



**CITY OF CENTERTON
VIRTUAL
CITY COUNCIL MEETING
JANUARY 12, 2021
6:00 PM**

(1) Roll Call - Those Present, via Zoom, and answering Roll Call were Mayor Bill Edwards, Keith Higginbotham, Wayne Low, Darren Warren, Misty Elam, Amy Rochette and Josie Reed. Those present and not answering Role Call were City Clerk Todd Wright, City Attorney Brian Rabal, Financial Director Pam Grant, HR Director Jocelyn Diaz, Planning Director Lorene Burns, Police Chief Cody Harper, Police Captain Chris Kelley, Animal Control Director Cody Wilson, Fire Marshal Paul Higginbotham, Fire Chief Matt Thompson, Director of Public Works Rick Hudson, Chief Building Inspector Robert Coffelt and Centerton Utilities Director Frank Holzkamper.

(2) Council Minutes –

Wayne Low made a motion to Approve the Minutes of the December 8, 2020 City Council Meeting, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

Planning Commission, Parks and Recreation & Water & Sewer Minutes –

Josie Reed made a motion to Acknowledge Receipt of the Minutes of the December 1, 2020 & December 15, 2020 Planning Commission Meetings, November 9, 2020 Parks and Recreation Meeting & November 17, 2020 CWSD Meeting, 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 100 % through the year we received 112.82 % of our Budgeted Revenue. He stated that our Expenditures were at 99.47 %. He gave a brief detail of the financials.

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

Josie Reed made a motion to Accept the December, 2020 City & Court Financials, with a 2nd from Darren Warren. All Council Members voted in favor and the motion carried.

(4) Department Reports -

The Department Reports were in the Council Packet.

Council recognized the recap of each of the Department Reports and recognized Cody Wilson and the efforts of Animal Control

(5) Ordinances -

- **Ordinance 2020-70- AN ORDINANCE CLOSING AN EIGHTEEN FOOT (14.5') PORTION OF THE TWENTY FIVE FOOT (25') PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE REAR PROPERTY LINE OF LOT 143 IN THE TAMARRON SUBDIVISION, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS; AKA 1501 ANISTON ROAD.**

Mayor Edwards addressed the Council, stating that this Ordinance was tabled last month, pending a response from Century Link. He said we did receive a response from them, stating that they were not in opposition of the Vacation Request, but require that any relocation of the service line be at the expense of the property owner. Edwards stated that Mrs. Penner did reconfigure the layout of the pool and the concrete pad to decrease the area of easement required. He gave details and a diagram was provided. He said the Penner's are submitting a Plat with the new easement, to protect any future residents. Wayne Low thanked Mrs. Penner for being willing to work with the requests of the Council and Staff.

Mayor Edwards asked the Council if there were any other 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. 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. 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.

- **Ordinance 2021-01- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO FSSCL LLC, FROM AGRICULTURAL (A-1) TO HIGH DENSITY RESIDENTIAL SINGLE-FAMILY (R-3 SF) AND AGRICULTURAL (A-1) TO HIGHWAY COMMERCIAL (C-2).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on West Hwy 102. He said it was recommended for approval by the Planning Commission at their 1/05/2021 meeting, with one public comment, in favor of the request, but asking that the speed limit be reduced on Hwy 102, in this area. It was stated that the speed limit is controlled by the State Highway Dept.

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 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. 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.

- **Ordinance 2021-02- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO VFAM GROUP INC, FROM AGRICULTURAL (A-1) TO HIGH DENSITY RESIDENTIAL DUPLEX (R-3 DUPLEX).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone land on Kimmel Road. He said it was recommended for approval by the Planning Commission at their 1/05/2021 meeting, with no public comments.

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 Misty Elam. All Council Members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Misty Elam made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried. Wayne Low made a motion to adopt the Ordinance with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-03- AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY BELONGING TO THE CAR CRAZY CARWASH LLC AND ROBERT W. AND TERI J. STONE TO THE CITY OF CENTERTON; APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; ASSIGNING SUCH AREA TO WARD 1; AND ZONING AS AGRICULTURAL (A-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the annexation of land and the Crazy Car Carwash on Hwy 72. He gave a brief description.

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 2nd from Josie Reed. 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 Josie Reed. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-04- **Removed****

Mayor Edwards addressed the Council, stating that this Ordinance is still under review for a legal description and is being removed from tonight's Agenda.

- **Ordinance 2021-05- AN ORDINANCE AUTHORIZING THE ISSUANCE OF SALES AND USE TAX IMPROVEMENT BONDS FOR THE PURPOSE OF FINANCING THE COST OF CAPITAL IMPROVEMENTS; PLEDGING COLLECTIONS OF A 1% SALES AND USE TAX TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.**

Mayor Edwards addressed the Council, stating that this Ordinance is to issue Bonds that have been approved by the voters for the Fire Department.

Financial Director Pam Grant addressed the Council, stating that the funds from these Bonds will be used for the Fire Station #2 remodel, estimated to be between \$225,000.00-\$250,000.00, and the purchase of a new Fire Truck, estimated to be between \$450,000.00 and \$500,000.00, which will start the design process before the end of 2021. She said remaining funds would be used to construct a Training

Tower/Burn Building, to be used by both the Fire Department and Police Department.

Daniel Allen with Raymond James addressed the Council, stating that this is a continuation of the Bonds which were authorized by the voters in 2017. He said they approached multiple banks and Regions Bank was awarded at 2.21%, for a 10-year Bond; to give us some flexibility should ARDoT come to the City for the match on the Hwy 102 expansion project. He said the city's tax growth over the last 12 months has been about 29%, and we are going to assume a continuation of about 15%, so the Bonds would pay off in about 4 years. He said along with this growth, we may also want to look at issuing some of the Park, Police and Street Bonds.

Jill Grimsley said this is very similar to what we did last year, when we let a small amount of Bonds. She said this request is just for the Fire facilities. She said the only risk with the high rate at which we pay off these Bonds, due to our rapid growth, is that it shortens the window for issuing these Bonds. She recommended that the City plan ahead.

Mayor Edwards said this has been reviewed by the City Attorney, and 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. Misty Elam made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2nd from Wayne Low. 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.

(6) Resolutions -

- **Resolution 2021-01- A RESOLUTION APPROVING AN AGREEMENT OF UNDERSTANDING BETWEEN THE CITY OF CENTERTON, ARKANSAS AND BENTONVILLE SCHOOL DISTRICT #6 TO PARTICIPATE IN THE SCHOOL RESOURCE PROGRAM.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve an Agreement of Understanding with the Bentonville School District to continue with the School Resource Program at Bentonville West High School.

Police Chief Cody Harper stated that the SRO Trial Period we had at BWHS went well, and he and Capt. Kelly met with Dr. Jones and Mr. Vera, and agreed to an extension of our services. He said this would most likely result in this being a paid position starting in August 2021.

Misty Elam asked if we paid the overtime for the after school events. Harper said those are considered as “Vendor-Paid Events” and are paid by the District.

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 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 Josie Reed. All Council Members voted in favor, and the motion carried.

- **Resolution 2021-02- A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE VACATION OF UTILITY EASEMENTS LOCATED ON LOT 116 OF COPPER OAKS SUBDIVISION, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS;**

Mayor Edwards addressed the Council, stating that this Resolution is to set a date for a Public Hearing to discuss the partial vacation of utility easements on Lot 116 of the Copper Oaks Subdivision. He said the date of the Public Hearing will be 2/09/2021.

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 Darren Warren. 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.

(7) Appoint Council Members -

- **Personnel Committee –**

Keith Higginbotham

Amy Rochette
Misty Elam

- **Finance Committee –**

Wayne Low
Josie Reed
Darren Warren

- **Tree Board -**

Wayne Low

- **A&P Commission –**

Darren Warren
Josie Reed

Mayor Edwards asked the Council if there were any questions.

Misty Elam asked if we required a Council Member on the Parks & Recreation Advisory Board. Mayor Edwards said it is not required in their By-laws.

Wayne Low made a motion to accept the Committee Assignments, with a 2nd from Josie Reed. All Council Members voted in favor, and the motion carried.

(8) Acknowledge Receipt of Water & Sewer Budget -

Mayor Edwards addressed the Council, stating that this is just to acknowledge receipt of the 2021 Water & Sewer Budget.

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

Misty Elam made a motion to Acknowledge Receipt of the 2021 Water & Sewer Budget, with a 2nd from Darren Warren. All Council members voted in favor and the motion carried.

(9) Surplus Two (2) – 2012 Chevrolet Tahoe’s VIN# 291272 and 223848 -

Mayor Edwards addressed the Council, stating that this is to approve the Surplus of the two (2) 2012 Chevrolet Tahoe's from the Police Department.

- VIN# 1GNLC2E05CR291272
- VIN# 1GNLC2E00CR223848

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

Keith Higginbotham made a motion to Approve the Surplus of the two (2) listed Chevrolet Tahoe's from the Police Department, with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

(10) Approve the Purchase of 2021 Dodge Durango for Police Department

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Mayor Edwards addressed the Council, stating that we did budget for two (2) new vehicles for the Police Department. He said he would like to replace one (1) 2014 Chevrolet Tahoe at this time. He said it is currently taking about 2 months to get the vehicles. He said the State Bid Price is \$29,550.00 and could be an additional \$600.00 if it comes with a spotlight, which we would prefer.

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

Keith Higginbotham made a motion to Approve the Purchase of a 2021 Dodge Durango for the Police Department, at the State Bid Price, with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

(11) Public Comments (The Minutes of the Public Comments reflect a summary and are not a transcript of those Comments. Refer to the meeting recording for a detailed transcript) -

Mayor Edwards welcomed comments from the public, stating that this is not a Q&A session, and there is no action taken by the City Council. He asked that any speakers state their name and give their address for the record. He said all comments will be limited to three (3) minutes, and time will be kept by City Clerk Todd Wright.

- **Blake Jones – 2000 N. Carl Street, Siloam Springs, Ar.** – Stated that the information received from a request after an unlawful stop of his friend by the Centerton Police Department, showed that the Radar Guns for the entire department were not certified. He said the department has denied his FOIA request. He said they contacted Attorney General Rutledge to gain information. He accused the department of past and current wrong-

doings, and asked that Council work with them, or they will begin making efforts through the ACLU and the Courts.

- **Chance Regalado – 12681 Oak Knoll Circle, Gentry, Ar.** – Stated that he had a phone conversation with City Attorney Brian Rabal this afternoon, requesting the amount of total payout in taxpayer money and settlements. He accused Mr. Rabal’s response of being sexual harassment toward him, and gave details. He said he was on his speakerphone, with children in the car. He asked the Council to launch an immediate investigation into Mr. Rabal, as he is a representative of the City. He said he will be filing a Police Report for Sexual Harassment.

(12) Other Business –

- **New City Hall Facility Update-** Mayor Edwards gave a brief update on the construction of the New City Hall Facility and said that he is going to invite Nabholz Construction to our next Council Meeting, to give us their update.

(13) Announcements -

- **1/19/2021 – Planning Commission (Virtual Meeting) 6:00pm**
- **1/16/2021 – Coffee with the Mayor (Virtual Meeting) 9:00am**
- **2/02/2021 – Planning Commission (Virtual Meeting) 6:00pm**
- **2/09/2021 – City Council (Virtual Meeting) 6:00pm**

(14) Adjourn -

Wayne Low made a motion to Adjourn at 6:57 PM with a 2nd from Darren Warren. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk