



**CITY OF CENTERTON
CITY COUNCIL MEETING
DECEMBER 12, 2017**

The city council was called to order at 6:00 p.m. by Mayor, Bill Edwards. The Pledge of Allegiance was recited. The prayer was offered by Keith Higginbotham. Those Present and answering roll call were Mayor Bill Edwards, Keith Higginbotham, Josie Reed, Wayne Low, Darren Warren, 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, Street Superintendent Rick Hudson, Police Chief Cody Harper, Fire Chief Delton Bush, Planning Director Lorene Burns, Water & Sewer Superintendent Frank Holzkamper, Animal Control Supervisor Terry Sanchez and Chief Building Inspector Robert Coffelt.

- (1) Council Minutes-** Josie Reed made a motion to approve the November 7th, 2017 City Council minutes, with a 2nd from Wayne Low. All council members voted in favor and the motion carried.

- (2) Planning, Water & Sewer, Parks & Recreation and Advertising & Promotion Minutes-** Keith Higginbotham made a motion to acknowledge receipt of the October 17th and October 20th, 2017 CWSD meeting minutes, October 24th and November 6th, 2017 Planning Commission meeting minutes, June 6th, 2017 Parks & Recreation meeting minutes and the November 1st, 2017 Advertising & Promotion meeting minutes with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

- (3) City and Court Financials-** Mayor Edwards stated that 92% through the year we have received 93.06% of our budgeted Revenue. He stated that our expenditures were at 86.76%. He highlighted some of the financials for the council. Edwards said that we had a \$12,850.00 architect expense in the Animal Control budget for their addition. He also pointed out that the Parks & Recreation budget was at 109%, saying that this was because of the Tree Grant the city received and that we

never put a line item in. Edwards said we did receive the revenue, and the funds will all wash out. He said we would correct it when we amend the budget next month. Wayne Low made a motion to accept the November 2017 City and Court Financials, with a 2nd 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.

Rick Hudson addressed the Council, asking for their permission to dispose of the wooden playsets in Hickory Park, Thompson Park and the swing set along the Walking Trail, in preparation for placement of new equipment that is being planned currently. Robin Reed made a motion to allow the disposal of the wooden play equipment in those 3 park areas, with a 2nd from Josie Reed. All council members voted in favor and the motion carried.

- (5) Ordinance 2017-61- AN ORDINANCE AMENDING TITLE 6 OF THE CITY OF CENTERTON MUNICIPAL CODE; DECLARING AND EMERGENCY; AND FOR OTHER PURPOSES.**

Animal Control Supervisor Terry Sanchez addressed the Council, stating that we have revised our Animals and Fowl Code. Sanchez addressed some of the changes. He said they mainly just cleaned things up. He said they changed the word in the Livestock section from Hog to Swine, to be able to address pot-bellied pigs. He said they are not allowed in the city and gave reasons why. Sanchez said they also updated some things on private kennels, as well as not allowing roosters in the city. There was discussion.

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

Wayne Low made a motion to read the ordinance by title only, with a 2nd from Darren Warren. All council members voted in favor and the motion carried. Brian

Rabal read the ordinance by title only. 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. 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.

(6) Ordinance 2017-65- AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2018; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

Mayor Bill Edwards addressed the Council and explained the need for this ordinance to set the City Budget for 2018. He said the only change since the Budget Meeting on 11/16/17 was that we did receive a \$150,000.00 grant for a Splash Pad. He said that he added that to our Revenue and deducted it from the Parks & Rec budget. Edwards said the matching 50% of that grant will come out of Bond money. Keith Higginbotham asked if we needed to add anything into the Parks budget for staff and materials for the Splash Pad. Edwards said there was money already in the Parks budget for materials and supplies and we have only received a grant at this point, and still have a bid process and construction to go through. Robin Reed said that she thought Parks & Rec would need 2 more full-time employees, as well as a part-time person. Rick Hudson addressed the Council and said that they are growing, but he will wait until summer to see what the needs are truly going to be. Hudson said the Street Department is in pretty good shape staff-wise as well. He said he would look at that need later as well.

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

Josie Reed made a motion to read the ordinance by title only, with a 2nd from Keith Higginbotham. 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 Misty Elam. All council members voted in favor and the motion carried. Josie Reed made a motion to adopt the ordinance with a 2nd from Wayne Low. All council members voted in favor and the motion carried. 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.

(7) Ordinance 2017-66- AN ORDINANCE REGARDING PROFESSIONAL SERVICES AND ADDING SECTION 3.04.07 TO THE CITY CODE.

Mayor Bill Edwards addressed the Council and explained the need for this ordinance to define, and give parameters and processes for “Professional Services”.

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

Josie Reed made a motion to read the ordinance by title only, with a 2nd from Wayne Low. All council members voted in favor and the motion carried. Brian Rabal read the ordinance by title only. Wayne Low made a motion to suspend the rule requiring the reading of the ordinance on 3 separate occasions with a 2nd from Misty Elam. All council members voted in favor and the motion carried. Josie Reed made a motion to adopt the ordinance with a 2nd from Wayne Low. All council members voted in favor, except for Darren Warren, who voted “NO”, and the motion carried.

(8) Ordinance 2017-67- AN ORDINANCE ESTABLISHING CENTERTON MUNICIPAL CODE 7.44 TITLE NOISE.

Mayor Bill Edwards addressed the Council and explained the need for this ordinance to establish a noise ordinance. He said he worked with Chief Harper and Captain Arthur and they looked at the noise ordinances in several other cities. Edwards said that they currently have to use the Criminal statute to enforce disturbing the peace complaints, and this gives them a tool to use in the city, that does not give a person a criminal record for something such as loud music. There was discussion. Todd Wright said he thought this was a good thing, so that the city has a tool and the citizens will have a guideline of what is acceptable. Chief Harper said that this is one of the most frequent things the Police Department gets asked about. Robin Reed asked if they would stop someone on Hwy 102 that is playing loud music in their vehicle. Harper said they will most likely not. He said there is a difference between Hwy102 and a neighborhood, and they will use discretion. Lance Johnson asked if it was going to be officer discretion or use of a meter and Chief Harper said they will not be using a decibel meter, like other cities, but will respond to a complaint and listen to it as the complainant would hear it. Harper said they will not be driving around, just looking to enforce. He said this just gives us a tool when there are complaints.

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

Wayne Low made a motion to read the ordinance by title only, with a 2nd from Misty Elam. All council members voted in favor, except for Robin Reed, who voted “NO”, and the motion carried. Brian Rabal read the ordinance by title only. Keith Higginbotham made a motion to suspend the rule requiring the reading of the ordinance on 3 separate occasions with a 2nd from Josie Reed. All council members, except for Robin Reed, who voted “NO”, voted in favor, and the

motion carried. Keith Higginbotham made a motion to adopt the ordinance with a 2nd from Wayne Low. All council members voted in favor, except for Robin Reed, who voted “NO”, and the motion carried.

(9) Ordinance 2017-68- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS BELONGING TO O’CONNOR FAMILY LLC; FROM AGRICULTURAL (A-1) TO HIGHWAY COMMERCIAL (C-2).

Mayor Bill Edwards addressed the Council and explained the need for this ordinance to rezone the land with the soccer fields from A-1 to all C-2.. Edwards stated that there was a Public Hearing at the last Planning Commission meeting and there was no public opposition. Todd Wright stated that nobody from the public spoke at the Public Hearing, but there was a letter from Greg Harris, in favor of the rezone, as well as a phone call from Todd Carrigan to Chairman Jeff Seyfarth, also in favor, but wishing for a C-3 zoning, as opposed to a C-2.

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

Wayne Low made a motion to read the ordinance by title only, with a 2nd from 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 2nd from Misty Elam. All council members voted in favor and the motion carried. Keith Higginbotham made a motion to adopt the ordinance with a 2nd from Wayne Low. All council members voted in favor and the motion carried.

(10) Ordinance 2017-70- AN ORDINANCE ACCEPTING 30’ RIGHT-OF-WAY AND 35’ UTILITY EASEMENT DEDICATION ON THE NORTH SIDE OF LC HICKMAN ROAD BY RICHARD AND PATTY WALKER PER TRACT SPLIT PLAT FOR PROPERTY LOCATED IN PART OF THE SOUTH HALF OF THE FRACTIONAL NW ¼ OF S06-T19N-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 dedication on LC Hickman 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 2nd from Darren Warren. All council members voted in favor and the motion carried. Brian Rabal read the ordinance by title only. Josie Reed made a motion to suspend the rule requiring the reading of the ordinance on 3 separate occasions with a 2nd from Darren Warren. 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.

(11) Resolution 2017-28- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH BRT GROUP LLC, BOCA ROTON, FLORIDA TO DEVELOP, CONSTRUCT AND OPERATE A TELECOMMUNICATIONS TOWER AT 500 KELLER ROAD, CENTERTON UTILITIES.

Mayor Edwards addressed the Council and explained the need for this resolution to enter into a contract to allow the Water & Sewer Department to enter into lease for a telecommunications tower on their property. Edwards said this just starts the process. There was discussion.

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

Keith Higginbotham 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. Wayne Low made a motion to adopt the resolution with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

(12) Resolution 2017-29- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH MORRISON SHIPLEY ENGINEERS, BENTONVILLE, ARKANSAS, FOR ENGINEERING AND SURVEYING SURVISES FOR REPLACEMENT OF A CULVERT ON ALLEN ROAD FOR THE CITY OF CENTERTON.

Mayor Edwards addressed the Council and explained the need for this resolution to enter into a contract with Morrison Shipley to engineer the replacement culvert on Allen Road. Street Superintendent Rick Hudson stated that this is the culvert that was damaged during last year's floods. Hudson said that this culvert is under-sized and is damaged. He mentioned that paving the rest of Allen Road is on our project list for next year. He said that we will be partnering with Bentonville, as part of Allen Road belongs to them. Hudson said Morrison Shipley will do the engineering, do the contracts, put it out to bid and walk it through. Hudson did say that his goal is to protect the house downstream as much as possible.

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

Robin Reed 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. Wayne Low made a motion to adopt the resolution with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

(13) Resolution 2017-30- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH MORRISON SHIPLEY ENGINEERS, BENTONVILLE, ARKANSAS FOR ENGINEERING AND SURVEYING SERVICES FOR CITY HALL PROJECT FOR THE CITY OF CENTERTON.

Mayor Edwards addressed the Council and explained the need for this resolution to enter into an agreement with Morrison Shipley for engineering a City Hall Building at the Municipal Complex. Edwards gave some history on the process and presented a possible configuration of the building and parking to the council. There was discussion about future expansion of both the Police Department and Fire Department on this property, as well as possible future growth within City Hall. There was also discussion about traffic coming out of the Municipal Complex onto Hwy 102. Robin Reed asked if there was discussion about putting City Hall in another location. Mayor Edwards said that there was, but he was trying to use property already owned by the city, as opposed to purchasing additional property. He mentioned that this property already had utilities on it as well. Pam Grant stated that there is no other property that the city currently owns, large enough for this project. Fire Chief Delton Bush said there is still plenty of room for his Fire Department expansion, a Municipal Wash Bay and a small Training Tower. Chief Building Inspector Robert Coffelt said there was plenty of room for the City Hall at the Municipal complex. There was discussion. Mayor Edwards said this resolution was just to get the process started. Planning Director Lorene Burns said that if this project comes to Planning, there needs to be some kind of a buffer between it and the residential houses. She stated that with the City Hall and the expansion of the Police Department and the Fire Department, as well as all of the parking, we will be taking up all of the green space, except for the detention ponds. Burns was also concerned about the City Hall being large enough to keep up with future growth. She also was concerned with the access to the drive with Emergency Services in the same parking lot. Burns stated lastly that she thought City Hall should be in a central location, or be visible on one of the main streets. Todd Wright asked Rick Hudson if the entries into the front of the Complex, off of Hwy 102, could be widened or reconfigured to help with congestion. Hudson said he was sure we could do something. Hudson said a signal could also be added for Emergency Vehicles. Robin Reed asked Mayor Edwards for a better illustration or a couple, that show the PD and FD expansions with the City Hall. Mayor Edwards said that he would do that. Chief Harper said

he had no concept for a PD expansion at this time. Todd Wright went over a larger scale drawing of the Municipal Complex with the Council. Robert Coffelt said that the architect will design the building to fit our individual needs, but we will not all have big offices, we will have the necessary sized office to do what we need to do, He said there are empty offices in several of the concepts he has done, to account for growth, as well as room to expand. Wayne Low pointed out that most office buildings today don't have offices for every employee. He said normally the Department Heads have offices and the rest is going to open space with false walls, or cubicles. There was also discussion about surrounding cities not having all of their Municipal buildings together in the same area, as growth forced them to expand.

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

Keith Higginbotham made a motion to read the resolution by title only with a 2nd from Wayne Low. All council members voted in favor, except for Robin Reed, who voted "NO", and the motion carried. Brian Rabal read the resolution by title only. Wayne Low made a motion to adopt the resolution with a 2nd from Keith Higginbotham. All council members voted in favor, except for Robin Reed, who voted "NO", and the motion carried.

(14) Resolution 2017-31- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH STOCKTON ROGERS ARCHITECTURE LLC, FAYETTEVILLE, ARKANSAS FOR ARCHITECT SERVICES FOR THE CENTERTON FIRE DEPARTMENT, CITY OF CENTERTON.

Mayor Edwards addressed the Council and explained the need for this resolution to hire an architect to design an addition to the Fire Department. He said we will incorporate the project to fix the roof leaks, into this project, to get them done at the same time. Edwards said this architect designed the Animal Shelter expansion, as well as the Street Department expansion. Edwards said this will be a 2-story addition on the northwest corner of the existing building, with offices on the main floor and sleeping quarters on the 2nd floor. Edwards said the front awning will also be removed in this project, to be replaced by some kind of porch. Edwards said that we will look at adding a Municipal Wash Bay after the City Hall Project is complete, if there are any funds left over.

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

Robin Reed 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. Wayne Low made a motion to adopt the

resolution with a 2nd from Robin Reed. All council members voted in favor and the motion carried.

(15) Resolution 2017-32- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH VERZANI CONSTRUCTION LLC. BELLA VISTA, ARKANSAS FOR AN ANIMAL SHELTER BUILDING ADDITION FOR THE CITY OF CENTERTON.

Mayor Edwards addressed the Council and explained the need for this resolution to enter into a contract with Verzani Construction for the animal Control expansion. Edwards said he did receive 3 bids, with Verzani being the low bid. He said that Verzani did the Street Department expansion. He said it will take about 30 days to get the building ordered in.

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

Wayne Low made a motion to read the resolution by title only with a 2nd from Misty Elam. All council members voted in favor, except for Robin Reed, who abstained, and the motion carried. Brian Rabal read the resolution by title only. Keith Higginbotham made a motion to adopt the resolution, with approved changes to the contract by City Attorney Brian Rabal, with a 2nd from Darren Warren. All council members voted in favor, except for Robin Reed, who abstained, and the motion carried.

(16) Acknowledge Receipt of Police K-9 and Vest Policies-

Police Chief Cody Harper addressed the Council said that the City Attorney approved the policies. He said they are both technically new policies. He said we a Body Armor Policy is something we have always had in effect, being that when you are in uniform, you wear a vest. Harper said that the Department of Homeland Security requires the policy in a written form for grants. Robin Reed asked if the K-9 will have a vest. Harper said he is working on a vest, as well as a badge for the dog. There was discussion about badges.

Josie Reed acknowledged receipt of the Police K-9 and Vest Policies, with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

(17) Discuss Right-of-Way Acquisitions, Seba and Main Streets-

Street Superintendent Rick Hudson addressed the Council and presented them with a spreadsheet showing information for 9 Right-of-Way acquisitions needed for the Seba and Main Street Intersection Projects. Hudson said he had 9 property owners and 9 utilities he is working with. The spreadsheet showed that 5 of the 9 Right-of-ways were being donated by the owners. The remaining Right-of-Ways were shown with size, appraised values and cost. Hudson said that of the 4 remaining property owners, one (1) is taking the appraised value, and the other three (3) are not. Hudson said that Mrs. Zumstein has not established a price, does not want to sell anything and said she would talk to him next year. Hudson said that none of the utilities can start until the right-of-ways are acquired. Hudson said that Mrs. Coffelt is asking for \$45,000.00 and Mr. Steele is asking for \$93,485.00 and are set on their price. City Councilman Keith Higginbotham said that Tony Steele has donated a lot to the City. Chief Building Inspector Robert Coffelt said that the council needs to be careful about setting a precedent moving forward, by accepting an offer over appraisal. There was discussion. Hudson said his honest opinion is to fight it, and to do it quick. City Councilman Robin Reed asked how long it could take in court to fight it, and City Attorney Brian Rabal said it depends on the judge and if we are having a bench trial or a jury trial. He said it could be months, or it could be years. He said that the project will still go on. Hudson said that we file paperwork, money goes into a bank account for them, and they can either collect that money or go to court and try to prove that what we are offering them is not a fair price. He said they can't stop the process. Hudson said that we had a legal appraisal done, by a guy that we have used before is dependable in court. Mayor Edwards said the appraisal cost \$8000.00. Hudson said the wide range of appraisal values is affected by zoning and utilities. Higginbotham asked Hudson what he wanted from the Council. Hudson said he really just wanted the property owners to accept a fair price, but he didn't think they did. Hudson said that he wanted to go ahead and condemn the properties. City Attorney Brian Rabal said he would be the one to file the suits.

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

Keith Higginbotham made a motion to condemn the properties, with a 2nd from Darren Warren. All council members voted in favor and the motion carried.

(18) Acknowledge Receipt of Splash Pad Grant- \$150,000.00-

Mayor Edwards addressed the Council and presented a letter to the Council from the Department of Parks and Tourism's Outdoor Recreation Grants Program Advisory Committee, awarding us \$150,000.00 for the construction of a Splash Pad and a Restroom Facility at McKissic Park.

(19) Police Applying for E-Crash Grant-

Mayor Edwards addressed the Council, stating that the Police department is applying for a \$35,000.00 Grant for 2018 that is a 90/10% match, to be used for in-car and desktop computers. Edwards said the Police department has money in their budget to cover the 10% match.

(20) Other Business- Mayor Edwards showed the council an example of the plaque he was working on with Oscar's for the Police Department. He said it is still being designed. He said he wanted to recognize Morrison Shipley- Engineer, Burris- Architect, and Steele Development- Builder. Edwards said the plaque would also list the City Council Members at the time, as well as the Mayor and Police Chief. Robin Reed and Chief Harper asked for the old badge or patch to be included as well. Edwards said he will work with Chief Harper on that.

(21) Announcements- Santa will be in the city neighborhoods on Saturday 12/16/17..

(22) Adjourn-

Wayne Low made a motion to adjourn at 8:50 PM with a 2nd from Josie Reed. All council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk

