



Legislation Text

File #: MIN-99:008, **Version:** 1

Minutes from the City Council meeting on April 19, 1999

APPEAL HEARING - 5:30 P.M. - An appeal hearing was held as requested by Mr. James Bedwell, regarding denial by the Metropolitan Area Planning Commission to rezone property from Residential (R-1) to Commercial (C-3), located on the south side of Johnson Avenue, west of 4511 E. Johnson Avenue. Councilman Tate explained an incorrect plat had been submitted to the Metropolitan Area Planning Commission (MAPC). The plat showed a 40 foot right-of-way instead of the required sixty foot right-of-way. Mr. Hardy Little, Chairman of the MAPC meeting on March 16th, stated Mr. Bedwell's request was denied because it did not meet the Metropolitan Area Traffic Authority (MATA) street specifications (60 foot right-of-way). Mr. Little recommended verifying the plat for the appropriate right-of-way, then approving the rezoning if it met MATA specifications.

PUBLIC HEARING 5:50 P.M. - No opposition was voiced regarding the vacating of a portion of utility easement between Clark's First Subdivision and Hedger's Subdivision First Addition. (Rubin Griffin)

APPEAL HEARING 6:00 P.M. - The second appeal hearing for Mr. Jay Harmon, scheduled for 6:00 p.m. (April 19, 1999) was not placed on the agenda at the request of his attorney, C. M. Mooney. The appeal hearing pertained to a denial by the Metropolitan Area Planning Commission to zone property from Residential (R-1) to Residential (R-3), located adjacent to the Moose Lodge at 225 N. Airport Road. Mr. Mooney explained his client was unable to renew the purchase agreement with the Moose Club. Dr. Eugene Smith in opposition to the rezoning, questioned if the matter would come up at a later date. Mr. Mooney stated the appeal process has a thirty day time limit, and would no longer be available to Mr. Harmon. Councilman Rega questioned City Attorney, Phillip Crego as to the Council's involvement with this matter, since the appeal hearing was canceled on two different occasions. Mr. Crego explained Mr. Harmon would have to start the process over, going back before the MAPC after a six month waiting period. He stated the only way the matter could be heard prior to the six month period, was to amend the zoning request.

APPEAL HEARING 6:15 P.M. - Attorney, C. M. Mooney, representing Affhouse, LLC, stated Mr. Gary Gibbs had a contract to purchase the two ten-acre tracts. It was explained that the property is located near the Jonesboro Municipal Airport which is zoned Industrial (I-1), and because the Airport cannot grow any larger, there is no need for further Industrial zoning in the area. Mr. Mooney stated most of the people in opposition to the rezoning did not live in the immediate area, but in other subdivisions off Aggie Road. It was explained it is the responsibility of the MAPC to approve any future building plans, but the Council is to determine zoning. Mr. Gary Gibbs addressed Council stating he intends to build an apartment complex consisting of 100 units with 1, 2, or 3 bedrooms. Each unit will have washer-dryer hook-ups, cathedral ceilings, and living-dining-kitchen areas. Mr. Gibbs stated he is required by lenders to own the property for fifteen years, provide for extraordinary maintenance (\$200.00 per unit, per year with the amount escalating each year), provide debt service reserves equal to twelve months debt service, and capitalize interest in to the development plan. Mr. Gibbs stated this was not a low income housing project (HUD). Councilman Copeland inquired as to how long Mr. Gibbs would be receiving tax credits. Mr. Gibbs stated he would be receiving tax credits for ten years and required to own the property for an access of fifteen years. Councilman Copeland asked if he intended to be there after the fifteen years requirement was met, and would he be selling the tax credits. Mr. Gibbs stated he

would be there after the fifteen years, and yes he would be selling the tax credits. Attorney Mike Cone represented the sellers of the property, Mr. and Mrs. Kent Gibson and Thelma Gregson, each owning one ten acre tract. Attorney Cone requested Council to keep in mind the highest and best use of the property when considering the zoning request. Dr. Eugene Smith who lives in the University Heights Subdivision spoke in opposition to the zoning request. Dr. Smith stated the surrounding area continues to develop with single-family occupancy homes, and Council should consider the effect rezoning would have on these families. He stated land developers are more concerned with making money, rather than the highest and best use of the property. Dr. Smith listed several schools, churches, and subdivisions located in the area, and explained there are only two traffic carriers: north to south is Airport Road, east to west is Aggie Road. He explained these roads were not designed to carry the kind of traffic they are carrying. Dr. Smith distributed a petition containing 650 signatures in opposition to the zoning request and stated they were concerned with the character of the area, the safety of their children, and the decline of property values as a result of rezoning decisions made by council members. Others spoke in opposition to the zoning matter, citing traffic problems, and decreased property values as reasons for not wanting to live in a Residential (R-2) area.

CITY COUNCIL MINUTES - April 19, 1999

The Jonesboro City Council met Monday, April 19, 1999, at 6:30 p.m. A full quorum was in attendance. Present were: Mayor Hubert Brodell, City Attorney, Phillip Crego, City Clerk, Donna K. Jackson, 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 Rorex moved, seconded by Councilman Perrin for approval of the minutes from April 5, 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, Perrin, and Roddy.

The following ordinance was on the 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 (Phillips Investment)

Councilman Tate moved, seconded by Councilman Roddy for the adoption of the ordinance. Councilman Copeland expressed concern for traffic turning left (back towards Hilltop) and recommended the developers consider the traffic patterns there on Highway 49. 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 3119.

Councilman McCall offered the following ordinance for first reading:

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

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

Province, Copeland, Moore, Perrin, and Roddy. Councilman Kelton moved, seconded by Councilman Perrin for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The ordinance was assigned ordinance number 3120.

Councilman Perrin offered the following ordinance for first reading:

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

Councilman Tate moved, seconded by Councilman Moore to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. At the request of Councilman Rega, the ordinance was held at second reading so a corrected plat could be provided to Council.

Councilman Perrin offered the following ordinance for first reading:

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

Councilman Perrin moved, seconded by Councilman Copeland to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. Councilman Perrin moved, seconded by Councilman Roddy 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 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 were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The ordinance was assigned ordinance number 3121.

Councilman Roddy offered the following ordinance for first reading:

AN ORDINANCE ABANDONING A PORTION OF UTILITY EASEMENT BETWEEN CLARK'S AND HEDGER'S SUBDIVISION (Rubin Griffin)

Councilman Moore 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 were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. Councilman Tate moved, seconded by Councilman Perrin 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 were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. Councilman Perrin moved, seconded by Councilman Crockett for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The ordinance was assigned ordinance number 3122.

Councilman Roddy offered the following ordinance for first reading:

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

No further action was taken regarding this particular ordinance.

Councilman Crockett offered the following ordinance for first reading:

AN ORDINANCE TO AMEND ORDINANCE NO. 954 KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES AND FOR OTHER PURPOSES (Affhouse/C.M. Mooney, Sr.)

Councilman Rega moved, seconded by Councilman Crockett to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. At the request of Attorney Mooney the third reading of the ordinance was set for May 3, 1999.

Councilman Perrin offered the following ordinance for first reading:

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF SPRINKLER EQUIPMENT FOR THE PARKS DEPARTMENT

Councilman Rega 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 were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. Councilman Rega moved, seconded by Councilman Roddy to suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye. Those members 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 were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The ordinance was assigned ordinance number 3123.

Councilman Tate offered the following ordinance for first reading:

AN ORDINANCE REPEALING ORDINANCE 3006, A REZONING ORDINANCE FROM RESIDENTIAL (R-1) TO COMMERCIAL (C-3) (Lacky)

Councilman Rega moved, seconded by Councilman Perrin to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. Councilman Tate moved, seconded by Councilman Perrin to suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. Councilman Rega moved, seconded by Councilman Perrin for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The ordinance was assigned ordinance number 3124.

Councilman Perrin moved, seconded by Councilman Moore for the adoption of a resolution approving the action plan for the city, dated April 19, 1999, including the 1999 Community Development Block Grant

Projects and Budget. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The resolution was assigned resolution number 1999:14.

Councilman Moore moved, seconded by Councilman Copeland for the adoption of a resolution approving the revised expenditures for the 1997 and 1998 Community Development Block Grant Projects and Budget. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The resolution was assigned resolution number 1999:15.

Councilman Tate moved, seconded by Councilman Perrin to approve the reappointment of Betty Shaw to the Metropolitan Area Planning Commission with an expiration date of March 31, 2002. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy.

Under new business, Councilman Tate offered the following ordinance for first reading:

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE PURCHASE OF A 1985 FORD LN 8000 W/LMT FOLDING CRANE

Councilman Crockett moved, seconded by Councilman Perrin to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. Councilman Perrin moved, seconded by Councilman Roddy to suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. Councilman Crockett moved, seconded by Councilman Copeland for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The ordinance was assigned ordinance number 3125.

Councilman Rorex reported the Parking Committee met and discussed a request to extend a concrete barrier out in to Church Street (on to a parking space). He explained the Parking Committee voted not to allow the building of the concrete barrier, but later were told the committee had no authority in the matter, only the Downtown Association makes those decisions. Councilman Rorex stated if the committee has no authority with regard to the concrete barrier being built, then the city should not be held responsible if there are any accidents resulting from the construction of the concrete barrier, and the Downtown Association should be held liable. Mayor Brodell asked City Attorney, Phillip Crego to research the matter. Attorney Crego responded saying, he did not know of any entity, other than the City Council that can authorize building in to the city's street right of way. Councilman Moore stated the Parking Committee had been told that there was an ordinance giving the Downtown Association the authority to control parking.

Councilman Rorex stated the Parking Committee also met and discussed a request made by Joel Wagner, owner of Robinson Printing, to create a leased parking space in front of 111 Mangrum Street. City Attorney Crego stated last year the Parking Committee met with downtown business owners to discuss this same issue. Mr. Crego stated at the time, he recommended doing a survey of available parking space, because he could envision one owner wanting to lease an entire block for customer parking. He cautioned Council not to do this for one business, unless they were prepared to do it for all business owners. Councilman Rorex stated since 14 spaces were provided further down on Jackson Street the committee felt they should approve this particular request.

Mayor Brodell responded saying the 14 spaces on Jackson Street does not face a business. Councilman Moore stated Mr. Wagner is sharing the same building as the business owner who was provided 14 spaces. Mayor Brodell stated Michael Beeman, the Human Resources Director would be advertising for a parking supervisor who will be issuing tickets. Councilman Tate stated the 14 spaces were the only on-street leased parking spaces, and all other spaces were in parking lots. He explained the decision was made last year not to lease any more on-street spaces, and not renew the 14 spaces on Jackson Street when they expire. Mayor Brodell stated the lease for the 14 spaces expires January 1, 2000. Councilman Perrin asked if all rent has been collected on the leases. Mayor Brodell stated they have either been collected or the lease was not reissued. Councilman Perrin requested the Parking Committee work with City Planner, Jeff Hawkins in coming up with solutions to this problem (parking lots and on-street spaces), and making recommendations to Council. Councilman Rorex requested research be done on every leased parking space, because of a space being used free due to the death of the original owner. Mayor Brodell stated if it is on a parking lot, and the rent has been paid, anyone can park there. Councilman Rorex agreed and stated some are taking advantage of the situation.

Councilman Rega announced a Parks Committee meeting to discuss possible uses for the Huntington Ave. property. He also announced the new officers for the Parks Citizen Planning and Advisory Committee: Chairman, Steve Cox; Vice Chair, Dr. Mike Parkey; and Secretary, Chris Fowler.

Councilman Perrin provided a compliance list for each department regarding Y2K. Mr. Perrin explained the 911 & Information Systems Committee has reviewed different vendors and will make a recommendation May 3, 1999.

Councilman Tate moved, seconded by Councilman Kelton for the adoption of a traffic resolution placing a 45 M.P.H. speed sign at Commerce Drive between Highland Drive and Pacific Road. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The ordinance was assigned resolution number 1999:16.

Councilman Copeland moved, seconded by Councilman Crockett for the adoption of a resolution amending the authorization of the Mayor and Clerk to sell lots 6 & 7 in the industrial mini-park (S & S Properties). A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Crockett, Rorex, Rega, Province, Copeland, Moore, Perrin, and Roddy. The ordinance was assigned resolution number 1999:17.

With no further business, the meeting was adjourned.