

**CITY OF CENTERTON
CITY COUNCIL MEETING
MAY 11, 2010**

The city council was called to order by Mayor Bobbie Griffith. The Pledge of Allegiance was recited and the prayer was offered by Tommy Laird. Those present and answering roll call were Mayor Bobbie Griffith, Kathy Huber, Keith Higginbotham, Patricia Thornhill, Josie Reed, Tommy Laird and Randy Thomas. Those present and not answering role call were Jan Dolan, Todd Wright, Brian Rabal, Howard Slinkard, Andrew Huntsinger, Lorene Burns, Lance Johnson, Bert Johnson and Jeff Coffelt. Robert Coffelt was absent. Mayor Griffith introduced Jessica Johnson, who was visiting for a school project, as “Mayor in training”.

- (1) **Council Minutes** - Patricia Thornhill made a motion to adopt the minutes from the April 13, 2010 council meeting with a 2nd from Kathy Huber. All members present voted in favor and the motion carried.

- (2) **Planning and Water & Sewer Minutes** - Kathy Huber made a motion to acknowledge receipt of the March 23rd and April 6th, 2010 planning minutes and the March Water & Sewer minutes with a 2nd from Tommy Laird. All members present voted in favor and the motion carried.

- (3) **City and Court Financials** - Kathy Huber made a motion to accept the April, 2010 City and Court financials with a 2nd from Keith Higginbotham. All members voted in favor and the motion carried.

- (4) **Ordinance 2010-09 - AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE; CHAPTER 6.04, ANIMAL CONTROL REGULATIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Police Chief Lance Johnson addressed the council and explained that we had a rabies clinic recently and that there were these changes being made to the current ordinance. 1) The new price to get your dog spayed or neutered will be \$5.00. 2) The city will accept three year rabies vaccinations. 3) The minimum length of a leash or chain for a confined dog should be no less than 15 feet. 4) Additional fees for impounded dogs of \$10.00 per day boarding fee prior to owner notification and \$20.00 per day after notification. Patricia asked if there would be leniency and Lance said there would be. Randy Thomas made a motion to read the ordinance by title only with a 2nd from Keith Higginbotham. All council members voted in favor and the motion carried. Andrew read the ordinance by title only. Patricia Thornhill made a motion to suspend the rule requiring the

reading of the ordinance 3 times with a 2nd from Randy Thomas. All council 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. Keith Higginbotham made a motion to adopt the emergency clause with a 2nd from Randy Thomas. All council members voted in favor and the motion carried.

(5) Ordinance 2010-10 - AN ORDINANCE AMMENDING CENTERTON MUNICIPAL CODE, TITLE 14 TO REZONE CERTAIN LANDS BELONGING TO THEODORE P. OEHLBERG AND BETTE R. OEHLBERG FROM AGRICULTURAL (A-1) TO COMMERCIAL (C-2).

Mayor Griffith addressed the council and explained that this ordinance was to rezone the property at Greenhouse Road and Hwy 102 belonging to the Oehlberg's. She stated that we thought it had been done in 1999, but that there was an improper legal description used. Keith Higginbotham made a motion to read the ordinance by title only with a 2nd from Josie Reed. All council members present 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 on 3 separate occasions with a 2nd from Randy Thomas. All council members voted in favor and the motion carried. Kathy Huber made a motion to adopt ordinance with a 2nd from Josie Reed. All members voted in favor and the motion carried.

(6) Waive permit Fees for Habitat House To Be Built at 311 W. 2nd in Centerton
- Debbie Wieneke addressed the council and gave a description of the Habitat House to be built in Centerton on B Street as a 1009 square foot, 2 Bedroom home and presented them with a calendar giving a schedule of the construction.

(7) Tim Graham- Requests 3 More Building Permits - Tim Graham addressed the council and gave an update on the subdivision. He said that the house currently existing in right-of-way would be taken down. He stated that the homeowner was given notice on April 20th, 2010 and that she will be out by May 20th, 2010. He stated that he would like to request 3 more building permits for the Willow Crossing subdivision. Randy asked Lorene if there were any concerns from the Planning Commission. Tim stated that the equipment was in place to begin work again on the detention pond and that there was some concern from the property owner to the south on how many trees were going to be taken down. He stated that there were a lot of trees and that they would probably red flag some to come down and that they wanted to keep the amount taken down to a minimum. Patricia asked about the detention pond and Tim stated that he thought the work should be completed in the next 20-30 days. He stated that there will be a 2 year commitment to the pond added at the time of re-plat. Patricia Thornhill made a

motion to issue only 3 more building permits with a 2nd from Randy Thomas. All council members present voted in favor and the motion carried.

(8) Tree City Plaque - Mayor Griffith stated that after several years of working on it, we have become a Tree City. She stated that we received a plaque and 2 nice signs to go on either ends of the city. Jessica Johnson held up the plaque. Mayor Griffith thanked all of those involved in the process, namely Lorene and Bert.

(9) Department Reports – Street - Bert stated that it is mowing season. **Police** - Lance stated that Cody has 1 week of training left for Crime Scene Tech certification, with Graduation on June 24th, 2010 and that T.J. was half way done at the Academy and his Graduation is June 18th, 2010. He stated that Nick hit a deer and that he was okay and the car was going to be repaired. **Court** - Lance stated that Elizabeth had her baby and is back to 4 days a week. He stated that Sherrie became certified as a Court Clerk in April. **Animal Control** - Lance stated that they just ordered 12x20 screens from the donation account for shade for the dogs and that the hardware will be donated as well. **Planning** - Lorene stated that she has had a lot of lot split issues to deal with and that she is the new Treasurer for the Flood Plain Board. **Fire** - Jeff Coffelt stated that they are at 195 fire runs for the year which is about 48 per month. He said that is about normal. He said that he has filed 2 lot splits for the properties we close on Thursday. He said there are 3 properties; one 3½ acre tract on Hwy 102 for the Fire Department and a 1 ½ acre tract and a 2 ½ acre tract on Hwy 72 for the Street Department. He said that the city will own those on Thursday. He said he won't have engineering done by the next planning meeting, but that he might request to put the building bids out before then. He said that would put us into July to start construction. He said the Fire station will be done in 30 days. He stated that he hoped there would be enough funds left to get a tanker for the new sub-station and to take the current tanker out there as well. He said the interior of town can be taken care of with the hydrants we have. He said maybe we will even have enough funds to buy a new rescue unit as well. He said that truck #614 will be repaired in about 2 weeks and that #651 went in today for an alternator. He reminded everyone that Centerton Day is coming. He introduced 3 new firemen to the council; Jacob Davis, Cody Smith and Dakota Smith. **Water** - Jeff Coffelt stated that they are still in the process of beginning the tie-in with the Highfill section. He reminded everyone of the sewer rate increase upcoming in June and again in 6 months. He stated that they have not given up looking for options for the city for more affordable sewer treatment. He stated that they did not want to lose customer base due to the sewer rates. He stated that our water is very affordable but that our sewer rates are going to go out of site. He said we can make it cheaper by trying to take care of it ourselves. He told the council members to feel free to call and ask questions so that they can better serve and answer the questions of the citizens. He recommended contacting your Congressman about the issue. He stated that he is still waiting on a response from ADEQ to be able to move to a public hearing to again look at having our own sewage treatment plant. He said our only option at

this point is to stay with Bentonville. He stated that Bentonville does go to NACA, that NACA is not complete and is not operational. He said the numbers that have been given to them is kind of like a ghost. He said that you won't know until you operate the plant. He said that you always put operation expense at a dollar amount that is higher than you expect, so that you can work with it. He stated that some people out there believe that this plan was put at a level that was not affordable to begin with. He said that they have been doing a lot of dynamiting and a whole lot of rock hammering around Shell road. He said that is the NACA sewer line. He said that the longer they are there; the longer that "rock" clause is evoked into their contract. He stated that they were on track up until 4 months ago. He said that probably today they are going to hit the 70-some million dollars total for the plant build and the lines. He stated that right now there are 2 cities paying for that; Bentonville and Tontitown, and we are tied in with Bentonville, so that is why we are having the rate increases. He said that right now we send 450,000-500,000 gallons of sewer a day to Bentonville. He said that the contract that they want us to sign is for 800,000-1,000,000 gallons a day. He said that they needed that much to guarantee to pay the note for the bond. He said they are looking for any options from the council for money or grants to help turn our sewer to the south or we need to look at building our own treatment plant.

Administration - Jan Dolan stated that she had turned in her resignation to Mayor Griffith effective, July 2nd, 2010. The council expressed their appreciation for Jan. Keith Higginbotham made a motion to accept the resignation of Jan Dolan, Office Manager, with a 2nd from Kathy Huber. All members of the council voted in favor and the motion carried. **Personnel** - Randy Thomas addressed Fire Chief Jeff Coffelt and stated that as head of the Personnel Committee, it has come to his attention in the last couple of days that a lot of people are not real happy with his Fire Department. Randy said that it is nothing against Jeff, but that it is supposed to be brought up tonight about the position of a part-time paid Fire Chief. He said that it has also come to his attention that he was supposed to have talked to Jeff about this in the last couple of days, but he has not talked to him in the last two months about anything. Randy stated that if we have to move on with somebody else, he was cool with it; he did not care. Randy said that he did not want to have to cover this again, let's talk about it, everybody. He said let's get all of our baggage out tonight, and that he did not care. Jeff said please do. Randy said that Jeff has the job at the end of tonight or he doesn't, I don't care. Randy stated that he would not sit here and be told that he told Jeff things that he didn't. Randy said that he is here for Centerton and that if anyone does not like it, he does not care. Jeff said that he appreciated that. He said that he warned every council member that was here when we bought the land about this exact thing. He stated that he discusses with his firemen at every meeting that they are volunteers and that he is a volunteer. He said that he is also an employee of the city as he works for Water & Sewer . He said that this has nothing to do with him, who he is, but it does have to do with the position he holds. He stated this is discussed between himself and his Commission every year at his evaluation about if there is an issue between what he does for the Fire Department and what he does for the Water Department. He stated that there has never been an issue with them. He

asked that if there was any council member that had heard any different to please speak up because he had an evaluation coming up. Jeff said the only problem he has is working too long and too hard for this city. He stated that he does not have a problem with it. He said that he is a volunteer fireman and a Fire Chief because he wants to be. He stated that he also take a lot of crap and has for many years and that he takes it from many people he shouldn't have to. He stated that he went to jail for this city one time and has always turned the other cheek. He said that he gives his people many chances and that is a downfall of being a volunteer Fire Chief. He said that his firemen need to remember that they are volunteers and that if they have a problem, they need to come and talk about what can be done to fix it. He said that he does not like to remove people from the Fire Department, but that he has a list that he has created in the last 6 months that, if he is still the Fire Chief after tonight, will leave. He said that his issue with them is that they have forgotten that they are there for the city. He stated they are not there for their brother, uncle, father-in-law, etc., they are there for the city. He said they need to put their outside influences in their back pocket and do their job as a fireman. He stated that he could talk for 2 hours about what fireman do. Jeff stated that he didn't mind stating right now that one of the problems he currently has is with the former Fire Chief and that he was an employee of the city, and that it is Jimmy Thompson. Jeff said that Jimmy was upset. He said that he told the council at the last meeting that the only reason that he brought another piece of property up to them was because he was approached by Mr. Thompson and the Thompson Family to buy the land at the corner of Shady Acres and Tycoon. Jeff said that before he brought that to the council, it was at a reduced price, which was the exact same amount that he had brought to the council that he thought we could buy the Farrar property of Hwy 72, which was \$35,000 per acre. Jeff said that he thought that was still too high for that location. He said he is the type of person who does his homework. He said you call ISO and ask them to locate 2 substations; they pull them up on a map and pick the spots for you. When you ask them what's wrong with this location or that location and they tell you it is already covered by the main station, there is no need to bring that location before council. Jeff stated that he felt that was part of his job to do the homework. He said he talked to Howard about a year and a half ago and told him he was in a catch 22 with a piece of property that belonged to a relative. He said Howard said that if he could prove that it is needed in its exact location, then by all means, cost is an issue, but sometimes you have to pay whatever it takes to get it. He said that is when he brought it to council and it was still way too high. He said it turns out it was not the spot. Jeff stated that after that council meeting, the former Fire Chief got very upset and decided that Jeff was wrong and made comments to people on his Fire Department. He said that Jimmy is also president of the County Fire Association, so part of what goes on is that there is a fear put down on people and that is a part of county politics. Jeff stated that he didn't care about that. He said that we run a city fire department with a county area and we have to take care of everything we take care of and so, although Jimmy is the president of the County Fire Board, that does not hold any bearing with him taking care of this Fire Department. Jeff stated that he guessed that it had been put out pretty heavy

and directly to at least one of the councilmen that he was going to bring out Jeff's lies to the city. Jeff said that he knew that Jimmy had at least attempted to contact several of the council members to tell them that Jeff lies and that he doesn't know what he is doing. Jeff said that ISO was in Gentry the next week and that Jimmy was going to visit with them and straighten this out. Jeff stated that since then it has been hell in his fire department and that it shouldn't be. He said that it shouldn't come from a former fire chief and that it shouldn't come from somebody who is looking more about his own land. Jeff stated that he wasn't worried about giving anybody any money; he was more worried about taking care of this city and the future of this fire department. Jeff said it was also a big deal because they offered \$35,000.00. He said that we ended up paying \$17,500.00 and that it was not as expensive as \$35,000.00 on a highway that didn't have sewer. He said that he talked to a couple of people in the business that said that it wasn't out of the realm. He said that now, his uncle is buying some land next to the guy for \$5200.00/acre and now that is an issue because he is getting his for less than the city, so Jeff has obviously led the city astray. Randy asked how many acres his uncle is buying and he said 20. Randy stated that there is a big difference between buying 20 acres and buy 2 or 3. Jeff stated that he had previously brought up another property just south of there that was asking \$100,000.00/bone bottom \$75,000.00. Jeff stated that the Thompson land was told to him as \$35,000.00/take no less. Jeff said that he has done a few land deals in his life and that he knows what no less and bottom dollar means and what it means when somebody says they will take less right off the bat. He said that he has a problem with having to stand before the council tonight and let them know he has a problem in his fire department because of all of this. He said that he needs to know that unless the council is dissatisfied with him why they would let him buy land for the city if they didn't feel that he knew what he was doing. He said that he is very proud of what he does and that the council needs to be proud of what their city does. He stated that he has 2 employees in the field and 2 in his office. He said that he expects them to be human beings, he expects them to do their jobs and he expects them to not go behind other people's backs and do things they shouldn't do. He reminded the council that he has a public administration degree and that he does know how to run any department in the city and especially a volunteer fire department. He said that if the council feels that they need to spend money to better take care of the fire department, then look at maybe putting somebody in a truck that can go to a fire when they are short staffed. He said that ISO will let you know when you have to staff your fire department because you can't take care of your city. He said that right now we do not have an issue. He said that going part-time can grow a large department. He said he does not feel that the best money spent is for a part-time fire chief. He stated that he is our Fire Marshall, our Fire Inspector and our other Building Inspector and that he takes a lot of classes and has a lot of certifications. He stated that if they did not want, to raise there hands and he would leave. Randy Thomas asked if anyone had anything to say. Keith Higginbotham stated that we met as a Personnel Committee a while back and discussed the amount of hours involved and that we would not have anyone as Department Head over more than one

department. He stated that we never acted upon it at that time. Jeff stated that he is the Fire Chief and that he works for the Water and Sewer Department which is its own entity. Howard said that is true. Randy stated that he does not sit at City Hall and talk back and forth all week, he has a job. He stated that to hear it had come up without his knowledge to bring this up again tonight is ridiculous. He said if we are going to do something, do it quick and do it now, get it over with and don't hide behind anyone. He said that if Jeff is not doing his job, get him out. He said he didn't want another phone call on his cell phone at night about this subject. He said he is sick of it. He said either Jeff walks out of here as Fire Chief tonight or he doesn't, it just better not be brought up again next month or the month after that. He said he did not care who was married to who, who is kin to who or whose family is who. He said that crap has been going on for 25, 30, 45 or 50 years and better stop tonight. Tommy Laird asked if anything different came up about Jeff that it would already be done and Randy said absolutely not. He said if Jeff does something stupid next week, he is gone. Randy asked Jeff if he was qualified to be Fire Chief for the City of Centerton and he replied yes. Randy asked the mayor and she said that Jeff said he is. Jeff asked the mayor if she called Memphis to find out and she said yes. Keith said he brought this up because it was old news. Jeff asked if Personnel decided in January to hire a part-time Fire Chief. Randy said he did not know anything about it. Keith said Jeff was present when it was read into the city council minutes. Jeff asked Jan for a copy of those minutes. Patricia Thornhill stated that at that Personnel meeting, because of information that was brought up, it was discussed that 1) The Fire Chief should be certified or qualified for that position. 2) That the job description be in accordance with other fire departments in our area. She said that we wanted to get this done so that either Jeff has the opportunity to meet those qualifications or open it up for a part-time Fire Chief position to be initiated. Patricia stated that we need to move forward with those ideas discussed. Jeff pointed out that the city pays him nothing to be Fire Chief other than for fire runs and stated that in the state of Arkansas that there are different qualifications when you become a paid full-time Fire Chief. He said that the State has already been asked this by the former Fire Chief and his Assistant Chief. He said that the council should not be bamboozled into thinking that we need a part-time Fire Chief, it's because somebody is not happy with me. He said that he will not be politically controlled. He said he's tired of it all and wants it to end tonight. He said if Personnel and Council had nothing better to do than to sit around and discuss spending \$8,000.00-\$10,000.00 on a part-time Fire Chief, then to have an election. He said there are other things that the money can be spent on. Jeff stated that they crunched numbers to make a budget and that there were things that they need that \$10,000 could go a long way to getting. He said if you pick a part-time Fire Chief, you will get one of two things; a retired fireman who is drawing a pension from somebody else or already on a pension from us, or he is a full-time fireman for somebody else, which means you are secondary to him. Jeff said that we are first for him. He said that he does work for the Water & Sewer Commission. They do not have a problem at this time, and when they do, he will have to address that with them and the city. He stated that as long as he is able to do both and the city gets served, he is okay. Jeff

stated that there are a lot of things the city wants to have and do and \$10,000.00 can go a long way with parks, streets, etc. Jeff stated that he has a problem and needs the councils help fixing it. Kathy Huber made a motion that Jeff Coffelt be retained as Fire Chief for the City of Centerton with a 2nd from Patricia Thornhill. All council members voted in favor and the motion carried. Jeff stated that if we ever decide to make a change, go to a full-time Chief, not a part-time one. Police Chief Lance Johnson addressed the council and reminded them that he runs two departments and oversees a third with Police, Animal Control and City Court, so if they pass any city policies, be prepared to hire someone for Animal Control and City Court.

(10) Announcements - Mayor Griffith pointed out to the council that the April, 2010 Permits and Fire and Street transactions were in the council's packets. She also reminded everyone about the A&P Commission meeting, Wednesday, 5/19/2010 at 7:00 a.m. at City Hall.

(11) Other Business - Jon Gathright addressed the Council and stated that he was trying to move to Centerton, having a home built in the Quail Ridge subdivision and that his builder had poured his driveway and sidewalk without any reinforcement or expansion joints. He stated that he called his contractor out on the quality control issue. He stated that he had gotten the city code off of the city website and that he had presented it to the builder. John read the code to the council. John stated that he felt he had a leg to stand on base on that city building code. He stated that the builder contacted the City Code Enforcement officer, Robert Coffelt and that Mr. Coffelt told the builder that he was going to take that off of the code. Mr. Gathright asked if he had the power to do that. Andrew stated that one man cannot change it; it would have to be done by Council. Andrew also stated that what is on the books is law.

Randy Thomas made a motion to adjourn the City Council meeting with a 2nd from Tommy Laird. All members present voted in favor and the motion carried.

Bobbie Griffith, Mayor

Todd Wright, City Clerk