

City Council of Jacksonville, Arkansas

A G E N D A

Regular City Council Meeting

September 1, 2016 7:00 p.m.

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ANNOUNCEMENTS continued:

Fall Citizen's Police Academy starts
September 6, 2016. The Jacksonville
Police department is still accepting
applications

Public Forum "Straight Talk"
September 8, 2016 7:00 p.m. at the
Jacksonville Community Center
Citizens concerns regarding Law
Enforcement and Criminal Justice

City Offices will be closed Monday,
September 5th in observance of
Labor Day, sanitation routes will run
one day late

ADJOURNMENT

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

The City Council of the City of Jacksonville, Arkansas met in regular session on August 4, 2016 at the regular meeting place of the City Council. Alderman Howard delivered the invocation and Mayor Fletcher led a standing audience in the "Pledge of Allegiance" to the flag.

ROLL CALL: Aldermen: Elliott, Bolden, Sansing, Ray, Mashburn, Traylor, Smith, and Howard answered ROLL CALL. Mayor Fletcher also answered ROLL CALL declaring a quorum. PRESENT NINE (9), ABSENT (1). Alderman McCleary arrived at approximately 7:02 p.m. and Alderman Twitty was absent.

Others present for the meeting were: City Attorney Robert Bamburg, Director of Administration Jim Durham, Human Resource Director Jill Ross, Fire Chief Alan Laughy, Finance Director Cheryl Erkel, CDBG Director Theresa Watson, IT Director Scott Rothlisberger, Public Works Director Jim Oakley, City Engineer Jay Whisker, Police Captain Kelly Smiley, Parks and Recreation Director Kevin House, 911 Director Tabby Hughes, Alderman Elect Les Collins, Planning Commission Chairman Jim Moore, Planning Commissioner Patrick Thomas, Keith Weber, David Jones, Roberta Bonham, Johnny Simpson, Phillip Carlisle, interested citizens, and members of the press.

PRESENTATION OF MINUTES:

Mayor Fletcher presented the minutes of the regular City Council meeting of July 7, 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 Bolden to approve the Regular Monthly Report for June 2016 regarding annual crime statistical comparisons.

Code Enforcement for June 2016

Assigned Calls	155		
<u>Self-Initiated Calls</u>	<u>595</u>		
Follow ups	539	Basketball Goals	6
Meetings/Court Hearings	16	Structures Inspected	4
Warnings Issued	43	Rental Properties Inspected	3
Notices/Letters Written	70	Properties Red Tagged	0
Vehicles Tagged	7	Search Warrants Served	0
Vehicles Towed	1	Structures Rehabbed	0
Lots posted	20	Structures Condemned	0
Signs removed	56	Houses Demolished by City	1

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Trash cans tagged	6	Houses Demolished by Owner	0
Parking Violations	60	Tickets Issued	0
Grass Letters	51	Grass Mowed	35

REGULAR MONTHLY REPORT/FIRE DEPARTMENT

Alderman Ray moved, seconded by Alderman Bolden to approve the regular monthly report for June 2016 from the Jacksonville Fire Department, reflecting a fire loss of \$3,000.00 and a savings total of \$117,000.00.

REGULAR MONTHLY REPORT/ENGINEERING DEPARTMENT

Alderman Ray moved, seconded by Alderman Bolden to approve the regular monthly report for June 2016.

PERMITS/LICENSE ISSUED

Building Permits	18
Business Licenses	9

INSPECTIONS PERFORMED

Building Inspections	35
Electrical	30
Plumbing	26
HVACR	16

REGULAR MONTH REPORT/ANIMAL CONTROL

Alderman Ray moved, seconded by Alderman Bolden to approve the regular monthly report for June 2016.

ADOPTION FEES/FINES	\$1,375.00
CONTRIBUTIONS	0.00
TOTALS	\$1,375.00

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

WASTEWATER DEPARTMENTS:

WATER DEPARTMENT:

FIRE DEPARTMENT: ORDINANCE 1556 (#16-2016

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF THREE (3) STRYKER REFURBISHED AND CERTIFIED PRO COTS FOR THE JACKSONVILLE FIRE DEPARTMENT; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

Chief Laughy offered his reasoning for the request, explaining that over the past 17 years, they estimate that approximately 30 firefighters have had back injuries. He added that 62% of firefighter back injuries come from EMS related task; most of those are lifting and moving patients. He stated that last year 86% of their emergencies were EMS related. He related that the NREMT (National Registry of Emergency Medical Technicians) recommends that four personnel be used to lift and move patients on a cot, adding that often they have had two. He then stated that even with four it is still difficult to move patients. He related that they have researched and discussed the solution for approximately

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2 years and new power cots costs between \$15,000.00 and \$20,000.00 per cot. He stated that the industry has changed and now they are offering used and certified power cots that run approximately \$7,000.00. He stated that there is a vendor in Hamburg, Arkansas, J&M Rescue who will sell the certified power cots for \$6,900.00 plus tax per cot. He added that J&M Rescue will include the chargers, certified inspection, and a 90-day warranty. He stated that they have looked at the cots and feel it is a great deal. He then explained that they did a nationwide search, finding one individual that was selling one cot on EBay, vendors from Long Island, San Antonio, and Visalia, California who are selling cots from \$8,000.00 to over \$11,000.00. He explained the primary reason regarding a request for power cots is because of the occurrences of back injuries, adding that it is becoming more and more common. He stated that to get three (3) cots reserved is a rare opportunity, adding that he feels the City should act quickly. He stated that regarding the financial savings, it does not make sense to advertise at a local level when there is only one vendor in the State and it would be financial prohibitive to advertise on a national level. He noted that because of the quotes regarding prices, the lowest vendor would be J&M Rescue. He stated that the total cost is \$22,666.50, adding that they received a grant for \$11,947.00 as well as a non-profit organization that donated \$3,442.68 toward the purchase. He related that the remaining cost would come from the Fire Department budget.

Alderman Traylor moved, seconded by Alderman Bolden that Ordinance 1556 be placed on **FIRST READING**.

In response to a question from Alderman Traylor, Chief Laughy related that the remaining costs would be funded from areas where purchases were not expended. He stated that one would be that P.W.W. Law firm is going to travel to Arkansas to provide training when they originally had budgeted for two fire personnel to travel for that training, noting that it was a \$1,700.00 savings. He then stated that another \$1,000.00 was saved regarding self-contained breathing apparatus maintenance, explaining that they have new breathing apparatus maintenance that is covered by warranty. He then related that \$6,532.00 start up for software purchase that cannot be done this year for various reasons. He stated that all together it adds up to over \$24,000.00, which will cover the costs.

ROLL CALL: Alderman Elliott, Bolden, McCleary, Sansing, Ray, Mashburn, Traylor, Smith, and Howard voted AYE. NAY (0). **MOTION CARRIED.** Whereupon City Clerk Davitt read the heading of Ordinance 1556.

Alderman Sansing moved, seconded by Alderman Bolden to **APPROVE** Ordinance 1556 on **FIRST READING** and suspend the rules and place Ordinance 1556 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 1556.

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Alderman Bolden moved, seconded by Alderman Elliott to further suspend the rules and place Ordinance 1556 on **THIRD and FINAL READING. ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Ray, Mashburn, Traylor, Smith, and Howard voted AYE. NAY (0). **MOTION CARRIED.** Whereupon City Attorney Bamburg read the heading of Ordinance 1556.

Alderman Bolden moved, seconded by Alderman Ray that Ordinance 1556 be **APPROVED and ADOPTED. ROLL CALL:** Alderman Elliott, Bolden, McCleary, Sansing, Ray, Mashburn, Traylor, Smith, and Howard voted AYE. NAY (0). **MOTION CARRIED.**

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

ORDINANCE 1556 (#16-2016) APPROVED AND ADOPTED THIS 4th DAY OF AUGUST, 2016

Mayor Fletcher noted that the Fire Department was called last Friday to a lightning strike at Stonewall Apartments, explaining that he had the opportunity to watch the firefighters work a fire first hand; the structure was saved because of the excellent work by the Fire Department. He stated that he wants to acknowledge publicly that the Jacksonville Fire Department is top rate and second to none. He stated that it is obvious that the training and leadership of the Fire Department worked seamlessly.

Chief Laughy complimented his Battalion Chiefs, Officers, Paramedics, EMT's, and firefighters, saying that it does not surprise him that they performed that well.

POLICE DEPARTMENT:

STREET DEPARTMENT:

SANITATION DEPARTMENT:

PARKS & RECREATION:

PLANNING COMMISSION:

GENERAL: ORDINANCE 1555 (#15-2016)

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

Alderman Ray moved, seconded by Alderman Bolden that Ordinance 1555 be placed on **FIRST READING.**

Corrected copies were provided to the City Council.

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Alderman Mashburn explained that there are eight City blocks that make up the Historical District. She stated that the goal is to refurbish the buildings that have fallen into disrepair and have them put on the National Registry. She stated that the Ordinance 1555 will help accomplish that goal.

Mayor Fletcher recognized Roberta Bonham and others who have worked to establish the District, noting that there have been buildings registered as historical.

ROLL CALL: Alderman Elliott, Bolden, McCleary, Sansing, Ray, Mashburn, Traylor, Smith, and Howard voted AYE. NAY (0). **MOTION CARRIED.** Whereupon City Attorney Bamburg read the heading of Ordinance 1555.

Alderman Ray moved, seconded by Alderman Bolden to **APPROVE** Ordinance 1556 on **FIRST READING** and suspend the rules and place Ordinance 1556 on **SECOND READING**.

In response to a question from Alderman Traylor, Alderman Mashburn stated that the Commission will answer to the Historical District Board as members of the Historical District. She stated that the Board members will apply for grants.

City Attorney Bamburg related that the State has authorized historical commissions for a long time, adding that regarding planning purposes as well as eligibility for certain federal dollars, an entity of this nature has to be in place.

Alderman Traylor clarified with City Attorney Bamburg that the Commission is to help secure funds and help the Planning Commission in imposing and enforcing that in the appropriate manner.

City Attorney Bamburg then explained that under Section Two, the wording that members shall serve until their successors are appointed and qualified means that if there is not a successor appointed when the term ends that person would continue to serve until a successor is appointed. He then related that State law does not mandate term limits for appointees to a historical commission.

Alderman Traylor questioned why the City would not impose term limits as is the practice with other City commissions, mandating that someone not serve more than two consecutive terms.

City Attorney Bamburg stated that he did not include a limit clause because it is not mandated by the State, adding that usually that type of limitation is not imposed on our commissions unless it is required by State law. He related that the City Council could impose those limitations if so desired.

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In response to a question from Alderman McCleary, Alderman Mashburn answered that currently there are 23 members on the Historical Board.

City Attorney Bamburg pointed out that the Ordinance calls for the Historical Commission to have 5 members. He then explained that the Board is a non-profit and does not have anything to do with the Commission itself. He then clarified that 3 members would constitute a quorum to hold business according to State law. He stated that increasing the numbers would still be a situation of a minority creating a rule or action that the majority may/or may not approve. He stated that it does not require, as in most Robert's Rules of Order, a majority of the body to vote. He noted that the Ordinance could be amended to include that stipulation.

Alderman Traylor then noted that the Ordinance directs that the Commission will only meet 4 times annually without setting a specific time. He related that he would feel without set times it would be hard to remember meeting times, noting that Little Rock, North Little Rock, and Russellville all meet monthly. He questioned if the Commission would be better served meeting monthly.

City Attorney Bamburg stated that it would be up to the City Council if they wanted to set a minimum of monthly meetings. He reiterated that he had followed State law, which only required a quarterly meeting. He added that commonly, because of the nature of their business, they would not meet on a monthly basis. He then noted that the Commission could call a special meeting if it were necessary.

Alderman Traylor noted that in Ordinance 1555 under Section Four it states that "The JHDC may conduct studies for the identification and designation of historic district sites", questioning who would be responsible for funding the studies.

Alderman Mashburn stated that the Historical District would pay for those studies.

City Attorney Bamburg also noted that there are grants available for studies, explaining that the Commission would have to apply for grants or the funds could be allocated by the City Council.

Alderman Mashburn interjected that the studies would not come from City funds.

City Attorney Bamburg stated that once the Commission is created, if the City Council does not authorize funds, the only funds the Commission will have is funds it brings in.

Alderman Traylor confirmed with City Attorney Bamburg that if the Commission submits information to the City Planning Commission and the

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Arkansas Historic Preservation Program and neither one responds, then it is considered an acceptance after a given timeframe. City Attorney Bamburg added that he is not sure but believes that timeframe is 60 days. He then explained that this Commission is much like the Planning Commission, they can make recommendations for action or Ordinances to the City Council. He stated that any Ordinances or new restrictions would have to come before the City Council prior to being enacted. He then clarified that areas or sites identified as historical designations would go before the Arkansas Historic Preservation Program instead of the City Council. He explained the City Council would be the authority to enact Ordinances that would apply to those sites. He then stated that to have a site placed on the National Registry is a lengthy process and the property owner would have to be included in that process or commonly it would not be take place.

Alderman Mashburn reiterated that the property owner would have to agree to have it on the Registry.

City Attorney Bamburg then clarified that if the City Council creates the Commission, it also has the authority to abolish the Commission.

ROLL CALL: Alderman Elliott, Bolden, McCleary, Sansing, Ray, Mashburn, Traylor, Smith, and Howard voted AYE. NAY (0). **MOTION CARRIED.** Whereupon City Attorney Bamburg read the heading of Ordinance 1555.

Alderman Bolden moved, seconded by Alderman Mashburn to further suspend the rules and place Ordinance 1555 on **THIRD and FINAL READING.**

Alderman Traylor moved seconded by Alderman Sansing that third and final reading be tabled until the next regularly scheduled City Council meeting so the aforementioned amendments be considered. ROLL CALL: Alderman Sansing, Traylor, and Smith voted AYE (3). Alderman Elliott, Bolden, McCleary, Ray, Mashburn, and Howard voted NAY (6). MOTION FAILS.

In response to a question from Alderman Elliott, City Attorney Bamburg stated that the public hearing deals with whether the district is formed and what the boundaries are. He stated that it has to conduct a public hearing and then go before the Planning Commission before going to the City Council. He added that the public hearing would actually be held by the Historic District Commission before proceeding to the Planning Commission and City Council.

ROLL CALL: Alderman Elliott, Bolden, McCleary, Sansing, Ray, Mashburn, and Howard voted AYE (7). Alderman Traylor, and Smith voted NAY (2). **MOTION CARRIED.** Whereupon City Attorney Bamburg read the heading of Ordinance 1555.

Alderman Bolden moved, seconded by Alderman Ray that Ordinance 1555 be **APPROVED and ADOPTED.**

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Alderman Traylor reiterated his earlier request that the City Council allow two weeks to look over the Ordinance, noting that it is a large ordinance with a lot of information to consider. He explained that it would offer additional time to research what historical commissions actually do.

Mayor Fletcher offered clarification regarding the motion on the floor.
ROLL CALL to approve and adopt Ordinance 1555: Alderman Bolden, McCleary, Ray, Mashburn, and Howard voted AYE (5). Alderman Elliott, Sansing, Traylor, Smith voted NAY (4). **MOTION CARRIED.**

ORDINANCE 1555 (#15-2016) APPROVED AND ADOPTED THIS 4th DAY OF AUGUST, 2016

APPOINTMENTS: PLANNING COMMISSION

Alderman Ray moved, seconded by Alderman Bolden to approve the appointment of Alderman Barbara Mashburn to the Planning Commission to fill the unexpired term of Avis Twitty, term to expire 01/01/2017. MOTION CARRIED.

ANNOUNCEMENTS: Public Works Director Jim Oakley announced the temporary closing of Sharp Street from Main Street to School Drive beginning August 15th regarding the demolition of the Junior High School. He stated that the demolition could be as long as three months, hopefully less. He stated that he would issue the press release tomorrow.

Mayor Fletcher noted that the Street could be closed for as long as five to six months depending on when the bids come back for the new school.

City Attorney Bamburg clarified that it would be closed on a temporary basis before being closed permanently when the new school is completed.

Jim Moore encouraged everyone to help with cleanup at the area schools to make ready for the school year. He added that there is a lot of excitement regarding the new school district. He noted that even with a four-man maintenance team, it is hard to keep up; the new district is responsible for nine schools including Homer Adkins. He stated that there are air conditioning and plumbing problems at some of the schools. He asked for volunteers to be at the High School at 8:30 a.m. this coming Saturday morning. He stated that the teachers, school personnel, and the Board are very excited about starting the school year.

City Engineer Whisker stated that Hardees's Restaurant is opening Wednesday, August 10th. He then related that Hibbett Sports is coming to Jacksonville. He stated that in going to the different conferences whether in Dallas, Austin, or Las Vegas, they have spoken to these people over and over again. He related that it is finally coming through where you see some of the people hit town and it has been a nice combination thereof.

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Mayor Fletcher stated that City Engineer Whisker was aware in May that they were coming but was asked to keep it quiet. He added that the relationships built are a good thing for the City.

City Engineer Whisker stated that he normally does not disclose that information until the plans come into the Engineering Department.

Mayor Fletcher stated that he wants to thank the City Council for supporting the economic effort that they have been doing the last few years, adding that things are starting to show now.

Director of Administration Jim Durham stated that their original meeting with Hardees corporate office, they were looking for a franchisee, adding that Ricky Hayes introduced him and City Engineer Jay Whisker to Hardees corporate originally. He then added that Ricky Hays also introduced them to Hibbett Sports. He stated that this show how many years, Ricky is not with us anymore, but it shows sometimes it takes awhile. He stated that there are some other things that are coming too.

PUBLIC COMMENT:

Mr. Phillip Carlisle related that he was before the City Council this time last year, asking about the City Code not being enforced. He stated that he kept coming, a couple of times, wanting the Code to be enforced in his neighborhood regarding the mowing of grass. He asked the City Council to recall that the whole idea of him coming was because he wanted to help protect his 2-yr. old grandchildren. He explained that their playground is adjacent to the fence and his neighbor does not maintain the property next to the fence. He stated they are very concerned because of the snakes, and habitat that is there, which is food for the snakes. He said that he is back now regarding the safety of his 3-yr. old grandchildren, pointing out that now they play on the playground by themselves, while the adults have the opportunity to sit underneath the porch and watch them play. He added that currently the grass is even taller, and the Code is still not being enforced.

He stated that some of City Council may have seen the snake armageddon that went on with the poisonous snakes being killed in their neighborhood on a regular basis. He related that he would like for City Council to understand that the reason he is back, is for the protection of his 3 yr. old grandchildren. He recalled that last year when he was before City Council, it had started out with the Mayor telling him it would start a firestorm if he brought this up because the neighbor had told Mayor Fletcher that he would drive around Jacksonville and point out all the neighborhoods or lots that needed to be mowed and the City did not have the money to maintain or do that sorts of stuff. He stated that afterwards, he left that meeting and was really pleased that Alderman Bolden came to his office and they were able to communicate and

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Alderman Bolden went to Mr. Carlisle's neighbor and spoke with him. He stated that he was under the impression that the City was going to enforce the Code and then it never happened.

He related that sometime later, he got a call from Director Jim Durham who said that the City was going to change the Code, it was going to be pin to pin, and if you had a house in the neighborhood it would have to be maintained. He stated that this was a good thing but Director Durham also said do not expect this to happen right now because it is the fall and we have never done anything in the fall, but we will get it done. He related that spring came around and nothing happened. He started to ask questions again about what is going on, saying that it was his understanding that the City Council had at some point dealt with a 2-acre ordinance that was at least talked about earlier in the year but fortunately that did not happen. He stated personally, he believes the 2-acre ordinance was just a "goat" at his neighborhood.

He went on to say that sometime after that, Police Chief Boyd sent him a letter telling him that he was not going to enforce the grass Code in his neighborhood because the Ordinance is inherently unfair. He commented he is aware that the City enforces the grass Ordinance thousands of times over the course of years, the City mows hundreds if not thousands of lots, but now in his neighborhood it is "inherently unfair". He related that Chief Boyd also said that it was unfair because they have 7-lots that do not qualify, commenting that actually they do qualify, but the Chief said they are just too big, they are exempt, but everyone else in the neighborhood is. He reiterated that what he is really concerned about are his grandchildren.

He then related that Director Durham came to him and told him that there had been a 3-hour meeting between the Mayor, City Attorney Bobby Bamburg, the local Judge, and himself; explaining that during this meeting, it was decided that the Codes were unenforceable and the reason was because this was really a property owner's association problem and the property in question is a platted drainage area and the biggest reason was because the developer wanted this Subdivision to be a rural setting and did not want the Codes to be enforced.

He stated that he would like to address each of these points; firstly, the Subdivision does not have a property owner's association, the developer, Jack Wilson, does not want a property owner's association until the lots are finished so that he does not lose control of his own property. He pointed out that even if they did have a property owner's association such as Stonewall Subdivision, when someone does not mow their grass in Stonewall, the City is called and the City takes care of it. He stated that a property owner's association should not have anything to do with this.

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He then noted that there is a platted 30' wide drainage easement, explaining that the drainage easement is not really there anymore because when the developer constructed the pond, the drainage easement was filled in and now all the ground is high and dry. He stated that he can prove this because his daughter and son-in-law's house was in the flood zone and they had to get it replatted or surveyed and now it shows all that property is out of the flood zone.

He stated that the third issue cited was that the developer of the Subdivision wanted this to have a rural setting and did not want Codes enforced. He related that through the freedom of information process, he obtained all the paperwork from the 8 meetings that dealt with the Foxwood Estates development. He noted that it consists of 71 pages, but will offer a summarized recap.

He related that November 2004, the property was submitted as a Sketch Plat to the Planning Commission, the developer wanted to take the property from a mobile home park to estate sized lots. He related this was the first time a rural atmosphere setting was mentioned and that the developer wanted to have streets without curb and gutter. He continued saying that it was also brought up at this meeting that the houses in this Subdivision would be somewhere in the \$300,000.00 to \$1,000,000.00 price range and it was brought up that the adjacent property was removed from the City limits.

February 14, 2005, the Planning Commission reviewed the preliminary plat, and once again it was mentioned that this Subdivision would be a rural type setting. He added that Mr. Bond (the developer's representative) stated that the developer's vision was that this Subdivision would be a "Chenal" sort of neighborhood and Mr. Bond actually brought up one of the neighborhoods in Chenal that had 12' streets featuring sculptures with multi-million dollar homes. He stated that if they were thinking in line with multi-million dollar homes; he would be thinking butlers, maids, nannies, pool guys, yard people, and Royals Royce vehicles. He added that he would not be thinking that his neighbor is not going to mow his lawn. He said that he cannot even start to imagine that the Planning Commission would believe that the City rules would not apply to this Subdivision.

7th, it is submitted to City Council as an Ordinance to establish an improvement district. Once again, it is mentioned that the Subdivision will have smaller roads with no curb and gutters. He noted that the Subdivision has a 20' road instead of a 27' city street road and instead of curbs and gutters, their street has a 3' gravel shoulder.

April 10, 2006, there is a re-approval of the preliminary plat and the only thing brought up at this Planning Commission meeting was to clarify that the Subdivision property is located within the City limits.

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October 4, 2007, the City Council approved an Ordinance to rezone the property. Alderman Marshall Smith said during that meeting, Jack Wilson builds a quality subdivision; this will be a great asset to the City. Alderman Stroud thanked City Engineer Whisker for working with the residents to explain how the hunt club boarder would actually protect their property values.

He then stated as a side note, that it was also reported on this date that 322 grass letters were sent out by Code Enforcement and 21 properties had been mowed by the City.

January 14, 2008, a revised preliminary plat was submitted to the Planning Commission to make smaller lots, once again, no sidewalks with 20' streets/no curbs and gutters in a rural setting were mentioned.

July 8, 2008, the final plat, the only thing that was brought up at this time was that the only utility that the City would have to maintain is the water.

July 17, 2008, the final plat was approved by the City Council.

He related that the reason he brings this up is because not one time in any of the minutes of these meetings was it ever said that the City Codes would not be enforced in this neighborhood. He put emphasis on, NOT ONE TIME, adding never was it said. He then pointed out that several times it was clarified that this Subdivision is inside the City limits. He went on to say that he feels this was said several times because the developer Jack Wilson wanted the City Codes to oversee these million dollar homes. He did not want it to be in the County, he did not want it to have cars on blocks and used car dealerships sitting in yards. If he had not wanted this, he could have said he did not want the Subdivision to be in the City limits at all. He pointed out that he still would have gotten Police, Fire, and City water but he did not ask for that, he wanted it inside the City limits.

He stated that since he was not at the meetings and did not know what was said or what the intent was, he called Tommy Bond (representative for the developer) and told him that it was his understanding from the City that he had asked on behalf of the developer that no City Codes were to be enforced in the Subdivision. He related that following an incredibly awkward silence, Mr. Bond said, what did you say? He told Mr. Bond that Jimmy Durham told him that he and the developer did not want City Codes enforced. He said Mr. Bond responded, Phillip that was never asked, we asked for five things; no curbs and gutters, no sidewalks, open ditches, smaller streets, and sewer grinder pumps are the only things we ever asked for. He related that he next texted the developer, Jack Wilson. He read his text message to Jack Wilson, "Jack, I am in a quandary. I keep after the City to mow my neighbors grass against Taylor and Evans'

CITY OF JACKSONVILLE
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house; they tell me that you did not want Codes enforced in our neighborhood. I know you asked for smaller roads, no curb or guttering, no sidewalks, open ditches and grinder pumps; did you ask for no other Codes to be enforced?" Jack's response, "Actually, I do not have the authority to tell the City what to do in any city so I am not sure who would have said that. I have never told them what to enforce, not that they would listen to me anyway." He pointed out that this is the guy who actually owns the Subdivision; he did not ask the City not to enforce the Code. He is trying to protect his own Subdivision. He stated that he does know the Code has been enforced in his neighborhood before. He related that the Hagedood's complained and the Code was enforced. He then stated that the only thing different when that complaint was made is who the Police Chief was, the Codes are the same. He reminded City Council that the current Police Chief sent him a letter saying that it was "inherently unfair". He stated that personally he does not believe for one minute that the head of our Police Department, the person who's DNA is to follow the rules and arrest people, was okay to not enforce that Code. He stated that he believes he wrote the letter with the Mayor and City Attorney's approval. He then said that he also knows Alderman Smith lives in a neighborhood similar to his in that it has very large lots, she called Code because one of her neighbors was not mowing and the Code is enforced. He added that this is not the same in his neighborhood, saying that in his neighborhood he does not get the same treatment, pointing out that they pay the same taxes as everybody else and all they are asking for is the same protection. He stated that it is the City Code, and instead of having 3-hour meetings trying to figure out why the City can't, why not have a 10-second phone call and enforce the Code. He asked Alderman Elliott if this situation was instead his own daughter and grandchild what would he do?

Alderman Elliott stated that he would probably be trying to work something out.

Alderman Sansing then responded that this Ordinance came up years ago, adding that he was one of the Alderman that was opposed to this Ordinance, specifically because it was telling property owners what they had to do with their property. He added that he ended up voting for the Ordinance because some of the wording was changed at his request. He stated that he has never been a fan of this Ordinance.

Mr. Carlisle stated that on the other side of that, he is aware the City has to protect property and the image of our City. He stated that it has to be done because there are just some people who are not going to take care of their stuff and it is up to the City to protect the values of everything else. He pointed out that some are doing an outstanding job, commenting on how the Fire Chief was incredible regarding saving money, saying that everybody is working as hard as they can. He then added that at the end of the day in his neighborhood, the same effort does not apply. He stated that he is asking of someone to give a hand. He addressed Mayor Fletcher saying, "Mayor, why isn't it being enforced?"

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Mayor Fletcher responded that he believes Mr. Carlisle has been told that it cannot be enforced equitably in that subdivision. He continued saying that even with Mr. Carlisle's daughter's yard; she would not have to mow her yard if she did not want to. He stated that there are 7 lots and this comes down to a neighborhood squabble, telling Mr. Carlisle that he and his neighbor need to take care of this, the City has gotten drug into this. He said the Subdivision wanted to be different, saying that he is aware because he use to be a builder and it costs to put sidewalks in. He stated that you all asked for those exemptions, adding that the City does not even own the streets. He stated that if the streets get potholes, the Subdivision has to fix it, adding that Subdivision is different, it wanted to be different. He stated that Mr. Carlisle has made this a personal thing and will never believe it, but added that he is sorry Mr. Carlisle did that. He went on to say that he is not that type of person, and Mr. Carlisle has known him for a long time, but evidently you have not known me very well. He stated that he does what he believes is right. He reiterated that this needs to be taken care of between the neighbors. He then related that as far as snakes, he has Copperheads in his flower beds next to his front door, baby ones. He stated that no one is immune to having snakes especially when we have as much ground water as we have. He stated that if it is not snakes, then it is ants. He related that the truth of the matter is that Subdivision is going to have snakes, that area is the bottoms. He added that when you have a pond, you will have more than just rattle snakes, mentioning water moccasins. He stated that he wishes that Mr. Carlisle and his neighbor would get together and solve this. He related that from what he has read in the FOI minutes, emergency services which is Police, Fire, ambulance, and garbage and the City has provided that. But to say that your Subdivision is the same as Alderman Smith's is not quite right, they have curb and gutter, and I believe they have sidewalks but I am not sure. He stated that there is a distinction between those subdivisions and to say it is the same, when it is not the same.

Mr. Carlisle stated that he would have to argue that point.

Mayor Fletcher responded that no, we are not; we need to bring this to an end.

Mr. Carlisle said this is public comments and he is not going to argue over that, adding that at the end of the day he has expressed his opinion. The Codes are not being enforced fairly, the Code says 5 acres or more you don't have to do anything, pointing out that those 7 lots are less than 5 acres.

Mayor Fletcher stated that it is kind of funny to him that if you go look at your neighbor's yard, his whole yard is immaculate except that one spot. He added that he believes if "you two grown men would sit down and try to be good neighbors, I don't think we would be talking about this".

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Mr. Carlisle responded except the area next to my grandkids and please understand that is why I started this conversation. He stated that he began this regarding the protection of his grandkids. He related that he has one more personal comment, "It is my personal opinion that my City government is not enforcing the City Codes in my neighborhood because an ex-wife owns a lot in the Subdivision, and because Gary Sipes lives there, and because virtually all of the landowners supported him and I think it is personal for you (Mayor Fletcher) and Gary Sipes, adding I don't think it is fair, please don't let my 3-year old grandkids become victims of your pettiness."

Director of Administration Jim Durham stated that he has something that he would like to say.

Mayor Fletcher objected.

Alderman Ray moved to adjourn.

ADJOURNMENT: Without objection, Mayor Fletcher adjourned the meeting at approximately 8:03 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

August 4, 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 July 2016:

<u>Topic</u>	<u>2016</u>	<u>2015</u>
Total Complaint Calls	4,127	4,933
Homicide Reported	0	0
Homicide Cleared	0	0
Rape/Sex Assault Reported	1	0
Rape/Sex Assault Cleared	0	0
Robbery Reported	4	1
Robbery Cleared	1	0
Felony Assaults Reported	12	19
Felony Assaults Cleared	5	16
Burglary Reported	22	17
Burglary Cleared	13	9
Theft Reported	60	70
Theft Cleared	22	31
Vehicle Theft Reported	10	6
Vehicle Theft Cleared	3	0

Felony Cases Reported	144	125
Felony Cases Closed	135	129
Misd Cases Reported	392	470
Misd Cases Closed	393	452

Respectfully,



Chief Kenny M. Boyd
Chief of Police

KMB/sb



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 **Jul-16**

Assigned Calls	189
Self Initiated Calls	595
Follow Ups	553
Meetings/Court Hearings Attended	13
Warnings issued	73
Tickets Issued	2
Notices / Letters Written	58
Vehicles Tagged	9
Vehicles Towed	0
Lots Posted	77
Signs Removed	73
Trash Cans Tagged	8
Basketball Goals	0
Structures Inspected	0
Rentals Inspected	0
Properties Red Tagged	3
Search Warrants Served	0
Structures Rehabbed	0
Structures Condemned	0
Houses Demo by City	0
Houses Demo by Owner	1
Parking Violations	38
Grass Letters	58
Grass Mowed	67



Alan Laughy, Chief

JACKSONVILLE

FIRE & RESCUE SERVICES

PRIDE of the City!

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

9 August 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 July 2016.

National Emergency Medical Service Information System (NEMSIS)

Ambulance Responses classified as:

Transported Runs 210

Non-Transported Runs 112

National Fire Incident Reporting System (NFIRS)

Estimated fire loss for the month: \$282,900.00

Savings total for the month: \$1,242,100.00

Rescue (319)

Rescue, EMS Call, other (36)

Medical Assist (31)

EMS Incident (252)

Service Call (27)

Service Call, other (2)

Person in Distress (8)

Public Service Assistance (15)

Unauthorized Burning (2)

False Alarm (18)

False Alarm and False Call (6)

Malicious, Mischievous False Alarm (1)

System or Detector Malfunction (5)

Unintentional System/Detector (6)

Fire (15)

Structure Fire (5)

Mobile Vehicle Fire (4)

Natural Vegetation Fire (1)

Outside Rubbish Fire (5)

Hazardous Condition, No Fire (20)

Combustible/Flammable Spills/Leaks (1)

Electrical Wiring/Equip Problem (16)

Accident, Potential Accident (3)

Good Intent Call (9)

Dispatched and Canceled En Route (6)

Wrong Location, No Emergency Found (3)

Severe Weather & Natural Disaster (4)

Severe Weather/Natural Disaster, other (2)

Wind Storm, Tornado Assessment (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 JULY 2016

PERMITS/LICENSE ISSUED

Building Permits	8
Business License	16

INSPECTIONS PERFORMED

Building Inspections	32
Electrical	36
Plumbing	38
HVACR	23

CITY OF JACKSONVILLE ANIMAL SHELTER MONTHLY REPORT

REPORTING PERIOD: July-16

	DOG	CAT	TOTAL	
ON HAND (BEGIN REPORTING PERIOD)	29	84	113	
RECEIVED	97	81	178	
ADOPTED	59	56	115	
RETURNED TO OWNER	21	1	22	
EUTHANIZED	2	21	23	
DIED/ESCAPED/STOLEN	2	2	4	
D.O.A.			74	
ON HAND (END REPORTING PERIOD)	42	85	127	
CITY LICENSE ISSUED			34	
INSPECTIONS			4	
RESCUES			0	
CRUELTY INVESTIGATIONS			3	
BITE CASES:				
ANIMAL-HUMAN			3	
ANIMAL-ANIMAL			1	
WARNING LETTERS:				
RUNNING AT LARGE			4	
NUMBER OF ANIMALS			0	
RABIES VACCINATION/CITY LICENSE			13	
CRUELTY			7	
UNSANITARY CONDITIONS			0	
NUISANCE			2	
FAILURE TO STERILIZE			11	
CITATIONS:				
RUNNING AT LARGE			0	
NUMBER OF ANIMALS			0	
RABIES VACCINATION/CITY LICENSE			0	
CRUELTY			1	
UNSANITARY CONDITIONS			0	
WARNING (CRUELTY)			1	
PIT BULL			2	
WARRANTS			0	
REVENUES:				
ADOPTION FEES/FINES			\$ 500.00	
CONTRIBUTIONS			\$ -	
TOTAL			\$ 500.00	
OVERTIME HOURS PERFORMED:			3	
VEHICLES:				
UNITS:	# 162	# 163	#170	#172
BEGINNING MILEAGE	90,292	139,818	39,002	97,309
ENDING MILEAGE	90,395	140,773	40,207	97,597
MILES DRIVEN	103	955	1205	288

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**Jacksonville Animal Shelter
July 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
07/13/16	DOG	Retriever mix	Victoria Shelly	136 Pike Ave	Owner : Victoria Shelly	YES	NO	NO	NO	Mrs Shelly tried to grab something from her dog. The dog turned around and bit her several times on the arm and belly. The dog was owner released and euthanized after the 10 days quarantine.
07/06/16	CAT	DSH	Stray	Harold St	Resident: Virginia Nunnery	NO	N/A	N/A	N/A	Mrs Nunnery was walking her cat on the leash under her carport. A stray cat came up and started to attack her cat. She tried to pick up her cat and the stray cat bit her on the bottom leg. The stray cat was never found.
07/28/16	COON	Raccoon	N/A	3000 John Harden	Resident : Ruby Toledo	NO	N/A	N/A	NO	Mrs Toledo walked outside and a Raccoon attacked her leg. A trap was set to catch the coon.
07/31/16	DOG	Pitbull Mix	Thomas Hil	177 Roosevelt Rd	Terrier mix: Bella	NO	YES	NO	NO	The terrier mix got in the yard at 177 Roosevelt Rd. There were 2 pit bull mixes in the yard and they attacked the terrier mix. The dog was severely injured. The pitbull mixes were confiscated by Animal Control and the owner received 2 citations for having them in the City limits.

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RESOLUTION NO. 742 (#08 – 2016)

A RESOLUTION OF THE CITY OF JACKSONVILLE, ARKANSAS, EXPRESSING ENDORSEMENT AND WILLINGNESS TO CERTIFY SIG SAUER, INC. TO UTILIZE AND PARTICIPATE IN THE TAX BENEFITS PROGRAM AVAILABLE THROUGH THE CONSOLIDATED INCENTIVE ACT OF 2003; AND, FOR OTHER PURPOSES.

WHEREAS, in application for Sig Sauer, Inc. to benefit from expansion of their business and equipment into the City of Jacksonville, Arkansas, the City Council must endorse Sig Sauer, Inc. for participation in the Consolidated Incentive Act of 2003, codified as ACA § 15-4-2701 et. seq., for particular refund and tax credits upon proper qualification and application;

WHEREAS, the Jacksonville City Council understands that Sig Sauer, Inc., which will be located at 2809 Swift Drive, Jacksonville, has requested authority to obtain benefits accruing from expansion and location of their business and necessary equipment for a jobs creation tax credit, investment tax incentives through reimbursement of local sales and excise taxes, and certain income tax credits, qualification of such will be ultimately determined by the Arkansas Economic Development Commission (AEDC); and,

WHEREAS, Sig Sauer, Inc. will provide the City of Jacksonville with all necessary information for compliance with all necessary forms/requirements of AEDC and the Department of Finance and Administration (DFA).

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

SECTION ONE: The City Council of the City of Jacksonville, Arkansas, willingly endorses Sig Sauer, Inc. for enrollment and participation in the tax back benefits available through the Consolidated Incentive Act of 2003, codified as ACA § 15-4-2701 et. seq.

SECTION TWO: The Mayor and City Clerk are hereby authorized and directed to execute all appropriate applications and documents necessary to enact and direct the Department of Finance and Administration (DFA) to refund all applicable and qualified local sales and use taxes to Sig Sauer, Inc. for monies spent in its expansion and location of Sig Sauer's business operation in the City of Jacksonville, Arkansas.

Resolution No. 742(#08– 2016)
Page Two

SECTION THREE: Any other Resolutions in conflict herewith are hereby repealed to the extent of said conflict. This Resolution shall be in effect from and after its date of passage, subject by and to applicable law.

**APPROVED AND ADOPTED THIS _____ DAY OF
SEPTEMBER, 2016.**

CITY OF JACKSONVILLE, ARKANSAS

GARY FLETCHER, MAYOR

ATTEST:

SUSAN DAVITT, CITY CLERK

APPROVED AS TO FORM:

ROBERT E. BAMBURG, CITY ATTORNEY

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