

## Brookland City Council Minutes

January 9, 2017

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

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

Mike Bishop made a motion to approve December 12, 2016 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 December 12, 2016 passed 5 yeas to 0 nays.

Mike Bishop made a motion to approve December 30, 2016 Brookland Special 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 December 30, 2016 passed 5 yeas to 0 nays.

### **New Business**

**Fill vacant city council position Ward 1, Position 2:** – Mayor Jones asked Maghen Carpenter to come up in front of the council. He stated that Maghen has shown interested in serving on the council to fill the vacancy in Ward 1. The council questioned Maghen as to where she lives and why she might want to serve. She answered all questions to the satisfaction of the council. Mayor Jones then stated he would like to present Maghen to the council for consideration of appointment for the position. Wilson Shipman made a motion to appoint Maghen Carpenter to fill the vacancy of Brookland City Aldermen of Ward 1, Position 2. The motion was seconded by Martin Crain. 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 5 yeas to 0 nays. Maghen was then sworn into office by Mayor Jones and started serving her term.

**Discuss meeting rules and procedures:** – Mayor Jones gave a copy of Ordinance No. 2013-09, as well as the amendment to the ordinance (Ordinance No. 2014-03) to the council for review. This ordinance establishes the city council meeting rules and procedures. He asked the council members to review the ordinance and asked if there were any changes or questions that needed to be addressed. Being none, Mayor stated that the council would continue to operate under these terms for the following year.

**Ordinance 2017-01:** - *waive competitive bidding on construction at 407 Holman & advertise project*– This is an Ordinance to waive competitive bidding on construction at 407 Holman.

Attorney Kevin Orr read Ordinance 2017-01 in its entirety. Mike Bishop makes a motion to accept Emergency Clause in Ordinance 2017-01 as read. Motion seconded by David Gambill. Mayor Jones states motion and second, opens motion to accept emergency clause to council for discussion. The council questioned as to what was actually being done. Mayor Jones explained briefly and stated that would be discussed later; that right now the discussion should be about the emergency clause. 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 the Emergency Clause of Ordinance 2017-01 had passed by a vote of 6 yeas to 0 nays.

Mike Bishop makes a motion to suspend the rules and go to the second reading of Ordinance 2017-01 by title only. Motion seconded by David Gambill. Mayor Jones states motion and second, opens to council for discussion. Being no discussion, Mayor Jones calls for a vote. Mayor Jones announces the motion to suspend the rules has passed by a vote of 6 yeas to 0 nays.

Attorney Orr reads Ordinance 2017-01 2nd reading by title only. Mike Bishop makes a motion to suspend the rules and go to the third and final reading of Ordinance 2017-01 by title only. Motion seconded by David Gambill. Mayor Jones states motion and second, opens motion to suspend the rules to council for discussion. Being no discussion Mayor Jones calls for a vote. Mayor Jones announces the motion to suspend the rules and go to the third and final reading of Ordinance 2017-01 has passed by a vote of 6 yeas to 0 nays.

Attorney Orr reads Ordinance 2017-01, 3rd and final reading by title only. Mike Bishop makes a motion to accept the third and final reading of Ordinance 2017-01 as read. Motion seconded by David Gambill. Mayor Jones states motion and second, opens Ordinance 2017-01 to council for discussion. The council had questions about the size of the building, the process and expense of the project, as well as the overall usages of the building. Mayor Jones explained and answered all questions to the satisfaction of the council. After much 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 2017-01 had passed by a vote of 6 yeas to 0 nays.

**Brookland Fire Protection District Contract:** - Mayor Jones stated that the state auditors have been looking over the files of the city. It was found that the city of Brookland had been in operation with the Brookland Fire District via an Ordinance. This is no longer a valid choice. The agreement must be written into a contract. The Mayor has asked Attorney Orr to look at this situation and how best to handle the subject. Information is being gathered from the past ordinances, but modifications may need to be made.

**Complaints regarding unfinished drive at 315 S Oak (Coggins):** City Inspector Doug Frederick addressed the council about several complaints about an unfinished drive at the 315 S. Oak. Mr. Frederick wrote a Certificate of Occupancy for the home because the young couple were without a home at the time and the city inspector was told the drive would be finished in a timely matter. However, the drive has not been completed to this date and the weather has caused the more delay as well as making the drive extremely muddy that is causing other area residents problems. The house is owned by one of the council members and his grandson occupies the house. Alderman Shipman stated, "It is my house. " Alderman Shipman tried to explained to the council that a person was supposed to do the work in trade for work from his grandson who is a plumber, but hasn't made it out as of yet. According to regulations of the city of Brookland, a hard surface drive is required inside the city limits. Mr. Fredrick wanted the council to be aware of the situation and stated he will not let this happen again. Alderman Shipman said he would get this issue resolved as soon as weather allows.

**Discussion of the Jail Bill Defrayment Ordinance:** Mayor Jones stated that Police Chief Jon Moore was going over the Jail Defrayment Bill for the city and noticed that twenty dollars was being deducted from the fines and fees revenue for the city. An Ordinance was passed in 2015 (2015-33) that added the twenty dollars to misdemeanor violations that was to offset the jail bill fee. City Ordinance 2015-33 states this money was supposed to be collected and brought to the city clerk, put in account, once jail bill came into city hall money collected used to help pay jail bill. District Court is taking this money out of fines and actually giving it to the jail. Attorney Orr is checking into this matter. More information is being sought from other towns that are also in part with the agreement. The mayor wanted the council to be aware of this situation and depending on the matter, the Ordinance of 2015-33 may need to be revoked. New findings will be discussed at next month's meeting.

### **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. Everything has been sent to the contractors and waiting on their return back. Jason has set-up a tentative pre-construction conference for January 24<sup>th</sup>. He spoke with the health department about their approval and they ask that the bathroom facilities be removed from the well-house because of lack of enough area in the house and the department asked for the feed line to be adjusted. Mayor Jones stated that the signage on the tank would read "City of Brookland" "Home of the Bearcats". The council asked how soon the construction would actually begin. Jason stated that once the conference was done, it would soon start. He is hoping for the end of January or the middle of February at the latest.

**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. This is still a work in progress.

**Update on East School St. drainage improvements –** Mayor Jones stated that the weather has slowed down the work some. Once the weather gets better, the work will continue. The council questioned about the trees being removed and the Mayor stated that they would be.

**Rental property at 247 Brady Lane –** Attorney Orr wrote a rental agreement for this property owned by the city a couple of months ago and he has finalized the agreement. It was given to the council for review. It was explained by Attorney Orr that a reasonable rent amount could be established and deductions could be offered to city employees as long as they meet the requirements of the lease. The agreement deductions could be amended to certain employees of the city of Brookland based on their job skills. This would not be considered as wages to the employee. A basic rent of \$800 per month with a \$200 deposit has been set. With Mayor Jones help, an outline for deductions was made for employees with water treatment licenses and years of experience of police officers since there were two individuals that showed interest in renting the home. Water Superintendent Tim Harrington said he was still interested, but Police Officer Blake Miller said he was no longer interested. Based on Mr. Harrington experienced licensing, his rent could be set at \$425 per month based on the outline of the lease. The council questioned the amount of deposit; whether it should be increased. Once it was established that

the lease agreement was for city employees only, it was agreed that it was fair. Wilson Shipman made a motion to rent the property at 247 Brady Lane to Tim Harrington at \$425.00 per month with a \$200 deposit. The motion was seconded by Martin Crain. Mayor Jones stated motion and second and opened motion to council for discussion. Being no further discussion, Mayor Jones then called for a vote. Mayor Jones announced the motion had passed 6 yeas to 0 nays.

**Shirley Street -contractor has not finished paving of street; discuss options:** Mayor Jones wanted to bring to the council's attention that Shirley Street that is located north of the new school hasn't been paved by the contractor. The mayor wanted to see if the city were to pave the street if they could seek reimbursement from the contractor for a job unfinished. Attorney Orr said he would look into the situation and report back. It was also noted by council that the city would need to accept the streets by ordinance as "city streets" in the housing area.

**Previous Month's Financials** – Mayor Jones reviewed December's Financial Reports. The following are 12-31-16 ending balances for the main operating checking accounts:

1. General Fund ending balance was \$179,431.11
2. Street Fund ending balance was \$108,693.19
3. Utility Fund ending balance was \$361,638.85

**Revised 2017 Budgets** – Mayor Jones pasted out a revised copy of the 2017 budgets for all (3) Funds (General, Street, and Utility). The mayor had estimated the carry-over amount before the end of the year totals were available. He went back and entered the correct carry-over amounts in each fund so that they would read accurate.

#### **Mayor's Notes –**

**AML Convention meeting in January** – Mayor Jones announced to the people that were attending the convention that they would be leaving Wednesday morning at 8:00 am departing for Little Rock. Travel arrangements were made.

The Mayor passed out a graph that show the 1% sales tax collected in both 2015 and 2016. He also passed out the standard sheet requested by the council that shows the revenue gained by the 2% sales tax. With the current rate of the revenue, the 30-year note for the new well project could be paid for in 10 years.

The council questioned if any new businesses were coming to the city and the Mayor stated that there were some projects in the works but could not comment on them as of right now because of confidential request from the business parties.

Alderman Crain asked about getting help for the houses on North Oak area. Alderman Crain said when it rains my aunt lives in one of the houses and water stands in her back yard as it does the other houses I'm sure. The Mayor stated that an easement would need to be established. More information will be gathered and address at a later meeting.

Andrea Alley, who lives at 111 Brookland Street, had a question on a drainage issue in the Hardwood Acres area, as well as a tree being down in a ditch. The Mayor explained that an easement was trying to be attained to clean the ditch in the area and he would check on the tree being down. It was noted that if the easement could not be attained, that the matter would become a civil issue.

Wilson Shipman made a motion to adjourn. It was seconded by Martin Crain. Mayor Jones called for a vote. Mayor Jones announced motion passed 6 yeas to 0 nays. Meeting adjourned at 8:21 PM by Mayor Jones.

Kenneth Jones, Mayor

Billy Dacus, City Clerk/Treasurer