

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
JULY 15, 2021
6:00 P.M. - 7:01 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 July 15, 2021 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, Twitty, and Rains answered ROLL CALL. Mayor Johnson also answered ROLL CALL declaring a quorum. PRESENT TEN (8) ABSENT (2). Council Members Traylor and Smith were absent.

Others present for the meeting and by Zoom were: City Attorney Stephanie Friedman, Fire Chief Alan Laughy, Police Chief Brett Hibbs, Public Works Director Jimmy Oakley, IT Director Emily Osment, Jim Moore, Mark Stroud and Leader Newspaper Reporter Rick Kron.

PRESENTATION OF MINUTES: Mayor Johnson presented the minutes of the emergency City Council meeting of April 28, 2021 for approval and/or correction.

APPROVAL AND/OR CORRECTION OF MINUTES:

Council Member Bolden moved, seconded by Council Member Rains that the minutes of the emergency City Council meeting of 28 April 2021 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 June 2021.

JUNE

PERMITS/LICENSE ISSUED

Building Permits 20
Business Licenses

INSPECTIONS PERFORMED

Building Inspections 24
Electrical 25
Plumbing 28
HVACR 12

REGULAR MONTHLY REPORT/FIRE DEPARTMENT

Council Member Ray moved, seconded by Council Member Bolden to approve the regular monthly report for June 2021 from the Jacksonville Fire Department, reflecting a fire loss of \$16,000.00 and a savings total of \$474,000.00.

REGULAR MONTHLY REPORT/POLICE DEPARTMENT

Council Member Ray moved, seconded by Council Member Bolden to approve the Regular Monthly Report for June 2021 regarding annual crime statistical comparisons.

REGULAR MONTHLY REPORT/CODE ENFORCEMENT

Council Member Ray moved, seconded by Council Member Bolden to approve the regular monthly report as presented for June 2021.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
JULY 15, 2021
6:00 P.M. - 7:01 P.M.**

Assigned Calls 32
Self-Initiated Calls 92

Follow ups	65	Structures Inspected	3
Meetings/Court Hearings	0	Rentals Inspected	4
Tickets Issued	0	Properties Red Tagged	2
Three Day Notice	53	Search Warrants Served	0
Seven Day Letter	72	Structures Rehabbed	0
Vehicles Tagged	18	Structures Condemned	0
Vehicles Towed	4	Houses Demolished by City	0
Lots posted	1	Houses Demolished by Owner	0
Signs removed	47	Parking Violations	1
Trash cans tagged	0	Grass Mowed	11
Basketball Goals	0		

REGULAR MONTHLY REPORT/ANIMAL CONTROL

Council Member Ray moved, seconded by Council Member Bolden to approve the regular monthly report for June 2021.

ADOPTION FEES/FINES	\$ 1670.00
CONTRIBUTIONS	0.00
TOTALS	\$ 1670.00

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

WATER DEPARTMENT:

WASTEWATER DEPARTMENTS:

FIRE DEPARTMENT:

POLICE DEPARTMENT:

STREET DEPARTMENT: Request to accept bid: Asphalt Overlay

Public Works Director Jim Oakley stated that the project was advertised a few weeks ago, adding that he called several of the regular vendors who related that they were too busy to bid the project, so only one bid was returned. He stated that this bid is about 10% higher than the normal for this year. He stated that it is borderline if we should move forward, explaining that he is not able to tell if the price with inflation will go up or down. He then answered Council Member Blevins that the vendor was not willing to negotiate a lower price. He then noted that the bid is approximately \$30,000.00 higher than he expected. He stated that while the roads have needs, if we have to, we can wait till next year.

Discussion ensued regarding inflation and the needs becoming worse versus rebidding the job in a few months. It was noted that even though the bid is higher, it should not be put off for another year. He then answered City Attorney Friedman that the bid is off by 10% and it has to be higher than 25% of the allocation to be rebid or modified.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
JULY 15, 2021
6:00 P.M. - 7:01 P.M.

Council Member Dietz moved, seconded by Council Member Bolden to accept the bid from Rogers Group, Inc. in the amount of \$426,464.00 for asphalt overlay as presented. MOTION CARRIED.

SANITATION DEPARTMENT:

PARKS & RECREATION:

PLANNING COMMISSION: Request guidance regarding rezoning in mixed residential areas

Council Member Dietz explained that the Planning Commission had requested guidance regarding the denial of the rezoning that they had voted to approved and was sent to the City Council by Ordinance for adoption. He related that the Planning Commission had followed the rules and regulations in this instance and advised that it is advantageous to go out and look at the property before the City Council considers adoption.

Council Member Ray stated he recognized the efforts of the Planning Commission to serve the City's best interest, adding that it is not a policy of the City Council to reverse the decisions of the Planning Commission. He noted that the City Council is the body to approve those appointments. He stated that any time this happens and it fails, it is political.

Council Member Blevins stated that he voted to reverse the Planning Commission decision but did not do so as a political matter.

Council Member Sansing explained that his opposition was rezoning an area for a manufactured home that had not been and was surrounded by other homes that were not manufactured homes.

Council Member Dietz pointed out that in looking at the vicinity map you can see there are mobile home parks on either side and Dennis Lane has mobile homes further down the street. He stated that if you visit the street, it is clear this is not an anomaly for this street, noting the visible presence of mixed use on Dennis Lane. He related that it would be better to have a new manufactured home on the street instead of an overgrown vacant lot that is not doing the City any good. He reiterated to Council Member Blevins that you have to drive down the street to get the real effect of the area's mixed use. He cited other areas where the establishment of a manufactured home enhanced the aesthetics of an area even with other homes present. He stated that the Planning Commission has to make decisions on what is the best land use. He stated that the manufactured home would have been the best use for this particular area, noting that Homer Adkins, just down the road, has 30 lots for single-family development.

Council Member Sansing stated it is not so much that it is rezoned for mobile homes now, but we know mobile homes tend not to hold their value. He stated that all over the town we have lots of mobile homes that have deteriorated over the years, saying that he personally did not want to add another mobile home area into the City because I am thinking 30 years down the line.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
JULY 15, 2021
6:00 P.M. - 7:01 P.M.

Council Member Dietz stated there are some manufacturing housing that is better looking than some of the homes in his own subdivision. He noted that this property is sort of on the outskirts of Jacksonville with a clearly established mixed use. He noted that importance of the City helping to provide for affordable housing, warning City Council that there are going to be some astronomical prices on housing.

COMMITTEE(S):

GENERAL: a. ORDINANCE 1664 (#14-2021)

AN ORDINANCE AMENDING JACKSONVILLE MUNICIPAL CODE §8.20.090, TEMPORARILY CLOSING THE JACKSONVILLE RECYCLING CENTER; AND, FOR OTHER PURPOSES.

Council Member Blevins stated that he would like to withdraw Ordinance 1164 and make the item a discussion item regarding the status of the Recycling Center.

ADDITION TO AGENDA:

Council Member Blevins moved, seconded by Council Member Bolden to SUSPEND THE RULES and place for discussion on the agenda the status of the Recycling Center going forward. ROLL CALL: Council Members Dietz, Bolden, Blevins, Mashburn, Twitty, and Rains voted AYE. Council Members Sansing and Ray voted Nay. Mayor Johnson announced that there is not 2/3rds of the majority to proceed with the discussion. MOTION FAILED.

b. Review of CDBG employment contract

Council Member Ray moved, seconded by Council Member Bolden to approve the CDBG employment contract for Theresa Watson.

Council Member Blevins stated that since the previous discussion in June, it was noted in the contract that if the City hired someone, then the contract would end. He stated that it was also stated at that meeting that the job would be posted and remain so until it was filled. He noted that the job is currently not posted.

Mayor Johnson stated that it is not posted because we are going to interview the applicants and if we do not hire one of them then we will repost the job.

Council Member Blevins noted that the amount of money that the City receives with this entitlement grant is approximately \$200,000 annually; while the contract lists the pay to be around \$95,000 annually, meaning we are paying almost half of the received funds to distribute \$105,000. He stated that he had FOIA requested the payments from the Finance Department, noting that at the time of Ms. Watson's retirement she was paid for 480 hours of sick time, which is a practice of the City, but that money was taken out of the entitlement funds. He stated the question is, is paying someone more than we pay the Mayor to dole out \$100,000; saying that is his question. He then answered Mayor Johnson that legal is not in question, noting that it was said

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
JULY 15, 2021
6:00 P.M. - 7:01 P.M.

that only 20% of the entitlement funds are to be used for administration. He recalled that it was stated a conversation 20 years ago granted us a rule that no one else has heard of with a story no one else has ever heard of and it continued on for 20 years. Unlike any other city where they all stick with the 20% rule. He stated should we be paying \$95,000 to dole out \$105,000?

City Attorney Friedman stated that she does not believe she has had an opportunity to share the statute with him, saying that it talks about the employer and employee type of contract versus an independent relationship. She explained that if you have an employer and employee type of situation, according to the Federal statute, they cannot be paid in excess of level 4 of an executive schedule with CDBG funds and currently level 4 is \$172,000.00, so we fall well under that. Because now this would be an independent contractor relationship we are no longer governed by those requirements so that will no longer be an issue going forward.

At this time, MOTION CARRIED.

c. Acknowledgment of change in commissioners regarding the Foxwood Estates Municipal Property Owners Improvement District

Mayor Johnson informed the City Council that the Foxwood Estates Municipal Property Owners Improvement District has approved new commissioners to their Sewer Improvement Board. He stated this is just an informational item.

APPOINTMENTS: CIVIL SERVICE

Mayor Johnson stated that he has had several people call and ask to serve on the Civil Service Commission. He explained that Little Rock has a website for their commissions along with an application process; offering a greater representation of the community. He stated that Michelle would work with Emily to get that set up. He then noted that Little Rock keeps it for two years on their website.

IT Director Emily Osment answered Council Member Bolden that she can have it on the website this week.

Council Member Bolden moved, seconded by Council Member Blevins to table the reappointment of Lester Piggee until the City of Jacksonville website is updated with the Boards and Commission's information.

Council Member Sansing stated that he feels the City should move forward with this appointment and then have the website made available for the next upcoming appointment.

ROLL CALL: Council Member: Dietz, Bolden, Blevins, Mashburn, Twitty, and Rains voted AYE. Council Members Sansing and Ray voted NAY. MOTION CARRIED.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
JULY 15, 2021
6:00 P.M. - 7:01 P.M.**

UNFINISHED BUSINESS:

ANNOUNCEMENTS: Mayor Johnson recognized Mr. Powell of 116 Joiner, explaining that Mr. Powell has been parking his truck on the vacant lot at 119 Joiner and has been mowing the grass and taking care of the lot. He related that Code Enforcement has asked him to move his truck as it was City owned property. Mayor Johnson stated that he asked Code Enforcement to hold off and allow Mr. Powell an opportunity to address the City Council.

Mr. Powell stated that he has mowed and cleaned the lot for 8 years and has parked his vehicle on the property during that time. He stated that he would like to keep parking there and is willing to mow and clean the lot for the City, if the City Council is amenable. He explained that his property at 116 Joiner is a corner lot and if he parks his cars on the side of the street it will cause a traffic problem for people pulling up to the stop sign at the corner and for traffic turning in off of Roosevelt.

Council Member Sansing stated that he is aware of the issue and feels it should be recognized that Mr. Powell has been saving the City mowing costs for 8 years, noting that every time the City were to mow the property it would be at a cost of \$40.00. He stated that Mr. Powell has asked to be given the property but that is not something the City can do; however, the simple solution is to lease the property to Mr. Powell for \$1.00 annually. He pointed out that this would save the City from having to mow the property and it would save Mr. Powell from having to purchase the property and would allow him in leasing the property to be able to park his vehicles there and not block the stop sign at the intersection. He reiterated that this will save the City any maintenance costs regarding the property.

Council Member Blevins suggested that instead of leasing the property, the City could determine a price and offer credit for all the years of mowing he has done on the property.

City Attorney Friedman stated that this could set a dangerous precedent.

Mayor Johnson stated that normally when the City sells a piece of property we get an appraisal and they pay appraised value.

Chief Hibbs noted that he is not sure what Code cited him for; but if Mr. Powell is parking his cars on the grass, then leasing the property is not going to solve the problem. He then added that he is not familiar with an ordinance that says you cannot park on City property, adding that he does not believe that is what he was tagged for.

City Attorney Friedman read "per Mayor Johnson, you have been granted permission to park your vehicles on a vacant lot at 117 Joiner Avenue, which is currently owned by City of Jacksonville; pending a possible purchase agreement between you, Mr. Powell, and the City of Jacksonville. Code

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
JULY 15, 2021
6:00 P.M. - 7:01 P.M.

Enforcement has granted this exception for 90-days thus expiring on October 12, 2021 @ 11:59 p.m. An extension could be requested prior to the expiration date by contacting the City of Jacksonville Code Enforcement, a copy of this exception will be kept on file in the City of Jacksonville Code Enforcement Office."

Mr. Powell answered Mayor Johnson that he is parking on a hard dirt surface.

Chief Hibbs stated that he feels Mr. Powell was given a warning regarding parking on the grass with a 3- or 7-day warning as the normal process.

Council Member Bolden surmised that the amount of mowing at \$40.00 for eight years would pay for the property. He stated that he does not agree with him getting a citation. He added that he feels this should be worked out, noting that Mr. Powell is maintaining the property.

Chief Hibbs stated that he would tell Code Enforcement not to enforce this ordinance on this property if that is what the City Council instructs regarding parking on the grass.

Mayor Johnson offered that the City does allow gravel driveways in Jacksonville. He stated that if he were parking on gravel it would not be a violation of Code.

City Attorney Friedman noted that an individual making improvements to property that is not owned by them would also be an issue.

Council Member Bolden confirmed with City Attorney Friedman that it would be no problem to have the property appraised and sell it to Mr. Powell.

Council Member Sansing stated that we would need to make sure it is not an outrageous appraisal, which has been the case with some of these properties.

Council Member Bolden stated that just because it does, does not mean the City has to sell it for that.

Mayor Johnson concurred, saying the City Council gets to make that choice. He then noted that it is on the assessor's books of the County for \$1,000.00. He then explained that the property belonged to Mr. Davidson and he gave it to the City a few years ago after the house burned down.

Mr. Powell offered that he had moved into his house next door just after the house burned and Mr. Davidson gave him permission to park his cars there.

Public Works Director Jim Oakley noted that an appraisal would cost half as much as the lot is worth.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
JULY 15, 2021
6:00 P.M. - 7:01 P.M.

Council Member Dietz offered there is a way that this can be handled; explaining you can get a brokers' opinion from three different brokers, which is done often in the real estate field. He related that they would come up with a fair price based on a true market value and the City would not have to pay for an appraisal. He stated that he would refer this to three different brokers, saying that he himself would not want to be involved because of his position on the City Council. He stated that the lots range from \$500.00 to \$1,500.00.

Mayor Johnson asked Public Works Director Jim Oakley to help in contacting three real estate brokers. He told Mr. Powell he has 90-days and that this would come back before the City Council next month.

Council Member Sansing stated that he likes Council Member Blevins idea of giving Mr. Powell credit for all the years he maintained the property.

Mayor Johnson stated that decision can be made at the time we get a value on the property.

MAJORITY CLARIFICATION

In clarification Council Member Blevins clarified that a majority vote is 7 of 10 regarding the members of the City Council.

Public Works Director Jim Oakley answered Council Member Twitty that the road conditions on the access roads have been reported to the State Transportation Department.

Discussion ensued regarding the vines growing on the former Jim's Pawnshop building and it was noted that it is a City owned building and the Parks and Recreation Department have addressed the situation regarding the vines. Mayor Johnson explained that the Historical District signed the deed to the City of Jacksonville. He clarified that when the Historical District merged with the City of Jacksonville they gave their assets to the City in 2019.

Council Member Blevins questioned how CDBG funds to repair the roof on Jim's Pawnshop were diverted to the Senior Center, if the Pawnshop was owned by the Historical District, which is a 501(C)(3) non-profit.

Mayor Johnson stated that Barbara Mashburn of the Historical District had said that it would not fix her problem and she did not want the money anymore.

Council Member Mashburn explained that the Historical District went into a contract with the City; adding that they are now underneath the umbrella of the City. She stated that the Historical District has to abide by all the rules and regulation of the Historical Registry in Little Rock. She agreed that was not the case at that time. She further explained that they knew they were not going to fix the roof, instead they turned the building over to the City and went under the umbrella of the City. She clarified that in 2019 they went with the City and the grant they received was before then.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
JULY 15, 2021
6:00 P.M. - 7:01 P.M

She continued saying that they were not going to be able to fix the building for \$25,000.00 because repairs were too much. She then answered that the money was from CDBG.

Mayor Johnson clarified that the Historical District applied but never received the money. He then replied that the City asked for funds to repair the roof at the Senior Center with part of that grant money. He explained that the monies had to be declined by the Historical District before they were available for the roof at the Senior Center.

Curbside Recycling

Public Works Director Jim Oakley stated that prior to COVID, they were already having financial constraints, pointing out that they also conducted a survey; asking the citizens if they were interested in recycling and would they pay more to have more services. He related that they were coming to a point to where the equipment was failing, the truck and bailer, etc. He added that before they could finish the survey and bring it back to the City Council, COVID hit, and for the danger and safety of the employees who were hand sorting all the plastic; we stopped the service. He stated that it has been working fine to have drop off service, adding that it has balanced their budget. He noted that they had to add a truck to pick up landfill bulky items, that we used some of those funds for. He stated that they are in the black now and are maintaining without a rate hike, but if anything is added then the money will have to come from somewhere else. He then answered Council Member Blevins that they do not have the funds to start back with curbside recycling at this time. He clarified that there are no funds available in the current budget to buy all the equipment and hire employees to start curbside back, adding that they needed a rate increase.

Council Member Blevins concluded that it was closed because of COVID but the City is not bringing it back because of costs.

Public Works Director Jim Oakley concurred.

ADJOURNMENT: Without objection, Mayor Johnson adjourned the meeting at approximately 7:01 p.m. MOTION CARRIED.

Respectfully,

Susan L. Davitt
City Clerk-Treasurer

MAYOR BOB JOHNSON