



**CITY OF CENTERTON  
CITY COUNCIL MEETING  
AUGUST 15, 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, Fire Chief Delton Bush and Planning Director Lorene Burns. Water & Sewer Superintendent Frank Holzkamper, Animal Control Supervisor Terry Sanchez and Chief Building Inspector Robert Coffelt were absent.

- (1) Council Minutes-** Josie Reed made a motion to approve the July 11<sup>th</sup>, 2017 City Council minutes with a 2<sup>nd</sup> from Wayne Low. All council members voted in favor and the motion carried.
  
- (2) Planning, Board of Zoning Adjustment and Water & Sewer Minutes-** Wayne Low made a motion to acknowledge receipt of the June 27<sup>th</sup>, 2017 Board of Zoning Adjustment meeting minutes, June 20<sup>th</sup>, 2017 CWSD meeting minutes and June 27<sup>th</sup>, 2017 Planning Commission meeting minutes, with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.
  
- (3) City and Court Financials-** Mayor Edwards stated that 58% through the year we have received 61.31% of our budgeted revenue. He stated that our expenditures were at 51.93%. He highlighted some of the financials for the council. Robin Reed made a motion to accept the July 2017 City and Court financials, with a 2<sup>nd</sup> from Josie Reed. 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. **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) **Ordinance 2017-38- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS BELONGING TO KHM2S2 HOMES LLC; FROM HIGH DENSITY RESIDENTIAL (R-3) TO RESIDENTIAL TOWNHOUSE MULTI-FAMILY (RTH-MF12).** Mayor Bill Edwards addressed the council and explained the need for this ordinance to re-zone 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 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. 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 Keith Higginbotham. 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.

(6) **Ordinance 2017-39- AN ORDINANCE ACCEPTING RIGHT-OF-WAY DEDICATION BY SAM & TONYA WOODS PER TRACT SPLIT, CITY OF CENTERTON, S03-T19N-R31W, BENTON COUNTY, ARKANSAS.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to accept right-of-way dedication of certain lands. He asked if there were any questions. There were none. Josie Reed made a motion to read the ordinance by title only, with a 2<sup>nd</sup> from Keith Higginbotham. 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 Keith Higginbotham. 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.

**(7) Ordinance 2017-40- AN ORDINANCE AMMENDING ORDINANCE NO. 2017-28 TO CORRECT THE LEGAL DESCRIPTION FOR ANNEXED PROPERTY BELONGING TO CARL AND LEIGH ANN WALKER; AND DECLARING AN EMERGENCY.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to correct the legal description of property previously annexed. He asked if there were any questions. There were none. Josie 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 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 Josie Reed. 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.

**(8) Ordinance 2017-41- AN ORDINANCE REPEALING ORDINANCE NO. 2017-02 OF THE CITY OF CENTERTON, ARKANSAS.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to repeal an ordinance of annexation. There was discussion. Mayor Edwards asked 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 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 Wayne Low. All council members voted in favor and the motion carried.

**(9) Ordinance 2017-42- AN ORDINANCE TO ACCEPT RIGHT-OF-WAY ALONG KIMMEL ROAD, DEDICATED BY SAM AND CRYSTAL FEATHERSTON, TRUSTEES OF THE FEATHERSTON FAMILY TRUST, PER WARRANTY DEED RECORDED IN BOOK 2017 PAGES.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to accept right-of-way for certain lands. Mayor Edwards asked if there were any questions. There were none. Wayne Low made a motion to read the

ordinance by title only with a 2<sup>nd</sup> from Keith Higginbotham. 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. Darren Warren made a motion to adopt the ordinance, with a 2<sup>nd</sup> from Wayne Low. All council members voted in favor and the motion carried.

**(10) Ordinance 2017-43- AN ORDINANCE TO ACCEPT RIGHT-OF-WAY ALONG WOMACK ROAD, DEDICATED BY DEBBIE AND KEITH HOPKINS, PER WARRANTY DEED RECORDED IN BOOK 2017, PAGES 49062-49066.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to accept right-of-way for certain lands. Mayor Edwards asked 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 Keith Higginbotham. 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. Josie 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.

**(11) Ordinance 2017-44- AN ORDINANCE TO ACCEPT RIGHT-OF-WAY ALONG KIMMEL AND WOMACK ROADS, DEDICATED BY CENTERTON LAND COMPANY LLC, PER WARRANTY DEED RECORDED IN BOOK 2017, PAGES 46549-46553.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to accept right-of-way for certain lands. Mayor Edwards asked 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 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 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.

**(12) Ordinance 2017-45- AN ORDINANCE TO ACCEPT RIGHT-OF-WAY ALONG KIMMEL ROAD, DEDICATED BY J.B. HUNT LLC, PER WARRANTY DEED RECORDED IN BOOK 2017, PAGES 46544-46548.**

Mayor Bill Edwards addressed the council and explained the need for this ordinance to accept right-of-way for certain lands. Mayor Edwards asked if there were any questions. There were none. Josie 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. 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. 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.

(13) **Ordinance 2017-46- AN ORDINANCE TO ACCEPT RIGHT-OF-WAY ALONG KIMMEL ROAD, DEDICATED BY MID-CONTINENT CONCRETE COMPANY INC, PER WARRANTY DEED RECORDED IN BOOK 2017, PAGES 46544-46558.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to accept right-of-way for certain lands. Mayor Edwards asked 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. 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 Wayne Low. All council members voted in favor and the motion carried. Josie 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.

(14) **Ordinance 2017-47- AN ORDINANCE ACCEPTING THE FINAL PLAT OF WEST END ACRES, A RESIDENTIAL SINGLE FAMILY SUBDIVISION, INCLUDING 40' OF ADJACENT ROAD ROW DEDICATION ALONG HERBAUGH RD, S29-T20N-R31W, CENTERTON PLANNING AREA, BENTON COUNTY, ARKANSAS.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to accept final plat and road row dedication. Mayor Edwards asked 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 Keith Higginbotham. 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.

(15) **Ordinance 2017-48- AN ORDINANCE ACCEPTING THE FINAL PLAT OF FOUR POINTS ESTATES, A MINOR SUBDIVISION, INCLUDING 40' OF ADJACENT ROAD ROW DEDICATION ALONG HERBAUGH RD, S20-T20N-R31W, CENTERTON PLANNING AREA, BENTON COUNTY, ARKANSAS.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to accept final plat and road row dedication. Mayor Edwards asked if there were any questions. There were none. Wayne Low made a motion to read the ordinance by title only, with a 2<sup>nd</sup> from Keith Higginbotham. 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 Keith Higginbotham. 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.

(16) **Ordinance 2017-49- AN ORDINANCE ACCEPTING 40' RIGHT-OF-WAY ALONG SEBA RD AND EASEMENT DEDICATIONS BY LSA ASSETS, LLC, STEELE DEVELOPMENT, INC, AND VICTORIA TRUJILLO PER TRACT SPLIT PLAT FOR PROPERTY LOCATED IN THE CITY OF CENTERTON, S33-T20N-R31W, BENTON COUNTY, ARKANSAS.** Mayor Bill Edwards addressed the council and explained the need for this ordinance to accept right-of-way and easement dedication. Mayor Edwards asked 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 Wayne Low. 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 Josie Reed. 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.

(17) **Resolution 2017-15- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH TOMLINSON ASPHALT COMPANY, FAYETTEVILLE, ARKANSAS FOR MULTIPLE ASPHALT OVERLAY PROJECTS AND OTHER CITY PROJECTS THRU DECEMBER 31, 2017.** Mayor Edwards addressed the council and explained the need for this resolution to enter into an agreement for asphalt work. Mayor Edwards asked if there were any questions. There were none. 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. Robin Reed 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.

- (18)       **Resolution 2017-16- A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE PARTIAL VACATION OF UTILITY AND DRAINAGE EASMENTS ON LOT 115 COPPER OAKS SUBDIVISION, CITY OF CENTERTON, ARKANSAS BY PETITION OF KHM2S2, LLC.** Mayor Edwards addressed the council and explained the need for this resolution to set a Public Hearing. Mayor Edwards asked if there were any questions. There were none. Wayne Low made a motion to read the resolution 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 resolution by title only. Keith Higginbotham 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.

- (19)       **Resolution 2017-17- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ACCEPT A WARRANTY DEED FOR THE LIFT STATION TENDERED BY CAN-ARK DIAMOND REALTY-DIAMOND ESTATES LLC.** Mayor Edwards addressed the council and stated that this resolution will need to be tabled until the next meeting.

- (20)       **Resolution 2017-18- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ACCEPT A WARRANTY DEED FOR THE LIFT STATION TENDERED BY CAN-ARK DIAMOND REALTY CENTERTON LLC. DBA MAPLE ESTATES.** Mayor Edwards addressed the council and explained the need for this resolution to accept a warranty deed for a lift station. Mayor Edwards asked if there were any questions. There were none. Keith Higginbotham made a motion to read the resolution 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 resolution by title only. Darren Warren made a motion to adopt the resolution with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried.

- (21)       **Resolution 2017-19- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY**

**OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH TRULOVE DIRT WORKS, BERRYVILLE, ARKANSAS FOR KIMMEL ROAD AND WOMACK ROAD IMPROVEMENTS.** Mayor Edwards addressed the council and explained the need for this resolution for road improvements. Mayor Edwards asked if there were any questions. There were none. Keith Higginbotham made a motion to read the resolution 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 resolution by title only. Wayne Low made a motion to adopt the resolution with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried.

**(22) Accept Resignation of Nick Jewett from the Planning Commission-** Mayor Edwards addressed the council and presented a letter of resignation from Nick Jewett from the Planning Commission, effective July 17<sup>th</sup>, 2017. He stated that the opening was posted and closed 8/9/17. Mayor Edwards asked if there were any questions. There were none. Robin Reed made a motion to accept the resignation of Nick Jewett from the Planning Commission with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.

**(23) Appoint Jerry Tweedy and Amber Beale to the Centerton Planning Commission-** Mayor Edwards addressed the council and asked for their approval to appoint Jerry Tweedy and Amber Beale to the Centerton Planning Commission. Darren Warren made a motion to appoint Jerry Tweedy to the Centerton Planning Commission 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 appoint Amber Beale to the Centerton Planning Commission, with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried. Both Commissioners addressed the council.

**(24) Discuss Amended Bylaws of Centerton Planning Commission-** Mayor Edwards addressed the Council and asked for their approval of the amended bylaws of the Centerton Planning Commission. There was discussion about the changes approved by the Planning Commission. Robin Reed made a motion to approve the amended bylaws of the Centerton planning Commission, with a 2<sup>nd</sup> from Darren Warren. All council members voted in favor and the motion carried.

Training and Education. Planning Commission members are highly recommended and encouraged to participate in training each year by attending training workshops, planning



conferences or educational programs in order to properly fulfill Planning Commission duties. Expenses for such training will be paid by the City subject to the appropriation of City funds. Training resources include, but are not limited to following:

- Arkansas Chapter of APA
- American Planning Association (APA)
- AR Public Administration Consortium (APAC) offered thru UALR
- Arkansas Municipal League (ARML)
- In-house Training – Cities / County / Regional Planning
- Webinars & Publications

**(25) Discuss Land offer to City-** Wayne Low addressed the council, stating that a presentation was made to the city, to purchase some land on Hwy 72, at the last city council meeting. He stated that a motion was made to gather more information and to respond to the land owner within 90 days. He stated that the Mayor was to get comments from the Department Heads, as well. He stated that he felt it was appropriate to bring this item back before the council at this meeting. Darren Warren stated that he read the comments from the city staff and looked at the city's current position and stated that he felt it was not something the city should do at this time. He stated that he was concerned with the continued maintenance that would be required once the land was purchased. There was discussion. Wayne Low made a motion to not accept the land offer by Joe O'Connor to the City of Centerton, with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried.

**(26) Authorize 3 Additional Fire Fighter Positions- SAFER Grant-** Mayor Edwards addressed the council, stating that we approve 3 additional fire fighters at our last council meeting. He stated that Fire Chief Delton Bush would like to add an additional 3 full-time fire fighter positions, using the SAFER Grant, which would pay for 75% of the salaries of these 3 firefighters for the next 3 years. Mayor Edwards stated that it would put us up to 18 full-time fire fighters, 6 per shift, with also the Chief and Assistant Chief, which should put us very close to being fully staffed. There was discussion. Robin Reed made a motion to allow Fire Chief Delton Bush to add 3 additional full-time Fire Fighters, using the SAFER Grant, with a 2<sup>nd</sup> from Wayne Low. All council members voted in favor and the motion carried.

**(27) Authorize Vehicle for Street Department-** Mayor Edwards addressed the council and stated that the Street Department would like to purchase a new Ford F-150 for \$30,749.00 (plus a possible additional 1-2%) and to keep the truck it is replacing, but give it to the city for use at City Hall. There was discussion. Robin Reed expressed concern and asked the Mayor to make sure that the truck

was safe for city employees to be driving. He stated that he would have the truck taken in to be checked out. Keith Higginbotham made a motion to allow the Street Department purchase a Ford F-150 for \$30,749.00 plus the 1-2%, with a 2<sup>nd</sup> from Wayne Low. All council members voted in favor and the motion carried.

**(28) Reappoint Melvin Coffelt, Jane Birmingham and Robert Anderson to the Centerton Water and Sewer Commission-** Mayor Edwards addressed the council and stated that these 3 members of the Centerton Water & Sewer Commission had their terms extended and this is to update the expiration dates. He stated that they serve 8 year, staggered terms. Wayne Low made a motion to reappoint Melvin Coffelt (term expires 1/31/25), Jane Birmingham (term expires 6/30/24) and Robert Anderson (term expires 8/31/23) to the Centerton Water & Sewer Commission, with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.

**(29) Other Business-** Mayor Edwards read a Thank You letter from Bentonville Youth Sports, regarding the use of the baseball fields at the Kinyon Sports Complex.

**(30) Announcements-** Mayor Edwards presented the Bond Election flyer to the council and stated that the Bond Election is 9/12/17, with Early Voting to begin prior to that date, and that “Coffee with the Mayor” would be Saturday, August 19<sup>th</sup>, 2017 at 9:00 a.m.

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