

FYI

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From: **Josh Brown** <Josh@haagbrown.com>

Date: Sun, Sep 16, 2018 at 8:29 AM

Subject: Proposed Landscaping Ordinance

To: Charles Frierson, III <cdfrierson3@hotmail.com>, Gene Vance <gvance@jonesboro.org>, Dr. Charles Coleman <crcjab@sbcglobal.net>, Chris Moore

<chrismooreplumbing@yahoo.com>, Ann Williams <edgecoffeehouse@hotmail.com>, Chris

Gibson <clgrehabman@yahoo.com>, John Street <jwstreet@sbcglobal.net>, Mitch Johnson

<johnsons3@suddenlink.net>, lbryant@jonesboro.org <lbryant@jonesboro.org>, joeforjonesboro@gmail.com <joeforjonesboro@gmail.com>, Bobby Long

<blongjcc@gmail.com>, david.mcclain@jonesboro.org <david.mcclain@jonesboro.org>

CC: Harold Perrin <hperrin@jonesboro.org>, Josh Brown <Josh@haagbrown.com>

Jonesboro City Council,

We have asked our attorney and our general contractor to provide feedback on the proposed landscaping ordinance. Below are their responses. PLEASE READ HIS RESPONSE PASTED BELOW THIS EMAIL.

I would like for their to be more thought put into a broader plan before accepting something as serious as what is being proposed.

If passed, it will be much more expensive to build in Jonesboro. But, more importantly, the ordinance is giving an overreaching power to the city in regards to telling owners of land what they can do with it. I do not think the public knows that the ordinance being proposed, if passed, would require them to get a permit to tear down a tree off of land they own.

We are not out rallying citizens to fight the ordinance. I'm sending this to you in hopes that you will consider voting against the proposed ordinance and putting together a committee that would draft something more reflective of the business landscape in Jonesboro.

The two examples I have heard as a reference for this ordinance are Greensboro Village and the old Southern Hills Mall site on SW Drive. On both projects, they scraped the trees and development never occurred. These events have occurred less than once per decade. I don't like what they did with them either, but it's not my land. It's also not the city's land. You could simply revise the tree preservation ordinance to anything over 50 acres and you would have caught the only two examples I have heard of needing the proposed ordinance.

Chris Gardner is our development attorney in cities across multiple states. He also serves as Chairman of the Board for EC Bartons, which has stores all over the United States.

Please feel free to give me a call or let me know if you would like to meet to discuss.

Joshua H. Brown, CCIM

Principal — Brokerage & Development

tel 1+ 870 336 8000

josh@haagbrown.com

haagbrown.com

[LinkedIn Profile](#)

Haag Brown Commercial Real Estate & Development

[2221 Hill Park Cove, Jonesboro, AR 72401](#)

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Sent from Joshua Brown's iMac

Josh,

It takes Jonesboro’s primary, if not only, attractional asset, its business friendly climate, and beats it with an ugly stick. The ordinance is very anti-business and represents a valueless tax on local property owners and small businesses.

1. Jonesboro is NOT currently a destination city. People and businesses do not locate and make their home here because of beautiful lakes, streams, rivers, or mountains, great hiking/biking/climbing, gorgeous vistas, wildlife and outdoor beauty, cultural or historical significance.
2. People and businesses come to Jonesboro because we have established a strong and consistent business friendly climate and reputation providing jobs and opportunity. This ordinance strikes at the very heart of our strongest attractional asset as a community.
3. We are the one delta city that has bucked the trend of decline and actually grown because past city fathers understood how to promote our greatest asset, i.e. our people, through strong educational institutions, access to healthcare, affordable utilities and housing, transportation infrastructure, and public and private partnerships that helped draw industry and jobs to NEA.
4. This ordinance is a valueless tax on local property owners and small businesses.
-all businesses look at real estate as a commodity that must generate an acceptable return on investment. When something like this adds astronomically higher costs just to open a business, it reduces the return and businesses will pass that cost to someone else. In this case it will lower property values (the only place the margin can be made up) which will adversely impact local property owners and local small businesses that are typically owner-occupied. Your voting citizens are the ones who will bear this burden. -operating as a hidden tax on local citizens, what is the benefit derived? A prettier commercial district? Increased competition for drinking water? This will massively increase the use of our drinking water for non-human consumption and generate additional runoff. What is the community benefit that justifies this enormous tax? There is none. It’s a valueless tax. Lots of cost and no gain.

-many out of state of businesses have their own detailed landscaping plans that have known and anticipated costs built into their pro formas. This ordinance may be in conflict with those predetermined designs thus adding another all layers of compliance and increasing design costs and development time.

-not all properties are amenable to a comprehensive landscaping program and many variances will be requested from the city leading to an inconsistent regulatory regime that changes from site to site.

5. Wealthy cities and regions with strong cultural, historical and quality of life amenities can afford these types of initiatives because people and businesses are more willing to absorb the financial and intangible costs in exchange for being in such a community. Jonesboro is not one of these communities.

6. City leaders should direct their well-intentioned passions, time and energy for improving the community by investigating and promoting initiatives that create a return on public investment, that develop other attractional assets for our region which will leverage more growth and outside investment: more forests and parks, like Craighead Forest, hiking and biking infrastructure, water resources, wildlife and habitat initiatives that enhance our natural past times like great hunting and fishing, promoting our one geographical asset (Crowley's Ridge), developing the culture of entertainment, arts, music, etc. We can't compete with NWA, Central Arkansas, SW and Central Missouri, and West Tennessee on all these fronts. But if we're going to impose burdensome taxes and regulations, let's at least develop some other attractional assets for NEA and Jonesboro.

D. Chris Gardner

Gardner Law Firm, P.A.

[\(870\) 972-8180](tel:8709728180)

cgardner@cgardnerlaw.com