

**CITY OF CABOT, ARKANSAS**  
**Council Meeting Minutes**  
**June 17, 2019**

**Call to Order**

Mayor Ken Kincade called to order the regular meeting of the Cabot City Council at 7:00 p.m. on June 17, 2019 in the Cabot City Annex Council Chambers. Opening prayer was given by Cabot United Methodist Church, Pastor Stephen Dickinson and the Pledge of Allegiance was led by Council Member Doug Warner.

**Roll Call**

A roll call was conducted. The following persons were present: Council Members Matt Webber, Ronald Waymack, Doug Warner, Damon Bivins, Ed Long, Norma Naquin, James Reid and Kevin Davis. Also in attendance were Mayor Ken Kincade, City Attorney Jimmy Taylor and City Clerk & Treasurer Tammy Yocom.

**Public Hearing – Cabot Water and Wastewater Commission**

At 7:02 p.m., Mayor Kincade opened the Public Hearing regarding fixing rates, fees, and deposits for Cabot WaterWorks. Gary Walker, Chairman of the Cabot Water and Wastewater Commission, addressed the council. He explained the ordinance would increase the wastewater rates so that they would be able to cover depreciation (per state law) on their balance sheet and be in the black. He also stated they have completed a rate study and the rates they have included in the ordinance will cover depreciation and get them in compliance with state law. After Mr. Walker's introduction, Mayor Kincade allowed members of the audience to speak or ask questions. Mr. Bob Miller, 17 Broadmoor Circle, addressed the council supportive of an increase if the last one was in 2001, yet opposed the high rate of the proposed increase of 100 percent (per his calculations). Discussion and answers from Mr. Baxter, Cabot WaterWorks' attorney. Covering depreciation, per state law, was again the reason given for the rate increase. Council Member Ms. Naquin wanted all to know that some fees and deposits were increasing as well as wastewater rates. Council Member Doug Warner began a discussion on future increases. Mr. Baxter explained future rate increases are covered in the ordinance annually as three percent or in line with the Consumer Price Index, whichever is less. Mr. Jay O'Neal, 885 Mount Carmel Road, asked how this would help him with Mid Arkansas Utilities and having water rights released on property within the City limits. Discussion. It was determined the Arkansas Natural Resources Commission sets the water service territory and Cabot WaterWorks has no control over them. Jacob Johnson, 18 Cypress Knee Drive, addressed the council with concerns regarding deposit rates on sprinkler meters vs the rates on service meters. It was determined the rates are set based on volume per type of meter and necessary as a method to cover the bad debt of the individual paying the deposit should they not pay their final bill. Discussion. Mayor Kincade stated he would not approve of this legislation should an economic development agreement not be reached with Cabot WaterWorks. A member of the audience addressed the council with concern over

retirees and their inability to keep up with an annual increase due to their fixed income. Discussion. Council Member Mr. Long voiced concern over the automatic annual increase without council oversight. Mr. Long would like the commission to request the increase annually and the council approve it much like the procedure for increasing sanitation fees. Discussion. There were no other concerns brought before the council. The Public Hearing was closed at 7:35 p.m.

### **Approval of Minutes from Last Meeting and Other Matters**

The minutes of the May Regular Council Meeting were approved with a motion by Mr. Warner and second by Mr. Bivins. Motion passed unanimously by a Roll Call Vote.

Motion to read legislation by title only by Mr. Reid, second by Ms. Naquin. Motion passed unanimously by a Roll Call Vote.

### **Planning Commission**

**OLD BUSINESS:** None

**NEW BUSINESS:** None

### **City Council**

**OLD BUSINESS:** None

**NEW BUSINESS:** ORDINANCE NO. 18 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 was read by City Clerk/Treasurer Tammy Yocom. First reading. No action.

ORDINANCE NO. 21 OF 2019 – AN ORDINANCE LEVYING A TAX UPON THE SALE OF CERTAIN ALCOHOL BEVERAGE SALES IN THE CITY OF CABOT; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES was read by City Clerk/Treasurer Tammy Yocom. Motion to suspend the second and third reading by Ms. Naquin, second by Mr. Davis. Mr. Warner voiced his opposition to waiving second and third readings. A member of the audience addressed the Council voicing his opposition to waiving second and third readings. Motion passed 6-2 with a Roll Call Vote. Mr. Waymack and Mr. Warner voted no. Motion to adopt by Ms. Naquin, second by Mr. Reid. Motion passed unanimously. No action on the Emergency Clause.

ORDINANCE NO. 22 OF 2019 – AN ORDINANCE TO REZONE THE PROPERTY LOCATED AT 706 SOUTH PINE FROM ITS CURRENT USE TO

MULTIPLE TYPE USES DESCRIBED HEREIN; AMENDING THE LAND USE PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES was read by City Clerk/Treasurer Tammy Yocom. Mr. Tim Lemons, Lemons Engineering, requested the waiving of the second and third reading. Motion to suspend the second and third reading by Mr. Davis, second by Mr. Long. Mr. Bob Miller, 17 Broadmoor Circle, addressed the Council voicing his opposition to waiving the second and third readings, enacting the Emergency Clause and not presenting the site plan with the land use adoption. Motion failed with a vote of 5-3. Mr. Warner, Mr. Webber and Mr. Waymack voted no. No further action.

ORDINANCE NO. 23 OF 2019 – AN ORDINANCE TO REZONE THE PROPERTY LOCATED AT 50 SOUTH PINE; FROM R-1 TO O-1; AMENDING THE LAND USE PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES was read by City Clerk/Treasurer Tammy Yocom. Tim Lemons, Lemons Engineering, explained to the Council this property was thought to have been rezoned by Public Works and, in fact, has been used as commercial for years but technically has not been rezoned. He asked for the waiving of the second and third reading and the adoption of the Emergency Clause to help the City clean up this issue. Motion to suspend the second and third reading by Mr. Davis, second by Mr. Reid. Motion passed unanimously by a Roll Call Vote. Motion to adopt by Mr. Long, second by Mr. Webber. Motion passed unanimously by a Roll Call Vote. Motion to adopt the Emergency Clause by Mr. Long, second by Mr. Warner. Mr. Bob Miller, 17 Broadmoor Circle, addressed the Council voicing his opposition to enacting the Emergency Clause. Motion passed with a vote of 7-1 by a Roll Call Vote. Mr. Warner announced, as a reward to Mr. Miller, he votes no.

ORDINANCE NO. 24 OF 2019 – AN ORDINANCE TO REZONE THE PROPERTY LOCATED AT 48 WEST BERRY LANE (SECTION 7 T-4-N, R-9-W); FROM R-1 TO C-2; AMENDING THE LAND USE PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES was read by City Clerk/Treasurer Tammy Yocom. First reading. No action.

RESOLUTION NO. 17 OF 2019 – A RESOLUTION TO REAPPOINT GARY WALKER TO THE CABOT WATER AND WASTEWATER COMMISSION; AND FOR OTHER PURPOSES was read by City Clerk/Treasurer Tammy Yocom. Motion to adopt by Mr. Davis, second by Mr. Warner. Motion passed unanimously.

**Community Input:** Amy Williams revealed a Purple Heart City sign for all to see. She announced they will be placed at the welcome signs and the population signs.


Travis Young announced the 4<sup>th</sup> of July celebration would be held on July 3<sup>rd</sup>, 6 pm – 9 pm, fireworks will begin at 9:15 pm.

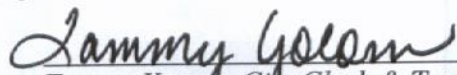
Jacob Johnson addressed the council with a complaint regarding finding documents on the city website.

**Council Member Input:**

**Adjournment** - There being no further business, the meeting was adjourned at 8:17 p.m.

We, the undersigned Mayor and City Clerk/Treasurer for the City of Cabot, do hereby certify the foregoing to be a true and correct record of the proceedings of the City of Cabot Regular Meeting held on Monday, June 17, 2019 at 7:00 p.m.

  
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Kenneth C. Kincade, Mayor

  
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Tammy Yocum, City Clerk & Treasurer

