



**CITY OF CENTERTON  
CITY COUNCIL MEETING  
OCTOBER 10, 2023  
6:00 PM**

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

**(2) Prayer** – Todd Wright offered the prayer.

**(3) Roll Call** - Those Present and answering Roll Call were Mayor Bill Edwards, Misty Elam, Darren Warren, Josie Reed (Remote), Keith Higginbotham, Justin Cowgur and Amy Rochette. Those present and not answering Roll Call were City Clerk Todd Wright, City Attorney Brian Rabal, HR Director Jocelyn Diaz, Financial Director Shannon Zappettini, City Planner Kayla Knight, Fire Chief Matt Thompson (Remote), Police Chief Cody Harper and Public Works Director Anthony Martinez.

**(4) Council Minutes** –

**Misty Elam made a motion to Approve the Minutes of the September 12, 2023 City Council Meeting, with a 2<sup>nd</sup> from Josie Reed. All Council Members voted in favor and the motion carried.**

**CWSD & Planning Commission Minutes** –

**Josie Reed made a motion to Acknowledge Receipt of the Minutes of the August 15, 2023 CWSD Meeting and September 5, 2023 and September 19, 2023 Planning Commission Meetings, with a 2<sup>nd</sup> from Justin Cowgur. All Council Members voted in favor and the motion carried.**

**(5) City and Court Financials** -

Financial Director Shannon Zappettini addressed the Council, detailing the Financial Reports for September 2023, as provided in the Council packets. Revenue was at 79% and Expenses were at 71%. She also updated Council on the September 2023 Ambulance Billing.

Tyler from FNB gave an update on the Investment account for the City.

The September 2023 Court Report was contained in the Council packets.

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

**Misty Elam made a motion to accept the September, 2023 City & Court Financials, with a 2<sup>nd</sup> from Amy Rochette. All Council Members voted in favor and the motion carried.**

#### **(6) Department Reports -**

The Department Reports were in the Council Packets.

- City Planner Kayla Knight gave an update on Brightly/SmartGov.
- Police Chief Cody Harper gave an update on the Centerton Animal Shelter.

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

#### **(7) Public Comments –**

**Will Kellstrom – Attorney –** Mr. Kellstrom addressed the Council, requesting to speak during the item regarding Annexation later in the Council Meeting.

#### **(8) Ordinances –**

**Keith Higginbotham made a motion to Read Ordinances 2023-59, 2023-60, 2023-61, 2023-62, 2023-63, 2023-64 and 2023-65; and Resolution 2023-41 by Title only, with a 2<sup>nd</sup> from Misty Elam. There was a roll call. All Council Members voted in favor and the motion carried.**

**Josie Reed made a motion to Suspend the Rule Requiring the Reading on three (3) Separate Occasions for Ordinances 2023-59, 2023-60, 2023-61, 2023-62, 2023-63, 2023-64 and 2023-65, with a 2<sup>nd</sup> from Amy Rochette. There was a roll call. All Council Members voted in favor and the motion carried.**

- **Ordinance 2023-59 - AN ORDINANCE AMENDING ORDINANCE 2023-58 EXHIBIT “A” FOR THE ERROR OF OMISSION OF STATEMENT REGARDING ACCESSORY**

**STRUCTURES TO BE EXCLUDED FROM THE BUILABLE AREA REQUIREMENT IN THE CENTERTON MUNICIPAL CODE, SECTION 14.04.04, SUBSECTION J, RESIDENTIAL TOWNHOUSE TWO (RTH-2) AND SUBSECTION K, RESIDENTIAL TOWNHOUSE FIVE (RTH-5); AND DECLARING AN EMERGENCY.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend Municipal Code, Section 14.04.04. A copy of the amended Code was provided in the Council packet.

City Planner Kayla Knight addressed the Council, detailing the change, as presented. Council agreed.

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

**City Attorney Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to adopt the Ordinance, with a 2<sup>nd</sup> from Misty Elam. There was a roll call. All Council Members voted in favor, and the motion carried. City Attorney Brian Rabal read the Emergency Clause. Josie Reed made a motion to adopt the Emergency Clause, with a 2<sup>nd</sup> from Amy Rochette. There was a roll call. All Council Members voted in favor, and the motion carried.**

- **Ordinance 2023-60 - AN ORDINANCE AUTHORIZING THE ISSUANCE OF A \$7,000,000.00 PAR AMOUNT CITY OF CENTERTON, ARKANSAS WATER AND SEWER IMPROVEMENT REVENUE BOND, SERIES 2023 FOR THE PURPOSE OF FINANCING A PORTION OF THE COST OF CERTAIN IMPROVEMENTS; PLEDGING WATER AND SEWER REVENUES TP PAY THE PRINCIPAL OF AND INTEREST ON THE BOND; AUTHORIZING THE EXECUTION OF A LETTER OF OFFER AND REPRESENTATIONS FOR THE PURCHASE AND SALE OF THE BOND; AUTHORIZING A TRUST INDENTURE SECURING THE BOND; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.**

Mayor Edwards addressed the Council, stating that this Ordinance is to authorize the issuance Water and Sewer Improvement Bonds for a new Water Tower, as presented.

Bob Wright with Crews & Associates addressed Council, detailing the request. He provided Council with Water and Sewer Revenue Bonds Aggregate Debt Service statistics and Debt Service Coverage for 2020, 2021 and 2022 and answered Council's questions.

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

**Public Hearing –**

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

Mayor Edwards asked if there were any Public Comments. There were none.

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

**City Attorney Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to adopt the Ordinance, with a 2<sup>nd</sup> from Misty Elam. There was a roll call. All Council Members voted in favor, and the motion carried. City Attorney Brian Rabal read the Emergency Clause. Keith Higginbotham made a motion to adopt the Emergency Clause, with a 2<sup>nd</sup> from Justin Cowgur. There was a roll call. All Council Members voted in favor, and the motion carried.**

- **Ordinance 2023-61 - AN ORDINANCE TO REZONE CERTAIN LAND BELONGING TO CHRISTY B. RODRIGUEZ, LOCATED IN THE CITY OF CENTERTON, S06-T19N-R31W OF BENTON COUNTY, ARKANSAS, FROM AGRICULTURAL (A-1) TO LOW DENSITY RESIDENTIAL (R-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone land off of Huber Road from (A-1) to (R-1). He said it was recommended for Council approval at the last PC meeting. A map was provided for Council.

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

**City Attorney Brian Rabal read the Ordinance by title only. Amy Rochette made a motion to adopt the Ordinance, with a 2<sup>nd</sup> from Josie Reed. There was a roll call. All Council Members voted in favor, and the motion carried.**

- **Ordinance 2023-62 - AN ORDINANCE CORRECTING THE STREET NAME SPELLING OF “DILLION” STREET TO “DILLON” STREET ON THE FINAL PLAT OF THE EDGEWOOD SUBDIVISION IN THE CITY OF CENTERTON, ARKANSAS; FILED FOR RECORD WITH THE BENTON COUNTY RECORDER OF DEEDS AND RECORDS ON AUGUST 28, 2023, INSTRUMENT NO. L202344247; AND DECLARING AN EMERGENCY.**

Mayor Edwards addressed the Council, stating that this Ordinance is to correct the street name spelling of “Dillon” Street on the Final Plat of the Edgewood Subdivision.

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

**City Attorney Brian Rabal read the Ordinance by title only. Keith Higginbotham made a motion to adopt the Ordinance with a 2<sup>nd</sup> from Darren Warren. There was a roll call. All Council Members voted in favor and the motion carried. City Attorney Brian Rabal read the Emergency Clause. Misty Elam made a motion to adopt the Emergency Clause with a**

**2<sup>nd</sup> from Josie Reed. There was a roll call. All Council Members voted in favor and the motion carried.**

- **Ordinance 2023-63 - AN ORDINANCE WAIVING BIDDING REQUIREMENTS FOR THE PURCHASE OF 6- 2023 CHEVROLET TAHOES FROM NUNNALLY CHEVROLET, BENTONVILLE, ARKANSAS FOR THE CENTERTON POLICE DEPARTMENT.**

Mayor Edwards addressed the Council, stating that this Ordinance is to waive the bidding requirements to purchase six (6) 2023 Chevrolet Tahoe's for the Police Department at \$39,890.00 each. He said we will need six (6) police vehicles next year and Nunnally Chevrolet has gotten some vehicles in. He said we will replace the funds in next year's budget from the Investor Account. He said buying them this year will be a savings to the city, due to an increase in next year's projected 2024 Tahoe vehicle cost (\$53,817.00). He said we will budget for the equipment in next year's budget as well.

Police Chief Cody Harper addressed Council, stating that vehicles have been hard to find detailed the cost savings by purchasing at this time. He said there is enough funds in the General Fund to cover the purchase.

There was discussion about the number of vehicles in the PD and the process of replacement.

Council Member Darren Warren recommended a Budget Adjustment for the Police Department in this year's Budget, knowing that there will be no need for vehicles in next year's budget.

Council Member Keith Higginbotham recommended getting the new vehicles outfitted in this year's budget and the vehicles they are replacing ready for surplus.

Council Member Amy Rochette also agreed that this should all come out of this year's budget.

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

**City Attorney Brian Rabal read the Ordinance by title only. Misty Elam made a motion to adopt the Ordinance, with a 2<sup>nd</sup> from Keith Higginbotham. There was a roll call. All Council Members voted in favor, and the motion carried.**

- **Ordinance 2023-64 - AN ORDINANCE ACCEPTING DEDICATION OF RIGHT-OF-WAY BY COX DEVELOPMENT LLC PER PLAT TITLED "LOTS 1 AND 2 COX ADDITION OF PARCEL 06-00081-000" FOR PROPERTY LOCATED IN PART OF THE SE ¼ OF S33-T20N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept dedication of ROW at Second Street and Fair Street.

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

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

- **Ordinance 2023-65 - AN ORDINANCE ACCEPTING DEDICATION OF RIGHT-OF-WAY BY CHRISTY RODRIGUEZ PER PLAT TITLED “LOT SPLIT CREATING LOTS 5A AND 5B OF PARCEL 06-00047-862” FOR PROPERTY LOCATED IN PART OF THE SE ½ OF THE SE ¼ OF S33-T20N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept dedication of ROW on Huber Road.

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

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

**(9) Resolutions –**

- **Resolution 2023-41- A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE VACATION OF A DRAINAGE & UTILITY EASEMENT LOCATED ON LOT 27 OF VERSAILLES SUBDIVISION, AKA 1400 LE CHESNAY DR, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Bill Edwards addressed the Council, stating that this Resolution is to set a Public Hearing for 11/14/2023 for Easement Vacation on Lot 27 of the Versailles Subdivision.

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

**City Attorney Brian Rabal read the Resolution by title only. Keith Higginbotham made a motion to adopt the Resolution, with a 2<sup>nd</sup> from Josie Reed. There was a roll call. All Council Members voted in favor, and the motion carried.**

**(10) Review Requests for Proposals for Bond Underwriting Services -**

Mayor Edwards addressed the Council, stating that he did put out RFQ’s for underwriting services to help us fund a Community Center. He introduced representatives Kevin Faught and

Bob Wright from Stephens, Inc. / Crews and Associates and Cheryl Schluterman from Raymond James.

Presentations were made by both parties.

There was Council discussion.

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

**Keith Higginbotham made a motion to use Raymond James for Underwriting Services for Funding for a Community Center, with a 2<sup>nd</sup> from Misty Elam. There was a roll call. All Council Members voted in favor and the motion carried.**

**(11) Accept Receipt of Police Department Overtime Policy –**

Police Chief Cody Harper detailed some wording changes to the Overtime Policy of the Police Department.

**No Action was required by Council.**

**(12) Review Human Resources Policy Changes -**

HR Director Jocelyn Diaz addressed Council, detailing recommended Employee Policy changes.

Council Member Misty Elam had questions regarding the use of City Vehicles and taxation. Diaz addressed the questions.

Council Member Josie Reed had questions regarding the Drug Testing policy. There was discussion.

City Attorney Brian Rabal said he has not had an opportunity to review the recommended changes.

**Misty Elam made a motion to Table this item to allow for review by the City Attorney, with a 2<sup>nd</sup> from Justin Cowgur. All Council Members voted in favor and the motion carried.**

**(13) Discuss Parks Impact Fees – Don Casteel -**

Don Casteel, with the Centerton Parks and Recreation Advisory Board made a presentation to Council regarding Park Impact Fees.

Public Works Director Anthony Martinez and Robert Anderson with the Water & Sewer Commission also addressed Council, regarding having a Development Plan and having a Study

done. Martinez said he has reached out to other communities in the state and will continue the process. There was discussion.

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

**No action was taken by Council.**

**(14) Discuss Water and Sewer Annexation Concern – Bob Anderson -**

Centerton Water & Sewer Commission Member Bob Anderson addressed the Council, detailing the current water and sewer service within and outside of the Centerton City Limits. He detailed a request for sewer service by a developer of a 225-Unit Multi-Residential Development, which is located outside of the city limits. He said the developer has been unable to gain the requirements from the surrounding property owners for a Voluntary Annexation. He said the Water & Sewer Commission is extremely reluctant to extend service outside the city limits in this case, believing that the present City Policy of only allowing Voluntary Annexations has created numerous irregular boundaries, which will prohibit the future growth of the city, due to the creation of property enclaves. He provided a map of the city boundaries for Council, pointing out some existing enclaves. He stated that elections for Municipal Annexations can only occur during a General Election, with the next General Election being November 2024. He asked what the Council's expectation of the Water & Sewer Commission was in the case of providing sewer service outside of the city, where immediate annexation is barred by law, due to enclaves being created. He said their decision would set precedent for future development.

Mayor Edwards addressed Council stating that he and City Attorney Brian Rabal has tried to work with the Developer and their attorney Will Kellstrom. He detailed the Majority Voluntary Annexation attempt by the developer, as well as other options that were looked at. He said the County Judge was not in support of annexation.

Attorney Will Kellstrom addressed Council, detailing the situation, as it pertains to a certain property owner trying to sell their property in this case. He stated that Annexation would have to go to the County Judge first. He said this is an uncommon situation, where it is impossible to annex due to opposition of a couple of adjacent properties.

Council Member Darren Warren asked Anderson what the current Water & Sewer Commission Policy was for providing service outside the city. Bob Anderson detailed the policy. It was also provided in Dropbox for Council. Anderson said the Commission's opinion is that the policy for providing service outside the city limits does not include large scale developments. He said they interpret that we can only provide service to a single-family or a business outside the city limits after due consideration. He said there have only been three (3) such exceptions. Warren said he would not want to vote on something unless there was a policy in place which has been reviewed by legal counsel. He also stated that we cannot overrule state statute.

City Attorney Brian Rabal said his only concern would be setting precedent.



Council Member Justin Cowgur stated that he did not want to create the four (4) islands.

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

**There was no action by Council.**

**(15) Discuss Bonus for End of Year -**

Mayor Edwards addressed the Council, stating that he was asked by Council to bring this item back this evening. He made a brief presentation to Council about the history of the bonus and asked to continue with the same Tiered Christmas Bonus we provided last year. He said it is not listed in the Budget, but we do have the funds to provide for it. He said the reason for not putting it in the budget is to so that if the funds were not available, the bonus would not be required to be paid. He said the bonus could be called a Christmas Bonus, Year-End Bonus, Longevity Bonus, etc., and that it is up to Council.

Council Member Justin Cowgur asked how we could put a policy in place, based on numbers, to justify the bonus, and stated that we should include it in the budget.

Council Member Amy Rochette stated that she agreed with Justin Cowgur regarding the numbers and including it in the budget. She stated that she was concerned with the expectation of a bonus, stating that it should be an incentive. She recommended calling it Longevity Pay with 3-Tiers (1-5 Years = \$500, 5-10 Years = \$750 and 10+ Years = \$1000).

Council Member Keith Higginbotham stated that he felt the bonus should not be included in the budget.

Council Member Darren Warren stated that it sounds like Council is in favor of the bonus, but is not sure of the amount.

Police Chief Cody Harper, Fire Chief Matt Thompson and Director of Public Works Anthony Martinez addressed Council, in favor of the bonus. Martinez stated that Council needs to continue to look for ways to incentivize employees, to keep up with demand and competition around us.

City Clerk Todd Wright stated that if it is truly a Longevity Bonus, he supported a 4-Tier Bonus structure and felt it should be a budgeted item.

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

**Amy Rochette made a motion to approve Longevity Pay with 3 Tiers of: 1-5 Years - \$500, 5-10 Years - \$750, and 10+ Years - \$1000, to be paid in November each year, with a 2<sup>nd</sup> from Justin Cowgur. There was a roll call. All Council Members voted in favor, except Keith Higginbotham, who abstained, and the motion carried.**

**(16) Other Business –**

- **New Business Update** – Mayor Edwards gave an update on new businesses opening soon.

**(17) Announcements -**

- **10/17/2023 – Planning Commission Meeting @ 6:00 PM**
- **10/21/2023 – Coffee w/ Mayor @ 9:00 AM**
- **11/02/2023 – Budget Meeting @ 6:00 PM**
- **11/07/2023 – Planning Commission Meeting @ 6:00 PM**
- **11/14/2023 – City Council Meeting @ 6:00 PM**
- **12/05/2023 - Planning Commission Meeting @ 6:00 PM**
- **12/12/2023 – City Council Meeting @ 6:00 PM**

**(18) Adjourn -**

**Keith Higginbotham made a motion to Adjourn at 9:51 PM with a 2<sup>nd</sup> from Amy Rochette. All Council members voted in favor and the motion carried.**

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Bill Edwards, Mayor

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Todd Wright, City Clerk