

**CITY OF CENTERTON  
CITY COUNCIL MEETING  
DECEMBER 9, 2014**

The city council was called to order by Mayor, Bill Edwards. The Pledge of Allegiance was recited. The prayer was offered by Todd Wright. 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 Todd Wright, Jennifer Robinson, Brian Rabal, Police Chief Lance Johnson, Water & Sewer Superintendent Frank Holzkamper, Planning Director Lorene Burns, Fire Chief Delton Bush, Street Superintendent Rick Hudson and Building Inspector Robert Coffelt. Terry Sanchez was absent.

- (1) **Council Minutes-** Skye Petty made a motion to adopt the minutes from the November 18, 2014 city council meeting with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.
  
- (2) **Planning, Parks and Recreation and Water & Sewer Minutes-** Josie Reed made a motion to acknowledge receipt of the October 28, 2014 Planning minutes, October 7, 2014 Parks & Recreation minutes and the October 16, 2014 Water & Sewer minutes with a 2<sup>nd</sup> from Keith Higginbotham. All council members voted in favor and the motion carried.
  
- (3) **City and Court Financials-** Mayor Edwards stated that we are 91.6% through the year and that we have received 114% of our revenue. He stated that our expenditures are at 78.39%. Tommy Laird made a motion to accept the November 2014 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 Inspection-** Robert Coffelt addressed the council. He pointed out the report that he had prepared for the council that was in their packets and asked if there were any questions. There were none. Robert detailed some of the highlights of the report the Wal-Mart Fuel Station, Aspen Mini Storage, High School, NWA Restore-It, Pomeroy and the Nursing Home. **Planning-** Lorene Burns addressed the council and pointed out the Planning Project Status Report in the council's Dropbox packets. She detailed some highlights in the report such as the Mitchael large scale development, Straightline Automotive, Smith Family Trust Subdivision, Bob's Trading Post, Northwest Arkansas Welcome Services and Epic Inflatables. **Police-** Police Chief Lance Johnson addressed the council and pointed out the stats for November 2013 and

2014. He said that there was nothing that stood out except for the Breaking & Entering's, due to the 8 vehicles broken into in one night. He stated that he currently has 2 officers in Supervision Training in Lonoke. He stated that Shop-with-a-Cop is this Thursday and the Toys-for-Tots Bike Run is this Saturday at 11:00. Lance stated that the posting for the one officer opening closed last Friday and that there are 6-7 applicants. **Street-** Rick Hudson addressed the council and pointed out his report in the council's packets and detailed some of the report with them. Rick stated that they are about 50% through the design process of the Gamble Road project. He said he hopes to start on that project in late winter or early spring. He said the ASHD accepted our letter detailing the needs at Seba and Hwy102 and they are beginning the design process of that intersection. He said we are still waiting on utilities for the Seba and Gamble intersection. Rick stated that they are about 50% complete on the design of Kimmel Road and hopes to get started on it this summer. Rick detailed preparations for winter weather, with the brine and a new snow plow, giving us 2 truck mounted snow plows and our tractor mounted snow plow. Rick detailed 2 road projects in 2 subdivisions. Rick outlined current certifications and ongoing training. Rick also outlined current P&R projects included in his Dropbox report. Rick stated that P&R will be planting 64 trees in the next month. **Fire-** Fire Chief Delton Bush stated that they have had 678 fire runs for the year and that they have 36 firefighters at this time. He said that the new volunteer testing was greatly affected by the weather and will be rescheduled for the 18<sup>th</sup>. He said that "Santa in the Neighborhoods" is ready for Saturday. Delton stated that he was approved for a Rural Fire Protection Program Grant for \$1250 to buy some new gate valves for the tanker. He said that he was pleased with the result of the ISO Audit, going from a 6 to a 4 in the city and from a 9 to a 5 in the rural areas. He stated that they are looking at a few more details on the ladder truck that could improve the city rating to a 3. **Water-** Frank Holzkamper addressed the council and stated that construction on the Decatur line was continuing to move forward with line being installed and that they were still boring under the railroad, with about 100 lf of the 180 lf bore complete. He said that the connection point to the Decatur Plant should be complete this week. He said that the on-line account access went live last month. Frank mentioned that Joby was back in the hospital again. **Animal Control-** Mayor Edwards addressed the council and stated that everything was going well at the shelter. He said that DJ told him there were 5 dogs currently at the shelter. He said that Terry will be coming back to NWA this week. **Administration-** Jennifer Robinson addressed the council and stated that the amended budget is ready for the council's approval. She said that she has been working with Jim and David on the Bond. **Mayor-** Mayor Edwards stated that there have been 70-80 people that have signed up for the City Christmas Party. He stated that he has been in contact with Rural Fire Service for Fire Dues. He said we will be working on the new playground equipment Thursday-Saturday this week.

**(5) Ordinance 2014-39- AN ORDINANCE AMMENDING CENTERTON MUNICIPAL CODE, SECTION 2.14.03, TITLED COMPENSATION.**

Mayor Edwards addressed the council and explained the need for this ordinance to set the salary for the Mayor for the next calendar year. There was discussion. Keith Higginbotham made a motion to set the Mayor's salary for 2015 at \$56,385.00 with a 2<sup>nd</sup> from Tommy Laird. All council members voted in favor and the motion carried. 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. Keith Higginbotham made a motion to suspend the rule requiring the reading of the ordinance on 3 separate occasions with a 2<sup>nd</sup> from Misty Elam. 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.

**(6) Ordinance 2014-40- AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2015; DECLARING AND EMERGENCY; AND FOR OTHER PUPOSES.**

Mayor Edwards and Jennifer Robinson addressed the council and explained the need for this ordinance to approve the 2015 budget to operate the city. Keith Higginbotham made a motion to read the ordinance 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 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 Misty Elam. 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 Josie Reed. 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 Skye Petty. All council members voted in favor and the motion carried.

**(7) Ordinance 2014-41- AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS BELONGING TO PBJ HOLDING, LLC FROM AGRICULTURAL (A-1) TO HEAVY INDUSTRIAL (I-2).**

Mayor Edwards and Lorene Burns addressed the council and explained the need for this ordinance. Keith Higginbotham made a motion to read the ordinance by title only with a 2<sup>nd</sup> from Tommy Laird. 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 Misty Elam. 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 Misty Elam. All council members voted in favor and the motion carried.

- (8) Ordinance 2014-42- AN ORDINANCE AUTHORIZING THE ISSUANCE OF SALES AND USE TAX REFUNDING AND IMPROVEMENT BONDS FOR THE PURPOSE OF REFUNDING PRIOR SALES TAX INDEBTEDNESS, FINANCING THE COST OF STREET IMPROVEMENTS AND FINANCING THE COSTS OF FIRE PROTECTION IMPROVEMENTS; PLEDGING A 1% SALES AND USE TAX TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.** Mayor Edwards addressed the council and explained the need for this ordinance. Jim Fowler with Raymond James also addressed the council and gave details of the bond process. He mentioned that the City received an A- Stable rating that helped save ¼% on each of the two bond rates. He said that they sold \$6,620,000.00 of bonds this morning at a bond yield of 2.77% for 24 years. He said the interest rate on the total cost of the bonds was 3.02%. Jim said that they were able to replace the cash funded debt service reserve funds with a surety bond from the bond insurer for \$5000.00 that released that money (over \$100,000.00) to be used on the projects. He said that \$2,065,000.00 will be available for Street projects and \$774,000.00 will be available for the Fire Department. He said that these bonds are scheduled to be paid off in 2027 with current tax rates. David Menz addressed the council and commended the city for authorizing \$6,000,000.00 in bonds for Streets and \$3,000,000.00 in bonds for Fire Protection improvements 9 years ago, putting authority in the city's pockets to do this over a long period of time. He said this is the 4<sup>th</sup> bond issue to come from that election. He said these bonds should pay off fairly quickly. He said the city is all out of authority now but that this was a great decision on the city's part at that time. David said that this ordinance refunds the 2007 and 2010 bonds leaves just the current bond issue to be paid, making the book keeping a lot easier. He said the trustee is Bank of the Ozarks. Tommy Laird made a motion to read the ordinance 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 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 Keith Higginbotham. 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 Josie Reed. All council members voted in favor and the motion carried.

**(9) Resolution 2014-21- 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. Brian Rabal addressed the council and stated that he would like to serve the city as both the City Attorney and City Prosecutor and gave some reasoning, including the fact that some of those duties overlap. He stated that he and the mayor have had a couple of issues and that they have worked those issues out. He stated that he would like to see the City Attorney utilized more. He proposed that perhaps there should be a salary for the position as an incentive for the city to use the position more and to keep the city from incurring unnecessary liabilities due to the fear of being billed by the attorney for e-mails, phone calls, etc. There was discussion. Keith Higginbotham made a motion to appoint Brian Rabal as Primary Attorney at a rate of \$160.00/hr. with a 2<sup>nd</sup> from Tommy Laird. All council members voted in favor and the motion carried. Brian asked that there be a discussion about these other ideas in a few months. Robin Reed agreed and stated that she would like to see better open door communications. Keith Higginbotham 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. Skye Petty made a motion to adopt the resolution with a 2<sup>nd</sup> from Tommy Laird. All council members voted in favor and the motion carried.

**(10) Resolution 2014-22- A RESOLUTION APPOINTING A CITY PROSECUTOR FOR THE CITY OF CENTERTON, ARKANSAS.** Mayor Edwards addressed the council and explained the need for this resolution. There was lengthy discussion. Keith Higginbotham made a motion to retain Bryan Verneti as City Prosecutor at a rate of \$775.00/ month and \$500 for appeals, with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor except for Robin Reed, Tommy and Skye Petty, who voted against. Mayor Bill Edwards voted in favor to break the tie and the motion carried. 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 except for Robin Reed, who voted against 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 Keith Higginbotham. All council members voted in favor except for Robin Reed, who voted against and the motion carried.

**(11) Resolution 2014-23- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN EQUIPMENT PURCHASE AGREEMENT WITH JA RIGGS TRACTOR CO, SPRINGDALE, ARKANSAS, FOR PURCHASE OF A TRACK LOADER.**

Mayor Edwards addressed the council and explained the need for this resolution to purchase a track loader for the Street Department. Rick Hudson also addressed the council. 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.

**(12) Resolution 2014-24- A RESOLUTION AMMENDING THE EMPLOYEE POLICY HANDBOOK OF THE CITY OF CENTERTON, ARKANSAS.** Mayor Edwards addressed the council and explained the need for this resolution and gave details of the changes to the Employee Policy Handbook to include the Fire Department employees. Tommy Laird 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 Keith Higginbotham. All council members voted in favor and the motion carried.

**(13) Resolution 2014-25- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN EQUIPMENT PURCHASE AGREEMENT WITH FERRARA FIRE APPARATUS, SILOAM SPRINGS, ARKANSAS, FOR PURCHASE OF (2) FIRE TRUCKS.** Mayor Edwards and Fire Chief Delton Bush addressed the council and explained the need for this resolution to purchase 2 new fire trucks for the Fire Department. The 2 proposals were included in the council's Dropbox packets. There was discussion. Tommy Laird 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. 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.

**(14) Northwest Arkansas Bike Plan Presentation- Elizabeth Bowen-** Elizabeth Bowen from the Northwest Arkansas Regional Planning Commission addressed the council and gave a presentation of the Northwest Arkansas Bicycle and Pedestrian Master Plan. She requested that the city review the plan and be prepared to make a resolution to adopt the plan by March 2015. There was no action taken.

- (15) Life Point Church Right of Way Presentation- Pastor Mike Brinson-** Pastor Mike Brinson addressed the council to enter into dialogue to look at the possibility of his church donating a right-of-way of 50 feet on Herbaugh Road and 40 feet on Gamble Road and possibly another additional 15 feet for utility easement, in exchange of waiving any street and drainage improvements along Herbaugh and Gamble Roads for the church when it is built. A letter from Pastor Brinson was included in the council's Dropbox packets. Cassie Elliot also addressed the council representing a 72 lot residential development by Gavin Edwards to the north of this property that is looking to acquire sewer from the City of Centerton, understanding that they would need to annex into the city to receive those services. There was discussion. No action was taken.
- (16) Order 2 new Police Cars-** Mayor Edwards asked the council for their permission to order the 2 new Police vehicles that Police Chief Lance Johnson has in his budget for next year if he can find them on state bid. There was discussion. Tommy Laird made a motion to allow Mayor Edwards to order 2 vehicles for the Police Department, to be paid for next year, with a 2<sup>nd</sup> from Skye Petty. All council members voted in favor and the motion carried.
- (17) Other Business-** Mayor Edwards asked the council for their approval to hire a temporary person for the front desk at \$9.00/hr. from 12/18-1/12 to help cover for vacation and holiday time coverage, since Anthony has not been released to come back. Skye Petty made a motion to allow the hiring of a temporary worker at \$9.00/hr. from 12/18/14 through 1/12/15 with a 2<sup>nd</sup> from Robin Reed. All council members voted in favor and the motion carried. Mayor Edwards reminded everyone that the Employee Christmas Party will be held 12/11/14 at 6:00 p.m. at Centerton City Hall.

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.

---

Bill Edwards, Mayor

---

Todd Wright, City Clerk