

Brookland City Council Minutes
August 14, 2017

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

Roll Call: Council 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 July 10, 2017 Brookland City Council minutes as written. The motion was 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 the motion to accept the city council minutes from July 10, 2017 passed 6 yeas to 0 nays.

Mike Bishop made a motion to approve July 24, 2017 Brookland City Work Session minutes as written. The motion was 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 the motion to accept the city council minutes from July 24, 2017 passed 6 yeas to 0 nays.

Mayor Jones ask if Superintendent Keith McDaniel could address the council. Wilson Shipman made a motion to allow Superintendent Keith McDaniel to address the council since he was not listed on the agenda. The motion was seconded by Mike Bishop. Mayor Jones stated motion and second and then opened the motion to the council for discussion. Being no discussion, Mayor Jones called for a vote. Mayor Jones announced the motion to allow Mr. McDaniel to speak had passed 6 yeas to 0 nays.

Superintendent McDaniel and Assistant Superintendent Stephanie Reddick presented Police Chief Jon Moore and Police Captain Janssen Settlemoir, as well as the Brookland Police department with a certificate of recognition for their involvement with Brookland School's "Cat Club" program this summer. Mr. McDaniel said it was good for the kids to see that the officers care about them. Picture were posted on the Brookland City Hall and Brookland School websites.

New Business

Vector Disease Control – Jim Stark: – Jim Stark passed out booklets recapping the mosquito surveillance and control report for the month of July. He stated that Vector will do a planned aerial spray of the city on August 16 if weather permitting. If not, the aerial spray would be done as soon as possible. Jim also stated that it looked like the mosquitoes are not as bad as previous years according to Vector's charted graphs. Vector will keep working to keep the mosquitoes under control.

Ordinance calling for Annexation Special Election-set date & Ballot – Mayor Jones stated that not all the information for the Ordinance was available at this time. He stated a special meeting would need to be scheduled to address this topic. Mike Bishop made a motion to schedule a council meeting for Monday, August 21st, 2017. The motion was 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 the motion to schedule a council meeting for Monday, August 21st, 2017 passed 6 yeas to 0 nays.

(This scheduled special meeting was later rescinded later in the August 15th meeting.)

Steve Beck – Inform council of new ISO Rating – Brookland Fire District Chief Steve Beck addressed the council stating that beginning October 1, 2017 the fire rating for the city would change from a rating of Class 5 to a rating of Class 4. This means that most of the Brookland residents fire insurance should decrease.

401 Holman – Possible Purchase – Mayor stated that the property at 401 Holman is for sale. These two buildings, if purchased could be used for the Museum/Brookland Library. The asking price is \$125,000.00. There was a lengthy discussion on how up-to-date the electrical and water system might be. City Inspector Doug Frederick and Brookland Fire District Chief will look at the buildings and report back to the council. The Mayor wanted the council to be aware and asked them to look at the buildings and think about if the city might be interested in purchasing this property. This item will be discussed at next month's meeting.

Doug Frederick – Recommend condemnation of properties at 200 Church St.; storage building at 615 Holman; 100 S. Bernis; 177 Brady Lane; 503 Stevens St – City Inspector Doug Frederick proposed (5) properties for condemnation.

615 Holman: This storage building has set empty for some time and is in very poor condition. The building belongs to Christopher (Kit) Bynum and he has been unable to contact. David Gambill made a motion to condemn the storage building at 615 Holman. The motion was seconded by Martin Crain. Mayor Jones stated motion and second and then opened motion to the council for discussion. Being 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 condemn the house at 615 Holman had passed by a vote of 6 yeas to 0 nays.

503 Stevens Street: These apartments are a partial tear down that the work has stopped or is very, very slow. Mike Bishop made a motion to condemn the structure at 503 Stevens Street. The motion was seconded by Martin Crain. Mayor Jones stated motion and second and then opened motion to the council for discussion. Being 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 condemn the apartments at 503 Stevens Street had passed by a vote of 6 yeas to 0 nays.

100 S. Bernis St.: This house is in foreclosure and owned by Ever Bank. No attempt to fix issues have been made. This poses a health and safety risk. Martin Crain made a motion to condemn the house at 100 S. Bernis St. The motion was seconded by David Gambill. Mayor Jones stated motion and second and then opened motion to the council for discussion. Being 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 condemn the house at 100 S. Bernis St had passed by a vote of 6 yeas to 0 nays.

177 Brady Lane: This house was moved from 8100 HWY 49N to Brady Lane in July of 2015. It has remained on blocks since this time. This is very much a safety hazard. City Inspector Doug Frederick reported seeing a child under this home. David Gambill made a motion to condemn the house at 177 Brady Lane. The motion was seconded by Martin Crain. Mayor Jones stated motion and second and then opened motion to the council for discussion. Being 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 condemn the house at 177 Brady Lane had passed by a vote of 6 yeas to 0 nays.

200 Church Street: This home has had cosmetic improvements outside. Owner states that the inside is only 10% finished. The owner was given a six month extension on 06/08/2015 to make all repairs to the home. The extension was given over two years ago and the project has still not been completed. The owner had indicated that he was wanting to sell the property, but there was a property boundary dispute. Martin Crain made a motion to condemn the house at 200 Church Street. The motion was seconded by David Gambill. Mayor Jones stated motion and second and then opened motion to the council for discussion. Being 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 condemn the house at 200 Church Street had passed by a vote of 6 yeas to 0 nays.

Billy McGee – 100 East School – Billy McGee addressed the council stating that he was buying the house at 100 East School St. on a land contract from Janetta and Jamie Butler. He stated he started to work on the home but bad weather and other circumstances have delayed the process. Billy said he needed to talk with the city about getting a building permit but wanted to go thru the council since this house was in the condemnation process. Mr. McGee said he could get a letter or a contract from the Butlers if needed. City Attorney Orr stated that a land contract is not a filed document until the project is completed. Attorney Orr stated that the owner is the one that needed to file for the building permit. Mr. McGee stated that he would get her up to City Hall to do this. McGee said that the deed is in the process of being transferred to him. Mayor Jones stated that the council would need a progress update at next month's.

ADEQ MS-4 storm water audit review – Mayor Jones reported to the council that ADEQ conducted their MS-4 storm water audit this past week and the meeting didn't go so well. I don't think there will be any fines but there may be write-ups. ADEQ will send a report and the Mayor said he will share the report with the council hopefully at the next meeting.

Justice Network County law suit – Mayor Jones updated the council on the Justice Network County lawsuit. He reported that the municipal league attorneys are presenting most of the local municipal cities in the suit. He also stated that a motion for dismissal was filed on behalf of Brookland, Bay, Lake City, Caraway, Cash, Egypt by the Arkansas Municipal legal department. Mayor Jones said he would keep the council updated as further information becomes available.

307 N. Bernis is for sale – Discuss detention pond for that area – Mayor Jones stated that this property is for sale that is located by the old fire station. This area could be a great spot for a detention pond. The property which is two large lots can be purchased for the asking price of \$80,000.00. Mayor stated that it would be possible to design the detention pond so one lot could be sold to build a house on if council so chooses. The mayor wants the council to look at the area and think about the process and discuss it at next month's meeting.

Ted Cox property for sale @ 202 W. Smith St. (corner of Smith and Bernis)- Consider moving city park to that lot and sell lots where current city park is located? – Mayor Jones asked the council to consider looking at the property at 202 W. Smith St. for a possible site for a new park. The asking price for this property is \$80,000.00. The mayor said we could sell the property (two lots) where the current park is located and relocate to this bigger spot. The council said it would look at this and discuss it at next month's meeting.

Old Business

WIP 2016-01 – well & tank-field project update from Jason MacDonald with Civil Engineering Associates– Jason MacDonald updated the council on the new well process. He stated that the tank is done and fully erected. He said that the tank would be painted in September or early October. The drilling process could start this week and will take approximately 3-weeks. Mr. Rainwater is still in the process of laying the new water lines in the city and is making good progress.

2nd Reading of Ordinance 2017-13 to accept Phase I Brookland Hills infrastructure to city – Mike Bishop made a motion to read Ordinance 2017-13 2nd reading by title only. The motion was seconded by David Gambill. Mayor Jones states motion and second, opens to council for any further discussion. Being none, Mayor Jones then called for a vote. Mayor Jones announced motion to read Ordinance 2017-13 2nd reading by title only had passed 6 yeas to 0 nays.

Attorney Kevin Orr read Ordinance 2017-13 by title only for the second reading.

Resolutions for Condemnation of properties @ 100 E. School Street and camper trailer at 21 Keith Road -

Resolution 2017-14 – *This is a resolution providing for the condemnation and removal of houses, buildings and/or structures constituting a nuisance within the corporate limits; providing for a lien on the property; providing a penalty therefore, and for other purposes. This is for the property at 100 East School Street, Brookland Arkansas.*

City Attorney Kevin Orr read Resolution 2017-14 in it's entirety. Mike Bishop made motion to accept Resolution 2017-14 as read. The motion was seconded by David Gambill. Mayor Jones stated motion and second and opened motion to council for discussion. The mayor reminded Billy McGee that this was the property that he is working on. Being no further discussion, Mayor Jones then called for a roll call vote. Mayor Jones announces the motion to accept Resolution 2017-14 had passed by a vote of 6 yeas to 0 nays.

Resolution 2017-15 – *This is a resolution providing for the condemnation and removal of houses, buildings and/or structures constituting a nuisance within the corporate limits; providing for a lien on the property; providing a penalty therefore, and for other purposes. This is for the camper trailer at 21 Keith Rd., Brookland Arkansas.*

It was noted that this camper trailer was moved across the road to 177 Brady Lane but it was decided to proceed with the condemnation process.

Mike Bishop made a motion to read Resolution 2017-15 by title only. The motion was seconded by David Gambill. Mayor Jones states motion and second, opens to council for any further discussion. Being none, Mayor Jones then called for a vote. Mayor Jones announced motion to read Resolution 2017-15 by title only had passed 6 yeas to 0 nays.

City Attorney Kevin Orr read Resolution 2017-15 by title only with the entry of 21 Keith being the addition. Martin Crain made motion to accept Resolution 2017-15 as read. The motion was seconded by David Gambill. Mayor Jones stated motion and second and opened motion to council for discussion. Being none, Mayor Jones then called for a roll call vote. Mayor Jones announces the motion to accept Resolution 2017-15 had passed by a vote of 6 yeas to 0 nays.

Annexation update – Mayor Jones stated the city has been requested by W.T. Gatlin, Jerry Crocker, John and Helen Bishop and have been given a letter of intent to petition annexed into the city. The map has been sent to Arkansas GIS office and once confirmed, the proper documents will be written and presented to Craighead County Judge Ed Hill. Judge will have a public hearing on the petition annexation. Next the city will accept by ordinance/resolution the petition to annex properties into the city. Mayor Jones stated this process will take about 45 to 60 days to complete.

Previous Month's Financial s – Mayor Jones reviewed June's Financial Reports. The following are 7-31-17 ending balances for the main operating checking accounts:

1. General Fund ending balance was \$235,277.60
2. Street Fund ending balance was \$137,088.45
3. Utility Fund ending balance was \$268,004.56

The mayor also passed out a sheet that had the Water Improvement Project estimated pay-off. It was noted that the noted would be paid off in 10.68 yrs./ 13.63 yrs. interest pay-off at the current city sales & use tax funds distribution.

Mayor's Notes –

Dooley Ditch Update – Mayor Jones stated that the city still hasn't received all the signatures for the easement for the Dooley ditch clean-out. E. Matthews to Eason, the city still needs (3) signatures and Eason St. to Dooley culvert, all signatures are still needed.

Repealing old ordinance – Mayor Jones stated that the city had several older ordinances/resolutions that are outdated. He asked Attorney Orr if anything could be done; if they could be repealed? Attorney Orr stated that they could be repealed with another ordinance with the council approving. This matter will be looked at closer in the future.

Mayor Jones asked if there is anything else from the council? There was no discussion.

Mayor Jones ask if there is anything from the floor? Steve Beck addressed Mayor Jones and the council. Mr. Beck was the spokesman for a group of concerned residents of the Stone Ridge subdivision located on CR 7670 that were present at the meeting. Steve stated that the subdivision did not want to be annexed into the city. There were several reasons why they didn't want to be annexed into the city but the main reason was not wanting to be governed by city bylaws. Several people made their point to the council. After a very long and lengthy discussion on the pros and cons of annexation for that area and the idea that dropping the annexation process altogether, Wilson Shipman made a motion to pull the annexation process off the calendar. The motion was seconded by Martin Crain. Discussion from the floor continued. Council Person Martin Crain said to Mayor Jones "You have a motion and second on the floor, let's move to a vote." Mayor Jones stated "Ya'll all know the motion and called for a vote."

Mayor Jones announced the motion to pull the annexation process off the calendar had passed by a vote of 5 yeas to 1 nay.

Wilson Shipman made a motion to adjourn. It was seconded by Maghen Carpenter. Mayor Jones stated motion and second, called for a vote. Mayor Jones announced motion to adjourn passed 6 yeas to 0 nays. Meeting adjourned at 9:00 PM by Mayor Jones.

Kenneth Jones, Mayor

Billy Dacus, City Clerk/Treasurer