

**CITY OF CENTERTON
CITY COUNCIL MEETING
DECEMBER 8, 2009**

The city council was called to order by Mayor, Bobbie Griffith. The Pledge of Allegiance was recited and the prayer was offered by Todd Wright. Those Present and answering roll call were Mayor Bobbie Griffith, Kathy Huber, Josie Reed, Keith Higginbotham, Patricia Thornhill and Randy Thomas. Tommy Laird was absent. Those present and not answering role call were Jan Dolan, Todd Wright, Brian Rabal, Howard Slinkard, Andrew Huntsinger, Lorene Burns, Bert Johnson, as well as Sgt. Jason Abbott representing the Police department for Lance Johnson.

- (1) **Council Minutes** - Kathy Huber made a motion to adopt the minutes from the November 10, 2009 council meeting and public hearing with a 2nd from Josie Reed. All members present voted in favor and the motion carried.
- (2) **Planning and Water & Sewer Minutes** - Keith Higginbotham made a motion to acknowledge receipt of the October 27, 2009 Planning minutes and the October Water & Sewer minutes with a 2nd from Kathy Huber. All members present voted in favor and the motion carried.
- (3) **City and Court Financials** - Mayor Griffith stated that with 11 months of the year gone we have received 100% of our projected revenue and our expenses were at 79%. Randy Thomas made a motion to accept the November, 2009 City and Court financials with a 2nd from Patricia Thornhill. All members voted in favor and the motion carried.
- (4) **Ordinance 09-25 - AN ORDINANCE AMENDING CHAPTER 6.04 OF THE CITY OF CENTERTON MUNICIPAL CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** This ordinance is to update the regulations concerning animals within the city limits. Mayor Griffith invited Mr. Bob Kossieck from Rocky Branch and the Northwest Arkansas Kennel Club to speak regarding this ordinance and he stated that he heard about the ordinance on the radio and was concerned that it would be breed specific, but after reading the ordinance he could see nothing of any concern and wished the city good luck with the ordinance. Andrew pointed out the specific changes in the ordinance to the council. Randy Thomas made a motion to read the ordinance by title only with a 2nd from Kathy Huber. All members present voted in favor and the motion carried. Andrew 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 members voted in favor and the motion carried. Kathy Huber made a motion to adopt ordinance with a 2nd from Randy Thomas. All members voted in favor and the motion carried. Andrew read the emergency clause. Kathy Huber made a motion to adopt the emergency clause with a 2nd from Randy Thomas. All members voted in favor and the motion carried.

- (5) Ordinance 09-26 - AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2010; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Mayor Griffith addressed the council and stated that 2 options for this ordinance were in their packets. One option, which was recommended by the Finance Committee, was a budget that did not include raises, and the other option includes a 3% raise for all employees across the board. She stated that the budget was adjusted by adding \$740.00 to the Planning Commission; otherwise it was exactly as the Finance Committee approved. Randy Thomas voted that we approve a budget with raises, based on evaluations starting in 2010. Keith Higginbotham added that he felt the evaluations done quarterly, based on hire date. Mayor Griffith stated that the evaluations would be done as percentages based on points. Patricia Thornhill suggested that the Personnel Committee meet in January to go over and approve the details of the process and Mayor Griffith agreed. Patricia Thornhill agreed with that process. Josie Reed agreed as well. Patricia Thornhill made a motion to go with the ordinance including the 3% raise and to read the ordinance by title only with a 2nd from Kathy Huber. All members voted in favor and the motion carried. Andrew read the ordinance by title only. Keith Higginbotham made a motion to suspend the rule requiring the reading of the ordinance 3 times with a 2nd from Josie Reed. All members voted in favor and the motion carried. Kathy Huber made a motion to adopt the ordinance with a 2nd from Randy Thomas. All members voted in favor and the motion carried. Andrew read the emergency clause. Kathy Huber made a motion to adopt the emergency clause with a 2nd from Randy Thomas. All members voted in favor and the motion carried.
- (6) Levelizing Pay -** Mayor Griffith addressed the council and stated that The Personnel Committee met prior to this meeting to discuss levelizing pay, which other companies call a bonus. She stated that you can't call it a bonus with the state. Patricia Thornhill addressed the council and stated that it couldn't be put in as a bonus. Randy stated that it's like a bonus but not a bonus. Patricia Thornhill made a motion to approve levelizing pay with a 2nd from Josie Reed. All members voted in favor and the motion carried.
- (7) Ordinance 09-27 - AN ORDINANCE DELETING SUBSECTION 17.04.04(C) AND AMENDING SUBSECTION 17.04.04(D) OF THE CENTERTON MUNICIPAL CODE; Declaring an emergency; and for other purposes.** Mayor Griffith addressed the council and stated that we are trying to promote our city and our businesses and that the A&P Commission originally chose to divide 10% of their revenue to go toward promoting the city and 90% to go to Parks. She stated that being a Commission, they can choose to do what they want with their money but she thought that they would bring it before the council. She said they would like to reduce the amount going to Parks to 80%, and give 20% toward promoting the city. She stated that Saturday night we had our first tree lighting in Beckendale Plaza. She stated that all the businesses in the plaza participated. She said Santa was there and 192 children had their pictures taken.

She said that Mrs. Fryer and her business partner put it together. Randy Thomas made a motion to read the resolution by title only with a 2nd from Keith Higginbotham. All members voted in favor and the motion carried. Andrew read the resolution by title only. Keith Higginbotham made a motion to suspend the rule requiring the reading of the ordinances 3 times with a 2nd from Patricia Thornhill. Patricia Thornhill made a motion to adopt the resolution with a 2nd from Keith Higginbotham. All members voted in favor and the motion carried. Andrew read the emergency clause. Kathy Huber made a motion to adopt the emergency clause with a 2nd from Josie Reed. All members voted in favor and the motion carried.

(8) Resolution 09-24 - A RESOLUTION APPOINTING AN ATTORNEY TO SERVE AS PRIMARY ATTORNEY FOR THE CITY OF CENTERTON, ARKANSAS. Mayor Griffith addressed the council stating that when we became a city of the first class, we had to go through an election process plus an ordinance was designed and accepted by the council for a primary attorney, being Howard Slinkard's Law Firm. She stated that she has had many questions asked about why we have 2 attorneys and why does one do it all while the other does nothing. She stated that it was how the ordinance was written and approved and was asking the council at this time to decide if we want to carry on in this manner or make a change. She stated that Brian Rabal has stated that he would like to be more involved. Randy Thomas stated that the way the ordinance was written, Brian was very restrictive to where he could do nothing. He stated that he thought he should be given more opportunity, maybe even working with Howard Slinkard. He said his Brother is an attorney and that he always says that you can't have too many attorneys. He asked if Brian could help Howard with ordinances and resolutions. Howard said that they were willing to do whatever the city wanted. Kathy asked what Brian's experience was with city government. She stated that Howard has been with us for so long. Randy stated that he would like to give Brian the authority to work with Howard more. Brian Rabal addressed the council and stated that he receives several calls a month from citizens and can do nothing and that it leaves a bad taste in peoples mouths and hurts his credibility. He stated that he did not have a lot of experience in city government but that he does have the resources. He agreed that there would be a leaning curve, but that he and his firm were capable to do the job. Howard stated that he though Brian was definitely capable and gave a little history about having multiple attorneys. He said that it was originally set up because you had to set the pay for the attorney before he/she was elected and that you may not always get someone that you want and that it can be a bad experience. Keith stated that since the position is elected, if we let Howard go and Brian doesn't get re-elected we could be in trouble. Mayor Griffith stated that this resolution was to decide whether to retain Howard Slinkard as primary attorney. Keith Higginbotham made a motion to read the resolution by title only with a 2nd from Randy Thomas. All members voted in favor and the motion carried. Andrew read the resolution by title only. Keith Higginbotham made a motion to adopt the resolution with a 2nd from Patricia Thornhill. All members voted in favor and the motion carried.

(9) A&P Commission Approval - Mayor Griffith stated that the A&P Commission, at their last meeting, approved the appointment of Sean Bradbury, manager of

Harps, as a member of the A&P Commission and also to replace Randy Thomas with Tommy Laird. Randy Thomas made a motion to approve with a 2nd from Josie Reed. All members voted in favor and the motion carried.

- (10) **Discuss Drafts A & B for ordinance Adding Fee For Lot Splits & Lot Line Adjustments, Code 15.08.06; Discuss Draft for Ordinance Amending Subdivision/Development Fee, Code 15.8.08** - Lorene Burns addressed the council and explained that she went back to the Planning Commission after the last council meeting with their recommendation of a \$150.00 deposit to go toward the total cost of lot splits and lot line adjustments which is in the packet as Draft B. She said that the Planning Commission still came back with the recommendation that it be \$150.00 total and that they could come back one time with changes, if they did not make those changes, there would be a re-submittal fee of \$50.00, which is in the packet as Draft A. Lorene said that with the surveyor looking at them, we will have a \$75.00 fee. Lorene said there will have to be a public hearing to change the fees. She said there may be some wording changes in the ordinance. Randy Thomas made a motion for Draft A with a 2nd from Patricia Thornhill. All members voted in favor and the motion carried. Lorene stated that the Planning Commission would recommend to council that the submittal fee for subdivisions and developments be raised from \$50.00 to \$150.00

- (11) **Brad Linnell and Boy Scout Troop 622, “Citizenship in the Community”** - Mayor Griffith introduced Boy Scout Troop 622 and asked if they had any questions. The first question was, why don't we have a city trash pick-up, to which Mayor Griffith responded that it is less expensive to contract it out and that the city does not have enough revenue for the trucks and the employees it would take to do it. The second question was; when is it okay to do a role call and to take a vote, to which she responded that when we do an ordinance or resolution it is required but that a lot of times it is at the mayor's discretion that each person answers yes or no. Keith Higginbotham stated that each of the city council persons can ask for a role call. The next question was; Is the city going to do anything about abandoned houses, to which Mayor Griffith responded that we are currently in the process of what's called a “nuisance and abatement” on 2 properties. She said it is a lengthy and sometimes expensive process. Keith Higginbotham explained the details on the house that was at the corner of Main and Bliss that we had removed, which included asbestos testing and removal. The last question was whether we reached our budget goal for the year, to which the mayor responded that we were under budget. Keith Higginbotham stated that by law we have to come in under budget. Keith also thanked the scouts on behalf of the council for their efforts in the city and for attending the meeting. Chet Putnam, one of the troop leaders, addressed the council and stated that one of the scout fundraisers for this summer was in the city park and they raised almost \$2000.00 through family and group photographs taken and that hot dogs and ice cream were served. Mr. Putnam presented a photo of the scout troop to the city. He stated that there are 6 Eagle Scout projects coming in the next year and a half and to keep them in mind when projects become available. He finished by stating that the troop has been involved in several projects previously and looks forward to participating in the community in the future.

(12) **Department Reports- Administration-** Jan stated that she had nothing to report. **Street** - Bert Johnson had nothing to report **Police** - Mayor Griffith stated that Chief Johnson had gone to pick up the new patrol car in Little Rock and that all was well with the police department. She then told about the rollover accident that Cody was in on the way to the Women's Shelter and said that he had a hairline fracture in his back and that he would be out of work for a while. She said he is lucky to be alive. Sgt. Jason Abbott had nothing more to report. **Planning** - Lorene Burns stated that when we did the LOMR, she thought we had 90 days form the time it was approved before it became effective, but that everything she was looking at now lists the effective date the same as the approval date, so she called F.E.M.A. and that they were going to come on January 14th at 3:00p.m. and 6:00 p.m. and will be working with people individually who need to get flood insurance or are in a flood plain. **Fire-** Jeff Coffelt was absent. No report. **Water** - Jeff Coffelt was absent. No report.

(13) **Announcements** - Mayor Griffith pointed out to the council that the November, 2009 Permits and Fire and Street transactions were in their packets. She stated that the 5th Annual Centerton Employees Family Christmas Dinner would be Friday, December 11, 2009 at 6:30 p.m. at City Hall. She also pointed out the 2010 City Meetings Calendar. She stated that there will be a Parks & Recreation meeting on January 5th, 2010 and that Dan Cole, who had done some pro bono work for Bentonville was planning to attend and could offer some consultation. She also pointed out the work that was being done cleaning up around the lake.

There was no other business and Randy Thomas made a motion to adjourn with a 2nd from Keith Higginbotham. All members present voted in favor and the motion carried.

Bobbie Griffith, Mayor

Todd Wright, City Clerk/ Recorder