

Brookland City Council Minutes
January 8, 2018

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, Mayor Kenneth Jones, Attorney Kevin Orr, and City Clerk Billy Dacus.

Mike Bishop made a motion to approve December 11, 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 December 11, 2017 passed 6 yeas to 0 nays.

New Business

Amend 2017 Budgets as allowed by Arkansas Code Ann. § 14-58-203 - This is a Resolution amending the 2017 budgets for the General, Utility, and Street Funds for the City of Brookland, Arkansas as is allowed by Arkansas Code Annotated § 14-58-203. City Attorney Kevin Orr read Resolution 2018-01 amending the 2017 General, Street, and Utility Fund Budgets. Mike Bishop made motion to accept Resolution 2018-01 as read. The motion was seconded by David Gambill. Mayor Jones stated motion and second and opened motion to council for discussion for each budget (General, Street, and Utility). Mayor Jones explained that state law requires the city to amend the budgets if they have any line items over spent. The revised budgets have the amended line items adjusted. The monies have been moved around to meet the requirements. Being no further discussion for each budget (General, Street, and Utility), 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 announced the motion accepting of Resolution 2018-1 has passed by vote of 6 yeas to 0 nays

Auction of home located at 307 N Bernis & other misc. items – Mayor Jones stated the property purchase of 202 W Smith and 307 N Bernis has been completed. He said he would like to ask the council to approve a public auction to be held at 307 N Bernis. The purpose of this sale would be to liquidate all the old house components that can be sold. Also in the auction, the city would place the 1989 Blue Flatbed Chevrolet, 2004 Chevy Truck, 2004 Explorer, 1991 Case 580K Backhoe, and other misc. items around the shops that are no longer used. A dollar amount can be placed on the Case Backhoe and Ford Explorer before auction.

Mike Bishop made a motion for the City of Brookland to hold a public auction for the sale of the house components at 307 N Bernis, 1989 Flatbed Chevrolet, 2004 Chev Truck, 2004 Ford Explorer, Case 580K Backhoe, and other misc. city items not in use. A reserve will be set on the 2004 Ford Explorer and Case Backhoe before the auction by city council. David Gambill seconded the motion. Mayor Jones stated motion and second and opens to council. It was discussed by Wilson Shipman as to “where” the auction should be held because of traffic that might be blocked on that street. Mayor Jones stated that he

thought there would be enough parking so that the street would not be blocked. It was also stated that it would probably be April before the auction could take place. Being no further discussion, Mayor Jones called for a vote. Mayor Jones announces motion to hold public auction at 307 N Bernis has passed by a vote of 6 yeas to 0 nays.

Review Ordinances 2009-18 & 2012-19 establishing water and sewer rates for Brookland Utilities –

The council members were given a copy of Ordinance 2009-18 and Ordinance 2012-19 amending 2009-18 to include a Multi-Family Complex water rate, in their packet. The Mayor stated per our 2017 Utility Audit and yearly ending checking balance that he would ask for a motion to leave our utility rates as set by Ordinance 2009-18 as amended by Ordinance 2012-18.

Mike Bishop made a motion to stay with current water/wastewater rates as described in Ordinance 2009-18 as amended by 2012-19. David Gambill seconded motion. Mayor Jones stated motion and second and open the motion to council for discussion. Being none Mayor Jones call for a vote. Mayor Jones announces motion to stay with current water/waste water rates as described in Ordinance 2009-18 as amended by 2012-19. had passed by a vote of 6 yeas to 0 nays.

Review biased Law Enforcement policy – Mayor Jones stated that the City of Brookland is required to review this police policy each year. He asked City Attorney Kevin Orr to review and suggest changes if any are needed. Kevin Orr said that no changes were needed. Mike Bishop made a motion that we continue the current biased law enforcement policy per Resolution 2016-09. David Gambill seconded the motion. Mayor Jones stated motion and seconded and then opened to council for discussion. Being no further discussion, Mayor Jones called for a vote. Mayor Jones announced the motion to continue our current biased law enforcement policy per Resolution 2016-09 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 MacDonald updated the council on the process of the new well. He stated that tank is done. They are working on the well house. Mr. Rainwater is still laying the new water line is making good process despite the weather conditions.

Purchase of 401 Holman – Update – Attorney Kevin Orr stated that he had spoken with the attorney for Nightingale Heat and Air and that they had asked for some changes to the land contract. The attorney for Nightingale wanted to add a 120-day buffer period if their building wasn't ready to move into when the it came time to finalize the note. They also wanted a stated dollar amount added to the contract for rent if the 120-days were needed. Mike Bishop made a motion that the Brookland City Council agrees with the monthly payment of \$1,000.00 dollars per month for 120 days after closing on purchase of 401 Holman. The motion was seconded by David Gambill. Mayor Jones states motion and second, opens the motion up for further discussion. It was asked what if more than the 120 days were needed. Mr. Orr said we could renegotiate at that point. It was proposed by Martin Crain to possibly raise the rent, if more time was needed. Being no further discussion Mayor Jones calls for a vote. Mayor Jones announces motion passed by a vote of 6 yeas to 0 nays.

Discuss when the front yard of one property touches the back yard of another property and there are unsightly conditions – Attorney Kevin Orr stated that he had researched this problem which has been

discussed over the past several meetings. He said that the ordinances by the city and the statues of the state laws do not discriminate as to a front yard or backyard. City of Brookland has no designated code enforcement officer, but a citation can be written by police for violation of ordinance. It was discussed by the council as to what process now needs to be taken. It was suggested by Martin Crain that police officers speak with certain residents asking them or possibly giving a written warning to any person that is in violation of the law.

Previous Month's Financial s – Mayor Jones reviewed December's Financial Checking Account Reports. The following are 12-31-17 ending balances for the main operating checking accounts:

1. General Fund ending balance was \$190,605.89
2. Street Fund ending balance was \$145,888.93
3. Utility Fund ending balance was \$312,688.00

Mayor's Notes –

Proclamation for School Choice Week – The Mayor read the proclamation designating January 21-27, 2017 as Brookland School Choice Week.

Mayor Jones ask if there is anything from the council? Martin Crain brought up that there was an issued with a new sign that has been added on Holman (aka Hwy 49-B N), south of School Street, that is blocking the view of oncoming traffic on Holman. Mr. Crain asked if it was the city's responsibility or the highway department. Mayor Jones stated that is was the highway department, but he would contact Mr. Smithee with the issue.

Mayor Jones ask if there is anything from the floor? Cheri Belcher addressed the council with a problem with the drainage at her mother's home at 122 Hayes Street. She also said her mother's driveway access was being blocked. Ms. Belcher showed the council pictures of the drainage after a heavy rain in late December. It was discussed by the council members and Mayor Jones that this was a low-lying area, but thought the drainage had been improved by ditches added to relieve the water. Mayor Jones noticed that a dirt mound might have been blocking the access drainage in this certain situation. The dirt mound has since been re-moved. There was also the discussion about the driveway access being blocked and land locked by another land owner's property. It was pointed out by Attorney Kevin Orr that this issue was a civil matter that the city could not get involved in.

Martin Crain made a motion to adjourn. It was seconded by David Gambill. 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 8:12 PM by Mayor Jones.

Kenneth Jones, Mayor

Billy Dacus, City Clerk/Treasurer