



## Legislation Details (With Text)

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**Attachments:** 1. Attachment B, 2. Letter asking for an appeal hearing from David Oesterblad

Date	Ver.	Action By	Action	Result
10/18/2004	1	City Council	Passed	Pass

Minutes for the City Council meeting on October 4, 2004  
CITY COUNCIL MINUTES - OCTOBER 4, 2004

The Jonesboro City Council met Monday, October 4, 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 twelve council members. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy.

Councilman Perrin moved, seconded by Councilman Moore to approve the minutes of October 4, 2004, as provided. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy.

The following ordinance was on the third reading:

ORDINANCE TO REZONE PROPERTY FROM RESIDENTIAL (R-1) TO COMMERCIAL (C-3), LOCATED APPROXIMATELY ¼ MILE NORTH OF JOHNSON AVENUE AND ¼ MILE WEST OF BRIDGER ROAD. (ANITA ARNOLD)

Councilman Young moved, seconded by Councilwoman Williams for adoption of the ordinance. Mayor Brodell announced there would be a fifteen minute time limit for discussion by each side of the issue. Attorney Charles Mooney, Sr. representing both Anita Arnold, (the owner) and Mr. Kent Arnold (the developer), explained the MAPC had unanimously approved the zoning change, and it was in compliance with the Land Use Plan. The developer, Mr. Arnold explained he had pulled a previous request for a zoning change which was intended for a Sr. Development Project because it met with opposition. He explained he had no plans to develop the property as multi-family but rather develop it as a large master plan Commercial C-3 area, and offered to stipulate those intensions in the ordinance. He stated he would provide adequate buffering on all sides of the property, as well as proper drainage, and traffic controls. Mr. Arnold provided a power point presentation of the area and explained interest in the property had been shown by big-box companies (Home Depot, Lowes, and Kroger). Next to address Council was Mr. Paul Wallace, speaking in opposition to the zoning request. He stated they were not concerned about the development of the 37 acres for commercial property located off Hwy 49, but

rather the 20 acres located in the back of the 37 acres, and expressed concern over possible future zoning requests for the Heritage Hills Mobile Home Park. Mr. Wallace stated history shows that most apartment complexes went from Residential (R-1) to Commercial (C-3), back to Residential (R-3). He raised the question what will be done with the property once it is passed on to another developer - would they honor what Mr. Arnold was proposing with regard to the development of multi-family units. Next to address the Council was Mr. Preston Williams who explained he had originally endorsed the zoning request for commercial development at the September MAPC meeting, but had acted with incomplete information. Mr. Williams submitted for the record a summary of the neighborhood position on the zoning request (See attachment A). Mr. Williams explained from his research he discovered individuals had not been informed that property in the Sage Meadows area was zoned Residential (R-3) and this was a violation of the Arkansas Real Estate Licensing Law. He stated once canvassing of the neighborhood was complete a formal complaint to the Arkansas State Licensing Commission would be filed. Mr. Williams further stated Mr. Arnold had designed the zoning in the Sage Meadows Subdivision and had used PUD in the Oak Meadow Subdivision behind Caraway Plaza in an R-1 area, and was responsible for the Caraway Commons by using a PUD. In closing Mr. Williams stated the Council must protect the existing property values and protect against the being over built when it was not designed for that type development. Councilman Moore questioned why Mr. Williams changed his mind after the September MAPC meeting. Mr. Williams stated it was because he learned how easy it is to go from Commercial C-3 zoning to Residential R-3 zoning and his belief this was a technique being used to get the desired zoning result. He stated courts have traditionally upheld any kind of multi-family housing (R-3) as a buffer to commercial development. Concerns were expressed regarding the possibility of the back 20 acres being used for multi-family housing. Councilman Farmer asked for clarification that Planned Unit Development (PUD) is now treated just like a zoning request. Interim City Planner, Ron Shipley confirmed and explained the R-3 zoning used at Sage Meadows was to reduce the lot size to accommodate the patio type homes for a larger density of housing. Councilman Farmer explained the Bill of Assurance and Restrictive Covenants for areas like Sage Meadows are filed with the Circuit Clerk's Office and provide protection for property owners even though the property is zoned R-3. He further explained when the City of Jonesboro annexed property into the city everything was brought in as Residential (R-1) whether or not it was suitable for that type zoning. Discussion followed regarding the retention of water, where it would be located and would it be necessary to rezone the property for the retention pond. Mr. Arnold clarified that he intends to provide the buffering on his property which has a natural buffered area. Mr. Shipley informed council members that this was a high use area and was in compliance with the Land Use Plan. Mr. Robert Ryan also addressed the Jonesboro City Council pointing out that if Mr. Kent Arnold is an agent for the sale of the property, then he cannot say how the property will be developed. Ms. Susan Smith questioned if it were possible to impose restrictions in perpetuity through zoning, with Attorney Crego responding he knew of no way to do so. A roll call vote was taken resulting in a tie vote. Those members voting aye were: Farmer, Williams, Perrin, Street, Young, and Roddy. Those members voting nay were: Province, Hargis, Moore, Dover, Furr, and McCall. Mayor Brodell broke the tie vote in favor of the zoning change basing his vote on the recommendation of the Metropolitan Area Planning Commission. Councilman Perrin moved, seconded by Councilman Street 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, Young, Perrin, Street, Dover, Furr, McCall and Roddy. The ordinance was assigned number 3490.

At the request of Mayor Brodell, Councilman Dover moved, seconded by Councilman Young for a five minute recess. All voted aye. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy. Councilman Perrin moved, seconded by Councilman Farmer to reconvene the City Council meeting. All voted aye. Those members voting aye were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE TO APPROVE THE PURCHASE OF FINANCIAL SOFTWARE, TO APPROPRIATE ADDITIONAL FUNDS, AND TO WAIVE COMPETITIVE BIDDING

Councilman Perrin moved, seconded by Councilman Roddy 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, Young, Perrin, Street, Dover, Furr, McCall and Roddy. At the request of Councilman Farmer, Mr. Alan Young read from a written statement regarding the selection of the financial software (See Attachment B). At the request of Councilman Young, Mr. Ed Wiseman of Continental Utility Solutions, Inc. (CUSI) addressed the Council, contending the Finance Committee received a staff recommendation at their August meeting, by which negotiations were to take place with both CUSI and Springbrook companies and either product could be used. Based on information received by the Chamber of Commerce, Mr. Wiseman stated the purchase would have a million dollar impact on the City of Jonesboro, and would be leaving the City if the Springbrook Company was selected. Mr. Wiseman stated he and Mr. Alan Young disagreed on the difference amount between CUSI and Springbrook. Mr. Wiseman stated Mr. Alan Young declared the difference to be \$25,000 while Mr. Wiseman said the difference was \$41,000 when comparing apples to apples. He stated CUSI product had been developed while Springbrook product has not; and they were local while Springbrook was not. Councilman Farmer questioned if they designed Intuit Fundware (the financial software) in Jonesboro. Mr. Wiseman responded saying the headquarters is located in Denver, and while some of the money goes to Denver the bulk of it stays in Jonesboro. Councilwoman Furr questioned how many employees CUSI currently employs in Jonesboro, with Mr. Wiseman responding saying they employ 23 and have hired an additional 2 employees in anticipation of getting the City of Jonesboro software job. Finance Director Larry Flowers confirmed the amount difference was \$25,150.00. The following city employees recommended Springbrook: Larry Flowers, Suzanne Hackney, Alan Young, and Ron Shipley. Councilman Farmer moved, seconded by Councilwoman Furr to accept the staff recommendation 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, Young, 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. The ordinance was assigned number 3491.

Councilman Perrin offered the following ordinance for first reading:

ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF SUPPLEMENT SHORT TERM DISABILITY AND SUPPLEMENTAL LONG TERM DISABILITY

Councilman Perrin moved, seconded by Councilman Moore to suspend with the second and third reading of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy. Councilman Perrin moved, seconded by Councilman Dover 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, Young, Perrin, Street, Dover, Furr, McCall and Roddy. Councilman Moore moved, seconded by Councilman Dover 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, Young, Perrin, Street, Dover, Furr, McCall and Roddy. The ordinance was assigned number 3492.

Councilman Dover offered the following ordinance for first reading:

ORDINANCE TO AMEND TITLE 14 ALLOWING FOR LOFT APARTMENTS AND FOR OTHER PURPOSES

Councilman Young moved, seconded by Councilman Moore to suspend with the second and third reading of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy. Councilman Street moved, seconded by Councilman Young 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, Young, Perrin, Street, Dover, Furr, McCall and Roddy. Councilman Farmer 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, Young, Perrin, Street, Dover, Furr, McCall and Roddy. The ordinance was assigned number 3493.

Councilman Perrin moved, seconded by Councilman Williams to set an appeal hearing for October 18, 2004, at 6:15 p.m. regarding the decision of the MAPC for rezoning from R-2 to C-3 located at 826 W. Huntington Avenue as requested by Mr. David Oesterblad. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy.

Councilman Perrin moved, seconded by Councilman Dover for the adoption of a resolution requesting City Water and Light to provide free utility service to 708 S. Patrick, better known as the E. Boone Watson Community Center. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy. The resolution was assigned number 2004:76.

Councilwoman Williams moved, seconded by Councilman Perrin for the adoption of a resolution to renew the contract for health insurance with Blue Cross, Blue Shield for the third year to become effective January 1, 2005. A voice vote was taken resulting in all members voting aye, with the exception of Councilman McCall who abstained from voting. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, and Roddy. The resolution was assigned number 2004:77.

Councilman Street moved, seconded by Councilman Williams for the adoption of a resolution accepting the following permanent drainage easements:

- Agnes McDaniel - 1508 Frierson Street
- Jeffrey and Ashley Brown - Lot 13 Gott Replat
- Michael & Karen Gott - Lot 9 of Gott Replat
- James & Georgia Mahon - Lot 17 Marlo Acres 2<sup>nd</sup> Addition

A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy. The resolution was assigned number 2004:78.

Councilman Young moved, seconded by Councilman Perrin for the adoption of a resolution supporting Arkansas Constitutional Amendment 2. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy. The resolution was assigned number 2004:79.

Councilman Perrin moved, seconded by Councilman Farmer for the adoption of a resolution authorizing the Mayor and City Clerk to sell property known as the Farville Fire Station to the Pentecostals of Jonesboro, Inc. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis,

Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy. The resolution was assigned number 2004:80.

Councilman Street moved, seconded by Councilman Dover for the adoption of a resolution authorizing the Mayor and City Clerk to sell property located at 108 W. Woodrow to the Kid's Bible Club-Community of Christ. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy. The resolution was assigned number 2004:81.

Councilman Province moved, seconded by Councilwoman Williams for the adoption of a resolution authorizing the Mayor and City Clerk to sell approximately 1.5 acres located in Lot 1 of the Jonesboro Industrial Mini Park to Jonesboro Tool and Die. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy. The resolution was assigned number 2004:82.

Councilman Street moved, seconded by Councilman Hargis for the adoption of a resolution authorizing the Mayor and City Clerk to accept property for the extension of Lawson Road bypass around Valley View School by Ken and Corliss Lynn Yarbrough. Councilman Farmer questioned if the original donation deed dated May 21, 2004, and the original letter from Ken Yarbrough dated September 8, 2004 would be made part of the documentation filed with the City Clerk at the time of execution. Both Mayor Brodell and City Attorney Crego assured Councilman Farmer it would be. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy. The resolution was assigned number 2004:83.

Councilman Young moved, seconded by Councilwoman Furr for the adoption of a resolution requesting free utility service for the following locations:

- Traffic Signals - 601 E. Johnson Ave. and at 1000 E. Johnson Ave. #B
- Police Office - 310 S. Madison Street

A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy. The resolution was assigned number 2004:84.

Under new business, it was announced that Mr. Sam Whittle, an employee of the Information Systems Department, was selected to receive the Arkansas Ability Award for Zone 2.

Councilman Street announced the City Planner Selection Committee will begin reviewing applications on Thursday, October 7, 2004, at 1:00 p.m.

Councilman McCall offered a resolution to extend the moratorium for R-2A or R-3 rezonings for 45 days. Councilman Street moved, seconded by Councilman Moore for the adoption of the resolution. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy. The resolution was assigned number 2004:85.

Councilman McCall, Chair of the Nominating & Rules Committee reported on proposed changes in the City Council Rules and Procedures listing the following: By Ward Voting; the Council Committee System; Council Chambers Rental Policy; Council Meeting date change to the first and third Tuesday of the month; and allowing for the four major committees to be able to place items on the agenda. Councilman McCall asked all

members to think about these issues and any other possible changes they would like to see implemented.

Councilman Farmer moved, seconded by Councilman Moore to place all proceeds from the sell of the previously approved properties (Resolutions: 2004:80 through 2004:82) back into the Capital Improvement Fund. A voice vote was taken resulting in all members voting aye. Those members were: Farmer, Province, Hargis, Moore, Williams, Young, Perrin, Street, Dover, Furr, McCall and Roddy.

Councilman Farmer informed council members that Mr. Claude Martin and Mr. Teddy Hooton were in the process of developing written policies regarding the correction drainage problems so everyone would be treated fairly and in a consistent manner. It was explained the Public Works Committee had addressed two separate drainage matters which had similar circumstances. Those circumstances were that water was getting into structures (garages and other buildings) and involved the property of a third party. The Public Works Committee determined when these conditions exist the City should become involved in correcting the problem by providing the labor and materials.

Councilman Farmer stated the useful life of the Landfill is projected to go to the end of 2005 if the final "Closure Plan" is approved. He explained the City of Jonesboro is not in compliance until ADEQ approves the final "Closure Plan".

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