



**CITY OF CENTERTON
CITY COUNCIL MEETING
OCTOBER 9, 2018**

Public Hearing- Water and Sewer Bonds-

Mayor Edwards introduced the item to the Council.

Robin Reed 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 read a Letter from the Centerton Utilities Director Frank Holzkamper:

💧 Before I start, I want to be clear about something. There is a lot of chatter online about how this tower and sewer project are going to be paid for. With all this growth, revenues have also grown. As a result, we are in a very good financial position and will not be having to raise rates to build this new tower and southwest sewer project. That is all being paid for by current revenues. It is a nice position to be in and your Utilities department has worked very hard to make this a reality. In addition, with this new loan that we are borrowing, we are re-financing old debt with a lower interest rate. This is going to help even more by lowering current payments. Win-Win for the city...

💧 BC Planning has approved the plans for development of the city's new water tower.

💧 I am currently in negotiations with the property owner south of the city to obtain the property needed to build the new lift station for sewer along the southern border of the city. We hope to have this project turned over to ADH by November. **Still in the works. Easements are being obtained as we continue to work the project.**

💧 If you go down Kimmel from S Main St., you will see my crews installing new gravity sewer down to Daisy Rd. This is phase one of our project to supply sewer to that area. We are banking on this to encourage growth as it did when we laid sewer up to the corner along Greenhouse. **(Update) By the council meeting, we will have crossed the road at Daisy and be finishing up the cleanup.**

💧 The Commission is still working with Bella Vista for the sale of a very small portion of our service area. It is the lines that go up into their city and the sale will not affect our system in any way. **(The State Water Compliance Committee and Health Dept. are reviewing the project.)**

💧 **As always, feel free to contact me with any questions.**

Maggie Arguelles- 596 Allen Road- Mrs. West addressed the Council, asking for an overview of the Water Tower Project and the Detention Basin.

Frank Holzkamper addressed Mrs. West, stating that the new Water Tower will be on Hwy 72, next to the current Water Tower. He said they have been approved by Benton County Planning for that site. Holzkamper said the Retention Basin will be on Allen Road, at the Lift station there. He said that the 300,000 gallon Retention Basin is only for events of heavy rain, to equalize the flow, and will be in the ground, with a cover over it. Holzkamper also detailed the Southwest Sewer Project that they are currently constructing.

Mayor Edwards asked if there were any other questions or comments from the public or the Council. There were none.

Keith Higginbotham made a motion to Motion the public Hearing, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

The City Council was called to order at 6:06 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 and Robin Reed. Josie Reed was absent. 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, Centerton Utilities Director Frank Holzkamper, Animal Control Supervisor Terry Sanchez and Chief Building Inspector Robert Coffelt.

- (1) **Council Minutes-** Wayne Low made a motion to approve the Minutes of the September 11th, 2018 City Council Meeting, with a 2nd from Robin Reed. All Council members voted in favor and the motion carried.

- (2) **Planning, Board of Zoning Adjustments and Water & Sewer Minutes-** Keith Higginbotham made a motion to acknowledge receipt of the Minutes of the August 28th, 2018 Planning Commission Meeting, August 28th, 2018 Board of Zoning Adjustments Meeting and August 21st, 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 75% through the year we have received 84.44% of our budgeted Revenue. He stated that our expenditures were at 73.80%. Mayor Edwards highlighted some of the financials for the Council. Wayne Low made a motion to accept the August, 2018 City and Court Financials, with a 2nd from Robin 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.

Robin Reed asked Lieutenant Keck about increased Sex Offenders coming to Centerton. Detective Jeremiah Nicholson addressed Reed with details and statistics regarding Sex Offenders in Centerton. Detective Alex Wallace added details and covered rules for notification.

- (5) **Ordinances-**

- **Ordinance 2018-46- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS BELONGING TO JENNIFER HUFFAKER; FROM AGRICULTURAL (A-1) TO HIGHWAY COMMERCIAL (C-2).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain lands at the corner of W. Centerton Blvd and Keller Road. He said this item was recommended to City Council for approval on 9/25/18 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 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. Robin Reed made a motion to adopt the Ordinance with a 2nd from Wayne Low. All Council members voted in favor and the motion carried.

- **Ordinance 2018-47- AN ORDINANCE ACCEPTING THE FINAL SUBDIVISION PLAT OF TUSCANY PH II, CREATING LOTS 95-119 AND TRACT “H”, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Final Plat of Tuscany Phase 2. Edwards said this item was approved and recommended to City Council for approval on 9/25/18 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 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 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.

- **Ordinance 2018-48- AN ORDINANCE ACCEPTING THE FINAL SUBDIVISION PLAT OF CREEKSIDE PH 2, CREATING LOTS 56 THRU 137 AND LOT “A”, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Final Plat of Creekside Phase 2. Edwards said this item was approved and recommended to City Council for approval on 9/25/18 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 Misty Elam. 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 Wayne Low. 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 2018-49- AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH HOUSEL LAVIGNE ASSOCIATES LLC FOR PREPARATION OF THE CITY OF CENTERTON COMPREHENSIVE PLAN AND WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING.**

Mayor Edwards addressed the Council, stating that this Ordinance is to waive competitive bidding and enter into an agreement with Housel Lavigne to help the City prepare a Comprehensive Plan. He said a Committee was formed, and they interviewed 4 firms, from which Housel Lavigne was selected. Their presentation was included in the Council Packets.

City Attorney Brian Rabal asked that there be a stipulation for his further review and approval.

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, stipulating further review and approval by the City Attorney, with a 2nd from Darren Warren. All Council members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Darren Warren 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 2018-50- AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$17,500,000.00 CITY OF CENTERTON, ARKANSAS WATER AND SEWER REVENUE IMPROVEMENT AND REFUNDING BONDS, SERIES 2018 FOR THE PURPOSE OF REFUNDING CERTAIN PRIOR INDEBTEDNESS AND FINANCING ALL OR A PORTION OF THE COST OF CERTAIN IMPROVEMENTS; PLEDGING WATER AND SEWER REVENUES TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT, AUTHORIZING THE EXECUTION AND USE OF A PRLIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE MARKETING OF SUCH; AUTHORIZING A TRUST INDENTURE SECURING THE BONDS; AUTHORIZING THE SALE OF THE BONDS; AUTHORIZING AND APPROVING THE EXECUTION AND USE OF AN OFFICIAL STATEMENT AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AND EMERGENCY.**

Mayor Edwards addressed the Council, stating that this Ordinance is for the Issuance of Water & Sewer Bonds.

Bob Wright of Crews and Associates, addressed the Council, stating that the Ordinance tonight sets forth the 30-day Referendum Period, authorizing them to finalize the Offering Documents, and get it out to the public to get interest rates locked in. Wright said there is no required Rate Increase to handle this project, as the Water & Sewer System is being run very efficiently. He said the Water & Sewer Commission will get to see the Contract one more time, for approval.

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 the stipulation that it includes No Rate Increase at this time, for this Issuance, with a 2nd from Misty Elam. 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. Keith Higginbotham made a motion to adopt the Ordinance with a 2nd from Robin Reed. All Council members voted in favor and the motion carried. Brian Rabal read the

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

(6) Resolutions-

- **Resolution 2018-29- A RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX FOR THE CITY OF CENTERTON FOR THE YEAR 2018 TO BE COLLECTED IN 2019.**

Mayor Edwards addressed the Council, stating that this Resolution is to authorize the rates for Benton County to collect as Personal Property Taxes.

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

- **Resolution 2018-30- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH GRAND TRUCK EQUIPMENT CO. LLC, AFTON, OKLAHOMA; FOR A BRINE TANK/MIXER WITH A SALT HOPPER FOR THE CENTERTON STREET DEPARTMENT.**

Mayor Edwards addressed the Council, stating that this Resolution is to authorize the purchase a Brine Tank/Mixer for the Street Department. He said it was put out to bid.

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 Robin Reed. 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 Keith Higginbotham. All Council members voted in favor and the motion carried.

(7) Discuss City Hall Location-

Mayor Edwards addressed the Council, stating that we discussed this at our last City Council Meeting and he was asked to bring it up again at this meeting. He reminded the Council that the Municipal Drive location was approved by Council at the January 2018 City Council Meeting, and he was asked to have Morrison Shipley put some Concept Plans together, which they did. He presented those Concept Plans to the Council, as a reminder.

There were comments and discussion by Council, Department Heads and Employees, as well as Public, regarding both the Current City Hall Location and the Municipal Plaza Location, including Infrastructure, Construction Time & Costs, Construction Type, Expandability, Parking, Safety, Emergency Vehicle Access, City Park Location, Privacy, etc.

Josh Siebert, of Modus Studio Architecture, who had presented new Concepts to the Council at the 9/11/18 City Council Meeting, was present and took part in the discussion.

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

Keith Higginbotham made a motion to vote for a location for the New City Hall Building, with a 2nd from Wayne Low.

There was a Council Vote Taken:

Keith Higginbotham- Municipal Drive Location
Wayne Low- Municipal Drive Location
Robin Reed- Municipal Drive Location
Darren Warren- Current City Hall Location
Misty Elam- Current City Hall Location

RESULT- 3-2 in favor of the Municipal Drive Location

Siebert, of Modus Studio Architecture, said he would take tonight's comments into consideration for his future design of this project.

(8) Other Business-

- **Police Department Update-** Mayor Edwards addressed the Council to give an update on the Police Investigation. He stated that Legislative Audit is still here, looking at documents, and they are giving no specific deadline. Edwards said that the audit information will be turned over to the Benton County Prosecutor after completion. Edwards said that the Prosecutor will decide if that information needs to be turned over to the Arkansas State Police. Edwards said that he was concerned that the Police Department is currently low on staff, due to the 2 officers on Administrative Leave, 3 officers on FMLA Leave and 1 officer on vacation. There was discussion. Edwards recognized the effort of Lieutenant Keck, in trying to keep things running in the department.

Robin Reed asked if the officers are working overtime. Officer Lee said they are working short-handed. Lieutenant Keck stated that there are currently no vacant positions at the Police Department; they just have several officers on leave. Mayor Edwards said that he had approached Lieutenant Keck about bringing in an Interim-Chief, but was told that was not what the department wanted to do, at this time. Edwards said that next year we are proposing to add one more officer, as was proposed by Chief Harper, before the current situation, to provide for 4 people per shift (3 patrol officers and 1 Sargent). He stated that we are working on a Budget of a City of 9500 people, when, in reality, we have about 17,000 people. He stated that we had 8 Police Officers in 2011 and we have continued to add officers as the Budget has permitted. Edwards said his budget proposal for the Police Department will be one new officer and 3 new cars, to provide a vehicle for the new officer and to replace two high mileage vehicles. He said he is hoping to buy two of those vehicles in this year's budget, and the third car out of the 988 Funds.

There was discussion between Police Officers and Council Members.

Lieutenant Keck asked Mayor Edwards if he was still approved to speak with Captain Arthur regarding Police Administration questions. Mayor Edwards said he was, and reminded Keck that he was to include the Mayor in all e-mail communications with Captain Arthur.

Wayne Low stated that the Centerton Police Department made the demand to take this investigation of the 2 officers to the Arkansas State Police and other agencies. He said we could have handled this situation 20 weeks ago. Mayor Edwards said that he is very disappointed in the whole situation, where we are at and why we are here. He said he hopes we will work through this, learn from it, and move on.

Officer Lawvey asked how many different agencies have investigated this situation. Mayor Edwards said someone went to the Sherriff's Department first, and then some others went to the Sherriff's Department, so he and

Chief Harper were brought to the Sherriff's Department and presented with the information and some policy issues to work on, and the Sherriff's Department offered their help. He said a week later the media contacted him, and the Sherriff's Department was investigating the situation again, and the Benton County Prosecutor became involved. Mayor Edwards said he then brought it before the Council and agreed to hire someone come in and look specifically at the Financials of the Police Department. He said Legislative Audit also wanted to look at it, after they looked at the Scheduled 2017 City Audit. Financial Director Pam Grant explained the Audit process. Lieutenant Keck asked if the Employment Attorney, hired at the last Council Meeting, has brought anything to bear. City Attorney Brian Rabal said that Mrs. Madison was brought in to look at this situation from an Employment perspective, not from an Audit or Prosecutorial perspective.

The Police Officers asked why we hired the Audit Consultant, when the Legislative Audit was free. City Clerk Todd Wright stated that at that time, the 2016 City Audit was being completed and the 2017 City Audit was beginning, so David Williams was brought in as a consultant, with a special skill set to look at the specific items regarding the investigation of the Police Department, so that he could hand that off to Legislative Audit, saving us time, rather than waiting for Legislative Audit to get to it on their time schedule.

Mayor Edwards pointed out that we are 75% through the year, and the Police Department's expenditures are at 74.9%. He said that there is currently about \$9000.00 in Legal Fees, about \$14,000.00 in Contract Labor, and we are being advised that we will have to pay back about \$20,000.00 to the STEP Grant, as well as a \$10,000.00 to Mrs. Madison. Mayor Edwards said the Police Department gets about 1/3 of the total City Budget and 90% of their budget is Salaries and Benefits. He said the expenses of this investigation have to be accounted for.

The Police Officers asked if there was anything legally to keep the two suspended officers from working, with some restrictions, since they were being paid anyway. City Attorney Brian Rabal said his concern would be maintaining the integrity of whatever is being investigated. Keith Higginbotham said he had no problem with them coming back. Darren Warren said he thinks it would be a huge mistake to bring them back during an investigation. Officer Lee stated that we have judged the 2 officers with no criminal findings, but from allegations by a former employee. Keith Higginbotham stated that allegations also came from current officers. Lieutenant Keck said that is true. City Clerk Todd Wright said he thinks what would have been more helpful to the City Council, is if they were able to make that decision, instead of having it taken out of their hands initially. He said this did not come from the City Council

initially. Wright said that he did not think that anyone currently involved in the investigation, has recommended bringing the two officers back, before this investigation is complete. Mayor Edwards asked Rabal to reach out to the Prosecutor, to see where we stand.

Keith Higginbotham made a motion for Mayor Edwards to reinstate the 2 (two) officer currently on Administrative Leave, depending on what the City Attorney finds out, if nobody can say they can't come back, until further necessities, with a 2nd from Robin Reed. There was a Roll Call. Misty Elam and Darren Warren Abstained. Keith Higginbotham, Robin Reed and Wayne Low voted Yes.

Lieutenant Keck addressed the Council and apologized for the actions or statements of any uniformed officers. He said he no authority over those not in uniform. He said it is frustrating, that after 22 weeks of investigation, they cannot be told anything. Darren Warren said he was also frustrated. Wayne Low said if the allegations had been brought to the Mayor in the first place, instead of going to the Sherriff's Department in the first place....Keck said he understands that, and has had that conversation with Mayor Edwards multiple times.

Keith Higginbotham said he is the Chairman of the Personnel Committee, and said from now on, we will have a quarterly Personnel Committee Meeting scheduled on the calendar, but he is available any time. Higginbotham stated that he can't remember the last time we have had a Personnel Committee Meeting. Todd Wright said he believed the intent of the Personnel Committee was to be available in the event there was a personnel issue.

Higginbotham asked City Attorney Rabal if he thought it was fair to have to wait this long for this investigation. Rabal said the City is not looking at this from a Criminal perspective and that is why he recommended getting Mrs. Madison involved, looking at this situation from an Employment perspective. Jeremiah Nicholson asked why Rabal was asked to reach out to the Prosecutor, if the City is not looking at this from a Criminal perspective. Rabal agreed. He said that the Prosecutor would not make a recommendation for an employment decision. Lieutenant Keck asked if we were asking the prosecutor had any objection to bringing the 2 officers back to work. Rabal said he did not think the Prosecutor would have any response to that question.

Mayor Edwards asked for clarification on what his guidance is for reinstatement. City Attorney Rabal said his advice would be to let him schedule a meeting with Mrs. Madison to go over what we are looking at proposing tonight, and get her blessing on it. Keith Higginbotham said he doesn't want it to drag on any longer than it has to. He asked Rabal to give

it his best effort, and to reach out as soon as possible. City Clerk Todd Wright stated that the Council approved bringing Mrs. Madison in to help make an Employment decision, and that is what is being asked for tonight. He said the Prosecutor, the Legislative Audit and the ASP can't make that recommendation. City Attorney Rabal agreed. Higginbotham questioned whether Madison had enough information to make a recommendation. Rabal said he feels Madison has enough information to make an intelligent decision. Higginbotham was in agreement with that recommendation.

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

(9) Announcements-

- 10/20/18- Coffee with the Mayor 9:00 am
- 11/6/18- Budget Meeting 6:00 pm

(10) Adjourn-

Keith Higginbotham made a motion to adjourn at 8:30 PM with a 2nd from Darren Warren. All council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk