

City Council of Jacksonville, Arkansas

A G E N D A

Regular City Council Meeting

January 7, 2016 7:00 p.m.

		PAGES
1. OPENING PRAYER:		
2. ROLL CALL:		
3. PRESENTATION OF MINUTES:	Rescheduled City Council Meeting December 10, 2015	1-11
	Regular City Council Meeting December 17, 2015	12-16
4. APPROVALS AND/OR CORRECTION OF MINUTES:		
5. CONSENT AGENDA:		
Animal Control:	Regular Monthly Report/December Annual Report (included in packet) Public Works Director Jim Oakley	17-18
6. WATER DEPARTMENT:	RESOLUTION 735 (#01-2016) Confirming implementation of a pass through charge from Central Arkansas Water (Mayor Fletcher)	19-20
7. WASTEWATER DEPARTMENT:		
8. FIRE DEPARTMENT:		
9. POLICE DEPARTMENT:		
10. STREET DEPARTMENT:		
11. SANITATION DEPARTMENT:		
12. PARKS & REC. DEPT:		
13. PLANNING COMMISSION:		
14. GENERAL:	a. Proclamation recognizing Jacksonville as a Purple Heart City (Mayor Fletcher)	
	b. ORDINANCE 1536 (#16-2015) Providing modification of the City's Business Privilege License requirements (Mayor Fletcher)	21-31

City Council A G E N D A continued
Regular City Council Meeting
January 7, 2016

15. APPOINTMENTS:

PLANNING COMMISSION
Appointment of Robert Price and
Virgil Healey for terms to expire
01/01/2019

BOARD OF ADJUSTMENT
Appointment of Ron Higgins to fill the
unexpired term of Virgil Healey to expire
02/05/2017

16. ANNOUNCEMENTS:

City offices will be closed Monday,
January 18th in observation of
Martin Luther King Jr. Day.
Sanitation routes will run one day later

ADJOURNMENT

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2015
7:00 P.M. - 7:41 P.M.**

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

The City Council of the City of Jacksonville, Arkansas met in regular session on December 10, 2015 at the regular meeting place of the City Council. Alderman Bolden delivered the invocation and Mayor Fletcher led a standing audience in the "Pledge of Allegiance" to the flag.

ROLL CALL: Aldermen: Elliott, Bolden, McCleary, Sansing, Ray, Traylor, and Smith answered ROLL CALL. Mayor Fletcher also answered ROLL CALL declaring a quorum. PRESENT SEVEN (7), ABSENT (3).

Others present for the meeting were: City Attorney Robert Bamburg, Director of Administration Jim Durham, Finance Director Cheryl Erkel, Accounts Receivable Specialist Nikki Wilmoth, Fire Chief Alan Laughy, Police Chief Kenny Boyd, IT Director Scott Rothlisberger, Public Works Director Jim Oakley, CDBG Director Theresa Watson, City Engineer Jay Whisker, 911 Director Tabby Hughes, Planning Commission Chairman Jim Moore, Planning Commissioner Patrick Thomas, Johnny Simpson, Lida Feller, and interested citizens, and members of the press.

PRESENTATION OF MINUTES:

Mayor Fletcher presented the minutes of the regular City Council meeting of November 19, 2015 for approval and/or correction at the next regularly scheduled City Council meeting.

APPROVAL AND/OR CORRECTION OF MINUTES:

Alderman Ray moved, seconded by Alderman Bolden that the minutes of the regular City Council meeting of 5 November 2015 be APPROVED. MOTION CARRIED.

CONSENT AGENDA: REGULAR MONTHLY REPORT/ENGINEERING DEPARTMENT

Alderman Ray moved, seconded by Alderman Sansing to approve the regular monthly report for November 2015.

PERMITS/LICENSE ISSUED

Building Permits	10
Business Licenses	4

INSPECTIONS PERFORMED

Building Inspections	14
Electrical	22
Plumbing	20
HVACR	13

REGULAR MONTH REPORT/ANIMAL CONTROL

Alderman Ray moved, seconded by Alderman Sansing to approve the regular monthly report for November 2015.

ADOPTION FEES/FINES	\$1,345.00
CONTRIBUTIONS	25.00
TOTALS	\$1,370.00

ROLL CALL: Aldermen: Elliott, Bolden, McCleary, Sansing, Ray, Traylor, and Smith voted AYE. MOTION CARRIED.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2015
7:00 P.M. - 7:41 P.M.

WATER DEPARTMENT:

WASTEWATER DEPARTMENTS:

FIRE DEPARTMENT:

POLICE DEPARTMENT: Check presentation for body cams by Senator Linda Chesterfield

Mayor Fletcher stated that he is honored to have Senator Linda Chesterfield to present the City with a check to purchase body cams for the Police Department.

Senator Linda Chesterfield presented Police Chief Boyd with a check for \$5,000.00 to purchase body cams.

Senator Chesterfield stated that she is proud to present the Police Department with a \$5,000.00 check.

She added that she has imposed upon Mayor Fletcher the need for the I-30 corridor to make safer travel. She stated that it is imperative that voices on this side of the River be heard. She stated that the new proposal will make it safer with a flyover so that traffic does not have to maneuver from 40-East over to Highway 67. She stated that she has been fighting for the proposal, and as Chair of Transportation during that time she was able to get the Bill passed.

She stated that she is proud of the Jacksonville Police Department and proud that they want to have body cams that will enhance the appreciation of the community for what they do. She related the more trust that we can build the greater opportunities to serve our constituents. She thanked the City Council for the opportunity to address them.

Chief Boyd thanked Senator Chesterfield, saying that after this purchase the Police Department will have 52 body cams. He added that this will provide all officers in enforcement action body cams.

Mayor Fletcher and the City Council thanked Senator Chesterfield.

STREET DEPARTMENT:

SANITATION DEPARTMENT:

PARKS & RECREATION:

PLANNING COMMISSION:

GENERAL: a. ORDINANCE 1539 (#19-2015)

AN ORDINANCE AMENDING JMC §§ 9.12.; AND, FOR OTHER PURPOSES.

Alderman Ray moved, seconded by Alderman Bolden that Ordinance 1539 be placed on **FIRST READING. ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Ray, Traylor, and Smith voted AYE. NAY (0). **MOTION CARRIED.** Whereupon City Attorney Bamberg read the heading of Ordinance 1539.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2015
7:00 P.M. - 7:41 P.M.

Alderman Ray moved, seconded by Alderman Sansing to **APPROVE** Ordinance 1539 on **FIRST READING** and suspend the rules and place Ordinance 1539 on **SECOND READING. ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Ray, Traylor, and Smith voted AYE. NAY (0). **MOTION CARRIED.** Whereupon City Attorney Bamburg read the heading of Ordinance 1539.

Alderman Ray moved, seconded by Alderman McCleary to further suspend the rules and place Ordinance 1539 on **THIRD AND FINAL READING. ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Ray, Traylor, and Smith voted AYE. NAY (0). **MOTION CARRIED.** Whereupon City Attorney Bamburg read the heading of Ordinance 1539.

Alderman Sansing moved, seconded by Alderman McCleary that Ordinance 1539 be **APPROVED AND ADOPTED. ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Ray, Traylor, and Smith voted AYE. NAY (0). **MOTION CARRIED.**

ORDINANCE 1539 (#19-2015) APPROVED AND ADOPTED THIS 10th DAY OF DECEMBER, 2015

b. ORIDANANCE 1540 (#20-2015)

AN ORDINANCE ADOPTING A FISCAL BUDGET FOR 2016; MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES FOR OPERATION OF VARIOUS DEPARTMENTS OF CITY GOVERNMENT; FOR THE PURCHASE OF MATERIALS, SUPPLIES, EQUIPMENT, AND SERVICES COVERING GENERAL FUND OPERATIONS, STREET FUND, EMERGENCY MEDICAL SERVICES FUND, AND SANITATION FUND; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

Finance Director Cheryl Erkel referenced documents that were provided in the packets, saying that this has been a very difficult budget to balance. She stated that under the direction of Mayor Fletcher and Jim Durham she was instructed to find ways to offer the employees a 2% raise and purchase Police vehicles.

- She reviewed the handout saying that the estimated revenues and expenditures for the General Fund is \$21,042,943. The County Sales Tax are estimated at a 3% increase and the City Sales Tax are estimated at a 2% increase.
- She said that there is an increase in revenue projections for privilege taxes and various permits due to ordinance revisions that will come later before the City Council.
- She stated that revenue projections also include the sale of 35 vacant lots that the City owns which incur maintenance cost, so not only will the City get the revenue from the sale of the lots, it will also reduce maintenance costs.
- The Police department has \$200,000 for police vehicles, which is about 4 fully equipped vehicles.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2015
7:00 P.M. - 7:41 P.M.

- She noted that transfers out is for \$200,000 to EMS for cash flow purposes.
- There will be a 2% raise for the employees. Minimum wage will increase to \$8 /hour, which affects only part-time and seasonal employees. The employee portion for health insurance will remain the same as 2015: \$72 for single and \$150 for family per month.
- The debt service department includes the transfer of funds for the revenue bond issue payment
- We will use \$249,516 in Fund balance.

Street Fund

- Estimated Revenues and Expenditures - \$2,301,250
- Increase in revenue will come from State Tax Turnback.
- Increases in expenditures are due to equipment purchases and maintenance costs.

The next two Funds are Enterprise Funds that operate on an accrual basis. Their revenues do not have to match their expenditures. Although, we strive to get as close as we can. The difference is offset by their fund balance.

Sanitation Fund

- Estimated Revenue - \$1,843,800
- Estimated Expenditure - \$1,758,583
- Increase in revenues will come from sanitation fees.
- Decreases in expenses are due to reduction in fuel prices and the loan for the automated recycling vehicles will be paid off.

EMS Fund

- Estimated Revenue - \$1,702,700
- Estimated Expenditures - \$1,316,351
- Increase in revenues will come from ambulance service billings.

Alderman Traylor noted at the last budget presentation the budget was approximately \$180,000 short, saying that expenditures were increased \$502,000 and now the budget is balanced.

Finance Director Cheryl Erkel stated that the 35 vacant lots were not included in the prior budget presentation in November, adding that she went back and increased the privilege taxes and the permits due to those ordinances being updated. She related that she increased the County Sales Tax, explaining that it was projected at 2% and now it is being increased to 3% and the City Sales Tax was previously projected at 1% and now it is being projected at a 2% increase.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2015
7:00 P.M. - 7:41 P.M.

Mayor Fletcher answered that the 35 lots were accumulated by the City before he became Mayor.

City Attorney Bamburg explained that the lots were donated to the City because of condemnations, adding that on occasion the City has petitioned to have the property donated through the State Land Commissioner's office. He stated that the properties have been acquired over the last 20 plus years.

Mayor Fletcher stated that the City is selling them because they encumber expense and it takes a great amount of time in the summer to keep them maintained. He related that sitting vacant they do not bring the City any revenue, explaining that if they are sold and houses are built there will be some type of control on the development and will bring in revenue. He noted that he would not want to sell the lots on Galloway Circle, saying that those lots are needed for the expansion of the Park.

Alderman Traylor noted that additional personnel is being added to the Police Department budget, saying that if officers are being added he would believe that the cost of overtime would decrease.

Finance Director Cheryl Erkel stated that salary information would have to be answered by the Human Resource Director Jill Ross.

Mayor Fletcher related that even if the overtime comes in less than budgeted it would be to the City's benefit.

City Attorney Bamburg pointed out that a lot of the overtime is incorporated by their Court appearances, which does not change from year to year.

Chief Boyd related that some of the increase in the Police salaries is because last year there were 3 unfunded positions in the Department and this year all positions are being funded so that would show a large increase. He estimated that it would increase by approximately \$100,000 in 2016. He then stated that the overtime budget this year was \$168,000 and already it is \$40,000 to \$60,000 over budget as of the middle of November. He added that they have just started their shopping center patrols, so he and Finance Director Cheryl Erkel estimated what would be spent between now and the end of the year on overtime.

Alderman Ray moved, seconded by Alderman Sansing that Ordinance 1540 be placed on **FIRST READING**.

Alderman Traylor noted that salaries and overtime were also increased regarding the EMS budget.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2015
7:00 P.M. - 7:41 P.M.

Chief Laughy concurred, explaining that they have a shortage of paramedics, so even if they have the same number of people on duty, there has to be overtime to replace someone if they are sick or on FMLA. He stated that they had a set budget for overtime this year but they went over. He added that the projection for 2016 was increased.

Alderman Traylor noted \$222,000 in revenues from the A&P Commission, questioning where the funds are applied.

Finance Director Cheryl Erkel stated that part of the funds would be used for Parks and Recreation projects such as the Christmas Parade, donations for the FestiVille, and Big Bang on the Range are included in the Parks and Recreation budget. She related that the expenditures are showing in the Department budget.

City Attorney Bamburg then answered Alderman Traylor that the A&P Commission has their own budget and the \$222,000 is not their entire budget. He stated that the Commission has their own expenses that they fund through their budget.

Finance Director Cheryl Erkel concurred, saying that the \$222,000 is the amount that the A&P Commission has allocated to the City.

Alderman Traylor questioned if the Shooting Range and the pro-shop were put on an Enterprise Fund basis.

Finance Director Cheryl Erkel answered that it was not an Enterprise Fund but is still included in the Parks Department budget. She stated that there is inventory regarding the pro-shop and there is a cost of goods sold expense. She explained that it is treated like a business but it is still set up as a department within the Parks and Recreation Department.

Alderman Traylor stated that the pro-shop sales are \$120,000, adding that he is assuming that the targets are a part of the cost of goods sold which is \$95,000.

Finance Director Cheryl Erkel corrected that the targets are not part of the cost of goods sold. She stated that the inventory in the pro-shop make up the cost of goods sold.

Alderman Traylor noted that sales are \$120,000 and the cost of goods sold is \$218,000 which is a loss of \$98,000 in the pro-shop.

Finance Director Cheryl Erkel explained that the cost of goods sold is expensed out on a quarterly basis so there is going to be some inventory that we will still have on hand that has not sold yet.

Alderman Taylor added that it would make the cost of goods sold higher which would make it even worse. He stated that it would seem that in having a pro-shop the sales should be more than expenses.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2015
7:00 P.M. - 7:41 P.M.

Finance Director Cheryl Erkel stated that when the merchandise is purchased to go into the pro-shop it goes into the cost of goods sold but then it goes into inventory and then the cost of goods sold is reduced by what is actually sold.

Alderman Elliott commented, and Finance Director Cheryl Erkel concurred that the amount in inventory is the difference.

Alderman Traylor stated that he could understand that being the case for the first year but not the third year.

Finance Director Cheryl Erkel stated that she would research that and get back with Alderman Traylor with a more definitive answer.

In response to a question from Alderman Traylor regarding retirement expense for part-time labor, Finance Director Cheryl Erkel stated that the City does not pay retirement expense on all part-time labor. She added that there are some part-time employees that will not meet the requirements for APERS. She then answered that an employee has to work three consecutive months with 80 hours per pay period in order to meet the criteria for APERS. She stated that once that guideline is met then the City is automatically required to send money into APERS on the employee's behalf. She noted that most of the part-time employees are in the Parks and Recreation Department and some have worked the three months but there are enough part-time people, especially in aquatics, to make sure that they do not meet that criteria since they are only seasonal.

ROLL CALL: Alderman Elliott, Bolden, McCleary, Sansing, Ray, Traylor, and Smith voted AYE. NAY (0). **MOTION CARRIED.** Whereupon City Attorney Bamburg read the heading of Ordinance 1540.

Alderman Ray moved, seconded by Alderman McCleary to **APPROVE** Ordinance 1540 on **FIRST READING.** **ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Ray, Traylor, and Smith voted AYE. NAY (0). **MOTION CARRIED.**

Alderman Ray moved, seconded by Alderman Sansing to suspend the rules and place Ordinance 1540 on **SECOND READING.**

Alderman Traylor questioned if there is anything in the budget regarding the Boys and Girls Club. He asked City Attorney Bamburg to address the contract.

City Attorney Bamburg stated that the contract would not have anything to do with the City budget, explaining that it would deal with the A&P Commission budget.

Alderman Traylor questioned if it were for contract services would it be A&P budgeted funds.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2015
7:00 P.M. - 7:41 P.M.

City Attorney Bamburg stated it would depend, explaining that as far as contract services, he has not found a contract that he believes is acceptable. He related that at this stage neither budget would be appropriate for that expenditure.

Finance Director Cheryl Erkel confirmed there is not anything in the 2016 budget dedicated to the Boys and Girls Club. Adding, that since the City owns the building occupied by the Club, the City pays for the utilities.

Alderman Traylor mentioned a contract that he was aware of as late as this afternoon.

Director of Administration Jim Durham stated that the contract was not brought to him, explaining that he had asked that the contract be brought to him because he furnished them a contract from North Little Rock that the Municipal League believed had elements that would meet the Judge's order.

City Attorney Bamburg interjected he does not believe that the contract from North Little Rock will meet the order.

Director Durham stated that Representative Johnson has a private attorney drawing the contract, adding that our intention is to let City Attorney Bamburg review and go from there. He stated that nothing will change January 1st, as far as what is happening at the Boys and Girls Club.

Alderman Traylor stated that he would like to see it included in the budget.

Director Durham reiterated there is no money in the budget for that, adding that the money would have to come from the A&P Commission, if we can get to that point.

Alderman Traylor added or from the Parks and Recreation budget.

Director Durham stated that there is not any money in the Parks and Recreation budget for the Boys and Girls Club that he is aware of.

Mayor Fletcher stated that if the contractual service can be done legally, then it can be done through the A&P Commission, adding that he would not want to tie up the entire City budget regarding that one item. He related that everyone wants to see it workout, saying that the Boys and Girls Club is very important to all of us in the Community. He then answered that the budget needs to be done by the end of the year, otherwise by law it has to be done by February 1st, but it creates a lot of problems. He went on to say that is the reason last year we met December 30th to pass the budget.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2015
7:00 P.M. - 7:41 P.M.

Alderman Traylor questioned if Finance Director Cheryl Erkel would have the opportunity to provide answers to his questions, before passing the budget?

Mayor Fletcher stated that the Ordinance still has two more readings, offering that it could be passed on this reading and then it would be up to the Council.

Alderman Traylor stated that he would not ask Finance Director Cheryl Erkel to leave to get information regarding the answers because the last time that happened, an ordinance was approved while the person was gone from the meeting. He stated that he would like to table the Ordinance until the December 17th meeting.

Alderman Traylor moved seconded by Alderman Smith to table budget Ordinance 1540 (#19-2015) to the December 17th meeting. ROLL CALL: Alderman Traylor and Smith voted AYE. Alderman Elliott, Bolden, McCleary, Sansing, and Ray voted NAY (0). MOTION FAILED.

Mayor Fletcher clarified that the previous motion to suspend the rules and place Ordinance 1540 on SECOND READING is up for vote.

Alderman Elliott stated that the reason he voted NAY to table was because he would prefer it be done by not approving to suspend the rules and place on SECOND READING and then it would automatically be placed on the next agenda as a SECOND READING. He reminded the City Council that the Ordinance does not have to be approved on all three readings at the same meeting, adding that he feels this would be a better way to address the issue.

VOTE TO SUSPEND THE RULES AND PLACE ORDINANCE 1540 ON SECOND READING: ROLL CALL: Alderman Elliott, Bolden, McCleary, Sansing, and Ray voted AYE. Alderman Traylor and Smith voted NAY (0). MOTION CARRIED. Whereupon City Attorney Bamberg read the heading of Ordinance 1540.

Alderman Ray moved, seconded by Alderman Bolden to approve the second reading and further suspend the rules and place Ordinance 1540 on **THIRD AND FINAL READING. ROLL CALL: Alderman Sansing and Ray voted AYE. Alderman Elliott, Bolden, McCleary, Traylor and Smith voted NAY (0). MOTION FAILED.**

Mayor Fletcher pointed out that a motion to approve on SECOND READING is necessary or the Ordinance will come back for the SECOND READING instead of THIRD AND FINAL.

Alderman McCleary moved, seconded by Alderman Bolden to approve Ordinance 1540 on SECOND READING.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2015
7:00 P.M. - 7:41 P.M.

Alderman Bolden questioned if the issue regarding the Boys and Girls Club is the reason the Ordinance is being held, adding that it was his understanding that something was suppose to be presented today.

Director Durham responded that they did not say when they would bring it, adding that he assumed that they would get it.

Alderman Bolden stated he is aware this is the meeting before the last meeting of the year, presenting a time crunch, and to stretch this out is not good.

Alderman Elliott stated that to his thinking, if the Ordinance is tabled it is not automatically brought back. He added that if it is approved on FIRST and SECOND READING then it is automatically on the next agenda.

City Attorney Bamburg concurred.

Alderman Elliott continued saying that then the THIRD and FINAL READING will be on the December 17th agenda, if all three readings are not approved tonight.

VOTE TO APPROVE ORDINANCE 1540 ON SECOND READING: ROLL CALL: Alderman Elliott, Bolden, McCleary, Sansing and Ray voted AYE. Alderman Traylor and Smith voted NAY (0). **MOTION CARRIED.**

Mayor Fletcher stated that Ordinance 1540 (#20-2015) would be presented for THIRD and FINAL READING at the December 17th City Council meeting.

APPOINTMENTS:

ANNOUNCMENTS: Mayor Fletcher announced that the Christmas Open House would be tomorrow at City Hall from 11:00 to 2:00, the Service Awards Ceremony will be held in the City Council chambers beginning at 2:00 p.m.

Mayor Fletcher then announced that the City was awarded an \$80,000 sidewalk grant for North First Street.

Director Durham stated that just for general knowledge, he would like to say that we have gone through three years of extremely tight budgets because the economy just hasn't come around. It appears that there are a number of things that are coming around, adding that he believes in all honesty that Finance Director Cheryl Erkel would have liked to have kept the percentage increase a little smaller than the Mayor and I. He stated that he will take that blame. He added that there were some months at the last reporting that the City was up 9%.

Finance Director Cheryl Erkel clarified that the County was up 4% and the City was up 3%.

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 10, 2015
7:00 P.M. - 7:41 P.M.**

Director Durham questioned what month that the City had a real high percentage. He then stated we have the construction, pointing out he has said this before, that when the City annexed the northern corridor, when they finish what is being done now, they will jump over and begin from Jacksonville to Cabot. He added that the Highway property is in the City, not just the land facing the Highway but the Highway itself is City. He stated that there will be years of this construction going on and he believes that Jacksonville will see an increase above the other cities just based on those constructions. He offered, all that said, he can tell City Council that next year each month, the budget is going to be a work in progress, if the revenues are not there we will begin to withhold things that need to be withheld to not go over budget at the end of the year. He pointed out that the Directors have kept in their budgets, under budget. He stated that the Police Department was one of glaring things to him because it looked like the Chief had gone \$200,000 over budget, which is not the case, it is in the way Finance Director Cheryl Erkel reported it. We took the \$90,000 from Magellan that they paid and we bought two police cars. He stated that there was an expenditure of \$90,000 and an income of \$90,000; that and some reimbursements that the Chief got on overtime, the bottom line was that he did not go over the budget that he was given, technically. He related that neither did the other Directors, so he is asking Finance Director Cheryl Erkel if there is a better way to report that so that the City Council can see that there was a revenue and that there was an expenditure that was unanticipated in the original budget. He commended the Directors for working really hard and stated that we are going to keep doing that and the City is going to move forward.

ADJOURNMENT: Without objection, Mayor Fletcher adjourned the meeting at approximately 7:41 p.m. MOTION CARRIED.

Respectfully,

Susan L. Davitt
City Clerk-Treasurer

MAYOR GARY FLETCHER

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 17, 2015
7:00 P.M. - 7:17 P.M.**

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

The City Council of the City of Jacksonville, Arkansas met in regular session on December 17, 2015 at the regular meeting place of the City Council. Alderman Bolden delivered the invocation and Mayor Fletcher led a standing audience in the "Pledge of Allegiance" to the flag.

ROLL CALL: Aldermen: Elliott, Bolden, McCleary, Sansing, Mashburn, Traylor, Twitty, Smith, and Howard answered ROLL CALL. Mayor Fletcher also answered ROLL CALL declaring a quorum. PRESENT NINE (9), ABSENT (1).

Others present for the meeting were: Director of Administration Jim Durham, Finance Director Cheryl Erkel, Accounts Receivable Specialist Nikki Wilmoth, Police Chief Kenny Boyd, IT Director Scott Rothlisberger, Public Works Director Jim Oakley, Parks and Recreation Director Kevin House, CDBG Director Theresa Watson, Human Resource Director Jill Ross, City Engineer Jay Whisker, 911 Director Tabby Hughes, Finance Accounts Specialist Nikki Wilmoth, Code Enforcement Officer Charlie Jenkins, Planning Commissioner Patrick Thomas, Johnny Simpson, Ken Fletcher, Bob Stroud, Philip and Karen Carlisle, Tommy and Judy Swaim, Shane and Nikki Swaim, Dub Evans, John and Annabelle Davis, Michelle Whited and interested citizens, and members of the press.

PRESENTATION OF MINUTES:

APPROVAL AND/OR CORRECTION OF MINUTES:

Alderman Bolden moved, seconded by Alderman Twitty that the minutes of the regular City Council meeting of 19 November 2015 be APPROVED. MOTION CARRIED.

CONSENT AGENDA: REGULAR MONTHLY REPORT/POLICE DEPARTMENT

Alderman Bolden moved, seconded by Alderman Traylor to approve the Regular Monthly Report for November 2015 regarding annual crime statistical comparisons.

Code Enforcement for November 2015

Assigned Calls	84		
<u>Self-Initiated Calls</u>	<u>465</u>		
Follow ups	296	Basketball Goals	3
Meetings/Court Hearings	10	Structures Inspected	2
Citations/Warnings Issued	40	Rental Properties Inspected	3
Notices/Letters Written	8	Properties Red Tagged	0
Vehicles Tagged	1	Search Warrants Served	0
Vehicles Towed	0	Structures Rehabbed	0
Lots posted	0	Structures Condemned	1
Signs removed	103	Houses Demolished by City	0
Trash cans tagged	7	Houses Demolished by Owner	0
Parking Violations	1	Tickets Issue	0
Grass Letters	0		
Grass Mowed	0		

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 17, 2015
7:00 P.M. - 7:17 P.M.

REGULAR MONTHLY REPORT/FIRE DEPARTMENT

Alderman Bolden moved, seconded by Alderman Traylor to approve the regular monthly report for November 2015 from the Jacksonville Fire Department, reflecting a fire loss of \$76,050.00 and a savings total of \$415,000.00.

ROLL CALL: Aldermen: Elliott, Bolden, McCleary, Sansing, Mashburn, Traylor, Twitty, Smith, and Howard voted AYE. MOTION CARRIED.

WATER DEPARTMENT:

WASTEWATER DEPARTMENTS:

FIRE DEPARTMENT:

POLICE DEPARTMENT:

STREET DEPARTMENT:

SANITATION DEPARTMENT:

PARKS & RECREATION:

PLANNING COMMISSION:

GENERAL: SPECIAL RECOGNITION

Mayor Fletcher offered special recognition to former Mayor Tommy Swaim for his years of dedicated service to the City of Jacksonville and its citizens. He related that in speaking with mayors across the State it is hard to find a mayor with the lifespan of Mayor Swaim. He explained that having been an Alderman and now Mayor he has a greater appreciation for the job Mayor Swaim did. He continued to state that he appreciates Tommy Swaim more every single day, now as Mayor he can appreciate how very stressful the job can be.

He stated that in Mayor Swaim's tenure he accomplished a lot for the City of Jacksonville, noting that one of the many highlights for our community is the Community Center. He stated had it not been for Tommy Swaim coming up with a way to fund construction without raising taxes it would not have happened, which was very smart and it offered the show piece of Central Arkansas for many years. He noted that other cities have copied Jacksonville, and the Community Center just celebrated the 20th anniversary. He related that he cannot think of any better way for this Community to honor and remember such a great leader as Tommy Swaim than by renaming the Jacksonville Community Center to the Tommy Swaim Community Center.

He read the following statement: "From 1987 to 2009, Tommy Swaim served as a dedicated mayor to the citizens of the great City of Jacksonville and during that time Mayor Swaim developed and implemented the idea of the Community Center complex, that not only would serve the citizens of Jacksonville but also the Central Arkansas Regional area with meeting rooms, sporting events, exercise equipment and indoor aquatics. The citizens of Jacksonville voted in November 1992 to support his vision and leadership through support of a penny sales tax, consequently the City was able to fund the construction and operation of this facility without incurring any debt and that is why it is fitting that today we name our Community Center after Mayor Tommy Swaim."

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 17, 2015
7:00 P.M. - 7:17 P.M.

Former Mayor Tommy Swaim stated that when the building was constructed he was asked about naming it after him and he related that his response was that you do not build monuments to living mayors because then they do not get reelected. He expressed his appreciation, saying that this is a great honor. He stated that Jacksonville is a great city and he has always felt that we have the greatest employees. He said he does not miss being Mayor but he misses the employees, adding that he had great employees. He related that they worked hard for not too much money and he believes they are still working hard for not too much money. He related that as he as watched the City change over the years, he is proud to have been a small of that change. He added that he hopes to see the City move forward, saying that with the new school district he feels the next 10 years will bring major change. He related that the new school district was one thing he always wanted to see happen and now with the efforts of the City Council, Mayor Fletcher, the citizens, and some very dedicated volunteers; we have our own school district. He thanked everyone for this honor.

**b. AMENDED VERSION THIRD and FINAL READING
ORDINANCE 1540 (#20-2015)**

AN ORDINANCE ADOPTING A FISCAL BUDGET FOR 2016; MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES FOR OPERATION OF VARIOUS DEPARTMENTS OF CITY GOVERNMENT; FOR THE PURCHASE OF MATERIALS, SUPPLIES, EQUIPMENT, AND SERVICES COVERING GENERAL FUND OPERATIONS, STREET FUND, EMERGENCY MEDICAL SERVICES FUND, AND SANITATION FUND; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

Alderman Traylor moved, seconded by Alderman McCleary to place Ordinance 1540 on **THIRD AND FINAL READING**.

Alderman Traylor noted that the Ordinance listed that it has been amended; he requested to know the change.

ROLL CALL: Alderman Elliott, Bolden, McCleary, Sansing, Mashburn, Traylor, Twitty, Smith and Howard voted AYE. NAY (0). **MOTION CARRIED.**

Finance Director Cheryl Erkel related that at the previous City Council meeting, Alderman Traylor had questions regarding the cost of goods sold for the Shooting Range, explaining that she researched and found that the targets are included in the cost of goods sold. She stated that the cost of goods sold include targets, pro-shop inventory, and ammunition. She then explained that she went back and reviewed the revenues associated with the Shooting Range targets and the fees; adding that those revenue items have been increased. She related that revenues for the targets were increased \$54,000.00, fees were increased by \$13,000.00 and the pro-shop revenue sales were increased by \$10,000.00.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 17, 2015
7:00 P.M. - 7:17 P.M.

She related that while she was reviewing the budget, she discovered some other corrections: an item in the 911 budget for supplies was miscalculated, a correction in the IT budget regarding ClearPointe managing services, and a correction for the Parks and Recreation athletic supplies. She added that she also reduced the privilege tax revenues by \$16,000.00, following other research regarding court fines she changed the original lump sum of \$600,000.00 because part of that should have been separated out to help offset the costs of the Pulaski County Jail. She continued saying that the court fines has been decreased \$120,000.00, adding that the fines for the jail costs originally had zero, which has now been changed to \$75,000.00. She stated that she also increased the police warrants to \$500,000.00.

Mayor Fletcher asked for a motion to amend Ordinance 1540 to the amended version provided to City Council.

Alderman Traylor moved, seconded by Alderman Bolden to amend Ordinance 1540 (#20-2015) as provided. ROLL CALL: Alderman Elliott, Bolden, McCleary, Sansing, Mashburn, Traylor, Twitty, Smith and Howard voted AYE. NAY (0). **MOTION CARRIED.**

Whereupon Deputy City Clerk Rhea read the heading of Ordinance 1540.

Alderman Sansing moved, seconded by Alderman McCleary to accept Ordinance 1540 on **THIRD and FINAL READING as AMENDED. ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Mashburn, Traylor, Twitty, Smith and Howard voted AYE. NAY (0). **MOTION CARRIED.**

Alderman Bolden moved, seconded by Alderman McCleary that the **EMERGENCY CLAUSE** be approved and adopted. **ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Mashburn, Traylor, Twitty, Smith and Howard voted AYE. NAY (0). **MOTION CARRIED.**

ORDINANCE 1540 (#20-2015) APPROVED AND ADOPTED THIS 17th DAY OF DECEMBER, 2015

APPOINTMENTS: PLANNING COMMISSION

Alderman Traylor moved, seconded by Alderman Bolden to approve the reappointment of Jim Peacock, Jr. for a term to expire 01/01/2019. MOTION CARRIED.

ANNOUNCEMENTS: City Hall will be closed December 24th and 25th for the Christmas Holidays and January 1st for New Year's Day.

Thursday, December 24th sanitation routes will run on Wednesday, December 23rd.

Animal Control will have no fee adoption, yard sale, Christmas photo shoot, and Christmas market with vendors on Saturday, December 19, 2015.

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
DECEMBER 17, 2015
7:00 P.M. - 7:17 P.M.

Mayor Fletcher then announced that a Jacksonville Community Theater has started and it will be held at the Light House Charter School December 18th and 19th performances will be at 7:30 p.m. with tickets available at the door.

Mr. Phillip Carlisle offered public comment, stating that his question and concern is regarding the City code that deals with mowing of grass. He related that he has requested that a lot in his neighborhood be mowed and has had no luck getting any response. He stated that he has been trying to get this achieved all summer. He explained that he began with City Engineer Whisker at their Rotary meetings, and was told that he needed to call the Code Enforcement. He said he then called Code Enforcement with no response and from there he went to speak to the Police Chief and still nothing was done. He stated that the Police Chief told him that he was the ultimate responsible party at the Department and he would make a decision and get back with him. He stated that after that did not happen, he called Director of Administration Jim Durham and then called back and talked to Mayor Fletcher. He stated that after some conversation, he was told that the City would enforce the code, adding that still nothing happened. He continued saying that a month after that he called the Mayor again and was told that he was starting a real "fire storm" if he continued to pursue this. He stated that in his neighborhood he has one of the lots that more than 1 acre and less than 5 acres so by code it has to be mowed to 15". He related that his neighbor has tall weeds but his whole yard is not that way. He explained that his neighbor mows 2/3 of his yard to zero inches every Friday but 1/3 he does not. He went on to explain that the 1/3 part is next to his grandchildren's home. He related that anyone will do anything to protect their children and grandchildren, so he is asking the City to enforce their codes. He stated that he is trying to protect his grandchildren from the rats, mice, varmints and snakes because their play area is adjacent to this 1/3 area that is not mowed. He reiterated that he would like for the City to enforce the code, saying that the City protects citizens everyday with Police, Fire, and ambulance services. Our City Code Officers protect us when we build homes and now he is asking that they continue to protect his family by enforcing the code. He thanked the City Council for the opportunity to address them.

ADJOURNMENT: Without objection, Mayor Fletcher adjourned the meeting at approximately 7:53 p.m. MOTION CARRIED.

Respectfully,

Susan L. Davitt
City Clerk-Treasurer

MAYOR GARY FLETCHER

CITY OF JACKSONVILLE ANIMAL SHELTER MONTHLY REPORT

REPORTING PERIOD: December-15

	DOG	CAT	TOTAL	
ON HAND (BEGIN REPORTING PERIOD)	12	68	80	
RECEIVED	73	67	140	
ADOPTED	39	88	127	
RETURNED TO OWNER	32	1	33	
EUTHANIZED	0	3	3	
DIED/ESCAPED/STOLEN	0	0	0	
D.O.A.			46	
ON HAND (END REPORTING PERIOD)	14	43	57	
CITY LICENSE ISSUED			23	
INSPECTIONS			1	
RESCUES			0	
CRUELTY INVESTIGATIONS			1	
BITE CASES:				
ANIMAL-HUMAN			2	
ANIMAL-ANIMAL			0	
WARNING LETTERS:				
RUNNING AT LARGE			15	
NUMBER OF ANIMALS			2	
RABIES VACCINATION/CITY LICENSE			18	
CRUELTY			3	
UNSANITARY CONDITIONS			0	
NUISANCE			4	
FAILURE TO STERILIZE			13	
CITATIONS:				
RUNNING AT LARGE			0	
NUMBER OF ANIMALS			0	
RABIES VACCINATION/CITY LICENSE			0	
CRUELTY			0	
UNSANITARY CONDITIONS			0	
WARNING			0	
PIT BULL			2	
WARRANTS			0	
REVENUES:				
ADOPTION FEES/FINES			\$ 1,490.00	
CONTRIBUTIONS			\$ -	
TOTAL			\$ 1,490.00	
OVERTIME HOURS PERFORMED:			11	
VEHICLES:				
UNITS:	# 162	# 163	#170	#172
BEGINNING MILEAGE	89,572	134,033	32,766	91,864
ENDING MILEAGE	89,695	134,626	33,729	92,564
MILES DRIVEN	123	593	963	700

000017

**Jacksonville Animal Shelter
December 2015 Bite Cases**

DATE	DOG/ CAT	BREED	OWNER/ NAME	OWNER/ ADDRESS	FAMILY/ OTHER	MEDICAL CARE	RABIES VAC.	CITY TAG	DECLARED VICIOUS/ DANGEROUS	ACTION TAKEN/ COMMENTS
12/12/15	DOG	Stray	Stray	Lampighter Trailer park (HWY 161)	Visitor : Robyon Cooley	YES	N/A	N/A	NO	The girl was visiting relatives at the trailer park. When she was playing outside the dog came out of no where and bit her on the right leg. Animal Control set a trap, but the dog was never found.
12/22/15	DOG	Stray	Stray	Citgo gasstation, John Harden	Customer: Heather Brown	YES	N/A	N/A	NO	Mrs. Brown stopped at the gasstation to walk her dog. A stray dog came out of no where, and she picked up her own dog, when she saw the stray dog. The stray dog bit her on the right hand. A trap was set for the dog, but the dog was never found.

RESOLUTION NO. 735 (#01 - 2016)

A RESOLUTION CONFIRMING IMPLEMENTATION OF A PASS THROUGH CHARGE UNDER JMC § 13.16.016 FROM CENTRAL ARKANSAS WATER TO ALL JACKSONVILLE WATERWORKS RATEPAYERS FOR BILLING AND PAYMENT OF THE PASS THROUGH CHARGE FROM CENTRAL ARKANSAS WATER AUTHORITY AS OF JANUARY 1, 2016; AMENDING JMC §§ 13.16.010-13.16.014; AND, FOR OTHER PURPOSES.

=====

WHEREAS, because of a Pass Through Charge (PTC) assessed to Jacksonville Water Works (JWW) by Central Arkansas Water (CAW) for an increase to public water rates for all customers of Jacksonville Water Works, JWW is implementing the PTC for JWW ratepayers as of January 1, 2016; and,

WHEREAS, with authority granted through JMC § 13.16.016, Jacksonville Water Commission authorized implementation of the 2016 Pass Through Charge from CAW in its December 16, 2015 meeting to all JWW ratepayers. In an effort to make the public aware of the increase in charges, the Water Commission has requested that the City Council also acknowledge the 2016 PTC through passage of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, ARKANSAS, THAT:

SECTION ONE: Pursuant to authority granted under JMC § 13.16.016 and per the November 13, 2014, CAW Resolution 2014-10 from Central Arkansas Water (CAW) regarding the first step of a Multi-phase Pass Through Charge, ratepayers of the Jacksonville Water Works (JWW) will pay additional amounts for water service as follows. For 2016, there will be an increase of Six Cents (\$0.06) per One Thousand (1,000) Gallons collected from all Inside JWW ratepayers, including Wholesale, Residential, Industrial, and Commercial Customers, and an increase of Forty-two Cents (\$0.42) per Customer Charge to all Water Works customers so as to equate JWW's proportional share of CAW's 2016 Pass Through Charge. Said Pass Through Charge is equivalent to an approximate Ten and No/100 Percent (10.00%) annual water purchase rate increase and should result in an increase of approximately Six Cents (\$0.06) per One Thousand Gallons (1,000G) of usage for a JWW customer, regardless of classification. Said Pass Through Charge will be implemented and collected from all Inside JWW ratepayers, including Wholesale, Residential, Industrial, and Commercial customers, beginning January 1, 2016, until further determined, with initial payment due Central Arkansas Water as of February 2016. Implementation of this Pass Through shall also affect the rates of those customers paying Outside City water rates in a proportional manner as required under the terms of this Chapter. Per JMC §13.16.016, regardless of the above calculations, only that exact charge assessed by CAW will be assessed against and passed through to JWW ratepayers, as approved by the Jacksonville Water Commission and this City Council in compliance with JMC § 13.16.016.

RESOLUTION NO. 735 (#01-2016)
Page Two

SECTION TWO: Any and all other Resolutions in conflict herewith are hereby repealed to the extent of said conflict.

SECTION THREE: This Resolution shall be in force and effect from and after its date of passage.

APPROVED AND ADOPTED THIS _____ DAY OF JANUARY, 2016.

MAYOR GARY FLETCHER

ATTEST:

SUSAN DAVITT, CITY CLERK

APPROVED AS TO FORM:

ROBERT E. BAMBURG, CITY ATTORNEY

000020

ORDINANCE NO. 1536 (#16 - 2015)

AN ORDINANCE AMENDING JMC § 5.04. TO PROVIDE MODIFICATION OF THE CITY'S BUSINESS PRIVILEGE LICENSE REQUIREMENTS; AND, FOR OTHER PURPOSES.

WHEREAS, the City's Privilege License Schedule has not been modified since 1974, has become outdated, and does not address the needs of the City for those local businesses, corporations, entities, individuals, and professionals who wish to operate within the City; and,

WHEREAS, after several meetings and research, the City Council's Committee prepared the following modifications and revisions to the City's Business Privilege License Program for review and consideration. The Committee recommends that the City Council adopt such modifications after hosting a Public Hearing regarding the matter.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, ARKANSAS, THAT:

SECTION ONE: JMC § 5.04.010 (LICENSE PAYMENT REQUIRED) is hereby amended and modified to read as follows:

It is unlawful for any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship to begin, commence, conduct, or engage in any business activity within the City for which a Business Privilege License is required under the terms of this Code without first obtaining a License and tendering payment of the appropriate amount due.

SECTION TWO: JMC § 5.04.020 (LICENSE COVERAGE PERIOD) is hereby amended and modified to read as follows:

All license issued under this Chapter shall be valid for the calendar year in which said license is issued. However, any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship opening subsequent to July 1st of any calendar year shall only pay a monthly pro-rated amount of the annual Business Privilege License amount for the remainder of that calendar year.

SECTION THREE: JMC § 5.04.030 (SEPARATE LICENSE ISSUANCE REQUIREMENTS) is hereby amended and modified to read as follows:

000021

ORDINANCE NO. 1536 (#16-2015)

Page Two

For any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship with multiple physical addresses and/or business(es) operations within the City, a separate Business Privilege License shall be required for each such separate business/business location.

SECTION FOUR: JMC § 5.04.040 (LICENSE ISSUANCE AND REQUIRED INFORMATION) is hereby amended and modified to read as follows:

Upon receipt of the appropriate annual payment of a Privilege License Tax and satisfaction of all requirements and applicable Code/legal provisions, it is the duty of the City to issue an annual Privilege License for every business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship seeking such. On said License and/or Application shall be the name of the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship to whom the License is issued, the activity, business, function, profession, and/or service to be provided, the address and location for which the License is issued, and the appropriate contact information (address(es), email, telephone(s), etc.) for a designated representative(s) of the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship licensed.

SECTION FIVE: JMC § 5.04.060 (LICENSE ISSUANCE AND NON-TRANSFERABILITY) is hereby amended and modified to read as follows:

Any License issued hereunder is neither non-transferable nor assignable. Upon the sale, merger, or transfer of ownership of a business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship, a new owner must register and apply for a new Business Privilege License within Thirty (30) days of the date of transfer and/or re-opening of the business.

SECTION SIX: JMC § 5.04.070 (PRIVILEGE LICENSE DUE DATE AND DELINQUENCY PENALTIES) is hereby amended and modified to read as follows:

- A) All business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship operating within the City of Jacksonville shall pay in advance on January 1st of every year for his/her/its annual Business Privilege License. Failure to pay in full any balances due the City no later than February 1st of each year will be classified as delinquent

000022

ORDINANCE NO. 1536 (#16-2015)

Page Three

payments and subject to an Administrative Penalty Fee of Fifty Dollars (\$50.00) per delinquent License.

- B) Any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship subject to payment requirements of this Code shall, upon request by the City/City's agent(s), make available their accounting and business records for review by the City for substantiation of amounts due under the provisions of this Code.

SECTION SEVEN: JMC § 5.04.080 (PENALTY) is hereby revoked and replaced with JMC § 5.04.150 (ENFORCEMENT AND PENALTIES).

SECTION EIGHT: JMC § 5.04.080 (EXEMPTIONS FROM PRIVILEGE LICENSE PAYMENTS AND REQUIREMENTS) is hereby created and modified to read as follows:

- (A) Those charitable, non-profit, and/or religious corporations, entities, and organizations fully recognized and/or registered as such with the appropriate State and Federal Agencies are hereby exempt from the payment of a Privilege License as long as the business activity(ies) is/are directly related to the primary purpose(s) of their charitable and/or religious organization. Solicitation activity(ies) associated with said charitable, non-profit, and/or religious organizations within the City are, however, subject to registration with the City prior to enactment of any solicitation activity(ies);
- (B) A business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship granted an exemption under State and/or Federal law from local Privilege License Payments shall be exempt from payment, but shall be required to register with the City for each year in which said business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship conducts business activity within the City; and,
- (C) No individual under the age of Eighteen (18) years of age shall be required to register or obtain a business license.

SECTION NINE: JMC § 5.04.090 (STATE LICENSURE REQUIREMENTS) is hereby created and modified to read as follows:

No City of Jacksonville Privilege Business License shall be issued to any business, corporation, entity, individual, partnership, and/or professional who is

000023

ORDINANCE NO. 1536 (#16-2015)

Page Four

required to hold a valid State and/or Federal License or Certificate until said State and/or Federal License/Certificate has been issued. Should said State and/or Federal License/Certificate expire, be revoked, or be withdrawn, temporarily or permanently, said business, corporation, entity, individual, partnership, and/or professional shall concurrently lose their City Privilege Business License as well and remain ineligible for such until the State and/or Federal License/Certificate is reinstated.

SECTION TEN: JMC § 5.04.100 (BUSINESS PRIVILEGE LICENSE SCHEDULE) is hereby amended and modified to read as follows:

(A) Pursuant to the determination that conducting a business operation within the City is a privilege, the following annual Business Privilege License Schedule is set forth:

- 1) Alcohol Sales – Hospitality, Private Clubs, Restaurant, Retail, &/or Wholesale
 - 0 – 2000 Square Feet \$ 500.00
 - 2001 - 3000 Square Feet \$ 525.00
 - 3001 – 4000 Square Feet \$ 550.00
 - 4001 - 5000 Square Feet \$ 575.00
 - 5001 - 6000 Square Feet \$ 600.00
 - 6001 - 9,999 Square Feet \$ 700.00
 - 10,000 Square Feet & above \$ 825.00 +
\$0.025 cents per square foot above 10,000 SF
- 2) Bakeries & Restaurants (No Alcohol Sales)
 - 0 – 2000 Square Feet \$ 100.00
 - 2001 - 3000 Square Feet \$ 125.00
 - 3001 – 4000 Square Feet \$ 150.00
 - 4001 - 5000 Square Feet \$ 175.00
 - 5001 - 6000 Square Feet \$ 200.00
 - 6001 - 9,999 Square Feet \$ 300.00
 - 10,000 Square Feet & above \$ 425.00 +
\$0.025 cents per square foot above 10,000 SF
- 3) Banks (Per Location) \$ 400.00
- 4) Beauty Salons & Barber Shops \$ 50.00 +
\$10.00 per Stylist or Barber
- 5) Billboards – Poster or Bulletin (Per Face) \$ 100.00

000024

ORDINANCE NO. 1536 (#16-2015)

Page Five

6) Business/Retail, Hospitals, Nursing/Care Facilities, & Sales	
0 – 2000 Square Feet	\$ 100.00
2001 – 3000 Square Feet	\$ 125.00
3001 - 4000 Square Feet	\$ 150.00
4001 - 5000 Square Feet	\$ 175.00
5001 - 6000 Square Feet	\$ 200.00
6001 - 9,999 Square Feet	\$ 300.00
10,000 Square Feet & above	\$ 425.00 +
	\$0.025 cents per square foot above 10,000 SF
7) Contractor(s) and Specialty Trade(s)	\$ 100.00
8) Daycare Centers	
Home Based	\$ 100.00
0 – 1000 Square Feet	\$ 100.00
1001 – 2000 Square Feet	\$ 150.00
2001 – 3000 Square Feet	\$ 200.00
3001 - 4000 Square Feet	\$ 250.00
4001 - 5000 Square Feet	\$ 300.00
5001 - 6000 Square Feet	\$ 350.00
6001 - 9,999 Square Feet	\$ 550.00
10,000 Square Feet & above	\$ 800.00 +
	\$0.025 cents per square foot above 10,000 SF
9) Flea Markets, Antiques, Pawn Shops, & Consignments	
0 – 1000 Square Feet	\$ 150.00
1001 – 2000 Square Feet	\$ 200.00
2001 – 3000 Square Feet	\$ 250.00
3001 - 4000 Square Feet	\$ 300.00
4001 - 5000 Square Feet	\$ 350.00
5001 - 6000 Square Feet	\$ 400.00
6001 - 9999 Square Feet	\$ 600.00
10,000 Square Feet & above	\$ 850.00 +
	\$0.025 cents per square foot above 10,000 SF
10) Funeral Homes	\$ 300.00
11) Home Based Business(es)	\$ 100.00
12) Hotels/Motels	\$ 200.00 +
	\$2.00 per room

000025

ORDINANCE NO. 1536 (#16-2015)

Page Six

13) Licensed Professionals	\$ 150.00
(Includes, but is not limited to, Appraisers, Accountants, Architects, Attorneys, Auditors, Chiropractors, Dentists, Engineers, Optometrist, Opticians, Physicians, Psychologists, Veterinarians)	
Non – Licensed Professionals	\$ 75.00
(Includes, but is not limited to, unlicensed Accountants, Tax Preparation Services, and other such business professionals)	
14) Lumber / Hardware	
0 – 50,000 Square Feet	\$ 500.00
50,001 – 99,999 Square Feet	\$1,000.00
100,000 Square Feet & above	\$1,500.00 +
	\$0.025 cents per square foot above 100,000 SF
15) Manicurists	\$ 50.00 +
	\$10.00 per technician
16) Manufacturing/Production	
Less than 50 Employees	\$ 500.00
50 – 100 Employees	\$ 625.00
101 Employees or above	\$ 750.00
17) Mobile Food Vendors (No Alcohol Sales)	\$ 50.00
18) Mobile Home Parks	\$ 100.00 +
	\$50.00 per acre in Park
19) Motor Vehicles (including ATVs, autos, boats, cars, motorcycles, mowers, RV's, & trucks)	
Automatic & Self Service Car Wash	\$ 100.00
Detail Service Providers	\$ 100.00
Dealers – New	\$ 750.00
Dealers – Used	\$ 250.00
Gas Stations/Convenience Stores	\$ 200.00 +
	\$15.00 per grade of gasoline offered
Paint & Body Shop	\$ 150.00
Parts Supply (Retail & Wholesale)	\$ 150.00
Repair Shop	\$ 150.00
Repair / Tire Shop	\$ 200.00
Salvage	\$ 300.00 +
	\$10.00 per acre
Towing Services/Wreckers	\$ 200.00

000026

ORDINANCE NO. 1536 (#16-2015)

Page Seven

Transportation Services	\$ 100.00 + \$25.00 per vehicle
20) Real Estate Sales/Management	\$ 100.00 + \$75.00 per licensed Agent/Broker
21) Vending Kiosks/Machine Operators	\$ 50.00

SECTION ELEVEN: JMC § 5.04.110 (BUSINESS(ES), ENTITY(IES), & INDIVIDUAL(S) NOT COVERED BY SCHEDULE) is hereby amended and modified to read as follows:

Any other business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship not covered by the above listed schedule shall pay One Hundred Dollars (\$ 100.00) annually for a Privilege Business License.

SECTION TWELVE: JMC § 5.04.120 (COMMERCIAL WASTE HAULERS) is hereby created and modified to read as follows:

Any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship licensed as a commercial hauler of garbage, refuse, trash, and/or waste operating and/or providing said services with the City limits shall be issued or hold a current and valid Business Privilege License and assessed Seven Dollars (\$7.00) per dumpster/collection unit per month for unit(s) located within the City.

Said assessments shall be paid through the City Clerk's Office on or before the Fifteenth (15th) day of each month for the number of dumpsters/collection units located within the City as of the First (1st) day of the previous month, together with a Report. Should the Report Form and payment not be received on or before the Fifteenth (15th) day of the month, an Administrative Fee shall be assessed of no less than Ten Percent (10%) against the License Holder.

SECTION THIRTEEN: JMC § 5.04.130 (FALSE INFORMATION AND STATEMENTS) is hereby amended and modified to read as follows:

It is unlawful for anyone to make and/or provide any false information and/or statements in application of or submission for a business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship's Business Privilege License or its reports provided to the City.

000027

ORDINANCE NO. 1536 (#16-2015)

Page Eight

SECTION FOURTEEN: JMC § 5.04.140 (SUSPENSION AND REVOCATION OF BUSINESS PRIVILEGE LICENSE) is hereby created and modified to read the following:

- 1) If any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship shall act to operate his/her/its/their business in such a way as to create a fraudulent, unhealthy, unlawful, unreasonable, unsanitary, or unsafe circumstance(s) or condition(s), be delinquent in submission of any and all payment(s) obligated under this Code or any other City, County, State, or Federal taxes or required fees, has had his/her/its/their local, state, or federal license suspended or revoked, or has conducted its business operations so as to warrant such, the City can suspend and/or revoke said business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship's Business Privilege License;
- 2) Should the City have reason to believe that grounds exist to justify the revocation or suspension of a Business Privilege License, a letter shall be mailed by First Class Mail through the U.S. Postal Service to the Business Mailing Address on file with the City of the affected License Holder. Said letter shall notify the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship of the grounds for revocation or suspension and the date and location of a Hearing regarding said matter within Ten (10) business days. Said letter shall also be emailed if a current email address for said License Holder has been provided to the City;
- 3) The Director of Administration shall conduct the Hearing, shall receive evidence and information from City employees or others about the grounds for revocation or suspension of the Business Privilege License, then shall allow the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship an opportunity to present evidence and information to rebut any allegations so as to support why the Business Privilege License should not be revoked or suspended; and,
- 4) After such a hearing, the Director of Administration shall, solely within his/her judgment, issue a written Ruling within Ten (10) Business days. In said Ruling, the Director shall have the following options: (a) uphold the City's revocation or suspension of the license; (b) reinstate said

000028

Ordinance No. 1536 (#16-2015)
Page Nine

Business Privilege License; (c) modify said suspension period for no more than Ninety (90) days; (d) place said Business Privilege License on probationary status for no more than Ninety (90) days to allow the business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship to remedy the violation(s); (e) direct that a citation be issued by the City's Code Enforcement Office for said violation(s); (f) issue a directive for Code Enforcement to issue a Cease & Desist Order for said Business License; (g) issue a directive to withhold any and all City services, including sanitation, wastewater, and water services, to the License Holder's business location(s); and/or, (i) issue a directive of any combination of the above so as to protect the citizens from any unethical, unscrupulous, unhealthy, unsafe, and/or unsanitary business practice(s) by the License Holder.

- 5) Should any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship whose Business Privilege License has been revoked or suspended by the City disagree, the decision of the Director of Administration shall be appealed to the Pulaski County Circuit Court and/or a court of competent jurisdiction within Thirty (30) days of the date of the Director of Administration's written ruling.

SECTION FIFTEEN: JMC § 5.04.150 (ENFORCEMENT AND PENALTIES) is hereby created and modified to read as follows:

It is hereby declared an offense for any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship conducting such within the City of Jacksonville to fail to and/or refuse to comply with any of the provisions of this Code. If such occurs, Code Enforcement shall issue a citation to the License Holder and present such to the Jacksonville District Court for adjudication. Upon conviction of said offense, a License Holder shall be fined no less than Two Hundred Dollars (\$200.00) and no more than Five Hundred Dollars (\$500.00) for an offense, together with applicable Court Costs. Each day said License Holder is/was in violation of the terms of this Code shall constitute a separate offense.

SECTION SIXTEEN: JMC § 5.04.155 (PERIODS OF OPERATION) is hereby created and modified to read as follows:

000029

ORDINANCE NO. 1536 (#16-2015)

Page Ten

(a) Should any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship conducting such within the City of Jacksonville no longer remain open and/or conduct business for a period more than Forty-five (45) days and which has not received a Permit to do so from the City, any Privilege License issued to said business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship shall expire. If such a circumstance is created, said business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship will be required to obtain a new Privilege License and satisfy any and all other applicable Code provisions.

(b) Exceptions to the provisions of Sub-section (a) above shall be granted for those business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship conducting such within the City of Jacksonville that are seasonal in nature. Examples are, but are not limited to, fresh produce sales, holiday events and sales, grounds maintenance services, and other event-based or seasonal-based business activities.

SECTION SEVENTEEN: JMC § 5.04.160 (CEASE & DESIST ORDERS) is hereby created and modified to read as follows:

In the event any business, corporation, entity, individual, institution, partnership, professional, and/or sole proprietorship fails to comply with the provisions of this Code and/or any other provision of local, state, or federal law, upon directive of the Mayor, Chief of Police, and/or the Director of Administration, Code Enforcement shall issue a Cease & Desist Order for said Business License and post such on the primary entrance to said business operation and forward one to the License Holder by U.S. Postal Service through the mailing address on file with the City and through a valid email address should one be provided to the City.

From the point of posting said Order forward, should any type of business activity take place at the business location upon which said Order is posted, Code Enforcement shall issue a citation to said License Holder for violation of this provision, with adjudication and punishment in accordance with JMC § 5.04.150. Every separate business transaction conducted after a Cease & Desist Order is posted shall constitute a separate offense.

SECTION EIGHTEEN: If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of these Code provisions is invalid or

000030

ORDINANCE NO. 1536 (#16-2015)

Page Eleven

unconstitutional, that finding in no way affects the validity of the remaining portions of this Code.

SECTION NINETEEN: Said Ordinance and the changes included herein shall be in full force and effect from and after its passage and approval as provided by and subject to applicable law.

APPROVED AND ADOPTED THIS _____ DAY OF JANUARY, 2016.

CITY OF JACKSONVILLE, ARKANSAS

GARY FLETCHER, MAYOR

ATTEST:

SUSAN DAVITT, CITY CLERK

APPROVED AS TO FORM:

ROBERT E. BAMBURG, CITY ATTORNEY

000031