



Meeting Minutes  
City Council

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Thursday, November 4, 2010

6:30 PM

Huntington Building

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

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

*Mr. Kent Arnold, representing property owners Mike Ebbert and Glen Talley, explained the property is currently zoned Commercial-3 with a limited use overlay restricting fast food restaurants. He asked to amend the limited use overlay to allow for a café/bakery with a drive-thru window. He further explained the company will be Panera Bread, which is similar to the San Francisco Bread Company currently located in Jonesboro. Panera serves food in the restaurant that is made after ordering, but they have about 10% of their business through the drive-thru window. He further discussed the property and the rezoning request. He noted they already have a contract with Panera Bread and are working on a contract for another restaurant to be located near the Panera, which would mean two restaurants will be on that site. He added the other restaurant will not have a drive-thru window.*

*Councilman Moore questioned why 2206 Stadium is being included in the request. He stated 2206 Stadium is the property that the other restaurant will be located on and will not have the drive-thru window. Mr. Arnold explained all the properties came in at the same time. Councilman Moore expressed concern over rezoning all of the properties with the amended limited use overlay instead of rezoning just the property related to the Panera Bread. Mr. Arnold noted the MAPC allowed for the pick-up window, but not for the drive-thru window which is used with fast food restaurants. He added future businesses on that property would have to conform to the café/bakery since that is what they are asking the rezoning to allow for. Councilman Moore questioned what the definition is of a café/bakery. Assistant City Planner Thomas White explained when the rezoning was presented to the MAPC the problem they encountered was due to the fast food restaurant restriction on the property, but the staff has no problem with the drive-thru window. He noted they are fine with the general restaurant, with a drive-thru window. Councilman Moore reiterated his concerns are with no definition detailing what a café/bakery would be so they know how the property will be restricted for future owners and he is concerned with rezoning the whole property instead of just the property related to the Panera Bread. He suggested narrowing the rezoning down to being related to just the property for the Panera Bread. Mr. White noted Panera will have to take the site plans back to MAPC for review, but what needs to be clarified is the general restaurant. He explained if Mr. Arnold would agree to the general restaurant with drive-thru window, then staff could support that use for the property. Mr. Arnold stated he has no interest in rezoning the rest of the property; it was only included because that was what the original rezoning included. He added he has no objections to amending the C-3 LUO on just the property Panera Bread will be located on, which would be the property on the corner of Parkwood and Stadium.*

*Councilman Moore then questioned the possibility of setting a precedent to allow for other restaurants that are restricted in a similar way to come back and ask for an*

amendment to their limited use overlay. Assistant City Attorney Carol Duncan stated that would be a risk and it would be difficult for the City to deny another restaurant's similar request.

Mr. Arnold questioned whether they can specify in the ordinance that if Panera Bread were to vacate the property, then the zoning would go back and no longer allow for the drive-thru window. Councilman Frierson stated that would have to be stipulated in the ordinance, but he was not sure that particular stipulation could be made. Discussion was held concerning Panera Bread and their business. Discussion was then held regarding the zoning along Stadium. He noted the language in the ordinance is what was recommended by the City Planning Department. He wanted the Council to know he's given the ordinance his best work and went with the recommendation of the Planning Department.

Councilman Frierson agreed with Councilman Moore, stating he does not see any reason amend the limited use overlay for the whole property; rather, it should just be amended for the Panera Bread property. Mr. Arnold stated he has no problem with that and he'll be glad to move forward with that.

Councilman Moore questioned if the request was just for a pick-up window, if he that would've been granted by the MAPC. Mr. Arnold answered yes, the MAPC approved the pick-up window. He explained Panera will not have their entire menu on the drive-thru window, but they could not specify how limited the menu will be. He reiterated Panera Bread is not fast food, so it will take time after someone orders before they receive their order.

Mr. Arnold stated he will amend the ordinance to read just 3004, 3008 and 3010 Parkwood Road and 2212 Stadium. He explained those properties are the ones related to the Panera Bread, which is only 1.2 acres. Assistant Carol Duncan recommended redrafting the ordinance and submitting it with the new legal description. Councilman Moore suggested having the first two readings on the ordinance tonight and Mr. Arnold amend the ordinance before the third reading at the next Council meeting.

**1. CALL TO ORDER BY MAYOR PERRIN AT 6:30 P.M.**

**2. PLEDGE OF ALLEGIANCE AND INVOCATION**

**3. ROLL CALL BY CITY CLERK DONNA JACKSON**

**Present** 10 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson and Rennell Woods  
**Absent** 2 - Tim McCall and Mikel Fears

**4. SPECIAL PRESENTATIONS**

**5. CONSENT AGENDA**

*Approval of the Consent Agenda*

**A motion was made by Councilman Chris Moore, seconded by Councilwoman**

**Ann Williams, to Approve the Consent Agenda with the exception of RES-10:123. A motion was made that these files be approved by consent voice vote**

**Aye:** 10 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson and Rennell Woods

**Absent:** 2 - Tim McCall and Mikel Fears

**MIN-10:100** Minutes for the City Council meeting on October 19, 2010.

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

**MIN-10:101** Minutes for the special called City Council meeting on October 21, 2010.

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

**RES-10:118** A RESOLUTION TO ADOPT THE CITY OF JONESBORO GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

**Sponsors:** Inspections

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

Enactment No: R-EN-104-2010

**RES-10:124** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM REALTY ASSOCIATES BROKERAGE, INC. FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

**Sponsors:** Engineering

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

Enactment No: R-EN-105-2010

**RES-10:134** A RESOLUTION TO MAKE APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS AS RECOMMENDED BY MAYOR HAROLD PERRIN

**Sponsors:** Mayor's Office

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

Enactment No: R-EN-106-2010

## **6. NEW BUSINESS**

**RES-10:123** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT A PERMANENT DRAINAGE EASEMENT FROM MALL AT TURTLE CREEK, LLC FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS

**Sponsors:** Engineering

**A motion was made by Councilman Chris Moore, seconded by Councilwoman Ann Williams, that this matter be Postponed Temporarily . The motion PASSED**

**by a unanimous vote**

**Aye:** 10 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson and Rennell Woods

**Absent:** 2 - Tim McCall and Mikel Fears

**ORDINANCES ON FIRST READING**

**ORD-10:082** AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-3 FOR PROPERTY LOCATED AT THE SOUTHEAST INTERSECTION OF INDUSTRIAL AND PARKER ROAD AS REQUESTED BY MATT VALENTINE

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

**This ordinance was Held at one reading.**

**ORD-10:083** AN ORDINANCE TO AMEND TITLE 14 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR THE CHANGE IN ZONING BOUNDARIES LOCATED AT 2206, 2212, 2200 STADIUM BOULEVARD; 3004, 3008 AND 3010 PARKWOOD ROAD, 3009 AND 3011 SUN AVENUE AS REQUESTED BY MIKE EBBERT/GLEN TALLEY

*Councilman Moore offered the ordinance for first reading by title only.*

**A motion was made by Councilman Chris Moore, seconded by Councilman Darrel Dover, to Waive Second Reading . The motion PASSED by a unanimous vote**

**Aye:** 8 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; Chris Moore; John Street; Chris Gibson and Rennell Woods

**Absent:** 2 - Tim McCall and Mikel Fears

**Abstain:** 2 - Mitch Johnson and Gene Vance

**7. UNFINISHED BUSINESS****8. MAYOR'S REPORTS**

*Mayor Perrin reported on the following items:*

*Ben Barylske is the new Chief Financial Officer and has started work.*

*There was a recent meeting with the Highway Department regarding the cloverleafs around Highway 63. They will be meeting again on November 16th. If there are any suggestions, please let him know. He has already sent the Highway Department's suggestions via email to the Council members.*

*They are working on the 2011 budget and hope to have it to the Council by November 19th.*

*Financial reports show \$75,873 above the budgeted figure in revenues, \$1,947,000 under budget in expenditures. They are also under budget in Capital Improvements, but there will be other expenses in that Fund during the rest of the year. Revenues are exceeding expenses. He has asked Mr. Barylske to give a report at the next Council meeting and reports will be sent out to the Council.*

*Property on Fisher Street sold to First Baptist Church closed this week.*

*The grants preliminary audit from Freeman & Company has been received. It's a good audit, with only one exception. An exit interview will be scheduled.*

*They met with the Corps of Engineers to talk about the project and get it started. More information will be sent out in a press release.*

## **9. CITY COUNCIL REPORTS**

*Councilman Street expressed his appreciation to the citizens of Jonesboro for re-electing him for another four-year term.*

*Councilman Dover motioned, seconded by Councilman Street, to suspend the rules and place RES-10:148 on the agenda. All voted aye.*

### **RES-10:148**

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO GRANT AN EASEMENT FOR ACCESS TO SARTIN SERVICES LAWNCARE AND NURSERY, INC.

**Sponsors:** Engineering

**A motion was made by Councilman John Street, seconded by Councilman Chris Moore, that this matter be Passed . The motion PASSED by a unanimous vote**

**Aye:** 10 - Darrel Dover;Ann Williams;Charles Frierson;Jim Hargis;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson and Rennell Woods

**Absent:** 2 - Tim McCall and Mikel Fears

Enactment No: R-EN-107-2010

*Councilwoman Williams reminded the Council the Finance Committee will hold a meeting this Tuesday, November 9th. Important issues concerning the pension plan will be discussed at the meeting.*

*Councilman Moore reminded everyone about the barbecue event being held downtown tomorrow, November 6th.*

*Councilman Hargis referred to the recent ribbon cutting of the new section of the greenway at Allen Park. He stated it shows how nice Allen Park is and gives children access to the nearby schools.*

*Councilman Vance stated they are continuing work on the public works facility.*

## **10. PUBLIC COMMENTS**

*Ms. Marsha Patton, 2111 Harrisburg Road, discussed concerns with a possible rezoning of property at the corner of Highland Drive and Harrisburg Road. She noted traffic and drainage concerns with the development of a grocery store and gas station on that property. She expressed concerns about possible ripple effects of how the development may negatively impact other areas of the City. She stated a grocery store and gas station are the wrong kinds of business for that area.*

**11. ADJOURNMENT**

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

**Aye:** 10 - Darrel Dover; Ann Williams; Charles Frierson; Jim Hargis; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson and Rennell Woods

**Absent:** 2 - Tim McCall and Mikel Fears

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

**Attest:**

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