



City of Jonesboro

900 West Monroe
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, July 2, 2013

5:30 PM

Huntington Building

PUBLIC WORKS COMMITTEE MEETING AT 5:00 P.M.

PUBLIC HEARING AT 5:15 P.M.

Regarding an abandonment of part of the undeveloped portion of Avenir Place cul-de-sac, lying at the west end of the platted right-of-way of Avenir Place as requested by RD&D Investments.

Mr. Terry Bare, representing the applicants, explained Avenir Place was not build to code. There are several businesses utilizing the right of way as part of their parking area. The Wrights would like to abandon a portion of the cul de sac right of way in order to expand their parking area. As he understands, the City has no plans to build a cul de sac, nor do the owners.

Councilman Street noted there was no letter from the Engineering Department and asked if there was a reason for the City not to abandon the area. City Engineer Craig Light explained they are asked to reserve right of way on dead end streets. At one time it was 50 feet of right of way and the cul de sac. That is what is reserved on this street. They do not have intentions of building the cul de sac at this time, but they are unsure of what will happen in the future when the area develops more. The City could possibly be purchasing the right of way to build the cul de sac. Mr. Light stated either the City can retain right of way in accordance with the ordinance or give up the whole road, which makes more sense to him since it is not a City street. Councilman Street stated according to what they have been shown it looks like the City has already given up the area since it's been built on all the way down. Mr. Light stated they have built it, but he would be more apt to agree with abandoning the whole right of way as opposed to just a portion of it that may hinder the City in the future.

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

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

Absent 1 - Chris Gibson

4. SPECIAL PRESENTATIONS

COM-13:045 Quality of Life presentation by Lt. Todd Nelson

Sponsors: Mayor's Office and Code Enforcement

Attachments: [Presentation](#)

Lt. Todd Nelson, director of Quality of Life, explained their purpose is crime prevention. He discussed the department and noted they also work with the Housing Authority regarding crime on their properties. They have had 18 training sessions with the Housing Authority and 12 grievance hearings. They have had 47 clients that JURHA removed from housing this year, but the housing has since been filled due to an 18-month waiting list. Regarding condemnations, 34 properties have been condemned and either taken down or removed this year. He provided the Council with a report detailing this year's condemnations.

He then discussed multi-family housing. He stated most of the problems are from what comes along with multi-family housing, such as crime. They are looking to start a crime-free multi-family housing program. It will be similar to neighborhood watches, but made for multi-family housing. They will be attending training for the program. The program consists of training for property managers. They will also encourage maintenance workers attend the training as well as the owners. They will be doing day and night safety inspections to look at safety issues and what property owners can do to create an environment that is hostile towards crime. They will also encourage property owners to get to know their tenants to produce a more stable environment.

He encouraged everyone to visit the website www.crime-free-association.org for more information. They hope to roll the program out in September.

This item was Read.

5. CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Councilman Chris Moore, seconded by Councilman Mitch Johnson, to Approve the Consent Agenda. The motioned PASSED

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

Absent: 1 - Chris Gibson

MIN-13:052 Minutes for the City Council meeting on June 18, 2013

Attachments: [Minutes](#)

This item was PASSED on the consent agenda.

RES-13:087 RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

Sponsors: Mayor's Office

This item was PASSED on the consent agenda.

Enactment No: R-EN-082-2013

6. NEW BUSINESS

ORDINANCES ON FIRST READING

ORD-13:026 AN ORDINANCE AMENDING CHAPTER 117, THE ZONING ORDINANCE TO REZONE FROM R-1 RESIDENTIAL TO PD-M PLANNED MULTIUSE FOR PROPERTY LOCATED AT 4021 SOUTHWEST DRIVE AS REQUESTED BY KAGLE & SHARON HUFF

Attachments: [Plat](#)
[Staff Summary RZ 13-07 Kagle Huff Council](#)

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

Councilman Street questioned whether this will be next to the north end of Griffin Park. City Planner Otis Spriggs answered it will be very close to that site in that it is one property shy of the north end of Griffin Park. Councilman Street then asked if there was any opposition. Mr. Spriggs answered no.

A motion was made by Councilman Chris Moore, seconded by Councilman Mitch Johnson, to Waive Second Reading . The motion PASSED with the following vote:

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

Absent: 1 - Chris Gibson

ORD-13:027 AN ORDINANCE TO VACATE AND ABANDON THAT PART OF THE UNDEVELOPED PORTION OF AVENIR PLACE CUL-DE-SAC, LYING AT THE WEST END OF THE PLATTED RIGHT-OF-WAY OF AVENIR PLACE, AS SHOWN ON THE PRIMARY CARE INVESTMENTS REPLAT OF JMEC ADDITION AND LOTS 1 AND 2 BROWNS LANDING ADDITION TO JONESBORO, ARKANSAS; AND RECORDED IN BOOK H, PAGE 141

Attachments: [Adjacent property owner consent](#)
[Utility Letters](#)
[Plats](#)
[Planning Letter](#)
[Petition](#)
[Letter regarding Centerpoint Energy](#)

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

Councilman Moore clarified that the City Engineer recommended either abandoning all of the street or none of it. Mayor Perrin agreed. Councilman Vance noted if they decide to abandon the whole street, the other properties owners need to understand what their responsibilities will be once that happens. Mayor Perrin recommended holding the ordinance at one reading and allowing the administration to visit with the

other property owners in order to have a full recommendation for the Council.

A motion was made by Councilman Darrel Dover, seconded by Councilman Rennell Woods, that this matter be Held at one reading . The motion PASSED with the following vote:

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

Absent: 1 - Chris Gibson

ORD-13:028

AN ORDINANCE TO AMEND CHAPTER 117, ARTICLE III, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF JONESBORO, ARKANSAS, PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO PD-C FOR PROPERTY LOCATED ON THE EAST SIDE OF US 63, EXIT 40 BETWEEN WEST PARKER ROAD AND INGELS ROAD AS REQUESTED BY LOVE'S TRAVEL STOP

Attachments: [Plat](#)
[Traffic Engineer Recommendations](#)
[Staff Summary RZ 13-06Loves Rezoning COUNCIL](#)

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

Mr. Spriggs stated this issue was recommended unanimously by the Planning Commission. It is a planned unit development in which Love's is proposing a mixture of uses on the site, with a truck stop/convenience store/restaurant and a future hotel. There were a number of issues brought up by the traffic engineer. Love's has agreed to address those site plan issues at the Planning Commission level after passage of the rezoning ordinance. Consistency has been achieved with the Land Use Plan and they have coordinated it with the Master Street Plan. Mayor Perrin noted they have also worked closely with the Highway Department due to the development's proximity to Highway 63.

Councilman Moore questioned whether there was any opposition. Mr. Spriggs answered no.

A motion was made by Councilman Gene Vance, seconded by Councilman Charles Coleman, to Waive Second Reading . The motion PASSED with the following vote:

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

Absent: 1 - Chris Gibson

RESOLUTIONS TO BE INTRODUCED**RES-13:099**

RESOLUTION TO DECLARE A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR THE REZONING OF PROPERTY FOR THE CONSTRUCTION OF MULTI-FAMILY RESIDENTIAL FACILITIES WHILE THE CITY REVIEWS PROPOSED CHANGES TO ITS ZONING REGULATIONS; AND FOR OTHER PURPOSES

Councilman Moore explained there were changes made to the resolutions that included the moratorium being effective until January 16, 2014, as recommended by the City Attorney and Mayor. He motioned, seconded by Councilman Street, to place the amended resolution on the agenda. All voted aye.

Mayor Perrin explained he has been working with the City Attorney regarding the resolution and they wanted to make a drop date on the resolution. Whether or not the resolution is passed, a committee will be appointed by the Mayor's Office to make recommendations. He hopes they can have some recommendations before January. He stated the purpose is to foster proper growth and development within the City.

Councilman Fears requested at least two Council members be appointed to the committee the Mayor will be appointing. He expressed concern about recent letters to the editor and stated when he votes for or against an issue he has the best interest of the City at heart.

Councilman Moore asked if the committee appointments will be coming at the next Council meeting. Mayor Perrin answered yes, adding he will also make monthly updates to the Council on the committee's work. He also asked the Council to send him, via email, concerns that they would like to see addressed within this study.

Councilman Woods stated he has heard concerns about the Fair Housing Act and how this moratorium could affect that. He questioned whether there could be any ramifications in that the City could get blamed for not providing equal housing. City Attorney Phillip Crego explained a moratorium of any sort is an extreme measure. But, he thinks the Mayor's committee plan and the January 16th deadline will help the City. He noted there is housing available and existing properties that are zoned multi-family that will not be affected. He doesn't think this is an arbitrary decision and the City will be fine.

Councilman McCall stated it was his understanding there was enough multi-family property in the City to accommodate 2,200 to 2,400 apartments. Mr. Spriggs agreed, explaining that was a minimum number based on what is currently rezoned and available for permit application. It does not include lots that could be redeveloped. Councilman McCall added it would be nice if there would be concessions for people who would be willing to purchase run down properties and fix them up. City Attorney Crego noted that could be part of the moratorium in that the moratorium is to study how the City will develop in the future. Anything that is currently zoned for development can continue under the current process with site plans, permits and inspections. He thinks with this proposed process and deadline he thinks it will stand up to any judicial scrutiny.

Councilman Vance, Councilman Woods and Councilman Coleman expressed interest in the Mayor forming a committee and bringing recommendations to the Council without the use of a moratorium. Councilman Moore stated he would be surprised if the process would take the whole six months. Councilman Fears added everyone needs to start working together in order to get the plan going. Further discussion was held concerning the moratorium.

Mayor Perrin explained the study can be done without the moratorium, but that will allow people to come up and request rezonings during that period. He noted the administration is ready to go to work and have already put together maps and started looking at things.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Passed. With a vote of 6-5, Mayor Perrin voted to pass the measure.

Aye: 6 - Darrel Dover; Charles Frierson; Chris Moore; John Street; Mitch Johnson and Tim McCall

Nay: 5 - Ann Williams; Gene Vance; Rennell Woods; Mikel Fears and Charles Coleman

Absent: 1 - Chris Gibson

Enactment No: R-EN-083-2013

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

ORD-13:024 AN ORDINANCE TO AMEND CHAPTER 117 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES FROM R-1 TO C-4 FOR PROPERTY LOCATED AT 909 SOUTHWEST DRIVE AS REQUESTED BY LOUIS & PAULA WEWERS

Attachments: [Plat](#)
[MAPC Report](#)

A motion was made by Councilman John Street, seconded by Councilman Mitch Johnson, that this matter be Passed . The motion PASSED with the following vote:

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

Absent: 1 - Chris Gibson

Enactment No: O-EN-023-2013

8. MAYOR'S REPORTS

The Mayor reported on the following items:

They are continuing to work on the Miracle League field. He encouraged everyone to look at the progress that is being made.

Jim Von Tungeln is still working with the staff. They will be ready to move forward with the Master Land Use Plan and Master Street Plan. The multi-family study will be incorporated into that.

The Arkansas Softball Association had their state tournament at Southside . And a Children's Advocacy meeting was held for the first time in northeast Arkansas.

The 911 Committee met. Director Jeff Presley is working to get the tower painted and new lighting and wiring up, which will benefit the whole county.

He wished everyone a happy Fourth of July.

9. CITY COUNCIL REPORTS

10. PUBLIC COMMENTS

Discussion by Ms. Debbie Pelley concerning the moratorium ordinance

Ms. Pelley stated her concerns have already been addressed.

11. ADJOURNMENT

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

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

Absent: 1 - Chris Gibson

_____ **Date:** _____
Harold Perrin, Mayor

Attest:

_____ **Date:** _____
Donna Jackson, City Clerk