

**CITY OF CENTERTON  
CITY COUNCIL MEETING  
AND  
PUBLIC HEARING  
DECEMBER 10, 2013**

The city council was called to order by Mayor, Bill Edwards. The Pledge of Allegiance was recited. The prayer was offered by Tommy Laird. Those Present and answering roll call were Mayor Bill Edwards, Josie Reed, Keith Higginbotham, Skye Petty, Robin Reed, Tommy Laird and Misty Elam. Those present and not answering role call were Todd Wright, Jennifer Robinson, Brian Rabal, Andrew Huntsinger, Street Superintendent Rick Hudson, Police Chief Lance Johnson, Animal Control Supervisor Terry Sanchez, Water & Sewer Superintendent Frank Holzkamper, Planning Director Lorene Burns, Building Inspector Robert Coffelt and Fire Chief Delton Bush.

**Public Hearing-** Mayor Bill Edwards opened the Public Hearing on the Sewer Rate Increase and explained the need for the increase to the council and the public. He stated that we send our sewage to Bentonville and that in January of 2010, Bentonville increased our rates 13%, in July of 2010 they increased the rate another 25% and then in January of 2011 they increased our rates another 25%. He stated that in April of 2013, CWSD received notice of 2 more scheduled increases, the first being in April of 2013 for 15%, which CWSD absorbed and then another 10% increase in January of 2014. He stated that CWSD will impose a 9% rate increase to cover their costs. There were no public comments and Mayor Edwards closed the Public Hearing.

- (1) **Council Minutes-** Josie Reed made a motion to adopt the minutes from the November 12, 2013 council meeting and November 18, 2013 special council meeting with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.
  
- (2) **Planning and Water & Sewer Minutes-** Tommy Laird made a motion to acknowledge receipt of the October 22, 2013 Planning minutes and the October 17, 2013 CWSD minutes with a 2<sup>nd</sup> from Robin Reed. All council members voted in favor and the motion carried.
  
- (3) **City and Court Financials-** Mayor Edwards stated that we are 92% through the year with 123% of our revenue in and our expenses are at about 95%. He detailed some recent purchases and some new budget inclusions. Mayor Edwards stated that we will amend our 2013 budget in February, after the December purchases

clear. Robin Reed made a motion to accept the December 2013 City and Court financials with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried.

- (4) **Department Reports- Building Inspections and Code Enforcement-** Robert Coffelt stated that we were down in November from December. He stated that Benton County Waste was getting close. He stated that permits are still being pulled, but that it is a little slow because nobody can do anything with the weather the way it is. He stated that the Nursing Home is still moving along and that he expects a pre-construction meeting with Wal-Mart soon for the Neighborhood Market. He stated that the Centerton Liquor Store plans are in and they are working on a relocation of the building on the property to accommodate the drive-through. Robert stated that the new truck is in and lit up, with a new console in it and the running boards are ready to be put on. **Planning-** Lorene Burns stated that the new Plotter is in. She said it is the newer model of what the County has. She stated that she met with Morningside Assisted Living and that they hope to submit in the January council meeting. She stated that the 63 acre, 138 lot subdivision at Kimmel and Greenhouse Roads have submitted a concept plan. She stated that it is currently in the County, but that they wish to be annexed into the city. She stated that the West side of the property contains a creek and a floodway that they wish to deed to the city and that it could be used for trails in our trail network. She stated that we have on the agenda, an ordinance to re-zone the Centerton Business Park from C-2 to R-2, to make it residential. She gave details. She stated that the Master Street Plan was revised. Lorene stated that she will be meeting with David Todd on Monday to go over the Flood Improvement Study. She stated that there will be a public hearing for a re-zone of property on E. Centerton Blvd. for property behind Kleenco, looking to zone commercial. **Police-** Police Chief Lance Johnson pointed out the November stats and asked if there were any questions. He stated that there were no accidents in the snow. He stated that he has had all of the officers in 4WD vehicles until yesterday. He stated that he got his officer back from Ranger training and that Anthony's follow up doctor's appointments have been postponed due to the weather. He said he had one officer slip and fall on the ice and injure himself. He said the generator is up and running at the PD. He said Court was cancelled today, which was moved up to today because of Christmas. He said they would work that out. Lance stated that there would discussion coming up to purchase a Polaris Brutus for the Fire Department. He gave details on the vehicle and the many uses for the city. He stated that it is about \$24,398.00 with the plow. He stated that the PD, FD and Street Department could all have use for it and that maintenance and any additional accessories purchased could be split among the department budgets. **Street-** Rick Hudson stated that the Walker Street project is the biggest thing on their plate. He said bids opened 2 weeks ago. He stated that he and John Wary had worked up some estimates and were thinking it would be around \$110,000.00. He said the first couple of bids came in really high at \$170,000.00-\$190,000.00, but that some also came under their projections. He said they selected a bid for the first 2 phases that came in at about \$98,000.00.

He said it is from a limited liability company. Rick stated that the Hwy102 project will definitely not make the end of the year deadline. He stated that his crews have worked their butts off on this ice/snow. He said they have used more materials than the last 3 years combined. He said they have used more sharp edges as well and that it just can't cut this hard ice. He said one of his men caught a hard patch and ended up in a ditch with some minor equipment damage. He said they are going through about 3 sets of blades a day at \$150.00 per set. He said they have been cleaning off the tops and cleaning out the gutters so that it will drain when it starts to melt off. He stated that he took the mayor out with him to experience it first-hand. He thanked the PD and the FD, as well as CWSD for use of some of their equipment. Mayor Edwards stated that he was happy with the amount of equipment we were able to put out on the roads and that he tried to keep the citizens up to date on the conditions. **Fire-** Fire Chief Delton Bush stated that we were right on pace with last year as far as fire calls, at 682 calls. He stated that roads are a concern, but the call volume has been down through the winter storm. He said they had some firemen spend the night at the FD in preparation for calls. He thanked the city again for the new support vehicle and the new Tahoe that was ordered. He said the old support unit and FD car have been stripped and are ready for surplus. He said the Jeep will be kept in the fleet to drive to training and such. **Animal Control-** Terry Sanchez addressed the council and stated that everything was going well. He stated that they put a notice in the water bills about their Facebook page. He gave details on current dogs and adoptions. **Water-** Frank Holzkamper stated that their current projects are stalled right now with the weather. Robin asked if concerned citizens could be directed to him. He said yes. He said this last billing cycle was longer and caused some higher bills. He stated that he has not had any calls from citizens. He said they have been including more information in recent bills. He stated that he has seen the social media and heard the complaints, but has not received any calls. Robin stated that she invited people to the public hearing tonight and Frank stated that the W&S meetings are open to the public as well. Frank stated that new meters that are being installed offer more features, but it is not affordable to change all meters out. He said they will be working on levelized billing down the road. **Admin-** Jennifer Robinson thanked Robert for getting her back and forth to work through this weather. She stated that we had the final audit exit interview and that hopefully the reports will be mailed to the council members soon. She said our unemployment rates will be going up .2% for the first \$12,000.00 of your salary each year. She said that she will be working with APERS and Nationwide, which starts January 1, 2014. She stated that she is working on all of our year-end items. **Mayor-** Mayor Edwards stated that the State is meeting with he and Rick to look at our roads to be considered for a \$250,000.00 resurfacing grant. He stated that the \$50,000.00 grant for the storm sirens is still in the works.

- (5) **Centerton Cemetery Update- Brian Rabal-** Brian Rabal stated that he has spoken with Bryce Crawford, the attorney at the Williams Group, who is

representing the trustees. He stated that they were able to clear the title to the property and that they are now able to deed the property over to us. He stated that they have a proposed a tentative resolution where they will quick-claim the property and existing funds to the city, that will be presented to the council next month. Brian stated that the trustees would like a commitment back from the city in regards to what we could do. Brian stated that he will follow the statute as it pertains to cemeteries and burial grounds. He said we would do what is in the best interest in the city, which is to take care of that property. He said that we can't give them any additional agreements. He asked the council members to be thinking about this over the next month, asking themselves whether this is a betterment or a burden to the city, keeping in mind that the funds in the trust will eventually be used up. He stated that the trust has said they are spending about \$2000.00/year in maintenance for the cemetery. Brian stated that there is still some question about the records being kept and who is buried where, and that concerns him. There was discussion. There was a question as to whether there were any available grave sites in the cemetery. Brian stated that he would find out that information from their attorney.

- (6) **Sara's Hope of NWA Presentation- Vicki Thomas-** Vicki Thomas was present and made a presentation to the council about possibly leasing the old Police Department building for her Adult Abuse Counseling business at a year to year option, understanding that there are repairs needing to be done by them on the building and that the city could be removing that building in the future. Vicki gave details about her business and her plans with the building. There was discussion. Robin Reed made a motion to allow Sara's Hope to proceed with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried.
- (7) **Ordinance 2013-18- AN ORDINANCE AMMENDING SECTION 15.08.07E TITLED STREETS OF THE CENTERTON MUNICIPAL CODE.** Mayor Edwards addressed the council and explained the need for this ordinance to approve changes to the Master Street Plan. There was discussion. Skye Petty made a motion to read the ordinance by title only with a 2<sup>nd</sup> 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 2<sup>nd</sup> from Skye Petty. All council members voted in favor and the motion carried. Tommy Laird made a motion to adopt the ordinance with a 2<sup>nd</sup> from Keith Higginbotham. 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 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried.

**(8) Ordinance 2013-21- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS BELONGING TO ABREHA LLC/ARVEST BANK FROM HIGHWAY COMMERCIAL (C-2) TO MEDIUM DENSITY RESIDENTIAL (R-2).** Lorene Burns addressed the council and explained the need for this ordinance. There was discussion. Tommy Laird made a motion to read the ordinance by title only with a 2<sup>nd</sup> 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 2<sup>nd</sup> from Skye Petty. All council members voted in favor and the motion carried. Josie Reed made a motion to adopt the ordinance with a 2<sup>nd</sup> 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 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried.

**(9) Ordinance 2013-22- AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, SECTION 10.12.08, ADJUSTING SEWER RATES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Mayor Edwards addressed the council and explained the need for this ordinance. There was discussion. Tommy Laird made a motion to read the ordinance by title only with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried. Brian Rabal read the ordinance by title only. Robin Reed made a motion to suspend the rule requiring the reading of the ordinance on 3 separate occasions with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried. Tommy Laird made a motion to adopt the ordinance with a 2<sup>nd</sup> 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 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried.

**(10) Ordinance 2013-23- AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2014; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Mayor Edwards addressed the council and explained the need for this ordinance to adopt the budget for next year. He addressed a few changes to the proposed budget with the council. Jennifer helped to explain those changes. Skye Petty made a motion to read the ordinance by title only with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried. Brian Rabal read the resolution by title only. Tommy Laird made a motion to suspend the rule requiring the

reading of the ordinance on 3 separate occasions with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried. Josie Reed made a motion to adopt the ordinance with a 2<sup>nd</sup> 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 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.

- (11) **Ordinance 2013-25- AN ORDINANCE WAIVING BIDDING REQUIREMENTS FOR THE PURCHASE OF VEHICLES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Mayor Edwards addressed the council and explained the need for this ordinance. There was discussion. Robin Reed made a motion to read the ordinance by title only with a 2<sup>nd</sup> from Misty Elam. 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 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried. Keith Higginbotham made a motion to adopt the ordinance with a 2<sup>nd</sup> 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 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.
- (12) **Resolution 2013-30- A RESOLUTION DETERMINING THAT THE CITY OF CENTERTON SHALL BECOME A PARTICIPATING PUBLIC EMPLOYER OF THE ARKANSAS PUBLIC EMPLOYEES' RETIREMENT SYSTEM.** Mayor Edwards addressed the council and explained the need for this resolution. Robin Reed made a motion to read the resolution by title only with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried. Brian Rabal read the resolution by title only. Tommy Laird made a motion to adopt the resolution with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.
- (13) **Resolution 2013-31- A RESOLUTION APPOINTING AN ATTORNEY TO SERVE AS PRIMARY ATTORNEY FOR THE CITY OF CENTERTON, ARKANSAS.** Mayor Edwards addressed the council and explained the need for this resolution to appoint the city's Primary Attorney. The council decided to do it by ballot. By a vote of 6-0, Brian Rabal was appointed. His rate is to \$150.00/hr. Tommy Laird made a motion to read the resolution by title only with a 2<sup>nd</sup> from Robin Reed. All council members voted in favor and the motion carried. Brian Rabal read the resolution by title only. Tommy Laird made

a motion to adopt the resolution with a 2<sup>nd</sup> from Skye Petty. All council members voted in favor and the motion carried.

(14)       **Resolution 2013-32- A RESOLUTION APPOINTING A CITY PROSECUTOR FOR THE CITY OF CENTERTON, ARKANSAS.** Mayor Edwards addressed the council and explained the need for this resolution to appoint a Prosecuting Attorney for the city. He stated that Brian Verneti has been acting as our Prosecuting Attorney in place of Tim Hutchinson. Police Chief Lance Johnson was pleased with the work he has been doing. The council agreed to keep Brian Verneti as the Prosecuting attorney for 2014 at a compensation of \$775.00/month. Keith Higginbotham made a motion to read the resolution by title only with a 2<sup>nd</sup> from Skye Petty. All council members voted in favor and the motion carried. Brian Rabal read the resolution by title only. Robin Reed made a motion to adopt the resolution with a 2<sup>nd</sup> from Keith Higginbotham. All council members voted in favor except for Skye Petty voting NO and Robin Reed abstaining and the motion carried.

(15)       **Resolution 2013-33- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT WITH D AND R LLC. OF BENTONVILLE, ARKANSAS FOR WALKER STREET DRAINAGE IMPROVEMENTS FOR THE CITY OF CENTERTON, ARKANSAS.** Mayor Edwards addressed the council and explained the need for this resolution. Tommy Laird made a motion to read the resolution by title only with a 2<sup>nd</sup> from Keith Higginbotham. All council members voted in favor and the motion carried. Brian Rabal read the resolution by title only. Tommy Laird made a motion to adopt the resolution with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried.

(16)       **Resolution 2013-34- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO PURCHASE FROM SMITH AUTO GROUP OF PINEVILLE, MISSOURI A 2015 CHEVROLET ¾ TON PICKUP.** Mayor Edwards addressed the council and explained the need for this resolution. Tommy Laird made a motion to read the resolution by title only with a 2<sup>nd</sup> from Skye Petty. All council members voted in favor and the motion carried. Brian Rabal read the resolution by title only. Tommy Laird made a motion to adopt the resolution with a 2<sup>nd</sup> from Robin Reed. All council members voted in favor and the motion carried.

(17) **Authorize Purchase of 2014 Dodge Truck for Animal Control and 2014 Chevrolet Equinox for City Hall-** Mayor Bill Edwards addressed the council and explained the need for these 2 vehicles. There was discussion. Tommy Laird made a motion to approve the purchase of the 2 vehicles with a 2<sup>nd</sup> from Skye Petty. All council members voted in favor and the motion carried.

**Announcements-** Mayor Edwards reminded council of the City Christmas Party 12/20/13 at 6:30 p.m. and the Christmas Parade 12/12/13 at 4:30 P.M.

**Executive Session-** Robin Reed made a motion to enter into Executive Session to discuss the Mayor's salary with a 2<sup>nd</sup> from Skye Petty. All council members voted in favor and the motion carried. The mayor and council went to the Conference Room. Keith Higginbotham made a motion to return from Executive Session. Keith Higginbotham made a motion to approve a 3% salary increase for Mayor Bill Edwards to a salary of \$53575.45 with a 2<sup>nd</sup> from Skye Petty. All council members voted in favor and the motion carried.

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

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Bill Edwards, Mayor

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Todd Wright, City Clerk