



**CITY OF CENTERTON
CITY COUNCIL MEETING
NOVEMBER 8, 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 and Justin Cowgur. Misty Elam and Amy Rochette were absent. 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 City Engineer John Wary.

(4) Council Minutes –

Keith Higginbotham made a motion to Approve the Minutes of the October 12, 2021 City Council Meeting, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

CWSD, Planning Commission, A&P and Parks & Recreation Minutes –

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the September 21, 2021 CWSD Meeting, September 21, 2021 and October 16, 2021 Planning Commission Meetings, November 20/2020 and August 26, 2021 A&P Meetings and the May 10, 2021, August 9, 2021 and October 11, 2021 Parks & Recreation Advisory Board Meetings, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- (5) City and Court Financials-** Mayor Edwards stated that 83.33 % through the year we have received 95.23 % of our Budgeted Revenue. He stated that our Expenditures were at 79.64 %. He detailed some of the city financials.

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

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

(6) Department Reports -

The Department Reports were in the Council Packet.

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

(7) Ordinances –

Darren Warren made a motion to Read Ordinances 2021-69, 2021-70, 2021-71, 2021-72, 2021-73, 2021-74 and 2021-75 and Resolutions 2021-29 and 2021-30 by Title only, with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

Justin Cowgur made a motion to Suspend the Rule Requiring the Reading on three (3) Separate Occasions for Ordinances 2021-69, 2021-70, 2021-71, 2021-72, 2021-73, 2021-74 and 2021-75, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-69 - AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY BELONGING TO JAMES P. NEAL TO THE CITY OF CENTERTON, APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; ASSIGNING SUCH AREA TO WARD 3; AND ZONING AS AGRICULTURAL (A-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept annexation of land on Kitty Road into the City of Centerton. He provided a map showing the property and surrounding developments, as well as the Land Use Plan. He said a portion of the surrounding properties are already in the city.

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 Darren Warren. There was a roll call. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-70 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO JAMES AND DANETTA NEAL FROM AGRICULTURE (A-1) TO LOW DENSITY RESIDENTIAL SINGLE-FAMILY RESIDENTIAL (R-1)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Kitty Road, from A-1 to R-1. He said it was heard at the 10/19/2021 Planning Commission and it was recommended for approval by the City Council. He said there was one person from the public, expressing concern with density and infrastructure in that area. He provided a map showing the property.

Senior Planner Dianne Morrison Lloyd addressed the Council, stating that the R-1 lots are approx. 1 Acre. She said the developer feels this is a good fit for existing development in the area.

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 2021-71 - AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, TITLE 14 ZONING, ADDING CHAPTER 14.20 APPENDIX; AMENDING SECTION 14.04.04 TITLED “ZONING DISTRICTS”, SECTION D RESIDENTIAL R3-SF AND ALL REFERENCES TO “OFF-STREET PARKING”, AMENDING SECTION 14.04.05 GENERAL FOR ADDITION OF DESIGN STANDARDS FOR TWO-FAMILY AND MULTI-FAMILY DEVELOPMENTS; RENUMBERING SUBSEQUENT SECTION NUMBERS; ADDING SECTION 14.04.13 RESIDENTIAL COMPATIBILITY STANDARDS; AND DECLARING AN EMERGENCY.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend our Title 14 Zoning Code. He said there was a Public Hearing on 10/21/2021, and it was recommended for approval by the Council. He said there were ten (10) changes made. He provided a list of those changes for Council. He said Council was a part of a Work Session regarding this Code revision.

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. Brian Rabal read the Emergency Clause. Darren Warren made a motion to adopt the Emergency Clause, with a 2nd from Justin Cowgur. All Council Member voted in favor and the motion carried.

- **Ordinance 2021-72 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO SCHUBER MITCHELL HOMES LLC. FROM HIGH-DENSITY RESIDENTIAL SINGLE-FAMILY (R3-SF) TO MEDIUM-HIGH DENSITY TWO-FAMILY DWELLING (DUPLEX) (R3-D)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land off of Vaughn Road and Tycoon Road, from R3-SF to R3-D. He said this was heard at the 11/02/2021 Planning Commission Meeting, where there was one (1) public comment from XNA regarding non-compatibility with the airport, along with noise and the flight path. He said it was recommended for approval by the City Council by a vote of 8-1. He provided a map showing the property.

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 2021-73 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO JESSE W. KING LIVING TRUST, FROM AGRICULTURE (A-1) TO HIGH DENSITY RESIDENTIAL SINGLE FAMILY (R3-SF)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land off of Tycoon Road, from A-1 to R3-SF. He said it was heard at the 11/02/2021 Planning Commission Meeting, where there was no public comment. He said it was recommended for approval by the City Council 9-0. He provided a map showing the property.

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 Keith Higginbotham. There was a roll call. All Council Members voted in favor, and the motion carried.

- **Ordinance 2021-74 - AN ORDINANCE GRANTING A FRANCHISE TO CENTURYTEL OF NORTHWEST ARKANSAS, LLC D/B/A CENTURYLINK ON BEHALF OF ITSELF AND ITS OPERATING AFFILIATES (“CENTURYLINK”) TO OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM (“THE SYSTEM”) IN THE CITY OF CENTERTON, ARKANSAS (“THE CITY”).**

Mayor Edwards addressed the Council, stating that this Ordinance is to update the Franchise Agreement with Centurylink, which has changed names multiple times, to allow them to continue to serve the City of Centerton. He said there has been no change to the Franchise Tax

rate, and it has been reviewed by the City Attorney. There was a brief discussion about how a Franchise Agreement works.

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 Approve the Ordinance, with a 2nd from Justin Cowgur. There was a roll call. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-75 - AN ORDINANCE WAIVING BIDDING REQUIREMENTS FOR THE PURCHASE OF BODY CAMERAS AND ACCESSORIES FOR THE CENTERTON POLICE DEPARTMENT;**

Mayor Edwards addressed the Council, stating that this Ordinance is to waive the bidding requirements to purchase a body camera system for the Police Department. He said Chief Harper gave a detailed report at the last City Council Meeting, and indicated that there are really only two (2) companies that provide these products and services. Edwards said this would be a five (5) year agreement with Axon Enterprises to provide body cameras, in-car cameras and Tasers. He said this will be a cloud-based system

Chief Harper addressed Council, explaining the details of the agreement and answering questions. Darren Warren pointed out that the pricing was better than last month's presentation. Harper said we were able to get a better price, and gave details. Justin Cowgur asked what would happen with our existing cameras. Harper explained that new equipment will be provided as existing equipment "ages out". Harper said the price includes installation. Harper said we have this included in this year's budget, but payments will start in January 2022.

Mayor Edwards asked the Council if there were any 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 Keith Higginbotham. There was a roll call. All Council Members voted in favor and the motion carried.

(8) Resolutions –

- **Resolution 2021-29 - A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE VACATION OF UTILITY EASEMENTS LOCATED ON LOT 67 OF TAMARRON SUBDIVISION, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to set a date of 12/14/2021 for a Public Hearing to discuss the Vacation of Utility Easements on Lot 67 of the Tamarron Subdivision. He said the request will be heard by the Planning Commission on 12/07/2021.

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.

- **Resolution 2021-20 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT AN ASSIGNMENT LETTER FROM HALFF ASSOCIATES INC, FOR THE CITY OF CENTERTON, ARKANSAS,**

Mayor Edwards addressed the Council, stating that this Resolution is to accept a “Letter of Assignment” from Halff Associates, LLC, who have purchased Morrison Shipley.

John Wary addressed the Council, stating that Morrison Shipley was acquired by Halff Associates, effective 10/31/2021. He said this Resolution re-assigns the contract the City has with Morrison Shipley to Halff. He said there is currently a 2-year contract that expires 12/31/2022. Wary said he will continue to be the primary representative for the City of Centerton. There was a brief discussion.

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

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

(9) Appoint Robert Anderson, Virginia Higginbotham and Amy Prime to the Cemetery Board, Term Expiring November 1, 2024 –

Mayor Edwards addressed the Council, asking them to appoint Robert Anderson, Virginia Higginbotham and Amy Prime to the Cemetery Board, with terms expiring 11/01/2024.

Josie Reed made a motion to Appoint Robert Anderson, Virginia Higginbotham and Amy Prime to the Cemetery Board, Term Expiring November 1, 2024, with a 2nd from Justin Cowgur. Keith Higginbotham abstained. All Council Members voted in favor and the motion carried.

(10) Reappoint Skye petty At-Large Member of A&P Commission, Term Expiring December 31, 2025 –

Mayor Edwards addressed the Council, asking them to reappoint Skye Petty as At-Large Member of the A&P Commission, with term expiring 12/31/2025. He said Petty’s current term expires 12/31/2021 and he has agreed to continue serving on the Commission.

Keith Higginbotham made a motion to Reappoint Skye Petty as the At-Large Member of A&P Commission, Term Expiring December 31, 2025, with a 2nd from Darren Warren. All Council Members voted in favor and the motion carried.

(11) Request to Surplus 2011 Chevrolet Silverado 2500HD VIN# 1CG1KVCG4BF170575 –

Mayor Edwards addressed the Council, asking for their permission to surplus the 2011 Chevrolet Silverado. He said the replacement for this vehicle was approved at the October, 2021 Council Meeting. He said we will put the surplus vehicle on GovDeals. There was a brief discussion.

Keith Higginbotham made a motion to Surplus the 2011 Chevrolet Silverado 2500HD VIN# 1CG1KVCG4BF170575 as presented, with a 2nd from Justin Cowgur. All Council Members voted in favor and the motion carried.

(12) Request to Change Position Title of Jake Barrett to Street Superintendent –

Mayor Edwards addressed the Council, asking them to consider changing the Job Title of Jake Barrett to Street Superintendent, adding a \$1.00/hr. pay increase, for the added duties. He said the Street Superintendent title was removed previously in a shuffle of the Street Department. He said we are adding the position back into the 2022 Budget.

Justin Cowgur asked if Mayor Edwards if the Salary Study we just approved would allow us to better set the pay rate for this position. Director of Public Works Lance Johnson addressed the Council, stating that two (2) other candidates declined the position, due to pay. He said Barrett is currently the Project manager and would be wearing two (2) hats by taking this position. He said he understood Cowgur's concern, but spoke to Barrett's experience and tenure. He said he didn't believe that Barrett would not accept the position due to salary increase question.

City Clerk Todd Wright stated that situations like these; where an employee may be wearing two (2) hats, is where he believes the Salary Study we just approved, unique to our city, will better serve us; as opposed to a generic study from AML or the County. He said he respects both Cowgur's and Johnson's position on this item.

There was a brief discussion.

Keith Higginbotham made a motion to approve the Position Title Change for Jake Barrett, with the pay increase, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

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

Mayor Edwards addressed the Council, asking them to consider hiring a Lieutenant for the Police Department. He said we did discuss this at our Budget Work Session and the Police

Department wanted to go ahead and get the process started, as it could take 2-4 weeks or more to fill the position, at a rate of up to \$27.00/hr.

Chief Harper said they are just trying to get a head start on the hiring process, and budgeting for next year. He said we will be lucky to have someone in place by the first of next year, especially in a middle-management position.

Keith Higginbotham made a motion to allow the hire of a Lieutenant for the Police Department. There was no 2nd and the motion died.

There was discussion about the need for and function of the Lieutenant in the department. Harper said the Lieutenant would be over 90% of the daily activities of the department, and detailed some of those duties. He said those duties are currently being split by he and Captain Kelley, sometimes causing confusion with the officers, regarding who to report to. He said it also causes some delays in getting a 2nd set of eyes on things.

There was a brief discussion about pay ranges in the PD, and in other agencies. Harper said he felt the salary being offered is fair.

Council recommended bringing the request back at the next Council Meeting, along with a detailed Job Description. Chief Harper agreed.

(14) Purchase a 2021 Dodge Charger for the Centerton Police Department –

Mayor Edwards addressed the Council, asking for their permission to purchase a 2021 Dodge Charger for the Police Department. Chief Harper said this is the last Police Vehicle available in the State of Arkansas for this year. He said the vehicle is at the State Bid price and has some additional accessories, putting it at \$27,774.00. He said we can get this in this year's budget. He said next year is looking like another difficult year for getting vehicles, due to supply-chain issues.

Keith Higginbotham made a motion to allow the purchase of a 2021 Dodge Charger for the Police Department for \$27,774.00, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

(15) Approve 2021 Christmas Bonus –

Mayor Edwards addressed the Council, asking them to consider the 2021 Christmas Bonus Schedule as follows:

Proposed Bonus Structure:

- **OVER 10 YEARS - \$1000.00**
- **>5 YEARS to < 10 YEARS - \$750.00**

- **>1 YEAR to 5 YEARS - \$500.00**
- **>6 MONTHS to < 1 YEAR - \$250.00**
- **< 6 MONTHS – \$125.00**
- **** Any employee hired after October 1st of the current year does not qualify for the bonus**

Mayor Edwards said this is the same structure as last year. Financial Director Pam Grant said the funds are currently available in our budget.

Darren Warren made a motion to approve the 2021 Christmas Bonus as presented, with a 2nd from Justin Cowgur. All Council Members voted in favor and the motion carried.

(14) Public Comments –

Jamie George – 1017 Tarah Knolls Circle – Mr. George said that this is the 3rd City Council Meeting he has attended, and he is trying to better understand this City Government. He said he attended last month's Council Meeting and felt some of the issues were not resolved. He said he hoped those issue were being addressed. He appreciated the Council questioning expenses and felt that the Salary Study is important to keep consistent structure. He questioned Water availability for the city and the structure of how Centerton obtains its water. The Mayor and Council addressed his questions, giving a brief history of our water and sewer service and the role of the Water & Sewer Commission. George asked who controls the city water rates. Mayor Edwards stated that it is done through an annual Rate Study, which considers debt, revenue and expenses. Justin Cowgur said there is a law restricting the rates, so that they only cover expenses necessary. He said he could send Mr. George an email that details that information. Cowgur also pointed out that Centerton has a relatively new Water and Sewer system. He said that there is a public misconception about our rates. George asked about a rumor about Cox Communications having a 100-year contract with the city, not allowing other services to come in. Mayor Edwards said that is not true. He said they are controlled by the State. He said the lack of other services is due to the other providers not wanting to invest the cost of the infrastructure. Mayor Edwards pointed out that our growth is slowly bringing in more options. George asked about an FOIA request made to the city. City Attorney Brian Rabal said a complaint was filed last Friday. George asked if the recent employee incident has been resolved. Mayor Edwards stated that an employee did resign, and Council has asked that we review our Policy Manual, which we are doing. George thanked the Council for their service. He said he will be attending Council Meetings to listen, maybe interject, and possibly be a part of solutions to problems. Justin Cowgur thanked him for his attendance and pointed out that there are resources within the city to answer most questions that the public have. George asked the mayor to encourage citizens to come out to more of these meetings. Mayor Edwards said the New City Hall will have a camera and audio system which we will broadcast these meetings live. City Clerk Todd Wright pointed out that we have our Council Meeting the 2nd Tuesday of every month, and have for many, many years, and people still won't come out. He said even with the virtual Zoom option for the last almost two years, the attendance is very minimal. He said we post the Agendas and the Meeting Minutes online, as well. He mentioned that we also have a monthly "Coffee with the Mayor" meeting for the citizens. Wright said we do appreciate public attendance and input, and attending these meetings is the best way to acquire information. He said the leaders of our city are no more

perfect than our citizens. He said we are trying to do the best that we can. He said there are many things that we learn from and certain situations that you cannot be prepared for, so we learn and grow from those.

(15) Other Business –

- **Premium Pay** – Darren Warren asked where we were with getting Premium Pay for our employees. Financial Director Pam Grant said she is working on it and hopes to be able to bring it back to Council in December.
- **Additional Budget Work Session** – Darren Warren asked if any other Council Members wanted to have an additional Budget Work Session prior to us approving the Budget. Mayor Edwards said he would like to have the Salary Study back, before we approve the budget. He said we have until February 1, 2022 to approve the budget. Warren agreed, regarding the Salary Study.

(16) Announcements -

- **11/09/2021 – Public Hearing – Capacity Fees – Centerton Utilities @ 6:00 PM**
- **11/16/2021 – Planning Commission Meeting @ 6:00 PM**
- **11/25/2021 – Community Thanksgiving Dinner @ 11:00 AM to 1:00 PM**
- **12/07/2021 - Planning Commission Meeting @ 6:00 PM**
- **12/14/2021 – City Council Meeting @ 6:00 PM**

(15) Adjourn -

Keith Higginbotham made a motion to Adjourn at 7:19 pm with a 2nd from Justin Cowgur. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk