



**CITY OF CENTERTON
VIRTUAL
CITY COUNCIL MEETING
NOVEMBER 10, 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, HR Director Jocelyn Diaz, Planning Director Lorene Burns, Police Chief Cody Harper, Police Captain Chris Kelley, Fire Chief Matt Thompson, Director of Public Works Rick Hudson, Centerton Utilities Director Frank Holzkamper, Animal Control Director Cody Wilson and Chief Building Inspector Robert Coffelt.

(2) Public Hearing – Copper Oaks Utility Vacation Lots B & C -

Wayne Low made a motion to Open the Public Hearing, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

Public Comments - None

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

(3) Public Hearing – Maple Estates Phase 1A Utility Vacation Lots 1 & 2 -

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

Public Comments - None

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

(4) Council Minutes –

Josie Reed made a motion to Approve the Minutes of the October 13, 2020 City Council & October 27, 2020 Special City Council Meetings, with a 2nd from Robin Reed. All Council Members voted in favor and the motion carried.

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

Wayne Low made a motion to Acknowledge Receipt of the Minutes of the October 6, 2020 & October 20, 2020 Planning Commission Meetings, October 20, 2020 Board of Zoning Adjustments Meeting, the September 14, 2020 Parks and Recreation Meeting & September 15, 2020 CWSD Meeting, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

- (5) City and Court Financials-** Mayor Edwards stated that 83 % through the year we have received 88.87 % of our Budgeted Revenue. He stated that our Expenditures were at 81.12 %. He detailed some of the city financials.

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

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

(6) Department Reports -

The Department Reports were in the Council Packet. Mayor Edwards asked the Council if there were any questions. There were none.

(7) Ordinances -

- **Ordinance 2020-57- AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, SECTION 4.28.08 MOBILE VENDORS IN CITY PARK.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend Municipal Code, Section 4.28.08 Mobile Vendors in City Park. He said that one of our current Vendors requires the use of our water, and he asked that we amend the Code to allow for a \$25.00 monthly fee for water service, if requested.

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

Keith Higginbotham made a motion to read the Ordinance by title only, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried. Brian Rabal read the Ordinance by title only. Wayne Low made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2nd from Misty Elam. 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 2020-58- AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2021.**

Mayor Edwards addressed the Council, stating that this Ordinance is to approve and adopt the City Budget for 2021. He said the Budget is the same that we proposed at our Budget Meeting, along with the proposed changes and wage increases. He said he did break the budget down by Department for the Council, to show the impact on each department, which is minimal.

Chief Building Inspector Robert Coffelt, Director of Public Works Rick Hudson and Animal Control Director Cody Wilson all spoke in favor of the budget and proposed wage increase. It was agreed by all that this has been a difficult year on all of our employees, having to work through COVID-19. Alderman Josie Reed recognized the efforts of our employees and spoke in favor of the wage increase. She also approved of the Proposed Budget.

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 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 Misty Elam. All Council Members voted in favor and the motion carried.

- **Ordinance 2020-60- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO TAYLOR JOINT REVOCABLE TRUST AND AUGUST L. II**

AND VICKI BACOCINI, FROM AGRICULTURAL (A-1) TO HIGH DENSITY RESIDENTIAL SINGLE-FAMILY (R-3 SF) .

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone land on Bush Road from A-1 to R-3 SF. He said it was recommended for approval by the Planning Commission at their 10/20/2020 meeting, with public comments concerning a fence requirement, effects on livestock, and access onto Bush Road and Edgewood Road.

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

Darren Warren 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. 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. 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 2020-61- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO ERNEST C. HERBERT AND THELMA ERMA LOCKHART TRUST, FROM AGRICULTURAL (A-1) TO HIGH DENSITY RESIDENTIAL SINGLE-FAMILY (R-3 SF) .**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Vaughn Road from (A-1) to (R-3 SF), adjacent to Bentonville and Highfill, and was recommended for approval by the Planning Commission at their 10/20/2020 meeting, with no public comments. He said the Planning Staff did a good job explaining the adjacent land uses.

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

- **Ordinance 2020-62- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO MELVIN E HERRON & JASON E HERRON, FROM AGRICULTURAL (A-1) TO HIGH DENSITY RESIDENTIAL SINGLE-FAMILY (R-3 SF) AND NEIGHBORHOOD COMMERCIAL (C-3).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Buckhorn Flats Road for 26 Acres from (A-1) to (R-3 SF) and 7 Acres from A-1 to (C-3). He said there is already (C-2) just north of this property, with commercial businesses in operation. He said it was recommended for approval by the Planning Commission at their 10/20/2020 meeting, with several public comments, either in opposition, or asking for information; regarding an east-west connector, density, access, traffic, property values, crime, options for access to adjacent utilities, surrounding zoning, fence requirements and potential for added stormwater run-off.

Mayor Edwards asked the Council if there were any questions. Robin Reed asked for clarification.

Keith Higginbotham 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 voted in favor except for Robin Reed, who voted NO, 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.

- **Ordinance 2020-63- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO BANK OF GRAVETT, FROM AGRICULTURAL (A-1) TO HIGHWAY COMMERCIAL (C-2).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Hwy 102 from (A-1) to (C-2). He said we annexed this property into the city earlier this year. He said it was recommended for approval by the Planning Commission at their 10/20/2020 meeting, with no public comments.

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 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 2nd from Misty Elam. All Council Members voted in favor and the motion carried. Robin Reed made a motion to adopt the Ordinance with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

- **Ordinance 2020-64- AN ORDINANCE CLOSING AN EIGHTEEN-FOOT (18') PORTION OF THE TWENTY-FIVE FOOT (25') PUBLIC UTILITY EASEMENT LOCATED ALONG THE SIDE PROPERTY LINE OF LOT 1 AND LOT 2 IN THE MAPLE ESTATES PHASE 1A SUBDIVISION, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS;**

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate 18' of the 25' Utility Easement along the side property line on Lots 1 & 2 of the Maple Estates Subdivision Phase 1A. He said this property was recently rezoned from Commercial to Residential (R-2). He said they are going to subdivide the two (2) large lots into eight (8) lots. He said this was recommended for approval by the Planning Commission at their 10/20/2020 meeting, with no public comments.

Mayor Edwards asked the Council if there were any questions.

Robin Reed asked if the subdivision sign would be moved. Todd Wright said they will be moving the sign out to Gamble Road and will be vacating the Sign Easement.

Wayne Low asked if the Lot size will be the same size as the rest of the Phase. Todd Wright said they will be the same size, having the same 70' Lot-Width Variance as the rest of the subdivision.

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

- **Ordinance 2020-65- AN ORDINANCE CLOSING A THIRTY-FEET (30') PORTION OF THE FIFTY FOOT (50') PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE**

PROPERTY LINES ON THE SIDE STREET OF COPPER OAKS DRIVE OF TRACT B AND TRACT C IN THE COPPER OAKS SUBDIVISION, CITY OF CENTERTON, PLATTED IN BOOK 2005 PAGES 350 & 352, BENTON COUNTY, ARKANSAS;

Mayor Edwards addressed the Council, stating that this Ordinance was originally to vacate 30' of the 50' Utility & Drainage Easement on Tracts B & C of the Copper Oaks Subdivision. He said they have reduced that request to 25'. He said it was approval by the Planning Commission at their 10/20/2020 meeting, with no public comments.

City Clerk Todd Wright stated that the reduction in the Vacation Request from 30' (as the Planning Commission saw) to the 25' that came to us just prior to this meeting is allowable. Mayor Edwards said we would make the change to the Ordinance before filing it.

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

- **Ordinance 2020-66- AN ORDINANCE ACCEPTING DEDICATION OF PUBLIC UTILITY EASEMENTS BY STANLEY & TRICIA BEARD, PER LOT SPLIT PLAT TITLED PROPERTY LINE ADJUSTMENT OF THE E ¼, NW ¼, NW ¼, AND PART OF THE NE ¼, NW ¼, SECTION 20, T-20-N, R-31-W, BENTON COUNTY, ARKANSAS;**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept dedication of Public Utility Easement on Bullock Road, located in the County, but within our Planning Area. He said it was recommended for approval by the Planning Commission at their 10/20/2020 meeting, with no public comments.

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. Misty Elam made a motion to suspend the rule requiring the reading of the Ordinance on 3

separate occasions with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried. Keith Higginbotham made a motion to adopt the Ordinance with a 2nd from Robin Reed. All Council Members voted in favor and the motion carried.

(8) Resolutions -

- **Resolution 2020-33- CITY OF CENTERTON, BENTON COUNTY, ARKANSAS - A RESOLUTION APPROVING THE RELEASE OF THE EASEMENT FILED FOR RECORD IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, ON MAY 1, 2020, INSTRUMENT NO. L202024468.**

Mayor Edwards addressed the Council, stating that this Resolution is to release easement that is no needed by the City of Centerton.

Centerton Utilities Director Frank Holzkamper addressed the Commission, stating that we had an easement from Mr. Paris, which is not beneficial to Mr. Paris or the City of Centerton, and we have found a better route that works for both parties. He said we need to vacate this easement before Mr. Paris will sign the next one. He said this property is behind the Nursing Home on Hwy 102 and the easement is for a future Sewer line, that will service the area by Keller Road.

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

- **Resolution 2020-34- A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE PARTIAL VACATION OF UTILITY EASEMENTS LOCATED ON LOT 143, TAMARRON, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS; AKA 1501 ANISTON ROAD**

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 143 of the Tamarron Subdivision. He said it will come before the Planning Commission at their next meeting and then back before the City Council on 12/08/2020.

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

- **Resolution 2020-35- A RESOLUTION AMENDING THE “CENTERTON STORMWATER MANAGEMENT AND DRAINAGE MANUAL – 2009, CURRENT ADDITION” OF THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to amend our Stormwater Management & Drainage Manual from 2009. He said Public Works, Planning Staff and the Planning Commission all worked together on this.

Public Works Director Rick Hudson gave a brief overview of the changes to the new standards, which will eliminate many of the common Waiver Requests by developers.

City Clerk Todd Wright recognized the efforts of our Department Heads, Planning Staff and Planning Commission.

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 Robin 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.

(9) Approve Christmas Bonuses -

Mayor Edwards addressed the Council, stating that we have given Christmas Bonuses to our City Employees for a number of years. He presented two (2) Bonus Plans to the Council for their review and approval:

Normal Bonus Structure:

- OVER 1 YEAR - \$500.00
- >6 MONTHS TO < 1 YEAR - \$250.00
- <6 MONTHS - \$125.00

- ** Any employee hired after October 1st of the current year does not qualify for the bonus

Proposed Bonus Structure:

- OVER 10 YEARS - \$1000.00
- >5 YEARS to < 10 YEARS - \$750.00
- >1 YEAR to 5 YEARS - \$500.00
- >6 MONTHS to < 1 YEAR - \$250.00
- < 6 MONTHS – \$125.00
- ** Any employee hired after October 1st of the current year does not qualify for the bonus

Mayor Edwards recommended the new Proposed Christmas Bonus Structure. Staff and Council agreed. He asked the Council if there were any questions. There were none.

Robin Reed made a motion to Approve the new Proposed Christmas Bonus Structure as discussed, with a 2nd from Wayne Low. There was a Roll Call. All Council members voted in favor and the motion carried.

(10) Approve Purchase of 2021 Chevrolet Tahoe for Fire Department -

Mayor Edwards addressed the Council, stating that this purchase was included in the proposed 2021 Budget, to be ordered at this time. He said production on the vehicle will not begin until January, 2021.

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

Wayne Low made a motion to Approve the purchase of a 2021 Chevrolet Tahoe, for \$36,024.00 plus Accessories, for the Fire Department, with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

(11) Approve Salary Caps -

Mayor Edwards addressed the Council, stating that they had been asking him for Salary Caps for the Departments in the City. He said HR Director Jocelyn Diaz and Financial Director Pam Grant have been working very hard on this. He said the report that was presented to Council is just a starting point, and we plan to review them on a regular basis. He said we do want to stay competitive, as this area grows. He said we have also asked for the Department heads to come up with updated Job Descriptions by the end of the year. He said those will be presented to Council after the end of the year.

HR Director Jocelyn Diaz stated that this is a good starting point, and is something we will need to revise as needed. She said we have been updating Job Descriptions as we fill open positions.

Financial Director Pam Grant said we have reached out to the Municipal League and Surrounding Communities to make sure we are dealing with the most current information possible.

There was brief discussion about “Certificate/Training” pay. There was mixed feelings from Staff and Council.

Robin Reed stated that she felt the Job Descriptions should be completed before the Salary Caps are approved.

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

Misty Elam made a motion to Approve the Salary Caps as presented, with a 2nd from Wayne Low. All Council members voted in favor, except Robin Reed, who voted NO, and the motion carried.

(12) Public Comments –

- **Logan Robinson – 530 Spur Lane** – Mr. Robinson stated that he and his family are 1st-time Home Buyers in Centerton. He questioned excessive parking in the streets of the city. Mayor Edwards welcomed him to Centerton, explained the Parking Ordinance to him and asked that he reach out to the Police Department if he felt there were Code Violations. Wayne Low invited Mr. Robinson to our monthly Public Meetings and Coffee with the Mayor.

(13) Other Business –

- **Acknowledge Receipt of the 2019 City Financial Audit**

Keith Higginbotham made a motion to Acknowledge Receipt of the 2019 City Financial Audit, with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

- **City Council Election Run-Off – Robin Reed** – Election dates: 11/24-11/25, 11/30 & 12/1

(14) Announcements -

- **11/17/2020 – Planning Commission (Virtual Meeting) 6:00pm**
- **11/21/2020 – Coffee with the Mayor (Virtual Meeting) 9:00am**
- **12/01/2020 – Planning Commission (Virtual Meeting) 6:00pm**
- **12/08/2020 – City Council Meeting (Virtual Meeting) 6:00 pm**

(15) Adjourn -

Wayne Low made a motion to Adjourn at 7:35 PM with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk