

HASKELL CITY COUNCIL MEETING MINUTES OCTOBER 8, 2012

The regular meeting of the Haskell City Council was held at the Haskell City Hall at 7:00 p.m., Monday, October 8, 2012.

Mayor Arey led the Pledge of Allegiance; prayer was given by Terry Babbs.

ROLL CALL: Aldermen present were Terry Babbs, Brad Graham, Dwayne Hippensteel, Allen Nash, Gary Vice, and Hal Baker. Ronnie Ballard and Rose Marie Wilkinson were absent. Others present were Roy Carman, City Attorney Sam Ed Gibson, Police Officer Josh Helton, Mary Beth Kelloms, Fire Chief Brian Cotten, Hannah Ramsey and Hanna Limoges with the Mayor's Youth Council, Police Chief Mike Holt, Mayor Jeff Arey, and Recorder Janie Lyman.

Mayor Arey declared a quorum present, and called for the reading of the minutes of the September 10, 2012 meeting. Gary Vice made the motion, seconded by Hal Baker, to approve the minutes as presented. The motion passed unanimously by yea vote.

OLD BUSINESS Consideration of whether code enforcement violations still exist at 2816 Hwy229, Haskell, owned by Mr. George Brooks.

Mayor Arey stated that, as directed by the City Council's motion at the September City Council meeting, he contacted City Attorney Sam Ed Gibson regarding the above property . After reviewing the City's Ordinance and familiarizing himself with this particular case, Mr. Gibson suggested that the Council take advantage of its authority given under Arkansas Code Section 14-54-903 which states:

REFUSAL OF OWNER TO COMPLY

- (a) If the owner of any lot or other real property within an incorporated town or city shall neglect or refuse to remove, abate, or eliminate any condition as may be provided for

under an ordinance passed by the city or town as provided in 14-54-901, after having been given seven (7) days notice in writing to do so, then the town or city is authorized to do whatever is necessary to correct the condition, and to charge the cost thereof to the owner of the lots or other real property.

Mr. Gibson prepared a “NOTICE OF PROPOSED ACTION” which was served to Mr. George Brooks by Sgt. Mike Hardester at 2:15 p.m. on September 29th. This was notification to Mr. Brooks of the City Council meeting to be held at **7:00 o’clock, p.m. Monday,**

October 8,2012, at which time the Council would find and decide whether a violation exists, and determine action to be taken.

Notification also read “if you wish to be heard by the City Council.....you should be present at the time and place stated.

Mr. Brooks did not attend the meeting.

Mayor Arey asked Police Officer Josh Helton to present the history of code enforcement problems with this property. Officer Helton stated that, beginning 11-28-2007 through May 9, 2012, six (6) citations have been given. He was given another warning on August 11, 2012.

In addition, Officer Helton presented to the Council photos taken at 2:15 p.m. today. He also advised the Council that each time Mr. Brooks was contacted, he was given a copy of the City Code Enforcement Ordinance.

City Attorney Sam Ed Gibson then addressed the Council. Per instruction from Mayor Arey, he reviewed our Ordinance 02-96, the Arkansas State statutes that support the Ordinance, and decisions of the Arkansas Supreme Court in cases involving that statute. He further stated that if the Council determines that a violation still exists, the Ordinance provides that the City of Haskell may take whatever steps are necessary to bring this property into compliance.

The City would employ a contractor to physically clean the premises to bring it into compliance.

The City would contact a commercial storage facility, contract in the name of Mr. & Mrs. Brooks, pre-pay thirty days storage cost, and deliver the keys and paperwork for the storage area to Mr. & Mrs. Brooks.

After the completion of the work to correct the violations, the City Council will conduct a hearing to determine the total cost of the clean-up, will verify this amount to the Saline County Tax Collector, whereby they will add this amount to Mr. Brooks tax bill.

After lengthy discussion, the Council determined that a violation still exists for this property. City Attorney Sam Ed Gibson had prepared Resolution 11-2012 which states in part:

Section 1. *Mayor Authorized to Correct Violations.* The Mayor is authorized to employ such contractors as he may determine to be necessary and advisable to correct all conditions upon Subject Premises which are in violation of the said Ordinance No. 2 of 1996.

Section 2. *Subsequent Hearing to Determine Cost.* After the completion of the work to correct the said violations, the City Council of the City of Haskell will conduct a hearing to determine the total cost of the same, and will certify the said amount to the Saline County Tax Collector to be collected in accordance with the provisions of Arkansas Code Annotated 14-54-904(a)(2).

Mayor Arey instructed the Recorder to read Resolution 11-2012 in its entirety. Recorder Janie Lyman read Resolution 11-2012 in its entirety.

Hal Baker made the motion seconded by Terry Babbs, to approve Resolution 11-2012. The motion passed unanimously by Roll Call vote.

DEPARTMENTAL REPORTS:

Water/Sewer In the absence of Supt. Bobby Westbrook, the water report was given by Mayor Arey; a copy of which is filed with these minutes.

Streets repairing road cuts and mowing right-of-ways

Fire & Rescue Chief Brian Cotten gave the Fire & Rescue Report; a copy of which is filed with these minutes.

Police The Police report was given by Chief Mike Holt; a copy of which is filed with these minutes.

Court Mayor Arey gave the court report; a copy of which is filed with these minutes.

Planning Commission Review of Rolling Meadows Estate Subdivision

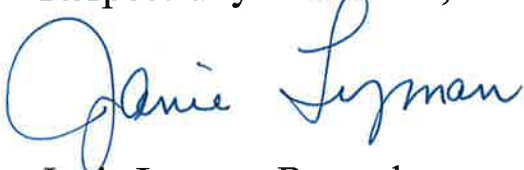
Code Enforcement Mayor Arey gave the Code Enforcement report; a copy of which is filed with these minutes.

PUBLIC COMMENTS Mayor Arey introduced Hannah Ramsey and Hannah Limoges, members of the Mayor's Youth Council.

ANNOUNCEMENTS Brad Graham, Chairman of the Planning Commission announced that Vice-President Steve Moore had tendered his resignation. Mayor Arey responded that he recommends the appointment of Larry Davis to the Planning Commission. Hal Baker made the motion to accept this recommendation. Allen Nash seconded the motion; motion passed unanimously by yea vote.

There being no further comments or questions, the meeting was adjourned.

Respectfully Submitted,



Janie Lyman, Recorder