



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

- (1) **Pledge** - The Pledge of Allegiance was recited.
  
- (2) **Prayer** - The prayer was offered by Keith Higginbotham.
  
- (3) **Roll Call** - Those Present and answering roll call were Mayor Bill Edwards, Keith Higginbotham, Wayne Low, Darren Warren, Josie Reed, Misty Elam and Robin 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 Coordinator Larry Wilms, Centerton Utilities Director Frank Holzkamper, Animal Control Supervisor Terry Sanchez and Chief Building Inspector Robert Coffelt.
  
- (4) **Council Minutes** –  
  

**Keith Higginbotham made a motion to approve the Minutes of the February 12<sup>th</sup>, 2019 City Council Meeting, with a 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor and the motion carried.**

  

**Planning and Water & Sewer Minutes** –

  

**Robin Reed made a motion to Acknowledge Receipt of the Minutes of the February 22<sup>nd</sup>, 2019 Planning Commission Meeting and January 15<sup>th</sup>, 2019 CWSD Meeting, with a 2<sup>nd</sup> from Josie Reed. All Council Members voted in favor and the motion carried.**
  
- (5) **City and Court Financials**- Mayor Edwards stated that 16.67% through the year we have received 17.13% of our Budgeted Revenue. He stated that our

Expenditures were at 17.38%. Mayor Edwards detailed some of the February expenditures for the Council:

**Wayne Low made a motion to accept the February, 2019 City and Court Financials, with a 2<sup>nd</sup> from Robin Reed. All Council Members voted in favor and the motion carried.**

**(6) 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.

**Centerton Utilities Director Frank Holzkamper** addressed the Council, presenting them with a map of the Centerton City Limits and surrounding areas. He stated that there are some areas south of our City Limits, that we will be running sewer service through. He said that he has a meeting with the Bentonville Mayor on Friday, to propose de-annexing those properties from Bentonville into Centerton. He said all of that area falls within the Centerton Service Area, so Bentonville cannot provide Water or Sewer service there. Holzkamper said this will allow us to clean up those boundaries and provide service to those customers. He said he has shared this map with the Director of Public Works in Bentonville as well. He said he has spoken to several of the property owners in this area, and most of them understand. He said there will be Public Meetings/Hearings with those property owners, to answer any questions. Holzkamper gave an update on the Bella Vista Project, stating that it is currently on hold, due to the Appeal of the verdict by Gravette.

**(7) Ordinances -**

- **Ordinance 2019-08- AN ORDINANCE AMENDING THE CENTERTON MUNICIPAL CODE, TITLE 11, BUILDINGS AND CONSTRUCTION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend the Municipal Building Code, Title 11. He said that Chief Building Inspector Robert

Coffelt sent out an e-mail to all of the Council Members a week or so ago, detailing the changes to the Code.

Coffelt addressed the Council, stating that this Code has not been updated since 2009, and gave them details on the changes to the following:

- **Verbiage Cleanup-** General Cleanup throughout the Code
- **Fees-** Creating and Combining Set Trade Fees, to allow for a single payment.
- **Swimming Pools-** Site Plan Inspections. Barrier (Fence) Fee of \$1000.00. Failure to comply will result in a forfeit of the \$1000.00 Fee plus Fines. Existing Fences will be required to be brought up to Code, if a new pool is constructed.
- **Twin Homes-** Requirements for a 2-Family Dwelling on a Single Lot, with a 2-Hour Fire Wall, to allow the Units to be sold individually.
- **On-Line Payments-** Still in the Research Phase, with no Contract. Met with a 3<sup>rd</sup> Party Company to discuss payment processes and fees. Coffelt said it will likely be May, before it is ready. Financial Director Pam Grant and Coffelt gave details.

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 2<sup>nd</sup> 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 2<sup>nd</sup> from Wayne Low. All Council Members voted in favor and the motion carried. Robin Reed made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Darren Warren. All Council Members voted in favor and the motion carried. City Attorney Brian Rabal Read the Emergency Clause. Robin Reed made a motion to adopt the Emergency Clause with a 2<sup>nd</sup> from Wayne Low. All Council Members voted in favor and the motion carried.**

- **Ordinance 2019-09- AN ORDINANCE ACCEPTING RIGHT-OF-WAY DEDICATIONS ALONG SEBA ROAD AND GAMBLE ROAD, BY ARC LEASING LLC, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept Right-of-Way Dedications from ARC Leasing LLC, on Gamble and Seba Roads.

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 2<sup>nd</sup> 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 2<sup>nd</sup> from Misty Elam. All Council members voted in favor and the motion carried. Keith Higginbotham made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Josie Reed. All Council members voted in favor and the motion carried.**

- **Ordinance 2019-10- AN ORDINANCE WAIVING BIDDING REQUIREMENTS FOR THE REPAIR OF GREENHOUSE ROAD; DECLARING AN EMERGENCY; AND FOR OTHER PUPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to waive bidding requirements to make repairs to damage on Greenhouse Road. He said there is a damaged headwall at the bridge, from an accident. He said we did file an insurance claim for the damage and were awarded \$22,712.50 to make the repairs. He said Rick Hudson reached out to several companies to get bids, and Decco Construction was the only one that responded, and they agreed to do the work for the amount that was awarded. Rick Hudson said his crew will do some other repairs and modifications to Greenhouse Road while the road is closed and Decco is repairing the headwall.

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 2<sup>nd</sup> from Darren Warren. 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 2<sup>nd</sup> from Wayne Low. All Council Members voted in favor and the motion carried. Robin Reed made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Keith Higginbotham. 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 2<sup>nd</sup> from Darren Warren. All Council Members voted in favor and the motion carried.**

**(8) Resolutions -**

- **Resolution 2019-07- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO A CONTRACT TO PURCHASE REAL ESTATE.**

Mayor Edwards addressed the Council, stating that this Resolution is to Approve a contract for the purchase of 19.43 +/- Acres of land from Jack Whites Hatcheries on Keller Road for \$598,840.00. He said we were the successful bidder at Auction.

Mayor Edwards asked the Council if there were any questions. Darren Warren asked if these funds were coming from the Bond or Reserves. Edwards said they are coming from Reserves.

**Robin Reed made a motion to read the Resolution by title only with a 2<sup>nd</sup> 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 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor, except Darren Warren, who voted NO, and the motion carried.**

**(9) Rezone Appeal Hearing- 631 Bliss Road -**

Mayor Edwards addressed the Council, stating that this is an Appeal of a Rezone Denial by the Planning Commission at the 2/5/19 Planning Commission Meeting. Edwards said that he will allow the Property Owner/Applicant to speak first, and then have Planning Coordinator Larry Wilms speak to the Council, followed by any Public Comments. Edwards said that he mailed out letters to the 77 Adjacent Property Owners.

- **Chris Conway- Property Owner-** Mr. Conway addressed the Council stating that the reason for his Appeal is that there seemed to be a lot of confusion and misinterpretations of the five (5) Discussion Points, by the Commissioners at the 2/5/19 Planning Commission Meeting, regarding this Rezone. He said that **Question #1** was agreed upon unanimously, that it fit with the Master Use Plan. He said that **Question #2**, as to whether it was compatible with the surrounding Zoning, 5 voting in favor and 1 against,. He said there was a lot of discussion about what the term “surrounding” actually meant. He said **Question #3**, as to whether all the permitted uses would be compatible in this location, had 6 Commissioners vote for and 2 against. He said this was another topic of confusion among the Commissioners. He said that **Question #4**, as to whether this Zoning would provide a benefit to one land owner that would not be considered for similar properties in this area to other land owners, the Commissioners were split 4 to 4. He said he felt this question was misinterpreted by the Commissioners, and felt it should have been unanimous because the benefit was given to another land owner 2 blocks from this property. He said **Question #5**, as to whether there was Public Opposition, out of 77 surrounding property owners, the only factual information presented was

from a neighbor that hand-counted cars for 14 hours. Council Member Robin Reed asked if there was only one (1) entrance to this property, and is it wide enough for a Fire Truck. Conway said that is correct. He said he would be required to meet any Code Requirements He said to property is small and he has plans for 3 Twin Home units. He said that the RTH-D property 2 blocks away is also surrounded by Single-Family Homes and could be 2-story, because it is already zoned for it. Keith Higginbotham said the other property is larger with 2 access points. Higginbotham asked if Conway planned on having 2-story structures. Conway said 1 1/2-story. Conway pointed out that his setback requirements would be greater than Single-Family.

- **Larry Wilms- Planning Coordinator-** Larry Wilms addressed the Council, reminding them to “not put the cart before the horse”. He said they have been talking about this conceptually, but that is not the question before them. He said they are not here to 2<sup>nd</sup> guess the Planning Commission; they are here to make a decision on an appeal of another Body in the City. He asked them to look at this Rezone the same way the Planning Commission looked at it, and draw their own conclusions, based upon the facts as you see them before you. Wilms said the questions about whether there will be 1 or 2 Units, will they be 2-story structures, or can I get a Fire Truck down there, are questions for down the road, if it is approved to be rezoned. Wilms said the question before the Council is whether it is suitable to rezone this to divide the land into 2- Single-Family Dwelling Units with a Common Lot Line, or Common-Wall Construction. Wilms said with a Public Hearing in Rezoning, Public Notices must be mailed by the Applicant, to the surrounding properties within 300-FT of the property in question (73 homes in this case). He said of the 73, 51 were delivered, 5 came back as undeliverable, and 18 that were outstanding. He said of the 51 notices that were delivered, 2 neighbors sent an e-mail and attended the Public Hearing, speaking against the rezone; 1 neighbor presented factual information about a Traffic Survey; another neighbor sent an e-mail and spoke against it; another neighbor sent an e-mail and attended the meeting, but did not speak at the Public Hearing (He did speak before the Public Hearing); there was another neighbor that called in, not in support. Wilms said this piece of property is an anomaly, created by a split of a 2 ½ Acre parcel in 2003, makes a Pipe-Stem Lot. He said the requested zoning is RTH-D, meaning Residential Townhome-Duplex. He said we are not looking at Duplexes in concept for this request. He said this request calls for 2 Single-Family Dwellings, with a Zero Lot-Line between them. He said the standard around them is much greater than a Duplex lot or a Single-Family lot. He said the Setbacks are greater, with a 10-ft side and a 25-ft rear. He said the surrounding Single-Family neighbors have a 7-ft side and 20-ft rear Setback. He said this zoning only allows for 40% coverage of the lot. He said this zoning requires an Architectural Treatment of at least 75%

masonry exterior, whereas there is no standard for Single-Family homes. He said there is no standard for 1-story or 2-story in the surrounding R-3 neighborhoods. Wilms said the traffic impact of this zoning is maybe a 1% increase. He said the surrounding area is zoned for High-Density on the Land Use Map, with some Medium-Density to the north, and an RTH-D Zoning to the northwest of this property. He said what is being requested is compatible, or consistent with the Land Use Map. He said if it were rezoned, and the applicant proposes to do more than one (1) building with 2 Units, they would have to submit a Subdivision Preliminary Plat that shows the layout, and conform with all of our standards for Street Dedication, Off-site Street Improvements, Stormwater Management, and all other factors that come into play.

Darren Warren pointed out that a rezone of R-3 would likely allow for 5 houses, whereas with this proposal we are possibly looking at one (1) more unit (total of 6). He said we need to be aware that rezoning opens this up to all possible uses in the zoning. Wilms said we say you have to designate before it gets rezoned. Warren said that may border on Contract Zoning. Wilms said it isn't Contract Zoning, but we do ask for a bigger commitment on the front-end, rather than not.

- **Karen and Michael Farrell- 655 Walnut Ridge St.** - Mrs. Farrell addressed the council, stating that she has heard multiple times that it is the community's arguments are not based on facts. She said she felt it was not the community's job to bring the facts, but rather to tell you how we feel. She said the Council has asked for facts, but the builder can't provide them, so they are only asked to vote if it is suitable. She said if it is not safe from a fire perspective, or suitable with what is already surrounding it, how can we know it is suitable. She said that we have also glazed over the fact that these units may be rentable in the future, and that is not an acceptable answer. She read out loud an e-mail that she sent to the Council earlier in the day. Mr. Farrell addressed the Council, stating that they only live a few houses down on Walnut Ridge, and will have to look at whatever is developed every day. He said he is concerned with safety, as they have plans to start a family.
- **Brian Darling- 633 Bliss Street-** Mr. Darling addressed the Council, stating that he owns the property just south of the property in question. He said this has come before the planning Commission twice; once in August 2018 and again in February 2019. He said it was rejected both times. He said that he spoke against the rezone in both of the meetings. Darling said that there was nobody in either meeting, outside of the Developer, that was in support of the requested rezone. Darling pointed out that the common factor in all of the 73 property owners that were notified was that they are all Single-Family homes, not Townhomes or Duplexes. He said the map that was mailed out with the Notification Letter has over 120 properties on

it that are all Single-Family homes. He said even though there is R-1, R-2, and R-3, these are developed Single-Family neighborhoods that have been there for 20 years. He said there has been quite a bit of stability, except for this one property. Darling said that is why he believed the Planning Commission could not reconcile a proposal for Townhomes/Multi-Family in a neighborhood with Single-Family homes. He repeated that they denied the rezone both times, and he thinks it was the right decision. He said when you stand on this property, every direction you look are Single-Family homes.

- **Chris Conway-** Mr. Conway said that regarding property values, there is a similar subdivision just off of Greenhouse Road, and he pulled “Comps’ on them, and found that there was no “De-Value’ because they were Twin Homes, mixed with Single-Family homes around them. He said if they decided to zone R-3 and put in Single-Family homes, they will need to be 2-story, with smaller setbacks, and the property lines are closer together. He said what they are trying to propose provides more privacy for everyone.

Mayor Edwards turned the time back over to the City Council for discussion and a decision to either uphold, or overturn the decision of the Planning Commission, or to send it back to them for review.

Darren Warren stated that it sounds like people are getting hung up on the terms Townhome or Multi-Family, and conceptually there is a difference of one (1) unit between those and Single-Family, in this case. He said there are some design standards and greater setbacks with the RTH-D that you won’t get with a Single-Family zoning. He asked which protects the citizens the most, the one with design standards or the one without. He also pointed out that if the rezone is approved, the Developer will have to come in with a Development Plan to meet City Codes and Standards. He said he sees the black and white answers with the Land Use Plan and other things, but also has empathy for the surrounding properties. He said the Council makes black and white decisions.

Wayne Low said he still has a problem with the fact that everything in the immediate circle is all Single-Family homes. Larry Wilms pointed out the RTH-D property just 500 feet to the northeast of this property. He said the Zoning question has to ignore what the project might be. He said he feels this request does not fit the neighborhood.

Darren Warren asked Larry Wilms whether the Planning Commission stated their reason for denying the Rezone Request. Wilms said they did not. He pointed out that the final vote was 5-3, to deny the request.



Josie Reed said that she agreed with Wayne Low, that all of the surrounding homes are Single-Family and this would be a pocket of something unlike the surrounding homes.

Darren Warren and Robin Reed questioned the outcome of the 5 criteria questions versus the final vote. Wilms said the in most cases there is a tone of how they might vote within the 5 question criteria. City Clerk/Recorder Todd Wright stated that the Commissioners were mixed in their responses to the 5 questions. He said they were not unanimous in answering the 5 questions, or in their final vote. He said those questions are supposed to be interpretive, and there is no rule that says, for example; it takes 4 out of 5 answers to get to the final vote, or such. City Attorney Brian Rabal said that the Commissioners can each weight the 5 questions to whatever level they want, meaning that the answer to one question might be enough for their total vote, or perhaps it takes several. He said they are based on Case Law and are used as a kind of guideline. Wilms said that we know what the results of the 5 questions were, as the Commissioners were polled, but they did not state a specific reason with the final vote. He said they are not required to.

Keith Higginbotham stated a concern with overturning the decision of another Commission or Department in the city, and setting a precedent moving forward. He said he would feel more comfortable sending it back to the Planning Commission for more information, and a reason for denial. Darren Warren stated that the denial the first time was because the request was for a higher density (RTH-D12), so the Developer came back with a request with 50% less density. City Clerk Todd Wright said the Commission had to go to a vote to even entertain the 2<sup>nd</sup> request, as to whether the 50% reduction in density was a compelling enough reason to allow a 2<sup>nd</sup> request, less than 12 months after the first request. . Brian Darling approached the Council again, stating that the current Code reads that “after a denial, a proposal could not come back to the Planning Commission within 12 months, unless there was a significant issue”. He said the Commission voted to go ahead and hear the 2<sup>nd</sup> proposal.

Todd Wright said the Commission was not black and white with the decision to hear the second request, the 5 discussion points, or the final vote.

Chris Conway said the first proposal was for two 4-Unit, 2-Story Townhomes. He said after the denial and the concern from the citizens and came back with a proposal for 1 1/2-Story, with fewer units and to sell them as Single-Family Units, to take privacy and property values into consideration. He again pointed out that another land owner 500-ft from this property was approved for RTH-D, and they are surrounded by Single-Family.

Keith Higginbotham said he still struggled with the surrounding homes and the density. He had questions about the possible need for a detention pond. Robin Reed pointed out that this request is still only about a rezone, not the “what-ifs”

about the development. Todd Wright stated that this is exactly how the Planning Commission Meeting went, as this was a difficult decision.

**Wayne Low made a motion to Uphold the decision of the Planning Commission, for Denial of the request, with a 2<sup>nd</sup> from Josie Reed. Wayne Low voted YES, and Misty Elam, Darren Warren, Josie Reed, Keith Higginbotham and Robin Reed voted NO, and the motion was DENIED 5-1.**

**Darren Warren made a motion to Overturn the decision of the Planning Commission for Denial, and to Approve the Rezone Request, with a 2<sup>nd</sup> from Robin Reed. Josie Reed and Wayne Low voted NO, and Misty Elam, Darren Warren, Keith Higginbotham, and Robin Reed voted in favor and the motion carried 4-2.**

- **Ordinance 2019-11- AN ORDINANCE TO REZONE CERTAIN LANDS, IN S33-T20N-R31W WITHIN THE CENTERTON CITY LIMITS BELONGING TO C&N MASONRY, INC.; FROM LOW DENSITY RESIDENTIAL (R-1) TO RESIDENTIAL TOWNHOUSE DUPLEX (RTH-D).**

Mayor Edwards addressed the Council, stating that this Ordinance is to Approve the Rezone for C&N Masonry on Bliss Road.

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 2<sup>nd</sup> from Misty Elam. All Council members voted in favor, except for Josie Reed and Wayne Low, who voted NO, 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 2<sup>nd</sup> from Misty Elam. All Council members voted in favor, except for Josie Reed and Wayne Low, who voted NO, and the motion carried. Robin Reed made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Darren Warren. All Council members voted in favor, except for Josie Reed and Wayne Low, who voted NO, and the motion carried.**

**(10) Ozark Transit- Jeff Hatley -**

Jeff Hatley, with Ozark Regional Transit, addressed the Council, giving his periodic report. He shared the good news of approved Grant money and additional funding, to allow them to provide better service. He also shared that they are changing to higher-tech software to the same one that Razorback Transit uses.

**(11) Approve Secondary Employment Policy for Police Department -**

Mayor Edwards addressed the Council, stating that he was asked by Councilman Warren, at the last City Council meeting, to look at having the off-duty law enforcement jobs to come through the City, as far as compensation. He said he made a couple changes to the current Policy: **Definitions: A)** “within the city limits of Centerton”, “these services will be compensated to the officer as Vendor Pay”. Edwards said there will be a form filled out and the City will bill for it. He said the officer will be paid and will have money added to their retirement and be covered on Workman’s Comp. **Procedures: A)** “Hourly Rate approved by the Mayor”. “All fees will be paid to the City”. **H)** “Officers working as an Extra Duty Detail as described above will be compensated as Vendor Pay. Requests for Police Services as an Extra Duty Detail shall be approved by the Chief of Police or Designee, and the compensation rate shall be approved by the Mayor”.

There was discussion about “Comp Time” Pay, SRO duties, and Mutual-Aid Agreements. Cody Harper joined in the conversation.

After much discussion, it was agreed to approve this policy tonight and bring back modifications next month.

**Robin Reed made a motion to Approve the Secondary Employment Policy for the Police Department, with a 2<sup>nd</sup> from Darren Warren. All Council Members voted in favor and the motion carried.**

**(12) Discuss Capital Asset List –**

Financial Director Pam Grant addressed the Council, stating that there are 2 items that she would like to have Council Approval to remove from the Capital Assets List, and to surplus.

- Playground Equipment replaced Resolution 2018-03, at Cass Park.
- 2015 John Deere Tractor that was traded in 10/2018 for a newer tractor.

**Robin Reed made a motion to Remove the old Park Equipment from the Cass Street Park and the 2015 John Deere Tractor from the Capital Asset List and to Surplus them both, with a 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor and the motion carried.**

**(13) Discuss Street Department Vehicle Purchase –**

Mayor Edwards addressed the Council, stating that he would like to purchase a 2019 Dodge Durango AWD for State Bid Price.

**Robin Reed made a motion to Approve the purchase of a 2019 Dodge Durango, at the State Bid Price, for the Street Department, with a 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor and the motion carried.**

**(14) Surplus Street Department Truck- 2005 Chevrolet Pickup –**

Mayor Edwards addressed the Council, stating that he would like to Surplus a 2005 Chevrolet Pickup from the Street Department.

**Misty Elam made a motion to Approve the Surplus of the 2005 Chevrolet Pickup from the Street Department, with a 2<sup>nd</sup> from Darren Warren. All Council Members voted in favor and the motion carried.**

**(15) Other Business-**

- **Parks & Recreation-** Mayor Edwards addressed the Council, stating that we currently have 3 openings on the parks & Recreation Advisory Board. He said we interviewed 4 candidates for an open position a few months ago, and selected one of the candidates. He said he was contacted by the Chairman of the P&R today, recommending that we appoint the 3 other candidates (Sarah Brady, Don Casteel, and Rebecca Powers) that were interviewed. He said we also received 2 applications last night and recommended appointing those 2 applicants (Justin Rushing and Joshua Hullet) as non-voting members at this time.

**Robin Reed made a motion to appoint Sarah Brady, Don Casteel, and Rebecca Powers to the Parks and Recreation Advisory Board, and to add Justin Rushing and Joshua Hullet as Non-voting Members, with a 2<sup>nd</sup> from Josie Reed. All Council members voted in favor and the motion carried.**

- **Fire Department- Standard Operating Guidelines-** Mayor Edwards said the current SOG states that all members of the Department will live in a 30 minute driving distance from the Main Fire station. He said Chief Bush wanted to remove that requirement, but leave in the part that all Administrative Chief Officers shall live no more than 30 minutes from Fire Station #1.

**Robin Reed made a motion to update the Fire Department SOG, as discussed, with a 2<sup>nd</sup> from Wayne Low. All Council members voted in favor and the motion carried.**

- **Jordan Thompson- Leave-** Mayor Edwards said that we said in our January Council Meeting that we would revisit this situation in our March Council Meeting. He said that nothing has happened since the January meeting and that yesterday's court date has been postponed. He recommended that Thompson's status be left as it was voted on in January, unless something new comes up.

**Keith Higginbotham made a motion to continue suspend Jordan Thompson without pay or benefits, with a 2<sup>nd</sup> from Robin Reed. All Council Members voted in favor and the motion carried.**

- **Surplus Police Laptops-** Mayor Edwards said we have 8 used Laptops and Docking Stations at the Police Department that are not being used, that he would like approval to Surplus and donate to the City of Decatur Police Department. He said Decatur would like to start using Laptops and could use them.

**Keith Higginbotham made a motion to Surplus the 8 Laptops and Docking Stations, and Donate to the Decatur Police Department, with a 2<sup>nd</sup> from Robin Reed. All Council Members voted in favor and the motion carried.**

- **Jimmy Thompson- Street Improvements-** Jimmy Thompson addressed the Council stating that the City promised to do repairs to Tycoon Road (down to Motley Road) and Dorsey Lee Road (Down to Motley Road) in a Bond issue in 2005. He said those repairs have not been done and asked the Council to approve to do those repairs at this time. There was a copy provided to the Council of a flyer handed out to citizens in 2005, prior to the Bond Issue Vote. Thompson said there were 2 other versions of this flyer that were handed out, that specifically mentioned those 2 roads. Thompson detailed how some of the Bond money was spent on Hwy 102. He also mentioned that the repairs to Dorsey Lee were stopped by a tornado in 2006. He told the Council that the Street Department has been doing a lot of repair and drainage work to Tycoon Road. Thompson said the work he is asking for could be done for under \$200,000.00. He talked about how lack of funding affected how far the widening of Hwy 102 went to. He said the City originally planned on doing LC Hickman Road, Bush Road, Fish Hatchery Road and Kimmel Road, all the way to Greenhouse Road, to alleviate traffic on Hwy 102. He said he moved \$1 million out of the Fire Department Bond money to help get the streets done. He said the City couldn't borrow enough money to get it all done. Todd Wright stated that there was a lot of work that needed to be done to

Tycoon Road before it could be paved. Thompson agreed that it was not ready to be paved at that time. Darren Warren pointed out that half of Tycoon Road is in Centerton and half is in Bentonville, and asked if Centerton was going to pave the half that is in Bentonville.

Rick Hudson addressed the Council, stating that Bond money has been used to work through the list of roads that was initially developed. He said the cost of construction, moving of utilities, and cost of right-of-ways are eating us alive, so the money didn't go quite as far as anticipated; which is to be expected. He said we have an Overlay Grant we have is for overlaying existing paved roads, and cannot be used for any construction of roads. He said the Grant is for \$250,000.00 and the Contract cost is \$350,000.00, so we are spending \$100,000.00 out-of-pocket. He said these contracts are approximate numbers, until the projects are completed.

Hudson said he ran the numbers for 4" of gravel and a 3" overlay on the roads that Thompson is asking about. He said the asphalt for 2221 LF on Dorsey Lee Road would cost around \$65,408.00 and for 2383 LF on Tycoon Road would cost around \$70,153.00. He said the gravel on both roads to reshape the roadway in preparation for asphalt would cost around \$25,000.00 and then Primer will need to be added, at an additional cost. Hudson said of the 5 projects listed in his 2019 Budget, he will likely only be able to complete 2 of them, due to the \$100,000.00 required to match the Highway Department's part, and \$122,000.00 for the 2 overlays we have for completing Allen Road and Commercial Street. He said we also need \$20,000.00 for sidewalk grinding and surfacing, as well as \$20,000.00 in Crack-Sealing to extend the life of some other roads. He said he only has enough money left in his Budget to keep gravel going on the Secondary Roads and some patching material for the rest of the year. Hudson also mentioned a bridge on S. Vaughn Road that has been damaged and is in need of replacement. Hudson said that Tycoon Road eats up 25% of his Maintenance Budget every year.

Darren Warren asked what the cost benefit is to the city to pave these other two lightly travelled roads, as opposed the repairing other highly used roads in the City.

Robin Reed said we should pave the roads that were promised to the people. Darren Warren said those roads are not on the flyer that was presented to the voters. Keith Higginbotham said he thought there were 3 different flyers. Jimmy Thompson said the flyer the Council has is the flyer that was done when they came back and redid the Bond because of a lapse of time. He said that some things got left off. He said the Bond Issue passed by a large margin. Robin asked the Mayor how much the City had in Reserve. He said about \$5.5 million, but that we spent \$600,000 on the land we purchased, we have \$600,000.00 we owe on the Fire Department Addition. He said that our portion of the next section of Widening of Hwy 102 is \$4 million.

Josie Reed said she would be in support once the roads are annexed into Centerton. Robin Reed said she didn't care if they were annexed in. Todd Wright said he thought she should care, because it is the taxpayer's money she wants to spend. Jimmy Thompson said he felt part of the money that was approved for the Bond was used on other things, such as new Street equipment and vehicles.

Mike Blain addressed the Council, stating that he lives on Dorsey Lee Road. He said the traffic has increased quite a bit on his road over the years. He said the Street Department has done a good job keeping his road and Tycoon Road graded, but he would like to have them paved. He said they were promised 13 years ago.

Robin Reed said that we need to really consider what has been promised to the citizens on Dorsey Lee Road and Tycoon Road (up to Motley Road). Darren Warren and Josie Reed agreed, if that was what was voted on, as part of the Bond Issue. Mayor Edwards said there were no specific streets listed in the Bond Issue.

Mayor Edwards asked the council to allow him to meet with Rick Hudson and Pam Grant to look and see what is committed and see if there is any Bond money available to go toward these 2 roads, and come back next month and make a decision.

Rick Hudson said there is also a time and schedule issue. He said he only has a 5-Man crew in the Street Department, and they are working on the other roads that are already contracted to get overlays, as well as mutual-aid projects with Bentonville and Benton County.

**Robin Reed made a motion to earmark \$200,000.00 from reserves for these two roads. There was no 2<sup>nd</sup> and the motion Died.**

Robin Reed said she guesses that she is just beating a dead horse. Todd Wright said he didn't think so. He said the Mayor just said he would like to talk to the Director of Public Works and the Financial Director, to see what funds might be available, and come back next month to discuss it, with real numbers.

Mayor Edwards said he and Water & Sewer have a meeting with the Mayor of Bentonville on Friday, to discuss the de-annexations of properties in those areas. He said we definitely do not want to spend our taxpayer's money on Bentonville's side of the roads. He said they are also meeting later in March to discuss the redesign of Greenhouse Road. He said we will need to consider funds for that project as well.

**(16) Announcements -**

- Coffee with the Mayor- 3/16/19 at 9:00 AM

**(17) Adjourn -**

**Darren Warren made a motion to adjourn at 9:43 pm with a 2<sup>nd</sup> from Wayne Low. All Council members voted in favor and the motion carried.**

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Bill Edwards, Mayor

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Todd Wright, City Clerk