

CITY OF WHITE HOUSE
Board of Mayor and Aldermen Minutes
Study Session
August 19, 2021
6:00 p.m.

1. Call to Order by the Mayor

Meeting was called to order at 6:00 pm.

2. Roll Call

Mayor Arnold - Present; Ald. Bibb - Present; Ald. Decker - Present; Ald. Hutson - Present; Ald. Corbitt - Present; **Quorum – Present.**

3. Adoption of the Agenda

Motion was made by Ald. Bibb, second by Ald. Decker to adopt the agenda. A voice vote was called for with all members voting aye. **Motion passed.**

4. New Business

a. Discuss Brookside Village HOA Concerns

City Administrator gave background of current road paving issues in Brookside Village and lack of funds available by the HOA. City Administrator asked for direction from the Board of Mayor and Aldermen to see if they would be willing to accept the roads. Mayor Arnold questioned if Phases 1 and 2 of the development were curbed and topped with asphalt, and City Administrator said that they were. Mayor Arnold asked what would be the difference if the City did take on maintenance these private roads than any other development with public roads. City Administrator Gerald Herman said that this would be like accepting roads from any other development unless the roads were not built to the City's specifications. Mr. Herman referred to Public Services Director Andy Cieslak about the current situation of the roads. Mr. Cieslak stated that private roads still have to be built to the City's specifications by ordinance. Mayor Arnold requested the Public Works department to inspect these roads prior to a final decision. Mr. Cieslak said that they would. Alderman Decker questioned if there was ever bond taken out on the road developments. Mayor Arnold said that there was a bond and the City pulled the bond. Mr. Herman said the bond was pulled to do some work in the detention pond. Mr. Herman stated that the City spent more money than the bond was worth on issues from the developer.

Mr. Joel Cooper requested to speak from the audience and Mayor Arnold allowed him to talk. Mr. Cooper stated that there was a bond around forty or sixty thousand dollars for Phase 1 of the development and that the City let it expire. City Administrator Gerald Herman mentioned that the City has found no record of this bond in the Planning or Finance departments. Mr. Cooper said that he could come up with a record of the bond since he was a consultant for the development.

Mayor Arnold stated that the issue at hand is not about the bonds, but if the City is willing to take on the roads in the development. Mayor Arnold discussed that these roads are a different situation from the previous discussion several months prior with the private roads in the Walmart complex. Mayor Arnold referred to the rest of the Board for their opinions on the matter. Alderman Decker said that this development has strung on for so long that it has raised the question of whose liability is this. Alderman Decker asked should the citizens pay for the business's failure. Alderman Decker stated that he is not inclined for the citizens paying for the failure. Mayor Arnold said that there should be no funds to take over these roads except for the future maintenance. Alderman Decker said if that's the case then it should be no different than the City accepting roads from other developments. Mayor Arnold said that's why he would like the Public Works Manager Isaiah

Manfredi inspect the roads prior to acceptance. City Administrator Gerald Herman mentioned that he will have the Public Services Department inspect and proof roll the roads to make sure they were built to specifications prior to another study session next month. Alderman Hutson questioned who would fix the roads if the proof roll fails, and recommends that the City not proof roll the roads. City Administrator said that the Public Services Department will just inspect the roads without causing any potential damage.

Mr. Joe Waldren, Vice President for Halo Property Management, requested to speak from the audience and Mayor Arnold allowed him to talk. Mr. Waldren stated that he met with Mr. Herman and Planning and Codes Director Ceagus Clark about a month prior. Mr. Waldren discussed that the development was a development of 22 units until earlier this year. Mr. Waldren said that earlier this year Mr. Brad Edwards built two more buildings that housed four more units, so the development has a total of 26 units currently. Mr. Waldren said that the HOA has no source of income to get anything done with only 26 units. Mr. Waldren mentioned that their records show that there was a bond and was arranged to be dropped. Mr. Waldren discussed that he submitted a records request because of the record for the bond was stated missing. Mr. Waldren stated that Mr. Edwards gave notice of the development only two days prior to starting. Mr. Waldren discussed that the development plans were never submitted to the HOA to review and approve. Mayor Arnold said that the problem sounds like there is an issue with the HOA with only 24 residents and having to mow lawns and maintain roofs. Mayor Arnold continued that if he was part of the HOA that he would welcome someone developing two more buildings to help spread the costs. Mr. Waldren said the HOA's issue is that Mr. Edwards came to them after the development was finished and said that he would pay half of the final coat paving costs. Alderman Decker stated that the City will not be an arbiter for that problem. Mr. Waldren asked if Mr. Edwards pulled a surety bond to build the buildings. Mayor Arnold said no developer pays for a surety bond on any residential development. Mr. Waldren questioned if there was a bond for the infrastructure. Mayor Arnold said no. Mr. Waldren stated that Mr. Edwards got approved by the City and should have a bond associated to the development. Mayor Arnold said that Mr. Edwards got two building permits to develop his property. Mayor Arnold requested if Halo has proof of the surety bond from prior developments. Mr. Waldren said that they do have proof. Mayor Arnold read from minutes of a Planning Commission meeting ten years ago that quoted Mayor Arnold stated that the development will never finish. Mayor Arnold continued reading the minutes and quoted the previous developer saying that the development will complete all three phases. Mayor Arnold pointed out that the minutes from 10 years ago and the development is still not finished. Mr. Waldren said he was present to represent the 26 residents in their community. Mayor Arnold discussed that the HOA wants the City to charge all the tax paying residents of the City for 24 resident's mistakes. Mr. Waldren questioned if Mr. Matt Burnett will be taking out a surety bond for Phase 3 of the project to complete the roads, irrigation, and lights that are not there presently. Mayor Arnold asked what difference a bond would make. Mr. Waldren said that the surety bond is a security bond for the association. Mayor Arnold said that the first bond of development did not work. Mr. Waldren mentioned he did not know why because he was not there at the time. Alderman Decker stated that surety bonds are only for a period of time and not forever.

City Administrator Gerald Herman asked City Attorney Valerie Webb if the City does make the road public do they come off the tax roll. Mrs. Webb stated that just the road portions should come off. Mr. Herman stated that if the roads do come off their tax bill it should help them financially. Mrs. Webb said that the tax on the roads would be minimal since taxes are based on value and the roads hold no value. Mayor Arnold asked Alderman Corbitt's opinion since he deals with issues like this every day. Alderman Corbitt stated that the HOA was poorly handled and is asking the City to clean it up for them which is not the City's job. Alderman Corbitt asked how many units are rentals and owners. Mr. Waldren said that everyone currently is a home owner, but may have rentals in the future. Alderman Corbitt asked if the HOA fees are too low to pay for the maintenance. Mayor Arnold said the HOA cannot charge the amount needed to properly upkeep the property. Alderman Corbitt agreed and stated that the HOA was doomed from the beginning. Mr. Waldren said that his understand was that the roads were never private because there was no gate. City Administrator said that the roads were private when the development was filed and plated. Mayor Arnold stated that the original developer asked for the roads to be private. Mayor Arnold continued that this

development was the first development to ask for private streets. Mr. Herman said it was since it was development prior to Kensington Green.

Mayor Arnold referred back to the Board for their opinion on the matter. Alderman Hutson asked would Phase 3 be treated as a new development and require a bond if the roads are taken over by the City. City Administrator Gerald Herman referred the question to Planning and Codes Director Ceagus Clark. Mr. Clark stated that he will look up the bond information. Mr. Herman asked if Mr. Clark has had any communication from Matt Burnett about Phase 3 recently. Mr. Clark said he has not heard from Mr. Burnett. Mr. Herman said the last thing he heard about Phase 3 was that Mr. Burnett did renew his water application at White House Utility District. Mayor Arnold mentioned a bond would not benefit the HOA if there was a bond issued for Phase 3. Alderman Corbitt stated that the \$3,000 is past tax debt should be paid prior to the road acceptance. City Attorney Valerie Webb said that she would have to investigate records with Robertson County to see how the past debts were handled when they took over the property. Mrs. Webb said that the City could collect a little bit of the money, but most likely not the full amount. Alderman Corbitt mentioned that the HOA should pay the full amount even if there is no legal teeth to make things right. City Administrator Gerald Herman stated that staff will inspect the roads and discuss intentions for Phase 3 with Matt Burnett before the next meeting.

Mr. Joel Cooper asked to speak again from the audience and Mayor Arnold allowed him to talk. Mr. Cooper stated that the full picture put together is not accurate. Mr. Cooper stated that Mr. Larry Patana was the developer of Phase 1 that got completed after Phase 2. Mr. Cooper said that it was mentioned previously that there was not a lot of infrastructure there, but thinks there was a lot there with storm drains, curbs, gutters, and first round of paving. Mr. Cooper continued that Mr. Patana did have a bond on his work. Mayor Arnold said there keeps being mentioned a bond with no proof of the bond. Mayor Arnold continued that the City pulled a bond and completed the work that Mr. Cooper stated that Mr. Patana did. Mayor Arnold said that there were street lights laying on the ground that the City installed. Mr. Cooper stated that the roads and storm drains were completed by Mr. Patana. Mr. Cooper said that he came up to talk so the picture would be accurate and does not want to claim more than what was done. Mr. Cooper stated that there was a bond, but the person in Planning and Codes at the time let it expire. City Administrator Gerald Herman read minutes from the January 2011 Planning Commission where a bond extension was approved, but the bank did not increase the bond amount. Mr. Herman continued that bond the bond amounts are \$10,000 for site improvements and \$14,100 for Wilkinson Lane improvements. Mr. Herman stated that the items not completed at the time were the detention pond, sections of the walking trail have not been paved, decorative street light bases have not been poured, sections of sidewalks, and landscaping in the back. Mr. Herman continued that the amount to complete the unfinished items exceeds to the bond amounts and that some of the work could be completed by City departments with the remaining being contracted out around \$20,000. Mr. Cooper said that the bond mentioned is for Phase 2 and not the bond for Phase 1 he is speaking about. Mayor Arnold mentioned that the Board is not going to argue about timelines, and he will be glad to speak about the bonds if proof of the bond can be produced. Mayor Arnold said that the HOA is basically asking for the City's help but are not going about it the right way.

b. Recreation Center Change Order

City Administrator Gerald Herman distributed draft plans for the new recreation center that will be built in place of the current Municipal Center is located at 105 College Street. Mr. Herman gave a brief update where the development stands at the moment. Mr. Herman requested Parks and Recreation Director Kevin Whittaker to walk the Board through the current plans for the building. The building will be two stories with the large gymnasium to have at least two basketball games going simultaneously. The building will also have a walking track above the gymnasium, a wellness center, game room, and several meeting/multipurpose rooms.


5. Adjournment

Meeting was adjourned at 6:47 pm.

A blue ink handwritten signature, appearing to be "Michael Arnold", written over a horizontal line.

Michael Arnold, Mayor

ATTEST:

A blue ink handwritten signature, appearing to be "Derek Watson", written over a horizontal line.

Derek Watson, City Recorder