



## Legislation Text

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**File #:** MIN-96:024, **Version:** 1

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Minutes for the City Council meeting on December 2, 1996

APPEAL HEARING - 5:40 P.M. - An Appeal Hearing was held regarding the MAPC rezoning denial for 1.82 acres located on the east side of Harrisburg Road, south of Gladiolus Drive. Mr. David Onstead and Mr. Gary Childers requested the Appeal Hearing and were represented by their attorney, Mr. C. Mooney, Sr. No opposition was voiced.

APPEAL HEARING - 6:00 P.M. - An Appeal Hearing was held regarding the MAPC denial of a site plan approving two additional dwelling units to be built on a lot with an existing home at 1115 W. Jefferson. The Appeal Hearing was requested by Mr. Jim Darnell. Mr. Darnell questioned why a site plan is required when the structure is being built in compliance with Residential-2 (R-2) zoning. Mr. Brian Wadley, Planning and Inspection Director stated Mr. Darnell is not in compliance with R-2 zoning because in R-2 zoning drive-ways are normally 24 feet wide, however, Mr. Darnell's is only 14 feet wide. Another non-compliance matter discussed was the density (15 units per acre) being more than what is allowed in R-2 zoning. It was explained by Mr. Wadley, the excess density creates poor drainage.

PUBLIC HEARING - 6:20 P.M. - A Public Hearing was held regarding the abandonment of street right-of-ways for Norma Drive, Charles Drive, and China Drive, all located in Metzler Addition. No opposition was voiced. (St. Bernards Hospital / Berl Smith)

CITY COUNCIL MINUTES - December 2, 1996

The Jonesboro City Council met Monday, December 2, 1996, at 6:30 p.m. A full quorum was in attendance. Present were: Mayor Hubert Brodell, City Clerk, Donna K. Jackson, City Attorney; Phillip Crego, and 11 council members. Those members were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole.

The minutes of November 18, 1996, were approved as delivered by Councilman Harpole and seconded by Councilman Perrin. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole.

The first order of business was an appeal decision by Council regarding the MAPC denial of a site plan approving two additional dwelling units to be built on a lot with an existing home at 1115 W. Jefferson. Councilman Province moved, seconded by Councilman Young to uphold the MAPC decision and deny Mr. Darnell's site plan. A voice vote was taken resulting in a 10 to 1 vote in favor of the motion. The ten council members voting aye were: Vance, Wise, Province, Hannah, Young, Rega, Kelton, Roddy, Perrin, and Harpole. Councilman Tate voted nay.

The following ordinance had been read three times and was up for a vote by Council:

ORDINANCE TO VACATE A 120.0' DRAINAGE EASEMENT AND A 146.6' UTILITY EASEMENT ON LOT 6, PARDEW NORTH ADDITION (GUY PARDEW & LAN METZ/ED STEPP)

Councilman Tate moved, seconded by Councilman Young for the adoption of the ordinance. Mr. Jim Richmond raised questions about drainage problems because of so many 90° angles in the ditch. Mr. Claude Martin, City Engineer explained the ditch had not been engineered yet, but would be considerably larger than it is at the present time and would be designed to contain the excessive drainage. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole. The ordinance was given the number 2737.

\*The decision was made to move the Wal-Mart rezoning, until other ordinances had been discussed.

The following ordinance was on the second reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (M.J. Fox)

Councilman Wise moved, seconded by Councilman Tate to suspend the rules and place on third reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole. Councilman Tate moved, seconded by Councilman Perrin for the adoption of the ordinance. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole. The ordinance was given the number 2738.

The following ordinance was on the second reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (Kenneth Sulcer)

Councilman Tate moved, seconded by Councilman Harpole to suspend the rules and place on third reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole. Councilman Kelton moved, seconded by Councilman Harpole for the adoption of the ordinance. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole. The ordinance was given the number 2739.

Councilman Young offered the following ordinance for the first reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (David Onstead & Gary Childes/C.M. Mooney, Sr.)

Councilman Kelton moved, seconded by Councilman Roddy to suspend the rules and place on the second reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole.

