

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

City of Jacksonville
P.O. Box 126
Jacksonville, AR 72078

LIS No. 19-078
Permit Tracking No. ARR001195
AFIN 60-04602

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order ("Order") is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act ("the Act"), Ark. Code Ann. § 8-4-101 *et seq.*, the Federal Water Pollution Control Act, 33 U.S.C. § 1311 *et seq.*, and the regulations issued thereunder by Arkansas Pollution Control and Ecology Commission (APC&EC).

The issues herein having been settled by the agreement of the City of Jacksonville, ("Respondent") and the Arkansas Department of Environmental Quality (ADEQ or "Department"), it is hereby agreed and stipulated that the following FINDINGS OF FACT and ORDER AND AGREEMENT be entered.

FINDINGS OF FACT

1. Respondent operates the Jacksonville Recycling Center ("Facility") located at 1300 Marshall Road, Jacksonville, Pulaski County, Arkansas.
2. Respondent is regulated pursuant to the National Pollutant Discharge Elimination System (NPDES).
3. Pursuant to the federal Clean Water Act, 33 U.S.C. § 1311(a) *et seq.*, the NPDES program prohibits the discharge of pollutants except as in compliance with a permit issued under the NPDES program in accordance with 33 U.S.C. § 1342(a).

4. ADEQ is authorized under the Act to issue NPDES permits in the state of Arkansas and to initiate an enforcement action for any violation of an NPDES permit.

5. Ark. Code Ann. § 8-4-217(a)(3) provides:

(a) It shall be unlawful for any person to:

...

(3) Violate any provisions of this chapter or of any rule, regulation, or order adopted by the [APC&EC] under this chapter or of a permit issued under this chapter by the [ADEQ].

6. Ark. Code Ann. § 8-4-103(c)(1)(A) authorizes ADEQ to assess an administrative civil penalty not to exceed ten thousand dollars (\$10,000) per violation for any violation of any provision of the Act and any regulation or permit issued pursuant to the Act.

7. Pursuant to Ark. Code Ann. § 8-4-103(c)(1)(B), “[e]ach day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.”

8. In accordance with 40 C.F.R. § 122.26(c), as adopted by APC&EC Regulation No. 6, dischargers of stormwater associated with industrial activity, as defined by 40 C.F.R. § 122.26(b)(14)(i-ix, xi), are required to obtain coverage under the NPDES Industrial Stormwater General Permit ARR000000. ADEQ issued the prior NPDES Industrial Stormwater General Permit with an effective date of July 1, 2009, and an expiration date of June 30, 2014. ADEQ issued the current NPDES Industrial Stormwater General Permit with an effective date of July 1, 2014, and an expiration date of June 30, 2019.

9. ADEQ issued Industrial Stormwater General Permit coverage to Respondent for discharge of stormwater into waters of the state pursuant to the NPDES Industrial Stormwater

General Permit, Permit Tracking Number ARR001195 (“Permit”) with a coverage date of July 19, 2013, and an expiration date of June 30, 2014.

10. On December 31, 2013, and May 22, 2014, Respondent was notified that the Permit would expire on June 30, 2014, and that in order to continue the regulated activity, a complete Recertification Notice of Intent (RNOI) must be submitted no later than June 30, 2014.

11. On July 25, 2014, Respondent was notified that the Permit had expired on June 30, 2014, and that in order to continue the regulated activity, Respondent must immediately submit a complete RNOI to the Department.

12. The complete RNOI was not received by June 30, 2014. Failure to submit the RNOI by June 30, 2014, is a violation Part 2 Condition 2.2 of the Permit and therefore a violation of Ark. Code Ann. § 8-4-217(a)(3).

13. On November 7, 2018, the Department conducted a reconnaissance inspection of the Facility. The inspection revealed the following:

- a. Respondent has operated the Facility beyond the June 30, 2014 expiration date of the NPDES Industrial Stormwater General Permit. This action is a violation of 40 C.F.R. § 122.26 as adopted by APC&EC Regulation No. 6 and is therefore a violation of Ark. Code Ann. § 8-4-217(a)(3).

14. On November 14, 2018, the Department sent Respondent a notice of the inspection results and requested a written response by December 1, 2018.

15. On December 1, 2018, the Department received a response from Respondent. On December 7, 2018, the Department notified Respondent the response was inadequate.

16. January 17, 2019, ADEQ received a RNOI, SWPPP, and RNOI fee from Respondent.

17. On February 26, 2019, ADEQ issued Industrial Stormwater General Permit coverage to Respondent for discharge of stormwater into waters of the state pursuant to the NPDES Industrial Stormwater General Permit, Permit Tracking Number ARR001195 with a coverage date of February 26, 2019, and an expiration date of June 30, 2019.

18. ADEQ issued the NPDES Industrial Stormwater General Permit with an effective date of July 1, 2019, and an expiration date of June 30, 2024. Part II Condition 2.2 requires existing dischargers under the 2014 NPDES Industrial Stormwater General Permit to submit a Notice of Intent on or before the effective date of this permit, July 1, 2019.

19. On April 15, 2019, ADEQ received a RNOI from Respondent.

ORDER AND AGREEMENT

WHEREFORE, the parties stipulate and agree as follows:

1. Respondent shall comply with the existing NPDES Industrial Stormwater General Permit.
2. In compromise and full settlement of the violations specified in the Findings of Fact, Respondent agrees to pay a civil penalty of Two Thousand Six Hundred Dollars (\$2,600.00). Payment is due within thirty (30) calendar days of the effective date of this Order. Such payment of the penalty shall be made payable to the Arkansas Department of Environmental Quality, and mailed to the attention of:

ADEQ, Fiscal Division
5301 Northshore Drive
North Little Rock, AR 72118

In the event that Respondent fails to pay the civil penalty within the prescribed time, ADEQ shall be entitled to attorneys' fees and costs of collection.

3. Failure to meet any requirement or deadline of this Order constitutes a violation of said Order. If Respondent should fail to meet any such requirements or deadlines, Respondent

consents and agrees to pay on demand to ADEQ stipulated penalties according to the following schedule:

- a. First day through fourteenth day: \$100.00 per day
- b. Fifteenth day through the thirtieth day: \$500.00 per day
- c. Each day beyond the thirtieth day: \$1000.00 per day

These stipulated penalties for delay in performance shall be in addition to any other remedies or sanctions which may be available to ADEQ by reason of failure by Respondent to comply with the requirements of this Order.

4. If any event, including but not limited to an act of nature, occurs which causes or may cause a delay in the achievement of compliance by Respondent with the requirements or deadlines of this Order, Respondent shall so notify ADEQ, in writing, as soon as reasonably possible after it is apparent that a delay will result, but in no case after the due dates specified in this Order. The notification shall describe in detail the anticipated length of the delay, the precise cause of the delay, the measures being taken and to be taken to minimize the delay, and the timetable by which those measures will be implemented.

5. ADEQ may grant an extension of any provision of this Order, provided that Respondent requests such an extension in writing and provided that the delay or anticipated delay has or will be caused by circumstances beyond the control of and without the fault of Respondent. The time for performance may be extended for a reasonable period but in no event longer than the period of delay resulting from such circumstances. The burden of proving that any delay is caused by circumstances beyond the control of and without the fault of Respondent and the length of the delay attributable to such circumstances shall rest with Respondent. Failure to notify the ADEQ

promptly, as provided in the preceding paragraph of this Section, shall be grounds for a denial of an extension.

6. All requirements by the Order and Agreement are subject to approval by ADEQ. Unless otherwise specified herein, in the event of any deficiencies, Respondent shall, within the timeframe specified by ADEQ, submit any additional information or changes requested, or take additional actions specified by ADEQ to correct any such deficiencies. Failure to respond adequately to such Notice of Deficiency within the timeframe specified in writing by ADEQ constitutes a failure to meet the requirements established by this Order.

7. This Order is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Regulation No. 8 and shall not be effective until thirty (30) calendar days after public notice is given. ADEQ retains the right to rescind this Order based upon the comments received within the thirty-day public comment period. Notwithstanding the public notice requirements, the corrective actions necessary to achieve compliance shall be taken immediately. The publication of this Order shall occur on or about the 10th or 25th day of the month following the date this Order is executed. As provided by APC&EC Regulation No. 8, this matter is subject to being reopened upon Commission initiative or in the event a petition to set aside this Order is granted by the Commission.

8. Nothing in this Order shall be construed as a waiver by ADEQ of its enforcement authority over alleged violations not specifically addressed herein. Also, this Order does not exonerate Respondent from any past, present, or future conduct which is not expressly addressed herein, nor does it relieve Respondent of its responsibilities for obtaining any necessary permits.

9. This Order has been reviewed and approved by the City Council of Respondent in a duly convened meeting with a quorum present. See copy of [meeting minutes or resolution] attached

as Exhibit A.

10. The City Council of Respondent has authorized the Mayor and City Clerk/Treasurer to sign this Order on behalf of Respondent. See Exhibit A.

11. The City Council of Respondent has authorized the Mayor and City Clerk/Treasurer to expend funds for compliance activities required by this Order including, but not limited to, the payment of a civil penalty set out in this Order. See Exhibit A.

SO ORDERED THIS 3rd DAY OF September, 2019.

Becky W. Keogh
BECKY W. KEOGH, DIRECTOR

APPROVED AS TO FORM AND CONTENT:

City of Jacksonville

BY: Bob Johnson
(Signature)

Bob Johnson
(Typed or printed name)

TITLE: Mayor City of Jacksonville

DATE: July 16, 2019

CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
AUGUST 15, 2019
6:00 P.M. - 6:45 P.M.

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

The City Council of the City of Jacksonville, Arkansas met in regular session on August 15, 2019 at the regular meeting place of the City Council. Councilman Ray delivered the invocation and Mayor Johnson led a standing audience in the "Pledge of Allegiance" to the flag.

ROLL CALL: City Councilman: Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Collins answered ROLL CALL. Mayor Johnson also answered ROLL CALL declaring a quorum. PRESENT TEN (10) ABSENT (0).

Others present for the meeting were: City Attorney Stephanie Friedman, Public Works Director Jim Oakley, IT Director Scott Roethlisberger, CDBG Director Theresa Watson, Fire Chief Laughy, Parks and Recreation Director Kevin House, Human Resource Director Charlette Nelson, Planning Commission Chairman Jim Moore, Planning Commissioner Patrick Thomas, Finance Director Cheryl Erkel, Wastewater Utility Manager Thea Hughes, Sewer Commissioners John Ferrell and Bob Williams, Addie Gibson, Johnny Simpson, Police Lieutenant Kim Lett, Police Captain Smiley, Lida Feller, Director of Downtown Planning and Development Bob Price, interested citizens, and members of the press.

PRESENTATION OF MINUTES:

Mayor Johnson presented the minutes of the regular City Council meeting of July 18, 2019 for approval and/or correction at the next regularly scheduled City Council meeting.

APPROVAL AND/OR CORRECTION OF MINUTES:

Councilman Traylor moved, seconded by Councilman Bolden that the minutes of the regularly scheduled City Council meeting of 20 June 2019 be APPROVED. MOTION CARRIED.

CONSENT AGENDA: REGULAR MONTHLY REPORT/POLICE DEPARTMENT

Councilman Ray moved, seconded by Councilman Bolden to approve the Regular Monthly Report for July 2019 regarding annual crime statistical comparisons.

REGULAR MONTHLY REPORT/FIRE DEPARTMENT

Councilman Ray moved, seconded by Councilman Bolden to approve the regular monthly report for July 2019 from the Jacksonville Fire Department, reflecting a fire loss of \$58,500.00 and a savings total of \$901,500.00.

REGULAR MONTHLY REPORT/ENGINEERING DEPARTMENT

Councilman Ray moved, seconded by Councilman Bolden to approve the regular monthly report for July 2019.

PERMITS/LICENSE ISSUED

Building Permits	18
Business Licenses	0

INSPECTIONS PERFORMED

Building Inspections	34
Electrical	45
Plumbing	46
HVACR	22

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REGULAR MONTH REPORT/ANIMAL CONTROL

Councilman Ray moved, seconded by Councilman Bolden to approve the regular monthly report for July 2019.

ADOPTION FEES/FINES	\$ 1,475.00
CONTRIBUTIONS	<u>0.00</u>
TOTALS	\$ 1,475.00

MOTION CARRIED. ROLL CALL: Councilmen: Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Collins voted AYE. **MOTION CARRIED.**

WATER DEPARTMENT:

WASTEWATER DEPARTMENTS:

FIRE DEPARTMENT: Firefighter and Paramedic Competition Presented by Chief Laughy

Chief Laughy related that annually the Fire Department competes in the EMS Competition, announcing that Alex Halle and Cody Henley won 1st Place for the State. He then announced that Alex Halle, Cody Henley and Stephanie Heatwole competed in the Fire and EMS Competition and won 1st Place. He concluded saying that Paramedic Cody Henley also won Paramedic of the Year.

POLICE DEPARTMENT:

STREET DEPARTMENT:

SANITATION DEPARTMENT: DISCUSSION ADEQ Recycling Certificate

Mayor Johnson related that two years prior to his taking office, the City was without renewing the ADEQ permit for the Recycling Center. He explained that the City was originally fined \$500.00 each year plus \$5,500.00 totaling \$7,000.00. He went on to say that they were able to negotiate that down to \$2,600.00. He noted that steps are being implemented to make sure that does not happen again.

Mayor Johnson answered Councilman Collins that this because the City did not complete an administrative task and assured him that there is nothing wrong with the facility.

Councilman Bolden moved, seconded by Councilman Sipes to authorize the fine payment of \$2,600.00 to ADEQ. **MOTION CARRIED.**

PARKS & RECREATION:

PLANNING COMMISSION: a. ORDINANCE 1610 (#17-2019)

AN ORDINANCE RECLASSIFYING PROPERTY IN THE CITY OF JACKSONVILLE ARKANSAS (GENERAL LOCATION: 6350 T.P. WHITE DRIVE, JACKSONVILLE, ARKANSAS); AMENDING ORDINANCE NOS. 213 AND 238 AND THE LAND USE MAP OF THE CITY OF JACKSONVILLE, ARKANSAS; DECLARING AN EMERGENCY AND, FOR OTHER PURPOSES.

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Mayor Johnson related that the rezoning comes as a recommendation from the Planning Commission regarding property on T.P. White to be developed as a microbrewery.

Councilman Ray moved, seconded by Councilman Sansing to place Ordinance 1610 (#17-2019) on **FIRST READING**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Collins voted AYE. (0) NAY. **MOTION CARRIED**. Whereupon City Attorney Friedman read the heading of Ordinance 1610.

Councilman Ray moved, seconded by Councilman Bolden to approve Ordinance 1610 on **FIRST READING** and **SUSPEND THE RULES** to place Ordinance 1610 on **SECOND READING**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) NAY. **MOTION CARRIED**.

Councilman Ray moved, seconded by Councilman Sansing to further **SUSPEND THE RULES** and place Ordinance 1610 on **THIRD AND FINAL READING**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) NAY. **MOTION CARRIED**.

Councilman Bolden moved, seconded by Councilman Sansing that Ordinance 1610 be **APPROVED AND ADOPTED**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) voted NAY. **MOTION CARRIED**.

Councilman Ray moved, seconded by Councilman Bolden that the **EMERGENCY CLAUSE** be approved and attached. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) voted NAY. **MOTION CARRIED**.

ORDINANCE 1610 (#17-2019) APPROVED AND ADOPTED THIS 15th DAY OF AUGUST 2019.

b. ORDINANCE 1611 (#18-2019)

AN ORDINANCE RECLASSIFYING PROPERTY IN THE CITY OF JACKSONVILLE ARKANSAS (GENERAL LOCATION: 1900 GENERAL SAMUELS ROAD, JACKSONVILLE, ARKANSAS); AMENDING ORDINANCE NOS. 213 AND 238 AND THE LAND USE MAP OF THE CITY OF JACKSONVILLE, ARKANSAS; DECLARING AN EMERGENCY AND, FOR OTHER PURPOSES.

Elizabeth Lopez, Executive Director of Christopher Homes of Arkansas, introduced Architect Darrell Odem with the Odem/Peckum Firm, and Maintenance Superintendent Steve Lopez. She related that Christopher Homes was incorporated in 1969, saying that their goal and mission is to develop housing for seniors. She stated that in 1984, Christopher Homes built their first 62-unit property in West Helena. Subsequently, in the following years, they have built 24 separate properties. She related that in 1992 HUD suspended the 202 Section 8 HUD assisted programs and began developing capital advance properties. She explained that the capital advance properties are solely an elderly property for ages 62 or older, adding that

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they currently own and operate 7 such properties across Arkansas. She pointed out that the total 24 properties consist of 588 units that they service in Arkansas. She related that the Jacksonville property would be a replica of the Little Rock property. When fully staffed, Christopher Homes has 43 employees, the current offices are in Little Rock. She explained that the maintenance staff consist of 10 full time maintenance technicians and 3 labors, adding that the maintenance staff is overseen by a Maintenance Superintendent. She related that there is also a staff of 8 Service Coordinators, saying that the property in Jacksonville would have a Service Coordinator on staff. She related that Service Coordinators help seniors age in place, because it is more cost effective than being placed in skilled nursing facilities. She pointed out that the Service Coordinators work as a connector for the community to try and bring in services that help the residents age in place, such as Meals on Wheels and transportation needs, along with nursing care and housekeeping services. She then noted that the Jacksonville property will be designed to have a manager that lives on site. She noted that occupancy over all the properties is consistently at 95.8%, she added that currently they have approximately 80 people on their waiting list. She explained that they work with the Salvation Army, who has reported a greater influx of homeless senior women. She then noted that HUD has demonstrated such confidence in Christopher Homes that they have taken management on 4 properties that were failing and have made them successful. She offered a rendering of what the Jacksonville facility would look like when completed. She then answered that HUD has locked them into 20 units for Jacksonville because of the absorption rate of housing in the area. She then answered Councilman Traylor that qualifying age is 62 with a very low income. She demonstrated where the manager's living quarters would be, adding that there would be a community building to be used for various activities. She explained that they would be making application to HUD for a grant, which will be rated in Washington, D.C. She added that the funding notifications will be released in November with construction to begin by January 2021, adding that construction would take approximately 10 months.

Councilman Sipes questioned if the Jacksonville property would strictly be for Jacksonville seniors.

Mrs. Lopez explained that it would be for anybody not just Jacksonville residents, she stated that they take applications and if eligible they are placed on the waiting list and they pull from the waiting list on a first come, first serve. She then explained that they would start advertising the property prior to getting the permission to occupy, once permission is obtained, the move in process starts immediately. She then clarified that Jacksonville would have its own waiting list once advertising begins. She clarified that the grant they are asking for is 2.3 million, noting that they were awarded 1.8 million to construct the Little Rock property in 2009. She explained that HUD has not had any money available for this program since 2013, but they will start to have funds available next year. She then explained that all the units are one-bedroom of 540 square foot and the maximum occupancy is two people. She then explained that a son or daughter

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can only move in at initial occupancy, they cannot move in afterwards. She stated that they are very strict about the house rules and properties, saying that they enforce their leases so there is not a lot people coming in and living with grandma or grandpa.

Mayor Johnson stated that Christopher Homes would not purchase the land until they get approval of the HUD funding.

Councilman Ray moved, seconded by Councilman Bolden to place Ordinance 1611 (#18-2019) on **FIRST READING**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Collins voted AYE. (0) NAY. **MOTION CARRIED**. Whereupon City Attorney Friedman read the heading of Ordinance 1611.

Councilman Sansing moved, seconded by Councilman Bolden to approve Ordinance 1611 on **FIRST READING** and **SUSPEND THE RULES** to place Ordinance 1611 on **SECOND READING**.

Discussion ensued regarding amending the Ordinance as a condition. Mrs. Lopez noted that the application will get 10 more points for a complete zoning. Mayor Johnson noted that the City Council would still have to review and approve any sale of property.

ROLL CALL: Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) NAY. **MOTION CARRIED**.

Councilman Ray moved, seconded by Councilman Smith to further **SUSPEND THE RULES** and place Ordinance 1611 on **THIRD AND FINAL READING**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) NAY. **MOTION CARRIED**.

Councilman Ray moved, seconded by Councilman Bolden that Ordinance 1611 be **APPROVED AND ADOPTED**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) voted NAY. **MOTION CARRIED**.

Councilman Ray moved, seconded by Councilman Sipes that the **EMERGENCY CLAUSE** be approved and attached. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) voted NAY. **MOTION CARRIED**.

ORDINANCE 1611 (#18-2019) APPROVED AND ADOPTED THIS 15th DAY OF AUGUST 2019.

COMMITTEE(S): Fireworks:

Councilman Collins stated that the Commission has concluded and an Ordinance would be forth coming at the next City Council meeting.

Recycling: Mayor Johnson related that he will call a meeting as soon as he receives information he has requested from the Pulaski County Solid Waste District.

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GENERAL: a. ORDINANCE 1608 (#15-2019)

AN ORDINANCE BY THE CITY OF JACKSONVILLE, ARKANSAS CALLING FOR THE SIMULTANEOUS DETACHMENT AND ANNEXATION OF LAND CURRENTLY LOCATED IN SHERWOOD, PULASKI COUNTY, ARKANSAS, PURSUANT TO ARKANSAS CODE ANNOTATED § 14-40-2101.

Councilman Sansing moved, seconded by Councilman Bolden to place Ordinance 1608 (#15-2019) on **FIRST READING**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Collins voted AYE. (0) NAY. **MOTION CARRIED.** Whereupon City Attorney Friedman read the heading of Ordinance 1608.

Mayor Johnson noted that there would be a public hearing to entertain public comment, noting that another ordinance would following that process.

Councilman Ray moved, seconded by Councilman Twitty to approve Ordinance 1608 on **FIRST READING** and **SUSPEND THE RULES** to place Ordinance 1608 on **SECOND READING**.

In response to a question from Councilman Traylor, Mayor Johnson noted that Jacksonville would receive more acreage than it is giving up.

ROLL CALL: Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) NAY. **MOTION CARRIED.**

Councilman Ray moved, seconded by Councilman Bolden to further **SUSPEND THE RULES** and place Ordinance 1608 on **THIRD AND FINAL READING**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) NAY. **MOTION CARRIED.**

Councilman Ray moved, seconded by Councilman Sansing that Ordinance 1608 be **APPROVED AND ADOPTED**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) voted NAY. **MOTION CARRIED.**

ORDINANCE 1608 (#15-2019) APPROVED AND ADOPTED THIS 15th DAY OF AUGUST 2019.

b. ORDINANCE 1609 (#16-2019)

AN ORDINANCE TO ESTABLISH THE STANDARDS FOR A MASTER AGREEMENT FOR SMALL WIRELESS FACILITIES TO BE PLACED IN CITY RIGHTS-OF-WAY IN THE CITY OF JACKSONVILLE, ARKANSAS; FOR OTHER PURPOSES.

Councilman Bolden moved, seconded by Councilman Sansing to place Ordinance 1609 (#16-2019) on **FIRST READING**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith, and Collins voted AYE. (0) NAY. **MOTION CARRIED.** Whereupon City Attorney Friedman read the heading of Ordinance 1609.

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Mayor Johnson explained that if the City does not adopt an Ordinance regarding small wireless facilities that are placed in City rights-of-way before September 1st, then the City will not have the right to regulate some aspects of the aesthetics.

Discussion ensued regarding the possibility that small cells would not be required to pay a traditional franchise fee as with other utilities but would pay a rental fee. In conclusion, City Attorney Friedman stated that this Ordinance would basically reserve what little local authorization that belongs to the City, noting the strict regulations passed by the FCC.

Councilman Bolden moved, seconded by Councilman Traylor to approve Ordinance 1609 on **FIRST READING** and **SUSPEND THE RULES** to place Ordinance 1609 on **SECOND READING**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) NAY. **MOTION CARRIED.**

Councilman Bolden moved, seconded by Councilman Collins to further **SUSPEND THE RULES** and place Ordinance 1609 on **THIRD AND FINAL READING**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) NAY. **MOTION CARRIED.**

Councilman Ray moved, seconded by Councilman Bolden that Ordinance 1609 be **APPROVED AND ADOPTED**. **ROLL CALL:** Councilman Elliott, Bolden, Sipes, Sansing, Ray, Mashburn, Traylor, Twitty, Smith and Collins voted AYE. (0) voted NAY. **MOTION CARRIED.**

ORDINANCE 1609 (#16-2019) APPROVED AND ADOPTED THIS 15th DAY OF AUGUST 2019.

c. RESOLUTION 784 (#7-2019)

A RESOLUTION IN SUPPORT OF AND AUTHORIZING EXECUTION OF SALE DOCUMENTS BY THE CITY OF JACKSONVILLE FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN (GENERAL LOCATION - 132 GALLOWAY); AND, FOR OTHER PURPOSES.

Councilman Ray moved, seconded by Councilman Bolden to read Resolution 784 (#7-2019). **MOTION CARRIED.** Whereupon City Attorney Friedman read the heading of Resolution 784 (#7-2019).

Councilman Ray moved, seconded by Councilman Bolden to approve Resolution 784 (#7-2019) in its entirety.

Mayor Johnson explained that the City is proposing to purchase a vacant lot adjacent to Galloway Park.

At this time, MOTION CARRIED.

d. RESOLUTION 785 (#8-2019)

A RESOLUTION IN SUPPORT OF AND AUTHORIZING EXECUTION OF SALE DOCUMENTS BY THE CITY OF JACKSONVILLE FOR CERTAIN REAL PROPERTY DESCRIBED HEREIN (GENERAL LOCATION - 1900 GENERAL SAMUELS); AND, FOR OTHER PURPOSES.

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Councilman Elliott moved, seconded by Councilman Bolden to read Resolution 785 (#8-2019). MOTION CARRIED.

Councilman Ray moved, seconded by Councilman Bolden to approve Resolution 785 (#8-2019) in its entirety.

Mayor Johnson related that this is the property on General Samuels that will be purchased by Christopher Homes, noting that it is being sold for the same price that the land for Office Products was purchased.

At this time, MOTION CARRIED.

APPOINTMENTS:

UNFINISHED BUSINESS:

NEW BUSINESS:

ANNOUNCEMENTS:

In response to a question from Mr. Johnnie Norton, Mayor Johnson offered an update regarding a new bus service for the City of Jacksonville. He stated that he met with Charles Frazer of Rockridge, explaining that he is negotiating a partnership for bus service. He explained that the City is going to host some public hearing meetings to ascertain the public's needs regarding a City bus service. He stated that the current thought is that there will be three separate public meetings to be held in various locations within the City to address public needs. He stated that it is in the works and he has toured the City with Rockridge to identify places of interest for bus service.

Mayor Johnson noted a recent article in the Leader Newspaper titled "Jacksonville is very beautiful". He related that the article talks about the flowers and planters around Jacksonville, it recognizes that a lot of people put in great efforts to beautify Jacksonville. He expressed his appreciation for the positive article and thanked the author.

Councilman Bolden noted that the local DAV is being nationally recognized, saying that the local DAV is exceptional in their efforts to take care of our Veterans.

Mayor Johnson concurred, noting that he receives a monthly report from the DAV, citing that they put in approximately 1600 hours monthly, saying that they do a great job.

He then announced that FestiVille will be September 27th.

Planning Commission Chairman Jim Moore noted that the Planning Commission recognized the opening of an afterschool daycare center called Adam's Clubhouse, which is quality care for special needs children. He stated that owner, Renee' Green has chosen to open this business in the building next door to the Central Fire Station on Redmond Road.

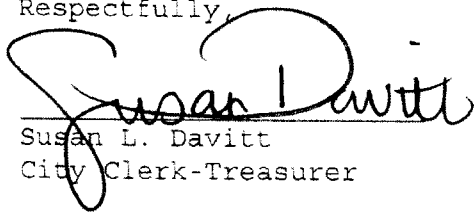
CITY OF JACKSONVILLE
REGULAR CITY COUNCIL MEETING
AUGUST 15, 2019
6:00 P.M. - 6:45 P.M.

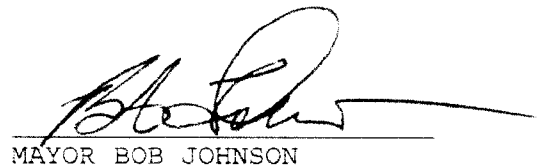
As a School Board member, Jim Moore then announced that August 27th will be the scheduled open house for the newly constructed Jacksonville High School.

Councilman Twitty related that this year the student school schedules were handed out early, adding that it was one of smoothest running events that she could recall. She went on to compliment the new High School, saying that this School is amazing and reminiscent of a college instead of a high school.

ADJOURNMENT: Without objection, Mayor Johnson adjourned the meeting at approximately 6:45 p.m. MOTION CARRIED.

Respectfully,


Susan L. Davitt
City Clerk-Treasurer


MAYOR BOB JOHNSON