



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, November 15, 2016

5:30 PM

Municipal Center

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

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SPECIAL CALLED NOMINATING & RULES COMMITTEE MEETING AT 5:20 P.M.

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

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2. PLEDGE OF ALLEGIANCE AND INVOCATION

[play video](#)

3. ROLL CALL BY CITY CLERK DONNA JACKSON

[play video](#)

Present 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Bobby Long

4. SPECIAL PRESENTATIONS

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COM-16:090

City Attorney Carol Duncan to give an update on all of the city's litigation

[play video](#)

Attachments: [Legal Report](#)

City Attorney Carol Duncan presented her legal report updating the City Council on current and pending litigation with their office and the city's APERMA attorneys (see attached report).

Councilman Frierson referred to the Lloyd vs. Wilkinson lawsuit that notes the case has been settled, except for the city engineering department work. City Attorney Duncan stated she's not sure. APERMA Attorney Burt Newell is representing the city

with the mediation. City Engineer Craig Light stated they went through mediation and he thought it had been settled, but the decision was made to wait until they can determine whether work has been done to solve some of the problems. City Attorney Duncan stated she will check with Mr. Newell and get back with them at the next City Council meeting. Mr. Light explained the city built a detention pond on Wofford, but flooding had occurred prior to the detention pond being constructed.

This item was Read.

[COM-16:094](#)

Presentation by Mayor Perrin to the Valley View High School Volleyball State Champions.

[play video](#)

Mayor Perrin presented the volleyball team with a proclamation commending them for their state championship win.

This item was Read.

[COM-16:095](#)

Presentation by Mayor Perrin to the Jonesboro High School Volleyball State Champions.

[play video](#)

Mayor Perrin presented the volleyball team with a proclamation commending them for their state championship win.

This item was Read.

[COM-16:096](#)

Presentation by Mayor Perrin to Jonesboro High School Tennis Doubles Team State Champions.

[play video](#)

Mayor Perrin presented the tennis teams with a proclamation commending them for their state championship win.

This item was Read.

5. CONSENT AGENDA

[play video](#)

[MIN-16:137](#)

Minutes for the City Council meeting on November 1, 2016

[play video](#)

Attachments: [Minutes](#)

This item was APPROVED on the consent agenda.

Approval of the Consent Agenda

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

Aye: 12 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman; Todd Burton and Bobby Long

6. NEW BUSINESS

[play video](#)

Reschedule public hearing for Aniefiok Jacob regarding his request to operate a city cab

[play video](#)

Mayor Perrin explained the hearing for Mr. Jacob's taxi cab request needs to be rescheduled for the December 6, 2016, City Council meeting. No opposition from City Council was voiced concerning the rescheduling.

City Attorney Duncan explained the rescheduling is due to the time frame. She further explained City Clerk Donna Jackson indicated the city didn't have enough time to publish the hearing notice in the required amount of time.

Councilman Street motioned, seconded by Councilman Woods, to reschedule the public hearing for December 6, 2016, at 5:20 p.m. No vote was taken.

ORDINANCES ON FIRST READING

[play video](#)

ORD-16:066

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-3 LUO TO C3 LUO (MODIFIED LIST OF PERMITTED USES) FOR PROPERTY LOCATED AT 3611 AND 3637 EAST JOHNSON AVENUE AS REQUESTED BY P&H INVESTMENTS

[play video](#)

Attachments: [rezoning plat.pdf](#)
[Consent Order.pdf](#)
[Bldg 1-Permit Set.pdf](#)
[Appeal Letter filed 05-29-12.pdf](#)
[Legislation Details \(With Text\).pdf](#)
[MAPC Record of Proceedings.pdf](#)
[Plat of Survey.pdf](#)
[Photographs from July 17, 2012. meeting.pdf](#)
[Aerial View of Location](#)
[Application](#)
[Staff Summary](#)

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

Mayor Perrin noted this ordinance has been before Council before, but was sent back to make sure the address was correct. City Attorney Duncan added there were also some questions about whether the signage was done properly and if the notice was made. This time, the Planning Department took pictures of the signage to ensure it

was properly placed. But, the ordinance is starting over at first reading due to the address being incorrect the first time.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, to Waive Second Reading. The motion PASSED with the following vote.

Aye: 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman and Todd Burton

7. UNFINISHED BUSINESS

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ORDINANCES ON THIRD READING

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ORD-16:072

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-2 TO RM-12 FOR PROPERTY LOCATED AT 1007 AND 1103 COMMERCE DRIVE AS REQUESTED BY DEBBIE VETETO

[play video](#)

Attachments: [Rezoning Plat](#)
[Opposition Petition](#)
[Aerial View](#)
[Application with Questions](#)
[Staff Summary](#)

City Attorney Duncan explained this ordinance had questions at the previous meeting concerning whether the application was complete at the planning level. It was determined that the applicant didn't answer the questions on the actual application; rather, they attached it on a separate sheet. When the application was scanned in to be attached to Legistar, the Planning Department didn't put the separate sheet with the application. But, MAPC confirmed they reviewed a completed application when they made their recommendation. They decided to keep the ordinance on third reading since it wasn't the applicant's fault it had to be sent back.

Ms. Jennifer Easley, 5910 Pacific Road, spoke in opposition to the rezoning. She stated she was going to bring photos to the meeting to show the Council members the problems in their neighborhood, but was not able to make it to the meeting early enough. She explained those photos would've shown problems in the area and how the Planning Department was not correct in some of the information given. She further explained the proposed rezoning is not consistent with the Future Land Use Plan, which is discussed on page 4 of the Staff Report. The Future Land Use Plan shows up to 8 units per acre, whereas the applicant is asking for 12 units per acre. The Plan was adopted as a guide, but they are about to put in 4 more units per acre that isn't consistent with the Plan. Also, the view looking south as shown on page 10 of the Staff Report is not correct. The photo in the Staff Report is at least a year or two old because it should now show apartments where those houses are. In addition, picture showing the view looking east is not correct as well. That view should also show apartment complexes. The area across the street from the Veteto's is already heavily saturated with apartment complexes. She asked the Council to not rezone the

property. Yes, the property owners can still build apartment complexes on the property with the current zoning, but if it's rezoned the city will be telling them it's ok to bring more apartments into their neighborhood. If the Council were able to see those photos, they would also see drainage problems. There is a ditch located south of the Veteto's property where the developer wants to drain water. The culvert measures 18 to 24 inches and the ditch is no more than two and a half feet deep at its deepest point. Her family farmland joins that property and holds water about two-thirds of the year, with this year being an exception due to a dry year. The photos would've also shown 2 feet of water on her 12 acres from the flooding in May, 2016. And twice in five years she's had inches, if not feet, of water flowing off her property on Pacific Road. She expressed concern about the water not draining south towards the apartments like it should. The water drains from east to west, back towards the Municipal Airport. She further discussed the flooding in the area and noted the maps are from the 1990's, so you really can't tell where the flood zones are according to what was stated on a show she heard on the local access channel. Ms. Easley explained the city can't say whether the ditch digging has truly solved the problem because they don't know since there hasn't been another rain since. It was a scary sight for her to stand on her front porch and see 2 feet of water rushing around her house. That didn't happen before the apartments came. At a previous meeting, it was stated by the developer that they would push storm water north. She lives north of the property in question, as well as all the people who signed the petition in opposition to the rezoning. She asked that the city do the right thing and see if the ditch digging the city has done is going to work before more apartments are constructed. She noted the ditch that runs along the property by the Veteto's is grown up, has not been dug out in years, is full of trees and doesn't drain. She asked if the city doesn't stop the problem, then where does she go and complain to next.

Michael Boggs, with Tralan Engineering representing the property owner, explained the land is currently zoned R-2, which allows for 12 units per acre. They are not asking to change the density. The rezoning will allow for a more pleasing development and allow them to address some of the issues they have concerns with. He explained the drainage will not go north; rather, they will take the drainage to the north and drain it south along a ditch where they can provide additional storage and capacity for detention water. They cannot guarantee the project will better the drainage in the area, but they won't make it worse. They cannot increase the drainage in the area and have to maintain control with approval coming from the city. They will do the best they can to be the best neighbor for the area. They want to be able to provide a better development as opposed to just stacking buildings on top of each other. They want to control access and drainage better, as well as interior utilities as to how the development is served by removing interior lot lines. That is why they are asking for the rezoning. They want to make it a more pleasing development to the eye and to those around.

Councilman Burton asked about how they were going to handle the drainage, noting at the last meeting it was indicated the water would drain in three different directions. Mr. Boggs explained the water in the north will drain to the west or east, then to the south in order to get back to the ditch. They will have open ditches that will take the water back to the ditch. Councilman Burton expressed concern about moving water in too many different directions.

Councilman Dover then questioned how the rezoning will allow them to make a better development. Mr. Boggs stated with R-2 they will multiple drives and curb cuts along the road. But, with the development they're looking at they can limit it to two drives in a stretch of road instead of having three to four drives. Also, it allows them to place the buildings in such a way as to provide better landscaping. Without interior lot lines, there will be no setbacks. This will allow them to place the buildings in certain

directions so they can put in more green space to be able to limit the amount of parking and to help control additional runoff. Green space would be used for buffering and landscaping to make it a more pleasing looking development.

Councilman Long stated they don't really have a plan for them to look at. Mr. Boggs stated they didn't want to take the developers money and make a full-blown plan. They do have a conceptual idea of what they want to do. Councilman Long asked if the developer will not develop the land if it stayed with the current zoning; that the only way they'll develop the land is to change the zoning. Mr. Boggs answered he would not say that's correct. They haven't looked at developing it by replatting all of the lots. They have only looked at it by rezoning.

Councilman Burton noted there are quite a few apartments across the road. He asked if anyone could give him the number of apartments. It was indicated there are over 300 apartments. Councilman Vance agreed, the number is over 300.

Councilman Vance asked if they will be staying on the west side of the road to take the drainage water south. Mr. Boggs answered yes, it is their intent to keep the drainage on the west side of Commerce.

Ms. Easley noted there is a drainage ditch that goes under the road and to the east side. She then stated Ms. Veteto signed the paperwork as the actual owner. She questioned whether Ms. Veteto is developing this property or is someone else developing it. Ms. Veteto has told them that she is ready to get out of the neighborhood due to the apartments.

Councilman Moore stated he doesn't think the particular development can be considered at this time since they are considering the rezoning and the rezoning will go with the property. Technically, if the city rezones the property, then the owners can sell the property to whoever they want with that use. Ms. Easley pointed out that they have tried to sell the property before with Eric Burch Realty. She questioned whether it will be developed if they leave it alone because that's the question they've asked in the past and the answer was always no. If the property was left alone, it wasn't going to be developed. She reiterated that the ditch they want to drain the water to on the south side of the property is only 2 feet deep. She added she wishes the Vetetos were present at the meeting to answer questions about their property because she thinks the city would get more answers.

Larry McElroy, 1005 Commerce Drive, also spoke in opposition to the rezoning. He explained if you look at the apartments that were built across the road there is no landscaping. And not one single resident in a single-family home on the street going towards the north ever tried to build anything more than their one house. They never bought their property to develop. It has always been single-family. As for the drainage, there is a small ditch along the Vetetos that runs east to west that is totally grown up with trees, etc. He asked City Water & Light to clear the ditch, but the Vetetos wouldn't allow them to clear the ditch because they said it kept the dust off their property in the summers when the farmers were in their fields. It's a small ditch that goes out to the street ditch. It always runs over in any type of rain. The only other ditch of any size is about a quarter of a mile west. That isn't a large ditch either. He expressed concern about not getting the water off the land. They do not have enough saturation out there and the more the ground is covered in concrete, the less saturation they are going to have. To develop the property into anything other than what it is will need a lot of engineering on the ditches. He noted the Vetetos have been trying to sell for over two years, but no one wants the property because of the apartments and the street being made into five lanes.

Mr. Boggs noted Mr. McElroy referenced the property across the street not having a lot of landscaping. That property was built on R-2 with interior setbacks which had requirements with the placing of the buildings. There was a limited amount of green space for them to put landscaping. He also noted they will have to design things to meet the criteria of the city to handle the additional runoff and detention is that required. They will provide additional storage, additional outlet structures that will limit the flow to the pre-existing development stages. They will work the area to ensure they meet all the requirements of the city's drainage manual to provide the best development they can for the area.

Ms. Nell Warr, 5707 Pacific Drive & 803 Commerce, also spoke in opposition to the rezoning. Before the apartments, they did not have crime in the area, everyone knew everyone, you could go out and walk your dogs. But, you can't now. There was a woman killed and dumped across the road from her house in February. Twice in the last two months she has discovered people have been siphoning gas out of her vehicle while it sits in her garage. She stated she does not feel safe in her own neighborhood, in which she has lived in since 1994. She has put up motion detector lights, but it doesn't matter. At one and two o'clock in the morning, residents from the apartment complexes will walk up and down the streets and throw garbage in her yard and her neighbor's yard. She discussed other problems she's had in the area. She explained they can't sell their properties because of the apartments. She questioned when enough will be enough. There's over 300 apartments in the area already. Ms. Warr stated the road is a narrow two lane road that doesn't have the necessary infrastructure.

Councilman Burton expressed several concerns about the property. He expressed concern about getting the water to flow two or three different ways. Some good points were made about the traffic and congestion in the area. There's not much room on the roads. He's also concerned about the number of apartments being built in the area with 300 apartments already across the street. He questioned the need for the apartments. There is already a lot of land in the east side of the city that is zoned so they could build the apartments tomorrow. He stated they need to start looking into that and taking that into consideration. If they keep building apartments and rezoning property to build apartments in area that can't handle it when there are properties just down the road that are already zoned, then they are just creating more problems. He then expressed concern about the Nettleton School District because, once again, they are looking at putting apartments in the Nettleton School District.

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

Aye: 1 - Charles Frierson

Nay: 10 - Darrel Dover;Ann Williams;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

[ORD-16:079](#)

AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM C-3 LUO PUD TO C-3 LUO PUD FOR ADDITIONAL UNITS TO ORIGINAL PUD PROPERTY LOCATED AT 3308 S. CARAWAY ROAD AS REQUESTED BY CESAR ISLAS

[play video](#)

Attachments: [Plat.pdf](#)
[Plan.pdf](#)
[Original Plat.pdf](#)
[Staff Summary.pdf](#)
[Craighead Commons Plan for Space.pdf](#)
[Site Plan for Craighead Commons Phase 3.pdf](#)
[Playground Area.pdf](#)
[Aerial View of Surroundings.pdf](#)
[Aerial View with Locations of Buildings.pdf](#)

Councilman Street asked if there has been any opposition come forward since the ordinance's last reading. City Planner Derrel Smith answered no. Councilman Street then asked if he had any concerns about the number of apartments involved with the rezoning. Mr. Smith answered no.

Mr. Smith explained this area has already been zoned a PUD. They have built out what was originally approved. They have additional space, so they would like to add another 30 units. They have about 90 existing units. He noted the traffic will empty on to a major arterial, so there shouldn't be any traffic problems. A traffic study was performed showing very minor changes.

Councilman Dover asked what school district this would be in. Mr. Smith answered Nettleton.

Councilman Burton expressed concern that the one area of green space that is left in the area is going to be made into 30 more apartments. The area is already congested and he doesn't see putting in more congestion. Again, there's more land out there that is already zoned for the apartments.

Councilman Dover asked why this piece wasn't rezoned when the original rezoning took place. Mr. Smith stated he couldn't answer that because the original rezoning was several years ago, around 2010. Darrel Warner, from McAlister Engineering, explained Mr. Islas is not the original owner of the property and they were not the original engineers. So, when it was brought to them he wanted to maximize what they could do to the property, including adding what was able to be added unit-wise. They took it to MAPC and one of the comments they had was more green space, so they took a building out from the plans and added a playground. Originally, they had requested 34 units. Now they are requesting 32.

Councilman Burton then asked how large the playground will be. Mr. Warner stated the original plans called for a building and green space, so the playground will be the size of what that was going to be.

Councilman Burton had concerns about congesting the area and stated he thinks the best thing for the area would be to leave it as green space. He then asked if there was a crime report. Mr. Smith stated a crime report was not requested.

Councilman Dover expressed his concern about the heavy concentration in a small area. They did a police study a few years ago that showed a direct correlation between multi-family houses and crime.

Councilman Frierson questioned whether the seven criteria were duly considered because if not, the city will be back in court.

A motion was made by Councilman Chris Moore, seconded by Councilman Rennell Woods, that this matter be Passed . The motion FAILED with the

following vote.

Aye: 1 - Charles Frierson

Nay: 10 - Darrel Dover; Ann Williams; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman and Todd Burton

ORD-16:080

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.

[play video](#)

Attachments:

[Plat.pdf](#)

[Staff Report.pdf](#)

[Application.pdf](#)

[Site Development Plans.pdf](#)

[Rezoning Plat.pdf](#)

[Plans-Site Grading and Site Improvements.pdf](#)

[Plans-Under Slab and Foundation.pdf](#)

[Aerial View.pdf](#)

Mr. Smith explained this is requested by First National Bank. They had a parking lot zoned R-1 surrounded by C-3, so they are cleaning that up to zone the parking lot C-3.

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: 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Rennell Woods; Charles Coleman and Todd Burton

8. MAYOR'S REPORTS

[play video](#)

Mayor Perrin reported on the following items:

He will be attending the Highway Department meeting on November 30th.

35 more graduates will be coming from the Citizen's Police Academy on Thursday night. They are now up to 130 graduates.

The city also has 3 police officers graduating from Black River on Friday.

They will be starting up the Master Street Plan meetings again. Their plan was not approved by the City Council because it needed more work. They will be able to insert the money the city is receiving from the STIP.

On December 2nd the volunteer gala will be held. He encouraged everyone to attend.

COM-16:098

Financial statement for the Jonesboro Airport Commission for October 31, 2016

[play video](#)

Attachments: [Financial Statement](#)

This item was Filed.

COM-16:103

Consolidated Annual Performance and Evaluation Report (CAPER) for July 1, 2015, through June 30, 2016.

Attachments: [CAPER](#)

Mayor Perrin presented a copy of the compliance report from HUD. It was a good report. The city's ratio for spending the money is 0.41 compared to HUD's 1.5 allowable ratio. Also, the city's expenditures for administration is 13.55% with the HUD limit being 20%. Jonesboro is well below what other city's charge for administering grants. Councilman Frierson questioned the wording with the money saying the report says the allowable ratio is 1.5 with the city's being 0.41. He questioned whether it is good to be below the allowable ratio. Mayor Perrin stated that's how he took it.

This item was Filed.

COM-16:104

Pictures of IT van wrap

Attachments: [IT van pictures](#)

Mayor Perrin provided the Council with a picture of the new IT van and its wrap. It promotes the city's Channel 24. It moves around the city quite a bit during the day.

Councilman Long questioned whether putting the Haag Brown logo on the side of the IT van could be considered advertising for a private industry. Mayor Perrin stated that is similar to what the city does on the JETS buses and police vehicles. Councilman Johnson asked if the city has some sort of agreement in place for those things. City Attorney Duncan stated the city does have contracts for the ball fields and JETS buses. Mayor Perrin answered the city has not signed contracts with companies for the logos on vehicles. He added he will be glad to get contracts for the police and IT vehicles. Councilman Woods then asked if the sponsorship will be permanent or if the logo on the side of the vehicles could change. Mayor Perrin stated the agreements will be for three years, similar to what they do for the ball fields.

This item was Filed.

9. CITY COUNCIL REPORTS

[play video](#)

Councilman Street asked if, with the 3 officers graduating on Friday, the Police Department will be back up to full force. Mayor Perrin answered that's his understanding. It was indicated to him that by the first of December the department will be fully staffed. Councilman Street then questioned whether they will be bringing back the Prowl Unit. City Attorney Duncan stated that is her understanding. Mayor Perrin added they are also getting calls from other certified officers who are thinking of moving to Jonesboro.

Councilman Burton motioned, seconded by Councilman Dover, to suspend the rules and place RES-16:147 on the agenda. All voted aye.

RES-16:147

RESOLUTION TO MAKE APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS AS RECOMMENDED BY MAYOR PERRIN

A motion was made by Councilman John Street, seconded by Councilman Darrel Dover, 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;Rennell Woods;Charles Coleman;Todd Burton and Bobby Long

Councilman Moore asked for an update concerning the citizen from the last meeting who discussed her trees being cut down without her notice. City Engineer Craig Light stated they spoke with her after the meeting. She is going to give them a call to meet at the site. The contractor has finished working on the site. He is going to try and meet with her to visit the site and see what she would like to do. The area along the ditch that was on her property is fairly small compared to the total project size, less than 10,000 square feet of property. He will meet with her to see what they can do to resolve the issue.

Councilman Moore asked if a determination had been made as to whether trees were cut down on her property that weren't in the right of way. Mr. Light explained there is some right of way associated with that channel, but they haven't tried to identify the individual trees and he didn't have a way to measure the area.

10. PUBLIC COMMENTS

[play video](#)

11. ADJOURNMENT

[play video](#)

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

Aye: 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Rennell Woods;Charles Coleman and Todd Burton

_____ Date: _____

Harold Perrin, Mayor

Attest:

_____ Date: _____

Donna Jackson, City Clerk