



**CITY OF CENTERTON
CITY COUNCIL MEETING
FEBRUARY 12, 2019**

- (1) **Pledge** - The Pledge of Allegiance was recited.
- (2) **Prayer** - The prayer was offered by Todd Wright.
- (3) **Roll Call** - Those Present and answering roll call were Mayor Bill Edwards, Keith Higginbotham, Wayne Low, Darren Warren and Josie Reed. Misty Elam and Robin Reed were 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.
- (4) **State of the City- Mayor Edwards-**

State of the City Address—2019

Ladies and Gentleman of the Centerton City Council, and fellow citizens, as your Mayor, I am honored to report to you the State of the City and its future needs. I am grateful for the opportunity that the citizens have given me to serve the citizens of the City of Centerton over the past 8 years. First of all, I am happy to announce that the City of Centerton is financially sound, and thru fiscal conservation, Staff and City Council has balanced its budget over the past 8 years. The 2018 financial statement will be presented tonight and you will see that we are in a good financial condition.

I would like to report on multiple road projects going on in and around our city. First of all, the city is working with the Arkansas DOT to complete a traffic signal, sidewalks and turn lanes at Main Street and Seba Road. The utilities are in the

process of being moved and bids were accepted on the job and should be underway as soon as the utilities are relocated. Also, several roads have been paved to include portions of Allen Road, with the remainder to be completed this year. Work is underway at Kimmel Road to pave from Womack, west to Main Street. The City is also working with Benton County to pave Walters Road, and the city has received a Street Aid Grant to pave and rebuild Tycoon Road and also some adjacent streets will be paved as part of this project.

Our Planning department has been very busy with several projects active at one time, at any given time there are 12-15 different subdivisions in some phase of development. A new software program was implemented on 2018 to help streamline the review process and to also cut down on the number of paper copies submitted for review. The Planning Commission has also went to 2 meetings a month to help developers get projects reviewed and all contingent items worked out before approval.

Centerton has seen a huge impact on building in our city with a total of over 7000 inspections in 2018, with a total of close to \$500,000 in Building Permit Fees for the year, we have seen a huge increase in 2018 of many commercial projects coming to the city with many more services and restaurants coming to our community. We are seeing a good start in 2019 with plans for another restaurant and tire store submitted and talk of a few large scale developments coming down the pipe. We are also seeing work to start on the new Bentonville Schools Junior High to be opened in our community in the fall of 2020.

The City has hired a dedicated Code Enforcement Officer to keep up with the growing demand of the number of code violation complaints the city receives, to help keep our city beautiful and clean. We also reassigned our previous code official to take care of inspections and such with the Street Department.

The Parks Department has been busy in 2018 with the Kinyon Sports Complex which is near competition, to include one competition baseball field and 3 practice fields, and a multipurpose field. The City is currently accepting proposals to install a splash pad at the McKissic Park, and playground equipment was added also at this park. Electronic devices have been added to Kinyon Sports Complex, to be able to open the restrooms and turn the lights on remotely. The City is also actively seeking grant opportunities to install lighting at the remaining fields at the park and also is in the process of installing lights at the walking trail.

The Centerton Police Department recorded over 5600 reports for 2018. Also, Centerton has been named the 2nd safest city in the state of Arkansas by Alarms.org. This is a great accomplishment for our department with 500 cities in Arkansas.

The Centerton Fire Department responded to over 1261 calls for service in 2018, and is currently staffed with 21 full time firefighters and 5 part-time fire fighter and 26 volunteers.

The Centerton Water and Sewer Department accepted bids and is in the process of installing a 3 million gallon water tank on Highway 72 and is also planning on expanding sewer service to the south side of our community.

Centerton Animal control started a 3-year agreement with the City of Bentonville for shelter services and so far the relationship has worked great. The shelter uses Facebook to post any dogs picked up. The majority of them are returned to the owners and the remainders are adopted.

Work is underway to complete the addition to the Centerton Fire Department and also the design process I underway for the new City Hall and Council Chambers and will be presented to the Council and Planning Department soon.

Lastly, I appreciate the opportunity to work with each of you and for the citizens of our community over the past 8 years. No administration is complete without the support of the Centerton City Council and a loyal Staff of great employees. Our city has many hard working employees from the Department Heads to the troops that carry out the daily activities and duties to help keep our city running smooth and efficiently. Thanks for a Job Well Done!!!!

(5) Council Minutes –

Josie Reed made a motion to approve the Minutes of the January 8th, 2019 City Council Meeting, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

Planning, Board of Zoning Adjustments, and Water & Sewer Minutes –

Keith Higginbotham made a motion to acknowledge receipt of the Minutes of the December 18th, 2018 and January 22nd, 2019 Planning Commission Meetings, December 18th, 2018 Board of Zoning Adjustment Meeting, and

December 18th, 2018 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 8% through the year we have received 8.43% of our Budgeted Revenue. He stated that our Expenditures were at 7.90%. Mayor Edwards detailed some of the larger January expenditures for the Council:

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

(7) **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.

There were no questions or comments from the Council Members.

(8) **Ordinances -**

- **Ordinance 2019-03- AN ORDINANCE AMENDING THE BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2018; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend the City Budget for 2018.

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 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 Wayne Low. All Council Members voted in favor and the motion carried. City Attorney 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 2019-04- AN ORDINANCE TO WAIVE COMPETATIVE BIDDING AS IT RELATES TO THE PURCHASE OF CERTAIN PORTIONS OF THE CITY OF CENTERTON'S WATER SYSTEM BY THE CITY OF BELLA VISTA.**

Centerton Utilities Director Frank Holzkamper addressed the Council, stating that this Ordinance is to waive bidding for the City of Bella Vista to purchase a portion of our water system that runs up into their city. He said this is just a formality.

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 Darren Warren. 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. 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 2019-05- AN ORDINANCE ACCEPTING RIGHT-OF-WAY AND UTILITY EASEMENT DEDICATIONS ALONG KELLER ROAD AND WEST CENTERTON BLVD. BY JACK WHITES HATCHERIES PER TRACT SPLIT PLAT FOR PROPERTY LOCATED ON KELLER ROAD IN S31-T20N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept Right-of-Way and Utility Easement Dedication along Keller Road and West Centerton Blvd.

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. 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. 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 2019-06- AN ORDINANCE TO REZONE CERTAIN LANDS, IN S02-T19N-R31W WITHIN THE CENTERTON CITY LIMITS, BELONGING TO RPC LAND HOLDINGS, LLC; FROM HIGHWAY COMMERCIAL (C-2) TO HIGH DENSITY RESIDENTIAL MULTI-FAMILY (R-3 MF).**

Mayor Edwards addressed the Council, stating that this Ordinance is to Rezone certain lands by the Watercolor Apartments. He said there was a Public Hearing at the last Planning Commission Meeting, and it was recommended for Council 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 a 2nd from Darren Warren. 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 Darren Warren. All Council Members voted in favor and the motion carried.

- **Ordinance 2019-07- AN ORDINANCE TO REZONE CERTAIN LANDS, IN S33-T20N-R31W WITHIN THE CENTERTON CITY LIMITS, BELONGING TO ELITE EQUITY GROUP OF ARKANSAS; FROM HIGH DENSITY RESIDENTIAL (R-3) TO CENTRAL BUSINESS DISTRICT(C-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to Rezone certain land just north of City Hall. He said there was a Public Hearing at the last Planning Commission Meeting, and it was recommended to the Council for 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, 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 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 Wayne Low. All Council Members voted in favor and the motion carried.

(9) Resolutions -

- **Resolution 2019-04- A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF CENTERTON, ARKANSAS, AND THE CITY OF BENTONVILLE, ARKANSAS, REGARDING EMERGENCY MEDICAL SERVICES.**

Mayor Edwards addressed the Council, stating that this Resolution is to Approve an agreement with the City of Bentonville for Emergency Medical Service. He said we have had this agreement with Bentonville for 5 years and the amount of the agreement has increased to \$156,000.00/year due to our call volume, made in quarterly payments. He said this has been approved by the Bentonville City Council.

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

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. Josie 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 2019-05- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH APAC-CENTRAL, FAYETTEVILLE,**

**ARKANSAS FOR MULTIPLE ASPHALT OVERLAY PROJECTS
AND OTHER CITY PROJECTS THRU DECEMBER 31, 2019.**

Mayor Edwards addressed the Council, stating that this Resolution is to Approve an agreement with APAC-Central for Asphalt Projects throughout the City through 12/31/19. He said there were 3 bidders on this contract.

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 Keith Higginbotham. 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 2019-06- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY, AN AGREEMENT WITH CEI ENGINEERS, INC. FOR CONCEPTUAL MASTER STREET PLAN AND MASTER BIKE/PEDESTRIAN TRAILS PLAN MAP FOR THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve an Agreement with CEI for work on the Master Street Plan and Master Bike/Pedestrian Trails Plan for the City. He said this was approved at the last Council Meeting, but this Resolution is asking for an additional \$2500.

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 Darren Warren. All Council Members voted in favor and the motion carried. Brian Rabal read the Resolution by title only. Josie Reed made a motion to adopt the Resolution with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

(10) Accept Resignation of Joshua Nicholson, Amber Beale and Buddy Routt from Parks & Recreation Advisory Board -

Mayor Edwards addressed the Council, stating that this is to accept the resignation of 3 members of the Parks & Recreation Advisory Board.

Keith Higginbotham made a motion to Accept the resignations of Joshua Nicholson, Amber Beale and Buddy Routt from the Parks & Recreation Advisory Board, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

(11) Discuss Payment to LOPFI for Holiday Pay -

Mayor Edwards addressed the Council, stating that LOPFI is the Retirement Program for Fire and Police. He said a certain percentage of each of those employee's pay checks is deducted and a percentage is matched by the City. He said in December of each year we pay a lump sum of Holiday Pay to those employees, and it has been brought to our attention, that for many years, the LOPFI deductions have not been taken out of the Holiday Pay. Edwards said we have been in contact with LOPFI and provided them with payment information for current, past and retired employees for the past 10 years. He said the total amount owed for the entire 10 year period is \$74,175.91, at today's current rate. He said that LOPFI has been in contact with any retired members and will make the appropriate adjustments to their retirement. He said we have made the full payment to LOPFI and after speaking with the Financial Director and City Attorney, recommended to the Council that the City cover the full payment for this error, and not place any burden on our employees. There was discussion.

Keith Higginbotham made a motion to Approve the City to make a \$74,175.91 Payment for LOPFI Holiday Pay, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

(12) Announce 2019 Street Aid Grant Award -

Mayor Edwards addressed the Council, stating that we did receive a 100%- 2019 State Aid Grant for Tycoon Road, Shady Acres Road and Dorsey Lee Road.

(13) Approve Updated Overtime Policy for Police Department –

Mayor Edwards addressed the Council, stating that he would like to make a couple small changes to the Overtime Policy for the Police Department. He said we are being reimbursed by the School District and STEP at an Overtime Rate plus Benefits, and would like to pass that on to the employees. He said he wanted to make sure it was noted on the time sheets. He said that Bentonville does their pay this way and call it "Vendor Pay". He said there was a stipulation in the old Policy said that if the Comp Time was not used by some date in December, we would pay that time out. He said we removed that statement in the new Policy, so that if an employee leaves the City, we can pay that Comp Time regardless. There was discussion about Vendor Pay, and officers working traffic control or

security, etc. for non-city events. Darren Warren expressed concern with liability, Worker's Comp., Benefits, Tort Immunity, etc. There was discussion. Mayor Edwards asked for approval of the changes he requested to the Overtime Policy, and stated that he, Lieutenant Keck, and a couple of Sergeants could get together and discuss the "Secondary Employment" Policy at a later time. The Council agreed.

Wayne Low made a motion to Approve the Updated Overtime Policy for the Police Department, with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

(14) Approve Condemnation at 5489 S. Vaughn Road, Overland Development for Sewer Easement –

Mayor Edwards addressed the Council, stating that CWSD is getting ready to install Sewer Service on the south side of our city. He said that they have acquired all of the Right-of-Way that they needed except for one property, which is holding out. He said CWSD have asked for us to go ahead and condemn this property and are willing to put up the Escrow amount if needed.

Keith Higginbotham made a motion to allow the City Attorney to file Condemnation on the property at 5489 S. Vaughn Road for Sewer Easement, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

(15) Other Business-

- **Property Auction- Centerton Blvd. -** Mayor Edwards addressed the Council, stating that there is going to be an Auction at the end of February for some land at Keller Road and W. Centerton Blvd. He said the land is split into 3 Tracts, with 2 Tracts right on Hwy 102, and the 3rd Tract, a 20 Acre Tract, off of Keller Road, behind those two other Tracts. Mayor Edwards asked if the Council would be interested in us going to the Auction and bidding on this 20-Acre property, and if so, give some guidance on a price cap. He said he thought \$30,000.00/ Acre would be a reasonable amount. **Property on "D" Street and Bliss Street –** Mayor Edwards stated that there is a 20-Acre property at "D" Street and Bliss Street that is listed for \$1.2 Million. He said there are some flooding issues with the land and asked the Council if they might be interested in offering \$30,000.00/ Acre for this property, if we are unsuccessful on the bid for the other property at Auction. There was discussion.

Keith Higginbotham made a motion to allow the City to send a representative to the Auction for the Centerton Blvd. / Keller Road

Property- Tract 1, with a \$30,000.00/ Acre cap (Plus Closing Costs), with a 2nd from Wayne Low. All Council Members voted in favor, except for Darren warren, who voted NO, and the motion carried.

- **Fire Department Award Banquet-** Keith Higginbotham recognized Delton Bush for receiving his 25 Year Certificate. He also said that Matt Thompson received his 20 Year Certificate, and that Himself and Paul Higginbotham received their 15 Year Certificates. He said that the Officer of the Year was Cody Francis.

(16) Announcements -

- Coffee with the Mayor- 2/16/19 at 9:00 am
- DOT Meeting 2/13/19
- Comprehensive Plan DIY Meeting 2/21/19 and 2/22/19

(17) Adjourn -

Darren Warren made a motion to adjourn at 7:00 pm with a 2nd from Wayne Low. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk