

**Brookland City Council Minutes**  
**February 13, 2017**

Meeting called to order at 7:00 PM by Mayor Jones

Roll Call: Aldermen present: Mike Bishop, Jean Gandy, David Gambill, Wilson Shipman, Martin Crain, Maghen Carpenter, Attorney Kevin Orr, Mayor Kenneth Jones, and City Clerk Billy Dacus.

Mike Bishop made a motion to approve January 9, 2017 Brookland City Council minutes as written. Seconded by David Gambill. Mayor Jones stated motion and second and then opened motion to the council for discussion. Being no discussion, Mayor Jones called for a vote. Mayor Jones announced motion to accept the city council minutes from January 9, 2017 passed 6 yeas to 0 nays.

**New Business**

**Review biased Law Enforcement policy:** – A copy of Resolution 2016-09 was given the council. Mayor Jones stated that Arkansas state law requires that the resolution dealing with biased law enforcement practices need to be reviewed by council annually at the beginning of the new year. The mayor asked if there were any questions or comments pertaining to the resolution. Alderman Shipman asked if this was old law being renewed and Mayor Jones stated it needed to be reviewed so that it could be reported in the minutes of record. A motion was made by Mike Bishop stating that Resolution 2016-09 that deals with biased law enforcement practices has been reviewed. The motion was seconded by David Gambill. Mayor Jones stated motion and second and opened the motion to council for discussion. Being no discussion, Mayor Jones then called for a vote. Mayor Jones announced the motion had passed 6 yeas to 0 nays.

**Clerk/Treasurer-Billy Dacus - has had a job change; is available to work at city hall 24-29 hours per week:** – Mayor Jones stated that City Clerk/Treasurer, Billy Dacus; has changed job titles and hours at his current employer and would be available to work for the city of Brookland 24 to 29 hours a week if needed. Mayor Jones stated that this change would need to come in a form of modification to the ordinance that is now in place that sets the pay for that elected position. Mayor Jones questioned the council would they have a problem with this issue. Alderman Crain asked if there was a need for the work. Mayor Jones stated that yes there would because Officer Blake Miller was helping city hall about that many hours a week in the past. Now that Officer Miller's position has changed, he can no longer help. Alderman Crain asked if there was a nepotism law that this issue would fall under since the office manager (Shelby Pfeifer) and Billy are first cousins. Attorney Orr referred the state statute law book and stated that only nepotism law listed in the book was based on the state board or commission which does not apply in this situation and if it did, first cousins were not considered nepotism (§ 21-8-101 – Nepotism). Alderman Crain questioned who would be Mr. Dacus' supervisor? After much discussion, it was pointed out that all elected officials answer to the people of the city that voted them into office. Alderman Crain questioned as to whether the city clerk/ treasurer was an elected official since that office did not run in the past election. Mayor Jones pointed out that since the city of Brookland changed classifications to a first-class city, that the terms of Mayor and Clerk/Treasurer do not run again until 2018. It was pointed out that the city of Brookland hasn't had a full-time clerk/treasurer and that some of that responsibility has been assigned to the office manager (Mrs. Pfeifer)

and that he (Mr. Dacus) would be training and doing the responsibilities that are part of that elected office. For example, if there were to be state audit that required that officials report to Little Rock, the Mayor and the Clerk would be the people that would report; not the office manager of City Hall. Alderman Shipman stated that all people need a supervisor and it was pointed out to him again that this is an official elected position; just as the Mayor's and Aldermen positions are, that is a representation of the people in the city of Brookland. Craighead County Treasurer Terry McNatt was present at the meeting and was questioned by Alderman Shipman if this is true and Mr. McNatt stated yes. "If you do a good job, the people will vote to keep you in; if you do a bad job, they vote you out of that position." It was decided that Billy and the Mayor would meet and negotiate on terms that would be brought before the council in a form of an ordinance at next month's meeting.

**Animal Control Ordinance-clarification on animals picked up in the city limits that live outside the city limits:** - Mayor Jones stated that the Animal Control Ordinance needs to be amended with the issue dealing with animals being picked up inside the city that belonged to owners that live outside the city limits. The city recently dealt with a situation where (2) dogs were picked up and it was found that the owners lived outside the city limits. Since the ordinance does not deal with the issue of outside the city limit animal owners, it cannot issue the citations like it can with owners that live inside the city limits. Information is being gathered from other local towns that have this written into their ordinance for reference. Attorney Orr stated there is a state law that states that the animals could be taken to an animal shelter that is in a 20-mile radius of where the owner lives; however, the owner must be identified first. More information is to be gathered and this issue will be addressed at a later meeting.

**Discuss possibly paying off original sewer note from November 19,1979 early; approximate amount owed \$24,000** – Mayor Jones stated that he would like to get the ok from the council to pay off the original sewer note that was established in 1979. Jean Gandy made a motion to pay off the original sewer note from November 19, 1979 in the amount of twenty-four thousand dollars. The motion was seconded by Mike Bishop. Mayor Jones stated motion and second and opened the motion to council for discussion. Alderman Crain asked that if the city was to pay off this note, would there be any financial stress since there had been problems with the Hickory Street well that required repairs. Mayor Jones answered there would be no problem because the issue with the Hickory Street well was considered an up-grade water improvement. The repair expense could be applied to the well improvement bond if there was enough money to pay for it and all the current project. This was per the bond attorney that Mayor Jones contacted about the issue. Being no further discussion, Mayor Jones then called for a vote. Mayor Jones announced the motion had passed 6 yeas to 0 nays.

**Ordinance 2017-02:** - *set speed limit on Logan Street at 15 mph*– This is an Ordinance to set speed limit on Logan Street at 15 mph

Mayor Jones stated that due to research and input from the AML, it was decided to change the way city ordinances were to be passed to a more refined process. The council will be presented with (4) options of ways the ordinance can be addressed. The Mayor will ask the council how it wants to proceed. Once the ordinance is voted on, then it will be decided by vote as to whether the emergency clause will be applied.

It was asked by Alderman Shipman if it was ok to use the emergency clause. Alderman Crain stated that the council did not need to enact the emergency clause if it wasn't necessary. Mayor Jones stated that is correct but that is decided by Attorney Orr when he writes the ordinance that is up before the council. On this ordinance that is dealing with speed and safety of the citizens of Brookland, it would apply. Other questions were asked about the location and speed rate but Attorney Orr stated the ordinance needed to be read first.

Mayor Jones read the (4) options to the council. David Gambill made a motion to read Ordinance 2017-02 first reading entirety, dispense the rules for the 2<sup>nd</sup> and 3<sup>rd</sup> reading by title only. The motion was seconded by Mike Bishop. Mayor Jones states motion and second, opens to council for any further discussion. Being none, Mayor Jones then called for a roll call vote.

Mike Bishop: Yes      Jean Gandy: Yes      David Gambill: Yes      Wilson Shipman: Yes  
Martin Crain: Yes      Maghen Carpenter: Yes

Mayor Jones announces the motion had passed by a vote of 6 yeas to 0 nays.

Attorney Kevin Orr read Ordinance 2017-02 in its entirety. Attorney Orr stated that since the council has already voted on the motion, he would proceed to do the 2<sup>nd</sup> reading by title only. Attorney Orr reads Ordinance 2017-02 2<sup>nd</sup> reading by title only. Attorney Orr stated that since the council has already voted on the motion, he would proceed to do the 3<sup>rd</sup> and final reading by title only. Attorney Orr reads Ordinance 2017-02, 3<sup>rd</sup> and final reading by title only.

Mike Bishop made a motion to accept the third and final reading of Ordinance 2017-02. Motion was seconded by David Gambill. Mayor Jones states motion and second, opens Ordinance 2017-02 to council for discussion. Police Chief Jon Moore agreed with the speed limit that was called out in the ordinance. With no more discussion, Mayor Jones then called for a Roll Call Vote.

Mike Bishop: Yes      Jean Gandy: Yes      David Gambill: Yes      Wilson Shipman: Yes  
Martin Crain: Yes      Maghen Carpenter: Yes

Mayor Jones announces the motion to accept Ordinance 2017-02 had passed by a vote of 6 yeas to 0 nays.

Attorney Orr stated this is the point in time if the ordinance is passed that you would then make a motion to accept the emergency clause. If the emergency clause is not acted upon, the Ordinance would go into effect in 30 days because it has been read three times. If the emergency clause is passed, the ordinance goes in to effect immediately.

Mike Bishop made a motion to accept Emergency Clause in section 2 of Ordinance 2017-02 as read. Motion seconded by David Gambill. Mayor Jones states motion and second, opens motion to accept emergency clause to council for discussion. Being none, Mayor Jones then called for a roll call vote.

Mike Bishop: Yes      Jean Gandy: Yes      David Gambill: Yes      Wilson Shipman: Yes  
Martin Crain: Yes      Maghen Carpenter: Yes

Mayor Jones announces the motion to accept emergency clause in Ordinance 2017-02 had passed by a vote of 6 yeas to 0 nays.

### **Old Business**

**WIP 2016-01 - well & tank-field project update from Jason MacDonald with Civil Engineering Associates**– Jason McDonald updated the council on the new well process. He stated that they are going to do pre-con on Contract 1 & 2 tomorrow (2/14/17). That pertains to the line work and the well work itself. The actual construction will start in the next ten days or so. Alderman Crain was asked by a citizen if they were responsible for the sewer line running from the main line to the homestead of new sewer system. He told them they would and that is correct per Mayor Jones.

**Jail Bill Defrayment Ordinance** – Attorney Orr reported that he is still in talks with the district judges. The issue is being investigated and hopefully more information will be available at next month's meeting.

**Shirley Street -contractor has not finished paving of street; discuss options:** Attorney Orr is still gathering more information on this issue. Paperwork needs to be gathered on the contractor commitments. These streets have not been accepted as streets as of the present time. This will be taken up at the next meeting.

**Previous Month's Financials** – Mayor Jones reviewed January's Financial Reports. The following are 1-31-17 ending balances for the main operating checking accounts:

1. General Fund ending balance was \$192,283.06
2. Street Fund ending balance was \$118,872.32
3. Utility Fund ending balance was \$377,439.59

A question was raised by Alderman Gambill about \$15,000 that was listed in the negative under the assets in the Street Fund Balance Sheet. The office manager was contacted by Mayor Jones via phone text and it was noted that this would be checked into and reported at next month's meeting.

Mayor Jones noted the monthly Water Improvement Project Estimated Pay-Off, of current 30-year note, would be at 10.27 years at the current rate.

### **Mayor's Notes –**

**Update on Well #1 (N. Hickory St.)** – The well went down on 2/4/17. The pump and system is currently running on submersible pump. It will take approximately 2 weeks to make all repairs. This issue was discussed earlier in the meeting. Mayor Jones stated the issue can be considered an up-grade and could be applied and paid by the well improvement bond the city currently has if there was enough money to pay for it and all the current project. This is per the bond attorney that Mayor Jones contacted about the issue.

**Navi Retail Proposal** – This is a company that trains townspeople how to contact, work, attract businesses. The cost would be \$10,000 for 6 months to 1 year of training. After discussion, the council decided that this would not be a good option now.

**Update on drainage ditch in Hardwood Acres; between Cherry & Brookland Streets** – Mayor Jones stated that he had re-sent the letters and that there were still no new signed ones. He is now turning his attention to the Dooley ditch project. He is in talks with the residents of that area and is in process of getting the paperwork of the easements drafted.

**Alderman Crain reimbursement for gas** – Mayor Jones stated Alderman Crain is seeking reimbursement for gas expense. Alderman Shipman made a motion for the city of Brookland to reimburse Alderman Crain \$34.13 for gas spent to travel to the Arkansas Municipal League Convention that was held in Little Rock this past January. Jean Gandy second the motion. Mayor Jones stated motion and second and then opened motion to the council for discussion. Being no discussion, Mayor Jones called for a vote. Mayor Jones announced motion passed 5 yeas to 0 nays, with 1 abstained (Martin Crain).

Mayor Jones recognized Captain Janssen Settlemoir, with the Brookland Police Department, who was present in the crowd for his bravery earlier in the day. Janssen helped pull an elderly lady from a burning house. Everyone gave Janssen a standing ovation.

Wilson Shipman made a motion to adjourn. It was seconded by David Gambill. Mayor Jones called for a vote. Mayor Jones announced motion passed 6 yeas to 0 nays. Meeting adjourned at 8:11 PM by Mayor Jones.

Kenneth Jones, Mayor

Billy Dacus, City Clerk/Treasurer