



**CITY OF CENTERTON
VIRTUAL
CITY COUNCIL MEETING
FEBRUARY 9, 2021
6:00 PM**

(1) Roll Call - Those Present, via Zoom, and answering Roll Call were Mayor Bill Edwards, Keith Higginbotham, Wayne Low, Darren Warren, Misty Elam, Josie Reed and Amy Rochette. Those present and not answering Roll Call were City Clerk Todd Wright, City Attorney Brian Rabal, Financial Director Pam Grant, HR Director Jocelyn Diaz, Planning Director Lorene Burns, Police Chief Cody Harper, Police Captain Chris Kelley, Fire Chief Matt Thompson, Director of Public Works Rick Hudson, Chief Building Inspector Robert Coffelt and Centerton Utilities Director Frank Holzkamper.

(2) Council Minutes –

Wayne Low made a motion to Approve the Minutes of the January 12, 2021 City Council Meeting, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

Planning Commission, BZA, Parks and Recreation & Water & Sewer Minutes –

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the January 5, 2021 & January 19, 2021 Planning Commission Meetings, January 19, 2021 Board of Zoning Adjustments Meeting, the January 11, 2021 Parks and Recreation Meeting & December 15, 2020 CWSD Meeting, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

(3) City and Court Financials- Mayor Edwards stated that 8 % through the year we have received 9.25 % of our Budgeted Revenue. He stated that our Expenditures were at 7.02 %. He detailed some of the financials.

Mayor Edwards asked the Council if there were any questions. There were none.

Wayne Low made a motion to Accept the January, 2021 City & Court Financials, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

(4) Department Reports -

The Department Reports were in the Council Packet. Mayor Edwards asked the Council if there were any questions. There were none.

(5) Ordinances –

Mayor Edwards said he attended one of our neighboring city's Council Meetings and a County Meeting recently and asked Council to look at making a time-saving change to our meetings starting tonight.

He asked that we make a single motion, at the beginning of this section of our meeting, to read all Ordinances and Resolutions by title only.

He also asked that we do a motion for Suspending the Rule Requiring the Reading of the Ordinances on three (3) Separate Occasions.

It was discussed and agreed upon by Council, that should any Council Member have exception to this for any Ordinance or Resolution at any meeting, they can address it at this portion of any meeting.

Wayne Low made a motion to Read Ordinances 2021-04, 2021-06, 2021-08, 2021-09, 2021-10, and Resolutions 2021-03, 2021-04, 2021-05 by Title only, with a 2nd from Darren Warren. All Council Members voted in favor and the motion carried.

Josie Reed made a motion to Suspend the Rule Requiring the Reading on three (3) Separate Occasions for Ordinances 2021-04, 2021-06, 2021-08, 2021-09, 2021-10, with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-04- AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, SECTION 10.12.05 E., ADJUSTING WATER RATES; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend Municipal Code, Section 10.12.05 E. He said this is to adjust the Irrigation Rate.

Centerton Utilities Director Frank Holzkamper addressed the Council, stating that the Water & Sewer Commission is very invested in conservation, and there are only two cities in Northwest Arkansas, that currently offer Irrigation Rates. He said Bentonville's is much higher than their potable water than ours is. He said we have been operating at a loss on that portion for quite some time. He said the goal is to bring the cost of Irrigation Water up to the cost of the Drinking Water, as it is the same water. He said drought conditions are in our future. He said this only affects those with Sprinkler or Irrigation systems on their property. He said Farmers are to be broken out separately, and charged at a Commercial Rate.

Mayor Edwards asked the Council if there were any other questions.

Amy Rochette asked why this is happening now. Holzkamper said it has a lot to do with growth, but also with conservation, as our only source of water is Beaver Lake.

There was also discussion about heavy water demand affecting our overall water pressure.

Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to adopt the Ordinance with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried. Brian Rabal read the Emergency Clause. Keith Higginbotham made a motion to adopt the Emergency Clause, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-06- AN ORDINANCE AMENDING THE BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2020; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSE.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend the 2020 City Budget. He said the Budget was placed in the Council Dropbox folder and all changes were highlighted. He asked if there were any questions from the Council.

Darren Warren asked about the increase in Legal Services. He asked if it had to do with Court Services or FOIA requests. There was a brief discussion, and Financial Director Pam Grant said she would research it for Warren.

Mayor Edwards asked the Council if there were any other questions. There were none.

Brian Rabal read the Ordinance by title only. Wayne Low made a motion to adopt the Ordinance with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried. Brian Rabal read the Emergency Clause. Darren Warren made a motion to adopt the Emergency Clause, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-08- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO ROBERT AND JUDIETH BLAND TRUST, FROM AGRICULTURAL (A-1) AND LOW DENSITY RESIDENTIAL (R-1) TO RESIDENTIAL TOWNHOUSE MULTI-FAMILY (RTH-MF12)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Keller Road from A-1 and R-1 to RTH-MF12, which is for Townhomes. He said there was a Public Hearing held on 2/02/2021, with public comment about a concern with Multi-Family rentals, as well as an e-mailed concern about traffic. He said it was recommended for approval by the Planning Commission.

Mayor Edwards asked the Council if there were any questions.

Amy Rochette asked about the Planning process. City Clerk Todd Wright gave a brief overview of the process, stating that this item was a Rezone Request, only dealing with the Use of the land, and that any actual developments would be presented and discussed at future public meetings, after a Development Plan is brought to the City.

Brian Rabal read the Ordinance by title only. Wayne Low made a motion to adopt the Ordinance with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-09- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO JACQUETTA MYERS TRUST, FROM AGRICULTURAL (A-1) TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL (R-3)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land at Kinyon Road and Keller Road from A-1 to R-3 SF, and was recommended for approval by the Planning Commission at their 11/17//2020 meeting, with only one public comment, via e-mail, regarding traffic concern. There were no public comments during the Public Hearing.

Mayor Edwards asked the Council if there were any questions. There were none.

Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to adopt the Ordinance, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-10- AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY BELONGING TO THE PATSY WHITE REVOCABLE TRUST TO THE CITY OF CENTERTON; APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; ASSIGNING SUCH AREA TO WARD 1; AND ZONING AS AGRICULTURAL (A-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept a volunteered Annexation of 40 acres of land on Kitty Road, north of Hwy 102. City Attorney Brian Rabal said he has reviewed it.

Mayor Edwards asked the Council if there were any questions. There were none.

Brian Rabal read the Ordinance by title only. Josie Reed made a motion to adopt the Ordinance, with a 2nd from Darren Warren. All Council Members voted in favor and the motion carried.

(6) Resolutions -

- **Resolution 2021-03- A RESOLUTION TO DESIGNATE INDIVIDUALS AUTHORIZED TO PERFORM VARIOUS ACTIONS ON BEHALF OF THE CITY OF CENTERTON WITH REGARD TO THE CITY'S BANK ACCOUNTS AT FIRST NATIONAL BANK OF NWA, CENTERTON BRANCH; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Resolution is to change the signer's on our City Bank Accounts; removing Katie Reynolds and adding Sara Lombard.

Mayor Edwards asked the Council if there were any questions. There were none.

Brian Rabal read the Resolution by title only. Wayne Low made a motion to adopt the Resolution, with a 2nd from Amy Rochette. All Council Members voted in favor, and the motion carried.

- **Resolution 2020-39- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF CENTERTON AN AGREEMENT WITH CEI ENGINEERING BENTONVILLE, ARKANSAS, FOR ADDITIONAL SERVICES TO COMPLETE THE DOWNTOWN FLOOD STUDY FOR THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve additional funds for an extra work agreement with CEI for the Downtown Flood Study. He said we did approve additional funding last year, and they are getting closer to completion, but have run out of funds. He said we have been getting quite a bit of interest in the downtown area of our city, since we completed our Comprehensive Plan, and we would like to be able to complete this project, to help reduce the area affected by the Flood Plain. He said the additional funding being requested is \$10,500.00.

Keith Higginbotham asked for clarification on what we have spent on engineers for this project. Planning Director Lorene Burns detailed the contracted amounts, stating that the contract for the Downtown Study was for \$54,060.00. She broke down the amounts. She said this is the first extra-work authorization on this project, which would go to the Physical Improvements. She detailed what information has been brought back to us by CEI, and how it has helped us with correcting previous FEMA Flood Plain Maps. She said this additional funding also includes preparation of a CLOMR, which is required prior to making any changes, as well as preparing the Civil Design for doing the improvements.

There were additional comments from Keith Higginbotham.

Mayor Edwards pointed out that the Flood Maps are put out by FEMA, and some of the work the engineers have done has already reduced the Flood Plain area.

Director of Public Works Rick Hudson stated that we have been looking at ways to reduce this floodwater, and this is a long and expensive process.

Darren Warren gave some history on Flood Plains and how these studies benefit the city, its residents and potential developers. He said he supported this request for additional funding.

Mayor Edwards asked the Council if there were any questions. There were none.

Brian Rabal read the Resolution by title only. Darren Warren made a motion to adopt the Resolution, with a 2nd from Wayne Low. All Council Members voted in favor, and the motion carried.

- **Resolution 2021-05- A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE VACATION OF UTILITY EASEMENTS LOCATED ON LOT 116 OF COPPER OAKS SUBDIVISION, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to set a new date of 3/09/2021 or a Public Hearing for this Easement Vacation Request. He said it has been heard by the Planning Commission and has been recommended for Council approval.

Mayor Edwards asked the Council if there were any questions. There were none.

Brian Rabal read the Resolution by title only. Josie Reed made a motion to adopt the Resolution, with a 2nd from Darren Warren. All Council Members voted in favor, and the motion carried.

(7) City Hall Project Update - Nabholz -

John Ecclestone with Nabholz Construction made a brief video and audio presentation of the progress of the New City Hall and Meeting facilities. He appreciated the cooperation of the Police and Fire Departments and the City Staff. He said they have had a number of bad weather days, but feel confident that they are still on schedule for completion.

(8) Request Destruction of Old Files -

Financial Director Pam Grant asked for Council Approval to destroy old records listed below:

2016 Payables
2016 Timesheets
2016 Receipts
2016 Bank Statements
2016 Reconciliations
2016 Deposit Slips
2016 Budget Documents
2016 Business Licenses
2002 Check Stubs
2007-2014 Budget Documents
1972-1977 Receipts
1993-1994 Dog Tag List
1962-2021 Fire Due Ledgers correction: 1962-2012
2011-2021 Capital Assets correction: 2011-2012
1962-2012 Fire Due Ledgers

**1981 General Ledger
2006 Council & Personnel Tapes
2005 City Council Tapes
2002-2003 City Council Tapes
2004 City Council Tapes
2008-2010 City Council Tapes
1995-1997 City Council Tapes**

Mayor Edwards asked the Council if there were any questions. There were none.

Wayne Low made a motion to allow the destruction of files as listed, with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

**(9) Acknowledge Receipt of CIT Policy and Response to Resistance Police –
Centerton Police Department –**

Police Chief Cody Harper addressed the Council, stating that the CIT Policy is newly adopted at the Police Department, and covers their Crisis Intervention Training and the Certified Crisis Intervention Officers. He said the 2nd policy is for Response to Resistance, and is an update to their existing policy. He briefly detailed some of the policy, in regard to chokeholds, brought on by recent national events.

Mayor Edwards asked the Council if there were any questions. There were none.

Josie Reed made a motion to acknowledge receipt of CIT Policy and Response to Resistance Policy, with a 2nd from Darren Warren. All Council members voted in favor and the motion carried.

(10) Update Position Title for Centerton Public Works Department –

Mayor Edwards addressed the Council, stating that we have been going through our City Positions and updating Job Descriptions. He said we are asking for change in Title only, with this request from Street Superintendent to Compliance Superintendent. He said this change will match the Job Description.

Mayor Edwards asked the Council if there were any questions. There were none.

Wayne Low made a motion to update the Position Title, with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

(11) State of the City Address – Mayor Edwards -

State of the City Address—2021

Ladies and Gentlemen of the Centerton City Council and fellow citizens as your Mayor I am honored to report to you the State of the City and its future needs. I am grateful for the opportunity that the citizens have given me to serve the City of Centerton over the past 10 years. First of all, I am happy to announce that the City of Centerton is financially sound, and thru fiscal conservation, your Staff and City Council has balanced its budget over the past 10 years. The 2020 financial statement has been presented tonight, and you will see that we are in a good financial condition.

2020 has been a challenge with COVID-19 for our employees, but everyone has taken precautions, by the use of protective equipment and following the COVID protocols. Over the past several months the city had to adapt to new ways of conducting daily business, such as holding meetings virtually and placing protective barriers in city facilities. Also, during this time, we had to have some of our employees work from home and limit our in person contact with the public. I am proud of the community who supported our local businesses and services during this pandemic and we have actually seen over 15 new businesses open in 2020.

Those businesses include Anette Gore Re-Max Realty, Uptown Barber, Wendy's, Sam's Family Diner, TCBY, Kyle Werst Farmers Insurance, and Rack City Fitness which all opened in the Lakeview Plaza east of the Centerton Lake. Other businesses who opened include Woo Pig Mooie BBQ, Challaluah Bakery, Epic Smiles, All Star Nutrition, Frosty Bites Shaved Ice, Playstrong Centerton, Northwest Orthodontists, Tooth Squad Pediatric Dentistry and Wok and Roll food truck just to name a few of the new businesses. Stay tuned for updates on many more new businesses coming to our growing community.

Next, I would like to report on multiple road projects going on in and around our city, first the Traffic Light installation at Main Street and Seba/Town View Road is underway and should be completed soon, there were delays due to the height of the electric wires and the pole height on the Northwest corner and ARDOT and the contractor have been working together to resolve this issue. When the project is done, sidewalk will be added along with turning lanes and pedestrian crossing signs and a traffic signal. The city is also working to make several road improvements within the city and several paving projects have occurred, also the city is working with Benton County and Schuber Mitchell Homes in a partnership to pave Walters Road. Work has been going on and the road should be paved in early spring. The city is also working with the City of Bentonville to redesign

Greenhouse Road. A grant was applied for and approved and the design phase of the road should begin soon.

The Public Works Department also used over \$250,000 in gravel base to maintain existing roads and used over \$7,000 in concrete, making improvements in the city. The city has also invested over \$180,000 in drainage and box culverts to improve drainage in the community.

Our Planning Department has been very busy with several projects active at one time, at any given time there are 12-15 different subdivisions, and several commercial projects are in some phase of development. The city has approved the 2040 Comprehensive Plan, and as the city continues to grow this will give a direction for the future. The Planning Department, due to the workload, has added an additional Planner and is currently at full staff, with 2 of our Planners with AICP Certification.

Centerton has seen a huge impact on building in our city with a total of nearly 8400 inspections in 2020. That is a total of almost \$1,000,000 in building permit fees for the year. We have seen a huge increase in 2020 of many commercial projects coming to the city, with many more services and restaurants coming to our community. For 2020 we had 679 new Residential Permits, 86 Multi-Family Permits, 13 Commercial Permits, 45 Swimming Pool Permits and 374 Miscellaneous Permits. We are seeing a good start in 2021 with first month revenue of over \$94,000. There are several large subdivisions coming to the community, which will increase the number of inspections. Also, most permits now are done online, along with scheduling, which streamlines the process.

The Code Enforcement Division has been extremely busy with a large number of grass complaints in 2020, along with a large number of sidewalk inspections. Since implemented, the officer has been very proactive in identifying violators, which has kept the number of complaints down for the year.

The Parks Department has been busy in 2020 with the Kinyon Sports Complex, where all the fields, to include a soccer field, are now open and all have lights. Several teams use the fields on a regular basis, including Centerton Little League, which had a good first season despite COVID 19 concerns, and with their schedule normally full. The Splash Pad and restroom facility at McKissic Park are 95 percent complete, with new sidewalk and all landscaping in place, and should be available in late spring for the community, pending any COVID 19 restrictions. Also, the Parks and Recreation Department has replaced all playground equipment in the community, which are all now ADA compliant, and a new basketball court is being added to the main park.

Lighting has been added to the entire length of the trail at McKissic Park, and the city has received a \$250,000 Grant to continue the trail into the City of Bentonville. The city is actively working together to accomplish this goal. Also, the city gave away over 500 trees in October and also received over 1000 trees, thanks to a grant from the Wal Mart Family Foundation. This has really enhanced the appearance of the community, with another group of trees planning to be given away during Arbor Day.

The Centerton Police Department recorded over 16,820 total calls for service according to Central Dispatch, with 2,742 incident reports and 7,880 reports. The department has recently changed radio systems, to the Arkansas Wireless Information Network (AWIN), and all radios have been installed and issued to the officers.

The Centerton Fire Department responded to over 1353 calls for service in 2020 and is currently staffed with 23 full time firefighters, 5 part time fire fighters and 5 volunteers. Training continues on a continuous basis. Also, in 2020 the department added a full time Training Officer and has added ambulance service to the community, with a contract with Northwest Hospital to house 2 ambulances in the city. The city is currently working to add living quarters to Station 2 on Highway 72 to house an ambulance and crew at this location.

The Centerton Water and Sewer Department is currently installing new sewer line to the south part of the community and work has been completed on a new 3-million gallon water storage tank. A new Admin building is being built just north of City Hall to house the Water Department due to the rapid growth of the department.

Centerton Animal Control, in 2020 had 264 impounds of Centerton dogs and 202 impounds of Bentonville dogs. The partnership with the City of Bentonville has been great and many owners are able to reunite with their pets. The shelter also had 153 adoptions and 307 dogs were released to their owner. The shelter uses Facebook to post dogs picked up and there is a great response from the community, not only reuniting pets but also adopting them from the shelter. Also, the shelter is featured once a month on KNWA pet of the month, and also on KFSM Channel 5.

The New City Hall and Court Facility is under construction, and you have received an update on this project in this evening's council meeting. As the city grows, the need is here for this building and this will serve the community well. The city also purchased 20 acres of land, which we are brainstorming ideas for. We are also looking for ideas for the old City Hall Building as we want to keep a presence downtown.

Lastly, I appreciate the opportunity to work with each of you, and for the citizens of our community over the past 10 years, and no Administration is complete without the

support of the Centerton City Council and a loyal Staff of great employees. Our city has many hard-working employees, from the Department Heads, to the troops that carry out the daily activities and duties to help keep our city running smooth and efficiently. Thanks for a Job Well Done!!!

(12) Public Comments –

- **Blake Jones - 2007 N. Carl Street, Siloam Springs, Ar.** – Mr. Jones addressed the Mayor, accusing him of inappropriate conduct at City Hall towards him. He accused the Mayor and City Attorney of continued corruption and said he would continue all efforts legally to expose them. He detailed a lawsuit he was involved in with the City of Siloam Springs. He said he is currently involved in a Federal Court Case in the Western District of Arkansas, and previously had litigation with McKee Foods, up to the U.S. Supreme Court. He said his tenacity in the pursuit of justice speaks for itself. He said it is his intention to clear the “swamp” of Centerton. He said he cannot represent his friend (Mr. Chance Regalado) in a future lawsuit against the City of Centerton, but he is committed to providing financial resources for him.
- **Chance Regalado – 12681 Oak Knolls Circle, Gentry, Ar.** – Mr. Regalado addressed Mayor Edwards, accusing him of being the reason for losing his employment with Nabholz Construction. He provided an audio recording of his termination. He said Nabholz was unaware that he was recording them. He accused the Mayor of violating his rights, and accused the Mayor some members of the city of corruption.

(13) Other Business –

Alderman Darren Warren asked where we were in the process of updating our Subdivision & Zoning Codes, to match up with the Comprehensive Plan.

Planning Director Lorene Burns stated that the Planning Staff had been working on it, but it was kind of put on pause. She said we need to look at re-vamping our entire Zoning Code, but may do some quick fixes in the meantime. She said we are also looking at the Downtown District.

(14) Announcements -

- **No Coffee with the Mayor in December**
- **2/16/2021 – Planning Commission (Virtual Meeting) 6:00pm**
- **2/20/2021 - Coffee with the Mayor (Virtual Meeting) 9:00am**

- **3/02/2021 – Planning Commission (Virtual Meeting) 6:00pm**
- **3/09/2021 – City Council Meeting (Virtual Meeting) 6:00 pm**

(15) Adjourn -

Wayne Low made a motion to Adjourn at 7:43pm with a 2nd from Darren Warren. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk