



**CITY OF CENTERTON
CITY COUNCIL MEETING
DECEMBER 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, Centerton Utilities Director 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 November 13th, 2018 City Council Meeting, with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

- (2) Planning, Water & Sewer, Advertising and Promotion, and Parks and Recreation Minutes-** Robin Reed made a motion to acknowledge receipt of the Minutes of the October 23rd, 2018 Planning Commission Meeting, October 16th, 2018 CWSD Meeting, November 16th, 2017 Advertising and Promotions Meeting, and October 8th, 2018 Parks and Recreation Meeting, with a 2nd from Wayne Low. All Council members voted in favor and the motion carried.

- (3) City and Court Financials-** Mayor Edwards stated that 91.6% through the year we have received 100.69% of our Budgeted Revenue. He stated that our Expenditures were at 93.95%. Mayor Edwards highlighted some of the financials for the Council. Wayne Low made a motion to accept the November, 2018 City and Court Financials, with a 2nd from Misty Elam. 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. **Public Works Division-** The Public Works Division Report was 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 2018-55- AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2019; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, introducing this Ordinance, stating that this Ordinance is to approve and adopt a Proposed Budget for the City for 2019.

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. Robin Reed 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 Wayne Low. All Council members voted in favor and the motion carried. City Attorney 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 2018-56- AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, SECTION 2.14.03, TITLED COMPENSATION.**

Mayor Edwards addressed the Council, stating that this Ordinance is to annually set the Salary for the Office of Mayor. He said his current salary is \$80,000.00, which was approved last year. There was discussion.

Keith Higginbotham made a motion to approve a 4% increase, to \$83,200.00, with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

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

- **Ordinance 2018-57- AN ORDINANCE WAIVING BIDDING REQUIREMENTS FOR THE PURCHASE OF A VEHICLE; DECLARING AN EMERGENCY; AND FOR OTHER PURCHASES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to waive the bidding requirement to purchase a 66 Inch Pad Foot Roller for the Street Department, in the amount of \$69,000.00.

Director of Public Works Rick Hudson addressed the Council, stating that this was a budgeted item since last year. He said they have gone through a couple already this year, and were prepared to carry this over into next year, but found one in Tennessee, with only 490 hours on it. He said he has the money in his Budget to cover it. There was discussion.

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 Darren Warren. 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. 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. City Attorney Brian Rabal read the Emergency Clause. Keith Higginbotham 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 2018-58- AN ORDINANCE ACCEPTING THE FINAL PLAT OF THE MYERS MINOR SUBDIVISION, BEING A REPLAT OF TRACT 1 DOC. #L201829660 AND TRACT 2 PLAT BOOK 2015, PAGE 507, CREATING MINOR SUBDIVISION TRACTS 1C & 1D AND 2A, 2B, & 2C, INCLUDING A ROW DEDICATION ALONG KELLER ROAD, CENTERTON PLANNING AREA, S29-T20N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Final Plat of the Myers Minor Subdivision, along Keller Road. He said this was recommended for approval by the Planning Commission at their 10/30/18 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 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. 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 2018-59- AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY BELONGING TO RICHARD T. AND MELBA E. BLAKE, ERICSON AND PRISCILLA BARROS, AND CHRIS AND JENNA WILEY; TO THE CITY OF CENTERTON, ARKANSAS; APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; AND ASSIGNING SAME TO WARD 3 AND ZONING OF AGRICULTURAL (A-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Voluntary Annexation of certain property on LC Hickman Road. A map was provided.

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

- **Ordinance 2018-60- AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY BELONGING TO AUDRY R. AND MARY R. SMITH AND SHERMAN EUGENE KINYON; TO THE CITY OF CENTERTON, ARKANSAS; APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; AND ASSIGNING SAME TO WARD 1 AND ZONING OF AGRICULTURAL (A-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Voluntary Annexation of certain property on Seba Road. A map was provided.

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. Robin 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. Josie Reed made a motion to adopt the Ordinance with a 2nd from Robin Reed. All Council members voted in favor and the motion carried.

- **Ordinance 2018-61- AN ORDINANCE TO ACCEPT RIGHT-OF-WAY ALONG HWY AR-102, DEDICATED BY VICTOR AND ANA L. ALEGRIA, HUSBAND & WIFE, PER WARRANTY DEED RECORDED IN BOOK 2018 PAGE L201863832.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept Right-of-Way along Hwy 102. There was a map provided.

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. 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. 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 2018-62- AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ACCEPT A WARRANTY DEED FOR DONATED LAND BY ARC.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept a Warranty Deed for land donated by ARC, Inc., along the back of the Creekside Subdivision.

There was discussion about possible use for the land. Robin Reed asked if the land could be used possibly for a Park. Darren Warren stated that it was a Floodway. Planning Director Lorene Burns said the intention is to leave it in as natural of a state as possible, and do a Land Conservation Easement on it. Darren Warren expressed concern with citizen complaints and maintenance. There was further discussion. Burns pointed out that the Walker's have donated a lot of land to the City and have done a lot for the City over the years and recommended thanking them.

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. 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. Robin Reed made a motion to adopt the Ordinance with a 2nd from Wayne Low. All Council members voted in favor, except for Darren Warren, who voted NO, and the motion carried.

(6) Resolutions-

- **Resolution 2018-36- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ACCEPT IRREVOCABLE STANDBY LETTER OF CREDIT SDF #670906510 FROM GRAND SAVINGS BANK ON BEHALF OF NEWSONG CHURCH ASSEMBLY OF GOD FOR DEFERMENT OF IMPROVEMENTS ON THE NEWSONG CHURCH PROJECT.**

Mayor Edwards addressed the Council, stating that this Resolution is to accept a Letter of Credit from Grand Savings Bank on behalf of Newsong Church Assembly of God, for deferred installation of landscaping, to be completed by 5/08/19.

He said City Attorney Brian Rabal has reviewed the Letter of Credit and has some concern and has proposed some changes. Edwards said he would like to get those changes done and back for review by Rabal; but would willing to accept a contingency vote by the Council, since we don't meet again until next month. There was discussion.

Rabal said he is not a fan of Letters of Credit, but it is ultimately the Council's decision.

Planning Director Burns said we try not to use them, but do sometimes accept Letters of Credit for small things they need to get finished up. She said we still get Bonds on any Public Infrastructure. She said it is up to the Bank to honor the Letter of Credit. She said that Staff and the Bank have done the best they can, and recommended that Rabal write up the verbiage he wants. Rabal agreed that he would.

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

Keith Higginbotham made a motion to read the Resolution by title only, and to allow City Attorney Rabal to finalize his portion before final approval, with a 2nd from Josie Reed. All Council members voted in favor, except Misty Elam, who voted NO, 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 Keith Higginbotham. All Council members voted in favor, except for misty Elam, who voted NO, and the motion carried.

- **Resolution 2018-37- A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF CENTERTON, ARKANSAS, AND THE CITY OF HIGHFILL, ARKANSAS, REGARDING ANIMAL CONTROL SERVICES.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve an Agreement between Centerton and Highfill, for Animal Control Services. He said this was to renew a previous agreement, which has expired. He said we are charging \$100.00 per dog. The 2-year agreement was provided, and has been reviewed by the City Attorney.

Animal Control Supervisor Terry Sanchez addressed the Council, sharing some statistics and touting the Adoption success of our Shelter. There was discussion about the good relations we have with Bentonville and our other partnering Cities.

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

- **Resolution 2018-38- A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF CENTERTON, ARKANSAS, AND THE CITY OF BETHEL HEIGHTS, ARKANSAS, REGARDING ANIMAL CONTROL SERVICES.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve an agreement between Centerton and Bethel Heights, for Animal Control Services. He said this was to renew a previous agreement, which has expired. He said we are charging \$100.00 per dog. The 2-year agreement was provided, and has been reviewed by the City Attorney.

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. Keith Higginbotham

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

- **Resolution 2018-39- A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF CENTERTON, ARKANSAS, AND THE CITY OF CAVE SPRINGS, ARKANSAS, REGARDING ANIMAL CONTROL SERVICES.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve an agreement between Centerton and Cave Springs, for Animal Control Services. He said this was to renew a previous agreement, which has expired. He said we are charging \$100.00 per dog. The 2-year agreement was provided, and has been reviewed by the City Attorney.

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

Keith Higginbotham 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. 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.

(7) Discuss Police Department Vehicle Purchases-

Mayor Edwards addressed the Council, stating that we discussed 2 vehicle purchases for the Police Department, with a cap of \$28,000.00 each, at our last City Council Meeting. He said he found two (2) - 2019 AWD Dodge Chargers. He said Lt. Keck preferred the AWD version. Edwards said the vehicles were \$26,701.00 ea. and included a \$2000.00 Wiring Package. Edwards said he has gotten quotes to equip the 2 vehicles and can absorb that in this year's Budget, if Council approves. He said it should be no more than \$6000.00 per vehicle, for light bars, cages, Java Desk, etc.

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

Keith Higginbotham made a motion to Approve the Equipping of the 2 new Police Vehicles, with a cap of \$6,000.00 for each vehicle, with a 2nd from Wayne Low. All Council members voted in favor and the motion carried.

(8) Fixed Asset Cleanup-

Financial Director Pam Grant addressed the Council, stating that Audit found two (2) items on our Capital Assets List that fall below the \$2500.00 Minimum Threshold, and need to be removed from the list. She said we are keeping the items, but they will not be on the Fixed Asset List that is reported to Audit every year:

Fire- Brush Truck- \$100.00

Parks & Rec- 2017 Utility Trailer- \$2400.00

Fire Chief Delton Bush wanted to research the Brush Truck further, before removing it. There was discussion.

The Council agreed to Table this item until the January 2019 City Council Meeting

(9) Appoint Jeremy Muse-Isom to the Parks and Recreation Advisory Board-

Mayor Edwards addressed the Council, stating that we have an opening on the Parks & Recreation Advisory Board, and there were 4 Applicants, that were interviewed by the Advisory Board. He said they selected Jeremy Muse-Isom to fill the position.

Wayne Low made a motion to Dissolve the Parks & Recreation Advisory Board, as well as the ordinance that created it.

Low read a prepared statement to support his motion.

City Attorney Brian Rabal said he would recommend that this action be done by Ordinance if pursued.

Robin Reed disagreed with Low, and spoke at length, in favor of the Board. She suggested changes to the By-Laws. Mayor Edwards asked Reed to present him with the proposed changes and he will get them to the City Attorney, for review.

Jeremy Muse-Isom addressed the Council, speaking in favor of the Board and explained that he was asked to join the Board to give a different perspective and to help out. He listed positive ideas for our Parks that were discussed in his attendance at previous P & R meetings.

Director of Public Works Rick Hudson addressed the Council, stating that a functioning Parks & Recreation Advisor Board is needed. He suggested taking the writing of the By-Laws out of their hands and putting it back into the hands of the City Council. He asked that the Board have productive meetings, encourage Community Involvement, and quit arguing and do their job.

There was no 2nd to Wayne Low's Motion and the Motion Fell to the Floor.

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

Wayne Low made a motion to Appoint Jeremy Muse-Isom to the Parks and Recreation Advisory Board, with a 2nd from Darren Warren. All Council members voted in favor, except for Robin Reed, who Abstained", and the motion carried.

(10) Other Business-

City Clerk Todd Wright pointed out that the Planning Commission will be testing out having two (2) meeting per month, starting in February 2019.

Planning Director Lorene Burns added details and stated that we keep having Special Meetings. She said we have this in the Budget, and if it is not accomplishing what it needs to, we will go back to one (1) meeting per month. She said we may need to amend the By-Laws to allow for the two meeting times.

(11) Executive Session- Fire Department Personnel Issue-

Keith Higginbotham made a motion to Enter into Executive Session at 7:28 pm, to Discuss a Fire Department Personnel Matter, with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

Keith Higginbotham made a motion to Return from Executive Session at 8:11 pm, with a 2nd from Robin Reed. All Council members voted in favor and the motion carried.

Wayne Low stated that no action was taken.

(12) Announcements-

City Clerk Todd Wright addressed the Council, stating that we did have our 2017 City Audit Exit Interview, and the Council will be receiving copies when it has been finalized.

(13) Adjourn-

Wayne Low made a motion to adjourn at 8:13 PM with a 2nd from Robin Reed. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk