



**CITY OF CENTERTON
CITY COUNCIL MEETING
DECEMBER 14, 2021
6:00 PM**

(1) **Pledge** – The Pledge Allegiance was recited.

(2) **Prayer** – Keith Higginbotham offered the prayer.

(3) **Roll Call** - Those Present and answering Roll Call were Mayor Bill Edwards, Keith Higginbotham, Darren Warren, Josie Reed, Justin Cowgur (via Zoom), Misty Elam and Amy Rochette. Those present and not answering Roll Call were City Clerk Todd Wright, City Attorney Brian Rabal, Financial Director Pam Grant, HR Director Jocelyn Diaz, Senior Planner Dianne Morrison Lloyd, Police Chief Cody Harper, Police Captain Chris Kelley, Fire Chief Matt Thompson, Director of Public Works Lance Johnson, Chief Building Inspector Robert Coffelt, Animal Control Director Cody Wilson and Centerton Utilities Director Frank Holzkamper (via Zoom).

(4) **Public Hearing – Utility and Drainage Easement Vacation, Lot 67 Tamarron Subdivision -**

Mayor Edwards addressed the Council, stating that this is a Public Hearing for a UE/DE Vacation Request for 15’ of the 25’ rear-yard Utility Easement for Lot 67 in the Tamarron Subdivision. He said we have approved other similar Vacation Requests in this subdivision.

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

Public Comments - None

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

(5) **Council Minutes** –

Josie Reed made a motion to Approve the Minutes of the November 1, 2021 and November 8, 2021 City Council Meetings, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

CWSD and Planning Commission Minutes –

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the October 21, 2021 CWSD Meeting, and the November 2, 2021 and November 16, 2021 Planning Commission Meetings, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

- (6) City and Court Financials-** Mayor Edwards stated that 91.67 % through the year we have received 106.73 % of our Budgeted Revenue. He stated that our Expenditures were at 91.87 %. He detailed some of the financials. He said the Court Report was contained in the Council packets.

Mayor Edwards asked the Council if there were any questions.

Amy Rochette asked for clarification of Miscellaneous Expenses in the Budget. Financial Director Pam Grant gave examples of unexpected items that cannot easily be categorized in the system. Rochette stated that each department appears to have a small miscellaneous amount in their budget, but have exceeded that budget. City Clerk Todd Wright stated that Legislative Audit has been very helpful to the city in finding homes for some of the Miscellaneous Expense Items in the budget, when they are here each year.

Keith Higginbotham made a motion to Accept the November, 2021 City & Court Financials, with a 2nd from Josie Reed. 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) FOIA Training Provided by the Arkansas Municipal League – Lanny Richmond –

Lanny Richmond, Attorney with the AML gave a presentation on FOIA for the Council via Zoom. He covered topics such as:

- **New Acts**
- **Transparency**
- **Reasonable Access**

- **Reasonable Timing / Communication**
- **Public Documents**
- **Open Meetings**
- **Executive Session**
- **E-mail Policy**
- **Phone Records**
- **Personnel Records**
- **Photographing Records**
- **Attorney Fees**
- **Body Cam Footage**
- **Fees & Charges**
- **Exceptions**

Council asked for a copy of the Zoom presentation. Richmond agreed to e-mail it to Council.

(9) Ordinances –

Keith Higginbotham made a motion to Read Ordinances 2021-76, 2021-77, 2021-78, 2021-79, 2021-80, 2021-81, 2021-82, 2021-83, 2021-84, 2021-85, 2021-86 and 2021-87 and Resolutions 2021-31, 2021-32 and 2021-33 by Title only, with a 2nd from Josie Reed. 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 2021-76, 2021-77, 2021-78, 2021-79, 2021-80, 2021-81, 2021-82, 2021-83, 2021-84, 2021-85, 2021-86 and 2021-87, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-76 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO SILVER DREAMS LLC, FROM AGRICULTURE (A-1) TO MEDIUM-HIGH DENSITY RESIDENTIAL TWO-FAMILY DWELLING (DUPLEX)(R3-D)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone 10 acres on Brookside Road and S. Main Street, from A-1 to R3-D. He said it was heard at the 11/16/2021 Planning Commission and it was recommended for approval by the City Council. He said there was one public comment with concern with drainage and communication with the City of Bentonville (adjacent). Mayor Edwards stated that Bentonville is notified about any adjacent developments, and drainage is addressed with the development. A map including the property was provided.

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

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

- **Ordinance 2021-77 - AN ORDINANCE REPEALING CENTERTON MUNICIPAL CODE, SECTION 7.12.01 TITLED “CONCEALED WEAPON”.**

Mayor Edwards addressed the Council, stating that this Ordinance is to repeal our Concealed Weapon Municipal Code, Section 7.12.01. He stated that the Ordinance is outdated and not necessary, as State Statute supersedes it.

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

Brian Rabal read the Ordinance by title only. Josie Reed 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 2021-78 - AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, SECTION 13.04.05 TITLED “COMPENSATION”, FIXING THE SALARY FOR MEMBERS OF THE PLANNING COMMISSION.**

Mayor Edwards addressed the Council, asking for their approval to increase the salary of the Planning Commissioners to \$200.00 per meeting, Chairman to \$250.00 per meeting, and the Appointed Planning Recorder to \$200.00 per Meeting and \$150.00 for preparation of the Minutes. He said their existing salaries have remained unchanged since 2017.

Misty Elam recommended waiting until the Salary Study comes back and looking at the Budget again. Council agreed.

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

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

- **Ordinance 2021-79 - AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, SECTION 2.16.03 FIXING THE SALARY FOR THE CITY CLERK.**

Mayor Edwards addressed the Council, stating that this Ordinance is to set the salary of the City Clerk, and is heard annually.

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

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

- **Ordinance 2021-80 - AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, SECTION 2.12.04 FIXING THE SALARY FOR CITY COUNCIL.**

Mayor Edwards addressed the Council, asking for their approval to increase the salary of the Council Members to \$400.00 for attendance of each regularly scheduled meeting, and \$150.00 for attendance of Special City Council Meetings.

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

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

- **Ordinance 2021-81 - AN ORDINANCE TO ENACT LOCAL DEVELOPMENT WATER AND WASTEWATER IMPACT FEES; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to enact Capacity Fees for developments in the city. He said Centerton Utilities did make a presentation before the City Council in October, 2021, and a Public Hearing was held on 11/09/2021.

Robert Anderson with the Water & Sewer Commission addressed the Council, stating that there will be no impact to Residential Rates with these fees. He said part of the fee change has to do with the size of the meter going up. He said there is also a continuing development cost factor in the fee increases. He said the new fees go into effect January 1, 2022.

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

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

- **Ordinance 2021-82 - AN ORDINANCE VACATING A PORTION OF THE NORTH FIFTEEN FEET (15') OF THE TWENTY FIVE FOOT (25') REAR YARD PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE NORTH PROPERTY LINE OF LOT 67 IN THE TAMARRON SUBDIVISION, CITY OF CENTERTON, AS SHOWN ON PLAT RECORD BOOK 2005 PAGES 1023 THRU 1026, BENTON COUNTY, ARKANSAS; AKA 1630 SWEETBRIAR WAY.**

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate 15' of the 25' rear yard Utility and Drainage Easement on Lot 67, in the Tamarron Subdivision for installation of an in-ground swimming pool. He said it was recommended for approval by the Planning Commission and there was no opposition during the Public Hearing this evening. He said we have not heard back from CenturyLink yet. He said the property owner is aware that they are responsible for any repairs or relocation costs.

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

Brian Rabal read the Ordinance by title only. Josie Reed 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 2021-83 – AN ORDINANCE ACCEPTING THE FINAL SUBDIVISION PLAT OF THE FOREST PARK PHASE 4 SUBDIVISION, CREATING LOTS 184-248, CITY OF CENTERTON, S28-T20N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Final Plat for Phase 4 of the Forest Park Subdivision, off of Gamble Road. He said the developer will be providing the approved Bond amounts prior to the Final Plat being filed. He said this was recommended for City Council approval at the 12/07/2021 PC Meeting.

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

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

- **Ordinance 2021-84 – AN ORDINANCE ACCEPTING THE FINAL SUBDIVISION PLAT OF THE SOUTHWINDS PHASE 2 SUBDIVISION, CREATING LOTS 114-226 AND DETENTION LOT E AND CITY LOT F, CITY OF CENTERTON, S03-T19N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Final Plat for Phase 2 of the Southwinds Subdivision, off of Kimmel Road, adjacent to Phase 1. He said the developer will be providing the approved Bond amounts prior to the Final Plat being filed. He said this was recommended for City Council approval at the 12/07/2021 PC Meeting.

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

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

- **Ordinance 2021-85 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO ERIC ROBERTS TWELVE STONE CONSTRUCTION FROM LOW DENSITY RESIDENTIAL (R-1) TO HIGH DENSITY SINGLE-FAMILY RESIDENTIAL (R3-SF)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land off of Bush Road and Nottingham Lane, from R-1 to R3-SF. He said there was existing R-2, R3-SF and Commercial Use in the area. He said this was heard at the 12/07/2021 Planning Commission Meeting, where there was one e-mail comment, expressing concern with the added density in the area. Edwards said the Planning Commission recommended approval by the City Council by a vote of 6-1. A map including the property was provided.

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

Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to adopt the Ordinance with a 2nd from Josie Reed. There was a roll call. All Council Members voted in favor, except for Amy Rochette and Justin Cowgur, who both voted NO, and the motion carried.

- **Ordinance 2021-86 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO RUSSELL AND CHRISTINE SULLIVAN FROM AGRICULTURE (A-1) TO LOW DENSITY RESIDENTIAL (R-1) AND RESIDENTIAL ESTATES (R-E)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land off of Wagner Road, from A-1 to R-1 and R-E. He said the Sullivan's own a home on the property and are rezoning two portions of the property, to be able to sell. He said this was heard at the 12/07/2021 Planning Commission Meeting, where there was public comment by XNA National Airport, in opposition due to the property being in the direct flight path of the airport and incompatible Use; and comment by the adjacent neighbor, in favor. Edwards said the property is outside of the Safety Zones of the Bentonville Overlay District. He said XNA asked that an Avigation Easement be required if approved, as well as Plat Notification and Sound Attenuation. He said we have nothing in our Municipal Code to cover Sound Attenuation. He said the Sullivan's have agreed to grant the Avigation Easement and Plat Notification. He said PC recommended this for approval by the City Council 7-0. A map including the property was provided.

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

Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to adopt the Ordinance with a 2nd from Josie Reed. There was a roll call. All Council Members voted in favor, and the motion carried.

- **Ordinance 2021-87 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO WILLOW CROSSING TOWNHOMES LLC, FROM RESIDENTIAL TOWNHOUSE MULTI-FAMILY (RTH-MF12) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL (R4-MF)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land off of Marigold Road and Cedar Street, from RTH-MF12 to R4-MF. He said this was heard at the 12/07/2021 Planning Commission Meeting, where there was no public opposition, and it was recommended for approval by the City Council. A map including the property was provided.

Senior Planner Dianne Morrison Lloyd addressed the Council, stating that the property is already zoned RTH-MF12, allowing up to 12 units/acre. She said the R-4 allows up to 18 units/acre. She said it is still a Multi-Family Zoning and is still a good buffer for the Commercial Use to the north, along Hwy 102. She said they have submitted plans, but they are looking for some flexibility, as there is some drainage that they need to work around on the site.

Amy Rochette asked for clarification about what Planning is looking for when zoning for Commercial Use. Lloyd said we would prefer to have larger, deeper Commercial Lots. There was discussion.

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

Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to adopt the Ordinance with a 2nd from Josie Reed. There was a roll call. All Council Members voted in favor, except for Amy Rochette and Justin Cowgur, who both voted NO, and the motion carried.

(10) Resolutions –

- **Resolution 2021-31 - A RESOLUTION ADOPTING PREMIUM PAY FOR CERTAIN MUNICIPAL EMPLOYEES FROM THE AMERICAN RESCUE PLAN.**

Mayor Edwards addressed the Council, stating that this Resolution is in regard to Premium Pay for City Employees.

Financial Director Pam Grant addressed the Council, stating that we have been granted American Rescue Funds by the Federal Government. She said we received a portion of that funding earlier this year, in the amount of \$1,682,732.68. She said around July of next year we are projected to receive \$1,678,331.18, for a total of \$3, 361,063.86. She said when these funds were being appropriated by the Federal Government, there were very specific spending options listed, which these funds are allowed to be used for. She said one of those options was Lost Revenue, which we have already gone through, and do not qualify for. She said another option is COVID Relief and Economic Impact, which we also did not qualify for. She said we have done okay through this pandemic as a City, regarding Sales Tax Revenue, Etc. She said another place that this funding is being spent is in Broadband coverage, which focuses mainly in rural areas. She said

another option was Water & Sewer projects, which Centerton Utilities has made a presentation about. She said the last option for us to talk about this evening is the Premium Pay for employees, which Council has been asking for. Grant said Premium Pay was designed to give funds to the employees, for economic hardship associated with being required to work through the pandemic. She said there are very specific guidelines, as to who qualifies for the funds, and they are listed in the Resolution. She briefly read through some of those guidelines. She said based upon those guidelines and recommendations by the Arkansas Municipal League, we are allowed to use these funds to pay these qualified employees within a varied timeline. She said we are looking at making a one-time payment to our employees, so that we can concentrate the remaining funds on other qualifying needs. She said we are allowed to pay up to an additional \$13.00/hr. to eligible employees. She said she run the numbers based on up to an additional \$10.00/hr. She said we have chosen to pay our eligible current employees from a time period of 3/03/2020 to 1/01/2021, and from 1/02/2021 to 11/21/2021. She said any full-time employees that performed "Tele-Work" from home during that time period had those hours deducted. She said we want to pay qualifying full-time employees an amount not to exceed \$3000.00 for work performed between 3/03/2020 and 1/01/2021, and an amount not to exceed \$1500.00 for part-time employees. She said we also want to offer Premium Pay for our eligible current employees who worked the time period from 1/02/2021 to 11/21/2021. She said we want to pay qualifying full-time employees an amount not to exceed \$2000.00, and an amount not to exceed \$1000.00 for part-time employees. She said we feel that this shows that every one of our employees are essential and we see that. She said she has run the numbers for the City Employees at a rate of an additional \$10.00/hr., and not Elected Officials, and asked the City Council to appropriate up to \$475,000.00 for Premium Pay for eligible employees, including the Employee Benefits (she gave details). She said the decision on whether to include Elected Officials is up to the Council. She said any employee currently making over \$75,705.00 require a written justification for qualification of Premium Pay. She said that currently affects our Fire Chief, Police Chief, Planning Director and Chief Building Inspector. She said Mayor Edwards has provided the written justification that we feel these are four (4) essential employees. She said we have written documentation of our process in qualifying our employees as essential, for future reference. She said there is a 10% indirect cost of any of the funds used for Premium Pay, which can be transferred to the General Fund to cover things such as administrative work. She said we can also use those funds, if we happen to run across an employee, where we can't make the essential employee argument, and pay them out of the General Fund.

Darren Warren asked if there are any employees we have, which would not qualify. He said he wanted to make sure we got this funding to every employee. Grant said we went through each department when we went through the qualifying departments, and gave examples. She said we felt that all of our employees qualified as being essential. She said Elected Officials are up to the discretion of the Cit Council. Warren said no, for Elected Officials. He said it appear that some full-time employees would qualify for up to \$5000.00. Grant said that is correct, if they qualified for both periods of 2020 and 2021 and are currently employed. Warren said it appears that some part-time employees could make up to \$2500.00. Grant said that is correct. Warren said he understood using \$10.00/hr., and asked if there were any employees that would not meet the maximum amount, even at the \$13.00/hr. Grant said she has one employee from last year and one employee from this year.

Mayor Edwards spoke to the hard work of our City Employees during the Pandemic. He said we did meet with our Department Heads to go over these requirements for each employee, and we do want to compensate our employees. Pam Grant said every department and every employee was looked at on a case-by-case basis, for eligibility.

Keith Higginbotham asked how quickly the funds would be distributed. Grant said there is some paperwork that will need to be filled out by each employee, approved by the supervisor, and returned to Grant, so checks can be printed. She said there will be a check for 2020 and a check for 2021, for those who qualify.

Justin Cowgur asked for clarification on the total amount of ARPA funds expected for the city, through the middle of 2022. Grant said the total projected amount is \$3,361,063.86. She said after payout of the Premium Pay for the City Employees and Water & Sewer employees, as well as the indirect cost, there would be roughly about \$2.7 million remaining. Cowgur asked if this money would factor into the Salary Study. Grant said it would not. She said it would be classified as a Bonus. Cowgur asked if this funding was being accounted for in the budget. Grant said the funds are shown in the budget. She said it automatically goes into the same account as our Turnback Funds and Sales Tax. She said those funds are controlled by the City Council. She said any spending will come before the Council in a public meeting, for discussion. She said the funds are required to be obligated by 12/31/2024, and spent by 12/31/2026, with any remaining funds returned back to the Federal Treasury.

Misty Elam said she read through a lot of the information. She asked to see the actual numbers and schedule a Special Council Meeting. Pam Grant said she has run the numbers, and they are \$421,459.85 for City Employees, including State Unemployment, which would drop that number. Elam asked when we would know if every employee would qualify. Grant said she only had one employee that she had to go to the Mayor with, to question whether they were qualified, and the Mayor said they qualified.

Amy Rochette asked if this included Animal Control. Grant stated that it does, pointing out their interaction with the public. Rochette asked if Court was open during this time. Mayor Edwards said they were closed for a short period of time, but have plenty of hours to qualify. Rochette asked if all employees qualify for the maximum amount. Grant said the bulk of our employees qualify for the maximum amount, with the exception of five (5) employees, with four being part-time and one being hired this November. She said we are including as many qualifying hours as we can for those employees, so that we can get them as much as we can.

Keith Higginbotham stated that he is going to put his trust in the numbers provided by Financial Director Pam Grant, the Mayor and HR Director Jocelyn Diaz, and would like to approve the Premium Pay today.

Grant asked Council if they wanted to work with the \$10.00/hr. as presented, or the \$13.00/hr. maximum. There was a brief discussion.

Misty Elam and Justin Cowgur stated that they would like to see a breakout of the numbers. Keith Higginbotham said if it isn't passed this evening, we won't be able to provide the funds to

the employees before the end of the year. Darren Warren agreed. Amy Rochette asked about providing a portion at this time, or review it for a week. Pam Grant said that is up to Council. Elam said she would like to look at it at the same time as we look at the Salary Study and the City Budget. Warren said this funding is not a part of the Salary Study. Grant said we would also be looking at a new tax year and the State Unemployment would count against the amount. Grant again stated that there are only five (5) employees that do not meet the “hours” requirement for the maximum amount, but they do qualify for a portion. Josie Reed stated that she feels like the research has been done by the Financial Director, and we have the numbers in front of us. She said she would like to see the employees get the funding this year. Grant was able to provide a breakout spreadsheet for Council and went over the details with them. Misty Elam asked if more funds become available, are we looking at doing this again. Pam Grant said this is a one-time payment to the employees for the time periods stated. She said it would be up to the Council if they chose to take another look at Premium Pay, using a different time period, down the road. She said we would then take another look at qualifying hours worked for the new time period.

City Clerk Todd Wright stated that some cities in Arkansas have already spent a portion or all of their ARPA funds. He said we have waited longer, so that the guidance and stipulations were clearer from the Federal Government. He said we have chosen to bring a portion to Council at this time for Premium Pay for our employees, as that is what Council has asked us to do.

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 by the Financial Director this evening, with a 2nd from Josie Reed. There was a roll call. All Council Member voted in favor, except for Keith Higginbotham, who Abstained, and the motion carried. Brian Rabal read the Resolution by title only. Keith Higginbotham made a motion to adopt the Resolution, with a 2nd from Amy Rochette. All Council Members voted in favor, except for Keith Higginbotham, who Abstained, and the motion carried.

- **Resolution 2021-32 - A RESOLUTION ADOPTING PREMIUM PAY FOR CERTAIN EMPLOYEES FROM THE AMERICAN RESCUE PLAN FOR CENTERTON UTILITIES.**

Mayor Edwards addressed the Council, stating that this Resolution is to allow Premium Pay to eligible workers with Centerton Utilities. Financial Director Pam Grant said Centerton Utilities is not in the city’s payroll system.

Financial Director Pam Grant stated that we used the same guidelines as we did for the city Employees. She said we are looking at a total of \$132,995.80 for Centerton Utilities Employees; with \$66,034.50 for 2020 and \$66,961.30 for 2021. She said all Centerton Utilities Employees qualify for Premium Pay and Frank Holzkamper was required to have a written justification. Frank Holzkamper address the Council, stating that they only had two (2) employees that did not qualify for the maximum amount, simply because they are newer employees this year. Grant said that tonight’s decision by will be approved by the Water & Sewer Commission before any funds are paid out.

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 Josie Reed. All Council Members voted in favor and the motion carried.

- **Resolution 2021-33 - A RESOLUTION AUTHORIZING THE GRANT OF AN RIGHT OF WAY TO CARROL ELECTRIC COOPERATIVE ON A PARCEL OF LAND OWNED BY THE CITY FOR THE PURPOSE OF INSTALLING A TRANSFORMER, STREET LIGHT AND FUTURE ELECTRICAL SERVICE TO THE PROPERTY.**

Mayor Edwards addressed the Council, stating that this Resolution is to grant ROW to Carrol Electric, to be able to install electrical service on Keller Road property belonging to the city. He said they will also be installing a street light and transformer in this location.

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.

(11) Authorize the Purchase of Playground Equipment for the Kinyon Sports Complex –

Mayor Edwards addressed the Council, asking for their permission to authorize the purchase of playground equipment for the Kinyon Sports Complex. He said this was discussed at the Parks & Recreation Advisory Board meeting, and was recommended for approval by Council. He said the cost of the materials have gone up for this equipment, placing it over \$20,000.00 and requiring City Council approval.

Public Works Director Lance Johnson addressed the Council, asking for their approval for this purchase. He described the equipment and explained the need for additional safe activities for the kids to do in this park, other than climbing and damaging our park trees. He said they have looked at and priced other pieces of equipment and also a less expensive version of this equipment. He said he would like to purchase the more heavy-duty version, for longevity and the ability to take care of more kids. He said this price is for the equipment only, and we will be providing the installation, per their instructions. He said we will need to purchase some concrete, edging and playground mulch for the equipment. He said they met with this vendor at the Parks Convention, and we are getting a \$2000.00 Convention Discount. He said the P&R Advisory Board did ask for some equipment and we have funding in the budget. He said if the funding is approved this evening, he will run it back by P&R before placing the order.

Amy Rochette asked if Johnson has looked at other vendors for this product. Johnson stated that he has also looked through Miracle and one other vendor. Rochette said she would like to look at other things to look at and other quotes.

Keith Higginbotham made a motion to purchase the Playground Equipment as presented, with a 2nd from Josie Reed. All Council Members voted in favor, except for Amy Rochette, who voted NO, and the motion carried.

(12) Approve Reporting and Verifying Hours Worked Policy –

HR Director Jocelyn Diaz addressed the Council, stating that we need an Hourly Working Policy to go along with our NOVATime system. She addressed rules in NOVATime that allow us to create a window of time that is considered “On Time”. There was discussion about how Supervisors manage the Time Sheets. There was added discussion.

Keith Higginbotham made a motion to Approve the Hours Worked Policy, as presented this evening, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

(13) Continue Discussion to Hire Lieutenant for the Centerton Police Department –

Mayor Edwards addressed the Council, asking them to continue discussion to consider hiring a Lieutenant for the Police Department, at a rate of up to \$27.00/hr. He said we did discuss this at our last Council Meeting, and Council asked to Table it, pending a detailed Job Description.

Police Chief Cody Harper addressed the Council, providing a Job Description for the position, as well as the pay structure for the Benton County Sherriff’s Department, for comparison. He said the County currently pays \$33.07/hr. for the same position, with a similar structure of responsibility, with 3-4 Sergeants and 14 Officers. He said the market average for the position in this area is \$36.30/hr. He said the NWA cities in this area are paying \$39.14/hr. He said we have budgeted for \$27.00/hr. Keith Higginbotham said we are really low. Harper said we have to start somewhere, and that is what we put in the budget. He said we are just trying to get a head start on the hiring process, and budgeting for next year.

Amy Rochette said she was fine with the pay. She asked if we have had a Lieutenant before. Harper said we had a Lieutenant previously, and when we lost that Lieutenant, we looked at raising responsibility and leadership from within, while splitting those duties between Captain Kelley and himself. He said the Officers currently report to the Sergeants, and they report to the Chief and Captain on an alternating basis, for review and oversight. He said it is beginning to create some confusion and friction, as to where the Officers and Sergeants are to report and follow up. He said they have gotten to a point where the workload and uncertainty is unfair to him and the others. Chief Harper said he would at least like to get the position posted, even if we are still discussing salary at the next budget discussion.

Darren Warren made a motion to Approve the hire of a Lieutenant for the Police Department, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

(14) Bird Scooter Presentation – Lance Johnson –

Parks & Recreation Director Lance Johnson addressed the Council, stating he saw this Scooter Rental Service offering at the Parks Convention. He said the company actually reached out to us. He said he did meet with them via Zoom, for a presentation. He said they are based out of California. He said they did their research on our area on their own. Johnson said he told them he did not know if Centerton was quite ready for this type of service at this time, but they said they think we are. Johnson said it is absolutely no cost to the city. He said we are not responsible for liability, maintenance, upkeep, collection or distribution. He said there is a Memorandum of Understanding, which would be reviewed by the City Attorney. He said he was told if it was not a successful venture, they would remove them from the city. He said they are currently working on an agreement with the City of Siloam Springs. Police Chief Cody Harper said the scooters could be ridden anywhere a bike can be ridden. There was discussion.

Council agreed to allow Lance Johnson to gather more information, and for the vendor to make a Council Presentation at a later date.

(15) Public Comments –

Jason McCoy – 1261 Clydesdale – Mr. McCoy questioned spending approval and decision making by the Council.

Mac Ellis – 1641 Sweetbriar Way – Mr. Ellis asked Council to represent the taxpayers in their decisions. He was opposed to Government handouts and wasted spending. He questioned the reasoning behind the purchase of a vehicle for the Police Department last month.

Lisa McCoy – 1261 Clydesdale - Mrs. McCoy asked why Mr. Higginbotham abstained from the vote on the Premium Pay. He said his son was the Fire Marshal. She asked why he even spoke on the subject. He said he was still a representative.

Jaimie George – 1017 Tarah Knolls Circle – Mr. George questioned lack of Council response to an e-mail he sent to all of them. He said he only heard back from Darren Warren and Justin Cowgur. He said he is opposed to the Rescue America funding, as that is taxpayer money. He said he worked through COVID and received no extra pay. He said he was disappointed that a Council Member had City Employees stand during the Premium Pay item this evening, as he felt it had influence on the vote. He said he cares about the city, and was once on a Council himself, as well as being a volunteer firefighter.

Cody Ellis – 1641 Sweetbriar Way - Mr. Ellis said he is disappointed in spending taxpayer dollars. He said he was disappointed that a Council Member was allowed to attend via Zoom this evening, when another Council Member was not allowed another time.

Amy Rochette – Council Member – Thanked the public for coming out to meetings. She thanked them for their comments. She asked that Mr. McCoy check the Council Member’s individual voting records. She told Mr. Ellis that she was not in complete agreement with Premium Pay and other COVID related things, but felt we should follow the Cares Act Guidelines when it comes to our city employees. She told Mr. George that she didn’t e-mail him back, because his e-mail only stated to e-mail him back if the information was incorrect. She encouraged the public to reach out to their Council Representatives prior to these meetings, with any questions they might have, or for direction on a particular vote.

There was a discussion about how and when Agenda Item information is sent to Council Members and when it is posted for the public. Mayor Edwards said information is placed in the Council Dropbox file, as it comes available. He said the Agenda is posted on the city website on the Friday prior to the Council Meeting. He said the Agenda is finalized on Monday and posted to Social Media. Darren Warren said he reviews the information as he gets it, and then reaches out to the Mayor or Department Heads prior to the meeting, so he has all of the information that he needs to make his vote, prior to the night of the meeting. Michael Commet asked if there was any way for citizens to get the information earlier. There was discussion. City Clerk Todd Wright pointed out that a lot of the Agenda items are time sensitive and decisions are coming from other Boards or Commissions during the week prior, so the Agenda is still fluid. He said a lot of the Council Agenda items are coming from the Planning Commission, and there is a Planning Submittal Calendar on the City Website that can be helpful in understanding the flow of information and meetings. Wright said he would encourage citizens to be involved in as many of those meetings as they can, to get the information they are looking for.

(16) Other Business –

Job Descriptions - Amy Rochette asked if all of the Job Descriptions for the city are kept on a shared-drive, per the Employee Handbook. Mayor Edwards said that they are kept on a shared-drive for HR. Rochette asked if Council had access. Edwards said we could provide it in their Dropbox files.

Bulldozer – Lance Johnson addressed the Council, stating that Public Works made an oral agreement with a citizen, to borrow a bulldozer for the use of clearing a trail around the City-owned property on Keller Road. He said the trail was to be used by Grimsley Jr. High for their Track Team, which currently runs on the back roads of the city. He said the city does not own a bulldozer, and one was offered in good faith for Use. He said the city was to provide the diesel fuel and the labor. He said the dozer was used for 3-4 weeks, with no incident. He said there was 1-2 days of clearing left, and a rain came, so the bulldozer was not able to be used. He said we went back about a week later to complete the work, and found that someone had stolen parts from the dozer, in the amount of \$3358.11. He said the Police were called, a report was filed, and an investigation was started. He said there are no suspects at this time. He said he understood

that this was an oral agreement, and not a written contract, but felt we should replace the missing parts and get this dozer operational. He said it is not City Equipment, therefore it is not covered by City Insurance. Darren Warren said if this was a verbal lease to the city, with city employees operating the vehicle, he would feel that the city is liable, as it was in our care, control and custody. City Attorney Brian Rabal said that since it was a verbal agreement, he didn't feel we could call it a lease; as well as the fact that it had not been used by the city for a period of time, he didn't feel that we could consider it in our custody. He said neither the vehicle owner nor the city has insurance on the vehicle. He said it would be his legal opinion that the city is not liable. Warren said he saw both sides. Amy Rochette stated that that we should not allow verbal agreements, and that it should be added to the Employee Handbook. Josie Reed agreed. Council asked that we reach out to insurance to see if that is an option. Keith Higginbotham pointed out that the city's deductible is \$1000.00. There was discussion. Pam Grant said she will contact insurance in the morning, and should have an answer over the phone. She asked if it is covered, we will be out the \$1000.00 deductible. She asked if there could be something in a motion in case it is not covered. She said she could reach back out to Council as soon as she hears from insurance. Warren said he would like to be able to make a decision tonight. Josie Reed agreed. Rabal said it may be possible to have signed affidavits of stipulated terms from both parties. He said he fears that risk of loss wasn't contemplated, or the fact that it sat unused.

Darren Warren made a motion that we consider our \$1000.00 deductible, and pay \$2358.11 to the vehicle owner for the repair, along with a signed release from all liability. There was no 2nd and the motion died.

Josie Reed said she felt that although it was a verbal agreement, we did use the equipment and we are responsible for the full amount.

Josie Reed made a motion to pay the deductible, if covered by Insurance, or the full amount of \$3358.11 to the vehicle owner, with a signed release from all liability, with a 2nd from Darren Warren. Darren Warren voted No, Josie Reed voted Yes, Keith Higginbotham abstained, Amy Rochette voted No, Justin Cowgur voted Yes, and Mayor Edwards broke the tie with a Yes vote. The motion carried.

(17) Schedule Work Session to Review Salary Study, Budget, and Personnel Policy –

Mayor Edwards asked Council if they would be available for a Work Session on 1/05/2021 @ 6:00 PM. Council agreed to that time.

(18) American Rescue Plan Project Meeting – Tuesday 1/25/2022 @ 6:00 PM

Mayor Edwards stated that all departments that want to present a project for consideration are invited to this Special Meeting, to allow City Council to hear the requests and make decisions on how to best use this funding.

(19) ARDOT Public Input Meeting – 1/13/2022, 4:00 PM-7:00 PM @ Reach Church -

Mayor Edwards stated that ARDOT is holding this public Meeting to discuss the next phase of the widening of Hwy 102, which goes out to bid in 2023. He said we do have a concern with a proposed round-a-bout at Hwy 102 and Blake Drive. He said this proposal includes a right-turn-only, coming out of the Fire Station, which we believe would be a safety concern for our citizens. He said there is also concern about the effect on businesses at or near this proposed intersection. There was discussion.

(20) Announcements -

- **12/18/2021 – Santa in the Neighborhoods @ 9:00 AM**
- **12/21/2021 – Planning Commission Meeting @ 6:00 PM**
- **1/04/2022 - Planning Commission Meeting @ 6:00 PM**
- **1/11/2022 – City Council Meeting @ 6:00 PM**

(21) Adjourn -

Amy Rochette made a motion to Adjourn at 10:36 PM with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk