



**CITY OF CENTERTON
CITY COUNCIL MEETING
AUGUST 13, 2019**

- (1) **Pledge** - The Pledge of Allegiance was recited.
- (2) **Prayer** - The prayer was offered by Todd Wright.
- (3) **Roll Call** - Those Present and answering Roll Call were Mayor Bill Edwards, Keith Higginbotham, Wayne Low, Darren Warren, Josie Reed, Robin Reed and Misty Elam. Those present and not answering Role Call were City Clerk Todd Wright, City Attorney Brian Rabal, Financial Director Pam Grant, Director of Public Works Rick Hudson, Police Chief Cody Harper, Acting Fire Chief Matt Thompson, Planning Director Lorene Burns, Chief Building Inspector Robert Coffelt and Animal Control Supervisor Terry Sanchez. Centerton Utilities Director Frank Holzkamper was absent. Billy Tyler attended in his absence.

(4) **Council Minutes** –

Robin Reed made a motion to Approve the Minutes of the July 9th, 2019 City Council Meeting, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

Planning, Parks & Recreation and Water & Sewer Minutes –

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the July 16th, 2019 Planning Commission Meeting, June 18th, 2019 CWSD Meeting and July 8th, 2019 Parks & Recreation Advisory Board Meeting, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- (5) **City and Court Financials**- Mayor Edwards stated that 58% through the year we have received 71.38% of our Budgeted Revenue. He stated that our

Expenditures were at 68.43%. Mayor Edwards detailed some of the July revenue and expenditures for the Council:

Wayne Low made a motion to Accept the July, 2019 City and Court Financials, with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

(6) Department Reports-

The Department Reports were in the Council Packets.

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

(7) Ordinances -

- **Ordinance 2019-22- AN ORDINANCE WAIVING BIDDING REQUIREMENTS FOR THE PURCHASE OF AN ELECTRONIC MESSAGE CENTER AT THE CENTERTON FIRE DEPARTMENT.**

Mayor Edwards addressed the Council, stating that this Ordinance is to waive the bidding requirements to purchase a new message sign for in front of the Fire Department. He stated that the current sign is 15 years old and 5 of the 6 panels no longer work. He said parts are hard to come by, and the cost to repair it does not seem worth it. He said he reached out to 4 different sign companies for a bid on a new sign and only one company responded, which was Arkansas Sign & Banner. He said their bid was for \$26,574.56. He gave a description on the appearance and function of the sign they bid. He said it is over \$20,000.00, so he is bringing it to Council for approval. Pam Grant said the funds will come from the Administration Account. Robin Reed asked if the Fire Department Sign that was damaged could be put back with this new sign. There was discussion about new signage being placed on the newly remodeled Fire Department building, rather than back on the electronic sign base. Matt Thompson said he would get more information to the Council.

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 Keith Higginbotham. 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 Josie Reed. All Council Members voted in favor and the motion carried. Robin Reed made a motion to adopt the

Ordinance, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- **Ordinance 2019-23- AN ORDINANCE TO REZONE CERTAIN LANDS IN S29-T20N-R31W, WITHIN THE CENTERTON CITY LIMITS, BELONGING TO SEBA PARTNERS, LLC, FROM AGRICULTURAL (A-1) TO HIGH DENSITY RESIDENTIAL SINGLE FAMILY (R-3 SF).**

Mayor Edwards addressed the Council, stating that this Ordinance is to approve a rezone of property off of Wolverine Drive from (A-1) to (R-3 SF). He said this was recommended for approval by the Planning Commission at their 8/6/19 meeting. He said there are plans to build Single-Family homes on 115 lots on this land. The Developer was present for any questions.

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

- **Ordinance 2019-21- AN ORDINANCE ACCEPTING RIGHT-OF-WAY DEDICATION OF 0.44 ACRES ALONG N. MAIN ST. /HWY 102B, BY MARK & SHERYL FREEMAN PER TRACT SPLIT PLAT FOR PROPERTY LOCATED AT 1509 N. MAIN ST., S29-T29N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept Right-of-Way on N. Main Street, from a Tract Split approved by the Planning Commission at their 8/6/19 meeting.

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 Darren Warren. 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 Keith Higginbotham. 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 2019-25- AN ORDINANCE ACCEPTING THE AMENDED FINAL PLAT OF PARK PLACE SUBDIVISION, CREATING LOTS 1-11, BEING IN THE CENTERTON PLANNING AREA, S29-T20N-R30W, BENTON COUNTY, ARKANSAS, AND OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to approve an amendment to the Ordinance approving the Final Plat of the Park Place Subdivision. He said the Dedication Statement from Carrol Electric was omitted from the Final Plat, when approved on 5/14/19.

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 Keith Higginbotham. All Council Members voted in favor and the motion carried. Wayne Low made a motion to adopt the Ordinance with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

(8) Fireworks Discussion and Concerns, Public Input -

Mayor Edwards addressed the Council, stating that he received several comments on fireworks this year, so he wanted to allow Public Comments in this meeting, so the Council could hear some of the concerns.

He pointed out that prior to 2016, our Fireworks Ordinance allowed for fireworks to be shot for 5 days (July 1-July 5) from 8:00am to Midnight. He said after a Public Hearing in 2016 we adjusted the Ordinance to 4 days (July 1- July 4) from 8:00am to 11:00pm. He stated that it was mentioned in that meeting, that it doesn't even get dark until 9:30pm, so that would still allow some time for people to shoot their firework. He said that it seemed like the majority of people did stop shooting their fireworks at 11:00 this year, but there were a few that kept shooting them. He said he did listen to the Police Calls on the radio, and when residents called to complain, the Police responded right away.

Robin Reed asked Chief Harper for a report on Fireworks calls. Chief Harper said there weren't any more calls than we have had in previous years. He said it seems

that most people are voicing their frustrations on Social Media before reaching out to the Police.

James Eldridge- 216 Shane Drive - Mr. Eldridge addressed the Council, stating that he doesn't like fireworks at all. He expressed concern with time frame, property damage, pet stress, and injury potential. He also questioned the reasoning behind shooting fireworks off in the middle of the street, opposed to doing it in their back yard.

Diana Allen- 201 Blake Drive - Ms. Allen addressed the Council, stating that she did not have anything against the fireworks, and enjoys them along with a lot of her neighbors. She said she drives around to other sections of town to watch them. She supported having fireworks only on July 4th unless it fell on a Sunday, where she could see having a 2nd day for them. She questioned the reasoning behind the 4 days. She also questioned the use of Bottle Rockets,

Keith Higginbotham- City Council - Mr. Higginbotham gave a brief history of the Fireworks Ordinance and said he didn't mind the number of days, as much as making sure they stop at 11:00pm, so he could get to sleep. He said he would like to look at limiting the large Mortars.

Todd Wright- City Clerk - Mr. Wright addressed the Council stating that in his 14 years with the City, he has seen the Ordinance change from 5 days to 4 days. He said the reasoning over the years for the added days has revolved around allowing our citizens to celebrate their Freedom. He said the additional days are helpful when the 4th falls on a week day, when people have to work, or are waiting for family to come in, etc. He said we were conscious about limiting the time of night to end it, for those people that work.

Rick Hudson- Director of Public Works – Mr. Hudson said that shooting fireworks is a celebration of our country and everything we do is going to offend somebody, so we need to take that into account. He said the safety part of it falls to personal responsibility. He said shooting fireworks off means a lot to a lot of people.

Joshua Freeman- 851 Honeysuckle- Mr. Freeman said he agreed that fireworks are a way of celebrating our freedom and said we are already limited to 4 days. He said he appreciates the 4 days, even though it gets a bit tedious at 11:30, when some people might still be shooting mortars off.

Mayor Edwards offered to gather the Ordinances from our surrounding cities, to look at the use of Mortars and such.

Misty Elam supported no change to the Ordinance
Darren Warren supported no change to the Ordinance

Josie Reed supported no change to the Ordinance
Wayne Low supported no change to the Ordinance
Robin Reed asked that we look closer at limiting mortars
Keith Higginbotham asked that we look closer at limiting mortars

Mayor Edwards said he will pull the Ordinances from surrounding cities and look at mortars.

(9) Eliminate 2 Seasonal Positions in Parks & Rec and Convert to Full-Time Position -

Mayor Edwards addressed the Council, stating that we lost one of our Seasonal Parks & Rec workers to a Full-Time position in the Street Department. He said we had 2 Seasonal Parks & Rec Positions, so we now have an open Seasonal Position. After visiting with Director of Public Works Rick Hudson, he said he would like to ask for Council approval to combine the two (2) Seasonal Positions into one (1) Full-Time Position. Hudson said we will still bring on two (2) more Seasonal Positions in the spring. There was discussion.

Keith Higginbotham made a motion to Approve the combination of the two current (2) Seasonal Positions in the Pars & Rec Department into one (1) Full-Time Position, with a 2nd from Robin Reed. All Council Members voted in favor and the motion carried.

(10) Discuss Radio Purchase for Police and Fire Departments -

Mayor Edwards addressed the Council, stating that Benton County is changing its Radio System in the 1st or 2nd quarter of 2020, going to a State-Wide System, and we will need to purchase new equipment to be compatible and still be able to be dispatched by Benton County. He said he has visited with Chief's Thompson and Harper, who have been working with both Kenwood and Motorola. He said Motorola has been the most helpful in this venture, with an offer to lease this equipment. He said this is a \$300,000.00- \$325,000.00 expenditure. Edwards said there is an agreement from Motorola in the Council Packets. He said it is a 5-Year Lease and the Interest Rate is 4.97%. Edwards said we reached out to several local banks about an Act 78 Municipal 5-Year Loan, and we have found it for 2.89%, saving us 2%. There was discussion about the types of radios needed by the different City Departments and the cost of each. There was discussion.

Keith Higginbotham made a motion to allow the Mayor to apply for the bank funding for the new radios, and to enter into the agreement with Motorola to purchase the radios when the funding is acquired, with a 2nd from Robin Reed. All Council Members voted in favor and the motion carried.

(11) McKissic Trail Grant Approval -

Mayor Edwards addressed the Council, stating that we applied for and were tentatively granted a NWA Regional Planning Grant for \$250,000.00, to extend our Trails.

(12) Other Business-

- **Payroll Record Disposal** – Financial Director Pam Grant addressed the Council asking for their Permission to dispose of Payroll Records from 2002-2014 per Ark. Code 1459.114. There was discussion.

Robin Reed made a motion to Approve the disposal of Payroll Records from 2002-2014 per Ark. Code 1459.114, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

- **Shred-It** – Keith Higginbotham asked the Mayor to look into to cost of possibly holding a Community Paper Shred opportunity. There was discussion. Mayor Edwards said he would do some research and bring that information back to the Council.

(13) Announcements-

- **Master Street Plan & Master Trail Plan Public Input Session- 8/14/19 5:00-7:00 PM.**
- **Coffee with the Mayor 8/17/19 9:00 AM**

(14) Adjourn -

Wayne Low made a motion to adjourn at 7:20 PM with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk