

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
APRIL 21, 2022
6:00 P.M. - 6:39 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 April 21, 2022 at the regular meeting place of the City Council. Pastor Clark delivered the invocation and Mayor Johnson led a standing audience in the "Pledge of Allegiance" to the flag.

ROLL CALL: City Council Members: Blevins, Sansing, Ray, Traylor, Twitty, and Rains answered ROLL CALL. Mayor Johnson also answered ROLL CALL declaring a quorum. PRESENT SIX (6) ABSENT (4). Council Members Dietz, Bolden, Mashburn, and Smith were absent.

Others present for the meeting were: City Attorney Stephanie Friedman, Police Chief Brett Hibbs, Public Works Director Jim Oakley, Finance Director Cheryl Erkel, Human Resource Director Charlette Nelson, IT Director Emily Osment, Animal Control Manager Jamie Parker, Lieutenant Ryan Wright, Planning Commission Chairman Jim Moore, and Johnny Simpson. ZOOM: CDBG Director Benita Bosier-Ingram.

PRESENTATION OF MINUTES: Mayor Johnson presented the minutes of the regularly scheduled City Council meeting of April 7, 2022 for approval and/or correction at the next regularly scheduled City Council meeting.

APPROVAL AND/OR CORRECTION OF MINUTES:

CONSENT AGENDA: REGULAR MONTHLY REPORT/FIRE DEPARTMENT

Council Member Twitty moved, seconded by Council Member Sansing to approve the regular monthly report for March 2022 from the Jacksonville Fire Department, reflecting a fire loss of \$99,000.00 and a savings total of \$525,000.00.

REGULAR MONTHLY REPORT/POLICE DEPARTMENT

Council Member Twitty moved, seconded by Council Member Sansing to approve the Regular Monthly Report for March 2022 regarding annual crime statistical comparisons.

REGULAR MONTHLY REPORT/CODE ENFORCEMENT

Council Member Twitty moved, seconded by Council Member Sansing to approve the regular monthly report as presented for March 2022.

Assigned Calls 103
Self-Initiated Calls 227

Follow Up Inspections	392	Apartment Complexes Inspected	0
Three Day Notice	204	Red Tags Issued	1
Seven Day Letter	133	Search Warrants	0
Citations Issued	6	Rehabbed Structures	0
Vehicles Tagged	86	Structures Condemned	0
Vehicles Towed	14	Demolition by City	0
Garbage Cans Tagged	5	Demolition by Owner	0
Basketball Goals	1	Parking Violations	0
Structures Inspected	720	Grass Mowed	0

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

WATER DEPARTMENT:

WASTEWATER DEPARTMENTS:

FIRE DEPARTMENT:

STREET DEPARTMENT: a. Request to accept bid: 2022 Street Striping

Public Works Director Jim Oakley stated this is the annual striping of the roads where they get thin and you cannot see the yellow and white lines. He explained there are some school crossings and crosswalks included and recommended to go with the lowest bid of \$32,484.38 from AF&G, LLC. He noted that the City has used them in the past and they are a good contractor.

Council Member Ray moved, seconded by Council Member Traylor to accept the bid of \$32,484.38 from AF&G, LLC for 2022 Street Striping. MOTION CARRIED.

b. Request to accept bid: 2022 Asphalt Overlay Program

Public Works Director Jim Oakley related this is the annual asphalt program and shared that we did not get any in last year or the year before. He detailed that the lowest bid was Rogers Group, Inc. for \$580,755.20 and that they are a good contractor.

Council Member Ray moved, seconded by Council Member Twitty to accept the bid of \$580,755.20 from Rogers Group, Inc. for the 2022 Asphalt Overlay Program.

Council Member Rains requested clarification.

In response to a question from Mayor Johnson, he replied that they have done work for the City before and were the only bidder last year that was approved, but they never got to do it since they had too much work on their plate. When asked by Council Member Traylor, he responded that he could email the Council Members a list of streets that will be done.

Council Member Blevins shared that he had spoken with Public Works Director Jim Oakley when he saw the name Rogers Group and remembered there was a problem before. He said they spoke about how it was a higher price than normal last year when it was approved and, due to extenuating circumstances, this company did not do the job. His issue is approving them for this and them not doing it again, leaving it on yet another budget for another year. He believes the City should give someone else an opportunity to do the job since Rogers Group did not do it last time, and if we continue to give them the lowest bid, they could be the lowest bid forever and we will never get anything done.

Public Works Director Jim Oakley concurred that we definitely need to get asphalt on the ground this year. He pointed out that no one can guarantee anything, but the next lowest bid was \$7,000.00 higher with CK Asphalt, which

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have never been used. He shared that he and the Mayor had spoken to them at the bid opening this week and they both said that they could get to our job within three weeks to a month.

Mayor Johnson agreed they both said they would get it done and related that the trouble last year was that Rogers Group was going to run into winter and we did not want asphalt being laid down when it was cold, since it would not set right. He noted that Rogers Group has promised that they are back on track and fully staffed, noting COVID problems last year. He enjoyed talking with the nice guy from Rosebud that just finished a job with the state, but they were not the lowest bid and he would hate to go against taking the lowest bid.

When Council Member Traylor asked if there is a time limit for them to get it done, Public Works Director Jim Oakley detailed that once Council approves a contractor, he sends the contracts to be signed, they have to turn in their bond, then he sends a notice received. He said that following that and they get that signed, they have a 30-45 day window they have to complete the job or we assess liquidated damages of \$100.00 a day. Responding to a further question from Council Member Traylor, he surmised it would be harder to do it at the end of the year and thinks part of the problem last year was them waiting too long. He believes it would take at least three weeks to get all of the data back from contracts and bonds.

Mayor Johnson agreed that part of the trouble last year was we did this later in the year than we did this year.

Public Works Director Jim Oakley stated he cannot see the future, but we do see what happened last year. He noted that he talked to the contractor and related he wants it completed by June for when school gets out and there is less traffic, and they agreed. He mentioned that he did not charge him liquidated damages last year and did not try to pursue any legal fees.

In regards to a question posed by Council Member Rains, he said he did not want to take any legal charges because they are good bidders and good contractors that were just overworked and understaffed, like most of the companies are.

Council Member Blevins shared that he is usually all for second chances, but the only problem is there would be a bigger detriment if they do not follow through the second time. He asked if we can put in the contract, that if they do not meet the requirements, they will pay the difference between the next person and we go with them.

Public Works Director Jim Oakley stated that he would not advise any that action.

Council Member Traylor moved for a call to the question. **MOTION CARRIED.**

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At this time, MOTION CARRIED to approve the low bid from Rogers Group.

c. Request to accept bid: New City Garage overhead doors

Public Works Director Jim Oakley recommended the lowest bid from Royal Overhead Door at \$46,556.00 and recalled that we have used them in the past. He affirmed that he checked references and Lomanco has used them on all of the doors that they did.

Council Member Ray moved, seconded by Council Member Traylor to accept the bid of \$46,556.00 from Royal Overhead Door for New City Garage overhead doors.

Council Member Blevins asked if Public Works Director Jim Oakley knew why there is a 33% bump from the last one, Public Works Director Jim Oakley responded that he believes some of the bids are general contractors bidding it through a sub, and this is a specialized group doing it.

At this time, MOTION CARRIED.

POLICE DEPARTMENT:

SANITATION DEPARTMENT:

PARKS & RECREATION:

PLANNING COMMISSION: ORDINANCE 1693 (#12-2022)

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 Sansing moved, seconded by Council Member Twitty to place Ordinance 1693 on **FIRST READING. ROLL CALL:** Council Member Blevins, Sansing, Ray, Traylor, Twitty, and Rains voted AYE. (0) voted NAY. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1693.**

Public Works Director Jim Oakley stated this lot is currently R-0 and the Planning Commission is recommending a rezoning of R-6. He explained that the owners are here and may want to speak on behalf of the request. He and City Clerk Davitt assured that this was unanimously approved by the Planning Commission when Council Member Traylor asked.

Petitioner Arlicia Oates related that she and her husband purchased this land and they are wanting to put a manufactured home on it. She pointed out that it is at the dead end of Vaun Street, consisting of 2.84 acres. She agreed when City Clerk Davitt requested clarification that it would be a modular home, not a manufactured home. She assured that it would be a permanent foundation that will be bricked.

Council Member Traylor questioned if it should be an R-5 instead of an R-6 zoning.

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Mrs. Oates reiterated that it would have a concrete, permanent foundation that cannot be moved and will be bricked similar to a stick built, only not on site.

City Clerk Davitt concurred when Council Member Traylor requested clarification that modular homes are attached to a foundation and a manufactured home is not.

City Attorney Friedman stated that we would have to see the actual specs on the house as to whether it be R-5 or R-6 zoning, noting they would qualify under R-6 for an R-5 use.

Mrs. Oates confirmed that there would be only one home on the lot.

Public Works Director Jim Oakley added that no one can ever built behind them where it is owned by Two Pines Landfill.

Council Member Ray moved, seconded by Council Member Sansing to **APPROVE** Ordinance 1693 on **FIRST READING. ROLL CALL:** Council Member Blevins, Sansing, Ray, Traylor, Twitty, and Rains voted AYE. **MOTION CARRIED.**

Mayor Johnson mentioned since there are not seven Council Members present, they cannot suspend the rules, so they will take it up at their next meeting. He thanked Mrs. Oates and related she does not have to come back for this item of business, but is welcome anytime.

COMMITTEE(S):

GENERAL: a. Request volunteers for Fowl Ordinance Committee

Council Member Sansing moved, seconded by Council Member Ray to leave the fowl ordinance as it is and to not have a Fowl Ordinance Committee formed.

Council Member Twitty disagreed and stated that the Ordinance we have now definitely needs to be reworked, because as it is now, there is no limit on chickens or roosters and she feels we do need to limit them.

Council Member Blevins brought up that at the last City Council meeting, they voted to have this go to the Code Committee, which we found out after the fact, were not meeting anymore, which is the whole reason for this.

City Clerk Davitt clarified that it is not a question of them not meeting anymore, it is a question that the Code Committee completed their assignment, therefore, you cannot push those volunteers to another Department to handle another issue without their consent.

Council Member Blevins reminded that City Council already approved for it to go to committee and this is just creating that new committee to do what we already voted for.

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Council Member Rains noted that when she made the original motion, she did not have the understanding of the clarification that City Clerk Davitt has given, so it is all relative.

Council Member Traylor pointed out that the committee is a Fowl Ordinance Committee and does not mean that anything is going to change when they meet, it just means that there is going to be a committee to talk about it and bring something to us. He affirmed that if you do not want to serve on the committee, then you do not have to; it is volunteers. He believes if that is what Council Member Blevins wants to do, they should, so they can put the chickens to rest.

ROLL CALL: Council Member Sansing and Ray voted AYE. Council Member Blevins, Traylor, Twitty, and Rains voted NAY. MOTION FAILED.

Mayor Johnson related that for any council member not here, they need to contact City Clerk Davitt if they want to volunteer for the Committee.

City Clerk Davitt shared that Council Members Dietz and Bolden have volunteered and at this time, Council Member Blevins, Twitty, Sansing, and Traylor also volunteered.

b. Clarification on ORDINANCE 1689 (#8-2022)

Council Member Rains stated she asked if City Clerk Davitt could print out the emails from earlier, but it seems like this is the correspondence between Logan Miller and the City, which she did not receive until today.

City Attorney Friedman clarified that in response to Council Member Rains' FOIA request, she sent that to her last week.

A brief discussion ensued regarding email clarification and the times they were sent along with IT concerns regarding received emails.

Council Member Rains related that she had not received the proposal that was said to have been given.

City Attorney Friedman clarified that she is not aware of any proposal and has not received one.

Council Member Rains stated that from the Chair's and Brent Hooker's recollections there was a proposal. She asked the Chair if there is or not a proposal and when can that be made available to her.

Mayor Johnson confirmed with Public Works Director Jim Oakley that Unite has not even permitted the job yet. He offered that that would be the proposal.

Council Member Rains related that is not what is written in the Ordinance, explaining that is her questions and concerns because the presentation by Mr.

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Hooker is not congruent to the Ordinance. She stated that she would send her original email to the City Council to make them aware of her initial concerns. She apologized that it was not printed for the City Council and presented.

Council Member Blevins asked if she could explain her concerns.

Council Member Rains stated that there are a lot of inconsistencies. She stated that the first large inconsistency is if there is residential or no residential development being made because the Ordinance says that there is.

Council Member Blevins stated that it is a franchise agreement and while they are not doing residential now they have the ability to do it later if they choose.

City Attorney Friedman clarified that the Ordinance was specifically written to be all encompassing, noting that circumstances may change in the future and they may do residential in the future and this ensure the City will get the franchise percentage of 4.25%.

Council Member Rains stated that her concern about the future is that it does not necessarily have to come back before the City Council should it be something that they want to develop in the future, if this Ordinance is written as is. She then stated that the Ordinance does not address the proposal but it was said at the meeting.

City Attorney Friedman clarified that in good faith she could not advise Mayor Johnson or City Clerk Davitt to sign this franchise ordinance if it did not include residential.

Council Member Rains stated that broadband residential development needs to happen, saying that she has been trying to have meetings with the City Council in between her daily schedule. She stated that she has already had meetings about Internet development and fiber optic development. She added that as a business owner, when assessing risk assessment for her next contract, she would not go where there is a lot of competitors already in the market. She pointed out that is the same for any other business. She asked Mayor Johnson what the City's future plans are for residential fiber optic development.

Mayor Johnson responded that the City of Jacksonville is not in the fiber optic business, currently there is Comcast, CenturyLink, Ritter, Verizon, and now Unite that have residential capabilities.

Council Member Rains stated that her concerns are that it is being developed but it is not being developed in Jacksonville. She stated that what we have written might impact our future developments and have those companies overlook us because of this company having an all-encompassing franchise agreement.

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Public Works Director Jim Oakley supported the language in the franchise Ordinance. He stated that we need the Ordinance to include both, citing issues for permitting, adding if they do business anywhere in Jacksonville, we will receive a franchise from that business.

Council Member Rains stated that anyone looking to do future development in Jacksonville all they have is an ambiguous piece of paper.

City Attorney Friedman stated that it is not ambiguous, adding that may be the wrong attitude to apply, reiterating the circumstances that afford the City a 4.25% franchise fee with it being all-encompassing.

Further discussion ensued and issues were clarified and resolved, the Ordinance will retain the residential inclusion.

c. Citizen Satisfaction Survey

Council Member Rains explained that as she stated earlier this year, she was working with the Departments and the citizens on developing a Citizen Satisfaction Survey. She did get some input and feedback from different Departments, and she does know the workload has been great for everyone. She shared that she has a draft of the survey that she can send by email and each Department can review and submit any amendments that they see fit. When Mayor Johnson asked how this survey would be distributed to the community, she responded that the goal is to have it on the website and to give it to the civic organizations so they can help in canvassing to get the responses so that we have a higher turnout than we did with previous surveys.

Council Member Blevins asked if this will be volunteer-based to print it and hand it out.

Council Member Rains clarified that it is not printed, it is an online survey people can do on cell phones or tablets. Responding to a question from Council Member Blevins, she answered that she did it all cost-free.

APPOINTMENTS:

UNFINISHED BUSINESS:

ANNOUNCEMENTS: 85th Annual AML Convention

Mayor Johnson announced that the 85th Annual AML Convention is coming up on June 15th-17th. He shared that Council Members Twitty and Ray have inquired, registration opens tomorrow, and any others who would like to attend should let his Executive Assistant Michelle Lewis know.

Council Member Blevins related that he had a citizen request that they add chapters to the YouTube videos online that would breakdown what the discussion items were and then asked if anyone would have a problem with it.

Mayor Johnson replied that Council Member Blevins could talk with IT, but he believes it should be something that they bring up and vote on.

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When asked for clarification on what chapters are pertaining to YouTube, IT Director Emily Osment explained that there is a point in the bar that you can click and it will take you to a certain topic. She pointed out that she has not done it before, but Council Member Blevins mentioned to her that YouTube has it readily available to add.

Council Member Blevins volunteered to help with it if needed.

ADJOURNMENT: Without objection, Mayor Johnson adjourned the meeting at approximately 6:39 p.m. MOTION CARRIED.

Respectfully,

Susan L. Davitt
City Clerk-Treasurer

MAYOR BOB JOHNSON