



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes City Council

Tuesday, February 20, 2018

5:30 PM

Municipal Center

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

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 12 - Ann Williams; Charles Frierson; Chris Moore; John Street; Mitch Johnson; Gene Vance; Chris Gibson; Charles Coleman; Bobby Long; Joe Hafner; David McClain and LJ Bryant

4. SPECIAL PRESENTATIONS

[COM-18:006](#)

CITIZENS BANK BUILDING PRESENTATION BY PRICE GARDNER

Attachments: [Citizens Bank.pdf](#)

Mayor Perrin said that Mr. Price Gardner from the Friday, Eldridge, & Clark Firm in Little Rock is here to give a presentation on the Citizens Bank building. We had visited with him a few months back and asked him to discuss the Citizens Bank building and retain his firm. He is also on the Board of Trustees for Arkansas State University and he played football for ASU.

Mr. Price Gardner said he appreciates the opportunity to come and visit. I have been talking with the Mayor on and off for the last several months about the project with the Citizens Bank building. As things have evolved and changed quite a bit over those months, I think it would be good to have the opportunity to come here and update you on the status and answer any questions you might have and provide a recommendation.

The overall complexity of the ownership of that parcel down there was basically like a law school exam. I handed out a parcel of paper, it is kind of like a program, and it may help you all. It certainly helps me kind of track the interest of the players. The crosshatch block there that is in the aquamarine is the Citizens Bank building. The two blocks that are there in purple are properties that were originally owned by NBC that were foreclosed on. In foreclosure, First Security Bank now owns those. The building immediately adjacent to the Citizens Bank property and the parking lot there to the rear that are highlight in yellow are the three separate lots owned by third party owners that are currently parking lot owners.

As we got into the project, initially as it stood, there were six stakeholders in that property. You had NBC Worldwide which is the company that owned the improvements that are actually the Citizens Bank building. You have the Hyneman Trust that has the ground lease. They actually own the ground underneath the building and that is a long-term ground lease. You now have First Security Bank that owns the two parcels there. They had also foreclosed at that time on the leasehold improvements that are the Citizens Bank building, but never proceeded to take those to sale and get a deed for those. In addition, you had the State Commissioner of Lands because taxes had not been paid. So they were out, they did not sell it or redemption it at that time. They were still out there. You have the three property owners that own the parking lots and the last stakeholder is the City of Jonesboro. Part of the task at that time was if you had an absentee owner of the improvements that was not doing anything with them, and they were either going to deteriorate or just continue to sit there, I think the charge was how can you help us find a way to get control of those improvements in a way that allowed it to be redeveloped or get them out of where they are sitting right now. That was the challenge.

That analysis basically came back with five options for someone to get control. Now, when I say get control, I am not talking about the City of Jonesboro. The method of someone else getting control of those improvements where they could do something with them. One would be to go purchase that leasehold interest directly from the current owner. At that time, there was the option of going to the Commissioner of State Lands negotiating and buying and getting a tax deed on those improvements. Third would have been approaching the underlying ground owner that owned the ground lease and either buying the ground lease or to try to buy that position. In all likelihood, with the ground lease and the improvements, there would be a default on those that you could terminate the lease for the improvements because taxes haven't been paid. The other position would be to work with First Security Bank and either buy their foreclosure position and foreclose and get the improvements that way. Ultimately, if the city were involved, you all do have a right of condemnation if you were to determine that was a nuisance. There were these paths to ownership or changing possession of the improvements that were all explored.

Since that time, a number of things have changed. One Main Square has gone in and now has obtained a tax deed for the property so they now have ownership of the improvements. You also saw in the paper today, it looks like NBC Worldwide has executed a quitclaim and deeded whatever interest they had in the improvements over to One Main Square. Right now, that group has the property. Whether or not First Security's foreclosed interest in those was extinguished in the tax deed would be a question about priority. Basically, right now, you have this new One Main Square entity that has the property, has plans to try to work a development and has a couple of deals in the works that I have been told and visited with them about. I have independently confirmed two groups that I know of that have talked to them and that are interested in them so I think the interest in doing something there is real. It is not going to just continue to sit.

Mr. Gardner asked are there any questions that you all might have that I could address. Councilmember Chris Moore said I guess our first question and has been all along is how could we get that building torn down by somebody other than the city. In other words, if we tore that building down and paid the expense of it, if we went to the Land Commissioner which now is obviously not an option since One Main Square has it. Let's say One Main Square people continue on the same path that it has been on. We want them to tear it down. They refuse. We condemn the building. Who would pay the cost of that? Would that be encumber upon the ground lease by the Hyneman

Trust? Mr. Gardner said that would be an interesting question. Councilmember Moore said that is what we hired you for. Mr. Gardner said I understand that. Councilmember Moore said I am not being short here, but we have been kicking this can for two years and we haven't been apprized of all of our options. But, that is the jest of what our problem is. Who would pay and how would the city recoup our money if we tore that building down with the Hyneman Trust. The Hyneman Trust contends that they have no responsibility for the building. Mr. Gardner said that is correct. Councilmember Moore said they refused to cancel the lease because if they cancelled the lease, then they would reclaim the building and the improvements therefore having responsibility. So, they have refused to do that. That is where we are at and that is the question we would like to know to the answer to.

Mr. Gardner said the answer there would be under your condemnation statute, if you were to condemn the leasehold improvements, and the city were to expend the money to raze the property, the amount of money that is spent obviously constitutes a lien on the property. It is a lien against the leasehold interest so anybody that would come in and purchase that leasehold interest or want to do something with the property would be responsible for reimbursing the city out of whatever value was derived from the sale of those leaseholds. It may not generate enough money to repay the cost of demolishing the building. Councilmember Moore said that may be true, but the Hyneman Trust is contending is that it is not their building, therefore, any expense that the city incurs in tearing it down is not their responsibility. They simply own the property. And, of course, obviously, whoever owns the improvements on there, once the building is torn down, there is nothing to extract payment from.

Mr. Gardner said as far as anything for a lien to attach to that is correct. Councilmember Moore said that is what I am saying. In your opinion, if the city tore that building down, would we be able to recoup the cost of the condemnation from the Hyneman Trust? Mr. Gardner said no. I don't believe you would. Councilmember Moore said that has been the contention of the lawyers for the Hyneman Trust also. Mr. Gardner said I think the issue is if you were able to as part of that condemnation, acquire the tenants right in that leasehold interest which continues for however many more years are available under the Hyneman Trust lease and the extensions. That obviously has value. To a developer, they would want to buy that ground lease. So, that is where the city would have to look to recoup. Councilmember Moore asked, do you know roughly what the terms of the ground lease are of the Hyneman Trust? Mr. Gardner said no, I do not. Mayor Perrin said it expires in 2026 and the lease is very nominal. It was way back many, many years ago of \$3,000 per month or \$36,000 per year. Councilmember Moore asked if there is an automatic renewal on that lease. Mayor Perrin said my understanding of what I saw and I will yield to our City Attorney, I don't remember that, but I think that it has been extended so therefore, in 2026 it drops and it would have to be renegotiated with the Hyneman trust.

Councilmember Moore said that has been one of the points of contention is that if somehow that lease could be broken and the Hyneman's refuse to break it even though the tenants who have interest in that building have not paid the lease in years and the Hyneman Trust would have the right to break that or terminate that lease. They have refused to do that because it will force them to accept responsibility of that building. Mr. Gardner said right. Mayor Perrin said I believe that the Trust is paying the real estate taxes on the property, but they don't want to terminate the lease because then in turn now the building is theirs and that is their opportunity to do what. They are going to have to do something. Councilmember Moore said the basic position of the Hyneman Trust is that they want the city to clean that building up off of their property and then they don't want to incur the expense. I can appreciate that, but that is not our

concern. Our concern is trying to find remediation for that.

Mr. Gardner said at that point, they would also pick up the tax bill for the improvements. Right now, they are only paying taxes on the underlying ground. Mayor Perrin said that is right. To go into the nuisance, we have had several structural engineers go in there and say that the building is very strong. It is very solid. You can't condemn the property because it is structurally sound, etc. Can you get into that part? Mr. Gardner said under your code of ordinances, you all have the authority to condemn once you determine the nuisance. The nuisance would be up to your discretion. It is defined several places in your code as unsanitary or risk to public health, unstable. It is all subjective. You also do have in your code if for some reason you all are concerned about whether or not it rises to the level of nuisance, there is a provision where you can actually go to court and ask them to declare whether or not it is a nuisance. You are going to have differing opinions on that. That is one thing we were not asked to work on and to determine whether or not the condition of the building rises to that level.

Councilmember Moore said I think that is something you said is subjective. I think we can find six engineers and three of them would say its fine and three would say it is not. It depends on who is paying the bill. My problem is, and I have been riding the Mayor pretty hard about this, is that I want us to find a solution to that problem. It seems like to me that the city has somehow found itself in a position of having to pay the entire bill to tear the building down to benefit the ground owner and no one else would be on the hook. Now, along comes the new group who is as you said took a tax lien or took possession of the property and the improvements. I haven't seen any evidence that they have come forward and bought a building permit or intended to make any improvements and if they don't, we are still in the same position that we have been in for the last five or six years.

Mr. Gardner said part of my understanding of the new ownership group is that they have to put all of these component pieces together which includes negotiating either to extend the ground lease with the Hyneman Trust or buy the ground lease. Then, they also have to negotiate with the bank if they are going to buy the adjoining building and also parking. It is a typical real estate deal. It takes it a while to pull it together. The city only ends up, I think, in the position of being the one to tear it down. Your route is basically the condemnation route. The other four approaches are all private type transactions, buying the ground lease from the Hyneman Trust or buying this position or that position. Councilmember Moore said I don't think I have ever since I have been on this Council have been in the position of tearing a building down and having no one to be responsible for the bill. That where it seems we are at. Mr. Gardner said that because of the ground lease, it is a very unique situation because you don't have the deed on the dirt.

Councilmember Moore asked about First Security bank's interest in that. Would we have to do both of those at the same time since the buildings are adjoining? What would be your advice on that? Mr. Gardner said I don't know. As far as tearing them both down? Councilmember Moore said yes. Mr. Gardner said you would negotiate with the bank. Councilmember Moore said I think it is an all or nothing deal there. Mr. Gardner said yes, with a common wall. Councilmember Moore said there is a common wall and a common property line. Mayor Perrin said the cost of tearing the tower, the old Citizens Bank building down was very expensive because you are going to have to start at the top and come down. You can't just do it like some of the others because of the topography, plus the adjoining, and you only have an alley between all of the other buildings and other stuff like that. It was very expensive to just take it down. It was

somewhere in the \$80,000-\$100,000 range if I am not mistaken. I don't even know if you can do it for that. I don't know. I know you gave us options here, but can you kindly give us a summary of what you see.

Mr. Gardner said right now, I would say, of course you all have been living with this for two years, is that there is momentum. There has been movement. Taxes have been paid. People are spending money. I would continue to monitor that progress for a period of time. I don't see whether you wait six months from now and you want to start the condemnation process, you are not in jeopardy of waiving any right I wouldn't think. Mayor Perrin said basically what you are saying is that I think this group, this One Main Square group, basically, they have paid the state for back taxes. Mr. Gardner said that is correct. Mayor Perrin said it looks like they have a mortgage on the leasehold improvements. Mr. Gardner said they have ownership. Mayor Perrin said they have ownership of the leasehold improvements or the building itself. They have the control. Mr. Gardner said that is right. I think that deed that was recorded was probably to make sure that One Main Square has the leasehold rights under the ground lease. Just to make sure that everything is sitting at One Main Square.

Councilmember Moore said let's say the city takes the route of condemnation. Would we be able to invoke eminent domain on the ground itself for the purpose of tearing the building down? Obviously, if we condemned it, we would not be able to tear it down without being on that property. Would we be able to use eminent domain and acquire the property from the Hyneman Trust against their will in order to complete the condemnation? Mr. Gardner said I would of course defer to your City Attorney, but as long as you had proper purpose and met the requirements. What is the city going to do with it? Councilmember Moore said we would have to use the property in order to tear the building down. Councilmember Charles Frierson said we are going to have to have a plan before we can ask the court to give us eminent domain. That is the thing. Councilmember Moore said I think the plan would be if we were moving forward with condemnation, would we then submit a plan to the court of how we were going to tear the building down? City Attorney Carol Duncan said or how we are going to use it after. Councilmember Moore asked if it was after the fact. Mr. Gardner said it was the after use. Just to get the ground just to be able to tear it down.

Councilmember Moore said I can see the Hyneman Trust maybe not agreeing to allow us to be on the property. I don't know. There are two owners there. I don't think First Security is going to be agreeable for us to tear their building down or the adjoining buildings so I think they would want to stop us. Mayor Perrin said those connect so you are going to have to deal with it. Like Mr. Gardner said, you are going to have to be dealing with two or three people at one time. Councilmember Moore said if the Hyneman Trust is negotiating a new lease with the new owners, I wouldn't think they would be interested in allowing us to jeopardize that. Mr. Gardner said I think if they are negotiating a new lease with the new owners, it is because the new owners want to redevelop the property and that is going to take care of your problem.

Mayor Perrin said right. Are there any more questions from the Council? I know we have been handling this for about two years. The big thing there is that people say your biggest liability can be your biggest asset. It is right in the middle of downtown. Something needs to be done to it. We did ask First Security Bank to take off the major panels that were on that building because they were leaning out. They did that and it cost a lot of money to get those down. I think that you are right. We need to monitor the new people in this new One Main Square and let me go and visit with them and see what their future is, what they are going to do, what their plans are and try to work with them on that. At least, keep the Council informed on what is going on. I

think is what I need to do if you concur with that. It is right in the middle of downtown. We certainly appreciate you ,Mr. Gardner, driving all the way up here to give us an update. We will be getting back in touch. Thank you very much.

Read

5. CONSENT AGENDA

Approval of the Consent Agenda

Councilmember Chris Gibson motioned that RES-18:014 be removed from the consent agenda and then move forward with adoption of the Consent Agenda. This was seconded by Councilmember Chris Moore. All voted aye.

A motion was made by Councilperson Chris Gibson, seconded by Councilperson Chris Moore, to Approve the Consent Agenda. The motioned PASSED

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

[MIN-18:015](#) Minutes for the City Council meeting on February 6, 2018

Attachments: [CC Minutes 02062018](#)

This item was APPROVED on the consent agenda.

[RES-18:012](#) RESOLUTION TO ADOPT A REVISED SUSBTANCE ABUSE TESTING PROGRAM POLICY FOR JET

This item was APPROVED on the consent agenda.

[RES-18:013](#) A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO APPROVE CHANGE ORDER NO. 1 FOR THE CEMETERY MAINTENANCE BUILDING

Attachments: [JB Cemetery C.O. #1](#)
[Change Order - 1.pdf](#)

This item was APPROVED on the consent agenda.

6. NEW BUSINESS

RESOLUTIONS TO BE INTRODUCED

[RES-18:014](#) RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS ACCEPTING AN INTENT TO ENTER INTO REAL ESTATE DONATION AND SALES AGREEMENT WITH FARMER ENTERPRISES, INC. (FEI)

Attachments: [40 acres Survey.pdf](#)
[Farmer Agreement 40 acres](#)
[FARMER ALEC attachment B 02202018.pdf](#)
[REAL PROPERTY DONATION AND SALE AGREEMENT - Craighead Fores](#)

Mayor Perrin said he received today and gave the Clerk a copy of the new appraisal that came in. The appraisal on that property came in at \$555,000. The way our resolution reads is that it shows the \$550,000 and the City will only be paying \$450,000 and the donation contribution to the City would be \$100,000. We need to change that to \$105,000. I also got a contract of sale to go in and for the City Attorney to look at that and bring that back to you all. Mayor Perrin said that the resolution should reflect that the appraisal is \$555,000 and the donation contribution would be \$105,000. Councilmember Charles Frierson motioned, seconded by Councilmember Chris Gibson, to amend the resolution to reflect the changes in the appraisal amount to \$555,000 and the changes in the donation contribution amount to \$105,000. All voted aye.

Councilmember Bobby Long said over the past several months, we have been talking about the possibility of the need for a sales tax increase. Also, Craighead Forest is already the largest city owned park in Arkansas. I would like for you to speak to the need. For the last year, I have been trying to get the Parks Department to look at land out towards the northeast part of town going toward Paragould and that has really not been done. I don't know how I would feel about later on asking the citizens to pay an increase in sales tax and then spending money to expand Craighead Forest Park when I think there would be other needs that may be more pressing than to expand another 40 acres in Craighead Forest. I love Craighead Forest Park. I go out there in the summertime, but at the same time, I look around and I think there may be other needs more pressing than spending \$450,000 on the park itself.

Mayor Perrin said that this piece of property that we are looking at with Farmer Enterprises, actually two sides of that is, as you know, abuts the Forest itself. It is also next to the range that when our shooting range gets done on I-555, then we will have that plus this to start planning a complete area for that to increase that park out there. Anytime you have got that property that close and at that price, I think it is a good deal. Now, to your question or your comment, I think there are two or three places that we need to look at when we get a new Parks Director. We need to look at what I call pocket parks, which is what you are talking about. I think there are some in some of the wards that we need to do. We have a map that shows all of the 45 parks that we have in the city. The question is are they logistically located for the neighborhood and for the growth of Jonesboro. I think that is the big key. Your comment is well taken and I think we need to look at that for those pocket parks. I am not sure that we would be looking at a 40-acre piece of property maybe for a pocket park. You could take care of the citizens by putting in a much smaller park with five or ten acres whatever it might be depending upon what you put there. My deal is that I hate to see this property go away or auctioned off when it is bordered by that. I think it is a good price for that piece of property.

Councilmember Long said that I know in my own personal household that we come across good deals all of the time, but when you have to prioritize, I sometimes think that this is a good deal and a good price and everything, but at the same time, I think we could do a lot more with the \$450,000 at this point. I would hate to approve this and then later on say that we need this increase in sales tax. We need to do this because we can't do these things and then looking back and then have my phone blow up saying why did you do this when you should have had \$450,000 to play with and now we

don't have.

Patti Lack, 4108 Forest Hill Road, said that I looked at the Greenway Trail Development with the meeting that you had last week about the bike path and going around town and stuff like that and I think that is awesome. I looked at the positive things that you were talking about quality of life and environment of building this around the town. I think it is a great job. It was a great presentation, but it is going to take a lot of money too. I really don't know how that is being funded. I didn't look into it all that much whether it is a grant or whether it is being paid a little bit by the city. Councilmember Joe Hafner said that right now all they are doing is developing the plan. How to pay for it will come down the road. Ms. Lack said that it looks like an awesome project, but it is going to be a very expensive project. I see the benefits part of it. When I was fighting those apartments, I opened up a Facebook page and I have about 550 people that are still on the page. I got a lot of comments. I feel like I am the person that they are coming to voice their approval or disapproval. The comments that I got about the land for Craighead Forest Park is that it is a great deal for Mr. Farmer. He gets a tax deduction, but \$450,000 is a lot of money. From what I have gathered from previous meetings is that the city doesn't have a lot of extra money. I don't know how we are going to pay for this in the first place. I know someone said to me today that maybe we can get a grant to pay for it, but if we don't have the grant ahead of time, before we pay for the property, then what happens if we get a grant for only \$200,000 and now the city is responsible for the rest of it. Even if we get the land for \$450,000, we are going to have to do some maintenance. I haven't seen the property. I don't know how much maintenance, but you are going to have to put a fence around it.

Councilmember Charles Frierson asked if he could speak. He said that this has already been approved by the vote of this council and you are arguing against it. It has already been done. Ms. Lack said how can it be approved? Councilmember Frierson said that it has been approved. Ms. Lack asked so all of you have agreed to spend the \$450,000? Councilmember Long said no ma'am, I voted against that. Ms. Lack said she didn't understand why that wasn't brought up before the people because she thinks sometimes even though you say it is a good deal, sometimes you have to walk away from a good deal. I am sorry that you guys did that because I think there are other needs in this town that the money could have been spent for. Craighead Forest Park is an awesome park. Later on tonight, we are seeing that you guys are asking to amend the budget for outdoor recreation for the Craighead Forest PumpTrack. So, we just keep on pouring more money out there. I just want to let you know that you are going to have a lot of people that are disappointed that it wasn't at least talked about a little bit more. I wish it wasn't done.

A motion was made by Councilperson Charles Frierson, seconded by Councilperson Gene Vance, that this matter be Passed as Amended . The motion PASSED with the following vote:

Aye: 11 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Joe Hafner;David McClain and LJ Bryant

Nay: 1 - Bobby Long

ORDINANCES ON FIRST READING

[ORD-18:012](#)

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2018 BUDGET FOR THE 2017 COPS HIRING GRANT

Councilmember John Street motioned, seconded by Councilmember Bobby Long, to

suspend the rules and offer ORD-18:012 by title only. All voted aye.

Mayor Perrin said he thinks this is another good deal for the city in the fact that this will provide us with two police officers, boots on the ground for the Chief, no question about it. The cost on that for the total deal is \$78,429 with the federal government picking up 75% of that. Our cost is only 25% or \$26,143. It will put two police officers on the ground which I think is incredible.

Councilmember Chris Moore motioned, seconded by Councilmember John Street, to suspend the rules and waive the second and third readings. All voted aye.

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

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

[ORD-18:013](#)

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2018 BUDGET FOR THE 2018 OUTDOOR RECREATION MATCHING GRANT FUNDING THE CRAIGHEAD FOREST PUMP TRACK

Councilmember John Street motioned, seconded by Councilmember Joe Hafner, to suspend the rules and offer ORD-18:013 by title only. All voted aye.

Mayor Perrin said that this track is portable. This track can be picked up and brought down during the Barbeque Fest and taken all over town to these schools to allow these kids to learn how to ride on this track. This is not something that you put at Craighead Forest Park and make it a permanent fixture. I wanted to share that with you all. This was a 50/50 grant that we went in front of the Arkansas Parks and Recreation Department. We will have the Director here on Friday at Craighead Forest when we dedicate the park which I invited all of you to do. Since we have done all of the improvements in the last two to three years on that, we have doubled our attendance at Craighead Forest Park. I think this is a great opportunity to get our pump track started. Councilmember Bobby Long asked what the total cost for that is. Mayor Perrin said our part is \$98,695 and then \$98,695 will be paid by the other.

Councilmember Chris Moore motioned, seconded by Councilmember Ann Williams, to suspend the rules and waive the second and third readings. All voted aye.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Ann Williams, that this matter be Passed . The motion PASSED with the following vote.

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

7. UNFINISHED BUSINESS

ORDINANCES ON THIRD READING

[ORD-17:094](#)

AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES SECTION 117. ADDING TO THE DEFINITIONS SECTION 117-2 TO INCLUDE CLUSTER HOUSING AND SECTION 117-138, FOR THE PURPOSE OF ADDING A NEW

ZONING DESIGNATION WITHIN THE CITY OF JONESBORO, ARKANSAS, WITH THE INTENT TO PROVIDE AREAS FOR DEVELOPMENT AND REDEVELOPMENT FOR RESIDENTIAL HOUSING. THE RI-U RESIDENTIAL DISTRICT IS DESIGNED TO PERMIT AND ENCOURAGE THE DEVELOPMENT OF DETACHED AND ATTACHED DWELLINGS IN SUITABLE ENVIRONMENTS ON LOTS LESS THAN 60 FEET IN WIDTH, TO PROVIDE A RANGE OF HOUSING TYPES COMPATIBLE IN SCALE WITH SINGLE-FAMILY HOMES AND TO ENCOURAGE A DIVERSITY OF HOUSING TYPES TO MEET DEMAND FOR A WALKABLE URBAN LIVING.

Attachments: [Multifamily Opponents December 2017.pdf](#)
 [Shirley Moore Opposing Tiny Houses.pdf](#)
 [Cluster Housing_Bill Hall Email.pdf](#)

Councilmember Chris Moore said he would like for City Planner Derrel Smith to come up and speak about this ordinance. Councilmember Moore said he had a couple of questions sent to him. One of the concerns I had and I think I spoke with you at the last meeting was the possibility that this ordinance might be used for future rezonings to develop larger tracts of land into smaller subdivisions for a lack of a better term of 25 foot wide lots. You expressed to me that part of the reasoning behind this was to help develop non-conforming lots and I am in agreement with that. Would you be opposed to limiting this ordinance to lots of less than 50 feet? In other words, that would mean the ordinance would only be applied to non-conforming lots. It would not be a tool for rezoning of larger tracts of land. That would give you a tool to be able to use to address your non-conforming lot statute. Just think about it for a second. If you are in agreement, I will make that amendment and that will be my only question and concern.

Mr. Smith asked, you would want this to be redevelopment? Councilmember Moore said that is right, in-field, redevelopment and that is what you purported the reasoning to be. Mr. Smith said if they wanted to do a larger one, we would look at a planned development. Councilmember Moore said that we would have to have a PUD or something else. What that would do is it would give you a tool to redevelop lots. If someone had a lot in the downtown area that was 75 ft. wide, that is a viable conforming lot. It would prevent them from being able to split it into three 25 ft. lots, but if their lot was less than 50 ft., which makes it non-conforming, it would give you the option to be able to use that to make a viable lot out of it. Mr. Smith asked if we could put 50 ft. or less instead? Councilmember Moore said that 50 ft. is what the city says is a viable lot. Councilmember Gene Vance asked if it was 50 ft. or 60 ft. for a minimum lot. Mr. Smith said in R-1 right now, it is 60 ft., but there are some old 50 ft. wide lots down there. Councilmember Moore said I would be agreeable to whatever the minimum lot size is, it would be used for less than the minimum lot size. If that is 60 ft., then it would be 59 ft. and less. If it is 50 ft., then it would be 49 ft. and less. Councilmember Vance said that he thought they needed to go to 60 ft. I agree with your thinking completely, but I think we need to go with 60. Councilmember Moore said I am fine with that. Councilmember Vance said there are a lot of 60 ft. wide lots in town.

Mr. Smith said he thought that would work. If they did want to do a larger development, they would have to come in as a planned development. Councilmember Moore said that is correct. Mr. Smith said that we would still have that tool available. Councilmember Moore said they could come in and could discuss a planned development, but that would prevent for instance if I had 5 acres, it would prevent me from coming in to seek a rezoning under this and turning it all into 25 ft. without having to come in and sit down and having a planned development. Councilmember David McClain said, under the planned development, it has to meet the requirements of

landscaping, sidewalks, and all of that kind of stuff. Is that what we are saying? Mr. Smith said that in a planned development, you can have different lot sizes, but you have to show unique features in the property, why you need to move things around. It allows clustering. It allows greater open space. It would have to meet all of those requirements before they can do anything. Councilmember Moore said in other words, it is not by right. What the City Planner is asking is that we come up with a new rezoning classification that anybody could apply for regardless if it was for the downtown area or new construction or a new development. What I am saying is in his reasoning for proposing this is to help with non-conforming lots in the downtown area, if we therefore restrict it to lots of 59 ft. and smaller, that gives him the tool to address non-conforming lots, but it doesn't open it up as a rezoning option for new development. Councilmember McClain said ok. Councilmember Moore said that is the basic difference. Councilmember McClain said so you don't get to go out here and buy 80 acres and divide it into 25 ft. lots. Councilmember Vance said we have a good ordinance for planned unit development. It probably needs to be looked at because it has aged, but our planned unit development ordinance was put together very well I think from both a developer and a city standpoint. Councilmember McClain asked if it had requirements in it. Mayor Perrin said yes. You will have to meet the same restrictions.

Councilmember Vance said in order to get it approved, you have to furnish a landscape plan and lots and lots of requirements. Councilmember McClain said that is what I thought. Councilmember Vance said he didn't know if sidewalks are, but there are a lot of requirements in planned unit developments. Mr. Smith said sidewalks are not unless it is multifamily. Mayor Perrin said this would take care of some of the questions he had too. Councilmember Moore said it will take care of the ones that he has. What I fear is if we open that up as a new zoning classification and Mr. Long goes out and buys a three-acre lot and he may decide he wants to break that down into 25 ft. lots. As long as he technically meets the merit of the rezoning, we don't have a ground for turning him down for that. But, by restricting it to non-conforming lots, that prevents that as being an option.

Councilmember Charles Frierson asked Councilmember Moore if he had wording for his amendment. Councilmember Moore said I would simply make a motion that we amend it to 59 ft. wide lots or less. I would simply make that a requirement of it. If 59 is the number and that is what I think Mr. Smith is looking at. Councilmember Vance said less than 60 ft. Councilmember Moore said that less than 60 ft. would be fine. I thought the minimum lot size was 50 ft. so I intended to make the amendment of less than 50, but if it is 60 ft., Councilmember Vance said he believes there is a requirement of 50 ft. of frontage for sewer attachment, but I believe that a majority of our R-1 lots are 60 ft. Mr. Smith said you have on residential lot, RS-8, I believe that allows 50 ft. The rest of them are going to be 60 ft.

Councilmember Moore motioned, seconded by Councilmember Chris Gibson, to amend the ordinance to only apply to lots that are 59 ft. or less. Councilmember McClain asked about cluster housing. I want to make sure I am clear to what that is and what it is not. Mr. Smith, will you please clarify for me and anybody else who may have questions about what that is and what it is not. Mr. Smith said on the cluster housing, we are adding that to our definition, in our definition section for cluster housing because it is not covered right now. Cluster housing is, and I don't think I have the definition in front of me, but basically you are allowing units to cluster in certain areas. That is what I am doing as far as that. Now, this ordinance shows cluster housing development as a permitted use. If you are ok with that, I would like to go ahead and remove that in this zoning because if you are going to limit it to 59 ft., you

can't get cluster housing in there. Councilmember Moore motioned, seconded by Councilmember Vance, to remove cluster housing from the ordinance. Mr. Smith said it will still be a definition, but it will just be a definition in our zoning ordinance. Mayor Perrin said I agree with you. Councilmember Moore said let me make that motion to cover them both. We already have a motion and a second on the 59 ft. So, I will revise my motion to limit it to lots of 59 ft. or less and remove cluster housing. Councilmember Gibson said I will revise my second.

City Attorney Carol Duncan said she wanted to clarify. Are you wanting to keep the definition for some reason? Mr. Smith I would like to keep the definition. I would like to come back in the future with maybe something for cluster housing, but not at this time. Ms. Duncan said that basically under Section 2, I pulled up the actual language of the ordinance under Section 2 where it defines RI-U, Residential Intermediate Urban District, on the permitted uses, you would just remove the cluster housing development? Mr. Smith said I would remove it from permitted usage, correct. Ms. Duncan said that was needed for clarification.

Mayor Perrin said he would repeat the motion. We are adding the 59 ft. or less and we are also deleting the word cluster in the permitted use in the ordinance. All voted aye.

Steve Ewart, 212 Windover, said he has a question about the last part of that ordinance. I think it is a great thing, absolutely wonderful. I have friends that have children, adult children who live in other cities, that live in this type of housing and they love it. Housing types to meet demand for walkable living. Are we kind of getting the cart before the horse? I guess I am asking for the record to show. Are we still on path to try to provide a walkable community? Councilmember Joe Hafner said I hope so. Mr. Ewart said it is like we are putting housing for a walkable community. Councilmember McClain said I would say that is our goal. Mayor Perrin said yes, I can answer that. As you know, on the Master Plan that we are working on now, which is the bike and the walkway trail that is being done now, the Master Plan I hope it will be done sometime by June or July or somewhere in that area there. Again, this would be matching exactly what we are working with on the bike and the walkability. I agree with you on what I have seen in Franklin, TN and all of those other places, particularly in Bentonville and some other areas.

Patti Lack, 4108 Forest Hill Road, said I don't have a problem with this, but I am just a little worried about it. You got a letter or an email from Bob Hall giving some suggestions. I would like Derrel Smith to write up basically a guideline like we have done with the multifamily as being real specific to this. What I think is that we are going to be in another situation that we are going to question some of these and unless it's in writing, is that something is going to be done and it's not going to be the way maybe it should. So, if we have the rules and we have the guidelines, and he can put it together like the multifamily, a booklet on this type of rezoning, I think that would, we would be right on schedule instead of having to go back and redoing it again. The only other point that I need to make is that I know in the downtown area, and even in my area, I have had people come up to my door and ask me if I want to sell my house. I think that has been happening a lot in the downtown area with the smaller houses. I just want the city to make sure that if someone purchases those houses and they tear them down, that they watch for anything because building materials back, way back when they were building houses, they had asbestos and stuff like that. So, if they are tearing these buildings down and it has asbestos, that is bad for the community and the people around it. I think the city needs to step up if these houses are being torn down to build these smaller houses and all that. If we had guidelines ahead of time, then we are right on track. If not, it is backtracking again

like we have done.

Councilmember Hafner said I may be wrong in saying this, but a lot of Mr. Hall's concerns were on clustered development and may have been taken care of when City Planner Derrel Smith took cluster housing elements out of the permitted uses. Ms. Lack said I want to make sure that it is real specific so there is no questions asked by someone that is wanting to build. Councilmember Vance said with the amendment, it is limited to existing lots that are already developed that do not meet current standards. In other words, 59 is the number we put on it. There will not be any cluster housing or groups of housing or anything in this. This will remain single-family housing, but it will be on lots 59 ft. or less. It will have to be on one of those lots. It will allow those lots to be built on with a single-family home.

Ms. Lack said one of the things I am thinking of is does the house have to face the front of the street because I have seen a couple of houses built here that aren't. Mayor Perrin said that doesn't have anything to do with that. It is another section. We have taken care of that in the deal that we have written facing that and all of that like the duplexes. Ms. Lack said if it is done right, then it is a good thing. Instead of always backtracking, do it right on the first time on there. Mayor Perrin said that with people tearing down old houses and buildings, it is very clear by state law and statute on ADEQ permits. To get those, you have to file before you start tearing those down. Our Code Enforcement has been alerted to look at that and make sure and watch that. If you see one, call us. There was one not too long ago that happened in the same way that was torn down and I can assure you that there were probably asbestos in that because that house was probably 50-60 years old. There is a pretty good size fine on that deal. They have to file to get the ADEQ permit.

A motion was made by Councilperson Charles Frierson, seconded by Councilperson Chris Moore, that this matter be Passed as Amended . The motion PASSED with the following vote.

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

[ORD-17:098](#)

AN ORDINANCE ADOPTING BY REFERENCE THE DESIGN GUIDELINES FOR DUPLEX AND TRIPLEX UNITS

Attachments: [Design Guidelines for Duplex and Triplex Units - Draft - Revised 1.26.18.pdf](#)
[Multifamily Opponents December 2017.pdf](#)
[Scenic Hills Neighborhood Association.pdf](#)

A motion was made by Councilperson Charles Frierson, seconded by Councilperson John Street, that this matter be Passed . The motion PASSED with the following vote.

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

[ORD-17:099](#)

AN ORDINANCE ADOPTING BY REFERENCE THE DESIGN GUIDELINES FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT

Attachments: [Design Guidelines for Multi-Family Residential Development - Draft - Revised](#)
[Multifamily Opponents December 2017.pdf](#)
[Scenic Hills Neighborhood Association.pdf](#)

Mayor Perrin stated that has probably taken care of the majority of attendance and the comments and concerns of the people of Jonesboro in these two ordinances of the design of the multifamily and duplexes and triplexes. Thank you. We appreciate it and we got it done. Thank you very much.

A motion was made by Councilperson John Street, seconded by Councilperson David McClain, that this matter be Passed . The motion PASSED with the following vote.

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

[ORD-18:004](#)

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF A TIME AND ATTENDANCE MANAGEMENT SYSTEM

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

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

[ORD-18:005](#)

AN ORDINANCE AUTHORIZING THE CITY OF JONESBORO TO AMEND THE 2018 GENERAL FUND BUDGET FOR ADDITIONAL PROFESSIONAL SERVICES AND TO PURCHASE A TIME AND ATTENDANCE MANAGEMENT SYSTEM

A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Chris Gibson, that this matter be Passed . The motion PASSED with the following vote.

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

[ORD-18:006](#)

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE UPGRADE OF MICROSOFT EXCHANGE SERVER 2016 LICENSES

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

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

[ORD-18:010](#)

AN ORDINANCE TO VACATE AND ABANDON JACKSON AVENUE BETWEEN CHURCH STREET AND CARSON STREET AND A 15' ALLEY LOCATED WITHIN THE ST. BERNARDS WASHINGTON AVENUE PARKING LOT AS REQUESTED BY JOHN EASLEY WITH ASSOCIATED ENGINEERING ON BEHALF OF ST. BERNARDS HEALTHCARE

Attachments: [Abandonment Request.pdf](#)
[Petition.pdf](#)
[Plat.pdf](#)
[Notice of Public Hearing.pdf](#)
[Eng and Planning Letters.pdf](#)
[Utility Letters.pdf](#)

Councilmember Charles Frierson said that he needed to recuse himself because he serves on the Board for St. Bernard's.

Councilmember Chris Moore asked if we have had any complaints on that at all. Mayor Perrin said he has had none.

Mayor Perrin asked John Easley how everything was going on the project. Mr. Easley said it was going fine. Mayor Perrin said he thinks the whole St. Bernard's is going to be facing north now, the main entrance instead of on the other side. It is absolutely beautiful. When I was over there the other day and looked at it, the construction was going. You all are getting on it quick.

Councilmember John Street said that they have asked for an emergency clause. I would ask the City Attorney Carol Duncan if that constitutes an emergency for public health, safety, and welfare? Ms. Duncan said I didn't pull it up and I don't know what they stated as the nature of the emergency. City Clerk Donna Jackson said she could pull it up. Ms. Duncan said it has to be specific. Councilmember Street asked Mr. Easley to address that.

Mr. Easley said the nature of the emergency is that in order to secure the final building permit, we would like to have Jackson Street closed. Also, with the schedule the way that it is with heavy equipment, we have a crane moved in this afternoon to be put up in the next couple of days. We have several loads of steel coming in the next few weeks. We are fighting traffic, people normally going into the hospital and back and forth. Just for the nature of the business, we ask for it to be closed as soon as possible. Mayor Perrin said you have added in there providing for traffic safety. When I toured that the other day, it needs to be closed. Somebody is going to get hurt with all of that heavy equipment going in there and around. Mr. Easley said we are going to have to close half of it now until we reroute the admissions and discharge driveway. We are trying to play this by ear. Ms. Duncan said what does the language actually say? Ms. Jackson said, where it is necessary for obtaining final building permits, provide for traffic safety, and continue construction activities, now, therefore an emergency is hereby declared to exist.

Councilmember David McClain asked Ms. Duncan if this is an emergency for the City of Jonesboro. Ms. Duncan said I think the traffic safety could be an emergency for the citizens of the City of Jonesboro. I am not sure the other two would qualify. But, I think traffic safety could be. The test would be if all reasonable citizens would agree that it is not an emergency. I think with traffic safety, it is an issue with heavy equipment. I think that is a possibility. Councilmember Chris Moore said I would suggest that most reasonable people would think that the expansion of the hospital and medical facilities constitutes a reasonable emergency. Ms. Duncan said it could be.

Councilmember Ann Williams motioned, seconded by Councilmember Chris Gibson, to adopt the emergency clause. All voted aye except Councilmember Charles Frierson who abstained.

A motion was made by Councilperson John Street, seconded by Councilperson

Chris Moore, that this matter be Passed . The motion PASSED with the following vote.

Aye: 11 - Ann Williams;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

Abstain: 1 - Charles Frierson

8. MAYOR'S REPORTS

Mayor Harold Perrin reported on the following items:

Mayor Perrin said you have the Airport Commission Financial Statements. They are doing good and that is great. A lot of folks are coming into the airport to visit our city and to look at our economy as well as our industrial sites.

Mayor Perrin said the state turn back was down just a little bit last month, 0.36%. Our ½ cent sales tax that was in the highway bill that was passed is up 6.9% and I think that is good.

Mayor Perrin said he is still working on Commissioners for the Land Bank. We will be doing that. Land Bank Director Jonathon Smith is going to Little Rock tomorrow to meet with the Board of the Land Bank in Little Rock and to sit through those board meetings and then get with the Director. If he has a chance to get with Redevelopment Administator Doug Tapp and some others and talk about that. I think that is real good. If you have anyone that you think would be good on the Land Bank, please send those resumes to me. Again, I will submit all of those back to you all and then we will come back and vote on them.

Mayor Perrin said on 911, on March 23, 2018, we are going to have an onsite meeting with Arkansas Crime and FBI. I think that is our annual audit. I think it will be a good audit.

Mayor Perrin stated that on March 8, 2018, our Citizens Police Academy, if any of you all in the audience would like to attend that, please get on email and send that or see the Chief or something on that. I think we have graduated 180 from the conception. Police Chief Rick Elliott said it was 180. Mayor Perrin said that it is a good thing to go through. It is a commitment every Thursday night for several hours for twelve weeks. It is a good thing.

Mayor Perrin said that this Thursday, February 22, 2018 at 6:00 p.m. in our Council Chambers here, will be the bike, pedestrian public hearing again. That is the second one. The first one was good and we got a lot of comments and a lot of conversations on that. Be sure if you have a chance or are interested in that, be sure to attend that.

Mayor Perrin said that this Thursday we will have the Highway Department here, the administration, the top four as well as the Federal Highway Director of Arkansas, Blue Cross and Blue Shield, the Foundation, and also we are going to have the Director of Parks and Recreation. All of these people put money into Craighead Forest Park, the 3.2 mile walking trail with workout equipment every quarter of a mile and the trail head where you can work on the bicycles out there and etc. The roundabout is absolutely gorgeous. We will be getting plans to add more things to the park. If you are interested, it will be this Thursday at 11 a.m. You will get to meet a lot of people who donated money into this. If you have a chance, please attend that.

[COM-18:008](#)

Financial statements for the Jonesboro Airport Commission for January, 2018

Attachments: [JAC Jonesboro Airport Financials 01_18.pdf](#)

Filed

9. CITY COUNCIL REPORTS

Councilmember LJ Bryant said that I hope that we give the public a pause to comment because I know we get going quickly so I want to make sure to honor your attendance.

Councilmember David McClain said he had a question for City Planner Derrel Smith. Since design plans are done for multifamily and all of that, I know we talked a little bit about getting that for commercial buildings. Do you mind starting that ball rolling? Mr. Smith said that has started and Mayor Perrin has asked me to go ahead and get the landscaping going also. So, I will start working on both of those. Councilmember McClain asked if that was for single-family or what was he talking about? Mayor Perrin said he is talking about commercial plus we also have some of our ordinances that don't even refer to landscaping which we will need to adopt those which will tie back into those. We are actually cleaning all of those up.

Councilmember McClain said that he is providing coffee at Fat City at 9 a.m. on Saturday, February 24, 2018 if anyone wants to attend.

Mayor Perrin said once all this is done, it will be put in a booklet for people to refer to. It will be very clear of what someone needs to do for planned design and etc. Councilmember McClain asked if we were going to put in a tree ordinance for tree preservation. Mayor Perrin said he didn't know if that was in there or not. Councilmember McClain asked City Planner Derrel Smith if we were going to do that. Mr. Smith said we do not have anything at this time. We can look at that as part of our landscaping or we can look at an individual tree preservation ordinance. Councilmember Bobby Long said he thought an individual tree preservation ordinance would be good so it would apply to everything. Mayor Perrin said we have an Arbor Committee that he appointed and he is going to call to get up here to start doing some more things because we haven't done anything in the last two years. It is not the committee's fault. I guess we just let it go by. That is a good point. We will take a look at that.

Councilmember Ann Williams had a question for Councilmember Joe Hafner. She asked the status of the sidewalk ordinance that he was going to be introducing. Councilmember Hafner said that it is scheduled for Public Works for the first meeting in March.

Councilmember Chris Moore wanted to thank City Planner Derrel Smith for his hard work on the design criteria. For those of us who live in the downtown area and have had to look at some of the abominations that have been built down there, we are very happy. I appreciate the work done.

Councilmember Dr. Charles Coleman said that in March and he is not sure about the date, there is going to be a community cleanup again. This time we want to do it a little bit different. We have a different organization for street community action in the West side and other groups. I would like to have a community gathering of each group helping to clean up and then if they have a cleanup, we can move to their area and do

a cleanup. It will be a lot more people and a lot more trash to be picked up. Mayor Perrin asked Councilmember Coleman if he would like COO Ed Tanner to set up a meeting like that with some of the people. I think that would be good if you all could have lunch here and talk about it. It would be great.

10. PUBLIC COMMENTS

Scott Troutt, Troutt Law Firm, 247 S. Main Street, said that he was given notice that the Scott Street rezoning appeal would occur today. I received a notice that there would be a third reading on Tuesday, February 20, 2018 in order to fall within the 60 day period. This was the long discussion that we had. I don't know what is going on on that. Mayor Perrin stated that we would check on it. We will call you tomorrow.

11. ADJOURNMENT

A motion was made by Councilperson Mitch Johnson, seconded by Councilperson LJ Bryant, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 12 - Ann Williams;Charles Frierson;Chris Moore;John Street;Mitch Johnson;Gene Vance;Chris Gibson;Charles Coleman;Bobby Long;Joe Hafner;David McClain and LJ Bryant

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

Attest:

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