



**CITY OF CENTERTON
CITY COUNCIL MEETING
JANUARY 9, 2018**

The city council was called to order at 6:00 p.m. 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, Wayne Low, Darren Warren, Misty Elam and Robin Reed. Josie Reed was absent. Those present and not answering role call were City Clerk Todd Wright, Financial Director Pam Grant, City Attorney Brian Rabal, Street Superintendent Rick Hudson, Police Chief Cody Harper, Fire Chief Delton Bush, Planning Director Lorene Burns, Water & Sewer Superintendent Frank Holzkamper, Animal Control Supervisor Terry Sanchez and Chief Building Inspector Robert Coffelt.

Officer Blake Almond was present with the new Centerton K-9, Zorro. Almond introduced Zorro to the Council and talked about his daily routine and what experiences he has had so far.

- (1) **Council Minutes-** Robin Reed made a motion to approve the December 12th, 2017 City Council minutes, with a 2nd from Wayne Low. All council members voted in favor and the motion carried.

- (2) **Planning and Water & Sewer Minutes-** Robin Reed made a motion to acknowledge receipt of the November 21st, 2017 CWSD meeting minutes and November 28th, 2017 Planning Commission meeting minutes, with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

- (3) **City and Court Financials-** Mayor Edwards stated that 100% through the year we have received 104.83% of our budgeted Revenue. He stated that our expenditures were at 100.46%. He highlighted some of the financials for the council. Robin Reed made a motion to accept the December 2017 City and Court Financials, with a 2nd from Wayne Low. All council members voted in favor and the motion carried.

- (4) **Department Reports- Building Inspection-** Robert Coffelt's report was in the council member's Dropbox packets. **Planning-** Lorene Burns' Planning Project Status Report was in the council member's Dropbox packets. **Police-** Cody Harper's report was in the council member's Dropbox packets. **Streets / Parks & Rec-** Rick Hudson's reports were in the council member's Dropbox packets. **Fire-** Delton Bush's report was in the council member's Dropbox packets. **Water & Sewer-** Frank Holzkamper's report was in the council member's Dropbox packets. **Animal Control-** Terry Sanchez's report was in the council member's Dropbox packets.

Frank Holzkamper addressed the Council, giving an update on the Decatur Sewage Treatment Plant, Bella Vista Service Area and the Gravette Lawsuit. There was discussion.

- (5) **Ordinance 2018-01- AN ORDINANCE TO AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN THE CITY OF CENTERTON.**

Mayor Edwards addressed the Council, stating that this ordinance is to allow for the sale of alcoholic beverages for on-site consumption. He stated that we had already passed this in our code back in 2013, however the State has come out with an Act since then, requiring each city to pass an ordinance. Edwards said that he sent a copy to ABC and they said this was all we would need.

Mayor Edwards asked the Council if there were any questions. There were none.

Keith Higginbotham made a motion to read the ordinance by title only, with a 2nd from Misty Elam. All council members voted in favor and the motion carried. Brian Rabal read the ordinance by title only. Wayne Low 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 voted in favor and the motion carried. Robin Reed made a motion to adopt the ordinance with a 2nd from Wayne Low. All council members voted in favor and the motion carried.

- (6) **Ordinance 2018-02- AN ORDINANCE ACCEPTING THE FINAL SUBDIVISION PLAT OF QUAIL HOLLOW PHASE II, LOTS 42-83, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS**

Mayor Bill Edwards addressed the Council and explained the need for this ordinance to accept the Final Plat of Quail hollow Phase II.

Mayor Edwards asked the Council if there were any questions. There were none.

Keith Higginbotham made a motion to read the ordinance by title only, with a 2nd from Darren Warren. All council members voted in favor and the motion carried. Brian Rabal read the ordinance by title only. Wayne Low made a motion to suspend the rule requiring the reading of the ordinance on 3 separate occasions with a 2nd from Misty Elam. All council members voted in favor and the motion carried. Darren Warren made a motion to adopt the ordinance with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

(7) Ordinance 2018-03- AN ORDINANCE ACCEPTING 10' RIGHT-OF-WAY AND 25' UTILITY EASEMENT DEDICATION ON THE SOUTH SIDE OF CENTERTON BLVD BY BRADSHAW PROPERTIES LLC PER EASEMENT & RIGHT-OF-WAY PLAT FOR PROPERTY LOCATED IN PART OF THE NE1/4 OF THE NE1/4 OF S06-T19N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.

Mayor Bill Edwards addressed the Council and explained the need for this ordinance to accept right-of-way and easement dedication on Centerton Blvd.

Mayor Edwards asked the Council if there were any questions. There were none.

Darren Warren 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. Brian Rabal read the ordinance by title only. Wayne Low made a motion to suspend the rule requiring the reading of the ordinance on 3 separate occasions with a 2nd from Misty Elam. All council members voted in favor and the motion carried. Darren Warren made a motion to adopt the ordinance with a 2nd from Keith Higginbotham. All council members voted in favor and the motion carried.

(8) Resolution 2018-01- A RESOLUTION APPROVING AN ANIMAL SERVICES AGREEMENT BETWEEN THE CITY OF CENTERTON, ARKANSAS, AND THE CITY OF BENTONVILLE, ARKANSAS, REGARDING ANIMAL CONTROL SERVICES.

Mayor Edwards addressed the Council and explained the need for this resolution to enter into a contract between the City of Centerton and City of Bentonville for Animal Control. Edwards said he, Animal control Supervisor Terry Sanchez and City attorney Brian Rabal met with officials from Bentonville last week and came out with a 3-year contract with the City of Bentonville for Animal Control services, with Bentonville paying \$300,000.00, in a lump sum, before the facility

opens, which will pay for the expansion of our Shelter, with every dog taken by Centerton to be \$100.00. Edwards said this should be approved during the Bentonville City Council Meeting tonight, and is contingent upon that happening. Terry Sanchez said the Bentonville Police Chief came out to the Shelter today and toured the facility. There was discussion.

Mayor Edwards asked the Council if there were any questions. There were none.

Robin Reed made a motion to read the resolution by title only with a 2nd from Keith Higginbotham. All council members voted in favor and the motion carried. Brian Rabal read the resolution by title only. Wayne Low made a motion to adopt the resolution with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

(9) Discuss Right-of-Way Acquisitions, Seba and Main Streets-

Mayor Edwards addressed the Council and said that we discussed this at the last City Council Meeting. He said that Rick Hudson made a very good presentation, having spoken to all 9 property owners involved. Edwards said after the presentation the council voted to go ahead with the Condemnation process. Edwards said that Hudson has been in contact with the Arkansas Highway Department, and they would handle the condemnation, should it come to that. Mayor Edwards said he sent Hudson back to the property owners after the Council vote to Condemn, to see if anything could be worked out. Mayor Edwards said that Judy Coffelt contacted him and asked to address the City Council tonight. Edwards said that he provided the Appraisal Report to Tony Steele and Judy Coffelt. He said that Tony Steele e-mailed a response that he forwarded to the Council Members.

Judy Coffelt- 148 Seba Road- Mrs. Coffelt addressed the Council, stating that Rick Hudson had visited with her twice, and suggested that she address the Council, regarding information that she had in regard to her property value. Coffelt provided the Council with a Broker Price Opinion Letter from Real Estate Agent Ben Israel. Coffelt detailed what was in the report, stating that the Appraisal that was done on her property was not done as Commercial property, but rather as Residential Agricultural property. She said the Centerton Future Land Use Map shows the property zoned as Commercial. She said the City was offering her \$.46/sf and the Broker Price Opinion put the value of her land at \$4.50/sf. She also said that she is willing to take \$2.68/sf and believes that Tony Steele said he would accept the same. Mayor Edwards said that is true. City Clerk Todd Wright asked if an Appraiser could appraise based on “intended use” or if they are obligated to appraise the current zoning. Coffelt said the appraiser used the Market Data Approach on the appraisal. Ben Israel said that they are supposed to appraise at the Highest and Best-Use, and the best use for this property is

Commercial. City Attorney Brian Rabal said that is up to the jury. Darren Warren said the appraiser used “Comps” for his appraisal, and he used Agricultural and Residential “Comps” because the land is currently zoned for that, and not Commercial. He said a Market Value of Comparable Properties was used. Warren said the Future Land Use Map doesn’t change the Zoning or the Use. Planning Director Lorene Burns said the Future Land Use Map only shows the corner of that property as Commercial, with the rest being Residential. Israel said there are not really any Commercial “Comps” around for the appraiser to have used, except for a couple of properties on State Highway 102. Coffelt asked the council if they felt \$.46/sf was a fair value for her property. Keith Higginbotham said that a Certified Appraiser went out and appraised this property and that is what he has to go off. Wright said that after attending the last City Council Meeting and then listening to it again while typing the minutes, he felt the concern of the Council is that there is a legal appraisal, and should the council decide to pay above that price, in this case ten (10) times that amount, are we setting a precedent for the future. Judy Coffelt agreed, but wished someone had come to them before the appraisal. Melvin Coffelt said he was approached by both Mayor Edwards and Rick Hudson, prior to the appraisal, asking if he would be willing to donate the land. Rick Hudson stated that due to this being a grant with Federal Guidelines, it included 2 notebooks of steps for him to follow, and this is part of that grant process. Coffelt said that she felt they were trying to be fair with their offer, and that is why she decided to come before the Council. Robin Reed asked what the next step was. Mayor Edwards said that the last instruction the City Council gave him was to go ahead and condemn, but he did ask Rick to go back to try and negotiate. Melvin Coffelt said that he can remember 2 times in Centerton where the State gave property owners more than what the appraisal was, so you can’t say it can’t be done. Mayor Edwards said that he reached back out to the appraiser when he saw the varied value amounts on the 9 properties, and was told that it depended on the zoning and if it was developed, and to what extent. City Attorney Rabal said, thinking out loud, that our appraiser has come up with an appraisal, the 2 property owners have come back with a value, and the numbers are quite a bit different. He said it might behoove us to perhaps share this information with our appraiser to get an idea of his thoughts. Rabal said he didn’t think it would be prudent for us to throw a number out there without having some expertise behind it. Councilman Reed asked if we could table this to have our appraiser look at it. Rabal said he thought we could. Rick Hudson said the timeline is way behind and we are putting ourselves at risk of losing the federal funds for this grant. He gave some details. There was discussion. Robin Reed said she would like to send this new information back to the appraiser. Mayor Edwards said he could do that in the morning. Rick Hudson said it will put him, the contractors and the utilities in a bind. Councilman Warren told Councilman Reed that we already voted to condemn the property at the last meeting and asked if she wanted to rescind the previous vote. Councilman Wayne Low said he felt we should stay with our previous vote. Darren Warren agreed. There was discussion.

(10) Discuss City Hall Location-

Mayor Edwards addressed the Council and reminded them of the discussion about the new City hall Building at the last City Council Meeting. He said he was asked to come up with multiple concept plans with future expansion on a full scale layout of the Municipal Complex. John Wary with Morrison Shipley did the layouts and was present for questions. Three (3) concepts were presented to the Council. There was discussion.

Robin Reed made a motion to move forward with the City Hall Project at the Centerton Municipal Complex, with a 2nd from Wayne Low. All council members voted in favor and the motion carried.

(11) Purchase Truck for Street Department-

Mayor Edwards addressed the Council, asking for permission to purchase a 2018 Dodge Ram for the Street Department. He said it was a budgeted item and will take 8-12 weeks to get in.

Robin Reed made a motion to purchase a 2018 Dodge Ram 2500 4WD Crew Cab for the Street Department, with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

(12) Opioid Litigation Engagement Letter- Brian Rabal-

City Attorney Brian Rabal addressed the Council, stating that the Arkansas Municipal league contacted us because they have initiated litigation against several drug manufacturers, going after punitive damages against manufacturers and distributors. Rabal said that the AML is asking all Member Cities to participate. He said there is no cost to the cities, and the AML will handle everything. Rabal said there is no vote required by the City Council.

(13) Acknowledge Receipt of Police Policy Manual-

Mayor Edwards addressed the Council, stating that the Police Department made their Policy Manual electronic and it is in the Council's Dropbox folder.

Keith Higginbotham made a motion to acknowledge receipt of the Centerton Police Manual with a 2nd from Misty Elam. All council members voted in favor and the motion carried.

(14) Purchase BS&A Software Add-On for Planning Department-

Mayor Edwards addressed the Council, asking for approval to purchase BS&A Software for the Planning Department.

Robin Reed made a motion to purchase BSA Software for the Planning Department, with a 2nd from Wayne Low. All council members voted in favor and the motion carried.

(15) Other Business- Mayor Edwards presented the Council with a design of the 12"x15" plaque for the Police Department. There was discussion. Robin Reed asked for the Mayor to try to have the old CPD patch put on the plaque. He said he would make it happen.

(16) Announcements-

- Arkansas Municipal League starts 1/11/18 in Ft. Smith
- Coffee/Breakfast with the Mayor- 1/20/18

(17) Adjourn-

Misty Elam made a motion to adjourn at 8:00 PM with a 2nd from Darren Warren. All council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk