

**CITY OF CENTERTON  
CITY COUNCIL MEETING  
MAY 9, 2017**

The city council was called to order by Mayor, Bill Edwards. The Pledge of Allegiance was recited. The prayer was offered by Todd Wright. Those Present and answering roll call were Mayor Bill Edwards, Keith Higginbotham, Josie Reed, Robin Reed, Wayne Low, Darren Warren and Misty Elam. Those present and not answering roll call were City Clerk Todd Wright, Financial Director Pam Grant, City Attorney Brian Rabal, Street Superintendent Rick Hudson, Police Chief Cody Harper and Fire Chief Delton Bush, Water & Sewer Superintendent Frank Holzkamper and Larry Wilms, from the Planning Department. Animal Control Supervisor Terry Sanchez, Planning Director Lorene Burns and Chief Building Inspector Robert Coffelt were not present.

**Public Hearing-** Mayor Edwards addressed the Council, stating that this is a public hearing for public comment for an easement vacation by Mark Marques. Wayne Low made a motion to open the public hearing with a 2<sup>nd</sup> from Robin Reed. All council members voted in favor and the motion carried. Mayor Edwards addressed the public and asked 3 times if there was anyone that would like to speak, and there was not. Josie Reed made a motion to close the public hearing, with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.

- (1) **Council Minutes-** Wayne Low made a motion to approve the April 11<sup>th</sup>, 2017 city council minutes with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried.
  
- (2) **Planning and Water & Sewer Minutes-** Keith Higginbotham made a motion to acknowledge receipt of the March 20<sup>th</sup>, 2017 and March 29<sup>th</sup>, 2017 CWSD meeting minutes and March 28<sup>th</sup>, 2017 Planning meeting minutes, with a 2<sup>nd</sup> from Robin reed. All council members voted in favor and the motion carried.
  
- (3) **City and Court Financials-** Mayor Edwards stated that 33% through the year we have received 34.41% of our budgeted revenue. He stated that our expenditures were at 29.66%. He highlighted some of the financials for the council. Keith Higginbotham made a motion to accept the March 2017 City and Court financials, with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.

(4) **Department Reports- Building Inspection-** Robert Coffelt's report was in the council member's Dropbox packets. **Planning-** Lorene Burns' Planning Project Status Report was in the council member's Dropbox packets. **Police-** Cody Harper's report was in the council member's Dropbox packets. **Streets / Parks & Rec-** Rick Hudson's reports were in the council member's Dropbox packets. Mayor Edwards presented Rick Hudson with a "Tree City USA" banner and a hat and thanked him for his efforts in making Centerton a Tree City. **Fire-** Delton Bush's report was in the council member's Dropbox packets. **Water & Sewer-** Frank Holzkamper's report was in the council member's Dropbox packets. **Animal Control-** Terry Sanchez's report was in the council member's Dropbox packets.

(5) **Bond Attorney and Bond Underwriting Service Interviews-**

Presentations for Bond Underwriting Services in connection with the City's issuance of capital improvements and sales tax bonds were made as follows:

**Crews & Associates- Bob Wright**

**GBK- David W. Webb**

**Raymond James- Daniel Allen**

**Stephens- Kevin Faught**

After all interviews were completed and much discussion, Keith Higginbotham made a motion to select Raymond James for Bond Underwriting Services in connection with the City's issuance of capital improvements and sales tax, with a 2<sup>nd</sup> from Wayne Low. Wayne Low, Keith Higginbotham, Darren Warren and Misty Elam voted YES, and Robin Reed and Josie Reed voted NO, and the motion carried.

Presentations for Bond Attorney Services in connection with the City's issuance of capital improvements and sales tax bonds were made as follows:

**Williams & Anderson- David Menz**

**Rose Law Firm- Jim Fowler**

**Mitchell Williams- Jill Grimsley Drewyor**

**Kutak Rock- Not Present**

\*Prior to the interviews Williams & Anderson and Rose Law Firm stated that they will offer their services in a combined effort to the city, if selected by the council.

After all interviews were completed and much discussion, Keith Higginbotham made a motion to select the combination of Williams & Anderson and Rose Law Firm for Bond Attorney Services in connection with the City's issuance of capital improvements and sales tax, with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried

**(6) Ordinance 2017-20- AN ORDINANCE ESTABLISHING CENTERTON MUNICIPAL CODE SECTION 13.04.02 TITLED "TERMS OF MEMBERS"**. Mayor Bill Edwards addressed the council and explained the need for this ordinance to set an interview process for appointments to fill vacancies on the Planning Commission. There was discussion. Keith Higginbotham made a motion to read the ordinance by title only with a 2<sup>nd</sup> from Robin Reed. 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 2<sup>nd</sup> from Wayne Low. All council members voted in favor and the motion carried. Wayne Low 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.

**(7) Ordinance 2017-21- AN ORDINANCE VACATING A 25' EASEMENT LOCATED IN THE SOUTHWEST CORNER OF PARCEL ID #06-00050-235, S32-T20N-R31W, CITY OF CENTERTON, ARKANSAS; OWNED BY RIVERWOOD HOMES; AND AS SHOWN ADJACENT TO THE NORTH AND EAST SIDE OF GAMBLE CEMETERY IN PLAT BOOKS P6-71, P2-874, AND BK 2013-324.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to vacate easement. Keith Higginbotham made a motion to read the ordinance 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 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 Robin Reed. 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 Misty Elam. All council members voted in favor and the motion carried.

- (8) Ordinance 2017-22- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS BELONGING TO STEELE DEVELOPMENT, INC.; FROM MEDIUM DENSITY RESIDENTIAL (R-2) TO NEIGHBORHOOD COMMERCIAL (C-3).** Mayor Bill Edwards addressed the council and explained the need for this ordinance to rezone this property. Mayor Edwards stated that this issue has gone before the Planning Commission on 4/25/17 and was approved. He also stated that some citizens felt that their questions were not answered by the Planning Commission, so he held a separate meeting 5/3/17 to allow the citizens to hear more from the developer. Mayor Edwards stated that citizen, Joe Paladino asked to be put on the agenda for this City Council meeting, to speak on this matter. Mr. Paladino presented a Power Point presentation on the subject of this re-zone. Justin Williams, Mrs. Paladino, Tony Steele, Larry Wilms from the Planning Department and Street Superintendent Rick Hudson also spoke. There was much discussion. Darren Warren made a motion to read the ordinance 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 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 Darren Warren. All council members voted in favor and the motion carried. Darren Warren made a motion to adopt the ordinance with a 2<sup>nd</sup> from Keith Higginbotham. Wayne Low, Keith Higginbotham, Darren Warren and Misty Elam voted YES, Josie Reed voted NO and Robin Reed ABSTAINED, and the motion carried.
- (9) Ordinance 2017-23- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS BELONGING TO JAMES MILFORD; FROM AGRICULTURAL (A-1) TO HIGHWAY COMMERCIAL (C-2).** Mayor Bill Edwards addressed the council and explained the need for this ordinance to rezone this property. There was discussion. Keith Higginbotham 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 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 2<sup>nd</sup> from Darren Warren. 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 Misty Elam. All council members voted in favor and the motion carried.
- (10) Ordinance 2017-24- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS BELONGING TO ROTH FAMILY PARTNERSHIP; FROM AGRICULTURAL (A-1) TO RESIDENTIAL (R-2).** Mayor Bill Edwards addressed the council and explained

the need for this ordinance to rezone this property. There was discussion. Keith Higginbotham made a motion to read the ordinance 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 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 Misty Elam. All council members voted in favor and the motion carried.

- (11) **Ordinance 2017-25- AN ORDINANCE ACCEPTING RIGHT-OF-WAY AND EASEMENT DEDICATIONS BY JORDAN JETER OF ABBEY FUND LLC PER PROPERTY LINE ADJUSTMENT PLAT FOR PROPERTY LOCATED IN S33-T20N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to accept right-of-way and easement dedications. There was discussion. Keith Higginbotham made a motion to read the ordinance 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 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 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried. Wayne Low made a motion to adopt the ordinance with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.

- (12) **Ordinance 2017-26- AN ORDINANCE ACCEPTING 10' RIGHT-OF-WAY ALONG W. CENTERTON BLVD/AR HWY 102 AND EASEMENT DEDICATIONS BY CENTREX, LLC PER TRACT SPLIT PLAT FOR PROPERTY LOCATED IN THE CITY OF CENTERTON, S05-T19N-R31W, BENTON COUNTY, ARKANSAS.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to accept right-of-way and easement dedications. There was discussion. Keith Higginbotham 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 Darren Warren. All council members voted in favor and the motion carried. Darren Warren made a motion to adopt the ordinance with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.

(13) **Ordinance 2017-27- AN ORDINANCE ACCEPTING THE AMENDED FINAL PLAT OF BIG SKY SUBDIVISION, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS; AND DECLARING AN EMERGENCY.** Mayor Bill Edwards and Rick Hudson addressed the council and explained the need for this ordinance to accept the amended final plat of the Big Sky subdivision. There was discussion. Keith Higginbotham made a motion to read the ordinance 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 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 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 Misty Elam. All council members voted in favor and the motion carried. Brian Rabal read the emergency clause. Darren Warren made a motion to adopt the emergency clause, with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.

(14) **Resolution 2017-07- A RESOLUTION SETTING A DATE FOR PUBLIC HEARINGS REGARDING THE MATTER OF ANNEXING CERTAIN AREAS EITHER SURROUNDED BY THE INCORPORATED LIMITS OF THE CITY OF CENTERTON OR SURROUNDED BY THE CITY LIMITS OF CENTERTON AND BENTONVILLE.** Mayor Edwards addressed the council and explained the need for this resolution to set a date for a public hearing. There was discussion. Robin Reed made a motion to read the resolution 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 resolution by title only. Wayne Low made a motion to adopt the resolution with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.

(15) **Resolution 2017-08- A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN EQUIPMENT RENTAL AGREEMENT WITH STRIBLING EQUIPMENT, SPRINGDALE, ARKANSAS, FOR RENTAL OF A JOHN DEERE 672GP MOTOR GRADER.** Mayor Edwards and Rick Hudson addressed the council and explained the need for this resolution to lease a new grader and gave details. There was discussion. Keith Higginbotham made a motion to read the resolution by title only and to allow for Rick to put the old grader out for bid, or to dispose of, when the new grader comes in, with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried. Brian Rabal read the resolution

by title only. Misty Elam made a motion to adopt the resolution with a 2<sup>nd</sup> from Keith Higginbotham. All council members voted in favor and the motion carried.

- (16) **Proclamation National Preservation and Arkansas Heritage Month-** Mayor Edwards addressed the council, declaring May, 2017 as National Preservation and Arkansas Heritage Month for the City of Centerton, Arkansas. The Proclamation was found in the Council's DropBox packets. Mayor Edwards gave details on the proclamation.
- (17) **Approve Amended Bylaws of Centerton Planning Commission-** There was discussion. Misty Elam made a motion to table the amended bylaws for the Planning Commission with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried.
- (18) **Vicki Thomas Letter-** Mayor Edwards read a letter from Vicki Thomas of Sarah's Hope of NWA.
- (19) **Purchase 2017 Ford Truck for Police Department-** Police Chief Cody Harper addressed the council and ask for their approval to purchase a 2017 Ford Truck for the Police Department. There was discussion. Misty Elam made a motion to allow Chief Harper to purchase a 2017 Ford Truck for the Police Department for \$30,199.00, with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried. Chief Harper also asked for the council's approval to purchase a 2017 Ford Interceptor to replace the recently damaged Chevy Tahoe, if totaled. There was discussion. Keith Higginbotham made a motion to allow Chief Harper to purchase a 2017 Ford Interceptor for \$27,035.00, to replace the Chevy Tahoe, if totaled, with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor, except for Robin Reed, who voted NO, and the motion carried.
- (20) **Other Business-** Mayor Edwards asked the council to consider instituting an incentive program for the Planning Department for receiving the Planning Official certificate after completing the required training. Darren Warren made a motion to approve a \$25.00 increase per pay period for the Planning Department

members for completing Planning Official training, with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried.

**(21) Announcements-** Mayor Edwards stated that “Coffee with the Mayor” would be Saturday, May 13<sup>th</sup>, 2017 at 9:00 a.m.

Josie Reed made a motion to adjourn with a 2<sup>nd</sup> from Darren Warren. 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



