



**CITY OF CENTERTON
CITY COUNCIL MEETING
JULY 11, 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, Keith Higginbotham, Wayne Low, Darren Warren and Misty Elam. Those present and not answering role 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, Planning Director Lorene Burns, Animal Control Supervisor Terry Sanchez and Chief Building Inspector Robert Coffelt.

- (1) **Council Minutes-** Wayne Low made a motion to approve the June 13th, 2017 city council minutes with a 2nd from Josie Reed. All council members voted in favor and the motion carried.

- (2) **Planning, Board of Zoning Adjustment and Water & Sewer Minutes-** Keith Higginbotham made a motion to acknowledge receipt of the May 23rd, 2017 Board of Zoning Adjustment meeting minutes, May 16th, 2017 CWSD meeting minutes and May 23rd, 2017 Planning meeting minutes, with a 2nd from Robin Reed. All council members voted in favor and the motion carried.

- (3) **City and Court Financials-** Mayor Edwards stated that 50% through the year we have received 54% of our budgeted revenue. He stated that our expenditures were at 46%. He highlighted some of the financials for the council. Robin Reed made a motion to accept the June 2017 City and Court financials, with a 2nd from Wayne Low. 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. **Fire-** Delton Bush's report was in the council member's Dropbox packets. Delton presented 3 new Standard Operating Procedures for the Fire Department and detailed the changes. Mayor Edwards asked for the Council to acknowledge receipt of the 3 new SOP's. Robin Reed made a motion to acknowledge receipt of the 3 new SOP's for the Fire department with a 2d from Misty Elam. All council members voted in favor and the motion carried. **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) **Public Hearing-** Mayor Edwards addressed the Council, stating that this is a public hearing for public comment for vacating portions of the platted utility and drainage easements and adjusting the side setback on Lot 16 of the Lexington Subdivision. Jake Helton from Buffington Homes was present. Josie Reed made a motion to open the public hearing with a 2nd 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. Robin Reed made a motion to close the public hearing, with a 2nd from Wayne Low. All council members voted in favor and the motion carried.

(6) **Ordinance 2017-31- AN ORDINANCE ANNEXING CERTAIN LANDS THAT ARE COMPLETELY SURROUNDED BY THE INCORPORATED CITIES OF CENTERTON AND BENTONVILLE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to annex certain lands. Mayor Edwards stated that if approved these properties will remain zoned (A-1), so anything that is happening agricultural-wise can remain, the addresses will stay the same, and you can discharge fireworks on permitted dates. Mayor Edwards stated that the city will maintain the roads and provide water, trash, and emergency services; He stated that the ISO rating will go down from a 5 to a 3 and they will not have to pay any fire dues, and they will qualify for city water rates. He asked if there was anyone from the public that wished to speak. Tom Stephenson addressed the council, with concerns about urban expansion around

him, an increase in taxes, not to be able to have bon fires. Mayor Edwards emphasized some of the savings that offsets the increase in property taxes. He stated that any controlled burns will just need to be called in ahead of time. Robin Reed invited Mr. Stephenson to come to City Administrations with any concerns after the annexation, should it pass. There were no other comments. Keith Higginbotham made a motion to read the ordinance by title only, with a 2nd 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 2nd from Josie Reed. All council members voted in favor and the motion carried. Wayne Low made a motion to adopt the ordinance with a 2nd from Misty Elam. All council members voted in favor and the motion carried. Brian Rabal read the emergency clause. Josie reed made a motion to adopt the emergency clause, with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

(7) Ordinance 2017-32- AN ORDINANCE ANNEXING CERTAIN LANDS THAT ARE COMPLETELY SURROUNDED BY THE INCORPORATED CITIES OF CENTERTON AND BENTONVILLE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES. Mayor Bill Edwards addressed the council and explained the need for this ordinance to annex certain lands. He asked 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. Josie 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. Robin Reed made a motion to adopt the ordinance with a 2nd from Keith Higginbotham. All council members voted in favor and the motion carried. Brian Rabal read the emergency clause. Robin Reed made a motion to adopt the emergency clause, with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

(8) Ordinance 2017-33- AN ORDINANCE ANNEXING CERTAIN LANDS THAT ARE COMPLETELY SURROUNDED BY THE INCORPORATED CITY OF CENTERTON; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES. Mayor Bill Edwards addressed the council and explained the need for this ordinance to annex certain lands. He asked 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. 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. Darren Warren made a motion to adopt the ordinance with a 2nd from Josie Reed. All council members voted in favor and the motion carried. Brian Rabal read the emergency clause. Keith Higginbotham made a motion to adopt the emergency clause, with a 2nd from Robin Reed. All council members voted in favor and the motion carried.

(9) Ordinance 2017-34- AN ORDINANCE AMMENDING THE BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2017; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES. Mayor Bill Edwards addressed the council and explained the need for this ordinance to amend the city budget mid-year. He presented the council with the amended budget with attached changes. He stated that the only personnel additions were to add 3 more full-time firefighters and to change a part-time seasonal Parks & Rec position to a full-time permanent position at the end of the seasonal term. There was discussion. Robin Reed made a motion to read the ordinance by title only and to add to add 3 more full-time firefighters and to change a part-time seasonal Parks & Rec position to a full-time permanent position at the end of the seasonal term, 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 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 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 2nd from Misty Elam. All council members voted in favor and the motion carried.

(10) Ordinance 2017-35- AN ORDINANCE VACATING PORTIONS OF THE PLATTED UTILITY AND DRAINAGE EASEMENTS; AND ADJUSTING THE SIDE SETBACK; ON LOT 16 OF THE LEXINGTON SUBDIVISION, CITY OF CENTERTON, AS RECORDED IN BOOK 2015 AT PAGES 667-669 IN THE RECORD OF BENTON COUNTY, ARKANSAS. Mayor Bill Edwards addressed the council and explained the need for this ordinance to vacate portions of utility and drainage easements and adjust a side setback in the Lexington subdivision. He stated that this was approved in the last Planning Commission meeting and that there was a Public Hearing prior to this meeting, with no public comments. Josie Reed made a motion to read the ordinance by title only with a 2nd from Misty Elam. All council members voted in favor and the motion carried. Brian Rabal read the ordinance by title only. Wayne Low made a motion to suspend the rule requiring the reading of the ordinance on 3 separate occasions with a 2nd from Keith Higginbotham. All council members

voted in favor and the motion carried. 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.

(11) Ordinance 2017-36- AN ORDINANCE ACCEPTING THE FINAL PLAT OF DIAMOND ESTATES SUBDIVISION, PHASE 1, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS. Mayor Bill Edwards addressed the council and explained the need for this ordinance to accept Final Plat for Phase 1 of the Diamond Estates subdivision, with an included Fee in Lieu of \$97,982.40 for Seba Road and Bond amounts of \$259,305.50 (50% for 1 year) for Water & Sewer, \$511,683.85 (100% for 2 years) for Drainage and \$324,285.25 (100% for 2 years) for Streets. Lorene Burns stated that the Final Plat will not be recorded until receipt of the Bonds, fee in lieu and some as-Built's and some other outstanding items. Keith Higginbotham made a motion to read the ordinance by title only, and to include the Fee in Lieu of \$97,982.40 for Seba Road and Bond amounts of \$259,305.50 (50% for 1 year) for Water & Sewer, \$511,683.85 (100% for 2 years) for Drainage and \$324,285.25 (100% for 2 years), as well as any outstanding items, 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 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 Misty Elam. All council members voted in favor and the motion carried.

(12) Ordinance 2017-37- AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF CENTERTON, ARKANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTIONS OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR REFUNDING AND FOR FINANCING VARIOUS CAPITAL IMPROVEMENTS; LEVYING A ONE PERCENT (1%) SALES AND USE TAX TO RETIRE THE BONDS; PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY. Mayor Bill Edwards addressed the council and explained the need for this ordinance to call a special election to extend the city's 1% Sales and Use tax. Jim Fowler, from Rose law firm and co-bond council with Williams and Anderson, and Daniel Allen of Raymond James addressed the council and gave details of the ordinance and election. Mr. Fowler stated that this ordinance calls for an election on September 12th, 2017, submitting 6 ballot items, in essence letting a continuation of the city's existing 1% Sales and Use tax. He stated that, if passed, the current 1% tax will expire on a date and the new tax will begin, with no change in the

amount He stated that the 6 ballot items include Administrative Facilities Improvements, Street Improvements, Parks & Recreation Improvements, Fire Department Facilities and Police Department Facilities, as well as the Refunding of the current Bonds. Daniel Allen stated that the amount of the Bonds will give the city some flexibility for the next 10-plus years. He stated that this could give the city about \$25.5 million in new projects, broken out into each of the categories. He stated that everything will have to come back before the City council for the actual issuance, so all we are asking of the voters is to give us the flexibility. Daniel stated that we need to have the voters pass the Refunding of the Existing Bonds or nothing can happen. He stated that there will be 6 items before the voters on the ballot, and any of the items could be voted down. He stated that once the vote passes, we will need to sit down and reevaluate our needs for the next 24-36 months, to look at how we want to issue those funds. There was discussion. Keith Higginbotham made a motion to read the ordinance by title only, with a 2nd from Robin 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 Josie Reed. All council members voted in favor and the motion carried. Wayne Low made a motion to adopt the ordinance with a 2nd 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 2nd from Josie Reed. All council members voted in favor and the motion carried.

(13) Resolution 2017-14- A RESOLUTION APPROVING AN INFORMAL INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF CENTERTON, ARKANSAS, AND THE CITY OF BETHEL HEIGHTS, ARKANSAS, REGARDING A DISASTER RECOVERY RELOCATION PLAN. Mayor Edwards addressed the council and explained the need for this resolution to approve an informal interlocal agreement with Bethel Heights, regarding a Disaster Relocation Plan. There was discussion. Wayne Low made a motion to read the resolution by title only with a 2nd from Josie Reed. 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 Misty Elam. All council members voted in favor and the motion carried.

(14) Joe O’Conner-Discuss Land Offer- Joe O’Conner addressed the council, stating that he owned the Soccer Complex on Hwy 72. He stated that he has always been transparent about the fact that he is either going to sell the property,

develop it, or somewhere in between. He stated that he now lives in California and has come to a point in time that he would like to sell or develop the property. He stated that he would like to sell all or a portion of the property to the City of Centerton. He wanted to know if there was interest from the city. He presented the council members with a site layout and 2 proposals. He stated that his first proposal is to sell the city 20.25 acres for \$1.9 million, including the building and acreage back to the South side of the property. He stated that he would then develop the rest with some Single-family development and some Commercial development. His second proposal was to sell the full 45 acres to the city for \$4 million over 5 years, interest free. He stated that this was an offer only for the city. He stated that he thought that the Hwy 72 frontage was worth a lot of money. He stated that he didn't know what the city's financial situation was, and asked for the council to let him know if there was any interest. Joe stated that he has offered it to the soccer club many times and to the city once before. He said that the soccer club is aware that he is offering it to the city again. There was discussion. Keith Higginbotham stated that he had always wished the city could have purchased it and turned it into a Boy's and Girl's Club. He stated that there is interest, but there is a concern about how the city could come up with the money. Todd Wright stated that some of the staff spoke with Joe earlier in the day, and Todd told him that it would be very difficult for the city financially at this point. Todd stated that we may be in a better situation to discuss this opportunity later, towards the end of the year, if the Bond Issue goes through and the election turns out in our favor, and a few of the things that we have financially earmarked, line themselves out. Misty Elam and Robin Reed stated that there is definitely interest in the property. Misty Elam stated that she would like some more time to do some research. Brian Rabal stated that Council could have a Work Session; open to the public, to discuss it. Keith Higginbotham made a motion for council to further research the land purchase offers from Joe O'Conner for a maximum of 90 days, with the city having right of first refusal, with a 2nd from misty Elam. All council members voted in favor and the motion carried.

- (15) Accept Resignation of Brandon Wall from the Planning Commission-** Mayor Edwards addressed the council and presented a letter of resignation from Brandon Wall from the Planning Commission, effective July 25th, 2017. He stated that the opening has been posted and closes this Friday. Keith Higginbotham made a motion to accept the resignation of Brandon Wall from the Planning Commission with a 2nd from Robin Reed. All council members voted in favor and the motion carried.

(16) Discuss Amended Bylaws of Centerton Planning Commission- Mayor Edwards addressed the Council and stated that the recommended motion of “required training” from council pertaining to the Education and Training section of the Planning Commission Bylaws from the last council meeting was taken back to the Planning Commission. The Planning Commissioners were supportive of need for training but had several questions. Lorene brought 5 questions back to the Council from the Commission:

- 1) What exactly are the types of training that the Council is requiring them to obtain?
- 2) Who will decide if the training is applicable?
- 3) What happens if the member fails to obtain the training?
- 4) Is 8 hours the correct number, most members work full time jobs?
- 5) Is the council also going to attend mandatory training?

There was discussion. Todd wright stated that he felt that training should be encouraged. He stated that Mayor Edwards has done a good job of making sure that available training is posted in Dropbox for the council members, and that we could do a better job posting available training for Planning Commissioners. Lorene stated that she felt that the commissioners should take some of the responsibility for themselves for getting training. Wayne Low stated that we currently have 2 issues coming up for the Planning Commission, that if they had some more training, specifically in Planning, we may not be in those situations. Todd pointed out that the mayor and council members do a good job of bringing back pamphlets and other information back from training to share with those who were unable to attend. Robert Coffelt recommended that it could state “highly recommended and encouraged” and stated that there are on-line trainings available, as well as CD’s. Robin Reed recommended that it should be included in the application as well. Todd recommended that it should be documented training. The council gave their recommendations to Lorene and she said she will make the changes and send it back to them for their review.

(17) Other Business- Mayor Edwards asked the council to consider moving the August 8th, 2017 City Council meeting, due to a schedule conflict with City Clerk Todd Wright. Misty Elam stated that she also has a conflict with August meeting date. There was discussion. Robin Reed made a motion to move the Tuesday, August 8th, 2017 City Council meeting to Tuesday, August 15th, 2017, 6:00 p.m., with a 2nd from Wayne Low. All council members voted in favor and the motion carried.

Robin Reed asked if we could set a date to have a Work Session to discuss the O’Conner property. Robert Coffelt and Rick Hudson shared their opinions against the purchase, pointing out the other projects and needs the city has and also some issues with the existing buildings on the property. There was discussion. Mayor Edwards stated that Misty Elam asked for more time to do research, that Brian Rabal will need to do some research. Lorene Burns stated that she thinks that it is a valuable piece of property and is something we should look at. She thinks it is a

great property for parks and trails. She said that even if we had to sell off the frontage, it may pay for the rest of the property. Wayne Low pointed out the additional costs that will have to be incurred to develop the property if purchased. No date was set for a Work Session..

(18) Announcements- Mayor Edwards stated that “Coffee with the Mayor” would be Saturday, July 22nd, 2017 at 9:00 a.m.

Josie Reed made a motion to adjourn with a 2nd from Wayne Low. All council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk