

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 5, 2022
6:00 P.M. - 6:45 P.M.**

REGULAR CITY COUNCIL MEETING - CITY HALL - #1 MUNICIPAL DRIVE

The City Council of the City of Jacksonville, Arkansas met in a regular session on May 5, 2022 at the regular meeting place of the City Council. Council Member Bolden delivered the invocation and Mayor Johnson led a standing audience in the "Pledge of Allegiance" to the flag.

ROLL CALL: City Council Members: Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, and Traylor answered ROLL CALL. Mayor Johnson also answered ROLL CALL declaring a quorum. PRESENT SEVEN (7) ABSENT (3). Council Member Twitty, Smith, and Rains were absent.

Others present for the meeting or by zoom were: City Attorney Stephanie Friedman, Fire Chief Alan Laughy, Police Chief Brett Hibbs, Public Works Director Jim Oakley, Parks and Recreation Director Kevin House, CDBG Director Benita Bosier-Ingram, Lieutenant Ryan Wright, IT Director Emily Osment, Animal Control Manager Jamie Parker, and Planning Commission Chairman Jim Moore.

Mayor Johnson announced that Council Member Bolden and his family will be appearing on the program Family Feud which will air in the Fall.

PRESENTATION OF MINUTES: Mayor Johnson presented the minutes of the regularly scheduled City Council meeting of April 21, 2022 for approval and/or correction at the next regularly scheduled City Council meeting.

APPROVAL AND/OR CORRECTION OF MINUTES:

Council Member Bolden moved, seconded by Council Member Traylor that the minutes of the regularly scheduled City Council meeting of April 7, 2022 be APPROVED. MOTION CARRIED.

CONSENT AGENDA: REGULAR MONTHLY REPORT/ENGINEERING DEPARTMENT

Council Member Ray moved, seconded by Council Member Bolden to approve the regular monthly report for April 2022.

APRIL

PERMITS/LICENSE ISSUED

Building Permits 11
Business License -

INSPECTIONS PERFORMED

Building Inspections 30
Electrical 33
Plumbing 32
HVACR 13

REGULAR MONTHLY REPORT/ANIMAL CONTROL

Council Member Bolden moved, seconded by Council Member Mashburn to approve the regular monthly report for April 2022.

ADOPTION FEES	\$ 0.00
SPAY/NEUTER FOR ADOPTED DOGS	0.00
FINES	660.00
CONTRIBUTIONS	675.00
TOTALS	\$ 1,335.00

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 5, 2022
6:00 P.M. - 6:45 P.M.

ROLL CALL: Council Member: Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, and Traylor voted AYE. MOTION CARRIED.

WATER DEPARTMENT:
WASTEWATER DEPARTMENTS:
FIRE DEPARTMENT:
STREET DEPARTMENT:
POLICE DEPARTMENT:
SANITATION DEPARTMENT:
PARKS & RECREATION:

PLANNING COMMISSION: 2nd READING ORDINANCE 1693 (#12-22)
AN ORDINANCE RECLASSIFYING PROPERTY IN THE CITY OF JACKSONVILLE, ARKANSAS (122 VAUN DRIVE); AMENDING ORDINANCE NOS. 213 AND 238 AND THE LAND USE MAP OF THE CITY OF JACKSONVILLE, ARKANSAS; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

Council Member Ray moved, seconded by Council Member Bolden to place Ordinance 1693 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, and Traylor voted AYE. **MOTION CARRIED.** **Whereupon City Attorney Friedman read the heading of Ordinance 1693.**

Mayor Johnson stated that he believes everyone is aware of this property except for Council Member Mashburn, who was not at the previous City Council meeting.

Council Member Mashburn assured that she has already read up on it.

Council Member Traylor shared his belief that this property still needs to be R-5, not R-6.

Public Works Director Jim Oakley related that he did not get further clarification from the petitioners and agreed with City Attorney Friedman that they were waiting on specs for the house from them.

Council Member Traylor recalled that the petitioners told them that it was going to be on a foundation.

Public Works Director Jim Oakley agreed that they said they were going to pour a foundation, and when Council Member Traylor asked if it would then be R-5, he replied that he would have to see more definition; just because it is on a foundation does not mean that it is modular.

Council Member Traylor clarified that modular homes are R-5 and manufactured homes are R-6, and the petitioners said it was going to be a modular home. He pointed out that without a definition and approved as R-6, it could be a trailer.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 5, 2022
6:00 P.M. - 6:45 P.M.

Public Works Director Jim Oakley agreed.

Council Member Traylor asked if they could amend the Ordinance to be R-5.

City Attorney Friedman stated that they can, but the Planning Commission approved as an R-6 and she would like to make sure the specifications are correct.

Public Works Director Jim Oakley confirmed with Council Member Dietz that the petitioner explained it as a modular home, but he has not seen the specifications and cannot say for sure without seeing them.

Council Member Dietz noted that it is approximately 2100 feet, and once placed, it will be one piece where they will take off the tires and wheels to make it permanent. He stated they will skirt around it, pointing out that the area is a mixed area on three acres, and it fits in perfect. He confirmed that only one home is allowed in an R-6, even if it is a double-wide that is put there on a slab with a skirt. He reiterated that it is one, three-acre lot that backs all of the way into the end.

Council Member Traylor related that the only problem he had was that it was going to be on a foundation, and to him, that is an R-5. He believes if it is not going to be on a foundation, they are wanting R-6, and the Planning Commission approved it, he is fine with that, but it is not what they were told was going to be built there.

Public Works Director Jim Oakley affirmed that he could verify for clarification.

Council Member Dietz agreed when Council Member Bolden asked if when the Planning Commission voted on this, did they know it was going to be a mobile home, or double-wide modular home.

Public Works Director Jim Oakley replied that he did not recall the Planning Commission discussing that it had to be on a slab.

Council Member Bolden stated that if they were not told that it had to be on a slab and we are recommending R-6, he believes they should pass it at what it is to avoid putting a financial burden on the family, unless they said that they were going to put it on a slab.

Council Member Dietz confirmed that the petitioners did say they were going to pour concrete, put it on a slab, the wheels will be removed as soon as it is delivered, so there will be no way to move it, no tongue, be tied down, and have a skirt around it.

City Clerk Davitt added that it will be permanently attached to a foundation.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 5, 2022
6:00 P.M. - 6:45 P.M.**

Council Member Sansing noted that if they pull it in on wheels, it is an R-6, even if they take the wheels off. He assured that it is different from bringing a truck in for modular homes, where they lift out sections, rooms, and walls, and put it together. He affirmed that if they pull it in on wheels, it is a manufactured home.

City Clerk Davitt added that modular homes are also built on wheels, part of the manufactured distribution line, but there are modular homes built on wheels.

Mayor Johnson commented that once you put it on a foundation, it changes from personal property to real property.

Council Member Bolden moved, seconded by Council Member Sansing to **APPROVE Ordinance 1693 on SECOND READING and place on THIRD and FINAL READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, and Mashburn voted AYE. Council Member Traylor voted NAY. **MOTION CARRIED to pass on SECOND READING but FAILED to be placed on THIRD and FINAL READING.**

Ordinance 1693 will return for THIRD and FINAL READING at the next regularly scheduled City Council meeting.

COMMITTEE(S):

GENERAL: a. DISCUSSION: Pit Bull restrictions

Council Member Blevins recalled that he brought up an Ordinance last year about using the same ordinance that other cities have used to allow Pit Bulls in their city. He explained that it is a very strict rule requiring insurance, the dog has to be spayed unless it is a show dog, among other rules. He said it did not pass but since then he has had someone else mention it to him, so he reached out to the current Director of Animal Control. He related that she relayed to him that the Animal Shelter is at, and has been at, critical mass every single month due to approximately 80% of the animals there being Pit Bulls. He continued to say that they cannot get rid of them unless another shelter that is able to have Pit Bulls takes them, because they cannot adopt them out. He pointed out that they are having to spend man hours taking care of the animals or spending money on food, only to eventually have whatever has to happen to get rid of them to free up space. Due to that, he feels that if we were to reintroduce this extremely strict ordinance that Cabot and everyone has that allows Pit Bulls in the City for specific people to register them, that it would free up all of the animals that get grabbed on a regular basis and taken into the Shelter. He stated that no one wants to pick them up from the Shelter because they will get fined and will not be able to take the dog with them. He explained that all because the dog is a Pit Bull, it gets taken to the Shelter whether it is an aggressive dog, a baby, or any of those things. He offered that we should definitely reconsider the Ordinance just on the fact that we are continuing to be completely full because of this. He noted that it could have been any other animal that was filling up the Shelter if it was banned, but it just so happens that it is Pit Bulls and this discussion is about doing this to

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 5, 2022
6:00 P.M. - 6:45 P.M.**

relieve some pressure off Animal Control, also making it so that they do not have to run on hundreds of calls all the time where people call in Pit Bulls. He added that it might even bring in some revenue to the City to have owners register their Pit Bulls.

Council Member Sansing related that the Pit Bulls that being picked up now are illegal in the City, but they bring them here anyway. He questioned what would make anyone think that with much stricter rules, that the people who are currently bringing in Pit Bulls illegally would even follow stricter rules.

City Attorney Friedman answered that the people who have Pit Bulls, often come to Court, and they either get rid of their Pit Bull or they say they are moving. She assured that it would be a lot easier if there were some recourse where they can show proof of registration, been microchipped, and all of the requirements that Council Member Blevins was talking about. She stated that it is easier for her, as City Attorney, to handle those cases in Court, but they are addressing those issues and the people who are coming to court do want to do the right thing. She noted that this does not solve the issue of those who have not appeared in Court, but feels that they would be willing to go through the extra steps.

Council Member Bolden stated that he would like to hear from the Animal Control Manager.

Manager Jamie Parker stated that the Shelter is beyond capacity, explaining that she has dogs in wire crates currently to keep from having to euthanize the animals to make room. She related that 75% to 80% of the dogs at the Shelter are Pit Bulls. She pointed out that 5 out of 15 bite cases for 2022 were Pit Bulls; there was also a Terrier, Rottweiler, Labrador, Great Dane, Collie, 2 Healers, Schnauzer, Terrier and a Boxer. She then answered that they were not serious bite cases, it was just punctures. She then related that last year (2021) 8 out of 20 bite cases were Pit Bulls or Pit mixes; 3 Shepherd mix, Great Dane, Chow, Healer, 2 Lab mixes, Collie and a Dojo Argentina. She stated that any one of the Pits at the Shelter currently are able to be leashed and walked in the dog park and they are fine. She added that Christine Henderson, JFOTA President, has been coming to the Shelter for the last two weeks taking every one of the dogs out to take pictures and play with them in the dog park, and none have showed any kind of aggression to her or any one at the Shelter. She stated that her main job is to take care of the health and wellbeing of the animals and find them a good home, adding that she can not do that with as many Pits that she has because they are not allowed in the City limits. She explained that every Pit they find, the majority of owners move them out of the City limits, pointing out that they go back and do a recheck. She stated that if they pick up a Pit a second time, the owner does not get the dog back.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 5, 2022
6:00 P.M. - 6:45 P.M.**

She then confirmed with Mayor Johnson that Christine post the pictures on the support page, not the Shelter page, after he commented that a couple of people had told him they did not see the dogs for adoption on the City page. She then stated that some of the animals will be on the Shelter page because she will post what she can and then share it to the support page. She continued saying that a majority will be on either/or both.

Chief Hibbs answered that the most common breed to bite is Pit Bull or Pit mix. He noted that the rest of the dog group did not add up to the Pit bites. He stated that to him, it does not matter how they are raised, pointing out that once they bite, that is how they are going to act. He stated that they fight with other animals in the neighborhood, and attack other dogs. He stated that most of the time it is the Pit that are attacking other dogs as well as chickens and, once they attack that is all they want to do. He stated that once they get their jaws locked onto something you can not get them off. He surmised that the 5 Pit bites are probably more serious than the other dog bites.

Manager Jamie Parker agreed that some of them might be, adding that the Healer mix messed up someone's calf pretty good.

Chief Hibbs stated that once an owner is told they are banned and cannot have them, they act like they are taking them out of town and then after the follow up by Animal Control, they bring the dog back. He related that he believes they would be more apt to register them than get rid of them. He concurred with City Attorney Friedman, noting that if you go to Court and see has restrictions they have to follow they would be more apt to do that rather than have to get rid of their animal. He added that people do not always pay attention to the rules that go along with being able to have a Pit Bull in the City.

Council Member Sansing commented that in 2021 Pit Bulls were 40% of the bites and so far, this year they are 33% of the bites and this an animal that is banned in the City. He stated that to him, a dog that is not even supposed to be here is responsible for that high of a percentage of bites and there is a lower number of that breed in the City, then that percentage is much higher. He added that Pit Bulls have a different genetic bite, when they bite, they clamp and hang on shaking their head. He stated that is what they have been bred to do, saying they are not like other dogs. He stated that this is why all responsible Pit Bull owners must have a jaw breaker tool, to open their jaws. He stated that he knows of a young man in town who when he was a child, a neighbor's Pit Bull got a hold of him and it did permanent damage.

Manager Jamie Parker stated that she can attest to the Pit Bull bites because last October she was bit by a Pit mix from the Shelter. She explained that the dog was not vicious or violent, but she was not familiar with the leash and when I put the leash on her, she freaked out and pulled the leash out of my hand; when I reached down to get the leash, she got me. She stated that she understands what he said but any other dog that will be able to bite...

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 5, 2022
6:00 P.M. - 6:45 P.M.**

adding that she was bit by a Shepherd when she was a kid so she understands the traumatization of a dog bite. She added that everyone is welcome to come to the Shelter and visit with the Pits they have.

Council Member Blevins stated that he understands about people that have had vicious experiences, but there are also stories about how Pits are comfort animals to some people, helping even people with PTSD. He stated that the whole idea of bites as a large percentage, you said we do not even know how many Pit Bulls there are so you can not really say that there are less Pit Bulls than there are these other animals because there is no registration process. He added that because everybody else is doing it illegally does not mean that we should not try to regulate it at all, that does not make any sense.

Council Member Traylor pointed out that the regulation is that you can not have them.

Council Member Blevins clarified he meant a regulation to combat the illegal activity that is going on currently.

Council Member Bolden stated that previously he did extensive research on Pit Bulls because it was brought to his attention that people wanted to have them. He stated that when he finished his research, making phone calls across the United States, he decided to drop it because, according to the research, we had to have slabs and microchips and everyone is not going to pay to do that. He stated that only some doing what is required is not good enough, saying that it is better to ban. He stated that if the City opens it up, the numbers will be higher. He addressed the comfort factor, saying that one of his sons has a Boa Constrictor for a pet and it brings him comfort, he has PTSD, but I do not go to his house because of it. He stated that the Pit Bulls will be based on who owns them; their whole mind set, just like any other animal. He explained he had to tell someone walking a Pit Bull by his Church that they are illegal in the City. He stated that the bottom line is, we know there are Pit Bulls in the City, and the attitude is that they do not want to give up their animals. He stated that while some people will jump through hoops to have them, some others will only do enough to get by. He stated that after his research he is against lifting the ban on Pit Bulls.

Council Member Blevins stated that nationwide they are trying to end breed specific legislation and when that happens, all of this is going to be a moot point anyway. He stated that there are other cities that had these, cities that are flourishing equally, if not better, than us, that have taken this regulation into play and it has been working successfully. He stated that last year when he brought this up, he had been contacted by numerous citizens as well as Manager Cass of the Animal Control; he was in contact with Chief Hibbs and Code Enforcement, who were also onboard. He presented an Ordinance and during the City Council meeting the tone change, but everyone was onboard with it until an incident happened that I prefer not to bring up, assuring

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 5, 2022
6:00 P.M. - 6:45 P.M.

everyone that it did not have to do with dog bites. He stated that this is something that we should look into, maybe have a public hearing to ask the citizens if they want it. He stated that there are tons of people making posts online. He stated that he feels you really only hear the negative regarding Pit Bulls, which skews the positive that makes it look like it is worse than it really is.

Council Member Bolden recommended that Council Member Blevins host a townhall meeting and those interested can attend, let the community come forward and see what they say.

Chief Hibbs offered that he worked in the 90's and early 2000's when Pit Bull fighting was a big deal in the City, explaining that they hardly ever caught them doing it because if we got close they would break it up. He stated that what the animals went through and the injuries they had were horrific and it was considered a sport and that was part of the reason for this ban. He related that the other part is that United States statistics from 2021 on Pit Bull bites are 3,397 bites in the Country and that is 295 deaths; the only thing even close to that is Rottweilers, which is only in comparison at 535 bites. He pointed out that is a big difference, and by far Pit Bulls are more dangerous and aggressive, they are good when they are good dogs, but when the day comes, they are bad. He stated that he has read plenty of articles regarding that and the statistics are 295 deaths from Pit Bulls while only 8 from the next highest-ranking dog, which is the Rottweiler. He again stated that is a big difference, saying in his opinion there is an issue there. He then questioned if the Pit Bull bites have gone down in the other cities that have lifted the ban, which is what we do not know yet. He stated his concern is the problems they will have to deal with if the ban is lifted. He stated that having that many Pit currently at the Shelter is another problem for us.

Council Member Ray thanked Chief Hibbs for that information, saying that he feels the ban in the current Ordinance should stand.

Council Member Dietz stated that if there is a townhall meeting, the facts need to be provided to everyone. They need to know how much it is going to cost them, how much to maintain, and how much it cost to have the chip, slab, or a fence. He stated that currently we have a bigger issue; people not taking care of their yards, surmising if they will not take care of their yards, then they will not take care of a dog. He stated that he is not against, or for, the Pit Bulls but they need to know the whole costs, noting the cost of insurance for them will be at least \$300.00 to \$400.00 annually.

b. DISCUSSION: Email accusations

Council Member Blevins noted during the previous City Council meeting they were given an email chain that Council Member Rains wanted them to have regarding the broadband. He stated that he was concerned about some of the language, noting that there was a statement that all of the City Council was

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 5, 2022
6:00 P.M. - 6:45 P.M.

on something. He related that it seemed like a completely inappropriate comment to make, especially being in a public document that could be subject to FOIA. Especially, following the words during the meeting about inappropriate statements to know that one of those would be in that email, calling everyone else who was not on the same page as her basically "on something". He stated that this should not happen.

c. DISCUSSION: Citizen Satisfaction Survey and d. Citizen Satisfaction Survey
Mayor Johnson related that he wants to combine items of business c and d, since they both have to do with the same thing.

He asked City Attorney Friedman if it could be distributed to a registry that Council Member Rains obtained from the Chamber of Commerce and then to the citizens, asking if this should be distributed to the public without City Council or Water Commission approval.

City Attorney Friedman answered that she had looked at the survey and there were quite a few questions about Water Department issues, saying that she believes the Water Commission should approve those questions. She continued saying that from her understanding, Department heads have worked with her on the survey and the same should be for the Water Department, they should have a say on what goes in the survey regarding their Department. She stated that the Water Commission meets once monthly and she could present that to them at the next meeting.

Mayor Johnson stated that his other question would be should this be put out without the City Council's approval.

City Attorney Friedman stated that if it is a City survey, the City Council would need to approve it. If it is Rose Rains wanting to submit the survey on her own, she can certainly do that without the endorsement of the City. She added that from her understanding it is going on the City website and that would need to be approved by the City Council.

Council Member Blevins offered first and foremost, surveys are supposed to be anonymous while you have to register to take this survey. Secondly, you have to answer all the questions and by having an "I don't know" choice and having it be a guaranteed question that skewers the percentages. He then noted his understanding that surveys are conducted by a third-party company, and it seems she will tally the totals and let us know what is going on. He then stated that even though this was supposed to be a survey to help the citizens there were no questions about Code Enforcement or Parks and Recreation, which are the main two Departments that deal with citizens. He offered that questions about the water quality is not anything that the City Council has any authority to address. He noted questions also about broadband, which is again, nothing that the City Council has any control over. He stated that he has called all of the Directors to ask if they contributed to the survey and is yet to find one that has, so he is not aware of where

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 5, 2022
6:00 P.M. - 6:45 P.M.

the questions came from. He stated that he does not feel this is a survey that the City should endorse being sent out. It was not agreed on or created by the City Council. He went on to say that the focus of the questions are not really the focuses of things the City Council can affect.

Mayor Johnson asked City Clerk Davitt to contact Council Member Rains and relate that as an individual she can do what she wants, but she cannot do it representing the City.

Council Member Bolden stated that anytime a survey is conducted by an entity the size of our City, it must be an outside contracted party that manages the survey, that way there is not personal opinion coming into it. He stated that he is not in favor of this survey.

Council Member Blevins stated that the questions regarding citizens interaction with the Police and Fire Departments with their names attached would be hard to get feedback for fear of reprisal.

Council Member Dietz noted that the Water Department releases a water quality report annually that is conducted by professionals.

APPOINTMENTS:

UNFINISHED BUSINESS:

ANNOUNCEMENTS: Council Member Sansing announced that the Wastewater Department just received the highest State's award, and Wastewater General Manager Thea Hughes was inducted into their Hall of Fame.

Mayor Johnson noted that Wastewater General Manager Thea Hughes shared the acceptance with her team.

ADJOURNMENT: Without objection, Mayor Johnson adjourned the meeting at approximately 6:45 p.m. MOTION CARRIED.

Respectfully,

Susan L. Davitt
City Clerk-Treasurer

MAYOR BOB JOHNSON