



**CITY OF CENTERTON
VIRTUAL
CITY COUNCIL MEETING
JUNE 9, 2020
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, Robin Reed and Josie Reed. Those present and not answering Role Call were City Clerk Todd Wright, City Attorney Brian Rabal, Financial Director Pam Grant, Planning Director Lorene Burns, Senior Planner Nicole Gibbs, City Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, Police Chief Cody Harper, Fire Chief Matt Thompson, Director of Public Works Rick Hudson, Chief Building Inspector Robert Coffelt and Centerton Utilities Director Frank Holzkamper.

(2) Public Hearing – Sheppard Property, Partial Vacation of Utility Easement –

Mayor Edwards introduced the item to the City Council.

Robin Reed made a motion to Open the Public Hearing, with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

Mayor Edwards asked if there were any public comments or questions. There were none.

Wayne Low made a motion to Close the Public Hearing, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

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

(3) Council Minutes –

Josie Reed made a motion to Approve the Minutes of the May 12, 2020 City Council Meeting, with a 2nd from Robin Reed. All Council Members voted in favor and the motion carried.

Planning Commission & Water & Sewer Minutes –

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the April 21, 2020 & May 19, 2020 Planning Commission Meetings and the April 21, 2020 CWSD Meeting, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- (4) City and Court Financials-** Mayor Edwards stated that 41.67 % through the year we have received 45.14 % of our Budgeted Revenue. He stated that our Expenditures were at 39.31 %.

Mayor Edwards stated that the Court Report is a Combined Report for April and May. Keith Higginbotham asked if there was a change to the reporting system that caused the combined report. Financial Director Pam Grant said she spoke with the Court Clerk and was told the system would not allow them to separate the months on the report. Higginbotham asked for a reason why, stating that a monthly breakdown is very helpful. Mayor Edwards said he would reach out to the Judge and get more information. Edwards said Pam was told the Court Revenue in May was very low.

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

Wayne Low made a motion to Accept the May, 2020 City & April and May, 2020 Combined Court Financials, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

(5) Department Reports-

The Department Reports were in the Council Packet. There were no questions or comments.

(6) Ordinances -

- **Ordinance 2020-30- AN ORDINANCE ESTABLISHING CENTERTON MUNICIPAL CODE 8.30 OBJECTS IN THE ROADWAY.**

Mayor Edwards addressed the Council, stating that this Ordinance was brought before the Council last month, and concerns objects in the roadway. He said the

Council asked for additional language, and he highlighted the additional language for them.

Wayne Low stated that he thought the language was too general. He questioned tree limbs being in the ROW. He said he felt 10' was too far and he felt it needed to be better clarified. He agreed that Basketball Goals should not be in the street. He pointed out that the Comprehensive Plan being proposed encourages trees in the ROW.

Director of Public Works Rick Hudson pointed out ADA Requirements of 7' Vertical Clearance over sidewalks, as well as Safety for City Vehicles.

Darren Warren questioned the compatibility of this Code with the Draft Comprehensive Plan, which encourages tree-lined streets. Rick Hudson said it is a fine line, and recommended a wider green-space for those trees.

Misty Elam asked about new Business Signs, which are close to the street. Rick Hudson said that is a separate issue, being on private property. She asked about Fine amounts. Brian Rabal said it would be up to the Prosecutor to make a recommend the amount of the Fine, and the Judge would accept or reject the amount.

Robin Reed asked about existing Basketball Goals that are in the ROW and are cemented in. Rick Hudson said we will notify those property owners, with a timeline to remove them, as that is City Property.

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 Darren Warren. All Council Members voted in favor, except for Robin Reed and Wayne Low, who voted NO, 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, except for Robin Reed and Wayne Low, who voted NO, 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, except for Robin Reed and Wayne Low, who voted NO, and the motion carried.

- **Ordinance 2020-31- AN ORDINANCE CLOSING FIVE FEET (5') OF THE FIFTEEN FEET (15') PUBLIC UTILITY EASEMENT LOCATED ALONG THE REAR PROPERTY LINE OF LOT 68 IN THE FOREST PARK PH 1 SUBDIVISION, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS; AKA 1271 ELLEN RAY LANE.**

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate 5' of the Utility Easement at 1271 Ellen Ray Lane, in the Forest Park Subdivision. He provided a diagram for Council. He said we discussed this last month. He said the Vacation was recommended by the City Attorney. He said all Utilities have been notified. He said there is a 7' Easement in the Setback on the east side of the property, which Carrol Electric has asked not to be vacated. He said there was a Cable Line shown on the property. He said the Planning Commission voted unanimously to move this item forward.

John Sheppard stated that he has been in contact with Cox Communications and 8-1-1 multiple times, and they assured him that there is no Cable line there. He said he was willing to move the line, at his expense, should it be present.

Misty Elam asked if there were some Permits that we were willing to not have the Sheppard's pay. Mayor Edwards said we agreed that they would not need to re-survey, but they would still have to pay for their Pool Permit.

Todd Wright pointed out for future reference, in similar situations, that this item was initially likely only going to be an Encroachment, but then later became a Vacation, adding to the timeline.

Brian Rabal stated that he just now received a message that said the language stating that the "Easement herein described; has not been actually used by the public generally for a period of at least five (5) years subsequent to the filing of the plat". He said he did not know if that was correct or not. Mayor Edwards asked if Rabal recommended that we approve this, contingent upon clarification of that language. Rabal said he would prefer that it be clarified prior to approval.

Lorene Burns stated she just sent the message to Rabal. She said that if the line that Cox Communications shows in the diagram which they provided, may have been used in the last five (5) years, we may want to re-word that section.

Keith Higginbotham said that Mr. Sheppard has stated that Cox says there is no line present, so he has no issue with the language. He said if we want Mr. Sheppard to provide a document from Cox, as a contingency, he had no issue with that.

Mr. Sheppard said the diagram from Cox came up 30 minutes prior to the Planning Meeting and seemed a little strange.

Nicole Gibbs stated that she received the diagram directly from Cox Communications right before the Planning Commission Meeting. She said there were multiple representatives from Cox Communications included in the e-mail, and she said it could be possible that they passed on incorrect information. She said we will still confirm the information, if the Council wished to include it as a

contingency. She said she was willing to share that information with Mr. Sheppard.

Darren Warren asked if there was a Utility Easement along the Side Property Line. Mayor Edwards said we are working with Carrol Electric, to try and answer that question. Warren said it sounds like someone has put a utility on his property, without an easement. Mr. Sheppard said he they have identified his Property markers, and the utilities north of his property are not in a Utility Easement, creating an issue for his neighbors.

Mayor Edwards asked the Staff and Council if there were any questions. Robert Coffelt asked if Council had any issue with him issuing a Pool Permit following this approval and Site Inspection. Council was in favor. There were no other questions.

Keith Higginbotham 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. Keith Higginbotham 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. Keith Higginbotham made a motion to adopt the Ordinance with a 2nd from Misty Elam. All Council Members voted in favor, and the motion carried.

- **Ordinance 2020-32- AN ORDINANCE ACCEPTING THE FINAL SUBDIVISION PLAT OF ORCHARD PARK SUBDIVISION PHASE 4, CREATING LOTS 86-111 & TRACT “D”, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept Final Plat of Orchard Park Phase 4.

Dan Mitchell, representing Huber Mitchell, was present for questions.

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 Josie Reed. 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 Darren Warren. All Council Members voted in favor and the motion carried. Robin Reed made a motion to adopt the Ordinance, with a 2nd from Josie Reed. All Council Members voted in favor, and the motion carried.

- **Ordinance 2020-33- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO CAN-ARK REALTY – CENTERTON LLC, FROM NEIGHBORHOOD COMMERCIAL (C-3) TO MEDIUM DENSITY RESIDENTIAL FOR SINGLE-FAMILY USE (R-2 SF).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone Lots 1 and 2 in the Maple Estates Subdivision from C-3 to R-2 SF. He said this was recommended for approval by the Planning Commission, and there were several public comments regarding drainage, covenants, size of homes, and concerns with the builder himself. Edwards said Rick Hudson addressed the complaints about drainage, stating that there should be improvement with the Ashmore Landing Subdivision being developed to the north. Edwards said he received a Formal Complaint from one of the residents, which he forwarded to the City Attorney and the Council. He said he is meeting the resident at the subdivision on Friday 6/12/2020, along with the City Engineer, City Attorney, Planning Director Lorene Burns and Director of Public Works Rick Hudson, to see if there is any resolution on the City's part.

Walter Blackfox questioned whether Formal Complaints and other outstanding issues will be considered prior to a final decision is made on the Rezone Request. He said he understood that this request was for Rezone and not for Construction or Development.

City Attorney Brian Rabal stated that this is the appropriate time to address these concerns, pertaining to the rezone.

Planning Director Lorene Burns pointed out that a Residential Use is typically a lighter use than Commercial Use, and does not impact the drainage as much as Commercial Use. She said a Drainage Analysis will have to be done when the Lots are re-platted. She said she is suggesting that it be done for the entire Phase 1A, and those lots would have to comply with the same requirements as the rest of Phase 1A. She said she didn't think Ashmore was handling all of the water coming onto Maple Estates, but was handling the majority.

Director of Public Works Rick Hudson stated that he understands the resident's concerns and has seen the problem before there was any development there, as it is the headwaters of the Little Spavinaw Creek. He said the problems for most of the property owners there now, should be eliminated with the development of the Ashmore Landing Subdivision, with the water being carried through pipe. He said the only water that should be left is what is falling on their property. He said improvement to this property is important to everyone. He said this connection is important for sidewalks for the kids in this area to get to the schools. He agreed that Residential Zoning is a better solution, with lower impact on homes and streets.

Walter Hayes stated that the drainage issue is a concern, but he was also concerned with the developer possibly building smaller homes in this area. He said if the development is consistent with the existing development, the drainage is a separate issue for him. He said several property owners have issues with either their insurance companies or attorney's, which they are dealing with at this point. He said he wanted to make sure the City is aware and doing their due diligence, understanding they don't have full control, before an approval is granted.

Keith Higginbotham reminded everyone that this is a Rezone Request from Commercial to Residential. He said these concerns can be brought up at the time a Development Plan is presented. He said his concern is why the drainage issue has not been dealt with prior to homes being purchased. He questioned why a subdivision that isn't built yet is supposed to be the "fix". He said he wanted to know where the failure came from, and where the liability lies. City Clerk Todd Wright reminded Higginbotham that the Mayor is taking a team to the subdivision this Friday, to meet with property owners and look at the issue. Higginbotham said he wanted to know what the developer is going to do, as it is on his property.

Ginger Harper stated that she wanted to understand when homeowners needed to make their concerns known, regarding "threats" by the developer regarding what type of homes would be built. Keith Higginbotham said it would be when the developer brings a Development Plan to the Planning Commission. He recommended also asking the engineer about the drainage issues during the meeting on Friday.

Misty Elam asked if we could Table this item until we have a better understanding of what is happening. Keith Higginbotham and Wayne Low both stated that approving the rezone would not impact the issues. There was discussion.

Todd Moccabee stated that there are drainage issues on the south side of Maple Street, as well, and feels it is a development issue. He said the developer's solution to the issue was to dig a one foot ditch in his yard and his neighbor's yard. He said the residents feel helpless and hoped the City could delay any further process until a solution can be found. He said the residents will be the greatest advocate for the subdivision for further development, should the drainage issue be resolved.

Kelly Moline stated that a group the resident went around and polled the neighborhood, finding that greater than 50% of 52 homes are having drainage issues.

Kelsey Kreher of Harrison French stated that she was not the engineer on the first phase of development. She said after attending the Planning Commission

Meeting and this City Council Meeting, she understands the concerns with drainage and has conveyed it to the developer. She said she hasn't drawn up any plans for the new lots, but a Drainage Study would be a part of the process.

Brian Rabal stated that he lives in the "sister" neighborhood of Diamond Estates, and there are property owners in his neighborhood that are also having similar issues. He said it is the same developer.

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

Misty Elam made a motion to Table the Ordinance, until we have more information, with a 2nd from Robin Reed. Misty Elam, Robin Reed and Josie Reed voted in favor; Darren Warren, Keith Higginbotham and Wayne Low voted NO. Mayor Edwards voted in favor and the motion carried.

(7) Resolutions -

- **Resolution 2020-12- A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF CENTERTON TO PARTNER WITH THE CITY OF BENTONVILLE TO UTILIZE THE FEDERAL-AID SURFACE TRANSPORTATION BLOCK GRANT PROGRAM – ATTRIBUTABLE (STGBP-A) (FFY 2021) FUNDS ADMINISTERED BY THE NORTHWEST ARKANSAS REGIONAL PLANNING, COMMISSION (NWARPC) TO BEGIN ENVIRONMENTAL AND INITIAL DESIGN TO IMPROVE GREENHOUSE ROAD.**

Mayor Edwards addressed the Council, stating that this Resolution is to express willingness to partner with the City of Bentonville, to apply for a Grant to begin making improvements to Greenhouse Road.

Rick Hudson stated this conversation was started when BWHS was being built, as we were looking at improving roads in the region to support the traffic. He said we were hoping to get a Red Light to Red Light State Aid Grant at that time, but that program has kind of fallen away. He said he has been in contact with Bentonville and Benton County, as he has been applying for an 80/20 State Grant, and it looks like the County will not be able to participate at this time. He said it is likely that Bentonville and Centerton are going to annex most of the properties along Greenhouse Road. He said this entire process will likely take 5-6 years, at a conservative cost of around \$12 million. He said the road is narrow and the subgrade is failing and tilting. He said Bentonville has 55% of the road and Centerton has 45%, and Centerton is agreeing to pay 45% of the matching funds. He said the first Phase is Design, and after we have a design, we go back and ask for funds for ROW and Utility Relocation. Mayor Edwards said the Bentonville City Council has already approved this item.

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 and the motion carried. Brian Rabal read the Resolution by title only. Darren Warren made a motion to adopt the Resolution, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

- **Resolution 2020-13- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH DIAMOND C CONSTRUCTION GENTRY, ARKANSAS FOR VAUGHN ROAD DRAINAGE IMPROVEMENTS.**

Mayor Edwards addressed the Council, stating that this Resolution is to enter into a contract with Diamond C Construction, for work on Vaughn Road.

Rick Hudson stated that this contract is for replacement of the damaged bridge on South Vaughn Road. He said the wing wall was hit by traffic about a year ago, causing the bridge to rotate and start to collapse. He said the bridge will be widened and there will be a new Box Culvert. He said we will also be replacing a culvert about 100 yards from the bridge. He said we will be closing Vaughn Road for about 2 weeks for construction.

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

Josie Reed made a motion to read the Resolution by title only, with a 2nd from Misty Elam. 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 2020-14- CENTERTON IS ESSENTIAL: IN SUPPORT OF FAIR, DIRECT FEDERAL EMERGENCY SUPPORT TO REOPEN AND REBUILD LOCAL AMERICAN ECONOMIES.**

Mayor Edwards addressed the Council, stating that this Resolution is to ask Congress for funding to support cities through this COVID-19 crisis. He said all cities are seeing a financial impact, some more than others.

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.

(8) Houseal Lavigne Comprehensive Plan 2040 Presentation to Council -

Mayor Edwards addressed the Council, stating that representatives from Houseal Lavigne are here to make a presentation of the Draft Comprehensive Plan to Council.

This Draft Comprehensive Plan was made available to Staff and the Public on 6/03/2020 and a Presentation was made to the Steering Committee on 6/08/2020.

Nik Davis & Sean Tapia were present, representing Houseal Lavigne. Nik Davis made a presentation of the 2040 Comprehensive Plan to the City Council. Davis covered the following topics:

- Introduction & Community Profile
- Vision, Goals and Objectives
- Land Use & Development
- Residential Areas Framework
- Economic Development Framework
- Multimodal Transportation
- Community Facilities
- Parks, Open Space & Environmental Features
- Implementation

Mayor Edwards asked the Council if there were any questions.

Misty Elam (Council Woman) asked if the Department Heads and the Mayor were all involved in this process. Davis said he worked with the Planning Staff, the Mayor, Department Heads in the beginning, and throughout the process and the Steering Committee (made up of Council Members, City Departments, Regional; Agencies, etc.).

Keith Higginbotham (Councilman) said he felt the Fire Department wasn't consulted, expressing concern with moving the Fire Departments, stating that it would be detrimental to our ISO Rating. Davis said there is no plan to relocate the Fire Departments, stating that it appears to be an issue with the Legend, which will be corrected. Higginbotham also stated that he has heard concern from citizens about how some aspects of the Comprehensive Plan could possibly affect their property values. He also expressed concern with City and taxpayers paying for some of the improvements shown in this plan. He asked if there was a

breakdown showing how much time was spent with the Utilities, Streets, Police, Fire and other Department Heads; or was this pretty much done by the Planning Department and they made all of the decisions. Mayor Edwards and **Lorene Burns** said they did not have a breakdown of departmental involvement. Burns said everyone was given a schedule. She said this is the opportunity to make comments, as it is being presented to the Public, to the Council, to the Planning Commission, etc. She said it is similar to writing the city's Employee Handbook, as there is limited involvement in the beginning, until it is presentable, and then it is brought to the Staff for comments. **Darren Warren** said there have been Open Meetings that they could have attended. **Todd Wright** said he has been involved in the Comprehensive Plan all along, from the Public Meetings and Group Meetings, to also being a part of the Steering Committee. He said he has been updated about the Plan through City Council, through the Planning Commission, through e-mails, through Facebook, and has attended many of the meetings. **Higginbotham** said there has been some concern from the public about streets being removed from the Plan and then added right back in, a couple weeks later. **Robin Reed** said this Plan is not yet set in stone. She said it is being brought to us as a Council to review. She said there is still going to be Council, Staff and Public involvement. She said she wanted to make sure all voices are heard. She said she appreciates all the time that has been put in from all of those involved. **Nik Davis** agreed. He said there was a Public Open House prior to this meeting, there was a presentation to the Steering Committee this week, there will be a presentation to the Planning Commission next week, which will be followed by circling back around to the City Staff for revisions. He said after those revisions, it will go back to the Planning Commission and then back to the City Council for adoption. **Mayor Edwards** stated that the Draft Comprehensive Plan is available on the Planning website. He said there was some contention about the Master Street Plan in the beginning, but that Rick Hudson and Nicole Gibbs have sat down and worked out a Street Plan we can all agree with. He reminded everyone that this is a Policy Document, not the Law. He said he has learned a lot through this process.

Darren Warren (Councilman) said this is just a Plan. He said the City is not going to suddenly move the downtown. He said this is a Plan, so that when someone re-develops that land, that's what we see happening in that area. He said this is a Plan, so that when "ABC Developer" grabs a hold of it, this is what we want to see happen. He said this is also a Plan that can be changed, and if someone sees something we need to do different, we modify it. He said the roads also are not etched in stone; it is a general idea of where we would like to have connectivity. He said it will come into play when other people come in and develop the land, so they are aware. **Davis** pointed out that the City did not build the current "Downtown", nor would they build the future downtown. He said the idea of the Plan is to establish or identify where Downtown is most appropriate, for example. He said the City could market the idea. He said he wouldn't say that the City should be going out and buying all of these roadways or easements or building out these commercial developments. He said the City will need partners for that development.

Todd Wright (City Clerk) stated that having this Comprehensive Plan allows us a better opportunity for State and Federal Funding. He said we need to be thinking further down the road and from a much higher level. He asked who would have thought back in the year 2000, that Centerton would have a new High School and a new Junior High, or even a Wendy's.

Matt Thompson (Fire Chief) said he was only consulted at the Training Room in the initial stages of the Comprehensive Plan. He said he was also not consulted about moving the Fire Stations. **Davis** again stated that it appears to be an issue with the Legend, and there are no plans to relocate the Fire Stations. He said any bolstering or resetting of facilities would be a more detailed study, which would be done in house.

Bill Edwards (Mayor) read a question from a resident: If a farmer sells to another farmer, zoned by this Comprehensive Plan as Medium-Density Residential, do they have to build houses. **Davis** said is not a Zoning Plan and is not regulatory. He said it is a Framework Plan and a Policy Document. He said if the City took recommendations from this Plan and rewrote or amended the Zoning Code, and an area was zoned for Single-Family, the first use by rights for the property owner is to be able to build Single-Family homes. He said if they wanted to build something else, they could go through the Rezone Process. **Davis** repeated that is not what this document is. He said it just establishes the policies for what Land Use could be in the future, looking 20 years out.

Rick Hudson (Director of Public Works) stated that his main concern is the Master Street Plan. He said it is a good plan, and we worked very hard on it, minimizing it as much as we could. He said we tell people we are "painting with a wide brush", allowing for flexibility. He said when we go to development phases, we tell people we want roads to be built on Section Lines. He said that process affects people's homes and property and wants to make sure we have some flexibility from Section Lines. **Davis** said that is the intent of the Plan. He said this is meant to be deeded land, set aside now, for where the road would occur. He said these are general guidelines for where these roads should be located, based on current development trends, as well as opportunities for future roadway connections. He said anything that could affect a property owner would have to be coordinated and worked out with that property owner. **Hudson** said he just wanted to make sure we had some latitude.

Walter Blackfox (Citizen) asked Nik Davis if the process has taken the growth rate in this area into consideration. **Todd Wright** stated that the Comp Plan is a great read, and goes into the demographics and growth of the Northwest Arkansas Region. **Davis** agreed, stating that Northwest Arkansas is one of the fastest growing regions in the Country. He said we are growing so fast, it is difficult to accommodate it. He said it will be mostly through Land Use and Transportation, as well as Services that come along with that as well. He said it is also important

to leave room for flexibility, with this kind of growth and volume coming in, that things can change in 7-10 years, and you need to be able to be responsive to that.

Wayne Low (Councilman) stated that this Plan should be a living, breathing document. He said he hopes it's used and not just thrown to the side. He said we should revisit it frequently and make adjustments. He stated that most of this is kind of a "Wish List", due to our Budget constraints. He said we may not have the people right now, to make this come to fruition, but we now know what to look for, as we look for the funding and the skillset. He said our Water & Sewer Department has already been preparing for growth, with the new Water Tower.

Nik Davis (Housel Lavigne) mentioned looking around as we drive around town, keeping this presentation of the Comprehensive Plan in mind, and jot down any ideas you might have. He said the plan now is to get comments to Nicole Gibbs, for the next round of revisions. He said that the hope is that we get feedback from the Public, Council, Planning and Steering Committee over the next few weeks, and come back to Council on July 14th.

(9) Appoint Devin Murphy and Joey Ingle to the Centerton Planning Commission Term to Expire June 30, 2023 -

Mayor Edwards addressed the Council, stating that there are three (3) positions expiring on the Planning Commission. He said he reached out to the three (3) Commissioners, and Devin Murphy and Joey Ingle have responded that they wish to continue their Terms.

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

Wayne Low made a motion to Appoint Devin Murphy and Joey Ingle to the Centerton Planning Commission, Term to Expire June 30, 2023, with a 2nd from Darren Warren. All Council members voted in favor and the motion carried.

(10) Open Planning Commission Opening -

Mayor Edwards addressed the Council, stating that Planning Commissioner Ty Manning did not wish to renew his Term, allowing it to expire June 30, 2020. He said we are accepting applications until June 30, 2020. He said he, the Planning Director (or Representative) and the Planning Commissioner will interview the candidates to fill the open position.

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

(11) Acknowledge Receipt of the Water & Sewer Commission 2019 Audit -

Mayor Edwards addressed the Council, stating that we need to acknowledge receipt of the 2019 W&S Audit.

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

Keith Higginbotham made a motion to Acknowledge Receipt of the Water & Sewer Commission 2019 Audit, with a 2nd from Darren Warren. All Council members voted in favor and the motion carried.

(12) Discuss Centeron District Court -

Mayor Edwards addressed the Council, stating that multiple Council Members reached out to him, inquiring about partnering our District Court with another Court, to save some funding. He said he reached out to Judge Conner, who responded back that it is approx. \$95,000.00 per year to combine with the Benton County West District Court. Edwards said we would no longer have to provide facilities, personnel, utilities, etc. as it would be turn-key. He said we would still provide a Prosecutor at \$24,000- \$30,000 per year, as well as the Judge's Retirement pay. He said he was concerned with sending our officers and citizens that far for Court. He said a benefit would be the ability to offer payment of fines by credit card.

Financial Director Pam Grant said we have \$150,000.00 in the 2020 Budget for Court, which includes Salaries for the Judge (\$9000.00) and Prosecutor (\$24,000.00). She said if we partnered with another Court, we would still be paying those Salaries. She said the Bailiff's are paid out of the Court Automation Fund per the Judge's discretion.

Mayor Edwards said our Court facility appears to be larger than the Benton County West facility and he wished we could have a better relationship with our Court Personnel. He said the Bentonville Court has too much going on at this time.

HR Coordinator Jocelyn Diaz said she met with Judge Conner, and he stated that we needed to stay out of his Department, and let him manage it. She said she told him that her intent was to try and establish a better relationship with that Department. She said she knows that we have had some issues with them complying with our Policy Manual, and Judge Conner told her he would make sure this is happening, and he offered her information that she has still not received. She said we just don't have a good relationship and she was hoping that since she was new and neutral with the situation, she could help come up with a solution. She said she brought up complaints about phone calls not being returned, and e-mails not answered for citizens trying to pay fines, or get information about

their cases. She said it has still been a struggle trying to communicate since that meeting. She said she believes it is in the best interest of the citizens to have Court here, and would hate to see it go, but the citizens deserve better service than they are currently getting.

Police Chief Cody Harper said he would prefer to stay neutral.

Robin Reed said she spoke to the Judge to get a clear picture of what would happen if we did away with the Court. She said she was told it would be difficult to ever get it back, without litigation. Chief Harper said there is a difference between combining Courts and dissolving our Court. He said he understood if we combined Courts, we could bring it back at any time. Reed asked whose guidelines the Court Staff was supposed to follow. She said Judge Conner told her he is their boss and they do not take direction from the mayor. He said they are his people, but the City pays them. Chief Harper said the State Statute specifically says they will follow the City's Handbook. He said failure to do that has caused some friction with the Police Staff. Reed said she asked the Judge to reach out to the other council Members and share that same information he gave her. She said he told her that he is going by the law. She said she thinks someone neutral needs to speak with the Judge. She said we also need to ask him if we can go back to taking credit card payments. She said she was concerned that we would be wasting Taxpayer money if we dissolve or combine the Court and still build the new Court Facility. City Clerk Todd Wright stated that Jocelyn has already met with the Judge, as a neutral observer, trying to bridge that gap. Wright also pointed out that we use this facility for Court once a month, and will use the new facility once a month for Court, or twice, if the caseload grows. He said the intent of that new facility is to house Council Meetings, Planning Commission Meetings, Training Meetings and so forth. He said it will be no different than how we currently use the Community Room. Harper said the last e-mail from the Judge states that he thinks the problem is the Elected Officials of the City. Darren Warren and Robin Reed both stated they have had no interaction with the Court.

Chief Harper said he was told by Judge Conner that we have 4 options: **1)** Centerton increases Court Security (that was brought to the mayor's attention and was addressed), and the Judge has no objection keeping the Court Facility where it is. **2)** Combine Courts with another Facility (most economical option). **3)** Centerton can ask for a new Judge, if we are unhappy with his services. **4)** Centerton completely disbands its Court. Darren Warren said he feels we are all in agreement that Option #4 is not a reasonable option for us. Harper said the Judge recommended to him that we should combine with another Court. He said the Judge told him that if we decide to keep the Court at the current facility, he wants two (2) Centerton Police Officers dedicated to Court and nothing else, plus whoever he brings with him as the court Security Technician. Misty Elam asked if our Court Clerks would just go to the other Court if we combined. Harper said it would be up to the other facility, as far as whether they needed additional Staff or who they would hire. He said the other Judge would make the final decision on

whom. Keith Higginbotham recommended requesting a new Judge. Mayor Edwards said he has worked with the Judge since he became the Mayor and everything was fine until 2016. Edwards said Judge Conner is very thorough and does a really good job with the Defendants and the Attorney's. He said he has learned a lot from Judge Conner. He said the relationship has been nonexistent for the last 2 years. He said we tried having Jocelyn Diaz help with the relationship, but it hasn't gotten any better. He said all we are asking him to do is to follow our Policies, and when he sent the Court Staff home, it caused a lot of employee friction. He said ours was the only Court Staff that was sent home. Diaz said she asked the Judge what happened to negatively affect our relationship, because she knew we had a good relationship in the past, and he told her that the City needs to stop interfering with his Department. She said she answered him by stating that now that she is here as HR, she only wants for every employee of the City to comply with the Policy Manual, Policies, Regulations and Rules of the City. She said the Judge said he will ensure that they do that, but insisted that the City needs to stay out of his Department's business. She said he would not give anything specific. Robin Reed asked if we could offer more training to the Court Staff, since that seems to be a common comment. Todd Wright said that Jocelyn just told us that the Judge doesn't want us interfering with his Department. Darren Warren said he would like to have specifics from the Judge, such as: it's a certain employee, or Council Member, etc., so we can address the issue. He said if that fixes the problem, things should get better with the Court. Pam Grant questioned if it had anything to do with us setting the Court Budget last year. Warren said we set the Budget for the number of Court Clerks, in line with the volume of workload, but we didn't interfere with the Department. Todd Wright said the issue existed well before the Budget Meeting. He said it may not have made things any better. Misty Elam agreed. Chief Harper said it has been made clear to him that the Chief Court Clerk is in the same position as the Police Chief, as the Chief Clerk of the Court, and PD should not have anything to do with their business. He said they have very little interaction. Misty Elam said she had spoken with the Judge prior to the Budget Meeting and asked for specifics regarding the issues, but he would not give any specifics. She said she thinks it would be in the City's best interest if we combined with another Court. Todd Wright said he felt if this was a "people problem", the Court is bigger than that. He said if it is a Court Clerk or Elected Official issue, we just need to get to the root of the problem and fix it. He said employees and Elected Officials are going to change, and even the Judge could change, so he didn't support changing Courts. Darren Warren said he didn't think we needed to make a decision tonight, as we could decide to combine courts at the next meeting, and recommended that we give it a little longer to try to work things out. Keith Higginbotham was not in favor of making our citizens drive all the way to Bentonville West Court in Gentry, but would be more in favor of combining with the Bentonville Court. Higginbotham asked if we could see what it takes to ask for a new Judge. He said if he has a problem with the City of Centerton, or the Elected Officials, unless the Elected Officials are gone, the problem will still be there. Chief Harper said the process is that the Mayor would request looking into getting a new Judge, and Judges Conner, Bunch and Griffin

would redistrict themselves to create the change of Judge for Centerton. Higginbotham said we need to take this into serious consideration very quickly. Wayne Low agreed. Misty Elam asked if we could have the Mayor and Jocelyn get together with Judge Conner and get some specifics, so that we can get to the root of the issue before we have to make a decision. Todd Wright said there has to be somebody in that meeting that has the wherewithal to say: if it's the State Statute, then we follow the State Statute, also with the understanding that we are trying to mend this relationship. Wright said he is sure there is a fine line when it comes to us staying out of the day-to-day Court Business, but we still dictate the Policies of them being an Employee of the City, through our Policy Manual. Mayor Edwards said he thinks the fix should be easy, but there is no communication from the Court. He said he reached out a couple of weeks ago, asking them to reach out to Defendants, but they never responded to him. He said they did eventually put something on Facebook about it. He said the ability to take credit cards during this COVID-19 Crisis would have made things so much easier. He said he reached out to the Judge 3 or 4 times since they stopped it. Todd Wright asked who the District Judges answer to. He said maybe that is where we need to reach out to. He said the Judge is an Elected Official like the rest of us. Mayor Edwards said he believes it falls under the Administrative Office of the Courts. He said this is an easy fix; just start taking credit cards, hold two Court Sessions per month, and communicate. Keith Higginbotham feels that we are at an impasse and feels redistricting is the best answer. Jocelyn Diaz asked for another opportunity to try and work with the Court Staff, and see what their needs are. She said we might be able to work on training to try and be able to accept credit cards again. Todd Wright said that since Judge Conner specifically told Diaz that he didn't want us interfering with his Department, if anyone should try and make the effort, it should be her. Misty Elam agreed, as long as Diaz felt comfortable with it. Josie Reed and Wayne Low agreed. Keith Higginbotham asked for a report at the July City Council Meeting. Diaz agreed to make that extra effort with the Court Staff and with the other Departments as well.

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

(13) Public Comment -

- **Richard Stokes – 321 Chaparral** – Mr. Stokes said his property is adjacent to Mr. Sheppard's property, to the north. He asked for some guidance from the City, as it has recently been discovered that there appears to be some Utilities on the south side of his property, where there is no easement. He said he learned at last week's Planning Commission Meeting that Forest Park Phase 2 only has the Utility Easement on the front of their properties, so he doesn't have an Easement on the rear of his property. Planning Director Lorene Burns said Planning does not handle the Utilities, but are brought in when there are issues. She said we have found this issue elsewhere and spoke to the Mayor about whether we need

to adversely possess some easements, acquire some easements, or have some utilities moved. She said we have that on our list of things to work on. She said that was our concern about vacating the easement for Mr. Sheppard. Mayor Edwards recommended working with the Planning Department, and took down Mr. Stokes' information.

- **Walter Blackfox - 941 Red Maple** – Mr. Blackfox asked for his property and his neighbor's properties to be included in the research of Utility Easements. He said he lives in Maple Estates, and he and at least one neighbor were provided with a Plat from the builder, electronically expressing the fact that they do not have Utility Easements in the rear of their property, but they have Century Link boxes and other things running through their yards.

(14) Other Business - None

(15) Announcements -

- **6/16/2020 – Planning Commission (Virtual Meeting) 6:00pm**
- **6/20/2020 – Coffee with the Mayor (Virtual Meeting) 9:00am**

(16) Adjourn -

Keith Higginbotham made a motion to Adjourn at 9:20 PM with a 2nd from Wayne Low. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk