

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 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 19, 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, Traylor, Twitty, Smith, and Rains answered ROLL CALL. Mayor Johnson also answered ROLL CALL declaring a quorum. PRESENT NINE (9) ABSENT (1). Council Member Mashburn was absent.

Others present for the meeting were: City Attorney Stephanie Friedman, Police Chief Brett Hibbs, Public Works Director Jim Oakley, Finance Director Cheryl Erkel, IT Director Emily Osment, Lieutenant Ryan Wright, Chairman Jim Moore, Bart Gray, Frank Swift Jr., Phillip and Karen Carlisle, Johnny Simpson, and Rick Kron. ZOOM: CDBG Director Benita Bosier-Ingram.

PRESENTATION OF MINUTES: Mayor Johnson presented the minutes of the regularly scheduled City Council meeting of May 5, 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 Ray that the minutes of the regularly scheduled City Council meeting of April 21, 2022 be APPROVED. MOTION CARRIED.

CONSENT AGENDA: REGULAR MONTHLY REPORT/FIRE DEPARTMENT

Council Member Bolden moved, seconded by Council Member Ray to approve the regular monthly report for April 2022 from the Jacksonville Fire Department, reflecting a fire loss of \$20,000.00 and a savings total of \$145,000.00.

REGULAR MONTHLY REPORT/POLICE DEPARTMENT

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

Assigned Calls	127		
Self-Initiated Calls	253		
Follow Up Inspections	257	Apartment Complexes Inspected	0
Three Day Notice	137	Red Tags Issued	5
Seven Day Letter	181	Search Warrants	1
Citations Issued	5	Rehabbed Structures	1
Vehicles Tagged	35	Structures Condemned	0
Vehicles Towed	8	Demolition by City	1
Garbage Cans Tagged	1	Demolition by Owner	0
Basketball Goals	1	Parking Violations	0
Structures Inspected	575	Grass Mowed	44

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.

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

WATER DEPARTMENT:

WASTEWATER DEPARTMENTS:

FIRE DEPARTMENT:

STREET DEPARTMENT:

POLICE DEPARTMENT: a. Request for Police vehicles

Police Chief Brett Hibbs stated the Police Department needs more vehicles and that he is working on a five-year plan to rotate cars out after 150,000 miles. He shared that it will also tell how many they would need now, later, and for the next few years. He believes the Directors should get together and figure out how they will divide up the ARP money and then come to City Council for approval. He explained that it will come up later in June when they have the ARP money meeting. When Mayor Johnson asked, he responded that they have approximately 55 officers now, with about 30 in patrol, saying they do not have nearly enough cars. He noted a breakdown of all of the cars with the mileage and related how they used to rotate them out at 100,000 miles, but added that you can go up to 150,000 miles now, especially with a single driver. He pointed out that some agencies rotate them out at 75,000 miles; they were looking at 100,000, but the City Garage mechanics think 150,000 is more accurate. He related that each patrolman puts about 11,500 miles on a car per year, but currently their patrol fleet has two drivers each, so that is doubled to 23,000 miles a year. He recalled that they used to run cars 24 hours a day non-stop, but that is terrible on a car, so they do two drivers per car now, and on their days off the car gets a rest. He affirmed that with one driver per car, the officers take better care of it and put on half the mileage, making them last a lot longer with less maintenance. He stated that almost every agency around us gives officers a car after they finish field training after the academy, but our policy is after three years. He shared that currently they do not have enough cars to even do that, so his five-year plan includes eight cars this year, eight next year, then six after that.

Council Member Blevins noticed from what has been reported on the site, although they do not have enough cars, they are doing an incredible job and thanked Chief Hibbs. He mentioned the Ford City Leasing program and asked Chief Hibbs if they could use this as a lease-to-own option.

Chief Hibbs explained that they have looked at the leasing program and ten fully equipped cars would be \$13,000 per month, but we would not own them at the end of that three-year lease. He mentioned that if his funding runs out later on in the budget, then he would have no cars. He added there are some small cities that do it, but most of the decent sized cities are not doing the lease because they do not own the car.

Council Member Blevins noted that they do offer the option to purchase at the end of the lease.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.

Chief Hibbs reiterated that they have looked at it and there are a few cities that do it, but they did not find it beneficial for us.

b. ORDINANCE 1695 (#14-2022)

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE LEAD RECLAMATION SERVICES AND SOIL STABILIZATION SERVICES FOR JACKSONVILLE POLICE DEPARTMENT FIREARMS RANGES; FOR APPROPRIATE IMPLEMENTATION AND ACCESS FOR DEPARTMENT AND CITY OF JACKSONVILLE REPRESENTATIVES; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

Council Member Bolden moved, seconded by Council Member Ray to place Ordinance 1695 on **FIRST READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Traylor, Twitty, Smith and Rains voted AYE. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1695.**

Police Chief Brett Hibbs stated that they have two shooting ranges; one at the Police Department and an older one that is not being used, located behind the Animal Shelter. He pointed out that the older range has been in place for 40-50 years, informing the City Council that shooting ranges are supposed to have the lead taken out, mined, and dirt sifted and cleaned every one to five years. He stated that he does not recall this has ever been done at the older range and believes there would be an abundance of lead in the dirt. He explained that lead is a hazardous material that drains off into the Creek, which has monitors from the dioxin, surmising that we cannot let the unused range sit and contaminate the soil and groundwater. He affirmed that if we are not going to use it, we have to clean it. He explained that this company will come in and treat the dirt with a product called FF200 that will encapsulate the lead particles so that they are no longer a hazardous material. He added that this will include the newer range they have had for approximately 12 years now. He mentioned that the newer range has seen heavy use from all of the federal, state, and local agencies that use it and is overdue for having the lead cleaned out. He detailed that for the price of \$42,000 they will put it in a sifter, take the lead out, put the dirt back, and sell the lead. He noted that the current price of lead is approximately 60 cents per pound and shared that we will get half of that price taken off of the bill, so it will be less than \$42,000. When Council Member Bolden asked, he affirmed that this price includes both ranges. He shared that they only had two bids and the other bid was \$71,000, so they chose the lower bid from this reputable Company that has worked at Camp Robinson before. He related that it will take two days to get here from South Dakota and they will bring their equipment on trailers. Responding to a question from Council Member Blevins, he replied that he called the Company that Parks and Recreation Director Kevin House uses for the Game and Fish Range, but it is completely different equipment because they only skim the top since their lead shot falls, but ours goes into the dirt.

Council Member Bolden concurred that this process of sift, lead removal, purify, and putting the soil back is a totally different concept than what they do at the Game and Fish Range.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.

Mayor Johnson added that they are just mining lead for recycling at the Game and Fish Range.

Chief Hibbs assured that this lead will get recycled as well, but it is a hazardous material until it does, where it has to be transported and handled properly by licensed professionals.

Council Member Bolden moved, seconded by Council Member Ray to **APPROVE** Ordinance 1695 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1695 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

When Council Member Blevins asked, Chief Hibbs replied that this will come out of the Police Department budget 5500.

Council Member Bolden moved, seconded by Council Member Ray to **APPROVE** Ordinance 1695 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1695 on **THIRD AND FINAL READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Bolden moved, seconded by Council Member Sansing to **APPROVE AND ADOPT** Ordinance 1695 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, 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, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

ORDINANCE 1695 (#14-2022) APPROVED AND ADOPTED THIS 19th DAY OF MAY, 2022.

SANITATION DEPARTMENT:

PARKS & RECREATION:

PLANNING COMMISSION: 3rd READING 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 Ray moved, seconded by Council Member Bolden to place Ordinance 1693 on **THIRD READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1693.**

When Council Member Traylor requested clarification, Public Works Director Jim Oakley replied that it is not a modular home, but will be a mobile home with the correct requested zoning of R-6.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

Council Member Bolden moved, seconded by Council Member Rains to **APPROVE AND ADOPT** Ordinance 1693 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Twitty, and Rains voted AYE. Council Members Traylor and Smith voted NAY. **MOTION CARRIED.**

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

ORDINANCE 1693 (#12-2022) APPROVED AND ADOPTED THIS 19th DAY OF MAY, 2022.

COMMITTEE(S):

**GENERAL: a. PUBLIC HEARING ORDINANCE 1694 (#13-2022)
AN ORDINANCE CONDEMNING STRUCTURES AND REAL PROPERTY AT THE LOCATION NOTED BELOW IN JACKSONVILLE, ARKANSAS, FOR STRUCTURAL DEFECTS, DEFICIENCIES, AND PUBLIC HAZARD CONDITIONS; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.**

Mayor Johnson opened the public hearing at approximately 6:14 p.m.

Kenneth Taylor stated he and his mother, Rose Taylor, are co-owners of 700 and 704 Marion Street. He explained that they intended to pull permits and repair both properties, but after inspecting 704 Marion, it is not financially feasible, therefore they request the ability to tear it down and remove everything from the property. He noted that the utilities were capped today and he got a permit for the water and sewer that is going to be capped as well. He shared their plans of cleaning out the inside, taking down sheetrock and insulation, then exterior siding and roofing to haul away. He related that 700 Marion has minor repairs needed to make it passable for Code and he spoke with them today to revise his plan of action for both properties.

Lieutenant Ryan Wright stated that Mr. Taylor contacted Code Enforcement on May 2nd and apparently there was some communication between him and now-retired Officer Nolan that did not get relayed back to the others in Code. He confirmed Mr. Taylor provided a plan of action, but had a change due to the issue with the property. He requested to go through with the condemnation to protect the City in case the property does not get demolished and/or repaired. He detailed that if this property passes, Mr. Taylor will submit a 30-day plan and Code will give him the time he needs to get it done and pull a building rehab permit to start on 700 Marion Street. He confirmed that as long as Mr. Taylor has a plan and follows through with it, Code will not do anything to the properties, but if not, this condemnation protects the City where Code can follow through with demolition if needed.

Mayor Johnson closed the public hearing at approximately 6:18 p.m.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

Lieutenant Wright then presented a slide show of pictures and details regarding the properties contained in Ordinance 1694. He stated that 704 Marion Street is the one that Mr. Taylor plans to demolish. He detailed that the structure of the building is falling apart, has been rundown, and there have also been homeless people found inside of it. He noted that the case was started in January of this year, it was red tagged on the 19th of January, the owners were given a 10-day Intent to Condemn letter on the 1st of February, Mr. Taylor contacted Code on the 2nd of May, and then provided a plan of action on the 16th. He shared exterior photos of the property where the doors have been smashed in and the interior where part of the walls and ceilings are coming apart.

Mr. Taylor added that people have broken in, stole all of the copper, and ripped the walls down destroying the house.

Lieutenant Wright showed where the foundation is starting to crumble underneath parts of the house along with more exterior pictures of the things that have been ripped out from the inside it. He then presented pictures of 700 Marion Street and stated that this is the property Mr. Taylor will rehab. He noted that the case was started on the 27th of January, it was red tagged the same day, the Intent to Condemn letter was sent on the 7th of February, and Mr. Taylor provided Code with a plan on action on the 16th. He explained that this is not as bad as the other property, but there are still parts of the ceiling that have been torn down, copper and things torn out of it, mold present in the bathroom and bathtub, paneling falling apart, and also a swimming pool in the backyard with a tree growing in it that Mr. Taylor is going to fill in. He added that there is also an old shed that is falling apart that will be one of the structures that Code will tear down.

Lieutenant Wright presented pictures and details of 3032 South Highway 161, stating that the house had burned down and the owner started to remove the debris, but stopped and did not finish. He noted that the case started on the 1st of February, red tagged on the 11th, the condemnation notice was sent out on the 22nd of February, and since they started the work and failed to complete it, we need to get all of it out of there.

Lieutenant Wright presented pictures and details of 8017 South Highway 161 and stated that it is a mobile home that burned almost a year ago. He noted that the case was opened on 11/16/2021 and red tagged the same day. He explained that part of the reason why this was never brought to Council was because they had run out of funds last year to complete teardowns on a lot of properties. He added that the Notice to Condemn was sent on the 25th of February and they have not had any movement from the owner to tear it down or abate it. He pointed out that the exterior of the structure has been burned, nothing has been done to try to fix it or clean it up, and at one point the owner claimed to have plans of moving it out, but nothing happened. He related that it appears that the damage cannot be fixed.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

Lieutenant Wright presented pictures and details of 3022 South Highway 161 and stated that this property has three structures on it. He noted that the case was started on the 1st of February, red tagged the same day, the Intent to Condemn letter was sent on the 22nd of February, and there has been no movement or contact from the owner. He pointed out that the first structure was burned and the second structure is a shed that was also burned and never cleaned or repaired. He added that the third structure is a house with more minor damage done that includes holes in walls, ceiling falling apart with mold on it, floor issues, and the electrical outlets and copper have been pulled from it. He stated that if that structure does not get condemned, he requests permission to at least board it up to keep the homeless out of it and to prevent others from going inside until they can get some type of movement from the owner.

Lieutenant Wright presented pictures and details of 104 South Elm Street and stated that Code has been dealing with this property on and off for approximately two years. He explained that the owner/occupants were given an order by Jacksonville Fire Department to vacate the property due to a fire hazard inside, and if a fire were to occur, they would not have been able to go inside to get anyone out. He continued on to say that since being removed from the home, the occupants maintained a camp outside of the residence. He related that Code had issued numerous citations to this owner for outside storage issues and eventually had to abate it due to them refusing to clean the property. He detailed that they sent a 10-day Letter to Condemn on the 11th of February, there was no movement from the owners to correct the violations, and it appeared that they had abandoned the property. He noted that the building has structural issues and there is no power or water to the residence. He shared pictures of what the exterior looks like since it was abated by Code and pointed out where the occupants were setting fire next to the house to try to keep warm. He added that the structure of the house on the base is starting to come apart and on the inside of it they were burning fire pits in their bathtub and in some type of tray. He mentioned that there is a light outlet that appears to have had a fire in it that burned the top of the ceiling, there is mold growing in the bathtub, and reiterated that the structure is starting to fall apart at the base.

Lieutenant Wright presented pictures and details of 114 Roosevelt Road and noted that this case was started October 25th of 2021, it was red tagged February 1st of 2022, the Condemn Notice was sent on the 1st of February, and there has been no contact or movement from the owner. He explained that this property has been sitting approximately two or three years like this and nothing has been done with it. He detailed that the property is overgrown, the front and back doors have both been removed, the structure is slightly leaning like it is about to fall over, the bathtub and inside of the property has had the copper and piping tore out, the walls are starting to crumble and fall apart, and you can see the house, front to back, without even having to go in a door.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

Lieutenant Wright presented pictures and details of 206 Heritage Street and stated that this has also been one of Code's problem properties, as far as homeless people going inside of it. He noted that the case was started on January 18th, they had numerous calls about a homeless subject staying inside, a 7-day letter was sent to the family on the 19th, they sent a 10-day Intent to Condemn notice on the 1st of February, and have not had any movement or contact from the deceased owner's family. He detailed that the property is overgrown, the windows are starting to get broken out of it, the rear of the property has fascia falling down, holes are developing right underneath the roof, and people have been starting fires inside.

He reviewed 106 Pulaski Drive explaining that the case was started October 28, 2021 when there was a fire at the structure. He stated that the property was red tagged and an Intent to Condemn letter was sent February 22, 2022, adding that there has not been any movement or contact from the owner. He demonstrated that the entire back of the property has been blown out during the fire, also noting that the entire structure has come out from the side of the property. He further noted that the ceiling is starting to cave in and there are holes in the floors.

He then demonstrated deficiency regarding 221 Laurel Street, noting this was also a burned structure. The case was started February 10th and red tagged on the same date. The 10-day letter to condemn was sent February 22nd. He related that there has been no movement or contact from the owner.

He lastly reviewed 1630 Pinon explaining that they have been dealing with this property for almost two years. The case was started July 12, 2021 and was red tagged the same day. He related that a tree had fallen on the trailer and a person was living there with the fallen tree inside the structure. He noted that the tree had caved in the roof. He explained that a 10-day letter to condemn was sent on July 23, 2021 but they were unable to locate the owner so they placed a notice in the Leader Newspaper attempting to contact him. There has still not been any movement or contact from the owner and the property had to be boarded to keep people from going inside.

Council Member Twitty moved, seconded by Council Member Bolden to place Ordinance 1694 on **FIRST READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Traylor, Twitty, Smith and Rains voted AYE. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1694.**

Council Member Ray moved, seconded by Council Member Sansing to **APPROVE** Ordinance 1694 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1694 on **SECOND READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Ray moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1694 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1694 on **THIRD AND FINAL READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

Council Member Ray moved, seconded by Council Member Twitty to **APPROVE AND ADOPT** Ordinance 1694 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, 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, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

ORDINANCE 1694 (#13-2022) APPROVED AND ADOPTED THIS 19th DAY OF MAY, 2022.

b. PRESENTATION: Christopher Homes

Ms. Elizabeth Lopez of Christopher Homes offered a slide presentation of the various properties in 12 different locations. She explained that they currently have 24 properties and are planning to come to Jacksonville. She further explained that they are senior properties with age 62 or older, while some properties do have an age waiver for 55 and older, noting that they are all one bedroom and studio properties. She stated that the Jacksonville property will be all one-bedroom apartments at 1900 General Samuels. She thanked the City Council for rezoning it in 2019, adding that HUD notified them in April that they had received the award regarding this property. She then reviewed the Little Rock property, which will be very similar to the Jacksonville property in design. She stated that of the 24 properties, 17 are Section 8 and 7 are a project rental assistance contract and that is what Jacksonville will be. She confirmed that they are for the very low income of 62 or older. She stated that they have had several inquiries and could fill the Jacksonville property two times over. She then answered that they maintain a 95% occupancy with as much as a two-year waiting list. She reviewed the design aesthetics of the Jacksonville property, noting that it would be circular to accommodate the Fire Truck. She related that they have been awarded \$2,114,096.00 toward the development of the Jacksonville property, explaining it was based on 2019 development cost, but construction costs have risen significantly and she feels that will not be enough to get the project developed. She added that they are working with ADFA to obtain the gap funding, saying that her reason for tonight's visit is to petition the City Council to reduce the sale of the land to \$10.00 per acre in lieu of the \$10,000.00 originally agreed upon, to help with development. She stated that Christopher Homes makes good neighbors and thanked the City Council for their consideration.

Council Member Blevins issued concerns for the City continually selling land low and buying land at higher prices.

Ms. Lopez explained that with inflation and rising costs, as well as the uncertainty of construction costs, they are hoping to reduce costs where they can. She noted that they are a 501 (C)3 nonprofit, so they do not have funds to supplement the cost of the development of these properties.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

Council Member Sansing noted that Jacksonville is a retirement community and this project is well needed. He stated that he would not have a problem selling the property at \$10.00 per acre because of the cause. He concurred that inflation, construction, and material costs have risen and it is through no fault of Christopher Homes. He acknowledged that they need to cut every corner they can.

Council Member Traylor questioned if the vote would be tonight.

City Attorney Friedman stated that the sale of the land has already been approved but it was at \$10,000.00 per acre. City Council would need to approve the request to lower the selling price.

Council Member Traylor stated that he would prefer that a Resolution be brought back to the City Council.

City Attorney Friedman requested that the City have the first right of refusal if they did not follow through with the development in Jacksonville.

Ms. Lopez assured City Attorney Friedman and the City Council that the development in Jacksonville is guaranteed because the property has already been designated with the HUD grant, so if not developed, they would lose the funding. It has to be developed according to the plan that has been approved by the Housing and Urban Development. She then agreed to send City Attorney Friedman a copy of the agreement with HUD. She stated that she is trying to get the property developed as soon as possible before prices go up again, noting that she has to have an appraisal done on the land within 30 days of accepting the agreement per HUD. She emphasized that they already had a contract for sale for the \$10,000.00 at the last meeting, and it would put them in a stall mode. She stated they would not be able to purchase the land until the price has been agreed upon. She then responded that the land consists of 2.1 acres.

City Attorney Friedman stated that the previous Resolution had 2.93 acres.

Ms. Lopez confirmed that they need 2.1 acres for the project according to the designs.

City Attorney Friedman stated that she would also need an updated legal for the 2.1 acres.

Further discussion ensued regarding the approved funding with Ms. Lopez noting that their estimate is approximately \$600,000 more than previously projected, just for costs. She then answered that it will be a 20-unit property and each unit is 624 square feet, adding that there would be a manager unit with a manager that lives onsite. She also noted that the property would have a community room and laundry. She clarified that since May of 2021 the price has gone up by \$600,000.00, which is the reason for her request and why they are petitioning ADFa for the gap funding.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.

Council Member Ray stated that he feels the City Council should proceed with what it can to help with the development.

Council Member Ray moved, seconded by Council Member Sansing to approve the sale of the property at \$10.00 per acre instead of the previously agreed \$10,000.00 per acre with a new legal and Resolution.

Council Member Bolden stated that he is in agreement with the project and lowering the sale price of the land.

Mayor Johnson stated that if the City Council did vote in favor of this, it would return to them with a new legal description in a new Resolution, but if approved tonight it would allow them to move forward.

Ms. Lopez then responded to a question from Council Member Traylor, explaining that ADFA has funding from the Department of Housing and Urban Development that comes to the State and it is funding from the Home Trust Fund. She noted that it is also a grant and it is on a first come, first serve basis, adding that they will have to make application and they are currently in the process of doing that.

Council Member Traylor confirmed with Ms. Lopez that the grant from ADFA would cover the original price of the land in 2019. He then confirmed with her that without the additional ADFA funding they would not be able to do the project at all and the original cost of the land could be included in the request for development funding.

Council Member Traylor stated that he would prefer that to lowering the sale of the land.

Council Member Sansing questioned if it would hold up the project causing further increase in developmental costs.

Ms. Lopez stated that the land cost is not the lynch pin in deciding if this project will be developed, she assured the City Council that the project would go through. She noted that the \$600,000 was requested last week but prices are continuing to rise exponentially every day. She stated that contractors will not hardly lock in a price for 30 days because their suppliers cannot tell them what material costs will be. She explained that they are racing against the clock to try and get it developed. She stated that she is shooting for construction in March 2023. She explained that there are delays with HUD, but site acquisition is important before we can get approval from HUD for a firm commitment.

Council Member Dietz confirmed that the original total cost was \$21,000.00. He stated that he does not feel there is affordable housing in Jacksonville, saying that he would be in favor of lowering the sale of the land.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

Council Member Traylor stated that he feels it would be a problem for the City to sell the property for \$10.00 per acre and would set a precedent for the City to have to sell future property for the same.

Council Member Bolden reiterated that there are older citizens that are having economic difficulties and the City Council needs to consider this, pointing out that if it is done for one does not mean it has to be done in the next sale of property.

Council Member Ray called for a question to the motion.

Council Member Blevins noted that the City has recently approved three large areas for development of affordable housing. He agreed that lowering the cost would set a precedent.

Council Member Ray called again for a question to the motion. Council Member Bolden seconded the motion. Roll Call: Council Members Dietz, Bolden, Blevins, Sansing, Ray, Traylor, Twitty, Smith, and Rains voted AYE. MOTION CARRIED.

City Clerk Davitt restated the motion on the floor: **Council Member Ray moved, seconded by Council Member Sansing to approve the sale of the property at \$10.00 per acre instead of the previously agreed \$10,000.00 per acre with a new legal and Resolution. Roll Call: Council Members Dietz, Bolden, Sansing, Ray, Smith, and Rains voted AYE. Council Members Blevins, Traylor, and Twitty voted NAY.**

Discussion ensued and City Attorney Friedman stated that in order to change a previous action by the City Council it would require 2/3rds vote.

Motion to lower the sale cost to \$10.00 per acre FAILED.

Ms. Lopez stated that the development will still come to Jacksonville and thanked the City Council for their consideration.

c. DISCUSSION: Rock Region Metro

Council Member Blevins recalled that Rock Region Metro met with City Council three different times where they emphasized there would be \$1.35 rider share, six to eight months of free service to help generate use of this plan, and a point of interest located at McCain Mall. He added that they also spoke about how amazing it was working in Conway, but afterwards, he found out that Conway has not even started the service yet. He detailed how he had been watching Rock Region as they go to different areas and saw the Sherwood City Council meeting, where they were told the fee would be \$2.00; which made him wonder why we were told something different at \$1.35. He recounted that at the next Sherwood City Council meeting, it was stated that Jacksonville is paying \$2.00, but he recalled that Mr. Pearl emphasized that it would be \$1.35 numerous times, even when Council Member Traylor asked about trips to different locations. He shared that he called and started making inquiries

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

regarding this, and according to Rock Region Metro, the deal that the Mayor signed did not include a point of interest, the full city of Jacksonville, or the free six to eight months service. He stated that it is a significant change in price.

Mayor Johnson stated that the contract approved by City Council is the one he signed. He noted that Rock Region is scheduled to make a presentation to City Council next month, noting that all questions can be asked at that presentation.

Council Member Blevins related that Rock Region stated that the presentation did not matter and whatever Charles Frazier said, who is no longer with the Company, does not matter. They also said that Mr. Pearl did not even have the authority to come and talk to City Council. He stated that it seems they are saying we are on the hook for \$100,000.00 if we want to get out of the contract.

Council Member Traylor stated that the concern was when we voted on it before, now we have it, and hopefully it will turn out to be good. He stated that we have to live with that decision.

City Attorney Friedman noted that Mayor Johnson signed that contract that was presented to City Council.

Council Member Dietz stated that given the rising cost in gas, it is still a good deal. He added that this was also done to appease the Air Base who had said the City should provide transportation for military members, so it was not just for the citizens of Jacksonville.

Mayor Johnson noted that the \$5.00 taxi has stated they are going to \$10.00 a ride because of gas prices.

d. Select Chairman for Fowl Committee

Council Member Mary Twitty volunteered to chair the Fowl Committee.

e. Dispute regarding Ordinance 1692 (preservation status in residential zones)

Council Member Sansing stated that when this Ordinance was adopted we specifically set in an area that was going to be set up for wildlife. He stated that we were adamant that we would not allow just anyone to say that they would not mow their grass because it is a wildlife area. He explained that the people doing this would have to get a Federal, State, or City certification and prove they were maintaining a wildlife area. It was noted that we do not have a designation for the City. He stated that the State has a hold on their certifications while they are revamping their program. He related that Mr. Swift would like to present his case to the City Council, adding that he feels the best solution would be to offer Mr. Swift a certain amount of time to be able to produce a State certification or meet with the Homeowner's Association and come up with a compromise.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

Mr. Frank Swift offered the City Council additional information which he distributed. He related that he was only presented with problems last Friday, noting that two weeks prior the City Attorney had assured him that he was in full compliance with the new Ordinance. He continued saying that he was then surprised Friday to have been told that he had to mow within 7 days or go to court. He stated that he submitted to the Engineering Department for an appeal hearing before the Board of Adjustment next month for a variance. He reviewed the plat of his property, saying that there are only two other families that ever need to drive pass his lot to get in and out of the gate. It was noted that all of the lots have an adjacent "F" lot in the flood plain that cannot be developed. He referenced photographs he provided, saying that his lot is far away from any other part of the Subdivision, except two other houses on the cul-de-sac. He then explained that the lot adjacent to his wildlife habitat has since been purchased and the new owner has said he is very happy with it. He then noted that his house was built to one side of the lot 12 years ago, instead of in the middle, to accommodate the establishment of the wildlife habitat and, at that time, the City did not regulate mowing of any lot that was in excess of 5 acres. He related that Ordinance stayed in effect until April 6th of this year. He noted that the area has fields, trees, and wet lands between his house and Lake Pickthorne. He stated that over the years they have left this area in its natural state but have also developed it. He related that they put in a pond and fixed the drainage in the meadow area so there is no more standing water, explaining that they built in an underground drain to drain the water into the pond. He stated that they have planted native species of plants over the years and removed non-native and invasive species. He stated that this has all qualified them for a wildlife designation from the National Wildlife Federation and the Arkansas Game and Fish Commission. He added that this was closed as of April 27th when City Attorney Friedman told him that he was in full compliance with the Code but someone decided to really dig into it at City expense and reopen the case and on April 13th he found three police officers on his door step telling him he had to mow the area within 7 days or he would be cited in court. He stated that the people who are complaining are one that lives on his street and the other two are on the next street over. He stated that Phil and Karen live on lot 19 and cannot even see his house. He reiterated that he was told by Code Enforcement to file an appeal with the Board of Adjustment. He noted a list in the information he provided to City Council regarding many lots in the Subdivision that are not in compliance with the mowing ordinance. He also reiterated that the wildlife area has been there for 12 years and the people who are complaining moved to the Subdivision after that. He stated that there is a legal doctrine called "Coming to the Nuisance"; if there is a nuisance and you move to it, you are no longer able to complain about it, you will not get any relief. He added that these folks do not seem to think that they should leave well enough alone. He stated that they brought it up at one of the Homeowners' Association meeting and tried to get the Bill of Assurance changed and the other homeowners did not concur with them. He said that he believes he has the support of the majority of the property owners in the Subdivision. He stated that most of them are homeowners with small children and cannot come to meetings on a couple days' notice, adding that some of them are available to speak tonight. He stated that he would like for them to

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

be able to speak to the City Council and that one person has come from Conway to attend this meeting. He then noted that he has also included, in the information provided, the written measure of support that some of the homeowners have been kind enough to supply us. He stated this is a colossal waste of the City's time and money and Lieutenant Wright has more important things to do. He related that in the new Ordinance the City has given itself the authority to approve such natural areas, adding that it has not created a new application process yet, so he believes the City Council could simply certify his wildlife area here and now or he would ask that the City Council suspend action for about 90 days to allow the City to create an application process and for him to bring in the experts and demonstrate the value of this area. He then stated that meanwhile he would have to go before the Board of Adjustment to seek a variance.

City Attorney Friedman clarified that when she had related to Mr. Swift that he was in compliance with the new Ordinance, she had been informed that he was certified by the Arkansas Game and Fish. She stated that based on that information, you had been recognized by a State agency and given certification. She added that when she spoke to the Arkansas Game and Fish, she was informed that their program is no longer active. She stated that Allison Fowler sent an email this afternoon stating that she was providing clarification regarding her letter of support, which was essentially what it was, not a certification. She stated that is the difference regarding the discrepancy between saying you were inside the scope of the new Ordinance, was when she thought, and was told, that he had a certification but it was only a letter of support after speaking with Arkansas Game and Fish. She then clarified that the 7-day notification from Code Enforcement is standard; everyone is given 7 days to mow their grass, adding that the other lots in the Subdivision that are not in compliance have been tagged. She noted that Code Enforcement is not omni present so they are primarily complaint driven. She then addressed Mr. Swift's comment about "Coming to the Nuisance"; which she stated is only common in civil tort law and does not provide any recourse to violate City ordinance. She stated that is a civil action between Mr. Swift and his neighbors.

Mr. Swift stated that he understands that, adding that he had not received that communication from Ms. Fowler. He went on to say that Ms. Fowler's initial letter stated that Mr. Swift qualified for their program but did not say that he was certified, adding that he misunderstood that. He related that their program is inactive now because they are revising it and he was told that he would be able to qualify as soon as they are again issuing certifications.

City Attorney Friedman clarified that she did not see the letter until Tuesday of this week; she was initially going off of Mr. Swift's word that he was certified.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

Council Member Blevins added that he spoke to Ms. Fowler on the phone and there is a big issue with the terminology of qualifying versus certified. He affirmed that he is not for keeping this area but when he spoke to Ms. Fowler today, she told him that she had not even come out to look at it, but was instead using the honor system and went off of what Mr. Swift told her. He noted that she did say that this area would be approved if they had the program up and going and, if the City voted to mow it down, it would cause a huge setback in what Mr. Swift has accomplished. He reiterated that he is not for keeping this area, but wanted to share Ms. Fowler's hopes that Council would at least give Mr. Swift more time to where they could get the program going and then they could come inspect it to see if he is in line to keep it. He reiterated that nothing has been done, except for online communication; no one has looked at it.

Council Member Bolden affirmed that when it comes to the 7-day letters, Lieutenant Wright and Jacksonville Police Department do not take personal issues against our citizens. He pointed out that he has a church with lots and when they serve him, he had the same 7-days as anyone else.

Mr. Swift assured that he did not mean it was personal with Lieutenant Wright, but that it was personal with his new neighbor. He stated that he has seen that Code has a lot on their plate and they have a lot more important things to do than this.

Lieutenant Wright clarified that the 7-day letter that Mr. Swift received is a standard letter sent by Code Enforcement and he was also sent an additional letter indicating the process he needed to go through to get the variance on it. He added that Mr. Swift was given until May 25th to cut the grass if there was no variance requested or recognition given, which was more than 7 days and ample time to approach the City to make his case for a variance.

Mr. Swift invited those who have not seen the area to come out and take a look for themselves and assured that there is nothing wrong with it. He shared that his neighbor bought the lot next to him specifically based on the fact that there was a natural area next to where his children would be able to enjoy it.

When Council Member Bolden inquired about the sign that is present in this area, Lieutenant Wright replied that it is a National Wildlife Federation sign that they give for recognition for getting their process completed.

Council Member Ray related that he would never have voted for a subdivision that had a planned wildlife refuge in the middle of it and mentioned the Bill of Assurance.

Mr. Swift affirmed that the Bill of Assurance does not regulate mowing, which his neighbors knew when they moved out there.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

Council Member Blevins related that when you enter into a subdivision like Foxwood Estates, you want all of the houses to be uniform, not have a random overgrown area. He pointed out that it might feel personal to Mr. Swift since he is the one that owns it, but everyone wants to be treated the same and have their lawns look the same; that is why they spent that money to have their area fenced in and blocked off.

Lieutenant Wright noted that the ordinance Mr. Swift previously referred to regarding property over 5-acres was passed in 2001, but there was a second ordinance passed in 2009 that superseded it and eliminated the 5-acre requirements. He added that the one from 2009 was recently modified to add a few words and changed it from 24" to 18", so the ordinance that Code was going off of was from 2009, not 2001.

Mr. Swift addressed Council Member Blevins previous comments by stating that uniformity is governed by the Bill of Assurance and it does not regulate mowing at all. He mentioned that the neighbors around him do not object and have not complained, other than two or three.

Council Member Blevins replied it was probably not put in the Bill of Assurance because they did not think they had to; they assumed everyone would mow their grass.

Mr. Swift clarified that they do mow their lawn, but they have set aside a portion of the property to leave as a natural area; it has been that way for 12 years and no one has complained until the last couple of years when a new neighbor moved there. He assured that most of his other neighbors support him keeping the area or do not object, while some do not want to be involved in the argument.

Bart Gray of 2413 Hunters Chase Court stated he is the next-door neighbor that Mr. Swift is talking about, offering they did move there two years ago. He explained that the Subdivision was approved in 2008, it has 24 lots being 4-6 acres each, with nice houses and well-manicured lawns. He noted that the Subdivision did not take off until the last two years where 10 lots have sold, now having 8 houses under construction. He related that the Improvement District did not function at all before the neighborhood established that they wanted to change the commissioners and last August they appointed Karen Carlisle, Daniel Gray, and himself. He related they had their first Improvement District meeting in September and one item of business was lawn cutting where Mr. Swift's yard was brought up. He shared that there was talk about having his yard cut back to the tree line and around his pond, but Mr. Swift requested it to be tabled until they could talk. He recalled that Mr. Swift was very anxious that there was going to be a vote to have his yard cut, so he requested more time to get together and try to work out a compromise. He stated that he and Mr. Swift did have a talk where Mr. Swift was encouraged to compromise or have some sort of solution for the community, but since that conversation, nothing has been done. He noted that before their meeting in February, Code Enforcement was in their neighborhood and

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.**

cited Mr. Swift to mow his grass, so during that meeting they did not remove the item from being tabled because Mr. Swift was supposed to mow his grass. He explained that the Bill of Assurance for Foxwood Estates states that the Improvement District has the powers of oversight of the Subdivision, including care of lawn and grounds, landscaping, beautification of areas adjacent to the streets, and other such things. He added that the Board of Commissioners and the District owners, many of which do not want to get into a fight publicly, are in favor of Mr. Swift cutting his grass. He pointed out that Mr. Swift has 2-acres behind his home where he could have a wildlife area. He continued saying that the front of Mr. Swift's yard is less than a ¼ of an acre along the street and if this area were cut it would make the front yard more comparable to the rest of the neighborhood. He stated that he is one of the two houses that travel pass Mr. Swift's yard, adding that he also travels pass a lot of other houses under development that are maintaining manicured lawns to the back-property line and further. He then added that they do have in the Bill of Assurance that the Commissioners should, and could, encourage or ask him to cut his grass. He added that they would encourage the active participation in the new Ordinance to have Mr. Swift cut his grass.

Council Member Bolden stated that he would recommend that the new Ordinance be upheld.

Mayor Johnson stated that Code must be blind, they do not recognize social status, race, or sex; Code has to be the same for every citizen in Jacksonville.

Mr. Swift stated that Mr. Gray has misstated the facts, reading the minutes of the Improvement District Board did not say anything about him agreeing to mow his lawn.

Council Member Bolden explained to Mr. Swift that the Board's discussion does not affect the ordinance that the City has adopted.

Mr. Swift countered that the ordinance states that the area can be certified as a wildlife area either by the City, State, or Federal Government.

Council Member Rains stated that she explicitly went into detail in the point. She said that it is all the same information, saying that it is a wildlife area.

Council Member Twitty stated that there is plenty of room behind Mr. Swift's house to have a wildlife area, but currently it is in the front of his house; very visible from the street. She commented that Mr. Swift has a beautiful home and land, but when she looks at this and sees there is plenty of room behind your house, it looks like this area is just not mowed or kept.

Council Member Blevins stated that he feels it is not that Mr. Swift does not want to mow his grass but that the area is close to the street and, to the unqualified person, it looks like an unkept lawn instead of a wildlife area.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.

He stated that while he is 100% in favor of it being mowed, after speaking with the Game & Fish Commission, she said specifically that if this program had still been active and not being overhauled, Mr. Swift would have been granted certification based on what he said. He related that she also said that if it was mowed, it would be completely damaging to the habitat and would not be able to be brought back up. He stated that he feels it may be the right call to give him a 90-day time period to offer an opportunity for the Arkansas Game & Fish to come look at the property and see if it meets the certification. He then offered that she did mention accessibility to the road, saying that might keep this from being able to meet certification. He noted that there is plenty of property to move it to another area, offering that 90-days would be his recommendation.

City Attorney Friedman related that she also spoke to Allison at the Game & Fish and was told that basically their certification is the honor system. She stated that even if they revamp the program, Game & Fish is not going to go out and view the property.

Council Member Blevins confirmed that he was told that they would absolutely send someone to view the property.

Council Member Bolden stated that if it is allowed for one citizen, others will want to make the claim that they too have a wildlife area that prevents them from mowing their grass.

Council Member Twitty stated that it would not be right for City Council to not stand behind the ordinance that they themselves adopted.

Mr. Bart Gray commented and Council Member Traylor clarified that the wildlife preservation certification did not start until after the Improvement District asked Mr. Swift to mow his property.

City Attorney Friedman read the email from Allison Fowler at the Game & Fish:
Mr. Swift,

I wanted to provide some clarification on the intent of the letter of support I provided you in March regarding your yard's wildlife habitat. AGFC doesn't currently have a mechanism to designate properties with any particular status (natural area, bird sanctuary, etc.). We at one time did have a voluntary backyard habitat certification program that encouraged people to provide certain wildlife habitat components on their properties (native plants, cover, water). That program is currently inactive, though we are working to revise it. Based on the information you provided about your space, your yard would meet the qualifications and guidelines of AGFC's past backyard habitat program. However, regardless of the status (past or future) of this habitat program, it is not an "authorization" or intended to supersede any local ordinances or regulations that otherwise may apply to property owners. It simply is a way for our state agency to encourage citizens, like you, to voluntarily provide valuable habitat to benefit wildlife where possible and permissible. Thanks, Allison

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.

Mr. Swift clarified with City Attorney Friedman that the letter was sent this afternoon, so Mr. Swift has not had an opportunity to see the letter yet. He stated that with regard to the letter talking about not superseding an ordinance, the ordinance has a specific exception for wildlife areas. He stated that the is not trying to supersede the ordinance but to comply.

City Attorney Friedman stated that the exception requires that you be designated or certified by the City, State, or United States.

Mr. Swift noted that the City of Jacksonville has not created a process for that. In response to a number of comments, Mr. Swift stated that if he provided the professional testimony, the City could decide to certify.

Council Member Blevins noted that the revamping of the program will provide for the Game & Fish to actually view the property themselves instead of being based on the honor system. He then related that Allison Fowler had stated that their committee will meet on June 8th.

Council Member Bolden suggested that the City Council follow the direction of the City Attorney.

Other discussion ensued regarding the Board of Adjustment being the current body to provide due process and that Mr. Swift has applied for a public hearing before the Board of Adjustment. It was the consensus of the City Council to allow Mr. Swift to process through the Board of Adjustment.

Mr. Swift requested that another neighbor be allowed to speak.

Mayor Johnson clarified that the City Council is not the entity that will decide this matter, noting that it is slated to go before the Board of Adjustment. He stated that further information should be demonstrated before the Board of Adjustment. He consented to allow one citizen in support to address the City Council.

Mr. Alexander Sumowulu related that he owns two lots in the Subdivision, saying that his concern is that during the meeting they held on February 21st, it was decided that this would be tabled. He added that he was surprised to find out that Mr. Swift got a letter, adding that he has no problem with following the ordinance. He supports Mr. Swift having a due process and believes that since they tabled this discussion on February 21st, going behind that and getting the City involved, was not right.

Daniel Gray, a commissioner of Foxwood Estates' Improvement District Board, stated that he is currently building in this Subdivision and this issue is not something he signed up to be a commissioner for. He shared that he would prefer to focus on sewer, streets, and the gates because they live in the City so that Code Enforcement can take care of the other issues. He explained that the reason he believes that Code Enforcement came to their Subdivision is because he ran into Chief Hibbs at a restaurant and it came up in conversation. He affirmed that it was not because of anything the Improvement

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MAY 19, 2022
6:00 P.M. - 7:57 P.M.

District or Homeowners' Association did and they did not violate any tabling of anything that was discussed during their meeting. He stated that they live in the City of Jacksonville where there is Code Enforcement and he mentioned it to the Chief of Police, that is why we are here.

Mr. Sumowulu added that the neighborhood needs to learn how to separate their differences and solve the problem.

Phillip Carlisle, a resident of Foxwood Estates, stated that there is a Code; you either enforce it, or you change it.

Mr. Swift requested that his neighbor, that intentionally bought the lot directly next to this natural area for the benefit of his children and grandchildren, be able to speak.

Council Member Traylor affirmed that it is not whether or not his neighbors are okay with it, it is what the ordinance says, so he does not see a need.

Mayor Johnson mentioned the appeal process and City Clerk Davitt stated that part of that process is that Mr. Swift would have to prove a hardship.

Mr. Swift requested the 90-day extension that Council Member Blevins mentioned.

Council Member Traylor replied that Mr. Swift agreed to his due process with the Board of Adjustment, so he is not for extending the process.

Council Member Bolden added if the Board of Adjustment denies it, he will have to cut it.

APPOINTMENTS: SEWER COMMISSION

Council Member Ray moved, seconded by Council Member Bolden to approve the reappointment of Jeff Elmore for a term to expire 04/20/2027. MOTION CARRIED.

UNFINISHED BUSINESS:

ANNOUNCEMENTS: Council Member Blevins announced that there will be a public hearing at the next City Council meeting in regards to the Pit Bull ordinance.

ADJOURNMENT: Without objection, Mayor Johnson adjourned the meeting at approximately 7:57 p.m. MOTION CARRIED.

Respectfully,

Susan L. Davitt
City Clerk-Treasurer

MAYOR BOB JOHNSON