



Legislation Details (With Text)

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**File created:** 5/3/2004    **In control:** City Council  
**On agenda:**    **Final action:** 5/17/2004  
**Title:** Minutes for the City Council meeting on May 3, 2004

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plat for the property located at 1005 East Johnson

Date	Ver.	Action By	Action	Result
5/17/2004	1	City Council	Passed	Pass

Minutes for the City Council meeting on May 3, 2004

PUBLIC HEARING - 6:00 P.M. - A public hearing was conducted for the purpose of vacating and abandoning a drainage easement and drainage/utility easement at the northeast corner of the intersection of Caraway Road and Nettleton Ave. as requested by BCD Ventures, Inc., Bo Cox President. No opposition was voiced.

APPEAL HEARING 6:15 P.M.- An appeal hearing was conducted regarding denial by the Metropolitan Area Planning Commission to approve rezoning from Industrial (I-1) to Commercial (C-2 Downtown Fringe Commercial), located at 1005 E. Johnson, as requested by Russ and Joyce Anderson. Mr. George Hamman, speaking in favor of the zoning change stated the request was being made by the owner because of the intent of the proposed buyer who wished use the downstairs as commercial property, and the upstairs as residential. The zoning change was denied by the MAPC because they did not consider the area to be downtown fringe commercial, and would be setting precedence. Mr. Ron Shipley of the Planning Department explained that no other zoning would meet the needs of the property, but no physical boundaries had been established for downtown fringe commercial zoning. Mayor Brodell recommended defining downtown fringe commercial zoning and having it adopted by the Jonesboro City Council. Councilman Farmer stated consideration should be given to providing within Commercial Three zoning the possibility of having a combination of residential and commercial zoning in certain situations. He explained zoning should not be called downtown fringe when it is not located downtown. Mr. Shipley was asked to provide a recommendation for establishing the new zoning regulation, and have the proposal drafted by the City Attorney for consideration by the Jonesboro City Council.

CITY COUNCIL MINUTES - May 3, 2004

The Jonesboro City Council met Monday, May 3, 2004, at 6:30 p.m. A full quorum was in attendance. Present were: Mayor Brodell, City Clerk, Donna K. Jackson, City Attorney Phillip Crego and eleven council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, Furr, McCall, and Roddy. Councilman Young was unable to attend.

Councilman Perrin moved, seconded by Councilman Province to approve the minutes of April 19, 2004, as delivered. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, Furr, McCall, and Roddy.

Mayor Brodell presented appreciation awards to State Senator Jerry Bookout, State Representative Paul Bookout, and State

Representative Chris Thyer for their dedication and work to the City of Jonesboro and its citizens. Attorney Ralph Ohm provided a legal review of the various cases being handled by APERMA, in lieu of Mr. Larry Flowers being absent and unable to give his financial report.

The following ordinance was on the third and final reading:

**ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-2) TO COMMERCIAL (C-3), LOCATED ON THE NORTH SIDE OF HIGHLAND DRIVE, EAST OF TURTLE CREEK (Belz-Burrow II, and Belz Investco)**

Councilman Street moved, seconded by Councilman Moore for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, Furr, McCall, and Roddy. Councilman Moore moved, seconded by Councilman Perrin for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, Furr, McCall, and Roddy. The ordinance was assigned number 3468.

The following ordinance was on the third reading:

**ORDINANCE TO REZONE PROPERTY FROM AGRICULTURAL DISTRICT (AG) TO COMMERCIAL (C-3), LOCATED ON THE EAST SIDE OF COMMERCE DRIVE, 600 FEET NORTH OF HIGHLAND DRIVE. (Jack & Jane Elam)**

Councilman Street moved, seconded by Councilman Moore for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, Furr, McCall, and Roddy. The ordinance was assigned number 3469.

Councilman Moore offered the following ordinance for first reading:

**ORDINANCE TO VACATE AND ABANDON A DRAINAGE EASEMENT AND UTILITY/DRAINAGE EASEMENT LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF CARAWAY ROAD AND NETTLETON AVE. (BCD Ventures, Inc. Bo Cox, President)**

Councilman Moore moved, seconded by Councilman McCall to suspend with the second and third readings. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, Furr, McCall, and Roddy. Councilman Moore moved, seconded by Councilman Perrin for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, Furr, McCall, and Roddy. Councilman Street moved, seconded by Councilman Moore for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, Furr, McCall, and Roddy. The ordinance was assigned number 3470.

The following ordinance was on the first reading, but was withdrawn:

**ORDINANCE TO REZONE PROPERTY FROM (I-1) TO (c-2) LOCATED AT 1005 E. JOHNSON (Russ and Joyce Anderson)**

At the request of Mr. George Hamman, of Hamman Newell Engineering, Councilman Street moved, seconded by Councilman Moore to pull the ordinance from consideration. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, Furr, McCall, and Roddy.

Councilman Perrin moved, seconded by Councilman Moore for the adoption of a resolution establishing a public hearing for May 17, 2004, at 6:15 p.m. for the abandonment of a utility easement located between the east 225.9 feet of Lots 1 and 9 of Block C in Spring Valley Subdivision as requested by Bill and Betty Gerlach. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, Furr, McCall, and Roddy. The resolution was assigned number 2004:38.

Under new business a presentation was provided by Mr. Jim Bergemann and Attorney Ralph Ohm of Gallagher and Gallagher for Arkansas Public Entities Protection Association (APERMA). It was explained that APERMA consists of 100 members made up of mayors, judges, and police and provide protection and defense against unexpected loss. Attorney Ohm explained he has been the APERMA attorney since 1991 and owes a lot to Mayor Brodell who serves on the Board of Directors.

Councilman McCall asked Mayor Brodell for an update on Farm Creek. Mayor Brodell explained there was one driveway that had washed out, and he had spoken with the developers of the mall explaining they would have to handle the retention of water. He also

explained he had a call into Bob Walters, concerning the securing of right of way in order to widen and replace the underground pipe on Culberhouse.

Councilman Farmer explained answers had been provided concerning the landfill which created more questions, and those additional questions had been sent to the engineering firm. Mr. Farmer also thanked Mr. Keith Sanders for assisting in setting up a functioning committee room with an eraser board, city map, land use map, and video equipment.

Under public comment, the following four individuals addressed council members about drainage issues:

- Charles Layne - Mr. Layne of 2103 W. Parker Road, requested assistance from the Jonesboro City Council regarding drainage problems in Woodsprings Estates. He explained various phases of development of Woodsprings Estates were allowed even though he had complained numerous times. He attributed the problem to a stopped up ditch that the city refuses to clean out, however Mayor Brodell explained the city cannot clean out a ditch in which they do not have right of way. Attorney Ralph Ohm explained there was a legal “window of opportunity” for Mr. Layne to pursue early on, but he had waited too long.
- Ron Worley - Mr. Worley of 1901 Catherine complained that his garage has flooded four times since August 13, 2002, and requested something be done. It was explained a prioritized list had been developed and this area would be addressed.
- John Hazelwood - Mr. Hazelwood questioned Attorney Ohm about leachate flowing on to neighboring property. Attorney Ohm stated the city needed to correct the problem so this did not happen.
- Joe Kosso - Mr. Kosso of 2311 S. Culberhouse complained of flooding, and the foundation washing out. It was explained that location was a priority in the pilot study being done by Carter Burgess, and should be finalized in July. The subdivision had been developed many years ago and was designed with one drain.

With no further business, Councilman Perrin moved, seconded by Councilman Moore for adjournment. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Perrin, Street, Dover, Furr, McCall, and Roddy.