



# City of Jonesboro

300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes City Council

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Tuesday, January 21, 2014

5:30 PM

Municipal Center

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### SPECIAL CALLED PUBLIC WORKS COMMITTEE MEETING

#### 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

*City Clerk Jackson left the meeting at 6:20 p.m.*

**Present** 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

**Absent** 1 - Mitch Johnson

#### 4. SPECIAL PRESENTATIONS

**COM-14:007** Presentation by Gary Harpole concerning the Multi-family Housing Moratorium Committee recommendations

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

*Mayor Perrin thanked the committee for their work.*

*Mr. Harpole discussed the recommendations made by the committee (see attached letter and presentation). He noted the committee suggests the recommendations be sent to the appropriate Council subcommittees to be further studied.*

*Mayor Perrin explained this will be a slow and meticulous process due to the number of recommendations provided by the committee. He added the recommendations will be given to the Council committees in order to be studied. He further explained recommendations by the committees will be given to the Council. He stated some of the recommendations will have to be reviewed by departments, such as Code Enforcement, before they can be discussed by the Council committees.*

*City Attorney Phillip Crego added that it was his understanding that presentations and other supporting documentation were entered into Legistar so everyone can view it. Mr. Harpole agreed, the public will have full access to the documents that were provided to the committee.*

**This item was Read.**

**5. CONSENT AGENDA***Approval of the Consent Agenda*

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

**Aye:** 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

**Absent:** 1 - Mitch Johnson

**MIN-14:004** Minutes for the City Council meeting on January 7, 2014

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

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

**RES-13:210** A RESOLUTION AUTHORIZING MAYOR AND CITY CLERK TO SIGN THE SETTLEMENT AND RELEASE AGREEMENT WITH DSI REGARDING PARADISE ESTATES PHASE I MAINTENANCE BOND

**Sponsors:** Engineering

**Attachments:** [Settlement and Release.pdf](#)  
[Exhibit A.pdf](#)

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

Enactment No: R-EN-006-2014

**RES-13:212** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR RIDGECREST MINOR PLAT - PHASE 1, A COMMERCIAL DEVELOPMENT

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)  
[Plat.pdf](#)

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

Enactment No: R-EN-007-2014

**RES-13:214** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR KUM & GO STORE #362, A COMMERCIAL DEVELOPMENT

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)  
[Plat.pdf](#)

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

Enactment No: R-EN-008-2014

**RES-13:219** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR HIGHLAND POINTE ADDITION, A COMMERCIAL DEVELOPMENT

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)  
[Plat.pdf](#)

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

Enactment No: R-EN-009-2014

**RES-13:221** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR REPLAT OF LOT 1 BLOCK C OF CORNERSTONE UNITED METHODIST CHURCH ADDITION, A COMMERCIAL DEVELOPMENT

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)  
[Plat.pdf](#)

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

Enactment No: R-EN-010-2014

**RES-13:222** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 919 CREECH, JONESBORO, ARKANSAS FOR THE PURPOSE OF STREET IMPROVEMENTS

**Sponsors:** Engineering

**Attachments:** [Offer and Acceptance.pdf](#)  
[Appraisal](#)  
[Map](#)

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

Enactment No: R-EN-011-2014

**RES-13:224** A RESOLUTION TO ACCEPT A MAINTENANCE AGREEMENT FOR STORMWATER MANAGEMENT FACILITIES FOR THE VILLAGE AT SAGE MEADOWS, A RESIDENTIAL SUBDIVISION

**Sponsors:** Engineering

**Attachments:** [Maintenance Agreement.pdf](#)  
[Plat.pdf](#)

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

Enactment No: R-EN-012-2014

**6. NEW BUSINESS****ORDINANCES ON FIRST READING**

**ORD-14:001** AN ORDINANCE TO AMEND CHAPTER 117, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES BE IT ORDAINED BY THE CITY COUNCIL OF JONESBORO, ARKANSAS FROM R-2 AND C-5 TO C-3 LUO FOR PROPERTY LOCATED AT THE INTERSECTION OF RED WOLF BLVD AND STALLINGS LANE AS REQUESTED BY CASEY'S GENERAL STORE

**Attachments:** [Plat](#)  
[MAPC Report](#)  
[Opposition Letter](#)

*Councilman Street offered the ordinance for first reading by title only. He asked that the ordinance be held to three separate readings because he has had several concerned citizens contact him regarding the rezoning.*

*Mr. Dwain Sims, 1304 Pardew, spoke in opposition to the rezoning. He provided the Council with a letter detailing his concerns (see attached opposition letter). He expressed concern about increased traffic, bright lighting during nighttime hours, increase in air and noise pollution, and possible increased criminal activity. He asked that the Council not approve the rezoning request.*

*Mr. Norman Stafford, 1205 Pardew, also spoke in opposition to the rezoning. He explained according to the phone book there are approximately 25 gas stations in Jonesboro with 10 of those being located within a mile of this proposed gas station. He noted most of those gas stations are not in residential areas. He explained there are two daycares with playgrounds within 100 feet of the proposed gas station. He asked how many people would want their children or grandchildren to play in a playground that is next to a gas station. Mr. Stafford noted the gas stations entrance/exit would be off Stallings, which already is crowded. Any expansion of Stallings would take away from the homes on that street and shorten driveways. He stated it is not a good idea to have a gas station in a residential area. He added most gas stations have two entrances, but this gas station would only have one entrance/exit.*

*Mr. Harold Carter, 902 Tony Drive, spoke in opposition to the rezoning. He explained the traffic in that area is already a problem and expressed concern that the traffic coming out of the gas station wouldn't go back to Red Wolf Boulevard; rather, he said they would drive through the nearby residential streets to get back onto a main road. He noted there's not much choice concerning expansion of Stallings, except to take neighboring residents' property. He stated this is not a good place for a large, commercial establishment.*

*Ms. Elizabeth Stafford, 1205 Pardew, spoke in opposition to the rezoning. She has lived in this neighborhood for over 35 years. She explained it is a stable, family-friendly neighborhood. She asked the Council to consider rejecting this proposal. She noted this gas station will be larger than the one currently located on Caraway and Phillips. She added the station on Caraway has two entrances, yet this larger station will only have one entrance. She questioned how the gas station will be able to accommodate the fuel trucks. Ms. Stafford stated they have no problem with commercial development; rather, they have a problem with the location. She*

explained the advertisement for the sale of this property stated this intersection has the highest traffic count in the city, averaging 40,000 vehicles per day. She asked the Council to vote against this proposal.

City Planner Otis Spriggs explained the MPO and Planning staff have met with the applicants. The property is currently zoned C-5, which does allow for convenience stores. The MAPC noted the area is in transition and discussed access management. The access of the entrance/exit off Stallings Lane is a concern, so they have asked the applicant to perform a traffic impact study for the site to deal with issues of concern. They anticipate the traffic study be brought back to the MAPC during the site plan review process, if the rezoning is approved by Council. The vote was 6-2 to recommend the rezoning to Council.

Councilman Dover questioned the current zoning of the land. Mr. Spriggs explained the land is currently zoned C-5 and residential. Due to the land that is on the west, they are requiring a C-3 limited use overlay that would permit the gas station. Councilman Dover asked what the uses would be if the rezoning is not approved. Mr. Spriggs stated there are numerous uses under C-5, like a daycare, office, etc. They could have a convenience store if the site plan is approved. He noted the size of the lot is so small, it limits the number of uses of the property. He added that is why the applicant is asking for a rezoning. Councilman Dover clarified the area that is zoned C-5 isn't large enough to put this gas station on. Mr. Spriggs agreed, noting that only a smaller convenience store would fit under current zoning.

Councilman Moore asked what the recommendation is to deal with this property. Mr. Spriggs explained there were some issues they were concerned about, such as lighting, buffering and screening. All of those issues were discussed during the MAPC meeting. The requested traffic impact study is very important because of the concerns with traffic exiting onto Red Wolf Boulevard to the south, turning on to Stallings. Councilman Moore noted the traffic impact study won't be done until after the rezoning is approved. Mr. Spriggs stated the Council has the ability to request a traffic study be done before approving the rezoning. He explained the applicants have contacted a professional already to perform the traffic study.

Mayor Perrin explained this is why they are looking at streamlining some of the procedures with the MAPC. He further explained if the procedures were different, the traffic study would've been done before being brought to the MAPC. He added he is going to have the city's traffic engineer put cameras at that intersection to study the traffic, so the City can perform its own traffic study. He stated that is why he has asked the MAPC to meet twice a month in order to perform total due diligence on a rezoning. He noted the City needs to look at the way things are being done because this rezoning shouldn't have been brought forward without the traffic study.

Councilman Frierson stated it is his understanding the Code allows the Council to send the rezoning back to MAPC with certain requirements, including a traffic study. City Attorney Crego agreed. He also stated the MAPC could've asked for the traffic study at their level. Mr. Spriggs concurred with City Attorney Crego. He explained the traffic study is not a requirement for MAPC. Councilman Street asked how long it will take to get the results of the traffic study. Mr. Spriggs answered he thinks it will probably take 30 to 45 days, but the applicant has not indicated an exact amount of time.

Councilman Fears questioned what the Planning Department's recommendation was concerning the rezoning. Mr. Spriggs explained they recommended approval based on the Land Use Plan. He noted this rezoning is consistent with the plan. He also noted they had some concerns, but as long as those concerns were dealt with then

they recommended the rezoning. He further explained they were trying to get the best fit for the general public for that piece of property.

Councilman Dover expressed concern about approving a gas station so close to daycare centers. Councilman Moore stated he has concerns about having a gas station at that particular intersection. Mr. Spriggs noted they are not saying a gas station is the best option for the property; rather, they recommended it due to the current zoning of the property. He explained they worked with the applicant to find other locations, but they cannot tell someone no in regards to what they can do with their property. Councilman Dover stated the Planning Department didn't have to recommend the rezoning. Councilman Frierson added this is not a specific promotion of the MAPC. Instead, it is just them saying under existing code this particular use qualifies on the property. Councilman Dover noted the Planning Department could've not endorsed the rezoning for the limited use overlay. Mr. Spriggs answered that is correct, but that is why they added the issues of concern had to be dealt with before development.

Mr. Spriggs noted the developer is present at the meeting.

Discussion was held concerning postponing the rezoning. Councilman Moore pointed out that if the ordinance stays on three readings the developer will not have time to perform a traffic study. But, if the ordinance is postponed the ordinance can return to Council.

**A motion was made by Councilman Chris Moore, seconded by Councilman Chris Gibson, to indefinitely postpone the rezoning in order to send it back to the MAPC and require the developer to perform a traffic study so they can have more information as to how the neighborhood will be impacted. The motion PASSED with the following vote.**

**Aye:** 11 - Darrel Dover; Ann Williams; Charles Frierson; Chris Moore; John Street; Tim McCall; Gene Vance; Chris Gibson; Rennell Woods; Mikel Fears and Charles Coleman

### RESOLUTIONS TO BE INTRODUCED

**RES-13:213**

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS to condemn property at: 313 S Madison, Owners: Robert J & Tracy C Guadamuz

**Sponsors:** Code Enforcement

**Attachments:** [CONDEMNATION CHECKLIST](#)  
[Inspection Report034Inspection Report](#)  
[313 S Madison St](#)

Robert Guadamuz, 612 Nesbitt, explained he purchased a permit to improve the property and had intentions to do so. But, due to a hurt shoulder he is not able to work on the property. In the meantime, they have found some people who are interested in purchasing the property. Mayor Perrin noted that even if the property is condemned Mr. Guadamuz can still make improvements. Code Enforcement Officer Ronnie Shaver agreed, stating Mr. Guadamuz can still work on the property.

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

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street; Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Enactment No: R-EN-004-2014

**RES-14:001**

RESOLUTION TO SET A PUBLIC HEARING REGARDING THE ABANDONMENT OF A UTILITY EASEMENT AT 4133 CYPRESS KNOLL ROAD AS REQUESTED BY DONNIE AND FREDA KEMP

**Attachments:** [Petition](#)  
[Plats](#)  
[Utility Letters](#)  
[Planning & Engineering Letter](#)

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

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street; Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

Enactment No: R-EN-005-2014

**7. UNFINISHED BUSINESS**

**8. MAYOR'S REPORTS**

*Mayor Perrin reported on the following items:*

*He met with Lender's Title today concerning the Wolverine property. One more parcel will be added. It will be sent to Wolverine for approval, then sent back to the City. Once that is done the City can proceed with the transaction and pay the back taxes. They have sent a letter to ADEQ for an environmental assessment, which has to be done before the City can take ownership. ADEQ will do the assessment free of charge for municipalities. Once they get the property ownership, if any cleanup needs to be done the City can apply to ADEQ to get it done.*

*Last week, the Street State Aid Committee approved funding for cities in the state. Northeast Arkansas was able to receive \$3 million for overlays, not to exceed \$250,000 per city.*

*They are reviewing deeds. There are several under the Jonesboro Downtown Improvement District for property on Main. He has asked that work be done with Lender's Title, so the City can get the property back in the City's name.*

**9. CITY COUNCIL REPORTS**

*Councilman Fears resigned from the City Council due to establishing residence outside of his ward. He apologized for leaving short of the full term. He stated he has enjoyed his time on the Council and the decision was not easy. He added he will continue to work to make Jonesboro a better place to live. Mayor Perrin explained the law is clear in that the Council members have to live in the ward they represent. He will meet with the Nominating & Rules Committee to consider appointing someone to fill the unexpired term. The Committee will publish an advertisement to ask for*

*resumes, which will be compiled by the Mayor's Office. Councilman Frierson questioned whether the person who is appointed to the position can run for re-election. City Attorney Crego answered yes because it is a municipal office.*

*Councilman Gibson thanked Councilman Fears for his service.*

*Mayor Perrin expressed his sympathy to Councilman Vance and his family for their recent loss of his mother.*

**10. PUBLIC COMMENTS**

**11. ADJOURNMENT**

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

**Aye:** 11 - Darrel Dover;Ann Williams;Charles Frierson;Chris Moore;John Street; Tim McCall;Gene Vance;Chris Gibson;Rennell Woods;Mikel Fears and Charles Coleman

\_\_\_\_\_ **Date:** \_\_\_\_\_

**Harold Perrin, Mayor**

**Attest:**

\_\_\_\_\_ **Date:** \_\_\_\_\_

**Donna Jackson, City Clerk**