



**CITY OF CENTERTON
CITY COUNCIL MEETING
JUNE 12, 2018**

The City Council was called to order at 6:00 p.m. by Mayor Bill Edwards. The Pledge of Allegiance was recited. The prayer was offered by Todd Wright. Those Present 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 roll call were City Clerk Todd Wright, Financial Director Pam Grant, City Attorney Brian Rabal, Director of Public Works Rick Hudson, Police Lieutenant Anthony Keck, Fire Chief Delton Bush, Planning Director Lorene Burns, Water & Sewer Superintendent Frank Holzkamper, Animal Control Supervisor Terry Sanchez and Chief Building Inspector Robert Coffelt.

Public Hearing- Mayor Edwards addressed the City Council and audience, stating that that this Public Hearing is to vacate 4-ft of the drainage easement and building setback on Lot 29 of the Creekside Subdivision.

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 if there was anyone that would like to speak on this item. There was none.

Wayne Low made a motion to close the Public Hearing, with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

- (1) Council Minutes-** Robin Reed made a motion to approve the Minutes of the May 8th, 2018 City Council Meeting and May 15th and May 24th, 2018 Special City Council Meetings, with a 2nd from Wayne Low. All Council members voted in favor and the motion carried.

(2) Planning, Board of Zoning Adjustment, Parks & Recreation and Water & Sewer Minutes- Keith Higginbotham made a motion to acknowledge receipt of the Minutes of the April 24th, 2018 Planning Commission Meeting, April 24th, 2018 Board of Zoning Adjustment Meeting, April 17th, 2018 CWSD Meeting and May 14th, 2018 Parks and Recreation 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 41.67% through the year we have received 51.21% of our budgeted Revenue. He stated that our expenditures were at 42.93%. Edwards highlighted some of the financials for the Council. Wayne Low made a motion to accept the May, 2018 City and Court Financials, with a 2nd from Josie Reed. All council members voted in favor and the motion carried.

Wayne Low asked the Mayor if the Court Report could be done in the previous style, to make it easier to understand. Mayor Edwards said he would make that note.

(4) Department Reports- Building Inspection- Robert Coffelt's report was in the council member's Dropbox packets. **Planning-** Lorene Burns' Planning Project Status Report was in the council member's Dropbox packets. **Police-** Cody Harper's report was in the council member's Dropbox packets. **Streets / Parks & Rec-** Rick Hudson's reports were in the council member's Dropbox packets. **Fire-** Delton Bush's report was in the council member's Dropbox packets. **Water & Sewer-** Frank Holzkamper's report was in the council member's Dropbox packets. **Animal Control-** Terry Sanchez's report was in the council member's Dropbox packets.

Keith Higginbotham commented on the Speed Trap accusation, pointing out the number of Citations (186) vs. Warnings (398) on the Police Department Statistics Report.

(5) Ordinances-

- **Ordinance 2018-28- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS BELONGING TO JUSTIN AND JEANETTE POTTER; FROM AGRICULTURAL (A-1) TO RESIDENTIAL ESTATES (RE).**

Mayor Edwards addressed the Council, stating that this ordinance is to approve the rezone property on Edgewood Road. Edwards said this rezone was approved at a Public Hearing on 5/22/18 by the Planning Commission.

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 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 Josie Reed. All Council members voted in favor and the motion carried.

- **Ordinance 2018-29- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS BELONGING TO MELVIN AND JUDY COFFELT; FROM AGRICULTURAL (A-1) TO NEIGHBORHOOD COMMERCIAL (C-3).**

Mayor Edwards addressed the Council, stating that this ordinance is to rezone certain land off of Seba Road and N. Main Street. He said there was a Public Hearing on 5/22/18 and this was approved by the Planning Commission.

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. 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.

- **Ordinance 2018-30- AN ORDINANCE VACATING A PORTION OF THE PLATTED DRAINAGE EASEMENT AND SETBACK LOCATED ON LOT 29 OF THE CREEKSIDE SUBDIVISION, PHASE 1, CITY OF CENTERTON, AS RECORDED IN PLAT BOOK 2016 AT PAGE 34 IN THE RECORD OF BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this ordinance is to accept vacation of 4-ft of the existing 15-ft of dedicated drainage easement and setback

along the north property line of Lot 29 of the Creekside Subdivision Phase 1, to increase the buildable area. Edwards said this was the item we had the Public Hearing on, at the beginning of this meeting.

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. 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. 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.

- **Ordinance 2018-31- AN ORDINANCE TO ACCEPT RIGHT-OF-WAY ALONG CUTBERTH LANE, DEDICATED BY JOSEPH ZUMSTEIN JR. PER WARRANTY DEED RECORDED IN BOOK 2018 PAGE _____; AND DECLARING AN EMERGENCY.**

Mayor Edwards addressed the Council, stating that this ordinance is to accept right-of-way on Cutberth Lane. Edwards said the cost of acquiring this easement was \$11,500.00.

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 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 Darren Warren. 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. Wayne Low made a motion to approve the Emergency Clause, with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

- **Ordinance 2018-32- AN ORDINANCE ACCEPTING THE REPLAT OF LOT 2A, CREATING LOTS 2C AND 2D, OF THE WILLOW CROSSING SUBDIVISION PHASE 1, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS; AND ACCEPTANCE OF EASEMENT DEDICATIONS THEREOF.**

Mayor Edwards addressed the Council, stating that this ordinance is to accept the replat of lots in the Willow Crossing Subdivision Phase 1. Edwards said this was originally approved by the Planning Commission on 1/23/18.

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. 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. Robin 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 2018-15- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH DEAN CROWDER CONSTRUCTION INC, BENTONVILLE, ARKANSAS FOR PAVING KIMMEL ROAD.**

Mayor Edwards addressed the Council, stating that this resolution is to enter into an agreement with Dean Crowder Construction to pave Kimmel Road. Edwards said this project was put out to bid and it was awarded to Dean Crowder Construction, in the amount of \$384,429.00.

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

- **Resolution 2018-16- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, ON BEHALF OF THE CITY OF CENTERTON AN AGREEMENT WITH GARVER ENGINEERING, FAYETTEVILLE, ARKANSAS FOR PLANNING AND ENGINEERING SERVICES FOR THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council and explained the need for this resolution to enter into an agreement with Garver Engineering, for Planning and/or Engineering services, on an “as-needed” basis. There was a Services Rate Scale included in the contract. Edwards stated that we looked at several companies.

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 Misty Elam. 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 Wayne Low. All Council members voted in favor and the motion carried.

- **Resolution 2018-17- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN EQUIPMENT PURCHASE AGREEMENT WITH MHC KENWORTH/VOLVO SPRINGDALE, ARKANSAS, FOR THE PURCHASE OF A TANDEM AXLE DUMP TRUCK.**

Mayor Edwards addressed the Council and explained the need for this resolution to enter into an agreement with MHC Kenworth/Volvo, to purchase a new dump truck for the Street Department. Edwards said we will discuss the surplus of an existing dump truck, later in this meeting. He said the price of this truck is \$126,000.00 (\$110,627.92, plus a salt and mix spreader) and the truck won't be in until later in the year. Edwards said we will be looking at a couple different funding options.

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. Keith Higginbotham made a motion to adopt the resolution, with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

- **Resolution 2018-18- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN EQUIPMENT RENTAL AGREEMENT WITH STRIBLING EQUIPMENT, SPRINGDALE, ARKANSAS, FOR RENTAL OF A 410 L BACKHOE/LOADER.**

Mayor Edwards addressed the Council and explained the need for this resolution to enter into an agreement with Stribling Equipment, for a 2-year lease on a 410L Backhoe/Loader for the Street Department, to replace a current backhoe.

Darren Warren 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. Robin Reed made a motion to adopt the resolution, with a 2nd from Wayne Low. All Council members voted in favor and the motion carried.

- **Resolution 2018-119- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH MORRISON SHIPLEY ENGINEERS, BENTONVILLE, ARKANSAS; FOR CIVIL DESIGN AND SURVEYING SERVICES TO PREPARE CONSTRUCTION PLANS FOR THE FIRE HOUSE EXPANSION AT THE CENTERTON FIRE DEPARTMENT IN THE CITY OF CENTERTON, ARKANSAS .**

Mayor Edwards addressed the Council and explained the need for this resolution to enter into an agreement with Morrison Shipley Engineers, to prepare Construction Plans for the Fire Department expansion. Edwards said this contract is not expected to exceed \$5000.00. Edwards said we would like to go ahead and put this expansion out for bid, as well as automatic sprinklers for the Fire House. There was discussion.

Robin Reed made a motion to put the Fire House Expansion out for bid, as well as the Sprinkler System, with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

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. Wayne Low made a motion to adopt the resolution, with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

- (7) **Declare Ford Dump Truck from Street Department as Surplus-** Mayor Edwards asked the Council to declare the Ford Dump Truck as Surplus. He said he will put it on Gov Deals.

Keith Higginbotham made a motion to declare the Ford Dump Truck as surplus, with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

(8) Acknowledge Receipt of Water and Sewer 2017 Financial Audit-

Robin Reed made a motion to acknowledge receipt of the 2017 Water & Sewer Financial Audit, with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

(9) Request from David Ball to Vacate Right-of-Way on Spur Lane- Mayor Edwards addressed the Council, stating that Mr. Ball had reached out to him, asking the City to vacate Spur Lane, an undeveloped street stub-out, south of his property. Edwards said that Ball currently maintains this property. Edwards said that he understood that if this property was vacated, half of the property would go to Ball and half of the property would go to the property owner to the south.

Rick Hudson- Director of Public Works, Hudson said there was quite a bit of discussion about this road at the Rezone Hearing during the last Planning Commission Meeting. He said the Planning Commission's thoughts were that this was going to be another connection to Hwy 102B, with the possible exception of it developing as Commercial. He said he understood the resident's concerns.

Lorene Burns- Planning Director Burns said the Planning Commission was not ready to vacate that easement until they see what plans come in for development. Burns asked the City to consider other uses for the property before vacating it, such as a neighborhood park. There was discussion.

David Ball- 1200 Chattie Drive- Mr. Ball addressed the Council, stating he has been in discussion with the Mayor and Mr. Hudson. He said it was stated at the last Planning Commission Meeting, that if the property develops as Commercial, that road will likely not be needed. He said the residents are concerned about any Commercial traffic coming into the neighborhood. Ball was open to the idea of a neighborhood park.

Keith Higginbotham- Alderman Higginbotham stated that he would like to wait and see what Development Plans come forth, if the property sells.

Robin Reed- Alderman Reed agreed with Alderman Higginbotham about waiting for any Development Plans, if the property sells. She asked that the Planning Department notify the residents, should any plans come forth.

- (10) **Acknowledge Receipt of \$60,000.00 Grant for Comprehensive Plan for the City-** Mayor Edwards addressed the Council, stating that we applied for a 50/50 matching Grant for a Comprehensive Plan for the City. He stated that we were awarded the Grant by the Walton Family Foundation. Edwards said we have the funds in our Budget to match this Grant. He said this Grant will get us started with this project. Edwards said we will put together a Committee to hire one (1) of the five (5) firms that applied for this project. He said we will be looking at our Master Street Plan, Land Use Plan, and Zoning, as well as a Plan for Development for the City. Edwards said there will be Public Hearings along the way, to allow for input from the citizens.

- (11) **Reappoint Craig Overton, Buddy Routt, Joel Edwards, Robin Reed and Angela Clark to the Parks & Recreation Advisory Board; Terms Ending 7/31/20-**

Wayne Low made a motion to Reappoint Craig Overton, Buddy Routt, Joel Edwards, Robin Reed and Angela Clark to the Parks & Recreation Advisory Board; Terms Ending 7/31/20, with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

- (12) **Other Business-**

- **Police Department-** Lieutenant Keck addressed the Council, stating that he and the other officers were in attendance at this meeting to show support for the Officers on Administrative Leave.

Mayor Edwards made a formal update, stating that we have an Auditor looking at the Police Department records, and we have a couple of allegations being looked at by the Arkansas State Police: 1) Speed Trap Violation allegation. 2) Criminal Charge allegation. Edwards said the same investigator is looking at both of the allegations. He said the Auditor is getting close to being wrapped up, and he has spoken to the County Prosecutor about a timeline. Edwards said he hopes to have things wrapped up by the next City Council Meeting. City attorney Brian Rabal had nothing to add.

- (13) **Executive Session-** Mayor Edwards said there were some Personnel changes at the Street Department that they needed to discuss.

Robin Reed made a motion to enter into Executive Session to discuss a Personnel matter, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

The Mayor and City Council retired to the Conference Room.

Wayne Low made a motion to exit the Executive Session to discuss a Personnel matter and enter back into the City Council Meeting, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

Mayor Edwards stated that Executive Session was held to discuss Personnel matters, in regard to changes in some job titles, positions and salaries. He said we are participating with the Municipal League in a Salary Study. He said when it is completed, he would like to sit down and look at Police and Fire salaries.

Keith Higginbotham made a motion to Approve the Job Title Changes and Position Changes, with Salary Adjustments, as proposed by the Mayor, with a 2nd from Wayne Low. All Council Members voted in favor, except for Misty Elam, who voted NO, and the motion carried.

(14) Announcements-

- Coffee with the Mayor- 6/16/18 at 9:00 a.m. at City Hall.

(15) Adjourn-

Wayne Low made a motion to adjourn at 8:20 PM with a 2nd from Keith Higginbotham. All council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk