



**CITY OF CENTERTON
VIRTUAL
CITY COUNCIL MEETING
OCTOBER 13, 2020
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, Robin Reed and Josie Reed. Those present and not answering Role 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, Fire Chief Matt Thompson, Director of Public Works Rick Hudson and Chief Building Inspector Robert Coffelt.

(2) Council Minutes –

Wayne Low made a motion to Approve the Minutes of the September 8, 2020 City Council & September 9, 2020 and September 17, 2020 Special City Council Meetings, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

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

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the September 1, 2020 & September 15, 2020 Planning Commission Meetings, the August 10, 2020 Parks and Recreation Meeting & August 18, 2020 CWSD Meeting, with a 2nd from Robin Reed. All Council Members voted in favor and the motion carried.

(3) City and Court Financials- Mayor Edwards stated that 75 % through the year we have received 78.82 % of our Budgeted Revenue. He stated that our Expenditures were at 71.99 %. He detailed some of the financials.

Mayor Edwards asked the Council if there were any questions.

Robin Reed asked about A&P taxes. Mayor Edwards detailed those taxes and the General Fund for her.

Misty Elam asked about the Fees for Kinyon Sports Park. Mayor Edwards explained the Fees and said he would follow up with Council about Centerton Little League Fees.

Darren Warren made a motion to Accept the September, 2020 City & Court Financials, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

(4) Department Reports -

The Department Reports were in the Council Packet.

Robin Reed asked Rick Hudson about feedback from Code Enforcement. Hudson recapped what the City Council has asked to be done, and how Code Enforcement has responded. He said the main issues with the basketball goals are the ones that are completely in the street, hang over the street, or block the public from using the sidewalks. There was a brief discussion.

(5) Ordinances -

- **Ordinance 2020-50- AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE 8.30.01 UNLAWFUL OBSTRUCTION.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend Municipal Code 8.30.01 Unlawful Obstruction. He gave a recap of the amendments to this Ordinance. He asked that we get back to the original intent of this Ordinance, and deal with this on an individual complaint basis. He said regarding the basketball goals, the initial intent was to get them out of the roadway when they are not in use, and also not to block the sidewalks, as required by ADA Requirements. He said this Ordinance also dealt with Pods, trash blocking sidewalks, bicycles, building materials and trash containers. He said Code Enforcement is doing their job, with regard to the Ordinance. He said this amendment is to remove the ROW Requirement. He said an issue with Parking in the Streets is already covered in Section 8, and Tall Grass is covered in Section 5.

Todd Wright said the City Council and the Mayor has also discussed issues with narrow streets, especially in the older part of town, we could use more sidewalks, and street parking is an issue in some areas in our city. He said these things are on our minds, in our discussions and are included in our Comprehensive Plan.

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

Wayne Low made a motion to read the Ordinance by title only, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Wayne Low made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried. Wayne Low made a motion to adopt the Ordinance with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

- **Ordinance 2020-51- AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY BELONGING TO MELVIN E. COFFELT AND JUDY D. COFFELT TO THE CITY OF CENTERTON, ARKANSAS; APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; AND ASSIGNING SAME TO WARD 3 AND ZONING AS AGRICULTURAL (A-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the annexation of property by petition, off of Shady Acres Road and Hwy 102, into the City of Centerton. He said it has been approved by the County Judge.

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

Robin Reed made a motion to read the Ordinance by title only, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Robin Reed made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried. Robin Reed made a motion to adopt the Ordinance with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

- **Ordinance 2020-52- AN ORDINANCE ACCEPTING THE FINAL PLAT OF GRASSY HILLS SUBDIVISION, CREATING LOTS 1-7 IN PART OF SECTION 36 IN T20N-R32W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Final Plat of the Grassy Hills Subdivision on Noah Road and Kitty Road, which is in the County. He said it was recommended for approval by the Planning Commission at their 10/06/2020 meeting, with no public comments.

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

Darren Warren made a motion to read the Ordinance by title only, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried. Misty Elam made a motion to adopt the Ordinance with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

- **Ordinance 2020-53- AN ORDINANCE ACCEPTING THE FINAL SUBDIVISION PLAT OF ORCHARD PARK SUBDIVISION PHASE 6, CREATING LOTS 139-176, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Final Plat of Orchard Park Phase 6. He said this is a continuation of the Orchard Park Subdivision on Walters Road and Hwy 72, and was recommended for approval by the Planning Commission at their 10/06/2020 meeting, with no public comments.

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

Keith Higginbotham made a motion to read the Ordinance by title only, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Wayne Low made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried. Josie Reed made a motion to adopt the Ordinance with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

- **Ordinance 2020-54- AN ORDINANCE ACCEPTING THE LOT SPLIT OF LOT 3, MAXWELL MANOR SUBDIVISION, CREATING LOTS 6 &7, IN THE CENTERTON PLANNING JURISDICTION AREA, BEING PART OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Tract Split of Lot 3 of the Maxwell Manor Subdivision on Walters Road, which is

in the County. He said it was recommended for approval by the Planning Commission at their 10/06/2020 meeting, with no public comments.

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

Wayne Low made a motion to read the Ordinance by title only, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried. Robin Reed made a motion to adopt the Ordinance with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

- **Ordinance 2020-55- AN ORDINANCE ACCEPTING DEDICATION OF PUBLIC UTILITY EASEMENTS PER LOT SPLIT FOR PROPERTY OWNER MATT MARRS, FOR PROPERTY LOCATED IN THE CENTERTON PLANNING JURISDICTION AREA, DESCRIBED AS BEING PART OF THE SW/4 OF THE SE/4 OF S30-T20N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept Utility Easement Dedication for property on Seba Road, which is in the County. He said it was recommended for approval by the Planning Commission at their 10/06/2020 meeting, with no public comments.

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

Wayne Low made a motion to read the Ordinance by title only, with a 2nd from Robin Reed. All Council Members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Josie Reed made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried. Wayne Low made a motion to adopt the Ordinance with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

- **Ordinance 2020-56- AN ORDINANCE ACCEPTING DEDICATION OF PUBLIC UTILITY EASEMENTS BY RODNEY AND MARY SAMPLE, PER LOT SPLIT PLAT TITLED SAMPLE ADDITION – LOTS 1 & 2, LOCATED IN CENTERTON PLANNING JURISDICTION AREA, DESCRIBED AS BEING PART OF THE W/2 OF THE NW1/4 OF S12-T19N-R32W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept Utility Easement Dedication for property on Hwy 102 and Jo Ann Lane, which is in the County. He said it was recommended for Administrative Ratification and approval by the Planning Commission at their 10/06/2020 meeting, with no public comments.

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

Robin Reed made a motion to read the Ordinance by title only, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Misty Elam made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried. Josie Reed made a motion to adopt the Ordinance with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

(6) Resolutions -

- **Resolution 2020-26- A RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX FOR THE CITY OF CENTERTON FOR THE YEAR 2020 TO BE COLLECTED IN 2021.**

Mayor Edwards addressed the Council, stating that this Resolution is to authorize the rate of property tax for 2020 to be collected in 2021. He said there are no changes from last year.

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

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

- **Resolution 2020-28- A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE PARTIAL VACATION OF UTILITY EASEMENTS LOCATED ON LOT 1 AND LOT 2 OF MAPLE ESTATES PHASE 1A, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS;**

Mayor Edwards addressed the Council, stating that this Resolution is to set a date for a Public Hearing to discuss the partial vacation of utility easements on Lots 1 & 2 of the Maple Estates Subdivision Phase 1A. He said the date of the Public Hearing will be 11/10/2020

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

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

- **Resolution 2020-30- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ACCEPT AMENDMENT NUMBER 1 WITH NABHOLZ CONSTRUCTION SERVICES ROGERS, ARKANSAS FOR THE GUARANTEED MAXIMUM PRICE FOR THE NEW CITY HALL AND MEETING FACILITY.**

Mayor Edwards addressed the Council, stating that this Resolution is to set a maximum price for the New City Hall and Meeting Facility. He said these funds were approved by the taxpayers almost three years ago. He said this project is needed, as we have outgrown our current building. He said we have gone back and forth on designs and have selected Nabholz as our Construction Manager. He said the original bid came in at almost \$5.5 million, and we put a team together to look at how we could reduce the cost. He said they were able to get it down to \$4,707,413.00 and he is asking to earmark \$750,000.00 out of our Reserve Funds, to go with the available Bond Funds, to be able to complete this project. He said he believes we will have more Turnback Funds next year, but wanted to earmark the funds to be able to have a safety cushion. He said we discussed this need earlier this year. He said Nabholz feels this project should be completed by December 2021.

There was discussion between Robin Reed and Josh Siebert about costs for design change. Siebert said there is \$100,000.00 in this agreement, which is a contingency, which is saving money as we go. He said we will continue to look at ways to save money. Reed asked if we would still have money in Reserve to refurbish the existing City Hall Building later. Mayor Edwards said we would. Reed said she was still not comfortable with the amount needed from Reserves. Josie Reed said the Reserve amount is basically the difference between what we have collected in Bonds and the cost of the project. Mayor Edwards said that is correct. He said the Architecture Fees are almost paid for already. He said this price does not include any additional interior furniture that could be needed. He

said we will also have a need for a sound system for the Meeting Facility, and a possible projection screen, etc. He said he hopes not to have to use any of the earmarked funds, and reminded Council that we expect to be getting more Turnback Funds next year. He said we have to earmark it to make sure we don't start this project and get to the end of the Bond Funds before completion.

John Nabholz said the Bid Date was 8/24/2020, with a 60-day hold on that pricing, so we have until 10/24/2020 to get contract in-hand and lock in pricing.

Pam Grant said we are currently on pace to pay off this Bond in less than 4 years.

Robin Reed and Darren Warren both expressed reservations about the amount of the Reserve Funds we are asking to earmark.

City Clerk Todd Wright stated that pulling Reserve Funds has been discussed since the beginning, knowing what we had available in Bond Funds, versus what we thought this project might cost. He also pointed out the extreme rising costs in building materials, stating that this agreement of a maximum price is a protection for the city.

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

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

- **Resolution 2020-32- A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE PARTIAL VACATION OF UTILITY EASEMENTS LOCATED ON LOT B AND LOT C OF COPPER OAKS SUBDIVISION, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS;**

Mayor Edwards addressed the Council, stating that this Resolution is to set a date for a Public Hearing to discuss the partial vacation of utility easements on Lots B & C of the Copper Oaks Subdivision. He said this Public Hearing will be held 11/10.2020.

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

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

made a motion to adopt the Resolution, with a 2nd from Misty Elam. All Council Members voted in favor, and the motion carried.

(7) Surplus Street Department Equipment Trailer -

Mayor Edwards addressed the Council, stating that this is to approve the Surplus of a 25 ft. Equipment Trailer from the Street Department. He said it is no longer in use, and has already been replaced. He said he will put the trailer on GovDeals.

- 25 ft. Trailer – VIN # 00805518574

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

Keith Higginbotham made a motion to Approve the Surplus of the listed Equipment Trailer from the Street Department, with a 2nd from Wayne Low. All Council members voted in favor and the motion carried.

(8) Appoint Donna Rice, Katherine Smith and Paul Flashnick to the Centerton A and P Commission with Terms Expiring 10/13/2024 -

Mayor Edwards addressed the Council, stating that this item is to appoint Donna Rice, Katherine Smith and Paul Flashnick to the Centerton A and P Commission with Terms Expiring 10/13/2024. He said we have had some vacancies over the last year and these are three (3) new members. He said the A&P members are composed of two (2) Members from the City Council, one (1) Member At-Large and four (4) Members that are Business Owners that collect A&P tax. He said they are on 4-year staggered terms. He listed the Members and Terms as follows:

NAME	APPOINT DATE	EXPIRATION DATE	TITLE	TERM
Josie Reed	1/1/2018	12/31/2020	Chairman/Council Member	4-Year
Darren Warren	1/1/2018	12/31/2020	Council Member	4-Year
Skye Petty	12/31/2017	12/31/2021		4-Year
Amber Gustafson	12/31/2018	12/31/2022		4-Year
Donna Rice	10/13/2020	10/13/2024		4-Year
Katherine Smith	10/13/2020	10/13/2024		4-Year
Paul Flashnick	10/13/2020	10/13/2024		4-Year

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

Robin Reed made a motion to Appoint Donna Rice, Katherine Smith and Paul Flashnick to the Centerton A and P Commission with Terms Expiring

10/13/2024, with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

(9) Accept Amended Parks & Recreation Advisory Board Bylaws -

Mayor Edwards addressed the Council, stating that the Parks & Recreation Advisory Board met last evening and made some minor changes to their Bylaws:

- **Section 1.1** - Added the “number of Members”
- **Section 2.3.2** - Distributing Minutes from prior meeting three (3) days in advance of the prior meeting
- **Section 3.1** – The regular meetings of the Parks & Recreation Advisory Board shall be held on the second Monday of each month at 6:00 p.m. at the Centerton public Works building. The meeting shall be re-scheduled if the second Monday falls on a holiday. Added “quorum”.
- **Section 6.2** – The Parks & Recreation Advisory Board will review, and if appropriate, recommend amendments to these By-laws on an annual basis.

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

Wayne Low made a motion to Adopt the Amended Parks & Recreation Advisory Board Bylaws, with a 2nd from Josie Reed. Robin Reed abstained from the vote. All other Council members voted in favor and the motion carried.

(10) Public Comment - None

(11) Other Business –

- **Political Signs** – Robin Reed reminded everyone that it is election time and it is a crime to remove or damage Political Signs.

(12) Announcements -

- **10/13/2020 – Planning Commission (Virtual Meeting) 6:00pm**
- **10/17/2020 – Coffee with the Mayor (Virtual Meeting) 9:00am**
- **10/22/2020 – Budget Meeting (Virtual Meeting) 6:00pm**
- **10/27/2020 – 2040 Comp Plan Meeting (Virtual Meeting) 6:00pm**

(13) Adjourn -

City Council 10/13/2020

Keith Higginbotham made a motion to Adjourn at 7:31 PM with a 2nd from Wayne Low. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk