



**CITY OF CENTERTON
CITY COUNCIL MEETING
SEPTEMBER 11, 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 Keith Higginbotham. 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 role 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.

- (1) **Council Minutes-** Josie Reed made a motion to approve the Minutes of the August 14th , 2018 City Council Meeting and August 29th , 2018 Special City Council Meeting, with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

- (2) **Planning and Water & Sewer Minutes-** Wayne Low made a motion to acknowledge receipt of the Minutes of the July 24th , 2018 Planning Commission Meeting, and June 17th , 2018 CWSD Meeting, with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

- (3) **City and Court Financials-** Mayor Edwards stated that 66.67% through the year we have received 76.43% of our budgeted Revenue. He stated that our expenditures were at 65.88%. Mayor Edwards highlighted some of the financials for the Council. Darren Warren made a motion to accept the August, 2018 City and Court Financials, with a 2nd from Josie Reed. All council members voted in favor and the motion carried.

(4) Department Reports- Building Inspection- The Building Inspection Report was in the Council member's Dropbox packets. **Planning-** The Planning Project Status Report was in the Council member's Dropbox packets. **Police-** The Police Department Report was in the council member's Dropbox packets. **Streets / Parks & Rec-** The Street Department and the Parks & Recreation Department Reports were in the council member's Dropbox packets. **Fire-** The Fire Department Report was in the council member's Dropbox packets. **Water & Sewer-** The CWSD Report was in the council member's Dropbox packets. **Animal Control-** The Animal Control report was in the council member's Dropbox packets.

(5) Ordinances-

- **Ordinance 2018-43- AN ORDINANCE AUTHORIZING THE ISSUANCE OF A GENERAL REVENUE PROMISSORY NOTE (DUMP TRUCK PROJECT), SERIES 2018; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTE; AUTHORIZING THE EXECUTION AND DELIVERY OF A SECURITY AGREEMENT PROVIDING SECURITY FOR THE NOTE; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS RELATING THERETO.**

Mayor Edwards addressed the Council, stating that this Ordinance is to authorize the purchase of a dump truck for the Street Department, which the Council approved earlier this year. He said this is ACT 78 financing, with a low-interest 5-year loan. Edwards said the financing won't begin until we get the truck in October or November, and the loan will not exceed \$126,512.92.

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 Keith Higginbotham. 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 Josie Reed. All Council members voted in favor and the motion carried. Keith Higginbotham made a motion to adopt the Ordinance with a 2nd from Darren Warren. 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 Misty Elam. All Council members voted in Favor and the motion carried.

- **Ordinance 2018-44- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTETON CITY LIMITS BELONGING TO SANDRA TOWNSEND; FROM AGRICULTURAL (A-1) TO RESIDENTIAL ESTATES (R-E).**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept a Rezone of certain lands along Buckhorn Flats Road. Edwards said this item was approved and recommended to City Council for approval on 8/28/18 by the Planning Commission.

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. 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 Darren Warren. All Council members voted in favor and the motion carried.

- **Ordinance 2018-45- AN ORDINANCE ACCEPTING 30' RIGHT-OF-WAY DEDICATION BY SANDRA J. TOWNSEND PER TRACT SPLIT FOR PROPERTY LOCATED ON BUCKHORN FLATS ROAD IN S03-T19N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept 30' of right-of-way per a Tract Split on Buckhorn Flats Road. Edwards said this item was approved and recommended to City Council for approval on 8/28/18 by the Planning Commission.

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

Robin Rees 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. 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. 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.

(6) Resolutions-

- **Resolution 2018-28- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH NEC INC., ROGERS, ARKANSAS FOR ALLEN ROAD CULVERT IMPROVEMENTS FOR THE CITY OF CENTERTON.**

Mayor Edwards addressed the Council, stating that this Resolution is to authorize an agreement with NEC Inc., for culvert improvements on Allen Road. Director of Public Works Rick Hudson detailed the need for the improvements to this culvert for the Council.

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

(7) Book Presentation- Levey Williams-

Levy Williams made a presentation of books for the Centerton sharing libraries, on behalf of the Omega Psi Phi Fraternity, Inc., Upsilon Chi Graduate Chapter, Northwest Arkansas.

(8) Appoint Jerry Harris to the Planning Commission, Term Expiring June 30, 2021-

Mayor Edwards asked for the City Council's approval to Appoint Jerry Harris to the Planning Commission, Term expiring June 30, 2021.

Keith Higginbotham made a motion to Approve the Appointment of Jerry Harris to the Planning Commission, Term Expiring June 30, 2021, with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

(9) Surplus GPS Unit Serial # 220257892-

Mayor Edwards stated that he would like to have the Council's permission to surplus a Portable GPS Unit that was purchased in 2005-2006, and is no longer in use. There was discussion about its past use.

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

Keith Higginbotham made a motion to Surplus GPS Unit Serial # 220257892, with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

(10) Surplus 2009 Dodge Charger-

Mayor Edwards stated that he would like to have the Council's permission to surplus the 2009 Police Dodge Charger. He said it has 107,972 miles, and has about \$3500.00 in needed engine repairs. He said it has been used as a part-time vehicle.

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

Keith Higginbotham made a motion to Surplus the 2009 Dodge Charger, with a 2nd from Wayne Low. All Council members voted in favor and the motion carried.

(11) City Hall Project Update- Josh Siebert-

Josh Siebert of Modus Studio Architecture addressed the Council and gave a detailed presentation of the work they have been doing for the New City Hall Project. He made presentations for a 15,000 sf, 2-story, sprinkled complex at both the current City Hall location, as well as the location between the Police and Fire Departments. Siebert listed positives and negatives of both locations. He presented concepts to the Council. There was lengthy discussion about cost, growth potential, existing infrastructure, access, parking, security, safety, construction prices and timing, etc. Mayor Edwards pointed out that the City Council has already approved the Municipal Plaza location and that the project would have to go through the Planning Department. Keith Higginbotham said the Staff would be displaced during construction, if the current location was selected. Darren Warren preferred the current location. Lorene Burns asked the Council to consider the current location, or even another property in the downtown area. She was concerned with access and visibility at the Municipal Plaza location. Pam

Grant asked the Council to strongly consider future staff growth in the choice of a location, stating that the current location would be limited for expansion. Wayne Low said the current location is land-locked and lacked adequate parking. There was more discussion

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

No Action Was Taken.

(12) Other Business-

• **Police Department-**

City Attorney Brian Rabal addressed the Council, stating that the Police situation has been going on for 17 weeks. He said he thinks David Williams has made some findings, which have been sent on to Legislative Audit, who are looking through some things. Rabal said he has spoken to the Arkansas Municipal League, and they have advised involving someone with significant Employment Law experience to look at this, and he has reached out to Eva Madison, who works exclusively with employee matters, representing employers. Rabal asked the Council to approve the retaining of Madison's services, to help finish things up, so we can either bring these officers back on, or make other determination.

Robin Reed asked if Madison's services would include looking at Policies, Procedures and HR items. Rabal said it probably would not hurt to have her look at some of those things. He said one of the things we have found is that we have some Policies and Procedures that are, in his opinion, outdated and need to be adjusted. Rabal said that Madison is certainly experienced enough to probably direct us or provide us with some things that would be beneficial.

Robin Reed asked what Madison's fee would be. Rabal said that depends on what needs to happen. He said she is open to negotiation, with potentially a flat fee, but that typically on the investigative side, she said \$10,000.00 is a fair number to consider, for an average investigation. Rabal said a lot of the investigation has already been done, so that figure may be a little high, but the City needs to look at this from an insurance perspective as well. He said we need to make sure that we have done everything correctly, and if we haven't, let's mitigate it, to make sure we do things correctly from here on out. Rabal said this would be a wise investment, even from a financial standpoint.

Misty Elam asked what Madison was going to be able to do to help resolve the situation sooner. Rabal said Legislative Audit is not going to make Employment decisions or recommendations, but Madison is going to look at the findings, possibly conduct additional investigation, and come back and say "this is what

needs to happen”, from an employment standpoint. Rabal said any Criminal findings would be handled by the Prosecutor’s Office, or a Special Prosecutor’s Office. Rabal said he has spoken to several people about looking at the Employment Law side of this after speaking with Mark Hayes at AML. Rabal said he spoke with Madison this afternoon and that he would let her know the Council’s decision in the morning. There was discussion about a fee amount.

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

Robin Reed made a motion to Approve a \$10,000.00 Retainer for Eva Madison for Employment Law Services for the City, with a 2nd from Darren Warren. There was a Roll Call. All Council members voted in favor and the motion carried.

- **James Eldridge- Fireworks Complaint-**

Mr. Eldridge addressed the Council and expressed unhappiness with the Fireworks Code for the City. He gave examples from this past July. There was discussion.

No Action Was Taken.

(13) Announcements-

- Centerton Day Update
- Fall Festival for Vendors October 20th, 2018
- Coffee with the Mayor- 9/15/18 at 9:00 a.m. at City Hall

(14) Adjourn-

Misty Elam made a motion to adjourn at 7:43 PM with a 2nd from Wayne Low. All council members voted in favor and the motion carried.

City Council 9/11/18

Bill Edwards, Mayor

Todd Wright, City Clerk