning or whatever needs to be done. As business picks up, they hope to hire part-time cleaners and a full-time wash, dry, fold service. But, they will have to work up to that. He added this is a big investment for him, so it's in his best interest to keep it up and keep it nice. Councilman Hafner stated he hopes someone will be monitoring the business so people aren't just hanging out on the property and not doing laundry, which will help address some of Mr. Carter's concerns.

Councilman Dover asked if Mr. Kidd agreed with the hours. Mr. Kidd answered yes, he was happy with what the MAPC decided. Councilman Dover then asked how they can ensure those hours stay with the property. Councilman McClain asked if the Council can set hours. Ms. Duncan answered yes, the Council can set hours. She does think there needs to be clarification. The cleanest way would be for MAPC to clarify their motion, which would cover two issues. They need to address the ownership issue as well. She thinks the minutes could be changed without it being sent back, but the motion wasn't very specific which is her bigger concern. If the minutes weren't specific, those could be amended. But, she has concerns about the stipulations not being in the motion. Councilman Frierson added that those amended minutes would need to be before them, as a Council, when a decision is made. Ms. Duncan explained the MAPC should clarify the stipulations and the address the ownership issue.

Councilman Street motioned, seconded by Councilman Frierson, to send the issue back to the MAPC for a corrected motion.

Councilman Moore asked if they would also address the ownership issue. Ms. Duncan noted that will be taken care of since the Kidd's are now the property owners.

Mr. Gibson explained there was also a question of all the land owners being notified. Ms. Duncan stated they can then express their concerns at the MAPC meeting. Mr. Gibson disagreed, stating if the Council is just sending the issue back to Council with the motion of correcting the minutes, then they're not solving all of the other issues they raised. Ms. Duncan explained anticipate the MAPC will hear and deal with it from the start.

Mr. Gibson then read a letter from VAB Enterprises, who own property adjoining the Kidd Investment property (see the attached opposition letter). They were notified of the conditional use proposal. They own properties directly across the street. Mr. Gibson explained a big part of the conversation at the MAPC was concerning staffing. He expressed appreciation to Councilman Hafner for getting the details concerning security, but there's an issue with what happens with future landowners.

Councilman Frierson noted there's a motion on the floor.

Councilman Frierson motioned they will send the issue back to MAPC to resolve all necessary issues, including the amendment of the motion itself to reflect the conditions and to handle everything. Councilman Street seconded the motion. All voted aye.

8. MAYOR'S REPORTS

[play video](#)

Mayor Perrin reported on the following items:

The Revenue Enhancement Committee met and reviewing fees. They hope to bring the Finance Committee a presentation showing current fees and proposed fee changes, with the reasons for the change.

Last year while they were visiting Washington, D.C. they agreed to help the Department of Justice by holding a seminar concerning body cameras. They will be here on January 26th. They will also be discussing data storage issues and legal concerns, as well as DOJ grants. It will be from 9-2 at the Convocation Center.

While they were in Little Rock for the Municipal League Conference last week, they met with the Little Rock staff regarding a land bank. The city is averaging 50 demolitions in a year resulting in liens, along with mowing liens. The city probably has multi-millions in liens that haven't been collected. They have been working with the county in those regards. They hope to have the lien information available on their computers so the city can access those records at any time. They will also be looking at whether they are going to be filing lawsuits on some issues. The city spent a considerable amount of money in 2015 and 2016 on mowing and demolition. He noted it's not the tax collectors job to collect the city's liens, so he is going to pull all the information and show it to the Council.

They also met with First Security Bank in Little Rock to discuss the Citizen's Bank building. The city has had a lot of interest in the property. MBC Holdings, owned by Bruce Burrows, own the building. He has also visited with Ralph Waddell who has a large file of information on the property because of the owners of the land and the property owners to the west. They are going to keep pushing the project to get something done. It is a landmark for the city and should be showcased.

He thought the Municipal League Convention was good and it had several good speakers. The Council has several new aldermen. He is going to get information to them so they can get certified and start attending classes. He encouraged them to take all of the classes.

Ms. Duncan stated the subject of prayer at the beginning of meetings came up during their city attorney's conference during this past week. This has also been addressed by the court in Arkansas. She asked the Council to look at this and be knowledgeable of what the law says concerning prayer. She explained the law is clear that the Council can't have the same person opening prayer every time. The Council should consider a rotation. Every Council member will be assigned a prayer. They can say the prayer themselves, or invite a local pastor or citizen to say the prayer. The Council members can be assigned weeks during the year. She strongly encouraged the Council to consider that policy and some sort of rotation. Mayor Perrin stated they will look at a policy.

COM-17:002

Airport Commission financial statement for December 31, 2016

[play video](#)

Attachments: [Financial Statement](#)

This item was Filed.

9. CITY COUNCIL REPORTS

[play video](#)

Councilman Street stated he thinks the land bank is a good idea. They have some good ideas that the city can put to work. He's looking forward to trying to implement that. Mayor Perrin added a few city staff will be attending their meeting on February 15th to gather more information.

Councilwoman Williams asked for an update concerns the visit from the Walton Foundation. Mayor Perrin explained the representatives are still in town. He will be meeting with them after this meeting is over. They toured the city toward and will give a recap of their findings to him. Once they do that, he will share it with the Council.

Councilman Moore clarified Bruce Burrows is now the owner of record of the Citizen's Bank building. Mayor Perrin stated Mr. Burrows is the owner, but the building went back to the state due to unpaid taxes. If someone paid those taxes, Mr. Burrows, by state law, has six months to come back.

10. PUBLIC COMMENTS

[play video](#)

11. ADJOURNMENT

[play video](#)

A motion was made by Councilman Joe Hafner, 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