

**CITY OF CENTERTON  
CITY COUNCIL MEETING  
JULY 8, 2014**

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, 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 and Fire Chief Delton Bush, Street Superintendent Rick Hudson and Building Inspector Robert Coffelt. Animal Control Supervisor Terry Sanchez was absent

**PUBLIC HEARING-** Mayor Edwards opened the public hearing for comments on the vacating of easements in the Tuscany Subdivision. Crystal spoke on behalf of Tuscany, LLC. There were no public comments and Mayor Edwards closed the public hearing with a motion from Tommy Laird and a 2<sup>nd</sup> from Robin Reed. All council members voted in favor and the Public Hearing was closed.

**(1) Council Minutes-** Skye Petty made a motion to adopt the minutes from the June 10, 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, Advertising & Promotion, Water & Sewer and Parks & Recreation Minutes-** Keith Higginbotham made a motion to acknowledge receipt of the May 27, 2014 Planning minutes, March 27, 2014 A&P minutes, May 15, 2014 and June 9, 2014 Water & Sewer minutes and June 2, 2014 Parks & Recreation minutes with a 2<sup>nd</sup> from Tommy Laird. All council members voted in favor and the motion carried.

**(3) City and Court Financials-** Mayor Edwards stated that we are 50% through the year and we have received 63% of our revenue. He stated that our expenditures are at 46%. Josie Reed made a motion to accept the June 2014 City and Court financials with a 2<sup>nd</sup> from Misty Elam. All council members voted in favor and the motion carried.

**(4) Department Reports- Building Inspection-** Robert Coffelt addressed the council and mentioned that building permits were a little down from the previous month. He pointed out his report in the council's packets and touched on some of the details of that report. Robin asked if Robert felt he could use Cheri full-time to assist him and he stated not at this time, but there could come a day. He said he

does need her more for plan reviews right now. Robert stated that there will be Electrical and Plumbing certification in October and there will be 2 days where there will be NO inspections. Robert stated that the White Oak Station is looking at putting a BBQ smoker in the back of their building for their business. He said he and Delton has been working with them on it. **Planning-** Lorene Burns addressed the council and stated that her Engineering Review budget will be running over next month with all of the development. She said there are some outstanding engineering items at this time. Tommy asked her to prepare a list for the next meeting. Mayor Edwards stated that we would be amending the budget next month. She stated that most of the Planning agenda for last month was regarding the Tuscany Subdivision. She said that next month's agenda will include Steve's Pit Stop wanting to put in an additional 4 buildings, which will involve the flood Plain, as well as the Neighborhood Market Fuel Station. Lorene stated that Don Waters has contacted her and is looking at putting in un-assisted living on the 17 acres on Bliss Street. **Police-** Police Chief Lance Johnson addressed the council and pointed out the stats for June 2013 and 2014, gave some details and asked if there were any questions. He stated that there haven't been many accidents on Hwy102 since the widening and thinks the widening has really helped with traffic flow. He stated that he has been working around vacations at the department and that he has 1 officer out with an injury currently and hopes to find out next week if that officer will be coming back. He stated that he also had 1 officer out for a 2 week Reserve drill. He said Nathan will be starting the Academy on Sunday and will be gone for 3 months. Lance stated that they are down to 3 certified applicants for the open position that was approved last month. Lance stated he has a torn tendon in his shoulder and that he will be going to see a specialist in August. **Street-** Rick Hudson addressed the council and pointed out his report in the council's packets and went through that report with them. Skye thanked Rick for the Street Department mowing and maintaining some of the State Highway properties. **Fire-** Fire Chief Delton Bush stated that they have had 368 fire runs for the year and that they have 42 firefighters at this time. He stated that they took in \$1100.00 for MDA during the "Fill the Boot" campaign and that Chris Benefield put in for a communications grant from Wal Mart that we received and will be used for radio equipment for the FD. Delton stated that they made around \$1000.00 from the Centerton Day Pancake Breakfast. He said the ISO Audit is complete and gave some details. He said that it will be a while before he gets the results back. He said he learned a lot. Delton stated that the new rescue truck has come in and is getting striped. He hopes to have it in service next week. He stated that the truck it is replacing has some issues and would like to surplus it and get a new truck while it still runs and has some value. Robin Reed made a motion to allow the old truck to be sold as surplus and approved the purchase of a new 4wd truck for the FD on State bid with a 2<sup>nd</sup> from Josie Reed. All council members voted in favor and the motion carried. **Water-** Frank Holzkamper stated that we have been cleared by ADEQ in regard to the sewer spill and that they would be re-stocking the fish soon. He said they have tested surrounding ponds and wells and the results have all come back good. Frank stated that our funding agent would be taking us out for a rating

tomorrow to help with our financing rate for the project tomorrow in regard to the Decatur Project, hoping to get us a low interest rate. Frank stated that we are still slated for bid openings on the 24<sup>th</sup>. He said there has already been some good interest from some big players due to the size of this project. He said 80-85% of the easements are already done and that he expected to have 3 or 4 that he would have some issues with, but that they have already planned on it. Frank said he still hopes to break ground late this summer, with a completion next summer. **Animal Control-** Terry Sanchez was absent, so Mayor Edwards addressed the council and stated that everything was going well at the shelter with the new part-time help. He said that there were 3 dogs currently at the shelter. Mayor Edwards said that Terry has one more treatment left and then will be off for a bone marrow treatment. **Administration-** Jennifer had nothing for the council. Mayor Edwards addressed the council and stated that we have received the results of the audit and that there was only one formal finding in regard to bank reconciliations and that he feels that the issue has been corrected. Keith Higginbotham made a motion to acknowledge receipt of the 2013 Audit and Findings with a 2<sup>nd</sup> from Skye Petty. All council members voted in favor and the motion carried. **Mayor-** Mayor Edwards gave details on Centerton Day and thanked Cheri and all involved with the celebration. He said that the auction return was around \$5800.00 so far and that there was about \$200 more coming from the Car Show. There was discussion.

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

Mayor Edwards addressed the council and again explained the need for this ordinance and stated that he just wanted to get a 2<sup>nd</sup> reading at this time. He stated he and Brian would be attending the meeting in Bentonville on Friday and also meet with their City Attorney to gather more information and that this is not only due to people parking in the grass, but did include a picture in the council's packets that showed one residence of concern. There was a lengthy discussion about parking in the grass versus parking in the street and what the function of the board could be. Skye Petty made a motion to do a 2<sup>nd</sup> reading of 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 did the 2<sup>nd</sup> reading of the ordinance by title only.

**(6) Ordinance 2014-19- AN ORDINANCE ESTABLISHING CENTERTON MUNICIPAL CODE, TITLE 16.12.01 ET SEC., CONCERNING GRADING, EROSION CONTROL, AND STORMWATER POLLUTION PREVENTION, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES.**

Rick Hudson addressed the council and explained the need for this ordinance to get our city in line with storm water pollution control. 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. Josie 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 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 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 Skye Petty. All council members voted in favor and the motion carried.

**(7) Ordinance 2014-20- AN ORDINANCE VACATING THE EASEMENTS LOCATED ON LOTS 17-19, 28-30, 34-40, AND 44-48 OF TUSCANY PHASE I SUBDIVISION AS RECORDED IN PLAT BOOK 2005, PAGES 1231-1233 IN THE RECORD OF BENTON COUNTY, ARKANSAS; PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES.** Mayor Edwards addressed the council and explained the need for this ordinance, stating that this was what the Public Hearing was for at the beginning of tonight's meeting. Lorene Burns stated that she has received everything she needs for approval of this ordinance. Robin Reed 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 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 Robin Reed. All council members voted in favor and the motion carried.

**(8) Ordinance 2014-21- AN ORDINANCE ACCEPTING THE RIGHT-OF-WAY AND EASEMENT DEDICATION PER TRACT SPLIT PLAT FOR TUSCANY LLC, CENTERTON, BENTON COUNTY, ARKANSAS, PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES.** Mayor Edwards addressed the council and explained the need for this ordinance. Lorene stated that there is a 40 foot right-of-way on Main Street and 35 feet on Town Vu. She said that was never done previously, so this is mainly a housekeeping issue and they also needed some utility easements for the clubhouse. Tommy Laird 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. Skye Petty made a motion to suspend the rule requiring the reading of the ordinance on 3 separate occasions with a 2<sup>nd</sup> from Tommy Laird. 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 Robin 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 Misty Elam. All council members voted in favor and the motion carried.

**(9) Ordinance 2014-22- AN ORDINANCE AMENDING SECTION 17.16.04 OF THE CENTERTON MUNICIPAL CODE; FIREWORKS.** Mayor Edwards addressed the council and explained the need for this ordinance to address several recent complaints about fireworks. There was lengthy discussion. Keith Higginbotham made a motion to table the ordinance with a 2<sup>nd</sup> from Tommy Laird. All council members voted in favor and the motion carried.

**(10) Resolution 2014-11- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH HUTCHENS CONSTRUCTION COMPANY, CASSVILLE, MISSOURI FOR ACHM SURFACE OVERLAY TO TYCOON AND SHADY ACRES ROADS AND OTHER CITY PROJECTS THRU DECEMBER 31, 2014.** Mayor Edwards addressed the council and explained the need for this resolution. He stated that 3 bids were submitted for these overlay projects. 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 Josie Reed. All council members voted in favor and the motion carried.

**(11) Resolution 2014-12- A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY A LEASE AGREEMENT WITH SARA'S HOPE OF NORTHWEST ARKANSAS, BENTONVILLE, ARKANSAS FOR BUILDING AT 753 WEST CENTERTON BLVD.** Mayor Edwards addressed the council and explained the need for this resolution, stating that a lease payment for the property will be waived in lieu of Sara's Hope making all of the repairs to the building to bring it up to standards for occupation. There was discussion. 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. Josie Reed 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) **Centerton Day Proclamation-** Mayor Edwards addressed the council and stated that Governor Mike Beebe proclaimed June 28, 2014 as Centerton Day and included the Proclamation in the council's packets. A copy of the proclamation will be attached to these minutes.
- (13) **Centerton Cemetery Board Update-** Mayor Edwards addressed the council and stated that he had not been able to spend much time on the Cemetery Board over the last month with preparations for Centerton Day going on, but will have something for the council at the next meeting.
- (14) **Other Business-** Jean Matthews addressed the council and gave an update on the Centerton Area Chamber of Commerce. She said their next Networking Event will be the 1<sup>st</sup> Wednesday of the month at 8:30 a.m. at Jim's Razorback Pizza.

**Executive Session-** Robin Reed made a motion to enter into Executive Session to discuss a personnel issue with a 2<sup>nd</sup> from Skye Petty. 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 2<sup>nd</sup> from Tommy Laird. Mayor Edwards asked the council to approve an additional full-time employee for the Street Department to be paid up to \$15.00/hr. Keith Higginbotham made a motion to allow the hiring of a full-time employee for the Street department to be paid up to \$15.00/hr. with a 2<sup>nd</sup> from Tommy Laird. All council members voted in favor and the motion carried.

There was no other business or announcements and Tommy Laird made a motion to adjourn with a 2<sup>nd</sup> from Skye Petty. 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

