

CITY OF JACKSONVILLE  
REGULAR CITY COUNCIL MEETING  
JULY 6, 2023  
6:00 P.M. - 6:51 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 July 6, 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, Mashburn, Moss, Twitty, Kinman, and Rains answered ROLL CALL. Mayor Elmore also answered ROLL CALL declaring a quorum. PRESENT TEN (10) ABSENT ZERO (0).

Others present for the meeting were: City Attorney Stephanie Friedman, Police Chief Brett Hibbs, Fire Chief Alan Laughy, Parks and Recreation Director Kevin House, CDBG Director Michelle Spencer, Lieutenant Ryan Wright, Assistant City Clerk Emilia Vazquez, IT Director Emily Osment, Communications Director Emily Sundermeier, Johnny Simpson, Lida Feller, and Rick Kron.

**PRESENTATION OF MINUTES:** Mayor Elmore presented the minutes of the rescheduled City Council meeting of June 8, 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 Twitty that the minutes of the regularly scheduled City Council meeting of May 18, 2023 be APPROVED. MOTION CARRIED.

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

Council Member Ray moved, seconded by Council Member Bolden to approve the regular monthly report for June 2023.

**JUNE**

<b>PERMITS/LICENSE ISSUED</b>		<b>INSPECTIONS PERFORMED</b>	
Building Permits	16	Building Inspections	55
Business License	-	Electrical	58
		Plumbing	45
		HVACR	31

**REGULAR MONTHLY REPORT/ANIMAL CONTROL**

Council Member Ray moved, seconded by Council Member Bolden to approve the regular monthly report for May 2023.

ADOPTION FEES	\$	550.00
SPAY/NEUTER FOR ADOPTED DOGS		2,310.00
Paid by the City of Jacksonville		550.00
Paid for by JFOTA		165.00
FINES		1,485.00
CONTRIBUTIONS		<u>2,243.00</u>
TOTAL	\$	<u>4,278.00</u>
Vet Bills paid by City not spay/neuter	\$	16,091.04
Vet Bills paid by JFOTA not spay/neuter		5,000.00

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ROLL CALL: Council Member: Dietz, Bolden, McCleary, Sansing, Ray, Mashburn, Moss, Twitty, Kinman, and Rains voted AYE. MOTION CARRIED.

WATER DEPARTMENT:  
WASTEWATER DEPARTMENT:  
FIRE DEPARTMENT:  
POLICE DEPARTMENT:  
STREET DEPARTMENT:  
SANITATION DEPARTMENT:  
PARKS & RECREATION:  
PLANNING COMMISSION:  
COMMITTEE(S):

GENERAL: a. ORDINANCE 1737 (#21-2023)  
AN ORDINANCE AMENDING JACKSONVILLE MUNICIPAL CODES § 8.01.078 (GRASS OR WEEDS).

Council Member Ray moved, seconded by Council Member Sansing to place Ordinance 1737 on **FIRST READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Mashburn, Moss, Twitty, and Kinman voted AYE. **MOTION CARRIED** with Council Member Rains voting NAY. **Whereupon City Attorney Friedman read the heading of Ordinance 1737.**

**Mayor Elmore opened the public hearing at approximately 6:02 p.m.**

**With no one requesting to speak, Mayor Elmore closed the public hearing at approximately 6:02 p.m.**

Council Member Rains stated from her understanding, the subcommittee had not formally accepted this. She explained there was a lot of feedback and response, recalling her last correspondence on this subject was April 5<sup>th</sup> where City Attorney Friedman suggested having an additional meeting.

City Attorney Friedman clarified she had reached out to each Council Member individually, to not violate FOIA, asked them for input, and passed ideas along. She did previously suggest a meeting, but the majority of the subcommittee wanted it to be placed on the agenda as is.

Council Member Twitty confirmed at the final meeting they were in agreeance to put it on the agenda after she specifically asked each member if they had anything they wanted to edit. She mentioned that community gardens were not the main objective of the subcommittee, but more so flower beds to assure someone cannot throw a package of seeds down and call it one.

Council Member Rains assured community gardens were brought up since this ordinance would potentially conflict with them. She pointed out they need better definitions than "other than trees and shrubs" as it is stated in the current ordinance, because there are a lot of different subcategories when it comes to flora. She related that restricting everything not a tree or a shrub to be a minimum of eight inches is not fair to our citizens.

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Lieutenant Ryan Wright shared that the general part about the weeds, trees, and shrubs is taken directly from the International Property Maintenance Code, which is standardized across the United States, that almost every Code Enforcement uses, along with several countries outside of the U.S. He stressed that the addition of the flower beds, etc. is an issue because they have people trying to grow gardens by the road and things like that.

City Attorney Friedman clarified that the International Property Maintenance Code was updated in 2021, changing their definitions slightly from what the City had, so that is what prompted this initial change that led to the committee getting into the definitions of flower beds and gardens.

Council Member Twitty noted that if someone wants to have a flower garden, it needs to have a border around it. She told how she has gotten complaint calls regarding a house in Foxwood that has a border where the flower beds were, but now they have vegetation that is practically as tall as the house growing outside of the flower bed. She assured the City does not want to tell people what to put in their flower beds, but they need to have some sort of border around it and not have a bunch of weeds up against a house and call it a flower bed. She stated the discussion on community gardens is separate from this ordinance.

Lt. Wright recalled the last time there was a community garden in the City was in Sunnyside, but driving passed it now, it is not used for that and it has not been active for several years.

City Attorney Friedman added that if a community garden becomes an issue in the future, they could address those concerns then.

Council Member Rains brought up mailbox gardens, saying the way this ordinance is written, it does not include a variance for anyone who wants to decorate their mailbox with flowers. She pointed out the City has a lot of citizens who already have them and will potentially have more in the future. She reiterated that once they had gotten everything squared away after the last meeting, they would bring this to Council, however, there was a lot of crosstalk where the people who needed to be in that meeting were unable to hear everything that was clearly spoken on.

City Attorney Friedman confirmed she was unable to attend, but did obtain the audio from City Clerk Davitt. She told how she sent this ordinance to each of the Council Members on the subcommittee to ensure this is what they wanted to present for approval and shared Council Member Rains' feedback to them. She related it was imperative to get this on the agenda for Code Enforcement in time for grass season, then revisit community gardens if necessary.

Council Member Bolden stated Council needs to make a decision tonight, because grass is growing and they have things that need to be done. He assured they can always come back and speak about gardens, but right now they need to deal with the whole City, because Code Enforcement is working extra hard cutting yards, so we need an ordinance that covers our officers.

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When Council Member Rains inquired, Lt. Wright confirmed the limits are still eight and eighteen inches.

Council Member Rains stressed this is not a decision they need to make today and asked Council to respect all the members of the subcommittee who are trying to represent the Citizens. She reiterated there are tons of people who already have mailbox flower beds and such, that this amendment would restrict.

Discussion ensued where it was determined that the majority of the subcommittee members requested to place this ordinance on the agenda.

Council Member Twitty reiterated that all members were satisfied with the ordinance at the final subcommittee meeting.

Council Member Ray moved, seconded by Council Member Twitty to **APPROVE** Ordinance 1737 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1737 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Moss, and Twitty voted AYE. **MOTION CARRIED** with Council Member Mashburn, Kinman, and Rains voting NAY.

Council Member Ray moved, seconded by Council Member Sansing to **APPROVE** Ordinance 1737 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1737 on **THIRD AND FINAL READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Moss, and Twitty voted AYE. **MOTION CARRIED** with Council Member Mashburn, Kinman, and Rains voting NAY.

Council Member Ray moved, seconded by Council Member Sansing to **APPROVE AND ADOPT** Ordinance 1737 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Moss, and Twitty voted AYE. **MOTION CARRIED** with Council Member Mashburn, Kinman, and Rains voting NAY.

**ORDINANCE 1737 (#21-2023) APPROVED AND ADOPTED THIS 6<sup>TH</sup> DAY OF JULY, 2023.**

**b. ORDINANCE 1738 (#22-2023)**

**AN ORDINANCE ESTABLISHING REGULATIONS COVERING VACANT BUILDINGS, CREATING JACKSONVILLE MUNICIPAL CODE CHAPTER 8.06 (VACANT BUILDINGS).**

Council Member Ray moved, seconded by Council Member Twitty to place Ordinance 1738 on **FIRST READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Mashburn, Moss, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED**. Whereupon City Attorney Friedman read the heading of Ordinance 1738.

Mayor Elmore opened the public hearing at approximately 6:23 p.m.

With no one requesting to speak, Mayor Elmore closed the public hearing at approximately 6:24 p.m.

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Council Member Ray moved, seconded by Council Member Sansing to **APPROVE** Ordinance 1738 on **FIRST READING** and **SUSPEND THE RULES** and place Ordinance 1738 on **SECOND READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Mashburn, Moss, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

When Council Member Rains inquired, Lt. Wright explained this is to require residential and commercial vacant buildings be registered and maintained, along with having a local agent that Code Enforcement can contact if there are any nuisances on the property.

City Attorney Friedman added that Code Enforcement is having trouble locating some of the out-of-state owners whenever there is an issue and getting them into court is another issue. She hopes this will cut down on that if they have a local agent or someone who represents the property to address those issues more efficiently.

Council Member Bolden moved, seconded by Council Member Sansing to **APPROVE** Ordinance 1738 on **SECOND READING** and **SUSPEND THE RULES** and place Ordinance 1738 on **THIRD AND FINAL READING**. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Mashburn, Moss, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

Council Member Ray moved, seconded by Council Member Sansing to **APPROVE AND ADOPT** Ordinance 1738 in its entirety. **ROLL CALL:** Council Member Dietz, Bolden, McCleary, Sansing, Ray, Mashburn, Moss, Twitty, Kinman, and Rains voted AYE. **MOTION CARRIED.**

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

**ORDINANCE 1738 (#22-2023) APPROVED AND ADOPTED THIS 6<sup>TH</sup> DAY OF JULY, 2023.**

**c. Unsheltered in Jacksonville**

Council Member Moss shared that a business leader contacted him regarding unsheltered individuals affecting their business environment. He inquired if there are policies or procedures in place for this.

Mayor Elmore responded if a business owner is being harassed or if the unsheltered individuals were interfering with operations during public hours, they would have to call the Police and have them trespass. He recalled there have been several incidents recently where businesses have been vandalized or camps set up during overnight hours. He told how they found that some cities have a trespass order that business owners can sign, granting the Police to remove people who are not authorized to be there after business hours. He stated they have created a document for this, but confirmed that when the business is open to the public, they would still have to call the Police if there is a disturbance.

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Council Member Ray shared his experience with unsheltered individuals who would have rather stayed on the streets than follow rules.

Council Member Bolden mentioned if there is a building established to house the unsheltered, the City could not, in any way, be responsible for the building, because they would be liable for whatever happens inside of it. He shared his past experience of some unsheltered individuals who did not want to follow rules or work, but rather wanted to be pan handlers.

CDBG Director Michelle Spencer stated most of the chronically unsheltered are happy being so. She explained there are some with substance abuse or mental illness issues that have a concern with going in-home. She recalled having some unsheltered individuals were so mentally ill that once they were placed in a furnished home, they would find them in the backyard in a tent. She related there would need to be some wrap-around services to be able to help with all of their issues. She confirmed they have support from Little Rock, who will be doing a groundbreaking for the microhome village. She told how she is going to ask for dedicated beds for those in Jacksonville who do want to be sheltered. She brought up that transportation could be an issue since it is on a first-come-first-serve basis most times.

Barry Jefferson, board member on the Pulaski County Community Village Committee, shared a project for the unsheltered, mimicking what Austin, Texas has, that focuses on mental illness and provides services. He told how they have the land, have knocked down trees already, and are looking to build for all surrounding communities, not just Little Rock. He will be providing the Mayor with a quarterly update on the progress. He pointed out that it will be located on 138 acres at the end of Chicot Road in Little Rock. He confirmed that the Austin, Texas Community Village gets assistance from their state, noting that Pulaski County is helping fund the one in Little Rock, but they are looking into making it more of a non-profit to help address liability.

Council Member Rains stressed the importance of recognizing what our Community is experiencing, especially after the tornado, and to support the different services mentioned. She assured that the City can support a non-profit without having all of the liabilities.

Mayor Elmore shared that he has spoken with several church leaders in town to encourage them to be proactive and work together, because they are equipped to do it better than a city government.

**APPOINTMENTS:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS: Chairman Selection for the Criminal Nuisance Abatement Board**

Mayor Elmore stated that Council needs to select a temporary Chairman for the Criminal Nuisance Abatement Board to run the first meeting. He recommended Renee Parker, listing the other members as Craig Friedman, Kelly Scarborough, Geraldine Broadway, and Bill Howard.

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Council Member Dietz moved, seconded by Council Member McCleary to approve Renee Parker as the temporary Chairman of the Criminal Nuisance Abatement Board. MOTION CARRIED.

**ANNOUNCEMENTS: Citizen of the Year Awards Banquet**

Council Member Mashburn stated the Citizen of the Year Awards Banquet will be held on July 27<sup>th</sup> from 6:00 p.m. to 9:00 p.m. at the Community Center. She related that the tickets are \$20.00 each.

**Homelessness Survivor Testimony**

Bettina Randolph from Monterey Bay, California shared her past experience being homeless for six years with her three children, due to an abusive relationship. She explained that not every person who is homeless has mental issues or are hungry, but a lot of times they just need help. She told how she received resources from a Catholic nun who offered her help and now holds a Masters degree and owns a home here in Jacksonville. She shared that one of her sons is a mayor in California, her daughter is in the Air Force, and her other son in a realtor in Florida. She related sometimes the homeless may require a caseworker, a police officer, and all of us to be aware of those issues. She mentioned she used to work for the State in the homeless camps and now she volunteers for Partners Against Trafficking Humans where they have people coming from other countries that have nowhere to go and end up on the street. She offered her help, adding that we need everyone here to be a part of this issue.

Council Member Rains stressed how important it is to recognize the adversities that our community is facing and do something about it. She recalled in a previous survey that over half the citizens that took it said it was very important for the City to provide services for the homeless.

**ADJOURNMENT:** Without objection, Mayor Elmore adjourned the meeting at approximately 6:51 p.m. MOTION CARRIED.

Respectfully,

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Susan L. Davitt  
City Clerk-Treasurer

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MAYOR JEFF ELMORE