

**CITY OF CENTERTON
CITY COUNCIL MEETING
MARCH 9, 2010**

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, Keith Higginbotham, Tommy Laird and Randy Thomas. Josie Reed and Patricia Thornhill were absent from council and Bert was absent as a department head. Those present and not answering role call were Jan Dolan, Todd Wright, Brian Rabal, Howard Slinkard, Andrew Huntsinger, Lorene Burns and Jeff and Robert Coffelt. Cody Harper and Randy Clark were attendance representing the Police department for Chief Johnson.

- (1) **Council Minutes** - Kathy Huber made a motion to adopt the minutes from the February, 2010 council meeting and public hearing with a 2nd from Tommy Laird. All members present voted in favor and the motion carried.
- (2) **Planning, Parks & Rec and Water & Sewer Minutes** - Keith Higginbotham made a motion to acknowledge receipt of the January 26, 2010 planning minutes, March 2, 2010 Parks minutes and the January Water & Sewer minutes with a 2nd from Tommy Laird. All members present voted in favor and the motion carried.
- (3) **City and Court Financials** - Keith Higginbotham made a motion to accept the February, 2010 City and Court financials with a 2nd from Randy Thomas. All members voted in favor and the motion carried.
- (4) **Ordinance 2010-05 - AN ORDINANCE ADDING CHAPTER 8.14 TO BE TITLED “STOPPING, STANDING AND PARKING IN A HANDICAPPED DESIGNATED AREA” TO THE CENTERTON MUNICIPAL CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Mayor Griffith addressed the council and stated that this addition to the ordinance became necessary after an incident at Centerton-Gamble school with someone being ticketed for having there vehicle at rest over 3 handicapped parking places while still in it. Keith Higginbotham made a motion to read the ordinance by title only with a 2nd from Randy Thomas. All members present voted in favor and the motion carried. Andrew read the ordinance by title only. Kathy Huber made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2nd from Keith Higginbotham. All members voted in favor and the motion carried. Keith Higginbotham 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 Keith Higginbotham. All members voted in favor and the motion carried.

- (5) Ordinance 2010-06 - AN ORDINANCE AMENDING SUBSECTION 9.02.08(d) OF THE CENTERTON MUNICIPAL CODE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Mayor Griffith addressed the council and explained that this was to amend the subsection of Street Maintenance Bonds to reduce the amount of the Street Maintenance Bond from 150% to 100% in these economically depressed times. Kathy Huber made a motion to read the ordinance by title only with a 2nd from Tommy Laird. All members voted in favor and the motion carried. Andrew read the ordinance by title only. Tommy Laird made a motion to suspend the rule requiring the reading of the ordinance 3 times with a 2nd from Kathy Huber. All members voted in favor and the motion carried. Randy Thomas made a motion to adopt the ordinance 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 Keith Higginbotham. All members voted in favor and the motion carried.
- (6) Resolution 2010-02 - A RESOLUTION AMENDING THE EMPLOYEE POLICY HANDBOOK OF THE CITY OF CENTERTON, ARKANSAS.** Mayor Griffith addressed the council and stated that this resolution made 3 changes to the employee handbook. 1) A change to the inclement weather policy to where the employees will be paid for a full day (8 hrs) if City Hall is closed due to inclement weather and will also be paid for a full day (8 hrs) if they are sent home early due to inclement weather. She also stated that employees can take a vacation day or a sick day if City Hall is open and they feel they cannot make it in. 2) Salaried and Hourly City employees will not be paid for attendance at Council, Planning or Committee meetings effective April 1, 2010. 3) Vacation time for non-uniformed can be cumulated from one year to the next up to 5 working days maximum. Tommy Laird 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 adopt the resolution with a 2nd from Kathy Huber. All members voted in favor and the motion carried.
- (7) Debbie Wieneke - Habitat for Humanity of Benton County, Inc.- Habitat House to Be Built In Centerton-** Debbie Wieneke addressed the council and stated that it has been since 2002 since Habitat has been in Centerton and that they were glad to be back. She said that they had a family and that it was a single mother with a 6 year old girl. She said that they had purchased some land at 2nd Street and B Street. She said that they would like to start clearing the land in May and start building in June. She also talked a little bit about how Habitat For Humanity works.
- (8) Eunice Webb - Complaint About Appearance of Neighborhood-** Eunice Webb addressed the council and stated that she wanted to discuss the problem that we

have in the city with vehicles. She stated that she had been trying to sell her house for about a year and that she has a bunch of guys on her street that think they are mechanics. She stated that there are vehicles all over her street and that a lot of them are not tagged. She showed pictures of vehicles in her neighborhood and talked about them. She also stated that there is a semi problem in her neighborhood. She said that there is also a 4 wheeler problem around her house. She thanked the Mayor for cleaning up her neighborhood, but stated that these issues are a problem. She said that other towns around us have fixed this problem. Robert Coffelt said that as long as the vehicles run and are registered with the State, there is nothing he can do. Keith asked if there tags were expired. Robert said that he does not have the authority to run tags. He said that the Police Department can. Mayor Griffith asked Sergeant Clark if he has been contacted about vehicles on that street. He said that the vehicles on the street run and are tagged properly. Eunice asked about the vehicles in the yards and Randy stated that it was private property. He said that if it was a hazard that they could look into it. Eunice asked who owned the power line right of way and Robert stated that the homeowner did. Robert said that one man's junk is another man's treasure. He said it is their opinion. He said he was not going to be the one to decide what is junk and what is not. He said that if the City wanted to set up a Nuisance and Abatement Committee to decide that kind of thing he would be fine with it. He said that if there is something that is in your yard and it is not a safety violation, then there is nothing he can do about it. It is their yard and their personal property. He said another option was to set up a neighborhood P.O.A. He said that it is not the City's job. The Mayor asked Eunice about the 4 wheelers and she said that the people that ride them are smart and know when to ride them when the Police Department is busy. She said that she is proud of where she lives and doesn't feel that others are. She stated that the problem with the semi was addressed a year or so ago and she came to City Hall and saw that the ordinance did not prohibit any vehicle that was moved within 24 hours. Robert talked about things that have been discussed in the past by the City to try and help as much as possible with many of these issues. Robert said that we need to remember our Constitutional Rights and that he didn't think the City should have the right to tell someone what they could have on their property as long as it is not a safety hazard. He recommended that the City look at forming a Nuisance and Abatement Committee comprised of local citizens to determine as a community, as a whole, what is unsightly and what a nuisance is. The Mayor told Eunice that she would look into that option.

- (9) Centerton Business of the Year Award** - Mayor Griffith stated that the City and the A&P Commission issued a challenge to the local businesses in November for the best Christmas decoration. She stated that Mr. Stubbs and his son did a great job. She presented him with a plaque, congratulated him and told him he could keep the plaque until a new winner is selected for next year. He thanked the Mayor and the City for working with him for the past 8 years.

(10) **Mrs. Josh Trollinger - Speaking on “No Solicitation in City”**- Brandi Trollinger addressed the council by introducing herself and talking about her family. She stated that she has been a resident for four years and that she has had solicitors come to her door every spring, summer and winter for that whole time. She stated that she is not against soliciting and that she knows that the City already has an ordinance regarding this and wanted to commend whoever wrote it and that it was suitable for our city. She said that she is requesting that the City add a couple of things that could help the citizens and the Police Department to know who is in our city. She wants to add 2 parts from Springdale’s ordinance. She passed out a copy of the 2 things she wanted to add and a list of signatures that she had gotten in support of these changes. She wants to have the City Clerk keep a “no-knock” list for solicitors to have to abide by. She stated that there are a lot of solicitors that come from out of town and are not abiding by our City ordinance. She asked what could be done to help get this passed. She stated that she had talked to some police officers and said that they thought it would help with call volume. She stated that there is a penalty section also that stipulates a \$1000.00 fine. The Mayor stated that we could not adopt anything tonight but that she and the council would take it under advisement. Keith Higginbotham asked her if she would still support the non-profit organizations and she said yes. He said that he thought that it would be very difficult for any one person to keep up with the “no-knock” list. He also stated that it is also very difficult to determine which of those groups are non-profit. Howard Slinkard stated that anyone can knock on your door. He said the only thing you can control is the time. He stated that the “no-knock list is voluntary. He stated that you can post “No Trespassing” signs where they can be seen which can create violations. He stated that you cannot prevent anyone from soliciting. He said that it is a Freedom of Speech issue. He said that you should have some reasonable regulations, such as permits and name badges, so you know who is in your city. Mayor Griffith stated that we do issue permits when they come to City Hall. She said that most of the solicitors don’t come to City Hall. Howard stated that that is when the homeowner should call the police and file a complaint. He said the solicitors would most likely be out of the area by the time the police arrived. Mayor Griffith stated that there is no way for the City to know if solicitors are present unless citizens file a complaint. Brandi stated that she feels that there is a need for this change. Dax Carpenter stated that he understood how the “no-knock” list works and that the citizens will need to learn to call the authorities and not a neighbor if there is going to be a change.

(11) **Bid Acceptance for 577 Main Street** - Robert Coffelt addressed the council and stated that there were 4 bids received on the razing of 577 Main Street. He stated that he thought there might have been a misunderstanding about the bid bond that was his fault. He said that it should have been for what the bids were. He said this was the first one he has done and that he learned something. He said that he had 2 recommendations for the mayor. 1) Have the Street Department do some of the work and offset some of the costs. 2) Throw out the bids and re-bid the project. Mayor Griffith said that she thought the best option was to throw

out the bids and have the Street Department work under the supervision of Robert to do some of the work and lessen the expense and possibly look at it again later if needed to re-bid what work is left. Mayor Griffith asked Howard if there should be a motion and a vote and he said yes. Tommy Laird made that motion with a 2nd from Randy Thomas. All members present voted in favor and the motion carried.

(12) **Tim Graham - Requests 3 More Building Permits-** Tim Graham addressed the council and stated that he would like to request 3 more building permits for the Willow Crossing subdivision. He said that he hoped to be bringing the final plat to the Planning Commission next month. He said they were just waiting for American Electric Power to get back with them on an encroachment agreement and easement abatement. He said that he and Lorene were working on verbiage for an agreement dealing with downstream effects over a period of time. He stated that the maintenance bond would be in effect at the time of final plat approval. He said he received approval for the street lights out by Hwy.102. He said they are still having a backflow problem with drainage. Keith Higginbotham made a motion to issue 3 more building permits with a 2nd from Randy Thomas. All members present voted in favor and the motion carried.

(13) **Department Reports - Administration-** Jan stated that we were going to have the 2009 audit scheduled for the week of April 5th. **Street** - Mayor Griffith stated that Bert was out with a back problem and had nothing to report **Police** – Randy Clark and Cody Harper had nothing to report. **Planning** - Lorene Burns stated that F.E.M.A. is paying for the aerial photos related to the flood study. She also stated that the Planning Commission is taking lots of calls in relation to the flood plain. She stated that the LOMR is still being reviewed. She said she is getting a lot of calls in regard to lot splits and land use. She said that she has spent a month and a half or two months on streets and sidewalks and that the commission only approved a couple of sections of street changes and so there is no sidewalk criteria at this time. She said that she is going to start working on subdivision regulations. **Fire** - Jeff Coffelt stated that the department has had 106 runs so far this year. He said that we were lucky on the early brush fire season that we just had to assist some other departments. He said that we had 15 controlled burns going on during the 2 days that they were assisting the other departments with wildfires. He said the guys have started planning early for Centerton Day. He said they entered into an agreement with Beef O’Brady’s for the concession stand and that we will hopefully make at least as much if not more than last year. He said it will be their menu and we will add hot dogs. He said all we have to do is put up their sign and supply the drinks. He said they are also going to raffle off a Henry .22 rifle this year. He hopes that it could bring in around \$4000.00. Another idea they are looking at is an off-site carnival. He said he is waiting on the numbers to come back on it. He said they have also looked into the liability involved. Jeff said it either will or will not appear. The last thing they are looking at is having a major band perform. He said they have done a lot of research and have come to the knowledge that it is about \$8000.00 minimum to book a major band. Keith asked if there would be added costs and Jeff said yes. Jeff said that he

wasn't sure that we could make it happen this year, but maybe next year and even have somebody help pay for the band by then. He said that he does have a band booked for this year's festival. Randy said that he thought that we should look at next year with the budget being so tight this year. Jeff Coffelt stated the Fire dept. is looking at land on Hwy. 72, north of town, next to Herbaugh rd. He said that it is a good piece of property. He said that it would be \$90,000.00 for 1.5 acres, which is about \$1.38 per s/f. He asked the council to allow the mayor to represent the city and work with real estate agents to look at land value and possibly enter into negotiations for land. Keith Higginbotham made that motion with a 2nd from Kathy Huber. All members voted in favor and the motion carried. **Water** - Jeff stated that last Wednesday, the Two-ton made a tie-in to the giant water tower. Jeff said he assisted in that. He said they cut the 36" main in two and put a "T" in it. He said that there has been an increase in pressure in our system for the last 6 weeks. He said that the Two-ton has had some issues keeping water to us. He said today the two-ton wasn't pumping at all and that on Saturday they turned their pumps up really high and overflowed a couple of water towers. He said we received some extra water on Hwy 72 and in the fields behind Keller rd. He said that our computer program reads pump to tower and not system pressure. He said once the giant tower is full we won't have those issues. Jeff said they have received approval from the State to purchase the land in the Highfill service area in our city to complete the service loop in that area. He said he met with the meter representatives in regard to the drive-by reading issues and our fix idea is what was agreed upon. They will be putting the strips on the meters. **Parks & Rec** - Todd Wright addressed the council and went through the minutes from the last meeting in regard to the Centerton Veteran's Memorial Park.

- (14) **Announcements** - Mayor Griffith pointed out to the council that the February, 2010 Permits and Fire and Street transactions were in their packets. She stated that we were pushing 30 permits. She also reminded everyone that there was an opening on the Planning Commission and that we are taking applications until March 31st, 2010. She said they do not have to live in our city limits but they do have to live in our planning area.

There was no other business and Kathy Huber 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