



**CITY OF CENTERTON
CITY COUNCIL MEETING
DECEMBER 10, 2019**

(1) Public Hearing - Establishing Out of District Sewer Rates -

Mayor Edwards addressed the Council, stating that this Public Hearing is to allow for Public Comments in regard to the establishment of Out of District Sewer Rates. Edwards presented the rates, and stated that these rates will cover some customers we have in both Highfill and Decatur.

Keith Higginbotham made a motion to Open the Public Hearing, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

Mayor Edwards asked three (3) times if there were any Public Comments. There were no Public Comments.

Wayne Low made a motion to Close the Public Hearing, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

(2) Pledge - The Pledge of Allegiance was recited.

(3) Prayer - The prayer was offered by Todd Wright.

(4) Roll Call - Those Present and answering Roll Call were Mayor Bill Edwards, Keith Higginbotham, Wayne Low, Darren Warren, Misty Elam and Josie Reed. Robin Reed was absent. Those present and not answering Role Call were City Clerk Todd Wright, City Attorney Brian Rabal, Financial Director Pam Grant, Planning Director Lorene Burns, Police Chief Cody Harper, Fire Chief Matt Thompson, Director of Public Works Rick Hudson, Centerton Public Works Director Frank Holzkamper, Chief Building Inspector Robert Coffelt and HR Coordinator Jocelyn Diaz.. Animal Control Supervisor Terry Sanchez was not present.

(5) Council Minutes –

Josie Reed made a motion to Approve the Minutes of the November 12th, 2019 City Council Meeting, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

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

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the November 5th, 2019 and November 19th, 2019 Planning Commission Meetings; October 14th and November 11th, 2019 Parks & Recreation Meetings, and October 17th, 2019 CWSD Meeting, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

- (6) City and Court Financials-** Mayor Edwards stated that 91.67% through the year we have received 106.23% of our Budgeted Revenue. He stated that our Expenditures were at 103.45%. Edwards detailed some of the November revenue and expenditures for the Council.

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

(7) Department Reports-

The Department Reports were in the Council Packets.

- **Police Department- Safety-** Police Chief Cody Harper addressed the Council, stating that he has been working with Mayor Edwards and Director of Public Works Rick Hudson, looking at LED parking lot lighting and security measures at the Police Department. Harper detailed some of these measures. He said they have been working on these ideas prior to the recent local events. Mayor Edwards added that there are plans included with the New City Hall Project to add more Police parking in a secure, gated area. He said our current plans are to expedite something temporary in the meantime. Chief Harper said they are working on a design and figuring out costs. Harper stated that the officers always try to have backup and good communication on traffic stops.

(8) Ordinances -

- **Ordinance 2019-36- AN ORDINANCE ACCEPTING REFERRING TO VOTERS OF CENTERTON, ARKANSAS THE QUESTION OF WHETHER TO CHANGE THE TERMS OF COUNCIL MEMBERS FROM TWO YEARS TO FOUR YEARS BY ELECTING EVERY TWO YEARS ONE COUNCIL MEMBER FROM EACH WARD TO A FOUR YEAR TERM, THUS RESULTING IN STAGGERED TERMS PURSUANT TO ARKANSAS CODE ANNOTATED 14-43-312; TO SET A DATE FOR SUCH ELECTION; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that as requested previously by members of the City Council, this Ordinance is to place an item on the 2020 Ballot, to go to the voters, to change the terms of the City Council Members from Equal 2-Year Terms to staggered 4-Year Terms. He said this would add some stability to the City Government, stating that a lot of cities have gone to 4-Year Terms. He said that if approved by the voters, the State Statute says that in 2020, Council Members in Seat #1 of each Ward would be elected to 4-Year Terms, with the Seat #2 Council Members of each Ward being elected to 2-Year Terms, but up for election in 2022 for 4-Year Terms. Edwards said if this Ballot item is turned down by the voters, the City Council terms would remain as 2-Year Terms. City Clerk Todd Wright stated that this had been brought up by the Council in 2018 and again earlier this year.

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 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 Wayne Low. All Council Members voted in favor and the motion carried. Josie 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 2019-37- AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, SECTION 2.16.03 FIXING THE SALARY FOR CITY CLERK.**

Mayor Edwards addressed the Council, stating that this Ordinance is to set the annual salary for the City Clerk at \$15,000.00. He said he sent a breakdown of how he came up with the salary to Council, including a list of salaries for other cities in the State, with a population of 10,000 citizens or more. There was discussion about the added duties, above and beyond State Statute, that are performed by the current City Clerk. Darren Warren asked what would happen if

a new Clerk is elected and says they are only doing the duties required by State Statute and we are paying this proposed Salary. Warren said he did not have an issue with paying the proposed salary amount to the current City Clerk, but we need to think about the long-term. Misty Elam agreed. Warren added that as an Elected Official, we cannot set the hours for this position, and we should also be looking at the potential added cost of Benefits for this position. Financial Director Pam Grant said that she spoke to the AML and the Elected City Clerk Position, with Salary, would qualify for Benefits as long as they weren't Medicare Eligible. She said it was not dictated by the amount of pay, but by the fact that it is a Salary Position. There was discussion about the difference in Benefit Options between Salary, Part-Time and Seasonal Employees. Mayor Edwards stated that he felt the Approved Salary would be set for the elected term, and could be adjusted before the next term, just as his Salary is. City Attorney Brian Rabal said he would have to look at how the AML defines Salaried Positions. Mayor Edwards said that Pam has already reached out to them. Keith Higginbotham asked if something happened to the City Clerk, and they were unable to perform the duty for a certain amount of time, would they still be paid, while we pay someone else to do the job? Mayor Edwards said they would, and he is sure these other cities have to do the same thing. He said we currently have other employees fill in when this happens in other departments. Higginbotham asked if there was a way we could add a detailed job description to this ordinance. City Attorney Rabal recommended that a section be added to the ordinance outlining those "duties required in addition to the Requirements set forth by the Arkansas State Statue". Josie Reed recommended using the list of duties currently being performed, which was sent out by the Mayor. The Mayor and the Council Members agreed. There was brief discussion.

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

Keith Higginbotham made a motion to Table the Ordinance until the January 2020 City Council Meeting; Allowing the City Clerk and City Attorney to meet and add a Section to the Ordinance, outlining Additional Duties required for the Proposed Salary; Leaving the Salary in the Proposed Budget; and making it Retroactive to January 1st, if Approved, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

- **Ordinance 2019-38- AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2020; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to approve the City Budget for 2020.

Edwards asked the Council if they would take action on two (2) items proposed by Judge Connor prior to approving this budget. He said we discussed both of these items in our Budget Workshop, but did not take any formal action.

- **15% Pay Increase for two (2) Court Clerk Positions.**

Misty Elam made a motion to Deny, at this time, the 15% Pay Increase for Two (2) Court Clerk Positions, as requested by Judge Conner, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

- **Line Item Movement of “Contract Labor”, for the Prosecutor, Appeals and Salary of the State District Judges; from the Court Budget to the Administrative Budget.**

Wayne Low made a motion to leave the Line Item for “Contract Labor” where it currently is in the Budget, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

Mayor Edwards addressed the Council regarding the Proposed Budget, stating that he sent them an e-mail detailing some small requested changes, such as the Planning Assistant Position, at \$14.00/hr., with the Census coming, as well as the Salary for the City Clerk. He said we moved some money around and eliminated some Contract Labor in some areas to help absorb those additions to the budget. Darren Warren questioned the added Planning Assistant Position, on top of the City Planner Position that was just approved at the last council meeting. He asked whether we still needed to pay someone to record and type the Planning Meeting Minutes. Mayor Edwards said there isn't enough time during the week to do it, pointing out the detail and length of those Minutes. He said it is listed separately in the Code and has been done that way since 2005. Warren said we could change the Code and save \$7200.00. Planning Director Lorene Burns said we have tried to do it with Staff, during office hours, and there is just not enough time and too many distractions. Mayor Edwards said he didn't feel there would be much savings, by the time you paid overtime. Warren asked if they would have to work past 5:00 PM and Mayor Edwards said they would if they had to, and pointed out that there are two (2) Planning Meetings per month now.

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 Wayne Low. 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 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 Keith Higginbotham. All Council Members voted in favor, except for Darren Warren, who voted NO, and the motion carried. Brian Rabal read the Emergency Clause. Wayne Low 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 2019-39- AN ORDINANCE TO REZONE CERTAIN LANDS IN S7-T19N-R31W, WITHIN THE CENTERTON CITY LIMITS, BELONGING TO JEFF KUHLMAN, FROM AGRICULTURAL (A-1) TO LOW DENSITY RESIDENTIAL (R-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone property off of Motley Road, owned by Jeff Kuhlman, which was recommended for City Council Approval by the Planning Commission at their 12/3/19 meeting. He said there was a Public Hearing, and there was no opposition.

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

Josie Reed made a motion to read the Ordinance by title only, with a 2nd from Wayne Low. 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. 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 2019-40- AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, SECTION 10.12.08 ADJUSTING SEWER RATES, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend the Code and add the approved Out of District Sewer Rates.

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

Josie 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. 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. Keith Higginbotham made a motion to adopt the Ordinance with a 2nd from Josie Reed. All Council Members voted

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

- **Ordinance 2019-41- AN ORDINANCE APPROVING AN ADDENDUM TO THE CONTRACT FOR WASTEWATER TREATMENT WITH THE CITY OF DECATUR, ARKANSAS; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT ON THE CITY'S BEHALF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to add the amended Out of District Sewer Rates to the contract between Centerton and Decatur.

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

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

Resolutions-

- **Resolution 2019-20- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN EQUIPMENT PURCHASE AGREEMENT WITH HEARTLAND HONDA, SPRINGDALE, ARKANSAS FOR THE PURCHASE OF A HONDA PIONEER 1005-5 DELUXE UTV.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve the purchase of a Honda Pioneer 1005-5 UTV, in the amount of \$27,718.13, for use by the Fire Department. He said the Fire Department was going to trade in their current piece of equipment, but he feels that the Street Department can use it, and they are going to pay \$10,000.00 toward the new UTV, in exchange.

Fire Chief Matt Thompson addressed the Council and detailed the uses for the new UTV, such as getting people off of trails and working brush fires, etc. Thompson said they can absorb it in this year's Fire Department Budget.

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

Josie 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. 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.

(9) 2020 State Aid Grant for Tycoon, Motley and Dorsey Lee Roads -

Mayor Edwards addressed the City Council, stating that we have had a request in previous meetings for paving some roads on the south part of the city. He said Robin Reed had asked for him to apply for a State Aid Grant to help pave Tycoon, Motley and Dorsey Lee Roads. Edwards said we applied for this Grant last year and he has reached out to the State again this year, to get on the list, and will continue to apply until we get it. He said the Director of Public Works estimates the project will cost around \$314,000.00 at current prices. A spreadsheet with a breakout of the areas proposed, with their estimated costs, was provided to Council. Edwards said if we receive this grant, he will reach out to the City of Bentonville for their participation, as part of this area is in their city limits. City Clerk Todd Wright said we did address this item in two separate Council meetings and stated that we would continue to apply for this grant, but would not likely get it this year, because we had just gotten it. He said the estimated cost is about where we thought it would be. Wright said we also talked about reaching out to Bentonville and Benton County, and were asked by the complainant to not do that. Mayor Edwards said we need to reach out to Bentonville, as part of this involves their roads. Council agreed.

(10) Water Facility's Needs- Bob Anderson –

Mayor Edwards addressed the Council, stating that we building a New City Hall and Centerton Utilities have previously expressed an interest in moving into the current City Hall building. He said after further discussion, they feel this building may not be feasible for Centerton Utilities. Edwards said the City owns property at 577 N. Main Street and Centerton Utilities has asked for the opportunity to be the Primary User on that property, and to be able build a Water Office there. He said the land had previously had a lien on it and it was donated to the City. Edwards said that this would allow the current City Hall to continue to be used as a Community Building. Edwards said Centerton Utilities would have to go

through the Planning process for this project. City Clerk Todd Wright asked if the property would come off of the city's Fixed Asset List and move to Centerton Utilities, as well as the taxes on the property. Mayor Edwards said it would transfer to Centerton Utilities if they ended up building on it. Robert Anderson agreed. He said the Centerton Utilities is an Enterprise Fund for the City of Centerton and they are the designated Manager/Operator of the Waterworks and Sewer System, so it would still be City property, but not under the City General Fund.

Keith Higginbotham made a motion to Grant the request of Centerton Utilities to be the Primary User of the City Property at 577 N. Main Street, as discussed, with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

(11) Request Change to Police Vehicle Purchase from Approved 2020 Dodge Charger to 2020 Dodge Durango Police Package -

Mayor Edwards addressed the City Council, stating that Council previously approved the purchase of a 2020 Dodge Charger for the Police Department. He said that vehicle is no longer available on the State Bid, and our order was cancelled. He said the next available, closest priced vehicle is a 2020 Dodge Durango Police Package, at \$27,987.00, and the Dodge Charger that was approved by Council was \$24,701.00. Edwards asked for Council Approval for the additional cost to purchase the 2020 Dodge Durango. Chief Harper stated that he has a Return Request placed, to return the accessories that were ordered specifically for the Charger, and ordered the ones that are Durango specific. He said there won't be much of a cost difference, and gave details. He said the estimated accessory cost should be around \$8000.00. There was discussion and Council agreed.

Keith Higginbotham made a motion to Approve the cost difference to purchase of a 2020 Dodge Durango Police Package, as well as the necessary Accessories, in place of a 2020 Dodge Charger that was previously Approved by Council, but found to be unavailable, with a 2nd from Wayne Low. All Council Members voted in favor, and the motion carried.

(12) Approve Phase II and Phase III of the Downtown Flood Study -

Mayor Edwards addressed the City Council, stating that Council previously approved Phase I of the Downtown Flood Study in 2018, and they asked that it come back for Council Approval for any additional Phases. He said that Planning Director Lorene Burns has put the additional Phases in the Planning Budget for Phase II at \$16,590.00 and Phase III at \$13,680.00. Josie Reed pointed out that there is a possible \$8000.00 Review Fee listed in Phase II. Lorene Burns

explained how the \$8000.00 could come into play, and said that any cost of Physical Improvements would have to come back to City Council for their approval. She said she had this in the 2019 Planning Budget and has it in the 2020 Budget, hoping they can get started. Misty Elam asked if the additional \$8000.00 should be added to this approval. Burns said she thought it would be good to do that.

Misty Elam made a motion to Approve \$16,590.00 for Phase II, including an additional possible \$8000.00 Review Fee, and \$13,680.00 for Phase III of the Downtown Flood Study, with a 2nd from Darren Warren. All Council Members voted in favor, and the motion carried.

(13) Discuss Mayor Salary -

Mayor Edwards addressed the City Council, stating that by Ordinance we discuss the Salary for the Mayor each December. He said is up to the City Council to approve the Salary of the Mayor. There was brief discussion.

Keith Higginbotham made a motion to Approve a 4% increase for the Mayor's Salary as listed in the Proposed Budget, at \$86,528.00, with a 2nd from Josie Reed. All Council Members voted in favor, and the motion carried.

(14) Public Comment – There were no Public Comments.

(15) Other Business-

- **Voluntary Annexations-** There was brief discussion about multiple property owners looking to annex into the city. Lorene Burns said she was aware of some residents currently in the County. Keith Higginbotham said he thought there were other residents south of the city limits. Mayor Edwards said he would look further into it.

(16) Announcements -

- **12/14/19 - Christmas Bazaar & Parade**

(17) Adjourn -

Wayne Low made a motion to adjourn at 7:26 PM with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk