

Cabot City Council - Work Session Meeting

Cabot City Annex – Council Chambers

May 6, 2019 @ 6:30 p.m.

Call to Order

Abilene Trophy Award

Mayor Kincade

Municipal Services – Chairman, Ed Long

1. Water Rate Increase Ordinance Ed Long
2. Public Works Community Input

Budget & Personnel – Chairman, Doug Warner

1. Employee to Do Business with City Doug Warner
2. Planning Commission Appointment Mayor Kincade
3. Budget & Personnel Community Input

Police & Fire – Chairman, Damon Bivins

1. Police & Fire Community Input

Community Development – Chairman, Kevin Davis

1. Special Meeting Kevin Davis
2. Community Development Input

Military Affairs Committee

1. Community Input

General Community Input

Adjournment

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Municipal Services

ORDINANCE NO. ___ of 2019

AN ORDINANCE FIXING RATES, FEES, AND DEPOSITS FOR
WASTEWATER AND OTHER WATER SERVICES RENDERED BY
THE CABOT WATER AND WASTEWATER COMMISSION;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, Arkansas Code Annotated § 14-234-214 provides that the rates for customers of a municipal waterworks system shall be fixed by the legislative body of the municipality; and

WHEREAS, The City of Cabot, Arkansas (the “City”) has delegated responsibility for the operations of the water and wastewater systems to the Cabot Water and Wastewater Commission (the “Commission” or “Utility”); and

WHEREAS, The City desires that the Commission provide wastewater services to customers that do not currently receive the Commission’s water services; and

WHEREAS, The Commission has requested that the City establish the schedule of rates to be charged by the Commission for wastewater services for customers that receive the Commission’s water services and those that do not receive its water services and to equitably allocate the Utility’s general and administrative costs amongst its water and wastewater customers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CABOT, ARKANSAS THAT:

Section 1. Purpose. It is the purpose of this Ordinance to establish a policy allowing the Cabot Water and Wastewater Commission to provide wastewater services to properties to customers that do not receive its water services, to fix fair and reasonable wastewater rates and fees applicable to customers of the Cabot Water and Wastewater Commission, and to equitably allocate the Utility’s general and administrative costs amongst its water and wastewater customers.

Section 2. Definitions. When used in this Ordinance, the following words and phrases shall have the meaning as indicated:

(a) Customer Service Rate Classification;

- i. **Residential** is a type of water or wastewater use that is directly related to the function of a home. Residential use does not include any use associated with the operation of any business or enterprise whether or not such business or enterprise is operated for profit, or any in-ground lawn irrigation system.
- ii. **Commercial** is any type of water or wastewater use other than Residential, Wholesale, Irrigation, or Hydrant water or wastewater use, as those terms are defined herein.
- iii. **Irrigation** is a type of water use primarily dedicated to providing water to plants and lawns.

(b) Cut-off Date means the 25th day of the month unless the 25th day falls on a weekend or official City holiday, in which case, Cut-off Date shall mean the first working day following the weekend or holiday.

(c) Delinquent account means a customer account that has been disconnected or locked-off due to non-payment of charges, fees, penalties or other assessments.

(d) Disconnected means that a properly authorized individual has adjusted the valve assembly on a customer's water meter such that water will not flow through the meter.

(e) **Due Date** means the 15th day of the month unless the 15th day falls on a weekend or official city holiday, in which case, Due Date shall mean the first working day following the weekend or holiday.

(f) **Hydrant** is a type of water use primarily dedicated to combating fires but may also include bulk water such as that used during construction.

(g) **Lock-off** means that a properly authorized individual has affixed a lock to a Disconnected meter that shall only be removed by an authorized individual.

(i) **Minimum Monthly Charge** is the least amount that shall be billed to each and every customer regardless of the amount of water used.

(j) **Multiple-Unit Installation** is a water and wastewater system that is designed such that more than one residence or commercial unit within a structure is served water through a single meter; such as an apartment, duplex and strip mall.

(k) **Non-Water Customer** means a customer of the Utility receiving wastewater services only.

(l) **Non-Water Customer – With Trash** means a customer of the Utility receiving wastewater services only that also receives trash-pickup services from the City or its designee.

(m) **Organization Fee** is a charge applied to any and all real estate companies, agencies, landlords and contractors who desire to have water service temporarily connected to up to three properties which they manage for the purpose of cleaning, repairing, or otherwise performing maintenance of the property. The Organization Fee does not include the cost of water usage. The Organization Fee does

not apply to new construction projects.

(n) **Re-connection Fee** is the fee that must be paid before the a previously disconnected meter for any reason.

(o) **Renter** means residential water customers who own less than a fee interest in the property that they occupy.

(p) **Special Pricing Areas** are locations within the City of Cabot where customers are required to pay increased rates to reimburse the City of Cabot for certain infrastructure costs.

(q) **Voluntarily Disconnected Meter** is a residential or irrigation meter that has been Disconnected or Locked-Off by the city at the customer's request so that the customer may forego monthly minimum charges. Customers whose meters are voluntarily disconnected will be required to pay a re-connection fee before water service is restored.

(r) **Water Customer** means a customer of the Utility receiving water service along with wastewater services.

(s) **Wastewater** means Sanitary Sewer and related service connections to Wastewater Collection Pipes.

Section 3. Wastewater-Service Territory. The City Council hereby finds and declares that the Commission is authorized to extend its wastewater-service territory to include any properties for which a wastewater connection exists. Any and all fees for connections shall follow Exhibit B Fees. The Utility shall not be responsible for the costs of a new wastewater connection.

Section 4. Disparate Rates. The City Council hereby finds and declares that Water Customers, Non-Water Customers, and Non-Water Customers – With Trash should proportionately share in the costs associated with the administration of the Commission and wastewater services; thus, the monthly wastewater rates charged to Water Customers, Non-Water Customers, and Non-Water Customers – With Trash should properly allocate those costs.

Section 5. Wastewater Rates. The City Council hereby finds and declares that the monthly wastewater rates that are set forth in Exhibit A, “Monthly Wastewater Rate Chart,” which is attached hereto and incorporated herein as if set forth word for word, are fair and reasonable and reflect the minimum rates necessary to ensure the continued operation and growth of the Utility; thus the “Monthly Wastewater Rate Chart” is hereby adopted and the rates reflected therein are hereby fixed as the rates to be charged for wastewater services to be rendered by the Utility.

Section 6. Fees. The City Council hereby finds and declares that the fees that are set forth in Exhibit B, “Fee Chart,” which is attached hereto and incorporated herein as if set forth word for word, are fair and reasonable and reflect the minimum fees necessary to ensure the continued operation and growth of the Utility; thus, the “Fee Chart” is hereby adopted and the fees reflected therein are hereby fixed as the fees to be charged for various services to be rendered by the Utility.

Section 7. Deposits. The City Council hereby finds and declares that the deposits that are set forth in Exhibit C, “Deposit Chart”, which is attached hereto and incorporated herein as if set forth word for word, are fair and reasonable and reflect

the minimum deposits necessary to protect the Utility from undue loss; thus, the “Deposit Chart” is hereby adopted and the deposits reflected therein are hereby fixed as the deposits to be charged to all customers who establish water and/or wastewater service with the Utility.

Section 8. Payment by Customers. The monthly bill is payable on the Due Date. Monthly bills shall be based upon the volume of water and wastewater used and the applicable rate; however, the monthly bill shall be at least the Minimum Monthly Charge, if any, as reflected on the applicable rate.

A. **Late payment and nonpayment.** Any customer who does not pay his or her bill prior to the close of the regular business day on the Due Date will be sent a late notice and assessed both a 10% penalty and a re-billing fee. Any customer who does not pay his or her bill prior to the close of the regular business day on the Cut-off Date will be Disconnected and may be Locked-off. Any customer whose water service meter has been Disconnected or Locked-off by the Utility will be assessed a Re-connection fee in addition to any and all past-due amounts, penalties, and fees. No customer shall be reconnected unless and until all past-due amounts, penalties, and fees, including the Re-connection fee, have been paid in full.

B. **Account Termination.** When an account becomes delinquent for 30 days, the Utility shall mail notice to the location receiving service notifying the customer that the delinquent account is being terminated. If payment is not received within 10 days, the Utility may terminate the delinquent account and liquidate the customer’s deposit to offset any and all debts owed to the Utility. The Utility may

initiate collection procedures according to Arkansas law to collect any outstanding debts remaining after application of the deposit. Any customer whose account has been terminated due to non-payment may be required to pay an increased deposit to re-establish service.

C. **Insufficient Checks.** All returned checks or insufficient funds drafts will be charged a check service fee as allowed by Arkansas law. If not timely paid, action will be commenced under the Arkansas Hot Check Law and the service disconnected. All fees and assessments as set forth in this Ordinance or any amendment thereto shall be applied. If two returned checks or drafts are received on an account for 2 consecutive months, a letter will be mailed to the customer stating that only certified funds or cash will be accepted for a period of one (1) year.

D. **Billing Malfunctions.** In the event of a computer hardware or software failure or other circumstances beyond the control of the Utility, the Commission shall have full discretion to extend the Due Date and Cut-off Date for a period of time commensurate with the delay of the monthly billing or late notice processing.

Section 9. Billing Disputes. Billing disputes may be initiated by any customer by contacting the Utility. Upon receipt of a billing dispute, the Utility shall perform an investigation to compile relevant facts. Upon completing the investigation, the Utility shall compile a synopsis of the facts, all findings of its investigation, and all documents submitted by the complainant and forward the same to the Chairperson of the Commission for a final decision. After considering all relevant information

presented by both the Utility and the complainant, the Chairperson, or the Chairperson's designee, shall render a decision regarding the proper amount of the bill.

Section 10. Cooperation with Other Service Providers. Where necessary, for any Non-Water Customer or Non-Water Customer – With Trash, the Utility is authorized to cooperate with the water-service provided for any Non-Water Customer or Non-Water Customer – With Trash to carry out the purposes of this Ordinance.

Section 11. Severability. The provisions of the Ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of the Ordinance.

Section 12. Repealer. All parts of previous Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 13. Other Unaffected Policies. Unless in conflict with the Ordinance, all other Ordinances, Resolutions, and Utility policies will be unchanged.

Section 14. Declaration of Emergency. The proper and beneficial use of water and wastewater and the providing of water and wastewater services to the City of Cabot are of great importance to the welfare, health, and safety of the inhabitants of the City of Cabot. It is therefore declared that an emergency exists, and this Ordinance being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage.

SPONSOR:
Referred By: Water WasteWater
Commission

PASSED:

EMERGENCY CLAUSE:

DATE:

APPROVED:

Ken Kincade, Mayor

APPROVED AS TO FORM:

ATTEST:

Jim Taylor, City Attorney

Tammy Yocom, City Clerk-Treasurer

EXHIBIT A

MONTHLY WASTEWATER RATE CHART

(a) All Water Customers (Excluding Briarwood/Bear Creek Extension Area, Phase II and Mark Lynn, Dina, Bradley Extension Area)

Zero (0) to two thousand (2,000) gallons	\$7.56*
For all consumption in excess of two thousand (2,000) gallons	\$3.78 per 1,000 gallons

(b) All Non-Water Customers

Zero (0) to two thousand (2,000) gallons	\$13.03*
For all consumption in excess of two thousand (2,000) gallons	\$3.78 per 1,000 gallons

(c) All Non-Water Customers – With Trash

Zero (0) to two thousand (2000) gallons	\$12.73*
For all consumption in excess of two thousand (2000) gallons	\$3.78 per 1,000 gallons

(d) Briarwood/Bear Creek Extension Area, Phase II (Expires after December 2030)**	\$32.63*
	\$4.19 per 1,000 gallons

(e) Mark Lynn, Dina, Bradley Extension Area (Expires after January 2027)**	\$31.60*
	\$3.78 per 1,000 gallons

The above rates shall be adjusted annually based on the Consumer Price Index for the preceding year or 3%, whichever is less, effective January 1 of each year and annually thereafter with the first such rate increases to take effect on January 1, 2020.

* Minimum Monthly Charge.

** After expiration, reverts to appropriate customer class.

**EXHIBIT B
FEE CHART**

(a) CONNECTION CHARGES

Easy Set - through and including a 1 in meter

\$ 225.00

An easy set includes the services of installing a water meter and a meter box at an existing service location.

Easy Set - 1 ½ inch meter

\$ 565.00

An easy set includes the services of installing a water meter and a meter box at an existing service location.

Easy Set - 2 inch meter

\$ 690.00

An easy set includes the services of installing a water meter and a meter box at an existing service location.

Hard Set-through and including a 1 in meter

\$ 900.00

A hard set includes the services of tapping the city water main.

Hard Set - 1 ½ inch meter

\$ 1,445.00

A hard set includes the services of tapping the city water main.

Hard Set - 2 inch meter

\$ 1,575.00

A hard set includes the services of tapping the city water main.

(b) HYDRANT METER CONNECTION FEE

\$ 100.00

(c) RE-CONNECTION FEE

\$ 25.00

This fee includes re-connection of Voluntarily Disconnected Meters.

(d) RE-CONNECTION FEE (After-Hours)

\$ 50.00

(e) RE-BILLING FEE

\$ 1.00

(f) CHECK SERVICE FEE (Insufficient Check)

\$ 20.00

- (g) ORGANIZATION FEE**
This fee covers the cost of each address for property owners and real estate agencies.
\$ 25.00
- (h) INSPECTION FEE FOR IRRIGATION METERS**
\$ 40.00
- (i) STREET BORE FOR CONNECTION TO RESIDENCE**
\$ 600.00
- (j) COST PER LINEAR FOOT OF MATERIALS FOR STREET BORE**
\$ 16.00
- (k) COST PER LINEAR FOOT OF MATERIALS FOR STREET CUT**
\$ 35.00
- (l) STREET CUT FOR CONNECTION TO RESIDENCE**
\$ 600.00
- (m) WASTEWATER CONNECTION FEE (RESIDENTIAL)**
\$ 100.00
- (n) WASTEWATER CONNECTION FEE (COMMERCIAL)**
\$ 200.00
- (o) WASTEWATER CONNECTION FEE (2 or more connections on same property)**
\$ 250.00 (applies to both residential and commercial property)
- (p) WASTEWATER TAP FEE (GRINDER PUMP and GRAVITY SEWER)**
\$ 990.00

**EXHIBIT C
DEPOSIT CHART***

Deposit for Water Accounts				
Meter Size	Home Owner	Renter	Commercial	Irrigation
5/8"	\$ 100.00	\$ 105.00	\$ 110.00	\$ 115.00
3/4"	\$ 140.00	\$ 145.00	\$ 150.00	\$ 155.00
1"	\$ 300.00	\$ 345.00	\$ 350.00	\$ 355.00
1 1/2"	\$ 750.00	\$ 750.00	\$ 750.00	\$ 755.00
2"	\$ 1,050.00	\$ 1,050.00	\$ 1,050.00	\$ 1,050.00
3"	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00	\$ 1,250.00
4"	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
6"	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00

Deposit for Wastewater Only			
Meter Size	Home Owner	Renter	Commercial
5/8"	\$ 80.00	\$ 80.00	\$ 90.00
3/4"	\$ 110.00	\$ 110.00	\$ 120.00
1"	\$ 230.00	\$ 260.00	\$ 270.00
1 1/2"	\$ 375.00	\$ 570.00	\$ 570.00
2"	\$ 525.00	\$ 790.00	\$ 790.00
3"	\$ 625.00	\$ 940.00	\$ 940.00
4"	\$ 750.00	\$ 1,130.00	\$ 1,130.00
6"	\$ 1,500.00	\$ 2,250.00	\$ 2,250.00

* In accordance with Section 8. B., the deposit for any customer whose account has been terminated due to non-payment shall be two-times the deposit required in Exhibit C.

Budget

&

Personnel

ORDINANCE __ OF 2019

AN ORDINANCE TO PERMIT, COUNCIL MEMBERS, OFFICIALS, AND/OR MUNICIPAL EMPLOYEES TO DO BUSINESS WITH THE CITY OF CABOT; SPECIFICALLY, LOUIS CIMINO; AND FOR OTHER PURPOSES

WHEREAS, Ark. Code Ann § 14-42-107(b)(1) states that no alderman, council member, official, or municipal employee shall be interested, directly or indirectly, in the profit of any contract for furnishing supplies, equipment, or services to the municipality unless the governing body of the city has enacted an ordinance specifically permitting alderman, council members, officials, or municipal employees to conduct business with the city; and

WHEREAS, Louis Cimino has applied to do business with the City of Cabot to provide printed clothing apparel; and

WHEREAS, this ordinance does not waive the competitive bidding requirements of Ark. Code Ann §14-52-104, nor does it waive the requirement, enacted by Ordinance 5 of 1986, as amended, to obtain up to 3 quotes for purchases in excess of \$1,000 but less than \$20,000.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CABOT, ARKANSAS, THAT:

SECTION 1: Louis Cimino is hereby permitted to conduct business with the City of Cabot, Arkansas, as described, upon the approval of this governing body.

SECTION 2: This Ordinance only gives authority for the services delineated on Exhibit “A”, attached hereto and incorporated herein by this reference, and for none other. The authority for the given herein applies only to that activity which is specifically permitted and is the extent of the approval of that authority for the time period referenced herein.

SECTION 3: This Ordinance does not waive any requirements enacted by state or city law concerning competitive bidding.

SECTION 4: This Ordinance shall be in effect for two years from the date of its passage, ending May 16, 2022.

SECTION 5: REPEALER: All ordinances/resolutions and parts of ordinances/resolutions in conflict herewith are hereby repealed.

SPONSOR:
Ken Kincade, Mayor

PASSED:
DATE:
APPROVED:

Ken Kincade, Mayor

APPROVED AS TO FORM:

ATTEST:

Jim Taylor, City Attorney

Tammy Yocom, City Clerk~Treasurer

ORDINANCE NO. __ OF 2019

AN ORDINANCE TO APPOINT MITCHELL WARD TO THE CABOT PLANNING COMMISSION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, due to the resignation of, Nancy Cohea, the Cabot Planning Commission currently has a vacant position; and

WHEREAS, Mitchell Ward is a capable and qualified citizen of Cabot that desires to be appointed to the Cabot Planning Commission; and

WHEREAS, Mayor Kincade hereby recommends the appointment of Mitchell Ward to the Cabot Planning Commission, subject to the approval of this governing body.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CABOT, ARKANSAS, THAT:

SECTION 1: Mitchell Ward is hereby appointed to the Cabot Planning Commission.

SECTION 2: Mitchell Ward shall fill the vacant position on the Cabot Planning Commission which will expire August 10, 2022.

SECTION 3: EMERGENCY. The proper operation and appropriate planning of the Planning Commission is of great importance to the health and welfare of the city of Cabot and its citizens. An emergency is therefore declared and this Ordinance being necessary for the preservation of the public peace, health, safety, and welfare shall be in full force and effect from and after its passage.

SPONSOR:
Ken Kincade, Mayor

PASSED:
EMERGENCY CLAUSE:
DATE:
APPROVED:

Ken Kincade, Mayor

APPROVED AS TO FORM:

ATTEST:

Jim Taylor, City Attorney

Tammy Yocom, City Clerk-Treasurer

Mithell Ward, Co-Founder, Owner-operator

Red River Dodge Chrysler Jeep Ram Heber Springs and Malvern

City Motors Jacksonville

Coastal Jeep Ram Quincy, FL

Cypress Creek Golf Course

SMD Properties

Organizations

McArthur Church-Deacon

Arkansas Motor Vehicle Commission-Commissioner

Arkansas Auto Dealer Association

FCA Dealer Council

Growing up in a family of entrepreneurs, Mitchell Ward always had a desire to create opportunities for himself. While growing up in Jacksonville he spent most of his time working alongside his father, Dennis Ward, learning the ins and outs of the family business at their dealership, City Motors. Mitchell graduated from Jacksonville High School in 1997. He went on to major in Business Administration at Southwestern Assembly of God University in Waxahachie, Texas. Mitchell has always valued hard work and dedication.

After working for himself through college and several years after, he joined his dad in business at City Motors. Shortly after that, they established Red River Dodge in Heber Springs. Under Mitch's leadership Red River grew to become the #1 Ram dealer in the state of Arkansas in a town of less than 7,000 people. With their success, Chrysler asked them to open an additional store in Malvern, this was the beginning of Red River of Malvern. Around 2012, when Cypress Creek Golf Course was threatened with going out of business, Mitch partnered with other community members to invest in it. Mitch's goal for this golf course was to have a family friendly atmosphere for the community and today the golf course is thriving. In 2018 Mitch began looking for ways to expand his business. He found a great opportunity to purchase a Dodge Chrysler Jeep Ram Franchise in Quincy, FL, Coastal Jeep Ram (sadly it's not on the coast)!

Mitch is a family man first. He has been married to his wife Jessica for 15 years and they have three beautiful children: Caden, Drake, & Adalyn. Mitch and Jessica have called Cabot home for over 14 years now. He has coached local kids softball, baseball, flag football, and basketball (2019 boys 7-9th grade champs).

He has been a member of McArthur Church in Jacksonville for 30 years. Although he has always served the church in different capacities, he now serves on the church board as a Deacon. Governor Hutchison nominated Mitch to serve on the Motor Vehicle Commission, where he is currently a Commissioner. He has also been nominated by several of his business peers to serve on the Arkansas Auto Dealer Association as well as the FCA Dealer Council.

Economic Development