

City Council of Jacksonville, Arkansas

A G E N D A

Regular City Council Meeting

August 4, 2016 7:00 p.m.

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2. ROLL CALL:		
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9. POLICE DEPARTMENT:		
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12. PARKS & REC. DEPT:		
13. PLANNING COMMISSION:		
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**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
JULY 7, 2016
7:00 P.M. - 7:11 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 July 7, 2016 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, Twitty, and Howard answered ROLL CALL. Mayor Fletcher also answered ROLL CALL declaring a quorum. PRESENT EIGHT (8), ABSENT (2). Aldermen Mashburn and Smith were absent.

Others present for the meeting were: City Attorney Robert Bamburg, Director of Administration Jim Durham, Human Resource Director Jill Ross, Police Chief Kenny Boyd, Fire Chief Alan Laughy, CDBG Director Theresa Watson, IT Director Scott Rothlisberger, Public Works Director Jim Oakley, City Engineer Jay Whisker, Alderman Elect Les Collins, Planning Commission Chairman Jim Moore, Planning Commissioner Patrick Thomas, Bob Stroud, interested citizens, and members of the press.

PRESENTATION OF MINUTES:

Mayor Fletcher presented the minutes of the regular City Council meeting of June 2, 2016 for approval and/or correction at the next regularly scheduled City Council meeting.

APPROVAL AND/OR CORRECTION OF MINUTES:

Alderman Howard moved, seconded by Alderman Bolden that the minutes of the regular City Council meeting of 2 June 2016 be APPROVED. MOTION CARRIED.

CONSENT AGENDA: REGULAR MONTHLY REPORT/POLICE DEPARTMENT

Alderman Ray moved, seconded by Alderman Sansing to approve the Regular Monthly Report for May 2016 regarding annual crime statistical comparisons.

Code Enforcement for May 2016

Assigned Calls	207		
<u>Self-Initiated Calls</u>	<u>500</u>		
Follow ups	587	Basketball Goals	2
Meetings/Court Hearings	15	Structures Inspected	0
Warnings Issued	37	Rental Properties Inspected	2
Notices/Letters Written	85	Properties Red Tagged	0
Vehicles Tagged	6	Search Warrants Served	0
Vehicles Towed	2	Structures Rehabbed	0
Lots posted	38	Structures Condemned	0
Signs removed	65	Houses Demolished by City	0
Trash cans tagged	5	Houses Demolished by Owner	0
Parking Violations	53	Tickets Issued	3
Grass Letters	56	Grass Mowed	56

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REGULAR MONTHLY REPORT/FIRE DEPARTMENT

Alderman Ray moved, seconded by Alderman Sansing to approve the regular monthly report for May 2016 from the Jacksonville Fire Department, reflecting a fire loss of \$350.00 and a savings total of \$485,000.00.

REGULAR MONTHLY REPORT/ENGINEERING DEPARTMENT

Alderman Ray moved, seconded by Alderman Sansing to approve the regular monthly report for May 2016.

PERMITS/LICENSE ISSUED

Building Permits	15
Business Licenses	7

INSPECTIONS PERFORMED

Building Inspections	24
Electrical	34
Plumbing	28
HVACR	14

REGULAR MONTH REPORT/ANIMAL CONTROL

Alderman Ray moved, seconded by Alderman Sansing to approve the regular monthly report for May 2016.

ADOPTION FEES/FINES	\$2,130.00
CONTRIBUTIONS	0.00
TOTALS	<u>\$2,130.00</u>

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

WASTEWATER DEPARTMENTS:

WATER DEPARTMENT:

FIRE DEPARTMENT:

POLICE DEPARTMENT: PUBLIC HEARING

a. ORDINANCE 1554 (#14-2016)

AN ORDINANCE CONDEMNING A STRUCTURE 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 Fletcher opened the public hearing at approximately 7:02 p.m.

Police Chief Boyd stated the property is located at 144 North Avenue. He related the process started back in 2013, explaining the owner appealed to the Board of Adjustment and was allowed 45 days to remedy the problem and it has not been done. He added the owner is an over the road truck driver who had a post office box in Cave City, however the mail is being returned now. He continued adding that it is unsure where he resides currently. He explained that the property backs up to Graham Road, noting that the house is structurally unsound. He stated that the roof is very fragile. He offered photographs of the property. He then explained that

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they have received bids and the costs would be between \$28,000 to \$32,000 to have the building demolished. He related that he is partnering with CDBG to help with funding.

With no else to speak, Mayor Fletcher closed the public hearing at approximately 7:05 p.m.

Alderman Elliott moved, seconded by Alderman McCleary that Ordinance 1554 be placed on **FIRST READING**. **ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Ray, Traylor, Twitty, and Howard voted AYE. NAY (0). **MOTION CARRIED.** Whereupon City Attorney Bamburg read the heading of Ordinance 1554.

Alderman Sansing moved, seconded by Alderman Traylor to **APPROVE** Ordinance 1554 on **FIRST READING** and suspend the rules and place Ordinance 1554 on **SECOND READING**. **ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Ray, Traylor, Twitty, and Howard voted AYE. NAY (0). **MOTION CARRIED.** Whereupon City Attorney Bamburg read the heading of Ordinance 1554.

Alderman Elliott moved, seconded by Alderman McCleary to further suspend the rules and place Ordinance 1554 on **THIRD and FINAL READING**. **ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Ray, Traylor, Twitty, and Howard voted AYE. NAY (0). **MOTION CARRIED.** Whereupon City Attorney Bamburg read the heading of Ordinance 1554.

Alderman Elliott moved, seconded by Alderman Ray that Ordinance 1554 be **APPROVED and ADOPTED**. **ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Ray, Traylor, Twitty, and Howard voted AYE. NAY (0). **MOTION CARRIED.**

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

ORDINANCE 1554 (#14-2016) APPROVED AND ADOPTED THIS 7th DAY OF JULY, 2016

b. Presentation JAG Grant

Chief Boyd related that each year the Department of Justice sets aside money for law enforcement agencies, adding that it is based on crime statistics. He stated that the City of Jacksonville received a grant this year in the amount of \$20,830.00, which will be used to purchase two storage buildings for the Public Safety Building. He explained that the storage buildings will be used to store files that are currently being stored at the former facility. He added that these files have to be maintained in order to keep compliance with the City's 10-year record retention ordinance. He related that the Police Department started in late 2008 with the paperless process, explaining that they are trying to vacate the main street building. He then stated that they would also

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purchase 7 tasers to include batteries and holsters, 6 body cameras, and 3 mole vest for the canine officers. He stated that the total purchase of these items comes to \$20,910.00, adding that the difference will come from his departmental budget.

In response to a question from Alderman Traylor, Chief Boyd stated that they are going to store the files that are going to be able to be destroyed each year. He then stated that just the criminal investigation files alone are going to complete those two storage buildings. He then noted that there are also files being stored in the jail cell area at the old building.

STREET DEPARTMENT: Request to accept bids for the Asphalt Overlay Program

Alderman Elliott moved, seconded by Alderman Sansing to accept the low bid from Cranford Construction in the amount of \$228,682.19. MOTION CARRIED.

SANITATION DEPARTMENT:

PARKS & RECREATION:

PLANNING COMMISSION:

GENERAL:

APPOINTMENTS:

ANNOUNCEMENTS:

ADJOURNMENT: Without objection, Mayor Fletcher adjourned the meeting at approximately 7:30 p.m. MOTION CARRIED.

Respectfully,

Susan L. Davitt
City Clerk-Treasurer

MAYOR GARY FLETCHER



JACKSONVILLE POLICE DEPARTMENT

COURAGE • INTEGRITY • PROFESSIONALISM

Kenny M. Boyd
Chief of Police

1400 Marshall Rd.
Jacksonville, AR 72076
(501) 982-3191

July 7, 2016

To: Mayor Gary Fletcher & Jacksonville City Council

From: Chief Kenny M. Boyd

Re: JPD May 2016 Monthly Report

The following report of activities for the Jacksonville Police Department submitted for the month of June 2016:

<u>Topic</u>	<u>2016</u>	<u>2015</u>
Total Complaint Calls	3,979	4,388
Homicide Reported	0	0
Homicide Cleared	0	0
Rape/Sex Assault Reported	2	3
Rape/Sex Assault Cleared	0	2
Robbery Reported	3	0
Robbery Cleared	1	0
Felony Assaults Reported	13	10
Felony Assaults Cleared	9	8
Burglary Reported	22	19
Burglary Cleared	3	10
Theft Reported	96	83
Theft Cleared	32	35
Vehicle Theft Reported	7	4
Vehicle Theft Cleared	4	0

Felony Cases Reported	145	112
Felony Cases Closed	232	93
Misd Cases Reported	459	436
Misd Cases Closed	446	420

Respectfully,



Chief Kenny M. Boyd
Chief of Police

KMB/sb

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JACKSONVILLE POLICE DEPARTMENT

COURAGE * INTEGRITY * PROFESSIONALISM

Police Chief
Kenny M. Boyd

1400 Marshall Road
Jacksonville, Arkansas 72076
501-982-0688

To: Chief Boyd
From: Code Enforcement
Please find below the Monthly Recap Report for the Code Enforcement Dept
for the Month of Jun-16

Assigned Calls	155
Self Initiated Calls	595
Follow Ups	539
Meetings/Court Hearings Attended	16
Warnings Issued	43
Tickets Issued	0
Notices / Letters Written	70
Vehicles Tagged	7
Vehicles Towed	1
Lots Posted	20
Signs Removed	56
Trash Cans Tagged	6
Basketball Goals	6
Structures Inspected	4
Rentals Inspected	3
Properties Red Tagged	0
Search Warrants Served	0
Structures Rehabbed	0
Structures Condemned	0
Houses Demo by City	1
Houses Demo by Owner	0
Parking Violations	60
Grass Letters	51
Grass Mowed	35

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Alan Laughy, Chief

JACKSONVILLE

FIRE & RESCUE SERVICES

PRIDE of the City!

900 N. Redmond Rd.
Jacksonville, AR. 72076
(501) 982-5048
Fax 982-0579

13 July 2016

Honorable Gary Fletcher
Members of the Council
City of Jacksonville

Gentlemen & Ladies:

I respectfully submit a report of Emergency Response Activity for the month of **JUNE 2016**.

National Emergency Medical Service Information System (NEMSIS)

Ambulance Responses classified as:

Transported Runs 216

Non-Transported Runs 103

National Fire Incident Reporting System (NFIRS)

Estimated fire loss for the month: \$3,000.00

Savings total for the month: \$117,000.00

Rescue (315)

Rescue, EMS Call, other (15)
Medical Assist (35)
EMS Incident (264)
Rescue or EMS Standby (1)

Service Call (20)

Service Call, other (1)
Person in Distress (3)
Smoke, Odor Problem (1)
Public Service Assistance (15)

False Alarm (23)

False Alarm, False Call, other (3)
System or Detector Malfunction (8)
Unintentional System/Detector (12)

Special Incident Type (1)

Citizen Complaint (1)

Fire (12)

Structure Fire (2)
Mobile/Vehicle Fire (3)
Natural Vegetation Fire (3)
Outside Rubbish Fire (4)

Overpressure, Explosion, Overheat (1)

Overpressure Rupture from Air/Gas (1)

Hazardous Condition, No Fire (13)

Flammable Gas or Liquid Cond., other (3)
Chemical Release, Reaction, Toxic Cond. (1)
Electrical Wiring/Equip Problem (6)
Accident, Potential Accident (3)

Good Intent Call (14)

Good Intent Call, other (1)
Dispatched and Canceled En Route (11)
Wrong Location, No Emergency Found (2)

Respectfully,

Alan Laughy, Chief
Jacksonville Fire & Rescue Services

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CITY OF JACKSONVILLE



To: Mayor Fletcher, Jacksonville City Council
From: Engineering Department

Please find below the consent agenda for the Engineering Department

ENGINEERING REPORT FOR JUNE 2016

PERMITS/LICENSE ISSUED

Building Permits	18
Business License	9

INSPECTIONS PERFORMED

Building Inspections	35
Electrical	30
Plumbing	26
HVACR	16

CITY OF JACKSONVILLE ANIMAL SHELTER MONTHLY REPORT

REPORTING PERIOD: June-16

	DOG	CAT	TOTAL	
ON HAND (BEGIN REPORTING PERIOD)	34	107	141	
RECEIVED	95	60	155	
ADOPTED	66	74	140	
RETURNED TO OWNER	33	3	36	
EUTHANIZED	1	4	5	
DIED/ESCAPED/STOLEN	0	2	2	
D.O.A.			86	
ON HAND (END REPORTING PERIOD)	29	84	113	
CITY LICENSE ISSUED			32	
INSPECTIONS			6	
RESCUES			0	
CRUELTY INVESTIGATIONS			5	
BITE CASES:				
ANIMAL-HUMAN			3	
ANIMAL-ANIMAL			0	
WARNING LETTERS:				
RUNNING AT LARGE			22	
NUMBER OF ANIMALS			1	
RABIES VACCINATION / CITY LICENSE			30	
CRUELTY			3	
UNSANITARY CONDITIONS			0	
NUISANCE			0	
FAILURE TO STERILIZE			0	
CITATIONS:				
RUNNING AT LARGE			2	
NUMBER OF ANIMALS			0	
RABIES VACCINATION / CITY LICENSE			1	
CRUELTY			1	
UNSANITARY CONDITIONS			0	
WARNING (RUNNING AT LARGE)			2	
PIT BULL			3	
WARRANTS		CITATIONS FOR CHICKENS IN CITY LIMITS	3	
REVENUES:				
ADOPTION FEES/FINES			\$ 1,375.00	
CONTRIBUTIONS			\$ -	
TOTAL			\$ 1,375.00	
OVERTIME HOURS PERFORMED:			3.5	
VEHICLES:				
UNITS:	# 162	# 163	#170	#172
BEGINNING MILEAGE	90,119	138,725	37,987	96,407
ENDING MILEAGE	90,292	139,818	39,002	97,309
MILES DRIVEN	173	1,093	1015	902

**Jacksonville Animal Shelter
June 2016 Bite Cases**

DATE	DOG/ CAT	BREED	OWNER/ NAME	OWNER/ ADDRESS	FAMILY/ OTHER	MEDICAL CARE	RABIES VAC.	CITY TAG	DECLARED VICIOUS/ DANGEROUS	ACTION TAKEN/ COMMENTS
06/20/16	DOG	Pug	Ashley Lake	700 Poplar St 111B	Owner : Ashley Lake	NO	YES	NO	NO	Mrs Lake tried to break up a dog fight ,due to feeding.She got bit by one of her dogs on the left arm.The dog was in quarantine for 10 days.
06/23/16	DOG	Chihuahua mix	Tammy Reed	4 Pear Tree Place,LR	Owner: Tammy Reed	NO	YES	NO	NO	Mrs Reed was adopting a dog from our shelter>She brought her chihuahua for a meet and greet,The chihuahua started to fight with the shelter dog.When she wanted to pull her dog away she got bit on her right hand.
06/25/16	DOG	Lab	Gorden Chancy	2714 Grayfox Ln	Owner : Gorden Chancy	YES	YES	NO	NO	The 2 dogs were playing to rough and Mr Chancy tried to pull him apart.He got bit by one of his dogs on thearm

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ORDINANCE NO. 1555 (#15 - 2016)

AN ORDINANCE CREATING JMC § 2.26. TO PROVIDE FOR CREATION OF THE JACKSONVILLE HISTORIC DISTRICT COMMISSION; PROVIDING CERTAIN PROVISIONS AND REQUIREMENTS THEREOF; AND, FOR OTHER PURPOSES.

WHEREAS, the City is in need of historical preservation for the older and more historic portions of our town, doing so will assist the Planning Commission in its function and operation, and creation of a Historic District Commission, through the authority and provisions granted through ACA 14-172-201, et. seq. , will enable the City, any historical society, and/or citizens interested in historic preservation to be eligible for certain state and federal funds and programs to enhance those efforts; and,

WHEREAS, after research and review, interested member(s) of the City Council and Staff recommend adoption of the following provisions to the City Code for creation and operation of a Historic District Commission. 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 § 2.26.010 (CREATION AND PURPOSE) is hereby created and shall read as follows:

There is hereby created the Jacksonville Historic District Commission (JHDC) pursuant to the authority contained in ACA § 14-172-201 et. seq., said statutes hereby being adopted and incorporated herein.

The purpose of the Jacksonville Historic District Commission shall be as follows:

- (1) Effect and accomplish the protection, enhancement, and perpetuation of such areas and improvement of districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- (2) Safeguard the City's historic, aesthetic and cultural heritage, as embodied and reflected in such areas;
- (3) Stabilize and improve property values in such districts;
- (4) Foster civic pride in the beauty and accomplishments of the past;

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- (5) Protect and enhance the City's attractions to tourists and visitors as well as residents;
- (6) Strengthen the economy of the City; and,
- (7) Promote the use of historic districts and landmarks for the education, pleasure, and welfare of the people of the City.

SECTION TWO: JMC § 2.26.020 (MEMBERSHIP AND TERMS OF OFFICE) is hereby created and shall read as follows:

The JHDC shall consist of Five (5) members appointed by the Mayor with the advice and consent of the City Council. Members shall be electors of the City holding no salaried or elective municipal office and shall include at least One (1) person who owns property within a proposed historic district. Members shall demonstrate a positive interest in historic preservation, possessing interest or some level of expertise in architecture, history, urban or regional planning, building rehabilitation, real estate, or preservation or conservation in general.

A. Members of the JHDC shall be appointed for terms of Three (3) years each and until their successors are appointed and qualified. The appointment shall be arranged so that the term of at least One (1) member shall expire each year. Vacancies shall be filled in the same manner for the balance of the unexpired terms. Members shall serve on the JHDC without compensation.

SECTION THREE: JMC § 2.26.030 (OFFICERS AND MEETINGS) is hereby created and shall read as follows:

The JHDC shall elect a Chair, Vice-Chair, Secretary, and Recording Secretary annually from its own members and shall meet no less than Four (4) times per year, with meetings called by the Chair and/or the Commission at such times as determined necessary. The JHDC may adopt rules and regulations not inconsistent with the provisions of local, state, and federal law. A simple majority of the JHDC shall constitute a quorum for the transaction of business, and a record of each meeting shall be approved and maintained by the Commission by and through the City Clerk.

SECTION FOUR: JMC § 2.26.040 (POWERS AND DUTIES) is hereby created and shall read as follows:

A. The JHDC may conduct studies for the identification and designation of historic districts and sites throughout the City. The JHDC may proceed at its own

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initiative or upon a petition from any person, group, or association. The JHDC shall maintain records of all studies and inventories for public use.

B. The JHDC may make recommendations to the State Historic Preservation Officer for the listing of a historic district or site in the National Register of Historic Places.

C. The JHDC will cooperate with the Arkansas Historic Preservation Program (AHPP) and the National Park Service (NPS) in the pursuance of Certified Local Government (CLG) status.

D. The JHDC will serve as the official custodian of the City's history and will act as a point of contact for the public and for state and federal agencies in all matters concerning historic preservation within the City.

E. The JHDC shall make an investigation and report on the historic significance of buildings, structures, sites, or surroundings included in a proposed historic district and shall transmit copies of its report to the Arkansas Historic Preservation Program (AHPP), a division of the Department of Arkansas Heritage, or its successor agencies, and to the City's Planning Commission for their consideration and recommendation. The AHPP (or applicable state agency) and the Planning Commission shall give their recommendations to the JHDC within Sixty (60) days from the date of receipt of said report.

F. Failure by these bodies to make recommendations within the allotted timeframe shall be taken as approval of the report of the JHDC. Recommendations shall be read in full at the required public hearing to be held by the JHDC.

G. The JHDC shall hold a public hearing on establishment of a proposed historic district after giving notice of such hearing by publication in a newspaper of general circulation in the City once a week for Three (3) consecutive weeks, the first such publication being at least Twenty (20) days prior to the public hearing. Such notice shall include the time and place of the hearing, specify the purpose, and describe the boundaries of the proposed historic district.

H. The JHDC shall submit a final report with its recommendations and a draft of a proposed ordinance to the City Council within Sixty (60) days after the public hearing. The report shall contain the following:

(1) A complete description of the area or areas to be included in the proposed historic district, and any single historic district may embrace noncontiguous lands;

(2) A map showing the exact boundaries of the area or areas to be included within the proposed district(s);

ORDINANCE NO. 1555 (#15-2016)

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(3) A proposed ordinance designed to implement the provisions of the Arkansas Historic Districts Act, ACA § 14-172-201 et. seq.; and,

(4) Such other matters as the JHDC may deem necessary and advisable, including a statement of purpose and policy.

I. The City Council, after reviewing the report of the JHDC, shall take one of the following steps:

(1) Accept the report of the JHDC and enact the proposed ordinance therein;

(2) Return the report to the JHDC with such amendments and revisions thereto as it may deem advisable, for consideration by the Commission and a further report to City Council within Ninety (90) days of such return;

(3) Reject the report of the JHDC, stating its reasons therefor; and/or,

(4) Discharge the JHDC.

SECTION FIVE: JMC § 2.26.050 (CERTIFICATES OF APPROPRIATENESS) is hereby created and shall read as follows:

No qualifying building or structure, which may include but not be limited to, the building or structure itself, masonry walls, fences, light fixtures, steps and paving, other appurtenant fixtures, or other elements set forth in design guidelines shall be erected, altered, restored, moved, or demolished within a designated Historic District until after an application for a Certificate of Appropriateness as to the exterior architectural features has been submitted to and approved by the JHDC.

(1) No building permit or other such permit shall be granted for purpose of constructing or altering structures until an application for a Certificate of Appropriateness as to the exterior architectural features has been submitted to and approved by the JHDC.

(2) A Certificate of Appropriateness shall be required whether or not a building permit is required.

(3) In its deliberations under this Ordinance, the JHDC shall not consider interior arrangement or usage.

SECTION SIX: JMC § 2.26.055 (WORK NOT REQUIRING A CERTIFICATE OF APPROPRIATENESS) is hereby created and shall read as follows:

Nothing in these historic district regulations shall be construed to prevent ordinary maintenance and/or repair of any exterior architectural feature of a property within a designated historic district.

ORDINANCE NO. 1555 (#15-2016)

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A. These Code provisions shall not prevent the restoration, rehabilitation, renovation, preservation, alteration, construction, or demolition of any such feature that the City shall certify is required for public safety purposes. In emergency situations, threatening life, limb, or significant property damage, work may be conducted without a Certificate of Appropriateness. In as much as possible, such work shall be done in accordance with the principles and specific criteria adopted under this Code.

B. Repairs and work not visible from any public right-of-way shall not require a Certificate of Appropriateness.

SECTION SEVEN: JMC § 2.26.060 (DEMOLITION) is hereby created and shall read as follows:

If an Application for a Certificate of Appropriateness involves demolition of a building which the JHDC initially determines to be an inappropriate demolition, then the JHDC may defer the matter until such time as it has had an opportunity to consider the following alternatives to the demolition of subject property:

- (1) Sources of funding for preservation and restoration activities if lack of such funds is the reason for the request to demolish;
- (2) Adaptive use changes; and/or,
- (3) The feasibility of moving the building to another appropriate location.

SECTION EIGHT: JMC § 2.26.062 (ECONOMIC HARDSHIP) is hereby created and shall read as follows:

In consideration of circumstances involving Economic Hardship, the JHDC shall consider such to be an owner's inability to see a reasonable return for an investment that will comply with this Code's standards in preservation of the property in question. Evidence of economic hardship will generally be limited to instances when the cost of preservation exceeds the value of the building or where preservation will deprive the owner of reasonable use of the property. An owner's personal financial status is not an issue the JHDC may consider.

- (A) Application for Economic Hardship. If a Certificate of Appropriateness is denied, the applicant may submit an application for a Certificate of Economic Hardship within Fifteen (15) calendar days from the date of the notice of denial by the JHDC. The Application for a Certificate of Economic Hardship shall be subject to the hearing schedules and notice provisions applicable to applications for Certificates of Appropriateness.

ORDINANCE NO. 1555 (#15-2016)

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- (1) It shall be incumbent on any applicant to demonstrate economic hardship to the Commission. Applicant(s) for a Certificate of Economic Hardship should submit the following information before the JHDC can make a determination on the application:
 - (a) Estimates of costs of the proposed construction, alteration, demolition, or removal, and an estimate of any additional costs that would be incurred to comply with the recommendations or requirements of the JHDC;
 - (b) A report from a licensed engineer or architect about structural soundness of the building(s) and its/their suitability for rehabilitation;
 - (c) Estimated market value of the property as a whole;
 - (d) An estimate from a licensed architect, licensed contractor, and/or certified appraiser as to the economic feasibility of rehabilitation or reuse of the existing structure(s);
 - (e) Amount paid for the property, the date of purchase, and the party from whom purchased and any terms of financing between seller and buyer;
 - (f) If the property is income-producing, the annual gross income from the property for the previous Two (2) years;
 - (g) All appraisals obtained within the previous Two (2) years;
 - (h) Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous Two (2) years;
 - (i) Assessed value of the property according to the Two (2) most recent assessments;
 - (j) Real estate taxes for the previous Two (2) years;
 - (k) Form of ownership or operation of the property; and,
 - (l) Information about plans prepared for the property if a building or structure is demolished.
- (2) The JHDC may seek expert testimony on the foregoing and may request the submission of any other information reasonably considered necessary to make a determination as to whether the property does yield or may yield a reasonable economic return to the owner.
- (3) The JHDC shall review all the evidence and information submitted. The Commission shall make a determination, within Thirty (30) calendar days of the public hearing whether a Certificate of Economic Hardship should be granted based on the information submitted. If the Commission makes a finding of economic hardship, it shall grant a Certificate of Economic Hardship and give its approval for the work as proposed by the applicant.

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SECTION NINE: JMC § 2.26.064 (DEMOLITION BY NEGLECT) is hereby created and shall read as follows:

- (A) No owner(s) and/or person(s) with an interest in real property designated as an historic landmark or within an historic district shall permit said property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the JHDC, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.
- (B) Upon any citizen's complaint or upon the City's own initiative and determination that demolition by neglect is occurring with respect to any property in one of the City's designated historic districts, the City shall conduct a preliminary investigation and prepare a staff report. Such a complaint must include a clear description of the property and the nature of the deterioration claimed to constitute demolition by neglect.
 - (1) If the City finds that the complaint has a basis in fact, it will notify the property owner that a complaint has been received. A report will be brought before the JHDC) in no fewer than Thirty (30) days. If the preliminary investigation does not substantiate the complaint, the complaint is resolved and no further action will be taken. The first letter of notice to the property shall include:
 - (a) A description of the process;
 - (b) How the property owner(s) or others having a financial interest, legal possession, custody, or control can resolve the issue immediately, and,
 - (c) Reports documenting the violations.
 - (2) The Code Enforcement Office will forward the complaint and report to the JHDC at its next regularly scheduled meeting after the Thirty (30) days have elapsed.
 - (a) The JHDC will review complaints, such reports, and accept information from the owner and/or other interested persons. Based on the information received, the JHDC may file a decision. If the JHDC determines there are specific defects with the subject property it will notify the Code Enforcement Office to act under the procedures set out below to require the correction of deterioration or making of repairs to the historic structure;
 - (i) The written finding shall identify the specific condition(s) of the property which have led to that determination and shall contain a notice that a hearing will be held before the JHDC not less than Thirty

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- (30) nor more than Forty-five (45) days after the serving of such order;
- (ii) The written finding shall also state that the owner and/or parties in interest shall be given a right to answer and to give testimony at the hearing; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the JHDC. The purpose of the hearing is to receive evidence concerning the charge of demolition by neglect;
 - (iii) If after such finding and hearing, the Commission determines that the structure is undergoing demolition by neglect because it is deteriorating, or if its condition is contributing to deterioration, the Code Enforcement Office shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner and/or other parties in interest therein an order to repair within a time to be specified in the written decision those elements of the structure that are deteriorating, contributing to deterioration, or deteriorated.
- (b) Complaints or orders issued by the City shall be served upon persons either personally or by certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by reasonable diligence, the City shall make an affidavit to that effect, stating the steps taken to determine and locate the persons in interest, then the serving of such complaint or order may be made by publishing the same once each week for Two (2) successive weeks in a newspaper of general circulation within the City. Where such service is by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

SECTION TEN: JMC § 2.26.070 (APPEALS) is hereby created and shall read as follows:

Any applicant aggrieved by the determination of the JHDC may appeal the determination of the Commission to the Circuit Court of Pulaski County, Arkansas, in accordance with Rule 9 of the Arkansas District Court Rules.

SECTION ELEVEN: JMC § 2.26.080 (ENFORCEMENT) is hereby created and shall read as follows:

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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 AND LANDFILLS) is hereby created and modified to read as follows:

- (A) In the event that work being performed is found not to be in accordance with the Certificate of Appropriateness or upon notification of such fact by the JHDC and/or City, the Code Enforcement Office shall issue a Stop Work Order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Stop Work Orders and penalties for non-compliance with such will be enforced according to other applicable laws. A decision shall be made by the JHDC concerning the Stop Work Order within Five (5) business days.
- (B) Any person who violates any of the provisions of this Code shall be guilty of a misdemeanor and, upon conviction thereof in the Jacksonville District Court shall be fined Twenty-five (\$25.00) to Five Hundred (\$500.00) per day after a Thirty (30) day period in which the person may correct the violation, in accordance with the Arkansas Historic Districts Act. Each day that a violation continues to exist constitutes a separate offense.

SECTION THIRTEEN: If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of these Code provisions is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this Code.

SECTION FOURTEEN: 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.

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APPROVED AND ADOPTED THIS _____ DAY OF AUGUST, 2016.

CITY OF JACKSONVILLE, ARKANSAS

GARY FLETCHER, MAYOR

ATTEST:

SUSAN DAVITT, CITY CLERK

APPROVED AS TO FORM:

ROBERT E. BAMBURG, CITY ATTORNEY