



**CITY OF CENTERTON
CITY COUNCIL MEETING
SEPTEMBER 16, 2021
6:00 PM**

(1) Pledge – The Pledge Allegiance was recited.

(2) Prayer – Todd Wright offered the prayer.

(3) Roll Call - Those Present and answering Roll Call were Mayor Bill Edwards, Keith Higginbotham, Darren Warren, Misty Elam, Josie Reed (via Zoom), Amy Rochette and Justin Cowgur. Those present and not answering Roll Call were City Clerk Todd Wright, City Attorney Brian Rabal, Financial Director Pam Grant (via Zoom), HR Director Jocelyn Diaz, Planning Director Lorene Burns (via Zoom), Police Chief Cody Harper, Director of Public Works Rick Hudson, Fire Chief Matt Thompson, Chief Building Inspector Robert Coffelt, and Fire Marshal Paul Higginbotham (VIA Zoom).

(4) Public Hearing – Versailles Subdivision Lot 22 Easement Vacation –

Mayor Edwards introduced the item to the Council, stating that this Public Hearing is for a 12' partial Vacation of the 25' Utility and Drainage Easements for Lot 22 of the Versailles Subdivision. He said this request was heard by the Planning Commission at their 9/07/2021 meeting, where they recommended it for approval by the City Council. He said we did receive an e-mail, after the PC meeting, from adjacent property owner Ryan Sheedy, expressing concern with noise. He said Mr. Sheedy was invited to tonight's meeting, but was not present. Edwards said the Versailles POA had no issue with the request, and there were also no issues with the utility companies.

Misty Elam made a motion to Open the Public Hearing, with a 2nd from Darren Warren. All Council Members voted in favor and the motion carried.

Property Owner Patrick Burns addressed the City Council, giving a brief overview of his request. He said he is willing to speak with Mr. Sheedy, regarding any concerns with the request.

Mayor Edwards asked if there were any public comments.

Public Comments – None

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

Keith Higginbotham made a motion to Close the Public Hearing, with a 2nd from Darren Warren. All Council Members voted in favor and the motion carried.

(5) Council Minutes –

Josie Reed made a motion to Approve the Minutes of the August 10, 2021 City Council Meeting and August 18, 2021 Special City Council Meeting, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

Planning Commission & Water & Sewer Minutes –

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the July 20, 2021, August 3, 2021 and August 17, 2021 Planning Commission Meetings; the July 20, 2021 CWSD Meeting; and the July 20, 2021 Board of Zoning Adjustments Meeting with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

(6) City and Court Financials- Mayor Edwards stated that 66.67 % through the year we have received 75.33 % of our Budgeted Revenue. He stated that our Expenditures were at 60.84 %. He detailed some of the city financials.

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

Justin Cowgur made a motion to Accept the August, 2021 City & Court Financials, with a 2nd from Justin Cowgur. All Council Members voted in favor and the motion carried.

(7) Department Reports -

The Department Reports were in the Council Packet.

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

(8) Ordinances –

Keith Higginbotham made a motion to Read Ordinances 2021-66, 2021-67 and 2021-68 and Resolutions 2021-19, 2021-23, 2021-24, 2021-25, 2021-26 and 2021-27 by Title only, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

Keith Higginbotham made a motion to Suspend the Rule Requiring the Reading on three (3) Separate Occasions for Ordinances 2021-66, 2021-67 and 2021-68, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-66 - AN ORDINANCE ACCEPTING DEDICATION OF 25' OF RIGHT-OF-WAY ALONG WEST CENTRTON BLVD, ALSO KNOWN AS STATE HIGHWAY 102 BY ROLANDO ENRIQUEZ, PER LOT COMBINATION PLAT FOR PROPERTY LOCATED IN S33-T20N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept ROW on W. Hwy 102. He said the intent is to develop a Mobile Food Truck Court in this location.

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

Brian Rabal read the Ordinance by title only. Amy Rochette made a motion to adopt the Ordinance with a 2nd from Justin Cowgur. There was a roll call. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-67 - AN ORDINANCE VACATING A PORTION OF THE NORTH TWELVE FOOT (12') OF THE TWENTY FIVE FOOT (25') REAR YARD PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE SOUTH PROPERTY LINE OF LOT 22 IN THE VERSAILLES SUBDIVISION, CITY OF CENTERTON, AS SHOWN ON PLAT RECORD BOOK 2006 PAGE 997, BENTON COUNTY, ARKANSAS; AKA 1415 LE CHESNAY DRIVE.**

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate 12' of the rear 25' Utility and Drainage Easements at 1415 Le Chesnay Drive, in the Versailles Subdivision. He said none of the utilities had any objection. He said this was heard by the Planning Commission at their 9/07/2021, where it was recommended for approval by the City Council. He said Mr. Burns was present for this evening's Public Hearing, and agreed to speak to the one adjacent property owner with noise concerns.

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

Brian Rabal read the Ordinance by title only. Justin Cowgur made a motion to adopt the Ordinance with a 2nd from Misty Elam. There was a roll call. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-68 - AN ORDINANCE ACCEPTING THE AMENDED FINAL SUBDIVISION PLAT OF THE WILLOW RIDGE SUBDIVISION, CREATING RESIDENTIAL LOTS 1-37 AND TRACT A, CITY OF CENTERTON, S03-T19N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the amended Final Plat of the Willow Ridge Subdivision, on Kimmel Road. He said this subdivision was approved at the 8/18/2021 Special City Council Meeting, but the developer realized that the curbing was not included in the Final Plat, causing the need for this amendment. Edwards provided a diagram with the included changes.

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

Brian Rabal read the Ordinance by title only. Amy Rochette made a motion to adopt the Ordinance, with a 2nd from Justin Cowgur. All Council Members voted in favor and the motion carried.

(9) Resolutions –

- **Resolution 2021-19 – CITY OF CENTERTON, BENTON COUNTY, ARKANSAS: A RESOLUTION APPROVING THE RELEASE OF THE WARRANTY DEED FOR RECORD IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, ON FEBRUARY 21, 2006, PAGE 2006-9530.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve the release of an easement deeded to the City of Centerton by Tony Steele in 2006. He said this easement is land-locking access to three (3) parcels owned by Mr. Steele. He said we are not using this property and asked Council to consider releasing it back to Mr. Steele. He said a citizen requested that it be tabled at our last meeting, thing that this easement had already been vacated. Edwards said we have researched it, and the records show that it has not been previously vacated.

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

Brian Rabal read the Resolution by title only. Keith Higginbotham made a motion to adopt the Resolution, with a 2nd from Misty Elam All Council Members voted in favor and the motion carried.

- **Resolution 2021-23 - A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF CENTERTON TO PARTNER WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE FOLLOWING PROJECT:**

(HWY 279 SOUTH–HWY 102B)

Mayor Edwards addressed the Council, stating that this Resolution is in regard to the Centeron Blvd. widening project, slated to go out to bid in September 2023. He said there will be a Public Hearing on this project later this year. He said the project calls for a 5' side-path on the south side of Hwy 102, but our Master Street Plan calls for a 10' side-path. He said we would be responsible for the extra work and ROW for the additional 5'. He said our portion is estimated not to be more than \$750,000.00. He said there is no other planned cost to the city for the widening. He said the plans are to have a round-a-bout at Blake Street and a round-a-bout at Hwy 102 and Hwy 279 South. He said the trend is going away from traffic signals.

Director of Public Works Rick Hudson said our Master Street Plan calls for 10' side-paths on both sides of Hwy 102, but we only have the funds at this time to commit to the additional 5' on the south side. He said the side-path on the north side will come with future development.

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

Brian Rabal read the Resolution by title only. Keith Higginbotham made a motion to adopt the Resolution, with a 2nd from Justin Cowgur. All Council Members voted in favor and the motion carried.

- **Resolution 2021-24 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF CENTERTON AN AGREEMENT WITH U.S. BANK EQUIPMENT FINANCE TO LEASE 6 COPIERS FOR THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve an Agreement with U.S. Bank to lease six (6) copiers to be used at the new City Administration & Court Buildings (4 copiers), as well as the Police Department (1 copier) and Fire Department (1 copier). He said they will be serviced locally by AAA Business Services. He detailed the 60-month lease as \$195/month plus copies, for all six (6) copiers. There was discussion.

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

Brian Rabal read the Resolution by title only. Justin Cowgur made a motion to adopt the Resolution, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

- **Resolution 2021-25 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT WITH SPECTRUM VOIP, PLANO TEXAS TO LEASE A PHONE SYSTEM FOR THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve an Agreement with Spectrum VoIP, out of Plano, Texas, for a Phone System for the new Administration and

Court buildings. He detailed the Lease for 20 phones/ lines, a fax line and cellular back-up (in case the phones go down), for \$539.61/month, including Installation, Service and Replacement. He said we will have Cox Communication Fiber service at the new Administration and Court buildings. He said this system is Voice-Over IP, so it will come over the internet. He said he would like to add the other Departments in the city to this system in the future. He said the Court Building will have a separate phone number. There was discussion.

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

Brian Rabal read the Resolution by title only. Amy Rochette made a motion to adopt the Resolution, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

- **Resolution 2021-26 - A RESOLUTION AMENDING THE EMPLOYEE POLICY HANDBOOK OF THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to amend the Employee Policy Handbook for the City of Centerton.

HR Director Jocelyn Diaz addressed the Council, detailing revisions and additions to our Employee Policy Handbook. She detailed the following items:

- **Administrative Leave**
- **Vacation Time Upon Termination**
- **Clothing Provided by Employer**
- **Comp Time**
- **Donation of Sick Time**
- **Dress Code**
- **Educational Incentive Pay (Council asked for further information before approval)**
- **Eligibility for Rehire**
- **Maintenance of Benefits**
- **National Guard & Reserves**
- **Juneteenth- Federal Holiday**
- **Overtime- Uniformed Employees**
- **Overtime- Non-Uniformed Employees**
- **Performance Evaluations**
- **Probationary Period**
- **Employee Reference Policy**
- **Sick Leave**
- **Tattoo's & Piercings**
- **Unpaid Personal Leave**

There was detailed discussion on each of these items. The Council asked that more information be gathered regarding Educational Incentive Pay, before any approval. Justin Cowgur said this was a good baseline for us.

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

Keith Higginbotham made a motion to read the Resolution, by title only, as presented; adding the Holiday Schedule, effective 1/01/2022 and excluding the Educational Incentive Pay, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

Brian Rabal read the Resolution by title only. Amy Rochette made a motion to adopt the Resolution, with a 2nd from Justin Cowgur. All Council Members voted in favor and the motion carried.

- **Resolution 2021-27 - A RESOLUTION AUTHORIZING THE RATE OF PROPERTY TAX FOR THE CITY OF CENTERTON FOR THE YEAR 2021 TO BE COLLECTED IN 2022.**

Mayor Edwards addressed the Council, stating that this Resolution is to authorize the rate of Property Tax for the year 2021 to be collected in 2022. He detailed the resolution and said there are no changes in the current rates.

Misty Elam questioned the statement of “Centerton Volunteer Fire Department”, as we currently have a full-time Fire Department.

Mayor Edwards said he would reach out to the County Clerk, to see if it needed to be changed.

Council agreed to support the language recommended by the County Clerk.

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

Brian Rabal read the Resolution by title only. Darren Warren made a motion to adopt the Resolution, with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

(10) Arkansas Municipal League Certified Elected Official and Employee Program –

Mayor Edwards addressed the Council, detailing the available AML Certified Elected Official and Employee Program. There was discussion

Mayor Edwards asked if there were any other questions. There were none.

(11) Schedule Budget Work Session – October 21, 2021 @ 6:00 PM –

Mayor Edwards addressed the Council, asking them to consider holding a Budget Work Session on October 21, 2021 @ 6:00 PM.

Council agreed to hold the 2022 City Budget Meeting on 10/21/2021 @ 6:00 PM.

(12) Title 14 Phase 2 Public Hearing – September 21, 2021 @ 6:00 PM –

Mayor Edwards addressed the Council, stating that a Public Hearing will be held at the Planning Commission Meeting on 9/21/2021 @ 6:00 PM, for Title 14 Phase 2.

(13) Public Comments – None

(14) Other Business –

- **Comprehensive Salary Survey** – Council Member Darren Warren recommended that we do a Comprehensive Study on Salaries for our City Employees. Mayor Edwards said he has the most recent study and will share it with the Council. Council agreed to review that study and decide whether more information needs to be gathered. Mayor Edwards said he would also reach out to Jorgenson (sp?) regarding the cost of a new detailed study. There was discussion.
- **Centerton Day** – Follow-Up Update given by Mayor Edwards.
- **Personnel Committee** – Council Member Amy Rochette asked for clarification about the role of the Personnel Committee. Mayor Edwards said it has mainly been used in helping to set Personnel Policies in the past, but it is not currently an active committee. He said we have talked about dissolving it. There was lengthy discussion about other committees (Tree Board, Parks & Recreation, A&P), with their function and frequency of meetings. Amy Rochette and Misty Elam spoke about trying to find any existing by-laws and re-activating the Personnel Committee. **There was no action taken by Council.**

(15) Announcements -

- **9/18/2021 – Coffee with the Mayor @ 9:00 am**
- **9/21/2021 – Planning Commission Meeting @ 6:00 pm**
- **10/05/2021 - Planning Commission Meeting @ 6:00 pm**
- **10/12/2021 – City Council Meeting @ 6:00 pm (Date change)**

(16) Adjourn -

Keith Higginbotham made a motion to Adjourn at 8:43 pm with a 2nd from Justin Cowgur. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk