

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
AUGUST 19, 2021
6:00 P.M. - 8:01 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 August 19, 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, Traylor, Twitty, Smith, and Rains answered ROLL CALL. Mayor Johnson also answered ROLL CALL declaring a quorum. PRESENT TEN (10) ABSENT (0).

Others present for the meeting were: City Attorney Stephanie Friedman, Fire Chief Alan Laughy, Police Chief Brett Hibbs, Finance Director Cheryl Erkel, HR Director Charlette Nelson, Parks and Recreation Director Kevin House, Assistant Parks and Recreation Director Marlo Jackson, IT Director Emily Osment, Mylissa Griggs, Jim Moore, Johnny Simpson, and Leader Newspaper Reporter Rick Kron.

PRESENTATION OF MINUTES:

APPROVAL AND/OR CORRECTION OF MINUTES:

CONSENT AGENDA: REGULAR MONTHLY REPORT/ENGINEERING DEPARTMENT

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

JULY

PERMITS/LICENSE ISSUED

Building Permits	15
Business Licenses	

INSPECTIONS PERFORMED

Building Inspections	24
Electrical	25
Plumbing	30
HVACR	20

REGULAR MONTHLY REPORT/FIRE DEPARTMENT

Council Member Bolden moved, seconded by Council Member Ray to approve the regular monthly report for July 2021 from the Jacksonville Fire Department, reflecting a fire loss of \$201,700.00 and a savings total of \$590,300.00.

REGULAR MONTHLY REPORT/POLICE DEPARTMENT

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

REGULAR MONTHLY REPORT/CODE ENFORCEMENT

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

Assigned Calls	148
Self-Initiated Calls	388

Follow ups	464	Structures Inspected	21
Meetings/Court Hearings	0	Rentals Inspected	0

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Tickets Issued	8	Properties Red Tagged	0
Three Day Notice	487	Search Warrants Served	0
Seven Day Letter	195	Structures Rehabbed	0
Vehicles Tagged	36	Structures Condemned	0
Vehicles Towed	0	Houses Demolished by City	0
Lots posted	6	Houses Demolished by Owner	0
Signs removed	0	Parking Violations	13
Trash cans tagged	0	Grass Mowed	48
Basketball Goals	0		

REGULAR MONTHLY REPORT/ANIMAL CONTROL

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

ADOPTION FEES/FINES	\$ 505.00
CONTRIBUTIONS	0.00
TOTALS	\$ 505.00

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

WATER DEPARTMENT:

WASTEWATER DEPARTMENTS:

FIRE DEPARTMENT:

POLICE DEPARTMENT:

STREET DEPARTMENT:

SANITATION DEPARTMENT:

PARKS & RECREATION: ORDINANCE 1663 (#13-2021)

AN ORDINANCE WAIVING COMPETITIVE BIDDING BY THE CITY OF JACKSONVILLE, ARKANSAS, FOR THE PURPOSE OF PURCHASING A SHOT CURTAIN FOR THE JACKSONVILLE SHOOTING RANGE; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

Council Member Bolden moved, seconded by Council Member Sansing to place Ordinance 1663 on **FIRST READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. (0) voted NAY. **MOTION CARRIED.** Whereupon City Attorney Friedman read the heading of Ordinance 1663.

Parks and Recreation Director Kevin House related that this is the same quote that he tabled at an earlier meeting because he was waiting on a second quote, adding that he has still not received that quote after speaking with them several times. He stated that they finally told him Monday that they are too busy to even quote the job. He noted that the project would be paid for out of the bond money, adding that the \$179,550.00 does not include sales tax or shipping, which will be straight costs and sales tax is 9.5% so that will be \$17,057.25.

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He then answered Council Member Rains that the company requires a 50% deposit to start manufacturing the order. He related that he has a verbal from the owner of the Company that once approved, it would be put in line so we are looking at approximately 3 to 4 weeks before they start production on our order with a 6 to 8 week produce time. He surmised that realistically it would probably take at least 12 weeks before we get the material. He then noted that there would be other items to go along with this project that he would bring before the City Council.

Council Member Dietz noted the sooner the better with the rising costs of materials.

He answered Council Member Twitty that the installation of the curtain would be put out for bid. He explained that there would have to be a road and wood poles, adding that he has been in contact with First Electric and Entergy to see if they can help with the poles. He then agreed with Mayor Johnson that some of the work can be done inhouse.

Council Member Bolden moved, seconded by Council Member Sansing to **APPROVE** Ordinance 1663 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1663 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Bolden moved, seconded by Council Member Rains to **APPROVE** Ordinance 1663 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1663 on **THIRD AND FINAL READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Bolden moved, seconded by Council Member Rains to **APPROVE AND ADOPT** Ordinance 1663 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Ray moved, seconded by Council Member Bolden that the **EMERGENCY CLAUSE** be approved and adopted. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

ORDINANCE 1663 (#13-2021) APPROVED AND ADOPTED THIS 19th DAY OF AUGUST, 2021.

**PLANNING COMMISSION: a. ORDINANCE 1668 (#18-2021)
AN ORDINANCE RECLASSIFYING PROPERTY IN THE CITY OF JACKSONVILLE, ARKANSAS (PARCEL LOCATED ON THE EAST SIDE OF OLD HIGHWAY 67, TONEYVILLE ROAD); AMENDING ORDINANCE NOS. 213 AND 238 AND THE LAND USE MAP OF THE CITY OF JACKSONVILLE, ARKANSAS; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.**

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Council Member Ray moved, seconded by Council Member Bolden to place Ordinance 1668 on **FIRST READING**. **ROLL CALL**: Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. (0) voted NAY. **MOTION CARRIED**. Whereupon City Attorney Friedman read the heading of Ordinance 1668.

Council Member Ray moved, seconded by Council Member Sansing to **APPROVE** Ordinance 1668 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1668 on **SECOND READING**. **ROLL CALL**: Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED**.

Council Member Ray moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1668 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1668 on **THIRD AND FINAL READING**. **ROLL CALL**: Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED**.

Council Member Ray moved, seconded by Council Member Sansing to **APPROVE AND ADOPT** Ordinance 1668 in its entirety. **ROLL CALL**: Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED**.

Council Member Ray moved, seconded by Council Member Bolden that the **EMERGENCY CLAUSE** be approved and adopted. **ROLL CALL**: Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED**.

ORDINANCE 1668 (#18-2021) APPROVED AND ADOPTED THIS 19th DAY OF AUGUST, 2021.

b. ORDINANCE 1669 (#19-2021)

AN ORDINANCE AMENDING AND MODIFYING JACKSONVILLE MUNICIPAL CODE §§ 18.28.020, 18.30.020, 18.32.020, 18.32.030, 18.35.020, 18.035.030, 18.36.020, 18.36.030, 18.37.020, 18.37.030, 18.38.020, 18.38.030, 18.40.020, 18.40.030, 18.44.020, 18.44.030, 18.48.020, 18.48.030, 18.52.020, 18.52.030, FOR ZONING AND PROPERTY USE PROVISIONS, DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

Council Member Ray moved, seconded by Council Member Sansing to place Ordinance 1669 on **FIRST READING**. **ROLL CALL**: Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. (0) voted NAY. **MOTION CARRIED**. Whereupon City Attorney Friedman read the heading of Ordinance 1669.

This ordinance makes a move up in a zoning use regarding permitted uses an automatic without having to go through the Planning Commission for approval of a conditional use.

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Council Member Sansing moved, seconded by Council Member Ray to **APPROVE** Ordinance 1669 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1669 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Rains moved, seconded by Council Member Blevins to **TABLE** Ordinance 1669 until the next Council meeting. **MOTION CARRIED.**

Council Member Sansing moved, seconded by Council Member Blevins to **ADOPT** the amended agenda adding in the following committee section. **MOTION CARRIED.**

COMMITTEE(S): ENVIRONMENTAL COMMITTEE

Request Council input for hiring an engineer to move forward with the Environmental Committee Feasibility Study

Council Member Sansing moved, seconded by Council Member Blevins to allow discussion regarding Council input for hiring an engineer regarding the Environmental Committee Feasibility Study. MOTION CARRIED.

Council Member Rains explained that the Committee has defined their constrictions and are needing a feasibility study to make sure this is the best avenue for the City. She related that there was a position advertised on the City website that was not filled and thus closed in July. She stated that she had spoken to Public Works Director Jim Oakley about contracting an engineer for the study but it was determined that even with us doing most of the work it would cost about \$150.00 an hour. She stated that she would like to see the position put back online for hiring. She then pointed out that we have seventeen accredited universities that have EIT colleges within their university branches, explaining that we can reach out to all the Deans, citing that a lot of times they have an alumni email list where they send job opportunities. She stated there are things we can do to get this rolling but currently we are at a crossroads.

Mayor Johnson related that he had spoken with Public Works Director Jim Oakley about advertising at a higher rate to attract a quality person. He then noted that Public Works Director Jim Oakley is on the drop and we need to get his replacement in place for training.

In response to a question from Council Member Blevins, Council Member Rains explained that the Committee wants to make sure that the rough numbers they are looking at need to be exact numbers that a specialist would be able to give us. In particular the complex thing is the anerobic digester; it is going to be putting in inputs, there are many options of inputs. So, we have to go through all of those inputs and decide which one is best for the result output that we are looking for, which is a digestate that we are able to use as fertilizer for the beautification program, so that we are saving hundreds of thousands of dollars in fertilizer alone. She then added that the other output of an anerobic digester is methane gas or biogas; explaining that

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currently because of the advancements since the creation of anerobic digesters in the 1850's, we have commercial entities that have created basically a plug and play system, where it is a closed anerobic digester that creates a clean methane gas that can directly be used in any generator that we end up going with. She stated that all in all the rough numbers show that is going to costs roughly 2.5 million dollars over the 5 million dollars that 10 acres of solar panels would cost.

Council Member Blevins then questioned where the money for the study and the digester would come from?

Council Member Rains stated that there is a lot of EPA grants that are available for more sustainable energy resources, as well as, recycling; this is one of those two for one birds. We are recycling biological waste and we are creating a long-term solution for it. She then answered that the Committee is currently in the grants process, primarily the resource that they would be looking into is the EPA, which does have a couple of different options. She then added, unfortunately, Public Works Director Jim Oakley has been pressed because he does not have the positions that he needs to run the ship that he runs. She stated that once we get those positions, then we will be able to get a better idea of what the exact numbers look like.

Council Member Ray related that he is on that Committee, citing that as a wastewater operator, a digester for a 30,000-population city is not feasible. He stated that you cannot break even with a digester, they are very expensive to operate. He then added that other cities have made presentations in the classes that he took as being a wastewater operator, those digester work but can you really get a return on it. He pointed out that North Little Rock is the only place he has seen that take their electricity from a digester but they get methane gas from the Landfill and they sell it to Entergy. He reiterated that a digester is very expensive to operate and it is really a losing battle over a period of time, from the classes he has had.

Council Member Rains stated that there have been a lot of advancements in the last couple of decades and it is definitely something that we need to be researching and making sure we are making the right decision.

Mayor Johnson noted that it might behoove us to talk to the Pulaski County Solid Waste Board.

Council Member Rains agreed, saying that they are going to be setting up a tour of that facility and looking into our resources with the DEQ. She stated in roughly looking at their website, they do have resources.

Council Member Traylor stated that he strongly supports hiring an engineer, saying that he believes the City needs an engineer. He cautioned, "lets make sure we hire an engineer that fits what the City needs and not some study".

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**GENERAL: a. PUBLIC HEARING
ORDINANCE 1667 (#17-2021)**

AN ORDINANCE VACATING AND CLOSING A PORTION OF LOMANCO DRIVE, JACKSONVILLE, ARKANSAS (GENERAL LOCATION: THAT PORTION OF LOMANCO DRIVE BETWEEN MAIN STREET RIGHT-OF-WAY AND THE PREVIOUSLY ABANDONDED RIGHT-OF-WAY VACATED BY JACKSONVILLE CITY ORDINANCE 1208), JACKSONVILLE, ARKANSAS; AND, FOR OTHER PURPOSES.

Mayor Johnson opened the public hearing at approximately 6:39 p.m.

With no one to speak in opposition to closing a portion of Lomanco Drive, Mayor Johnson closed the public hearing at approximately 6:40 p.m.

Council Member Bolden moved, seconded by Council Member Ray to place Ordinance 1667 on **FIRST READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Twitty, Smith, and Rains voted AYE. (0) voted NAY. Council Member Traylor **ABSTAINED**. **MOTION CARRIED**. **Whereupon City Attorney Friedman read the heading of Ordinance 1667.**

Council Member Traylor related that Lomanco had come to the City to close a portion of Lomanco Drive on the south end, explaining that at that time Lomanco did not own all the properties that were on the western side of Lomanco Drive and now we do own those properties. He stated that in their plans for the addition they require the space that is the other portion of Lomanco Drive.

Lomanco was commended regarding its presence in Jacksonville for 75 years as a great company and their expansion.

Council Member Bolden moved, seconded by Council Member Rains to **APPROVE** Ordinance 1667 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1667 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Twitty, Smith, and Rains voted AYE. Council Member Traylor **ABSTAINED**. **MOTION CARRIED**.

Council Member Rains moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1667 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1667 on **THIRD AND FINAL READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Twitty, Smith, and Rains voted AYE. Council Member Traylor **ABSTAINED**. **MOTION CARRIED**.

Council Member Bolden moved, seconded by Council Member Rains to **APPROVE AND ADOPT** Ordinance 1667 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Twitty, Smith, and Rains voted AYE. Council Member Traylor **ABSTAINED**. **MOTION CARRIED**.

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b. DISCUSSION Contract with Unity Health and Hospital Board

Council Member Blevins stated that he wishes he had a copy of the contract that the Mayor signed at the end of last year, saying that he has asked for it a couple of times and is yet to get it.

Mayor Johnson stated that he thought the City Council had one, but okay.

Council Member Blevins stated that he knows they got a lot of letters of intent and they have the asset purchase agreement that was signed.

Mayor Johnson stated that is all there is that he is aware of.

Council Member Blevins stated that the Mayor has said there was one, and he FOIA requested it and the Mayor had said during a City Council meeting that there was one. He told the Mayor that he had said that he has one on his computer. He then noted that he is aware that there have been updates with the letters of intent. He stated here is my concern, here we are almost 9 months into the year, 3 months from the next year, and 8 months away from Unity actually opening and we have no idea what obligations the City has in completion with this deal. He stated that he is aware the Hospital Board said that they were giving the City an ambulance, but when I spoke with you (Mayor Johnson) before the meeting, you told me that the City owned the Department of Workforce Services building and that money went to the City.

Mayor Johnson corrected saying that the Hospital Board owns the Workforce building.

Council Member Blevins stated that he is aware we lost the Department of Workforce out of the building and the building was put up for sale recently. He concluded saying that we are close to the deal and there is no paperwork for the City Council to look at.

Mayor Johnson stated that as far as he is aware, the only documents there are is the asset purchase agreement and the letter of intent.

Council Member Blevins questioned the agreement that says the City has to hire 6 EMTs to staff the ambulance.

Mayor Johnson stated that it is in the asset purchase agreement and that if the City can and if the City Council approves it.

Council Member Blevins stated that is an agreement with the City that you only signed as Chairman of the Hospital Board but it still obligates the City.

Mayor Johnson stated, maybe indirectly, but if we can provide that transportation without hiring the 6 people then we are not under that obligation.

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Council Member Blevins stated that is not stated in the asset agreement; adding that last time this was mentioned, does Unity know that we are not going to possibly budget for this and be okay with it, and you said they will. He stated that he does not know if there has been an amendment to state that.

Mayor Johnson stated that there is no amendment, saying that it is really unenforceable if we can not do the transport, we worked out agreements with other ambulance services to make the transport. He then answered that it would be at the patients costs with no cost to the City at all. He then added that if the City of Jacksonville transports them, it will be at the patient's costs.

Council Member Blevins requested if the Mayor could send everyone on the City Council a copy of the contract, the letter of intent and all the amendments, anything that is up to date.

Mayor Johnson agreed to sent copies to the City Council and the press.

c. DISCUSSION Definitive date for Budget review

Mayor Johnson stated that he would like to combine item C with item E regarding discussion of the 2022 Budget.

Council Member Rains stated that she has had some constituents reach out regarding the road conditions going north, citing the number of pot holes.

Mayor Johnson stated that if the pot holes are on Braden or Marshall Road, that would be the City but if it is on John Harden, that would be the Highway Department. He then related that he has been in contact with the Highway Department regarding the repair of the roads under their jurisdiction.

Council Member Blevins agreed to have his item C moved under item E.

d. Update on completion of highway widening

Mayor Johnson stated that he has a phone number for the person who is head of the project that he can provide. He went on to say that they have been trying to get a date for completion and now they are leaning more toward the first of next year. He stated that Keli Wiley is the engineer on this project, he then offered the telephone number.

Council Member Blevins noted the wear and tear on the bridges regarding the length of time to fully complete the project.

Discussion ensued regarding the difficulties with obtaining the rights-of-way from the businesses along Hwy. 67/167.

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e. DISCUSSION 2022 Budget

Finance Director Cheryl Erkel stated that September is when they gather information from the Departments and then in October they review the current budget and see if there is anything requested that needs to be funded this year or put into the budget for next year. She stated that they have a regulation that if there is a 5% variance from either revenues or expenditures from the original budget, we have to come before City Council to get a budget amendment, adding that is usually done in October. She stated that in November we present a preliminary budget to City Council to let you know where we sit with everything and then in December we present a final budget for the City Council vote to on and we try to get the final budget passed before January 1.

Mayor Johnson stated that he would like for it to be ready by the first meeting in December; so, we could have a special meeting to discuss the budget with the Department heads and then the 3rd Thursday, hopefully we could pass the budget.

Finance Director Cheryl Erkel stated that they usually have budget meetings in October and information is sent to the City Council members if they want to attend.

She then reviewed the Revenue spread sheet that was provided in the packets, saying that the main revenue source the City receives is the Sales Tax. She stated that on average the Sales Tax is 72% of the revenues. She stated that she also did a breakout on the Sales Tax, our County Sales Tax it shows that we have increased even though it is starting to level off it is still more than we have had in previous years. She stated that in the City Sales Tax it is showing an increasing trend at the moment; adding that she is not sure how far up it will go before it starts leveling off.

She stated that the next one is the Expenditures by Department, noting that Parks and Recreation is about 13.8%, the Fire Department is 26.1%, Police Department is 31.4% as the three largest Departments.

She then stated that the next one is the same information, instead of it being by Department, it's by category; and it shows that our largest amount is on personnel services at 72.5%.

She stated that in addition to that, she provided at each station, a copy of a City of Jacksonville Budget Priority Survey. She explained that this is a survey that she has put out online and it will be available September 1st through September 14th on the City website. She then noted that she also had a notification put in the water bills as well as have paper copies available at the Water Department, Chamber of Commerce and the Nixon Library.

Council Member Traylor asked if a comparison column could be added to the financial statements that is provided to the City Council monthly.

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Council Member Blevins noted on page 20 the Capital Outlays in 2019 was \$373,000 and for 2020 was \$1.2 million, asking if this is the same thing he had already contacted Finance Director Cheryl Erkel about? He then noted that 2021 is at \$164,000.

Finance Director Cheryl Erkel stated that Capital Outlays includes equipment, and construction, surmising, that in 2020 we had several projects ongoing that were not done in 2019.

Mayor Johnson questioned would the money that we got from the Federal Government because of COVID affect that?

Finance Director Cheryl Erkel concurred, saying that the CARES Act would affect that, noting that they have used a lot of the CARES Act money for Capital Outlay.

Mayor Johnson stated that the increase in Sales Tax has a lot to do with the online tax sales; adding that it has really been beneficial to the City.

f. DISCUSSION American Recovery Plan

Finance Director Cheryl Erkel stated that she had provided an information sheet regarding the American Recovery Plan (ARP), explaining that this is Federal Funding to help America recover from the negative impact of COVID 19. She added that the City of Jacksonville has been allotted 5.4 million; we have received 2.7 million and the remainder will be received in one year. She stated that these funds are to cover expenditures from March 3, 2021 through December 31, 2024. She then noted that funds must be allocated by December 31, 2024, but in case of large projects that are not completed by then; we have until December 31, 2026. She then added that all of the contracts have to be signed and allocated before December 31, 2024.

She related that there are four major categories for the funds to be spent on.

(1) First is Premium Pay. We are allowed to pay up to \$13.00 an hour to essential employees not to exceed \$25,000.00. She elaborated that they have to document that the employee worked in person, it will not pay for teleworking during a time when the pandemic caused a heightened risk for the workers. This includes employees that came in contact with the public or handled items that others had handled.

(2) The negative impacts. Allowed to use funds for public health, such as vaccinations, testing, contact tracing and etc. Negative economic impacts. Household assistance, job training assistance, aid to non-profits, aid to other impacted industries, etc. Services to disproportionate impacted communities. Which is education assistance, housing support, etc.

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She stated that anything filed under this category has to be directly tied to COVID 19. She then added that if we give any assistance to non-profits, or any other organization as a pass through, we have to report exactly what they are spending the funds on, so we still are responsible showing that they are spending it on one of these four items.

(3) Infrastructure. We are allowed to spend on infrastructure that is only related to water, sewer, and broadband.

(4) Lost Revenues. Once the lost revenue is calculated and reported; funds can then be spent on any governmental service up to the amount of the lost revenue. It cannot be spent on pension deposits, paying off debt, adding to reserves, or grant matches. And, the use of the funds will also be reported. With the American Recovery Plan there is a quarterly report that has to be submitted to the Federal Government showing what we have allocated, what we spent.

In response to a comment from Mayor Johnson, Finance Director Cheryl Erkel agreed to provide a copy of the quarterly report that she submits to the Federal Government.

She then reviewed the Arkansas Municipal League Calculator sheet used to calculate if the City of Jacksonville has lost revenue. She explained that it goes with 2019 being the base year and includes all revenue sources and then they have adjustments where they take money out such as the Intergovernmental Revenue from the Federal Government (Federal Grants), Intergovernmental Revenue from the State and Financed from Federal Grants, Proceeds from the Issuance of Debt, Proceeds from the Sale of Investments, etc. She then stated that according to what they are using as adjustments, currently we do not have any revenue loss, however, they are still going in and looking at all four of these categories and they are constantly making updates and changes. So, it may show that we do not have any lost revenue now, but it depends on whether they come up with any other adjustments that may put us where we do have lost revenue. She stated that with the lost revenue it covers from 2020, 2021, 2022 and 2023; pointing out that we have several years in which to do these lost revenue calculations. She stated that they have automatically given us a growth adjustment of 4.1%; which is based on revenues from 2016 through 2019, explaining that she filled out the sheet to see what the growth rate for Jacksonville was and our average growth rate was only 1.6%. She stated that we do not have to use the 1.6%, because they will allow us the 4.1%. She stated that adjustments are still being made and she is keeping up to date with it. She acknowledged that all of the rules have not been worked out yet and that is why she has not wanted to spend the money and then the Federal Government come back and announce we spent it wrong.

She then confirmed for Council Member Traylor that of the 2.7 million received, we have not spent any of that money. She noted as things change there could be another citizen survey.

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She then answered Council Member Dietz and Blevins that any items such as improvements and bus plans would have to come under lost revenues.

g. ORDINANCE 1670 (#20-2021)

AN ORDINANCE TO AMEND AND MODIFY JACKSONVILLE MUNICIPAL CODE §2.44.010 (EMPLOYEE POLICY MANUAL); DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

Council Member Bolden moved, seconded by Council Member Sansing to place Ordinance 1670 on **FIRST READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. (0) voted NAY. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1670.**

Human Resource Director Charlette Nelson stated that the Policy Manual has not been updated since 2011, adding that most of the things that was in there, we are still good, but there is just a couple of things that we got with the Mayor and our Directors decided that may be in the best interest of some of our employees is to change some things.

Sick Leave Policy:

She stated that the biggest change was to the Sick Leave Policy. She stated that employees have to wait 6 months to earn sick leave. She stated that it was considered that if you can receive insurance in 90 days, should we also receive sick leave in 90 days. She then answered a comment from Council Member Ray, stating that 720 hours is the maximum amount. She answered that in 90-days the employee will get 6.13 each payday or 13.33 monthly.

Discretionary Days: She stated that they decided to up discretionary days. After 3 years, you get a discretionary day and we up it from there to after 5 years you get 2 discretionary days and after 10 ten years 3 discretionary days and 15 years you get 4 discretionary days. Now it is 1 discretionary day for 5 years, 2 discretionary days after 10 years and 3 discretionary days after 15 years.

Following a brief discussion with Council Member Traylor, Director Nelson clarified that the new sick leave policy gives everyone an additional two weeks of sick time during their first year of employment by not having to wait 6 months to begin to accrue sick time. Sick leave must be used for the employee, not for your children or anybody else. She stated that following one day you have to present a doctor's not and after three days you have to come into H.R. and do FMLA paperwork. Every year an employee earns 4 weeks of paid sick leave.

Mayor Johnson stated that none of that has changed, the only difference is that we are starting accumulating after 90-days instead of having to wait 6 months.

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Parks and Recreation Director Kevin House stated that the amount of accrual has not changed, right now we get 13.33 a month, it will start at 3 months instead of 6 months.

Mayor Johnson stated that the increase in discretionary days is a way to benefit our employees and keep moral up during these tough times.

Council Member Traylor stated this will be forever and hopefully the tough times will not be forever.

FMLA Intermittent Leave:

Director Nelson related that the City was letting employees use up to 12 weeks for up to maternity leave, for your mother, father, up to that nature. We were giving you paid leave for 12 weeks, FMLA is an unpaid, so we were trying to cut back on the FMLA for Intermittent Leave or maternity leave and for your parents. So, we are asking that it be cut back to 2 weeks instead of them getting paid for 12 weeks. We have several employees that their wife had a maternity leave and they took 12 weeks of paid leave.

She confirmed with Council Member Traylor that it is being proposed to cut it back from 12 weeks to 2 weeks. She then added that if an employee wants to take any other time, they can use their vacation time. She then clarified that maternity leave for a mother is 12 weeks. She then answered Council Member Blevins that this would save the City money but she does not have a number on that figure. She offered for example that FMLA maternity in the Fire Department is 26% of the request, but 49 of it is costing time off. She stated that when we have a fire fighter that takes 12 weeks, the City of Jacksonville is paying him full pay and we are paying someone else overtime to cover his shifts for those 12 weeks. So, a point about 35 or 36 percent of FMLA Leave was for intermittent leave regarding maternity, mom, dad, to that nature.

Council Member Blevins confirmed that she had said that she came up with a lot of this with the Directors, adding that he assumes that they are fine with this.

Director Nelson responded with yes, then added that City Attorney Friedman was included to make sure that it was done correctly.

Mayor Johnson stated that the Fire Department and Police Department run different schedules than 8:00 to 5:00 Monday through Friday. He explained that if a fireman, who works a 24-hour shift, takes a day of vacation, so they miss a whole 24-hour shift. He confirmed with Director Nelson that it would only be equal to one day of vacation.

Chief Laughy addressed the City Council explaining that when you talk about "vacation day", one work day for a fire fighter is 24-hours, it is still one vacation day for us, not to be misconstrued with three 8-hour what you would

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consider vacation days. He stated that is why our vacation hours and the amount that we can carry on the books is larger. So, it is three calendar days but they already had two of those days scheduled as off.

He briefly explained to Council Member Traylor the equivalent of a regular 40-hour vacation week for a non-uniformed employee vs a fire fighter. He stated that one week is a 48-hour week, the other one is a 55-hour week, the third week is a 65-hour week given the way that the one on and two off schedule works. He stated that if you take all of those hours and divide them by three it is an average of 56 hours per week. He acknowledged that the calculations are different because of that. He then confirmed with Council Member Traylor that one day subtracts 24-hours.

Council Member Ray stated that as a city we are competing with other cities for workers, questioning if this would be striking some benefits from our employees. He stated that if we are proposing to strike benefits, it is going to cause a problem for some people.

Director Nelson replied that we are not striking any benefits, we are giving them benefits, like giving them an extra day after 3 years - that is a benefit of discretionary days. She explained that you will have 80 hours because after two years you get 80 hours of vacation and now you will get a discretionary day after 3 years. So, after 3 years, you get 80 hours of vacation and you get a discretionary day.

Safety Sensitive Positions:

Director Nelson stated that the other thing is the safe sensitive positions, saying that we had to add that to our policy about pre-employment drug testing explaining safe sensitive positions. She explained that anybody that is on our random drug test, are in a safe sensitive position such as Fire, Police, Park maintenance, life guards, 911, Street, and Sanitation.

In response to a question from Council Member Bolden, Director Nelson answered that all employees are not included due to Municipal League stating that certain positions can and cannot do random. She also answered that any employee in a safe sensitive position cannot have a marijuana card.

Council Member Bolden moved, seconded by Council Member Rains to **APPROVE** Ordinance 1670 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1670 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Rains moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1670 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1670 on **THIRD AND FINAL READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

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Council Member Ray moved, seconded by Council Member Bolden to **APPROVE AND ADOPT** Ordinance 1670 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Ray moved, seconded by Council Member Bolden that the **EMERGENCY CLAUSE** be approved and adopted.

Council Member Traylor questioned if the ordinance would go into effect immediately if the emergency clause is adopted. He stated that he would not like to see it change in the middle of the year.

Director Nelson stated that it would take effect September 1, 2021.

Chief Laughy stated that the reason being is that one issue that the Fire Department has is FMLA as far as maternity leave; noting that they have or will have some employees requesting 12 weeks to be off for the remainder of this year. He stated that they cannot afford that, saying that is the emergency clause part of it.

Director Nelson stated that with COVID spiking, some of our employees that have been here four months, they have attracted it and we, so generously, have donated some sick leave time to those people so those people do not have to go without pay because the sick leave policy say 6 months.

Discussion ensued and it was clarified that only hours not money can be donated and it is only for the cause of COVID regarding employees without enough time to yet earn sick leave.

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

ORDINANCE 1670 (#20-2021) APPROVED AND ADOPTED THIS 19th DAY OF AUGUST, 2021.

APPOINTMENTS: CIVIL SERVICE COMMISSION

Council Member Bolden moved, seconded by Council Member Rains to approve the reappointment of Lester Piggee to the Civil Service Commission for a term to expire 04/01/2027. **MOTION CARRIED.**

UNFINISHED BUSINESS:

ANNOUNCEMENTS: August 28th and 27th is Vax Jax 4:30 to 8:00 p.m. High School gymnasium.

Metroplan Field Trip to Northwest Arkansas to look at the Razorback Greenway because they envision eventually having a bike pedestrian trail from Ward to the River Trail which would eventually go all the way to Hot Springs and the same from Conway to this way. They have asked the City of Jacksonville to put 12 people together, the cost is \$10,700.00, Metroplan is probably going to

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pay for half of it. He then stated that he is going to ask local business owners to raise the other half. He stated that he has six people willing to go now, so, if any City Council Member would like to go and see what impact that Razorback Greenway has had on Northwest Arkansas and the economic impact and how they are going to fund it. He added that they are going to ask the Walton Foundation to help fund this, saying they have set aside 55 million in Metroplan to do this. He again asked if any City Council Member is interested in going their costs would be to pay for their gas to get up there and if you work for the City, we will pay for your hotel room, which is \$120.00. He stated that this would be a minimum cost to the City. He then stated that approximately six spots are available. He noted that Roger Sundemeier, Director Parks and Recreation Director Kevin House, Public Works Director Jim Oakley, Engineering Tech. Mylissa Griggs are going. He pointed out that it is about what we can do as a Nation to use less fossil fuels, have less carbon output, stay healthier.

CDBG Director Position

In response to a question from Council Member Blevins, Mayor Johnson stated that from the five applicants received regarding the CDBG Director position, there were not enough to really hold interviews. He added that they are hoping to get just a few more that are going to be qualified. He then noted that they are working with HUD to see what type of training could be provided.

Director Nelson stated that she, the Mayor, and Finance Director Cheryl Erkel reviewed all the applications.

Mayor Johnson stated that the person chosen will probably have to be trained for the rest of the year to be ready to take over when Teresa's contract runs out.

Courthouse renovations:

Council Member Bolden stated that we need to make sure that we get a good security system because he remembers when he recommended the camera and key punch at City Hall, we kept working on that. He stated that we need to make sure our employees are safe.

Mayor Johnson stated that the City is taking bids on that currently.

Cancel September 2, 2021 City Council meeting

Council Member Bolden moved, seconded by Council Member Sansing to cancel the council meeting scheduled for September 02, 2021, due to the upcoming Labor Day holiday.

It was noted that a special meeting could be called if necessary.

At this time, MOTION CARRIED.

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Raise for employees making less than \$31,200.00 annually

Finance Director Cheryl Erkel stated that she overlooked an item when reviewing the City and County Sales Tax, noting that they had increased, saying that she was aware of a discussion about increasing some of the lower paid employees, adding that she believes that there is enough money for the increase in City and County Sales Tax that would support us raising full-time employees that are making less than \$31,200.00 to raise them up to that amount. She then answered that on an average that is approximately \$15.00 an hour. She stated that they are going to move everyone under that up.

Council Member Bolden asked if the City Council needed to formally vote on that raise?

Mayor Johnson told him that City Council would be given that opportunity.

Finance Director Cheryl Erkel asked for an agreement in order to get this started September 1st.

Council Member Bolden moved, seconded by Council Member Blevins to suspend the rules and place the item on the agenda. MOTION CARRIED.

In response to a question from Council Member Traylor, Human Resource Director Nelson stated that this would affect 20 employees who are currently in the range of \$28,100.00. She then answered that this would include any new hires. She stated that the only employees making less than \$31,200.00 would be part-time and seasonal. She then answered Council Member Rains that there are about 4 positions currently for hire that it would affect.

Council Member Traylor stated that he has no problem with people making more money but does not like it being done at the end of a meeting with no prior notice.

Finance Director Cheryl Erkel stated that it was supposed to be included in with her budget information.

Council Member Bolden stated that as long as it helps the employees he does not have a problem with it coming at the end of a meeting.

Finance Director Cheryl Erkel stated that when she comes before the City Council with the budget amendment in October this will be in that.

Council Member Bolden moved, seconded by Council Member Blevins to approve that any full-time employee making less than \$31,200.00 be raised up to \$31,200.00 effective September 1, 2021. MOTION CARRIED with Council Member Traylor voting NAY.

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ADJOURNMENT: Without objection, Mayor Johnson adjourned the meeting at approximately 8:01 p.m. MOTION CARRIED.

Respectfully,

Susan L. Davitt
City Clerk-Treasurer

MAYOR BOB JOHNSON