Councilman Tate offered the following ordinance for the first reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE

PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (Allen Fike, dba Big Al's)

Councilman Tate moved, seconded by Councilman Young to suspend the rules and place on the second reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole.

Councilman Young offered the following ordinance for the first reading:

ORDINANCE TO ABANDON STREET RIGHT-OF-WAYS FOR NORMA DRIVE, CHARLES DRIVE, AND CHINA DRIVE, ALL LOCATED IN METZLER ADDITION (St. Bernards Hospital/Berl Smith)

Councilman Harpole moved, seconded by Councilman Young to suspend the rules and place on the second reading. A voice vote was taken resulting in all council members voting aye, with the exceptions of Councilman Vance and Councilman Rega who abstained. Those members voting aye were: Wise, Province, Hannah, Young, Tate, Kelton, Roddy, Perrin, and Harpole. Councilman Young moved, seconded by Councilman Kelton to suspend the rules and place on the third and final reading. A voice vote was taken resulting in all council members voting aye, with the exceptions of Councilman Vance and Councilman Rega who abstained. Those members voting aye were: Wise, Province, Hannah, Young, Tate, Kelton, Roddy, Perrin, and Harpole. Councilman Young moved, seconded by Councilman Harpole for the adoption of the ordinance. A voice vote was taken resulting in all council members voting aye, with the exceptions of Councilman Vance and Councilman Rega who abstained from voting. Those members voting aye were: Wise, Province, Hannah, Young, Tate, Kelton, Roddy, Perrin, and Harpole. The ordinance was given the number 2740.

The following ordinance was on the second reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (Jay Harmon AG-1 to I-1)

No further action was taken regarding this ordinance.

The following ordinance was on the second reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (Jay Harmon R-1 to I-1)

No further action was taken regarding this ordinance.

Councilman Tate offered the following ordinance for the first reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (Phillip A. Jones)

Councilman Tate moved, seconded by Councilman Perrin to suspend the rules and place on the second reading. A voice vote was taken resulting in all council members voting aye. Those members voting aye were: Vance,

Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole. No further action was taken regarding this ordinance.

The following ordinance was on the third and final reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (Burrow/Dennis Zolper)

Mr. Dennis Zolper, Attorney for Belz-Burrow, began the first presentation. Mr. Zolper cited the following, stating the facts justify their rezoning: Nine out of Ten adjacent property owners were not opposed to the rezoning; All members of the Metropolitan Area Planning Commission were in favor of the rezoning; City Officials (Police Chief, Fire Chief, Planning & Inspection) had no negative comments. Mr. Zolper stated Wal-Mart was willing to provide a 100 foot buffer with additional 50 feet of trees and landscaping. Mr. Zolper addressed several issues raised by the opposition. Those issues were: Criminal activity, Emergency Response Time, and Excessive Traffic. Mr. Zolper provided statistics regarding crime reports around both Wal-Mart stores and Indian Mall, pointing out most of the criminal activity was shop-lifting. Regarding Emergency response time, he pointed out a Fire Station is located near the area, and neither the Police Chief nor Fire Chief were overly concerned about response time within this area. Mr. Zolper further explained there would be no access on to Paula Drive, and turn lanes would be provided for traffic wishing to exit into the parking lot. Mr. Zolper highlighted the positive aspects of having another Wal-Mart Super Center in Jonesboro, listing the Sales Tax generated, 14 Million in construction, 150 new jobs, and the increase in real estate fares. In closing, Mr. Zolper reminded Council that Wal-Mart is the third largest employer in Jonesboro and the opposition does not speak for the majority.

Attorney Don Parker, representing the opposition, "Neighbors Standing Together", began by stating the opposition was not a small vocal group of elitists who were trying to prevent Wal-Mart and Wal-Mart customers from coming into the neighborhood. Nor, were they trying to maintain an elite neighborhood. Mr. Parker stated this matter was the preservation of the quality of life for the local residents opposed to the money and greed of big business. Several before and after comparisons were given: Safety, Crime, Traffic, and Property Values. Many of the comparisons given were of the Wal-Mart Super Center located in Conway. Dr. Gary Sapiro spoke for residents who were opposed to the rezoning, but not represented by Mr. Parker. He stated their main concern was the safety of the children. Mr. Zolper read a letter, from Belz-Burrow Retail Development. In it Belz-Burrow states that the proposed traffic layout which provides for the connection of old Woodsprings Road to new Woodsprings Road is a separate issue. Belz-Burrow stated what is being presented is the rezoning of 6.71 acres and the Council is not voting to approve the traffic layout as shown as an example by Belz-Burrow. Mr. Bob Thompson, a Paragould attorney, hired by Belz-Burrow, was asked to give an unbiased over-view of state zoning laws. Mr. Thompson stated the Legislative Process provides Council's legal conduct should be reasonable, to act reasonably. Councilman Young asked Mr. Thompson if he was suggesting the City would be sued if the Council did not agree to rezone the property. Mr. Thompson clarified that if it went to court the legislative process would be looking to see if the Council acted reasonably. Several citizens addressed the Council regarding this matter. Mr. Jim Blankenship stated many felt they had been coerced into signing the petition agreeing to the rezoning. He explained they felt if they did not sign the petition the Wal-Mart Super Center would be built without a buffer zone. Mr. Robert Ryan questioned who would pay for traffic revisions. He questioned the longevity of Wal-Mart and was informed the lease was for twenty years. Sandy Simmons inquired about drainage problems. Mr. Dan Mulhollen stated the excess drainage would be routed under the interstate. Finally, Mr. Steve Abernathy explained he did not want a 24 hour service open at peak times, times when children would be going to school. He stated if the rezoning is approved, there is sure to be a traffic

fatality. A roll call vote was taken resulting in an 8/2/1 vote in favor of the rezoning. Those members voting aye were: Vance, Province, Hannah, Tate, Kelton, Roddy, Perrin, and Harpole. Those members voting nay were: Wise and Young. Councilman Rega abstained from voting. The ordinance was given the number 2741.

Councilman Kelton moved, seconded by Councilman Harpole for the adoption of a traffic resolution placing “STOP” signs at the following locations:

- On Abbey Rd. at Windover Rd.
- On Somerset Ln. at Abbey Rd.
- On Parker Annex Rd. at Parker Rd.
- On Parker Annex Rd. at Greenmeadow Ln.
- On Wilderness Run Dr. at Lawson Rd.
- On Wakefield Dr. at Summer Pl. (Both Sides)
- On Summer Pl. at Stadium Blvd.
- On Brac Pl. at Summer Pl.
- On Roseclair St. at Easy St.
- On Trinity Oaks Dr. at Loberg Ln.
- On Towering Oaks at Rolling Forest
- On Towering Oaks at Brandywine Dr.
- On Links Dr. at Harrisburg Rd.
- On Hallie Cv. at Fox Meadow Ln.
- On Ebbert Dr. at Brandywine Dr.

A voice vote was taken resulting in all council members voting aye. Those members were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole. The resolution was given the number 1996:57.

Councilman Wise moved, seconded by Councilman Young to accept the low bid of United Equipment for a Crawler Tractor Dozer (Bid No. 96:30) with a 72 month extended warranty. A voice vote was taken resulting in all council members voting aye. Those members were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole.

Councilman Harpole moved, seconded by Councilman Young to accept the Appointment of Mr. Tommy Brown to the board of the Jonesboro Urban Renewal and Housing Authority. A voice vote was taken resulting in all council members voting aye. Those members were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole.

Under new business, Councilman Perrin offered the following ordinance for the first reading:

#### AN ORDINANCE ADOPTING A 1997 BUDGET FOR THE CITY OF JONESBORO, ARKANSAS

Councilman Harpole moved, seconded by Councilman Perrin to suspend the rules and place on the second reading. A voice vote was taken resulting in all council members voting aye. Those members were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole. Councilman Harpole moved, seconded by Councilman Young to further suspend the rules and place on the third and final reading. A voice vote was taken resulting in all council members voting aye. Those members were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole. Councilman Young moved, seconded by Councilman Kelton for the adoption of the ordinance. A voice vote was taken resulting in all council members

voting aye. Those members were: Vance, Wise, Province, Hannah, Young, Rega, Tate, Kelton, Roddy, Perrin, and Harpole. The ordinance was given the number 2742.

With no further business, the meeting was adjourned.