

**FOREMAN CITY COUNCIL
REGULAR MEETING
November 21, 2022**

The Foreman City Council met in regular session on Monday, November 21, 2022, at 4:00 p.m. in the Foreman Community Center.

The meeting was called to order by Mayor William B. Harp. Prayer was offered by Joyce Green and the Pledge of Allegiance was recited.

Roger Quilty, Recorder was asked by Mayor Harp to call the roll. Present were Alana Cody, Jacqueline Wiseman, Mike McKee, and Joyce Green. Perry Young joined the meeting after roll call. Tommy McDonald was not present. City Attorney Thad Bishop and Water Superintendent Eddie Smith were also present. Mr. Quilty stated we had a quorum.

Regular Session

The minutes of the regular meeting of October 17, 2022 were presented for review, revision and approval. Mike McKee mentioned there needed to be corrections made to the October 17, 2022 minutes. He stated on page 2 the second paragraph says that Mike McKee had been to other small towns, it should read Perry Young said he had been to other small towns and their streets have all been redone. McKee made a motion to accept the minutes with the noted corrections. Jacqueline Wiseman seconded the motion. Motion carried.

The financial report for October 2022 was presented for review and approval. Mike McKee asked what the invoice for River Valley Tractor was for. He said that we didn't have a Kubota. Mayor Harp said we have a lawn mower. All of these parts were for a new spindle on the mower. Jacqueline Wiseman made the motion to accept the financial report as presented. Alana Cody seconded the motion. Motion carried.

Citizens wishing to address the council

Jeff and Traci Smith, owners of the Wooden Spoon, were on the agenda to speak. Mr. Smith said his wife, Traci, came to the city to request a smaller trash dumpster which would be \$45 a month. After a couple of weeks, the city brought a larger dumpster at the cost of \$100 a month and removed the 2 yard dumpster. Mr. Smith stated he and his wife were the owners of Gauldin Trash and Gauldin Pumping also. They requested the smaller dumpster from the city to save money. He said with them owning a trash service, he was able to haul their excess trash to the landfill and save them money. Mr. Smith said his argument was he is not conducting the business of collecting trash for a fee. He then read the city ordinance Chapter 5.08.01: "No other person, firm or corporation shall be permitted to collect and remove garbage and waste from residential dwellings, residential units, commercial units, or industrial units for a fee unless approved by the City Council." He said he obviously was not charging himself to haul off his own trash. City Attorney Thad Bishop said this was an unusual situation. He asked if anybody could haul their own trash off to the landfill and still pay the garbage bill. He said legally the ordinance does not

address this situation. Perry Young made the motion to allow the Smith's to haul their own trash at the Wooden Spoon Restaurant and pay the monthly fee of a 2 yard dumpster which currently is \$45. Mike McKee said based on the City Attorney's opinion he seconded the motion. Motion carried.

Department Reports

Administration

Mayor Harp announced the city's Christmas parade will be December 3rd. Breakfast with Santa will be at the Community Center at 9 a.m. Mike McKee said there will be vendors at the Farmer's Market starting at 4 p.m.

Mayor Harp said Tammy Whitlow, Librarian, had an energy assessment report done at the Library by SWEPCO. Mayor Harp stated the total energy project will cost \$4,800. Mayor Harp said Ms. Whitlow informed him the incentives were \$1,181.69, which left a balance of \$3,618 and Ms. Whitlow said she had \$3,175 to pay towards the upgrades. Mayor Harp said Ms. Whitlow is asking the city to pay the balance of \$443.31. Mike McKee asked if the building was city owned or county owned. Mayor Harp said he believed it was a city owned building and Perry Young agreed. Joyce Green made the motion to pay the \$443.31 for the energy upgrades at the Library. Perry Young seconded the motion. Motion carried.

Mayor Harp spoke to the council about the Water Rate survey class that is now required for city council members. Mayor Harp reminded the council the deadline to complete the class is December 31, 2022. He said he would try to get it set up all at one time.

Law Enforcement

Mayor Harp said he was going to talk to the Sheriff about writing the tickets on the vicious dogs.

Animal Control

Perry Young said he received a call from a person in town that had a vicious dog come on his property and attack his dog and ran his kids in the house. The person called the Sheriff's Department and said he was told they don't have anybody to take care of the dog. Mr. Young said the caller told him the owner did get arrested and taken to jail for other issues. The caller said he was scared if he did something to the dog the neighbor would hurt his dog or kids. Attorney Bishop asked who the dog catcher was and was told there isn't one. Mayor Harp said the city has an ordinance addressing vicious dogs that he and the sheriff have talked about but his deputies won't enforce it. Attorney Bishop said the Sheriff's Dept is not set up to handle dogs. Mike McKee said the dogs that are here now, were not here when the ordinance was written, therefore they are not grandfathered in. Attorney Bishop said if they are against the ordinance then that is a violation and every day is a violation so write them a ticket every day. Attorney Bishop said the neighbor that was afraid of the dog owner would have to come to court in order for him to prosecute him.

Fire Department

No report from the Fire Department.

Mayor Harp reported the storm siren on Rocky Comfort and 4th Street didn't have a surge protector on it and it either got hit by lightning or it got a surge in the line. Mayor Harp said Mike McKee and Rudy Hatridge had to replace the battery in it. Mike McKee said he will be checking the sirens periodically and make sure they are being routinely charged. McKee also said they would have a spare DC converter once they get that one repaired. McKee said Mayor Harp had to order a surge protector.

Parks Department

Mayor Harp stated he didn't think there was anything going on at the park at this time. He said he did get an email from Musco Lighting. This is the company that was supposed to do the lighting originally at the ballfields at the recreation park. Mayor Harp told them about a third field we were planning on building and maybe they could give us some numbers. Mayor Harp stated he referred them to Tommy McDonald. Mike McKee asked if they ever got the one light fixed that was out. Mayor Harp said they still had to go out and run grounding rods to all the lights.

Street Department

Water Superintendent Eddie Smith said they were good.

Water Department

Eddie Smith said that they were good as long as they didn't have any leaks. Mayor Harp said he had talked to Glenn Spears about what we had to do to run water across Madden St to Spring St to be able to develop the property by Dollar General. Mayor Harp said Family Dollar is going to be moving in between Dollar General and the creek on the Brown property. Mayor Harp stated he asked the Family Dollar representative if he realized it was a flood plain there and he said they had taken that into consideration. The talk continued about running the water line on the city's property behind Dollar General. Joyce Green made the motion to get it done as soon as possible. Perry Young seconded the motion. Motion carried.

Sanitation Department

Mayor Harp said we had a pressure hose explode on the trash truck and it took about three hours to get it fixed. They got it fixed and the rest of the trash was picked up the following day. Mayor Harp said that after the truck is paid for, we need to get some more dumpsters. The bottoms are rusting out on the older dumpsters.

Planning and Zoning Commission

Roger Quilty spoke of the program that was sent to the city by iWorq Systems. iWorq Systems is a cloud-based software for public works and community development. Some of the features consists of managing your assets, facilities, maintenance, permits, licenses, and more. Quilty stated that the new Planning and Zoning Commission consists of Keith Pullen, Mark Smith, Brett Rankin, Sandy McDonald and himself. He said Sandy McDonald came to the second meeting

with a taped-together map of the city and had already highlighted different areas of the city for zoning. Mayor Harp said it was something we needed to move on. Mayor Harp stated City Hall got a call from a woman wanting to put in mobile homes in the downtown business area. Mayor Harp said he referred her to the Planning and Zoning Commission. Roger Quilty said that in talking to the person from iWorq there would be a setup cost of \$1,500 and an annual cost of \$2,000. He said this is just an estimate. It would depend on how much we would be using after seeing a demonstration from the company. There was a lengthy discussion on getting the commission set up. Quilty said their next meeting is scheduled for December 5. Quilty said he asked Attorney Bishop to attend to give them legal guidance.

Unfinished Business

Mayor Harp said he is still working on the Code Enforcement officer.

Mayor Harp said he didn't know if there was any more we could do on the dispute between Billy Brown and his neighbor. Attorney Bishop said the dispute between Mr. Brown and his neighbor was a civil matter and the city should not be involved with that. Discussion was had about the Fire Marshall inspecting the premises for fire hazards.

New Business

Mayor Harp said Max Advertising who owns the billboard on Madden St. by Miller-Bowie wanted to purchase the small portion of land between Miller-Bowie and the railroad tracks where the billboard sits. Mayor Harp stated he checked into it and the city doesn't own that small portion of land. Miller Bowie had thought the city owned the land and asked the city to sell that piece of property to Max Advertising. It turned out that Miller Bowie owns the property.

Mayor Harp presented the council with a bid from Jared Lewis to repair the east end of the Community Center/City Shop. Mayor Harp said the boards are rotting and falling apart. Mayor Harp said the bid includes tearing the covering of the wall down and put up sheet metal. He also asked them to cover up the door because it's a security risk. Mike McKee asked if the price included covering the windows on the north side. Mayor Harp replied no, he thought they were going to put plywood on that. Mike McKee said they had talked about both options. Mayor Harp said he would have Jared Lewis look at that. Mike McKee said that sheet metal is a permanent fix, plywood would have to be replaced every few years. Perry Young asked if Karen McElhannon had said anything about the money from the First Step Committee that was supposed to be used for the building. Perry Young called Mrs. McElhannon and asked about the money. She responded she had given the money to the park. The amount was around \$890 dollars. Mayor Harp said they had a bid of \$4,750 to fix the wall. Mike McKee asked if there was only one bid. Mayor Harp replied yes. Perry Young asked if there was anyone else that did that type of work. Alana Cody said she thought Mayor Harp looked for someone when they did the roof on city hall and there wasn't anyone else that did that work.

Mayor Harp said there was Colby Morgan but they were not available at the time. Mayor Harp said we didn't have to advertise it because the cost was under \$35,000. Mike McKee said we didn't have to advertise it so just go with him because he did an excellent job on the City Hall

roof. Alana Cody made the motion to accept the bid from Jared Lewis of \$4750 to fix the east end wall of the Community Center/City Shop. Jacqueline Wiseman seconded the motion. Motion carried.

Mayor Harp said every year the city has given an employee retention incentive to the hourly employees and asked the council if they wanted to do that again. Mike McKee said as long as we have the money to do it. Mayor Harp said that usually comes out of the Administration Fund, which we have money there. Jacqueline Wiseman made the motion to give them \$100 Employee Retention Incentive each. Alana seconded the motion. Motion carried.

With no further business, Jacqueline Wiseman made the motion to adjourn until the next meeting on Monday, December 19, 2022. Perry Young seconded the motion, Motion carried.



William B. Harp, Mayor

Attest:



Roger Quilty, Recorder/Treasurer