



## Meeting Minutes City Council

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Tuesday, May 20, 2008

6:30 PM

Council Chambers

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### PUBLIC SAFETY COMMITTEE MEETING AT 5:15 P.M.

#### **APPEAL HEARING AT 6:00 P.M. - Regarding the denial by the MAPC for a conditional use permit for a Christian children's home for Dr. & Mrs. Eddie Cooper and King's Ranch (Noyl Houston, Attorney)**

*Dr. Eddie Cooper discussed the need for a children's home. He explained the infrastructure for the ranch is already at their current location and in order to participate in the ranch they would need to be living on the premises. He added being on call due to his work as an orthopedic surgeon, he has to be near the hospital and is unable to live outside city limits. He added those stipulations are in the bylaws of the hospital. Dr. Cooper stated they are a non-profit, non-denominational Christian children's ranch that is privately funded. He noted they would not accept governmental funds because it would impair their ability to share Christ with the children. He stated it would be a place where abused and neglected children could be safe and loved unconditionally. He explained they will minister to children between the ages of 6 and 12. He further explained children younger than 6 can be accepted if they have a sibling at the ranch. He stated the children would not be juvenile offenders; rather, the children will be victims as opposed to perpetrators. Dr. Cooper discussed the screening process and noted they have all the structures they need so no other structures will be built. He then discussed a recent letter submitted to the Jonesboro Sun. He stated there will be full-time house parents, a part-time social worker and a part-time relief house parent. He explained there will be no other paid employees. He further explained their website that was referred to in the letter had not been updated since they changed their plans. He asked for the Council to vote to help them make a difference for the children. Ms. Lee Cooper discussed meeting neglected children and stated they would not do anything to put their own four children in risk. Attorney Noyl Houston discussed the property of the proposed children's home. He noted it's a secluded site and there were 442 signatures on their supporting petition. He then discussed the proposed use of the ranch and the requirements of the children who live there. He stated City Planner Otis Spriggs indicated the ranch would not be detrimental to the neighborhood under the conditions, which the Coopers have already accepted. He added the Coopers will live on site with their children. Mr. Houston explained it's modeled after Watersprings Ranch in Texarkana, which has been a very successful venture. He noted he provided the Council with letters from Texarkana mayor and chief of police which indicate there have not been any problems with the ranch. He stated the MAPC called it spot zoning, but it would not be spot zoning according to the definition of spot zoning.*

*Attorney Skip Mooney, representing the opponents, explained King's Ranch is a business and a residential neighborhood is not the appropriate location for a business. He discussed the proposal by the Coopers. He stated surrounding neighbors are concerned about the ranch due to possible problems with the children that would be located there. He added the business may invite noise and traffic to narrow Day Drive, which would cross a private drive and easement. Mr. Mooney*

discussed the MAPC ruling and read a comment by Planning Commissioner George Krennerich. He noted the Commissioner Krennerich's concern for setting precedence in which they would have to grant permits to future applicants. Dr. Jim Schrantz, a resident of neighboring property in Upper Duckswater, stated he is opposed to granting the permit. He stated Dr. Cooper indicated to him the permit would be a foot in the door. He added another place has been offered to the Coopers on South Culberhouse which is already ready to use. Dr. Schrantz explained he spoke recently with Watersprings Ranch, who indicated the cabins they have on the property are nicer than the surrounding neighborhoods. He added Watersprings Ranch was developed in an unincorporated area where homes have been built around the ranch. He further discussed Watersprings Ranch. He stated out of the 40 children at Watersprings Ranch, 15 cannot function in public schools so the ranch has their own school system. He noted the parents of the children could also pose a problem once they see the surrounding neighborhoods. Mr. Jason Runsick, a property owner on the north and west sides of the Coopers', explained there is a need for this type of business but not in the middle of an established residential area. He further explained he contacted the director of a facility in Alabama where the facilities are in rural areas. He stated the facilities have problems with runaways. He also noted the lake on his property is not a public lake; instead, it is owned by him and the Parkers. Mr. Runsick explained if a child from the ranch were to be injured or drowned in the lake then the owners, himself and the Parkers, could be held responsible. He noted the King's Ranch website indicated use of the lake for the children who reside at their ranch. He stated he had been advised to purchase insurance, which will protect the homeowners but not the children.

**1. Call to order by the Mayor at 6:30 P.M.**

**2. Pledge of Allegiance and Invocation**

**3. Roll Call by the City Clerk**

*In the absence of Mayor Formon, Councilwoman Judy Furr presided over the meeting.*

**Present** 11 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;John Street;Mitch Johnson and Tim McCall

**Absent** 1 - Harold Perrin

**4. Special Presentations**

**COM-08:055** Update on the animal shelter and fire stations as given to the City Council at the meeting on May 20, 2008.

**Attachments:** [Construction Report](#)

*Mr. Adam Seiter stated they are in the final stages of all three projects. He explained Fire Station 3 is wrapping up and they will be planning a ribbon cutting when it's finished. Councilwoman Furr questioned the sewer line for the animal control facility. Mr. Seiter explained he spoke with CWL, who has just finished running the line. He added the 30-day waiting period will be waived.*

**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. A motion was made that these files be approved by consent voice vote.**

**Aye:** 11 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; John Street; Mitch Johnson and Tim McCall

**Absent:** 1 - Harold Perrin

**MIN-08:121** Minutes for the City Council meeting on May 6, 2008.

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

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

**RES-08:003** A RESOLUTION TO ADOPT THE MULTI-JURISDICTION NATURAL HAZARD MITIGATION PLAN, CRAIGHEAD COUNTY, ARKANSAS, BY THE CITY OF JONESBORO

**Sponsors:** Mayor's Office

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

Enactment No: R-EN-074-2008

**RES-08:045** RESOLUTION TO LEASE PART OF THE HUNTINGTON BUILDING TO FIRST BAPTIST CHURCH TO OPERATE THE HUNTINGTON MISSION CHURCH

**Sponsors:** Mayor's Office

**Attachments:** [Revised Lease](#)

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

Enactment No: R-EN-075-2008

**RES-08:076** A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR AND CITY CLERK TO ACCEPT PROPERTY (PERMANENT EASEMENT) DESCRIBED AS A PERMANENT EASEMENT OF THE SOUTH 15 FEET OF LOT 10 OF SIMS DIV BLK B OF SIMS ADD TO JONESBORO, ARKANSAS FOR CONSTRUCTION AND MAINTENANCE OF DRAINAGE IMPROVEMENTS

**Sponsors:** Mayor's Office and Public Works

**Attachments:** [Permanent Easement Lot 10](#)

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

Enactment No: R-EN-076-2008

**RES-08:078** A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 1201 W. HUNTINGTON AVENUE, JONESBORO,

ARKANSAS FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF DRAINAGE IMPROVEMENTS;

**Sponsors:** Mayor's Office and Public Works

**Attachments:** [Offer and Acceptance](#)  
[Mayor's Letter](#)  
[City's Appraisal #1](#)  
[City's Appraisal #2](#)  
[Seller's Appraisal](#)  
[Power of Attorney](#)

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

Enactment No: R-EN-077-2008

**RES-08:084** A RESOLUTION TO CONTRACT WITH THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE 2007 SAFE ROUTES TO SCHOOL GRANT

**Attachments:** [2008 SRTS Blank Contract with AHTD](#)

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

Enactment No: R-EN-078-2008

**RES-08:085** A RESOLUTION TO ENTER INTO AN AGREEMENT OF UNDERSTANDING WITH THE AHTD FOR THE RECREATIONAL TRAIL GRANT

**Attachments:** [2008 Rec Trails Agreement of Understanding](#)

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

Enactment No: R-EN-079-2008

**RES-08:086** A RESOLUTION TO ACCEPT A PERMANENT EASEMENT FOR THE TURTLE CREEK PORTION OF THE JONESBORO GREENWAY

**Attachments:** [Permanent Easement from Nettleton Public Schools for Turtle Creek Greenwa](#)

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

Enactment No: R-EN-080-2008

**6. New Business**

**COM-08:052** Decision by the City Council concerning the request by Dr. & Mrs. Eddie Cooper and King's Ranch (Noyl Houston, Attorney) regarding the denial by the MAPC for a conditional use permit for a Christian children's home.

**Attachments:** [Supporting documentation submitted by Mr. Houston](#)  
[Material submitted by attorneys for the opposition](#)  
[Plat](#)  
[Conditional Use Application](#)  
[Appeal Letter](#)  
[May 12, 2008, Letter](#)  
[February 12, 2008, MAPC Minutes](#)  
[March 11, 2008, MAPC Minutes](#)  
[Petition by supporters](#)  
[Additional Supporting Information](#)  
[Watersprings Ranch Information](#)

*Councilwoman Furr explained the issue is to decide whether or not the Council will uphold the decision by the MAPC to deny the conditional use permit. She further explained a yea vote will uphold the MAPC's denial, while a nay vote will overturn the denial. She added a simple majority vote of the Council is needed.*

*Councilman McCall asked City Planner Otis Spriggs for his recommendations and thoughts on the permit. Mr. Spriggs discussed the original application and the current application for a permit. He explained the original application for a 32-unit facility could not be supported by Planning staff due to the future of the land in case the facility did not continue to be in use. He further explained then the current application was submitted that would have just one unit on the property for use. He stated an R-1 zoning would allow for restrictions to be placed on the property but it would have to be re-zoned to R-3 to allow for multiple structures. He added five unrelated children could be permitted in a single family home. Councilman Frierson questioned whether the applicants could come back for another conditional use for another unit or if they would have to rezone the property. Mr. Spriggs stated the applicants aren't stopped from submitting a future request to the Planning Commission, but the R-1 zoning was not meant to have more than one unit on it. He added the zoning is not for multiple dwellings on the site.*

*Councilman McCall then questioned whether this would be consider spot zoning. Mr. Spriggs answered no, since there is no rezoning of the property. He explained the decision is just concerning the use of the property.*

*Councilman Moore questioned if a limited use stipulation would carry over to future land owners. City Attorney Phillip Crego stated there is no limited use because that is used for zoning applications. Councilman Moore then questioned if future land owners would be able to continue with the business if someone purchased the property. Mr. Crego explained if the land is owned by the non-profit organization then different people could come in and run the business. He further explained if the land is owned by the Coopers and the conditional use is permitted only to the Coopers, then the conditional use would cease if they no longer owned the land. Mr. Spriggs stated the code indicated a conditional use can be used for the applicant or successors, which impie that it could float from one person to another owner. Mr. Crego asked if the applicant is an individual or if it's the corporation. Mr. Spriggs stated the applicant is King's Ranch, with the Coopers listed.*

*Councilwoman Furr reiterated the voting and noted a simple majority vote of the Council is needed, not a majority vote of those in attendance. She explained it will take seven no votes to overturn the MAPC's decision. Mr. Crego agreed with Councilwoman Furr's explanation.*

**Councilman Moore motioned, seconded by Councilman Street, to uphold the MAPC's ruling to deny the applicant. With a vote of 5 yea and 6 nay, the decision to deny the application by the MAPC was upheld due to a lack of the**

**seven votes needed to overturn the decision.**

**Aye:** 5 - Judy Furr; Jim Hargis; Chris Moore; John Street and Mitch Johnson

**Nay:** 6 - Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province and Tim McCall

**Absent:** 1 - Harold Perrin

### *Ordinances on First Reading*

**ORD-08:033** AN ORDINANCE TO VACATE, ABANDON AND RELOCATE A DRAINAGE EASEMENT ON A LOT LOCATED AT THE NORTHWEST INTERSECTION OF FARM CREEK RD. AND S. CULBERHOUSE RD.

**Sponsors:** Planning and Engineering

**Attachments:** [Drainage Easement Relocation Farm Creek Rd](#)

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

*Councilman Moore motioned, seconded by Councilman Street, to suspend the rules and waive second and third reading. All voted aye.*

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

**Councilman Johnson motioned, seconded by Councilman Street, to adopt the emergency clause. All voted aye.**

**Aye:** 11 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; John Street; Mitch Johnson and Tim McCall

**Absent:** 1 - Harold Perrin

Enactment No: O-EN-026-2008

**ORD-08:043** AN ORDINANCE TO AMEND TITLE 14 OF THE JONESBORO MUNICIPAL CODE KNOWN AS THE ZONING ORDINANCE PROVIDING FOR A CHANGE IN ZONE DISTRICT BOUNDARIES FROM R-1 SINGLE FAMILY MEDIUM DENSITY DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT LOCATED ON WEST PARKER ROAD BETWEEN WOOD STREET AND PAULA DRIVE AS REQUESTED BY BURROW HALSEY HOLDINGS

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

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

**A motion was made by Councilman Chris Moore, seconded by Councilman Jim Hargis, that this matter be Held at one reading . The motion PASSED by an unanimous vote.**

**Aye:** 11 - Judy Furr; Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; John Street; Mitch Johnson and Tim McCall

**Absent:** 1 - Harold Perrin

## **7. Unfinished Business**

**8. Mayor's Reports**

*Ms. Misty Micenhamer announced Friday, June 6 will be the City of Jonesboro night at the Memphis Redbirds game.*

*Councilman Moore asked for an update on the tornado sirens. Ms. Micenhamer explained additional information is being gathered. She further explained they are looking at upgrading 17, replacing 9 and adding 12 additional sirens.*

**9. City Council Reports**

*Councilman Street announced a Stormwater Management meeting tomorrow, May 21, 2008, at 8:30 a.m. in the Huntington Building. He also noted the week being designated as Public Works Appreciation Week. He expressed his appreciation for the Public Works departments.*

*Councilman Province referred to the Windsor Landing meeting held recently. He stated he doesn't see why the City didn't let the federal government decide what was the flood plain.*

**10. Public Comment**

*Mr. Joe Beatty, a resident on Owens, expressed his appreciation for the help in getting his flooding problem solved.*

**11. Adjournment.**

**A motion was made by Councilman Chris Moore, seconded by Councilman Jim Hargis, that this meeting be Adjourned. The motion CARRIED by a Voice Vote.**

**Aye:** 11 - Judy Furr;Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;John Street;Mitch Johnson and Tim McCall

**Absent:** 1 - Harold Perrin

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Doug Formon, Mayor**

\_\_\_\_\_ **Date:** \_\_\_\_\_  
**Donna Jackson, City Clerk**