

**CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.**

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

The City Council of the City of Jacksonville, Arkansas met in a regular session on April 7, 2022 at the regular meeting place of the City Council. Council Member Bolden delivered the invocation and Mayor Johnson led a standing audience in the "Pledge of Allegiance" to the flag.

**ROLL CALL:** City Council Members: Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains answered ROLL CALL. Mayor Johnson also answered ROLL CALL declaring a quorum. PRESENT TEN (10) ABSENT (0).

Others present for the meeting or by zoom were: City Attorney Stephanie Friedman, Fire Chief Alan Laughy, Police Chief Brett Hibbs, Public Works Director Jim Oakley, Finance Director Cheryl Erkel, Parks and Recreation Director Kevin House, CDBG Director Benita Bosier-Ingram, Lieutenant Ryan Wright, IT Director Emily Osment, Animal Control Manager Jamie Parker, Aaron Robinson, and Johnny Simpson.

**PRESENTATION OF MINUTES:** Mayor Johnson presented the minutes of the regularly scheduled City Council meeting of February 17, 2022 and March 17, 2022 for approval and/or correction.

**APPROVAL AND/OR CORRECTION OF MINUTES:**

**Council Member Rains moved, seconded by Council Member Ray that the minutes of the regularly scheduled City Council meeting of 17 February 2022 and 17 March 2022 be APPROVED. MOTION CARRIED.**

**CONSENT AGENDA: REGULAR MONTHLY REPORT/ENGINEERING DEPARTMENT**

Council Member Bolden moved, seconded by Council Member Mashburn to approve the regular monthly report for March 2022.

**MARCH**

<b>PERMITS/LICENSE ISSUED</b>		<b>INSPECTIONS PERFORMED</b>	
Building Permits	18	Building Inspections	20
		Electrical	47
		Plumbing	53
		HVACR	18

**REGULAR MONTHLY REPORT/ANIMAL CONTROL**

Council Member Bolden moved, seconded by Council Member Mashburn to approve the regular monthly report for March 2022.

<b>ADOPTION FEES</b>	<b>\$ 880.00</b>
<b>FINES</b>	<b>960.00</b>
<b>CONTRIBUTIONS</b>	<b><u>1,050.00</u></b>
<b>TOTALS</b>	<b>\$ 2,890.00</b>

**CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.**

Council Member Blevins noted that the Animal Control report stated there were 52 adoptions and that they waived 52 adoption fees, but there was \$880.00 in adoption fees received. He questioned what the adoption fees were for if the fees had been waived for all adopted animals.

Animal Shelter Supervisor Jamie Parker responded that she did not realize that the adoption stuff was on the agenda tonight. She replied that the 52 adoptions were a combination of the JFOTA and the City adoptions. She related that the \$818.00 is from the payment of the City adoptions. She explained that when someone adopts through the City fund, and they pay the \$55.00 adoption fee, that is what goes to the City for the adoptions.

Council Member Blevins clarified that the City took in payments for 16 adoptions.

Supervisor Parker added that the rest was paid for through JFOTA.

Council Member Blevins then clarified that the City did not waive 52 adoptions but 36?

Supervisor Parker confirmed that JFOTA paid for 36 adoptions, saying that the City only covered 16, which is what the \$818.00 covers.

In response to a comment from Council Member Smith, Supervisor Parker clarified that JFOTA is the non-profit for the Shelter, Jacksonville Friends of the Animals.

Chief Hibbs stated that is 52 adoptions and they brought in \$880.00 and the rest of the money that is missing was paid for by JFOTA. He stated that money paid by JFOTA is not captured on the report. He stated that the form has been changed, saying that he has something else to be added but it was not done in time to make the agenda. He stated that the form is being changed.

Council Member Rains clarified that an amended report for March would be forwarded to the City Council.

Chief Hibbs stated that he wants the monthly reports to be accurate because that is what is used at the end of the year for totals. He then noted that the amended version would be delivered to the City Clerk.

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

**DEVIATION IN AGENDA:**

**b. RECOGNITION of 911 Communications Center**

**Council Member Blevins moved, seconded by Council Member Rains to deviate from the agenda and speak on business item b. MOTION CARRIED.**

**CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.**

Mayor Johnson noted that this week is 911 week and the City wants to recognize the 911 staff for all their efforts, citing how important they are to the City and Community.

Council Member Bolden asked all 911 staff to move up front for a picture. He read the plaque presented to the Department of 911 by the City and members of the Arkansas Legislature as recognition of the 911 week by proclamation. He then presented all the staff with memo pads he personally had made for them.

911 Director Tabby Hughes thanked Council Member Bolden and the entire Council for their recognition. She stated that her staff comes to work everyday with a smile and is ready to handle whatever chaos the world throws at them. She then answered that last year they answered over 120,000 non-emergency lines and over 25,000 911 calls.

**RESUME AGENDA:**

**WATER DEPARTMENT:**

**WASTEWATER DEPARTMENTS:**

**FIRE DEPARTMENT: Vehicle Acquisition Plan**

Chief Laughy reviewed documentation offered to City Council. He noted that information only covers the fire engines, ladder truck, rescue truck, and ambulances. He stated that they are doing pretty well when it comes to the ambulance fleet with three newer 2019, 2018, and 2020 ambulances. He then added that they are waiting on a brand new one to be delivered.

He noted that under first line engines there are engines 1, 2, 3, and 4; which are the fire engines they use everyday to respond to everyday emergencies. He then noted that engine 5 is a backup truck. He noted that engine 3 is 13 years old and engine 4 is 17 years old. He noted that they ordered their brand-new engines in 2015, noting that the average life span of a first line engine is about 15 years. He noted that engines 1 and 2 are about 40% of its life expectancy, engine 3 is 87% and engine 4 is 113% of its life expectancy. He stated that in three years they will be running those numbers increase dramatically and as general information, the value of those vehicles are noted in the far-right column. He explained that in talking to a vendor at the Chief's conference, he was informed that asking for the exact same fire engine as engines 1 and 2, the costs would go from \$516,000 to \$733,000, which represents a 42% increase in six years. He added that it has gone from a one-year build to a two-year build. He stated that he was able to get a price of \$715,579 per engine for two engines, but on May 1<sup>st</sup> the cost goes up 7% for a total of more than \$765,000 for one engine. He stated that every year we wait is going to add another 30 to 50 thousand dollars to the cost of one engine. He stated that if we save money and order in three years, it is very likely to cost the City an additional 90 to 150 thousand dollars extra per vehicle. He asked that the City Council consider using the American Recovery Plan Act money to purchase two engines. He stated that if ordered

**CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.**

before May 1<sup>st</sup> it will cost the City \$1,431,000, if ordered before May of 2023, it will be \$1,500,000, and if we wait until 2026 it will be \$1,831,338. He stated that the American Recovery Plan Act netted the City of Jacksonville of about 5 million dollars and we have received 2.7 million with about 2.5 million expected this Summer. He added that the Treasury is allowing 10 million dollars as a standard for lost revenue and the stipulation is that it has to be used for Government services and we have until December 31, 2023. He stated that his question is, is there a way that we can use some of this money to purchase these engines and if not does anyone have any ideas because the FEMA grants have dried up for municipalities.

In response to a question from Council Member Rains, Chief Laughy explained that the amount of money Nationwide in FEMA grants, especially for vehicles, has decreased by 50%. It is being granted to volunteer fire departments because they do not have a funding stream like municipalities.

Mayor Johnson noted that the City Council will decide what the money will be used for regarding a list, noting that we have more needs than money. He stated that the City Council will be presented a plan and will decide how the money is going to be spent. He answered that it would not be by May 1<sup>st</sup>.

In response to a question from Council Member Blevins, Chief Laughy noted that engine 5 has mileage of 14,620 because that engine was replaced. Chief Laughy did not feel this would be a viable engine to replace the buying of one of the two proposed engines for purchase. He stated that the body of the vehicle is old and worn out. He stated that however, if they could at least get one, that would be good.

Mayor Johnson clarified that we are limited to the 5 million, the 10 million is a threshold for loss.

In response to a question from Council Member Bolden, Finance Director Cheryl Erkel explained that the Directors have provided a list of needs, saying that the list will be narrowed and provided to the City Council for the decision. She stated that it would probably be June or July when it is narrowed for City Council. She then answered that she is not sure if Police vehicles were on the list, noting that so far, the City has received 2.7 or 2.5 million. It was noted that two new Police vehicles were budgeted this year.

Chief Laughy explained that he wanted to have this on the agenda so the City Council would be aware of the price increases and the extended build time.

**STREET DEPARTMENT:**  
**POLICE DEPARTMENT:**  
**SANITATION DEPARTMENT:**  
**PARKS & RECREATION:**  
**PLANNING COMMISSION:**  
**COMMITTEE(S):**

CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.

**GENERAL: a. PUBLIC HEARING ORDINANCE 1692 (#11-22)  
AN ORDINANCE AMENDING JACKSONVILLE MUNICIPAL CODES § 8.01.078 (GRASS OR WEEDS), 8.03.010 (NUISANCE AND NON-COMPLYING CONDITIONS - UNCUT WEEDS, GRASS, AND UNSANITARY ARTICLES AND CONDITIONS), AND REPEALING JACKSONVILLE MUNICIPAL CODE § 8.08.010 (NON-COMPLYING CONDITIONS FOR GRASS, WEEDS, AND VEGETATION); DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.**

Mayor Johnson opened the public hearing at approximately 6:27 p.m.

With no one to speak, Mayor Johnson closed the public hearing at approximately 6:29 p.m.

Council Member Bolden moved, seconded by Council Member Sansing to place Ordinance 1692 on **FIRST READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1692.**

Lieutenant Ryan Wright explained that the purpose of the Ordinance is to correct conflicting ordinances regarding grass height, and make it easier for everyone to understand the requirements. He added that this would add a requirement to get rid of overgrowth on fences and limit grass to 8" in all residential districts and gets rid of the 5-acre limitation on grass. He then noted that it allows 18" in height for any industrial/commercial lot that does not have a structure.

Discussion ensued regarding the requirement for a 5-acre lot. Lieutenant Wright noted that some of the line numbers have been changed or repealed.

Council Member Ray moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1692 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1692 on **SECOND READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Bolden moved, seconded by Council Member Sansing to **APPROVE** Ordinance 1692 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1692 on **THIRD AND FINAL READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Twitty moved, seconded by Council Member Bolden to **APPROVE AND ADOPT** Ordinance 1692 in its entirety.

Discussion ensued and it was noted that this would apply to easements and rights-of-way.

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

CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.

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

**ORDINANCE 1692 (#11-2022) APPROVED AND ADOPTED THIS 7<sup>th</sup> DAY OF APRIL, 2022.**

**c. 2<sup>nd</sup> READING ORDINANCE 1689 (#8-22)**

**AN ORDINANCE AUTHORIZING A FRANCHISE AGREEMENT FOR FIBER OPTIC CABLE, DATA MANAGEMENT, DIGITAL INFORMATION SERVICES, AND ELECTRONIC TRANSMISSION COMMUNICATIONS SERVICES WITHIN THE CITY WITH UNITE PRIVATE NETWORKS LLC; AND, FOR OTHER PURPOSES.**

Council Member Ray moved, seconded by Council Member Bolden to place Ordinance 1689 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.** Whereupon City Attorney Friedman read the heading of Ordinance 1689.

Construction Manager Brent Hooker for UPN, explained that they have 5 or 6 sites in Jacksonville where they will build fiber optic to cell towers for various customers at different towers. He then answered that they will not be doing residential only business, government, and schools. He stated they have not begun any work yet and it would be both above ground and underground depending on the site.

Council Member Rains requested a list of the areas where they would be working inside the City limits.

Mr. Hooker agreed to provide that to the City Clerk. He then answered Council Member Rains that it would be less than 1 mile of fiber being laid. He explained that for the most part they would be leasing some "dark" fiber that is already in the ground from some other companies to minimize their build level. He stated that they are mainly attached to Ritter/Windstream. He clarified that Windstream owns the cable and Unity owns the glass inside of it.

Council Member Rains questioned why the City would go through with an Ordinance and not do a request for qualifications. She asked if this is a particular project.

Mayor Johnson stated that it allows them to pay the City when they have a customer that uses their services.

Mr. Hooker stated the reason they are coming to town is because they are doing a big project all around Little Rock, serving about 80 towers and 5 or 6 of them fall within the City limits of Jacksonville, so their customer has requested them to build on the towers.

**CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.**

Mayor Johnson stated that it is just a franchise agreement allowing them to do business in the City of Jacksonville.

Mr. Hooker stated that right now, it is just the towers but hopefully they can get more customers and branch out.

Council Member Bolden moved, seconded by Council Member Twitty to **APPROVE** Ordinance 1689 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1689 on **THIRD AND FINAL READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Bolden moved, seconded by Council Member Twitty to **APPROVE AND ADOPT** Ordinance 1689 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

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

**ORDINANCE 1689 (#8-2022) APPROVED AND ADOPTED THIS 7<sup>th</sup> DAY OF APRIL, 2022.**

**d. ORDINANCE 1686 (#5-2022)**

**AN ORDINANCE BY THE CITY OF JACKSONVILLE ARKANSAS CALLING FOR THE ANNEXATION OF LAND CURRENTLY LOCATED IN PULASKI COUNTY ARKANSAS, PURSUANT TO ARK. CODE ANN. §14-40-501-503.**

Council Member Sansing moved, seconded by Council Member Bolden to place Ordinance 1686 on **FIRST READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Rains voted AYE. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1686.**

Attorney Jason Bolden for Jarod Puckett, who is one of the investors in this project, explained that the proposal is to develop 68 lots consisting of approximately 26 acres that is an enclave within the City of Jacksonville but still within Pulaski County. He noted previously they requested that all the lots be zoned as duplexes, but there was pushback, so they amended the plan to have 28 of those lots to be zoned R-1 for single-family housing. This proposal did pass the Planning Commission when returned to them. He then answered that there will be 28 single-family houses with 40 duplexes, adding they are building four other houses just outside of this development in Loop Acres. He noted that they had to purchase that land in order to provide another entrance into the proposed Subdivision.

In response to a question from Council Member Twitty, Mr. Puckett answered that the duplexes would rent for approximately \$700.00 to \$950.00 range.

CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.

He noted that they own some nearby duplexes that rent for \$795.00 and they are four years old. He stated they feel they can get at least that and maybe more since they are new construction. He then answered that the single-family homes would rent for approximately \$1,295.00 to \$1,500.00.

Mayor Johnson noted that they are also building a new office on Hwy 67/167.

Council Member Dietz noted that this is the best use of the land, noting rental seems to be the way to go currently. He also noted that single-family housing is also doing well, being sold over \$120.00 per foot. He noted that Jacksonville needs not only rentals, but single-family houses to sell.

Council Member Blevins noted that his understanding, when it was initially proposed, was that the single-family housing on Loop Acres and within the project subdivision would be for sale, not rent.

Council Member Sansing thanked the developers for surrounding the project with single-family homes, which cuts down on the traffic.

Council Member Bolden moved, seconded by Council Member Mashburn to **APPROVE** Ordinance 1686 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1686 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, and Rains voted AYE. Council Member Twitty and Smith voted NAY. **MOTION CARRIED.**

Council Member Sansing moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1686 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1686 on **THIRD AND FINAL READING**. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, and Rains voted AYE. Council Member Twitty and Smith voted NAY. **MOTION CARRIED.**

Council Member Sansing moved, seconded by Council Member Traylor to **APPROVE AND ADOPT** Ordinance 1686 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, and Rains voted AYE. Council Member Twitty and Smith voted NAY. **MOTION CARRIED.**

**ORDINANCE 1686 (#5-2022) APPROVED AND ADOPTED THIS 7<sup>th</sup> DAY OF APRIL, 2022.**

**e. RESOLUTION 817 (#2-2022)**

**A RESOLUTION IN SUPPORT OF AND AUTHORIZING EXECUTION OF SALE DOCUMENTS BY THE CITY OF JACKSONVILLE FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN (GENERAL LOCATION - 613/615 N BAILEY STREET); AND, FOR OTHER PURPOSES.**

Council Member Ray moved, seconded by Council Member Bolden to read Resolution 817. **MOTION CARRIED.** Whereupon City Attorney Friedman read the heading of Resolution 817 (#2-2022).

**CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.**

Mayor Johnson noted that this would deal with the property known as the Bailey Street Church of Christ. He explained that there is a building, a parsonage, and an undeveloped grassy area. The undeveloped grassy area is what we are dealing with tonight, explaining that this area is behind the Church and adjacent to the Splash Zone property. He stated the Church is willing to sell that portion for \$100,000. He then stated that in the future we will see what they are willing to do with the rest of the property.

Parks and Recreation Director Kevin House related the need for more parking for Splash Zone.

In response to a question from Council Member Blevins, Mayor Johnson clarified that we are talking about three separate pieces; the parsonage and the driveway to it, the Church and the asphalt parking lot, and finally, the grassy undeveloped area. He explained that first we are trying to purchase the grassy area to expand the Splash Zone parking.

Parks and Recreation Director Kevin House stated the house and Church are in bad shape.

Mayor Johnson then answered Council Member Blevins that the City has the money in the Capital Improvement Fund to purchase the undeveloped grassy area.

Council Member Dietz questioned how much land is there in the undeveloped grassy area.

Parks and Recreation Director Kevin House stated that the City has not had the property surveyed yet.

Mayor Johnson stated that he was waiting until the City Council approved the Resolution before paying for a survey. He then surmised with Parks and Recreation Director Kevin House that it is probably an acre and a half.

In response to a question from Council Member Sansing, Parks and Recreation Director Kevin House answered that during good weather, Splash Zone is at capacity every day.

Council Member Bolden noted that the parking lot is full and people have to park in the Church's parking lot across the Street and have to wait in line for hours to get into Splash Zone.

Mayor Johnson stated that another thing for the future is the expansion of Splash Zone.

Council Member Dietz stated that when he was on the Parks and Recreation Committee it was always a desire to expand Splash Zone when funds are available. He stated that this piece of land is a good start because it benefits the City of Jacksonville better than anything else.

CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.

Council Member Blevins stated that he definitely believes Splash Zone needs to expand but feels we should table the Resolution until we get the land survey and find out exactly what we are buying and at what price.

Mayor Johnson stated that he did not want to pay for a survey, saying that he and Parks and Recreation Director Kevin House are estimating it to be an acre and  $\frac{1}{4}$  to an acre and  $\frac{1}{2}$ .

Council Member Ray stated the City needs the property.

In response to a question from Council Member Blevins, Mayor Johnson reiterated that it is going to be \$100,000 and that the property will be appraise before he makes the deal.

Council Member Traylor noted that this property is not a separate piece but part of the other property.

Parks and Recreation Director Kevin House stated that the property would have to be separated from the property it is a part of.

Mayor Johnson stated it will have to be surveyed and separated. He reiterated that he did not want to pay for a survey if they were not serious about purchasing the property.

Council Member Blevins reiterated that he believes we need the survey.

Mayor Johnson stated that he will get a survey and have it appraised.

Council Member Blevins asked then we can vote to buy it?

Mayor Johnson stated that he has to have this motion to be able to do all of that. He stated that the City Council will know what he does before he does it, adding that he already knows the price.

**Council Member Ray moved, seconded by Council Member Smith to adopt Resolution 817 (#2-2022) in its entirety. MOTION CARRIED with Council Member Blevins voting NAY.**

**f. ORDINANCE 1690 (#9-2022)**

**AN ORDINANCE DECLARING THE EXERCISE OF EMINENT DOMAIN ON CERTAIN REAL PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF JACKSONVILLE, ARKANSAS FOR ACQUISITION OF PUBLIC EASEMENTS AND RIGHTS OF WAY FOR THE CONSTRUCTION AND DEVELOPMENT OF IMPROVED PUBLIC WATER AND SEWER LINES FOR THE CONSTRUCTION PROJECTS ON BEHALF OF JACKSONVILLE WATER WORKS AND JACKSONVILLE WASTE WATER; AND, FOR OTHER PURPOSES.**

**CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.**

Council Member Sansing moved, seconded by Council Member Ray to place Ordinance 1690 on **FIRST READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Rains voted AYE. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1690.**

City Attorney Friedman reminded the City Council they had previously approved 16 other parcels, explaining that this is a parcel that they thought they had negotiated and had an agreement, which has now fallen through. She stated that she needs this approved so it can go to Circuit Court.

Mayor Johnson clarified that the property owners are not happy with ARDOT, pointing out that this does not have anything to do with the Water or Sewer.

Council Member Rains moved, seconded by Council Member Traylor to **APPROVE** Ordinance 1690 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1690 on **SECOND READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Rains stated that the reason she offered flack regarding separating the motions to read and suspend is because the grass ordinance was held as a public hearing and maybe no one knew about that as far as the public's concern goes and so they literally did not get their chance to voice their concerns, if they are hearing about it second hand and it is not being discussed in a following meeting because we have already done all three readings.

Council Member Bolden and Mayor Johnson noted that it was advertised for two weeks.

Council Member Rains stated that she understands that it was advertised in the paper and no one looks at the paper.

Council Member Sansing moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1690 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1690 on **THIRD AND FINAL READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

Council Member Bolden moved, seconded by Council Member Sansing to **APPROVE AND ADOPT** Ordinance 1690 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Rains voted AYE. **MOTION CARRIED.**

**ORDINANCE 1690 (#9-2022) APPROVED AND ADOPTED THIS 7<sup>th</sup> DAY OF APRIL, 2022.**

CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.

**g. ORDINANCE 1691 (#10-2022)**

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE JACKSONVILLE MUNICIPAL CODE, CHAPTER SIX (LIVESTOCK AND FOWL) FOR THE CITY OF JACKSONVILLE; AND FOR OTHER PURPOSES.**

Council Member Bolden moved, seconded by Council Member Rains to place Ordinance 1691 on **FIRST READING. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Rains voted AYE. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1691.**

Council Member Blevins noted that the Ordinance had previously been proposed, explaining that it would have gone through if it had not been amended to try to include the roosters. He stated that this does not affect anyone's HOA or BOA, this will not supersede any of those rules. He stated that currently in Jacksonville, you can have unlimited chickens and roosters. He stated at the rate of how hard it is to find eggs and chicken, he would ask that this be approved. He stated that it would be 50' to allow residents to have six chickens and grandfather one rooster, but it would need to be registered. He stated that the amendment did not have enough to pass.

Council Member Ray stated that he feels the present Ordinance is good, adding that we do not need any additional chickens, pigs, or cows.

Council Member Blevins answered that citizens can already have unlimited, we are trying to minimize it.

Council Member Mashburn questioned how hard it would be for the Animal Shelter/Code Enforcement to control if there were a problem.

Animal Control Manager Parker stated that it would be extremely hard, especially during the summer, when it is their busiest time with dogs running at large, people locking dogs in cars, emergency calls that take up most, even when there is a full staff. She explained that she has two officers on the road all day every day taking care of high priority calls. She stated that she does not have the manpower and probably would never have the manpower to designate one officer to go around and check on the chicken ordinances. She noted that a lot of them have to be moved every 24 hours and cleaned up every 48 hours, saying that she just does not have the manpower even if she had a full staff.

Chief Hibbs clarified that Animal Control enforces ordinances to do with animals and Code Enforcement really only does Code, and it is kept separate.

Council Member Sansing stated that he has a question regarding chipping roosters, asking how much does it cost to get an animal chipped and who would get a rooster chipped?

**CITY OF JACKSONVILLE**  
**REGULAR CITY COUNCIL MEETING**  
**APRIL 7, 2022**  
**6:00 P.M. - 7:27 P.M.**

Supervisor Parker stated that if you chipped a rooster, you can not use the normal microchip that is used in a cat or dog. She stated that roosters do not have any skin and in order to chip it, you have to pull the skin up in order to get the needle in there and there is just no way.

Chief Hibbs stated that earlier Supervisor Parker told him that she believes it is an RFID tag, rather than a microchip.

Supervisor Parker stated that no vet around here carries RFID chips.

Council Member Twitty stated that this is crazy, adding that no one is going to go and bring their rooster to get chipped. Nobody. She stated that the ordinance that we have right now, we allow roosters unlimited, and we allow chickens unlimited and they do not have to have them chipped.

Council Member Blevins stated that now there is a distance requirement, but if you meet that distance requirement, then you can have thousands of chickens and roosters in the City of Jacksonville. He stated there are some people in low income areas that have contacted him, saying that they would really like to have chickens for eggs because of the current price. He stated that initially he proposed 25', but the Mayor said he could probably only go for it if it was 50', so it was adjusted to 50'. He stated that there were some people who had roosters already and we did not want them to have to get rid of their roosters, so we implemented that they could register them not RFID tag them or chip them. Just to have them registered to say that they have them. He stated there is a saying that "the sheep spend their entire life fearing the wolf, only to be eaten by the shepherd". He stated that a big deal is being made over something that is not even going to happen, that people in the town really want and you are pulling all these other deals out. He stated that he never would have imagined in a million years that chickens.. and every one else is doing it. These successful cities, that have had more than 1,000 people in growth over the Census, they all allow chickens.

Discussion devolved into various separate opinions regarding how many people in the City have chickens.

Chief Hibbs introduced Officer Colburn who has 17 years of farming chickens and has been with the Police Department for slightly over one year. He has 10 chicken houses and has raised over 1 million chickens per year, 5 times a year for when they come in and go out. He has two pullet houses, 10,000 chickens, so it is over 1 million chickens a year. He stated that if there is anybody that knows anything about the diseases, feed, or what this ordinance needs, how to raise chickens, it is him.

Officer Colburn stated that while he lives in the City, his chickens are in Cleveland County. He related that he has been raising chickens commercially for over 17 years. He stated that what you will run into is not just people having chickens, people are going to look for legal ramifications when somebody catches E.coli, salmonella, and other airborne diseases that can

**CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.**

arise from uncleanliness. If you want to say that it is okay to have chickens, then you need to have some kind of educational process for the person that is getting the chickens, so that little 5-year-old Johnny next door does not run barefoot through the yard and catch a disease. Now you will get the CDC and EPA involved and PETA will jump. He stated that roosters are not a meat bird, they are used to fertilize a hen. He stated that having as many chickens as you want is a big problem because that encodes unsanitary conditions. As a commercial farmer, we have the University of Arkansas come to our farm several times a year to make sure we have adequate ventilation, bedding, and dry conditions because if a poultry disease like the bird influenzas ever breaks out, they will shut your City down, the EPA does not play. If there is ever an outbreak, they will shut down every commercial operation within 10 miles and you are talking millions and millions of dollars and they did that in Northern Arkansas. He stated that if you want to look at it from a managerial standpoint, there are going to be legal ramifications.

Council Member Blevins noted that we are only talking about six chickens.

Officer Colburn stated one chicken.

Council Member Blevins asked with the City currently being able to have unlimited chickens, how many E.coli breakouts have there been in the City of Jacksonville.

Officer Colburn stated that he did not know of any.

Council Member Blevins continued, how many places have had to be shut down over Jacksonville having unlimited chickens.

Officer Colburn stated that to his knowledge, none.

Council Member Blevins stated that going from unlimited to six chickens, all of the sudden chickens are the monkey from Outbreak and we are going to have to shut down the whole City for an E.coli outbreak because of six chickens when someone can not afford to go to Wal-Mart and get eggs, when they even have them.

Council Member Ray stated that he does not believe there is anyone who cannot afford to get eggs, noting that there are people giving away eggs everywhere.

Council Member Bolden stated that he has had many calls about people not wanting chickens. He stated that when it comes to roosters, it is not good to hear them when you are trying to sleep.

Council Member Twitty pointed out that currently there is no limit on the number of chickens or rooster a person can have.

CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.

Council Member Traylor respectfully requested on behalf of himself and his wife, that Council Member Blevins rescind the ordinance before there is a law that prevents anyone from being able to have chickens.

Council Member Blevins stated that he would take that under advisement, but feels that now we need to suspend the rules to put in another motion to ban chickens completely from the City of Jacksonville before we have an E.coli outbreak.

Discussion ensued regarding the tenants of the current ordinance being proposed.

Supervisor Parker asked why Council Member Blevins wants to shorten the distance requirement from 100' to 50'.

Council Member Blevins stated that certain areas do not have 100' to be able to currently have chickens, so lowering the distance requirement would help those residents be able to have six chickens so they could have eggs for their family.

Council Member Twitty emphasized that this ordinance does not affect the POAs or BOAs. She pointed out that the City has no authority over the POA or BOA.

Chief Hibbs stated that this ordinance does not address fencing, which is important, dogs next door barking at the chickens, especially in Sunnyside. He stated that this would cause stress for the chickens, pointing out that this is something that Officer Colburn can talk at length about. He then pointed out that this ordinance does not address the feed, which can cause rats and rodents. It does not address the rain cover, or certain things that chickens need to prevent them from getting wet.

Council Member Blevins clarified that this ordinance amends what is already in place, so those issues were already in place before this ordinance was proposed and no one has said those regulations were a problem.

Chief Hibbs stated that there are things that we should add to this ordinance in order to have chickens in the City that we do not have and fencing is very important. He stated that if we are going to go with chickens, we need to do it right.

Council Member Twitty suggested tabling the ordinance until...

Council Member Rains suggested that Ordinance 1691 be tabled to be presented to the Code Committee to be reviewed.

**Council Member Rains moved to TABLE Ordinance 1691 and send it to the Code Committee for review.**

CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
APRIL 7, 2022  
6:00 P.M. - 7:27 P.M.

Discussion ensued as to whether the Code Committee had completed its work as requested by the Code Enforcement Department.

Chief Hibbs noted that this Ordinance could conflict with the noise ordinance amendments. He then answered Council Member Rains that the noise will be determined by the sound, distance, and feet.

Lieutenant Wright stated that the noise ordinance for fowl and animals is if it can be heard across the property line then it is too loud.

**Council Member Smith seconded the motion. ROLL CALL:** Council Member Dietz, Bolden, Blevins, Sansing, Mashburn, Traylor, Twitty, Smith and Rains voted AYE. Council Member Ray voted NAY. **MOTION CARRIED.**

**APPOINTMENTS:**

**UNFINISHED BUSINESS:**

**ANNOUNCEMENTS:** Chamber Banquet is Tuesday, April 12<sup>th</sup>.

**ADJOURNMENT:** Without objection, Mayor Johnson adjourned the meeting at approximately 7:27 p.m. **MOTION CARRIED.**

Respectfully,

---

Susan L. Davitt  
City Clerk-Treasurer

---

MAYOR BOB JOHNSON