

**CITY OF CENTERTON
CITY COUNCIL MEETING
AUGUST 12, 2014**

The city council was called to order 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, Skye Petty, Misty Elam, Robin Reed, Josie Reed and Tommy Laird. Those present and not answering roll call were Jennifer Robinson, Brian Rabal, Police Chief Lance Johnson, Water & Sewer Superintendent Frank Holzkamper, Planning Director Lorene Burns, Street Superintendent Rick Hudson, Building Inspector Robert Coffelt and Animal Control Supervisor Terry Sanchez. City Clerk Todd Wright and Fire Chief Delton Bush were absent.

- (1) **Council Minutes-** Skye Petty made a motion to adopt the minutes from the July 8, 2014 council and July 29, 2014 special council meeting with a 2nd from Josie Reed. All council members voted in favor and the motion carried.

- (2) **Planning and Water & Sewer Minutes-** Skye Petty made a motion to acknowledge receipt of the June 24, 2014 Planning minutes and June 19, 2014 Water & Sewer minutes with a 2nd from Robin Reed. All council members voted in favor and the motion carried.

- (3) **City and Court Financials-** Mayor Edwards stated that we are 58% through the year and we have received 75% of our revenue. He stated that our expenditures are at 52%. Misty Elam made a motion to accept the July 2014 City and Court financials with a 2nd from Skye Petty. All council members voted in favor and the motion carried.

- (4) **Department Reports- Building Inspection-** Robert Coffelt addressed the council. His report was in the council's packets and touched on some of the details of that report, covering Nathan's Cellar, Bentonville West High School, Pomeroy Place Apartments, Centerton Self Storage, Aspen Mini-Storage and Featherstone subdivision. Robert said that he is busy and is trying to get Cherie out as much as possible. **Planning-** Lorene Burns addressed the council and stated that there are 2 properties requesting annexation that are on the council agenda for tonight. Lorene stated that she prepared a summation on what is outstanding for engineer reviews. Lorene pointed out the new Planning Department Proposed Fee Schedule in the council's packets. She stated that it was reviewed at the last Planning meeting and it was recommended that there be a

public hearing at the next planning meeting. She detailed the report for the council. They discussed 2 rate changes: 1) \$75.00 for Tract Split, down from \$125.00. 2) No Recording Fee for Variance. There was discussion. Skye Petty made a motion to have the Planning Commission go ahead with the proposed rate changes with a 2nd from Robin Reed. All council members voted in favor and the motion carried. **Police-** Police Chief Lance Johnson addressed the council and pointed out the stats for July 2013 and 2014, gave some details and asked if there were any questions. He stated that he has been doing the stats for the last 2 years and that he has recently delegated that task over to the Corporals to lessen his workload. Lance stated that they did fill the 15th officer position. He said there have been 2 other openings since the last council meeting that have been filled and that they are at a full staff. He said Jimmy Davis started on the 6th, Wes Gladden starts the 18th and Jonathan Easterling starts the 19th. He said the vehicles are in good shape and the PD has some minor maintenance issues being taken care of tomorrow. Lance said he is having shoulder surgery in a week and will be out 1-2 weeks and will only be able to lift 5 pounds for the first 3 months and will be able to lift up to 45 pounds by 6 months and should be good to go after that. He stated that Sgt. Harper will be in charge of the PD while he is out. Lance said the schooling has been pretty minimal and gave some details about the cost of schooling and some ideas to get less expensive training for his officers. Lance stated that there have been some changes at the PD with the promotions of Ron and Ty to Corporal. He said they have had a couple of supervisor meetings and there will be some changes coming. **Street-** Rick Hudson addressed the council and stated that there were a few issues with Nathan's Cellar that they were working through with the contractor and that they were asked to provide a bond to take care of an issue with the main power line because it may take a month or two to take care of it. Rick stated that we did take part in the Traffic Study with the County and the School District. He said he found a couple of flaws during his review. He said they recommended intersection improvements and turn lanes on Gamble Road. He said it was not nearly as bad as we were thinking. He said that there will need to be at least 3 traffic signals in town, possibly 4. He said the County will be helping out, as well as the State on some of this. He said the final review of that study will be tomorrow. He said the curbs and driveways are in on Seba Road and they will start pouring sidewalks tomorrow. He said there is still a problem with utilities at the corner. He said we have been waiting for 4 months for the utilities to be moved, but that we have done all that we can to this point. He said it will be an inconvenience for the School project. Rick said the asphalt is in place on Curtis Street and we are waiting on a concrete crew to finish the project. Rick said that they are looking at the engineering on Kimmel Road from the Industrial Park to Greenhouse Road and should have a contract on the project for review by the next council meeting. He said the front section of the McKissick Creek Walking Trail is done and the back section is about 80-90% complete with gravel on the trail and the parking area. He said the asphalt is out to bid. He said they are going to order the benches and hopefully have those done in the next couple of weeks. He said he was hoping that the PD could step up patrols to keep people from driving on or across the trail to get to the pond. Rick stated that the

base has been put in on the “A” Street project and that curbs will start tomorrow. He said that project should be complete in the next week or so. He stated that the stabilization has been done on Tycoon and Shady Acres and that they are waiting for the contractor to get started on both the State and City overlay projects. He said it is the same contractor for both. Rick stated that the A&P approved some money for a small basketball court at Thompson Park and that the goals are ordered and they will be forming the area for concrete soon. He said Nick has someone to do the concrete. Rick stated that they are issuing grading permits on 2 more projects soon. Rick said they are going to do the Centerton Sports Park project as a Project Oversight with the City and volunteers doing as much as we can and contracting out some of the work. He said the State is okay with that and that we will be working closely with Cassie to stay within the guidelines. Rick said that the City no longer has an area for grinding or burning limbs after storm damage, but that there are regional areas that are approved in big emergencies. He said the closest one to us for emergency use is in Pea Ridge. He said that Farmington uses Waste Management to dispose of theirs if it is in 6’ long 50# bundles, so he is going to explore that option for Centerton. Rick said that chipping is an option, but that there are major requirements from ADEQ for that to be done. **Fire-** Fire Chief Delton Bush was absent. Mayor Edwards stated that they have had 431 fire runs for the year and they have 42 firefighters. He stated that the new Rescue Truck is in operation. Mayor Edwards stated that Delton would be having surgery on the 25th and will be out for at least 2 weeks. He stated that the old white truck will be ready for surplus by the end of the week and the new truck should be in by the end of October. **Water-** Frank Holzkamper stated that the bids for the Decatur Sewer Project went out 2 weeks ago and that 5 of the 7 bids were within 5% of each other and that the winning bid came in about a half of a million dollars under the estimated cost and that the Rosetta Firm out of Springfield, Missouri had the winning bid. Frank stated that there are 2 of the easements remaining, out of the 80-some they had to get, and that they are excited to get this project started. He said that the 2 tracts left equal about 600 lf and there will have to be some condemnation involved. Frank stated that they went through Moody’s Rating Company and received a **BAA3** rating and that it is a pretty good rating for such a small company. Frank stated that they are trying to keep it under \$10 million, but are at about \$10,700,000.00 right now. He said they are only going to borrow \$9,995,000.00 to keep that good bank rating. He said they would be selling bonds next week and then execute the contract with Rosetta. He said they told him they could have all the pipe in the ground in 90 days. He said the 18” line will have to be manufactured and can only be produced 800 lf/day, which will affect the timeline of the project. Frank stated that they will be closing on the bonds the week of 8/25 or 9/01. He said they will be looking to break ground no later than October 1st. Keith Higginbotham made a motion to appoint Frank Holzkamper as Director for the Benton Washington Regional Public Water Authority and for Melvin Coffelt as the Alternate with a 2nd from Robin Reed. All council members voted in favor and the motion carried. **Animal Control-** Terry Sanchez addressed the council and stated that everything was going well at the shelter. He said they put in a security system. He said they have 8 dogs currently at the shelter after the

3 that were just adopted out. **Administration-** Jennifer addressed the council and stated that we were just rated by Standard and Poor and after being rated at a **BBB+ in 2010**, we just received notice that we are now being rated at a **A-Stable**. Jennifer stated that I was due to our population growth of 22% since 2009 and that the median household is at 123% of the national average and that our Pledge Revenue collections have gone up 41% since 2009 and by 24% in the last year. Jennifer stated that Anthony Martinez will be having foot surgery on August 26th and will be out about 3 weeks. **Mayor-** Mayor Edwards addressed the council and stated that he went to the NWACC presentation of the Skyline Report. He stated that a copy of the report was included in the council's packets and gave some details. He stated that he included part of the Traffic Study in the council's packets and gave some highlights.

(5) Ordinance 2014-18- AN ORDINANCE CREATING A CRIMINAL NUISANCE ABATEMENT BOARD PURSUANT TO ACT 1190 OF 2003.

Mayor Edwards addressed the council and stated that we have already had 2 public readings of this ordinance and that this would be the 3rd and final reading. Robin Reed made a motion to read the ordinance by title only with a 2nd from Skye Petty. All council members voted in favor and the motion carried. Brian Rabal read the ordinance by title only. Tommy Laird made a motion to adopt the ordinance with a 2nd from Josie Reed. All council members voted in favor and the motion carried.

(6) Ordinance 2014-25- AN ORDINANCE ACCEPTING AND ANNEXING CERTAIN LAND BELONGING TO ARC CONSTRUCTION AND DEVELOPMENT, INC., GARY DON CLINE AND KATHLEEN KLINE, AND ROSS BULL, ET AL TO THE CITY OF CENTERTON, ARKANSAS; ASSIGNING SAME TO WARD 3; AND FOR OTHER PURPOSES.

Mayor Edwards addressed the council and explained the need for this ordinance to annex these 3 properties. He said that it went before the County Judge on June, 30, 2014 and was approved by them. He said there have been no objections in the 30 day period since then and it is up to the city council to approve at this time. Ross Bull also addressed the council and stated that he owns Strait Line Auto and that he bought the property about a year and a half ago with the intent of moving his business to this property. He said he had been working with the County on that. He said there was a problem with an easement that had just been resolved. He stated that he was told initially going into this that the regulations for the County and the City of Centerton were the same in regard to him putting his automotive building on the property. He stated that he went to a County meeting on April 30th where the regulations were changed and was told that everything was still good. He said that he has been told now that there will be a lot of additional costs to do this in the City. Christy, representing Mr. Bull, stated that the City requires

Architectural Engineered drawings for the building at a cost of \$8000.00-\$10,000.00 and that the County has said they would give them a waiver and accept a engineered drawings from the contractor. Robert Coffelt stated that he had given them a copy of the requirements for this commercial project and that he will not waiver any of it. Ross said that he wants to be annexed in, but that he has a huge investment and that he wants to continue to move forward with it. He said he is very comfortable with what the County has said they will accept. He asked if he could get out of this annexation and build his building with the county and then come back into the City. There was discussion. Mayor Edwards and Robert Coffelt stated that the County would have the same requirements. Ross stated that he has been working with the County for over a year and that is not the case. He stated that he is very comfortable with what the County has been telling him. Robin Reed asked if we could get the City, the County and Mr. Bull together to work this out and get some answers. Mr. Bull stated that he has been trying to do that all week, leading up to this meeting. Lorene stated that this ordinance is for this entire property. Brian Rabal agreed and stated that notice has been given and this has been presented to the County Judge and the public and approved as one whole property. He said it cannot be partitioned off now, without starting the entire process over. Mayor Edwards asked Brian if this could be tabled until the next meeting, while the parties got together and tried to work this out. Brian stated that it was possible. He stated that Mr. Bull could de-annex fairly easy after approval tonight if he so chose. Frank Holzkamper stated that Creekside Subdivision would not be allowed to proceed with water and sewer service if the annexation was not approved tonight. There was discussion about de-annexation by ordinance. Mr. Bull asked if he could be annexed back in if he de-annexed. Jennifer stated that the cost would be on him He said he was alright with that. Mayor Edwards stated that he was concerned whether the County Judge would approve it due to some County enclaves surrounding that area. Mr. Bull stated that he was just trying to look at his options. Robert Coffelt asked what Mr. Bull was not wanting to do and Mr. Bull stated that it was all of the engineering costs. He asked why it has to be done if it is already engineered. Robert stated that the Adams Trusses are already engineered, but that he hast to have an engineer's approval on the footings for the design of the building and to have an architect draw up the site. He stated that it has to meet codes and that is what the architect is for. Mayor Edwards offered to get with Christy and to meet with the County to resolve this. Mr. Bull appreciated the offer. Tommy Laird made a motion to read the ordinance by title only with a 2nd from Skye Petty. All council members voted in favor, except for Robin Reed, who abstained and the motion carried. Brian Rabal read the ordinance by title only. Tommy Laird 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 abstained 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, who abstained and the motion carried. Brian Rabal read the emergency clause. Tommy Laird made a motion to adopt the emergency clause

with a 2nd from Skye Petty. All council members voted in favor, except for Robin Reed, who abstained and the motion carried.

(7) Ordinance 2014-26- AN ORDINANCE ACCEPTING AND ANNEXING CERTAIN LAND BELONGING TO JOSEPH ZUMSTEIN, JR. TO THE CITY OF CENTERTON, ARKANSAS; ASSIGNING SAME TO WARD 1 AND FOR OTHER PURPOSES. Mayor Edwards addressed the council and explained the need for this ordinance to annex this property. Mr. Zumstein's agent also addressed the council and said that he has it on his agenda to have it zoned to R-3 for apartments. Skye Petty 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. Tommy Laird 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. Tommy Laird made a motion to adopt the ordinance with a 2nd from Skye Petty. All council members voted in favor and the motion carried. Brian Rabal read the emergency clause. Tommy Laird made a motion to adopt the emergency clause with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

(8) Ordinance 2014-27- AN ORDINANCE AMMENDING THE BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2014, PROVIDING FOR THE EMERGENCY; AND FOR OTHER PURPOSES. Mayor Edwards addressed the council and explained the need for this ordinance. Jennifer Robinson stated that this was to amend the budget to make sure cover some personnel and equipment items that have been approved by council already this year. She said she had sent a letter to the council members detailing these items and that stated that there have not been any changes. Mayor Edwards stated that we had plenty of revenue to cover the expenses, but that we needed to correctly appropriate the funds. Tommy Laird 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. Tommy Laird made a motion to suspend the rule requiring the reading of the ordinance on 3 separate occasions with a 2nd from Skye Petty. All council members voted in favor and the motion carried. Josie Reed 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. Tommy Laird made a motion to adopt the emergency clause with a 2nd from Skye Petty. All council members voted in favor and the motion carried.

- (9) Ordinance 2014-28- AN ORDINANCE WAIVING BIDDING REQUIREMENTS FOR THE PURCHASE OF A 2001 JOHN DEERE 6410 TRACTOR AND ATTACHMENT, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Mayor Edwards addressed the council and explained the need for this ordinance. Rick Hudson stated that this was to purchase a side-arm tractor to access side road areas and clipping trees back. He said they normally run around \$110,000.00. He said one came available from the County and they have been using it on a loan basis for about 3 weeks. He said that we can get it for \$29,500.00 and would be a great help to the city. Rick stated that he has the money in his budget. Jennifer said it will have to be appropriated at a later date. Keith Higginbotham made a motion to read the ordinance by title only with a 2nd from Robin Reed. All council members voted in favor and the motion carried. Brian Rabal read the ordinance by title only. Tommy Laird 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. Robin Reed made a motion to adopt the ordinance with a 2nd from Tommy Laird. All council members voted in favor and the motion carried. Brian Rabal read the emergency clause. Tommy Laird made a motion to adopt the emergency clause with a 2nd from Keith Higginbotham. All council members voted in favor and the motion carried.
- (10) Resignation of Shannon Clark from Parks & Recreation-** Mayor Edwards addressed the council and stated that Shannon Clark submitted a letter of resignation from the Centerton Parks and Recreation Board. He read the letter. Skye Petty made a motion to approve the resignation of Shannon Clark with a 2nd from Tommy Laird. All council voted in favor and the motion carried.
- (11) Appoint Members to the Cemetery Board-** Mayor Edwards addressed the council and stated that he received 3 applicants for the Cemetery Board: Chris Benefield, Devin Grant and Bob Anderson. He stated that he recommended all 3 to the council. Josie reed made a motion to approve Chris Benefield, Devin Grant and Bob Anderson to a 3 year term on the Centerton Cemetery Board along with the Mayor and City Clerk, with a 2nd from Tommy Laird. All council members voted in favor and the motion carried.
- (12) Fireworks Discussion-** Mayor Edwards stated that he provided the council with letters from citizens and copies of ordinances from surrounding communities. Robin Reed made a motion to table the fireworks discussion until the next council meeting with a 2nd from Josie Reed. All council members voted in favor and the motion carried.

Executive Session- Skye Petty made a motion to enter into Executive Session to discuss a personnel matter with a 2nd from Robin Reed. The Mayor and the Council retired to the Conference Room. Keith Higginbotham made a motion to exit the Executive Session return to the City Council meeting with a 2nd from Tommy Laird. Mayor Edwards asked the council to approve the hiring of an Administrative Assistant for the Street Department to be paid up to \$15.00/hr. Keith Higginbotham made a motion to allow the hiring of an Administrative Assistant for the Street department to be paid up to \$15.00/hr. with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

There was no other business or announcements and Skye Petty made a motion to adjourn with a 2nd from Tommy Laird. All council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk

