

**CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
MARCH 2, 2023
6:00 P.M. - 7:13 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 March 2, 2023 at the regular meeting place of the City Council. Council Member Bolden delivered the invocation and Mayor Elmore led a standing audience in the "Pledge of Allegiance" to the flag.

ROLL CALL: City Council Members: Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains answered ROLL CALL. Mayor Elmore also answered ROLL CALL declaring a quorum. PRESENT EIGHT (8) ABSENT (1) VACANT SEAT (1). Council Member Mashburn was absent.

Others present for the meeting were: City Attorney Stephanie Friedman, Parks and Recreation Director Kevin House, Fire Chief Alan Laughy, Human Resource Director Charlette Nelson, City Engineer Adam Whitlow, CDBG Director Michelle Spencer, IT Director Emily Osment, Assistant Finance Director Laura Collie, Jim Moore, Lida Feller, Jerry Sanders, Marsha Dornblaser, Leonard Montgomery, Samuel Baker, and Geraldine Broadway.

PRESENTATION OF MINUTES: Mayor Elmore presented the minutes of the regularly scheduled City Council meeting of February 16, 2023 for approval and/or correction at the next regularly scheduled City Council meeting.

APPROVAL AND/OR CORRECTION OF MINUTES:

Council Member Bolden moved, seconded by Council Member Ray that the minutes of the regularly scheduled City Council meeting of February 2, 2023 be APPROVED. MOTION CARRIED.

CONSENT AGENDA:

WATER DEPARTMENT: ORDINANCE 1723 (#07-2023)

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 LINES FOR THE CONSTRUCTION PROJECTS ON BEHALF OF JACKSONVILLE WATER WORKS; AND, FOR OTHER PURPOSES.

Council Member Ray moved, seconded by Council Member Twitty to place Ordinance 1723 on **FIRST READING**. **ROLL CALL**: Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED**. **Whereupon City Attorney Friedman read the heading of Ordinance 1723.**

City Attorney Friedman stated this is a continuation of what City Council approved last year. She explained that the Water Department found out the Arkansas Department of Transportation's plans had changed, therefore, they had to modify their plans as well. She detailed that this is a portion of the McDonald's parking lot on the North First Street side, noting that City Council already approved it on the Loop Road side.

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Council Member Ray moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1723 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1723 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Ray moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1723 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1723 on **THIRD AND FINAL READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Bolden moved, seconded by Council Member Ray to **APPROVE AND ADOPT** Ordinance 1723 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

ORDINANCE 1723 (#07-2023) APPROVED AND ADOPTED THIS 2ND DAY OF MARCH, 2023.

WASTEWATER DEPARTMENT:

FIRE DEPARTMENT:

POLICE DEPARTMENT:

STREET DEPARTMENT:

SANITATION DEPARTMENT: ORDINANCE 1719 (#03-2023)

AN ORDINANCE WAIVING COMPETITIVE BIDDING TO REBUILD A JACKSONVILLE PUBLIC WORKS VEHICLE; FOR APPROPRIATE IMPLEMENTATION AND ACCESS FOR DEPARTMENT AND CITY OF JACKSONVILLE REPRESENTATIVES; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

City Engineer Adam Whitlow stated this is to rebuild the Sanitation truck that burned, to make it a good backup. He explained this is not an item they could bid and have searched for months for the best option to recoup the equity of the truck, since it has a good trash body, but a burned chassis. He assured they have done a lot of research and were referred by a few vendors to Terrific Trucks and Equipment Sales, since they specialize in refurbishing trucks. When Council Member Bolden inquired, he shared that Assistant Public Works Director Randy Watkins checked out references for this company, confirming they have a chassis that will pair with their system, where the local dealerships do not. He was unsure if there is a warranty offered, surmising it is an as-is deal, but would like to insure all of their frontline trucks, since they only have liability. When Council Member McCleary inquired, he responded this will give them three backup trucks, adding that they plan to put the 2011 models on govdeals.com as soon as they get the two new trucks in. He shared updates on when the new trucks are expected to arrive, adding that they have repaired one backup truck and received a rental truck, so he expects Sanitation services to normalize soon. When Council Member Rains inquired, he explained they will put the 2018 trash body on a 2006/2007 refurbished chassis to make a pre-emissions backup truck.

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Council Member Ray moved, seconded by Council Member Bolden to place Ordinance 1719 on **FIRST READING. ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1719.**

Council Member Bolden moved, seconded by Council Member Ray to **APPROVE** Ordinance 1719 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1719 on **SECOND READING. ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Bolden moved, seconded by Council Member Ray to **APPROVE** Ordinance 1719 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1719 on **THIRD AND FINAL READING. ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Ray moved, seconded by Council Member Bolden to **APPROVE AND ADOPT** Ordinance 1719 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

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

ORDINANCE 1719 (#03-2023) APPROVED AND ADOPTED THIS 2ND DAY OF MARCH, 2023.

PARKS & RECREATION: Request to accept bid: Tom Cory Memorial Fountain Renovation

Parks and Recreation Director Kevin House stated they only received one bid back and it was from a contractor they currently work with. He explained the bid does not include any unforeseen broken pipes underground, or electrical, but he has licensed electricians inhouse that can do that part. He surmised 10% contingency for unforeseen expenses. When Council Member Twitty inquired, he replied that other cities have confirmed that fountains are a maintenance nightmare, adding that three other contractors would not bid on it if they were required to give a warranty. He detailed that the bid included resealing the three pools, installing all new equipment in the pit to run the fountain, and new lighting. He confirmed with this purchasing amount, the State requires them to go out for bid. He pointed out that since this company has a Tips/Taps number, they could have legally had him do the work without the bid, but he felt like it was best to see what other prices they could get. He brought up that this company offers a one-year warranty, but only on what he repairs.

Council Member Twitty would like to see this tabled since this is a lot of money to spend without a guarantee. She shared that she has reached out to Little Rock and they are closing their fountains down.

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Director House concurred, saying it is a theme across the State with people closing fountains since they are hard to maintain and are labor-ridden.

Council Member Ray recalled that the fountain has been broken for three years. He related that Tom Cory was a good supporter of the City of Jacksonville and had his factory here. He surmised if they keep putting it off, the price will just keep getting more expensive, therefore, they should fix it and properly train City workers to maintain it.

Council Member Sansing stated the fountain has been a wonderful thing, but as time has passed, it has turned into a money pit. He suggested turning it into a beautiful garden.

Council Member Twitty related that it was a gift to the City, so she would not want to make any decisions regarding it until they can reach out to the person who gifted it, for their input, out of respect.

Council Member Ray moved to accept the bid of \$132,573.00 from Clarity Pools.
MOTION DIED FOR LACK OF SECOND.

Council Member Twitty moved, seconded by Council Member Rains to **TABLE** the Tom Cory Memorial Fountain Renovation bid until more information is gathered.
MOTION CARRIED.

**PLANNING COMMISSION: a. ORDINANCE 1720 (#04-2023)
AN ORDINANCE AMENDING ORDINANCE NOS. 213 AND 854, MODIFYING JACKSONVILLE MUNICIPAL CODES §§ 18.86.010, 18.86.020, 18.86.030 AND CREATING JACKSONVILLE MUNICIPAL CODE 18.86.040; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.**

Council Member Ray moved, seconded by Council Member Bolden to place Ordinance 1720 on **FIRST READING. ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1720.**

Council Member Dietz explained that these ordinances were referred to the Planning Commission by the City's Engineering staff. He stated these will get the City's Codes more in line with surrounding cities and reduce the need for people to come before the Planning Commission. He detailed that one is regarding accessory building size, one is regarding submission time requirement, and one is regarding commercial design standards.

City Engineer Adam Whitlow related that they are updating the plat submission time from 10 days to 28 days to allow additional time to review, make comments, and then get those comments back, so there are less contingencies when presented to the Planning Commission. He mentioned consistently receiving accessory building size variance requests, adding if you get too many variances in a particular area, you need to reexamine your Code. He explained that the current ordinance was not conceived with acreage tracts in mind, but larger accessory buildings would fit, therefore, the Planning Commission tends to grant those variances. He researched adjoining cities and

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noticed that all of them have a secondary clause to address lots over half of an acre, or larger, and gave a percentage criteria, so they modeled ours after theirs, along with increasing the base size limit from 650 square feet to 850, which would have taken care of 95% of the variance requests they have seen. He brought up commercial design standards, particularly when it comes to façade requirements, that would also require new construction, such as along the Highway 67/167 corridor, to have high quality materials on the front and on eight feet of the sides. He plans to have more Code updates in the future to come before City Council so that in a year and a half, they will have good, clean revised Planning Commission design standards. When Council Member Bolden inquired, he confirmed that accessory structures cannot be rented out because it then becomes a commercial use.

Council Member Bolden moved, seconded by Council Member Ray to **APPROVE** Ordinance 1720 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1720 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Twitty moved, seconded by Council Member Ray to **APPROVE** Ordinance 1720 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1720 on **THIRD AND FINAL READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Bolden moved, seconded by Council Member Ray to **APPROVE AND ADOPT** Ordinance 1720 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

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

ORDINANCE 1720 (#04-2023) APPROVED AND ADOPTED THIS 2ND DAY OF MARCH, 2023.

b. ORDINANCE 1721 (#05-2023)

AN ORDINANCE AMENDING JACKSONVILLE MUNICIPAL CODES §§ 17.12.020, 17.12.030, AND 17.12.110 REGARDING CERTAIN ZONING AND BUILDING PROVISIONS AND REQUIREMENTS; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

Council Member Ray moved, seconded by Council Member Bolden to place Ordinance 1721 on **FIRST READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.** **Whereupon City Attorney Friedman read the heading of Ordinance 1721.**

Mayor Elmore stated this was included in the last ordinance discussion.

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Council Member Ray moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1721 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1721 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Ray moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1721 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1721 on **THIRD AND FINAL READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Bolden moved, seconded by Council Member Ray to **APPROVE AND ADOPT** Ordinance 1721 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

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

ORDINANCE 1721 (#05-2023) APPROVED AND ADOPTED THIS 2ND DAY OF MARCH, 2023.

Council Member Twitty mentioned the original amount set aside for the splash pad was \$300,000.00, and asked if they need to make a motion to set an amount so that money does not get spent elsewhere.

Parks and Recreation Director Kevin House assured that the \$300,000.00 that was proposed for the splash pad will not be spent by his department, but could not say regarding others.

When Council Member Rains brought up variances between line items that were already approved, Mayor Elmore replied, according to the Finance Department, the actual balance is more around \$200,000.00, instead of \$300,000.00, due to those overages.

Director House related the funds have to be spent by the end of this year.

Council Member Twitty moved, seconded by Council Member Kinman to set aside the remaining balance of the American Rescue Plan Act (ARPA) money for the Tom Cory Memorial Fountain renovation, or to build a new splash pad.

Mayor Elmore noted if the funds are not spent by the end of this year, then what is left is forfeited, so he suggested acting quick, or move on.

Council Member Bolden had a problem setting aside funds that might not be used and lost.

Council Member Twitty assured they are only going to lose them if they do not use them, and they will use them; even if not for this.

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Council Member Rains pointed out that the splash pad estimate was \$300,000.00, so it is not something they can do and, it was voted down.

Council Members Dietz and Ray opposed having a splash pad downtown.

Director House clarified that the bond money for the shot curtain has to be spent by the end of this year; he was unsure of the ARPA money deadline.

Discussion ensued regarding the actual deadline to allocate the ARPA money and it was decided to give City Attorney Friedman time to confirm.

Council Member Twitty and Council Member Kinman WITHDREW their previous motion and second to set aside the remaining balance of the American Rescue Plan Act money for the Tom Cory Memorial Fountain renovation, or to build a new splash pad.

c. ORDINANCE 1722 (#06-2023)

AN ORDINANCE SETTING FORTH REQUIREMENTS FOR COMMERCIAL DESIGN STANDARDS; AMENDING ORDINANCE NO. 213; CREATING JACKSONVILLE MUNICIPAL CODES §§ 16.22.010-16.22.060; DECLARING AN EMERGENCY; AND, FOR OTHER PURPOSES.

Council Member Ray moved, seconded by Council Member Bolden to place Ordinance 1722 on **FIRST READING. ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED. Whereupon City Attorney Friedman read the heading of Ordinance 1722.**

Mayor Elmore stated this is part three of the earlier ordinance discussion.

When Council Member Rains inquired, Council Member Dietz clarified that this will only affect the new buildings because they cannot mandate everyone to change what they already have.

Engineer Whitlow added there are a list of conditions of triggering factors, and the main one is new construction, along with anything that would cause them to have to do full upgrades to be in compliance with Code. He confirmed it does protect all existing ones and should not affect high-end developments coming.

Council Member Bolden moved, seconded by Council Member Ray to **APPROVE** Ordinance 1722 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1722 on **SECOND READING. ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Ray moved, seconded by Council Member Bolden to **APPROVE** Ordinance 1722 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1722 on **THIRD AND FINAL READING. ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

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Council Member Ray moved, seconded by Council Member Bolden to **APPROVE AND ADOPT** Ordinance 1722 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

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

ORDINANCE 1722 (#06-2023) APPROVED AND ADOPTED THIS 2ND DAY OF MARCH, 2023.

COMMITTEE(S):

GENERAL: DISCUSSION City-owned Sunnyside lots sale

Council Member Dietz referenced a list of City-owned Sunnyside lots he has provided to City Council, explaining he has a perspective buyer that would like to buy them all for \$750.00 each, plus fees. He explained that a majority of them are small and in disarray, noting 60% of the houses there are rentals with some owners living out of state. He confirmed the list are the ones the City is willing to sell, noting that City Attorney Friedman will draft a resolution for City Council to approve.

Council Member Twitty pointed out that the potential buyer is probably going to put in more rentals.

Council Member Dietz stated if they build new houses, it will better fit the area, and possibly make it start growing again. He mentioned the expense for the Parks and Recreation Department to keep up with mowing these lots. He assured he has worked on this for a year and a half and has talked to the people who live there.

Council Member Bolden suggested putting the addresses and price in the newspaper to give the people who live there a chance to buy, since they may not know they are \$750.00.

When Council Member Kinman inquired, Council Member Dietz replied that after fees, he surmised \$1,150.00 would be the price to close on a single lot.

APPOINTMENTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

ANNOUNCEMENTS: Ward 4, Pos. 1 Council Member resumes

Council Member Ray moved, seconded by Council Member Twitty to **ENTER INTO EXECUTIVE SESSION.** **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED** with executive session beginning at approximately 6:57 p.m.

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Council Member Bolden moved, seconded by Council Member Twitty to **RECONVENE FROM EXECUTIVE SESSION** at approximately 7:07 p.m. **MOTION CARRIED.**

Mayor Elmore announced that the Council Members were all given a packet with the names of the people who have requested to be considered for the vacant Ward 4 Position 1 seat. He listed the names as Leonard Montgomery, Samuel Baker, John Paintin, Marsha Dornblaser, Richard Moss, and Geraldine Broadway. He shared that over the next two weeks, Council Members will be analyzing, and possibly conducting interviews, to become comfortable in making a decision. When Council Member Rains inquired, he allowed the potential candidates in the audience to stand and say their name, but not to address Council since all were not informed of the opportunity. He thanked them for their willingness to be considered for the Council Member position.

Council Member Rains suggested giving all candidates the opportunity and notice to speak to Council and the constituents at the next meeting.

Mayor Elmore confirmed he will look into it and come up with a plan.

Jerry Sanders stated he has been a citizen of Jacksonville for 48 years and has come tonight as a taxpayer and registered voter. He feels like Council is taking his rights away since he would like to choose who sits in the vacant Council Member seat. He assured the system does work, recalling seats have sat vacant for quite a while in the past. He would like to let the voters choose who to have in the vacant Council Member seat. He shared that he spoke to the Elections Commission that confirmed Mayor Elmore has the right to veto it within 45 days and Council can pass it again with 75% of votes. He brought up possibly spending \$200,000.00 on a fountain, where a Special Election could cost around \$20,000.00, but the voters have rights and the system works.

ADJOURNMENT: Without objection, Mayor Elmore adjourned the meeting at approximately 7:13 p.m. MOTION CARRIED.

Respectfully,

Susan L. Davitt
City Clerk-Treasurer

MAYOR JEFF ELMORE