

**CITY OF CENTERTON
CITY COUNCIL MEETING
SEPTEMBER 14, 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, Josie Reed, Keith Higginbotham and Patricia Thornhill. Tommy Laird and Randy Thomas were absent. Those present and not answering role call were Jennifer Robinson, Todd Wright, Brian Rabal, Howard Slinkard, Tiffany Burnett, Lorene Burns, Robert Coffelt and Lance Johnson. Jeff Coffelt was absent.

- (1) **Council Minutes-** Kathy Huber made a motion to adopt the minutes from the August 10, 2010 council meeting and August 13, 2010 special council meeting with a 2nd from Patricia Thornhill. All council members present voted in favor and the motion carried.
- (2) **Planning and Water & Sewer Minutes-** Keith Higginbotham made a motion to acknowledge receipt of the July 27, 2010 Planning minutes and the June 2010 Water & Sewer minutes with a 2nd from Patricia Thornhill. All council members present voted in favor and the motion carried.
- (3) **City and Court Financials-** Mayor Griffith stated that with 68% of the year gone we have received 81% of our projected revenue and our expenses were at 71%. Keith Higginbotham made a motion to accept the August, 2010 City and Court financials with a 2nd from Josie Reed. All council members present voted in favor and the motion carried.
- (4) **Timothy Graham, Jr.- Willow Crossing- Request for 3 Building Permits-** Tim Graham addressed the council and stated that they were moving along on the outstanding issues with the subdivision discussed in May and would like to request 3 more permits. He stated that the house that was to be taken down was done. He stated that it took 2 months instead of 1 week because it had to be done for free. He stated that the detention pond has finally gotten some rain and that they are going to try and reset the pumps and see if that will take care of the backflow issue. He stated that the rifferaff has been reset on the back side as well. Mayor Griffith asked if Robbie or Lorene had anything to add. Lorene stated that she was surprised that the dirt piles had not been moved during all of the dry weather we had and she recommended that we postpone giving them 3 more permits. Robert Coffelt stated that work has been moving along but that he didn't feel comfortable saying one way or the other because his department would benefit from the permits. Robert did say that they have been working very hard in the subdivision over the last month and a half. Tim suggested that if he could get the 3 permits, possibly not doing any rough-in's inspections on the 3 houses until the October meeting. Robert said he didn't want to have to continually stop work.

He also pointed out that the dirt wasn't moved the whole time the backhoe sat there. Robert said he didn't have any objection to the permits. Keith asked why we don't just wait until the October meeting to issue the permits. He also asked how much was left. Tim said that it is mainly platting issues now. Patricia pointed out that when we met in May and issued the 3 building permits we stated that there would be no more permits until the list was complete. She stated that her concern was for the citizens buying lots in that subdivision and the lack of work being done during the dry time since the last meeting. Keith stated that we previously stated that there would be no more permits until the list was done. Tim asked if he could leave the dirt for the roads on phase 2 of the subdivision. Patricia stated that she understood that the permits mean work for subcontractors but that the council has to look at it from a City perspective and what is best for the City. Patricia Thornhill made a motion to deny the request for 3 building permits and table it until the October council meeting with a 2nd from Kathy Huber. All council members present voted in favor and the motion carried.

- (5) Moving Permit- Gary and Sandy Townsend: Dwelling from 10790 to 10793 Buckhorn Flats Road-** Mayor Griffith introduced this request for a moving permit and gave details. She stated that the Planning Commission met before the Council meeting to set permit terms and approved the move. Lorene Burns stated that the Planning Commission recommended that the permit fee to be paid at an estimated \$865.50. She stated that there is a required bond for cleanup fees and the Commission recommended that half of the permit fee be in lieu of the bond. She stated that Robert has it listed as a completion deposit. She said the other fee is a \$100.00 moving permit fee. She stated that there is also a statement in the code that the Council can establish a bond for any other damages that could occur. She stated that in the past we have always accepted the mover's insurance as the bond. Sandy Townsend gave details of the move. Keith Higginbotham made a motion to approve the moving permit, accepting the wishes of the Planning Commission and also accepting the mover's insurance in lieu of a bond with a 2nd from Josie Reed. All council members present voted in favor and the motion carried.
- (6) Morgan Keegan- Bond Council-** Mayor Griffith introduced Michael Lindsey from Morgan Keegan and stated that he was here to explain how we were going to fund our portion of the next phase of the widening of Highway 102. Mr. Lindsey presented the council with a packet containing the details of how Morgan Keegan feels the City of Centerton can fund the full \$2,000,000.00 that it committed to contribute to the project. Mr. Lindsey went through the packet page by page with the council. Mr. Lindsey stated that he spoke to the Highway Department and that they said they were going to begin with appraisals for right-of-way acquisition, followed by the moving of utilities and construction of the road shortly thereafter. He stated that with the low interest rates it is a great time to borrow money and a bad time to invest it. He stated that it was his recommendation tonight that we look at refinancing the existing 2006 Bond Issue and sell a new Bond Issue to make that payment level, in essence extending the

2006 Bond Issue to where it matches the terms on the new Bond Issue, giving us 2 sources and uses for this Bond that should get us to the full \$2,000,000.00. Michael pointed out that the last page of the packet gave a Financing schedule where we pass the bond issue tonight, the sale of the Bond Issue would be in October and come back to the council in October with the results of that sale and hopefully have the \$2,000,000.00 in November to start funding the project. Keith Higginbotham asked what the exiting Bond Issue was at and Michael said probably about 4.5% and asked if we would be refinancing the whole 2006 Bond Issue and Michael said yes. Keith asked how sure he was that we could get the whole amount and Michael said he was pretty sure. He also stated that this was the only way to get this money.

- (7) **Resolution 2010-12- A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION AND USE OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE MARKETING OF THE CITY OF CENTERTON'S SALES AND USE TAX REFUNDING AND IMPROVEMENT BONDS, SERIES 2010 AND AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT; ENGAGING PROFESSIONALS FOR THAT PURPOSE; AND FOR RELATED PURPOSES.** Patricia Thornhill made a motion to read the resolution by title only with a 2nd from Kathy Huber. All council members present voted in favor and the motion carried. Howard read the resolution by title only. Kathy Huber made a motion to adopt the resolution with a 2nd from Josie Reed. All council members present voted in favor and the motion carried.
- (8) **Ordinance 2010-17- AN ORDINANCE AMENDING THE CENTERTON MUNICIPAL CODE, CHAPTER 9.02, TITLED MINIMUM DESIGN STANDARDS FOR STREETS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Mayor Griffith asked Lorene to explain the changes found in this new ordinance. Lorene explained that a public hearing was held and this ordinance didn't change a whole lot of what we have in the street codes. It just clarified some things such as backfill and the actual construction. She stated that there were also some changes in testing. She said that it was mainly rewording to make things more clear. There was a question from Fred Miller in the audience as to whether there was anything to cover compression in the code. Mayor Griffith stated that everything showed 4000 p.s.i. He also asked if there was a statement about slump testing and then he explained how a slump test was performed. Howard pointed out that most of the ordinance has not changed and that there was a Public Hearing already held. Fred asked if there was a licensed engineer on the Planning Commission and Howard stated that the consultant is a licensed engineer. Lorene stated that she would address it with the engineer. Patricia Thornhill 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. Howard read the ordinance by title only. Patricia Thornhill made a motion to suspend the rule requiring the reading of the Ordinance on 3 separate occasions with a 2nd from Keith Higginbotham. All council members present voted in favor

and the motion carried. Patricia Thornhill made a motion to adopt ordinance with a 2nd from Josie Reed. All council members present voted in favor and the motion carried. Howard read the emergency clause. Kathy Huber made a motion to adopt the emergency clause with a 2nd from Keith Higginbotham. All council members present voted in favor and the motion carried.

- (9) Ordinance 2010-18- AN ORDINANCE AMENDING THE CENTERTON MUNICIPAL CODE BY ADDING A CHAPTER TO BE NUMBERED 9.03, TITLED SIDEWALKS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Lorene addressed the council and stated that previously we had very little as far as codes pertaining to sidewalks, so they developed a chapter of its own pertaining to sidewalks. She stated that the Planning Commission recommends that they be a minimum of 5 feet wide with 2 feet of green space. She then covered details of replacement of damaged sidewalks and where sidewalks join storm drain boxes. She stated that minimum compression was set at 3000 p.s.i. and that it was discussed whether to require wire mesh in the sidewalks and it was determined that it was more important to have a good solid compacted base under the sidewalk than to have the wire. She explained that there would be inspections and testing would be performed where there are questions. Keith Higginbotham made a motion to read the ordinance by title only with a 2nd from Kathy Huber. All council members present voted in favor and the motion carried. Howard read the ordinance by title only. Kathy Huber made a motion to suspend the rule requiring the reading of the ordinance 3 times with a 2nd from Patricia Thornhill. All council members present voted in favor and the motion carried. Keith Higginbotham made a motion to adopt the ordinance with a 2nd from Kathy Huber. All council members present voted in favor and the motion carried. Howard read the emergency clause. Kathy Huber made a motion to adopt the emergency clause with a 2nd from Josie Reed. All council members present voted in favor and the motion carried.

- (10) Ordinance 2010-19- AN ORDINANCE AMENDING THE CENTERTON MUNICIPAL CODE, BY ADDING A CHAPTER TO BE NUMBERED 9.05, TITLED DRIVEWAY AND DRIVEWAY APPROACHES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Lorene addressed the council and stated the driveways and sidewalks were initially together but that some things are just specific to driveways. She stated that this ordinance starts with general requirements that had added to it, where they should be installed. She pointed out that in no case shall a driveway be installed closer than 30 feet to the beginning of the street intersection curb radius. She said that Robert worked on the width of the driveway, requiring it to be 2 feet wider than the 2 car garage that we require. She stated that there is a minimum of 10 feet wide and a maximum of ½ of the lot width. She stated that residential concrete driveways have a minimum of 4" thickness and 6" minimum for commercial driveways at 3000p.s.i. She stated that there were requirements in the section to cover requirements for extension and repair of driveways and curbs as well. Patricia Thornhill made a motion to read the ordinance by title only with

a 2nd from Kathy Huber. All council members present voted in favor and the motion carried. Howard 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 Josie Reed. All council members present voted in favor and the motion carried. Kathy Huber made a motion to adopt the ordinance with a 2nd from Patricia Thornhill. All council members present voted in favor and the motion carried. Howard read the emergency clause. Kathy Huber made a motion to adopt the emergency clause with a 2nd from Josie Reed. All council members present voted in favor and the motion carried.

- (11) **Ordinance 2010-20- AN ORDINANCE RATIFYING RATES TO BE CHARGED FOR WATER SERVICES SUPPLIED BY THE WATER AND SEWER SYSTEM OF THE CITY OF CENTERTON, ARKANSAS, AS PREVIOUSLY FIXED BY THE CENTERTON WATERWORKS AND SEWER COMMISSION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Howard Slinkard addressed the council and stated that the Water & Sewer Commission as an independent commission has the authority to adjust water rates but not sewer rates. He said that only the City Council can adjust sewer rates and that sewer rates have to have a public hearing where water rates do not. He stated that pursuant to that authority in 2008 the Commission adopted and implemented a water rate increase. He said that recently the Two-Ton has asked the cities to eat or impose a meter fee to help sure up a revenue shortage at the Water Authority. Howard said that in looking at it he discovered that there is a difference between the city code and the Commission's regulations, which are adopted by resolutions. He stated that the Commission has asked and he recommends that we ratify these rates so that they can be incorporated into the code book. He said the rates are already in effect and changes nothing. Patricia Thornhill 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. Howard read the ordinance by title only. Kathy Huber made a motion to suspend the rule requiring the reading of the ordinances 3 times with a 2nd from Josie Reed. Patricia Thornhill made a motion to adopt the resolution with a 2nd from Josie Reed. All council members present voted in favor and the motion carried. Howard read the emergency clause. Kathy Huber made a motion to adopt the emergency clause with a 2nd from Patricia Thornhill. All council members present voted in favor and the motion carried.

- (12) **Ordinance 2010-21- AN ORDINANCE AMENDING THE CENTERTON MUNICIPAL CODE , CHAPTER 11.28 ADDITIONAL BUILDING REGULATIONS FOR THE PURPOSE OF REMOVING DRIVEWAYS AND SIDEWALK REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.** Robert Coffelt addressed the council and stated that the section containing sidewalks was removed. Patricia Thornhill 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. Howard read the ordinance by title only. Kathy Huber made a motion to suspend the rule

requiring the reading of the ordinance 3 times with a 2nd from Keith Higginbotham. All council members present voted in favor and the motion carried. Patricia Thornhill made a motion to adopt the ordinance with a 2nd from Keith Higginbotham. All council members present voted in favor and the motion carried. Howard read the emergency clause. Patricia Thornhill made a motion to adopt the emergency clause with a 2nd from Josie Reed. All council members present voted in favor and the motion carried.

- (13) **Department Reports- Police-** Chief Johnson stated that all is well at the Police Department and that crime was at its usual. He said he had 2 items in the council's packets. He stated that the first item was that the Pea Ridge Police Department has hired one of our former officers. He said that we still had her custom fitted vest and the Pea Ridge Police Chief asked if they could have the vest. Lance stated that there was a statute in place that allows for exchange of property between two municipal departments with approval from the governing body. He also stated that he would ask for Pea Ridge to sign a waiver of liability before exchanging the vest releasing the city from any and all liability. Kathy Huber made a motion to allow for the exchange of the vest with the Pea Ridge Police Department with a 2nd from Josie Reed. All council members present voted in favor and the motion carried. The 2nd item Chief Johnson had involved the portable radar that Bella Vista let us borrow. He presented a page of statistics from the radar results and discussed those results with the council. Lance stated that, as of this time they have not budgeted for a mobile trailer but that he was interested in a less expensive option of the rubber traffic counters that give traffic count, speed and type of vehicle by number of axles. He said they run about \$1300.00-\$1400.00 for the rubber counters, programming and field kit. He said that the trailer we looked at a few years ago was \$7600.00. **Planning-** Lorene Burns reminded the council that she needed to respond back by tomorrow on the Imagery Project. She said that she had not heard from other cities as to whether they are contributing. She stated that our total was \$5957.00, but that we can propose whatever amount we feel we can afford in the budget. Todd asked if it was possible that we budget the full amount and the project not go through because other cities do not contribute and there is a shortfall in funding. Lorene responded that it was possible. Mayor Griffith recommended that we make a commitment to budget \$3000.00 at this time and bring it back if necessary. Keith Higginbotham made a motion to propose that we budget \$3000.00 for the Imagery Project at this time with a 2nd from Josie Reed. All council members present voted in favor and the motion carried. Lorene said that the LOMR is still being worked on and will be re-submitted tomorrow. She said they had to submit again a sample of the certified letter to F.E.M.A. of what will be sent to the properties being added to the Flood Map and that they will have to sign off on a card stating that they received it. She stated that the timeline looks like 60 days after everything is accepted. Lorene said she sent out notices to everyone about the Public Hearing on the Western Beltway and encouraged everyone to attend and give their input. She stated that a Family Dollar store will be developing at D Street and Highway 102 and that with that development will be street

improvements to D Street with a left-hand turn lane. She stated that she went to the ATA conference in Bentonville last week and the topic was “Active Transportation” relating to trails. She said it made you think about how “walkable” your community is. She mentioned the “Spine Trail” from Fayetteville to Bella Vista. She said they are putting in a Grant with all the communities and that the Walton Foundation assisted and committed \$16.1 million to the project. She said one of the other things they talked about at the conference was traffic “Round-Abouts” and she gave examples of how they work and a suggestion of the intersection at the end of D Street as a good spot for one.

- (14) **Public Comments-** Mayor Griffith asked Jimmy Thompson if he had something he wanted to say. Jimmy stated that he was looking forward to this for about 30 days, but after getting here and seeing only 4 out of 6 council people and some of the parties involved are not here, he would prefer to say these things to their faces so they know what he is talking about. He stated that the Centerton was the only city he could find where the city website does not give contact information for its leaders. He stated that he would like to be put on the agenda to speak next month. Mayor Griffith stated that the city website is under construction right now, but that the old website had cell and personal phone numbers on it. Mayor Griffith asked Fred Miller if had anything else he needed to bring before the council and he stated that he did. He said that he has been a resident of Centerton for 6 years and he has a neighbor in back of him who has a barking dog. He said that he has reported it to the Centerton Police Department several times, including last week, when he talked to Officer Sanchez. He asked the council what could be done. Chief Johnson stated that when we send an officer out on a dog barking complaint, the officer has to sit there for 15-20 minutes and if the dog is not barking continuously they can't take any action. Lance stated that Mr. Miller could file a formal complaint if he wants to take it that far and he would be the complainant to come before the court and testify. Lance stated that the Police Department could make contact with the dog's owner if they have an address. Mr. Miller stated that he had an address and gave it to Officer Sanchez. Lance said he would take the address and personally contact the owner tomorrow. He said they will also discuss it again at the next Department meeting. Todd Wright pointed out that we had discussed this situation at length in our April 2010 City Council meeting. Mr. Miller stated that he also had a complaint about a neighbor who has a utility trailer parked in front of his fenced back yard and asked if there was an ordinance or anything that could be done about it. He presented council with a photo of the trailer. Robert Coffelt stated that we do not have an ordinance on it. He said we discussed it before that a Nuisance and Abatement Committee could be formed with citizens to look at those things. Todd Wright mentioned that this was discussed at length in our February 2010 City Council meeting and that it was considered private property. Patricia Thornhill agreed. Keith Higginbotham stated that somebody could complain about the vehicle you drive and asked how far it could be taken. He also gave the example of Bella Vista and their POA. He gave examples of the strict limitations of that POA and discussed the difficulties. Robert Coffelt stated that

we could only address it if it was deemed unsafe or unsanitary. Patricia Thornhill stated that she hears that the reason a lot of people love Centerton is because we offer more basic freedoms than other communities around us. Keith Higginbotham asked Mr. Miller if he had spoken to his neighbor and he stated that he had not. Keith Recommended that maybe he should politely ask his neighbor about the trailer.

Mayor Griffith asked if there was any other business and there was not. Patricia Thornhill made a motion to adjourn with a 2nd from Kathy Huber. All members present voted in favor and the motion carried.

Bobbie Griffith, Mayor

Todd Wright, City Clerk/ Recorder