



Legislation Details (With Text)

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Minutes for the City Council meeting on October 18, 1999

PUBLIC HEARING - 6:20 P.M. - The public hearing was delayed by five minutes due to the City Building at 900 W. Monroe being locked and Council Chambers not being set up. The public hearing was conducted at 6:25 p.m. as requested by Mr. John Ward for the purpose of vacating an unimproved portion of Ransom Lane located in McDaniels 4th Addition. No opposition was voiced regarding the abandonment.

CITY COUNCIL MINUTES - October 18, 1999

The Jonesboro City Council met Monday, October 18, 1999, at 6:30 p.m. A full quorum was in attendance. Present were: City Clerk, Donna K. Jackson, City Attorney, Phillip Crego and 11 council members. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin and Roddy. Councilman Young was unable to attend. Councilman Roddy was not present during roll call but arrived at 6:40 p.m. during the presentation of Item 4-A. Vice Mayor Rega presided over the meeting in the absence of Mayor Hubert Brodell.

Councilman Province moved, seconded by Councilman Moore for approval of the minutes from October 4, 1999, as delivered. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, and Perrin.

Vice Mayor Rega moved to Item 4-A on the agenda in order to provide extra time for Coach Dickie Nutt and members of the A.S.U. Basketball Team to arrive. A proclamation had been prepared in their honor.

The following ordinance was on third and final reading:

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

Councilman Tate moved, seconded by Councilman Rorex for the adoption of the ordinance. The first to address Council was Attorney C. M. Mooney, Sr., representing Mr. Foster. Mr. Mooney argued that during the time of annexation people were told that if they would vote for annexation, the City of Jonesboro would work with

them in getting their property zoned as needed (all property annexed was zoned as Residential R-1). He stated that has not been the case. A hand out was provided to Council containing a letter, plat, site facts, planned site development, and a petition of 14 signatures in favor of the zoning change. Attorney Mooney stated the immediate neighbors were in support of the zoning change, and the opposition is coming from individuals living outside the area. Furthermore, Attorney Mooney stated each one purchased their property knowing there was Residential -2 and Residential -3 zoning in the area. He explained it was up to the Metropolitan Area Planning Commission to approve building plans (including sewer), and it was Council's responsibility to determine the zoning classification. Speaking in opposition, was Mr. Robert Ryan who objected to a statement made by Attorney Mooney. Mr. Ryan stated the property being re-zoned is located in a cul-de-sac which is occupied by Mr. Foster and his family or renters. He contended that it would stand to reason that they (Mr. Foster and family/renters) would not object to the rezoning, but several others in the area do. Mr. Ryan stated re-zoning the property would decrease property value, increase traffic, and would set precedence for further Residential -2 zoning. He stated in the past Council has denied re-zoning in the area, and the density permitted, should the re-zoning be granted, would exceed the minimum density rate set by Jonesboro's Comprehensive Plan. Mr. Ryan stated members of the Metropolitan Area Planning Commission (MAPC) were told that sewage from the existing 4 unit complex on the northwest corner would be piped to the septic system on the southwest corner where the new structure would be located, and the Health Department had given their approval. Mr. Ryan stated that was not true, rather the Health Department had stated they would not approve such a plan, and launched an investigation. He stated allowing more units to an already crowded area would create a health hazard. Councilman Kelton questioned City Planner, Jeff Hawkins who stated the MAPC had reviewed the matter in June and it was denied for reasons of spot zoning. He stated the area has multi-family use, but is non-conforming usage. Councilman Kelton stated it was his understanding that the existing apartment complex was zoned Residential R-2, but discovered it was still Residential R-1. Councilman Tate stated there are several duplexes (in the area) zoned Residential R-1, annexed in as non-conforming use. Councilman Kelton reminded Council of the sunset clause in the year 2009 for compliance of non-conforming usage. Councilman Kelton also stated he recently discovered that Mr. Foster does not own the property. Attorney Mooney stated the issue for the Council is zoning not the use of the property. Vice Mayor Rega called for a roll call vote which resulted in an eight (8) to three (3) vote against the motion for adoption. Those members voting nay were: Kelton, McCall, Rega, Province, Copeland, Moore, Perrin, and Roddy. Those members voting aye were: Tate, Crockett, and Rorex. The motion was denied.

Vice Mayor Rega referred back to the Mayor's Proclamation honoring Coach Dickie Nutt, Chico Fletcher, Freddie Hicks, and Antonio Harvey for winning the 1998-1999 Sun Belt Conference Tournament and playing in the NCAA Tournament. The proclamation declared October 17th through the 23rd as "Arkansas State University Week" in honor of the ASU Basket Ball Team.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE TO VACATE AN UNIMPROVED PORTION OF RANSOM LANE OF MCDANIELS 4TH ADDITION (John Ward)

Councilman Perrin moved, seconded by Councilman Roddy to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. Councilman Perrin moved, seconded by Councilman Tate to further suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. Councilman Perrin moved, seconded by Councilman Roddy for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland,

Moore, Perrin, and Roddy. The ordinance was assigned number 3170.

Councilman Tate moved, seconded by Councilman McCall for the adoption of a resolution to proceed with condemnation action against property located at 519 and 525 North Church Street owned by Mr. and Mrs. Marshall Ghant of Mark Tree, Arkansas. Mr. Bill Ebbert was recognized by Vice Mayor Rega, and addressed Council regarding this matter. He stated even though he does not have a direct interest in the property, he does have concerns over the condemnation practices of the City of Jonesboro. It was explained that he himself has had two pieces of property condemned by the city and contended condemned property should be maintained, rather than destroyed. Mr. Ebbert questioned how many council members went and viewed the property. Several council members stated they had. Mr. Ebbert stated he has spoken with numerous inspection offices across the state and was told demolition should be the last option in solving the situation. He recommended checking with Habitat for Humanity or some other housing facilitator before tearing the City's resources down. Councilman Tate responded by saying the property is being used as a crack house and has been a problem for years. Mr. Ebbert responded saying there is a police station only three blocks away. Mr. Brian Wadley of the Inspection Department explained the condemnation process began four years ago and the City of Jonesboro has been very patient in trying to resolve the problem. Councilman Kelton stated he had spoken at length with Mr. Ghant and then with Mr. Doug Little, Jonesboro Code Enforcement Officer. Councilman Kelton stated Mr. Ghant told him that he had some financial problems and was trying to find someone to help restore the property, but was unsure if he could afford it. Alderman Kelton stated Mr. Ghant did not blame Code Enforcement Officer, Doug Little, but himself for not having the money for repairs. Councilman Kelton stated he explained to Mr. Ghant what the condemnation process would mean, and even though Mr. Ghant was not happy about the property being condemned, he did feel he had been given ample time to resolve the matter. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The resolution was assigned number 1999:51.

Councilman Tate moved, seconded by Councilman Crockett for the adoption of a resolution setting a public hearing for November 1, 1999, at 6:10 p.m. for the purpose of vacating a ten foot utility easement located on the south side of Lot 1, Block "B" of Griffin Park Subdivision. The public hearing was requested by Mr. Bob Gibson. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The resolution was assigned number 1999:52.

Councilman Crockett moved, seconded by Councilman Copeland for the adoption of a resolution setting a public hearing for November 1, 1999, at 6:20 p.m. for the purpose of vacating the alley between Lots 1, 2, and 3; and Lot 4 in Block 2, of M. R. Carson's Addition. Mr. Richard Tangeman requested the public hearing. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The resolution was assigned number 1999:53.

Under new business, Vice Mayor, Rega announced the COPPS Leadership Counsel will host another community meeting at University Baptist Church at 7:00 p.m.

Councilman Moore requested TCA to run cable at 900 W. Monroe in order for ASU students to broadcast council meetings live by January 2000. Also Councilman Moore requested Council to address the three month turn around for reapplying with the Metropolitan Area Planning Commission by the next council meeting. City Attorney, Phillip Crego stated there is currently an ordinance which requires six months unless there has been a substantial change. He explained Mr. Foster's request for rezoning was resubmitted based on a change in Lots.

In closing, Vice Mayor Rega announced that Halloween will be celebrated on Sunday, October 31, 1999.

With no further business, the meeting was adjourned.