



**CITY OF CENTERTON
CITY COUNCIL MEETING
NOVEMBER 8, 2022
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, Keith Higginbotham, Darren Warren, Josie Reed, Misty Elam, Amy Rochette and Justin Cowgur. Those present and not answering Roll Call were City Clerk Todd Wright, City Attorney Brian Rabal, Financial Director Carl Rabey, City Engineer Alan Craighead, Planning Director Lorene Burns, Police Chief Cody Harper, Fire Chief Matt Thompson, Chief Building Inspector Robert Coffelt and Animal Control Director Cody Wilson.

(4) Council Minutes –

Josie Reed made a motion to Approve the Minutes of the October 8, 2022 and October 27, 2022 City Council Meetings, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

CWSD, Planning Commission, Board of Zoning Adjustments and Parks & Recreation Minutes –

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the September 20, 2022 CWSD Meeting; the October 4, 2022 and October 18, 2022 Planning Commission Meetings; the October 18, 2022 Board of Zoning Adjustments Meeting; and the September 12, 2022 Parks & Recreation Advisory Board Meeting, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

(5) City and Court Financials -

Financial Direct Carl Rabey addressed the Council, giving the Financial and Reports for October. He also gave a brief update on investments.

The October Court Report was contained in the Council packets.

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

Keith Higginbotham made a motion to accept the October, 2022 City & Court Financials, with a 2nd from Amy Rochette. 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 –

Keith Higginbotham made a motion to Read Ordinances 2022-69, 2022-78, 2022-83, 2022-85, 2022-86 and 2022-87; and Resolutions 2022-42 and 2022-43 by Title only, with a 2nd from Josie Reed. There was a roll call. 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 2022-69, 2022-78, 2022-83, 2022-84, 2022-85, 2022-86 and 2022-87, with a 2nd from Justin Cowgur. There was a roll call. All Council Members voted in favor and the motion carried.

- **Ordinance 2022-69 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO COMMERCIAL HOMES BY ROTH, FROM AGRICULTURE (A-1) TO MEDIUM-HIGH DENSITY SINGLE FAMILY RESIDENTIAL (R3-SF).**

Mayor Edwards addressed the Council, stating that this Ordinance went before Council last month, where it was not approved (3-3 vote, with no tie-breaking vote from the Mayor) and Mayor Edwards recommended that it go back to the Planning Commission. He said the request is to rezone property on Greenhouse Road from (A-1) to Medium-High Density Single Family Residential (R3-SF), to be developed as a PUD, and the developer is in attendance to address the Council this evening. The Planning Staff also provided a letter to Council, detailing the request. Mayor Edwards gave an update on the planned improvements to Greenhouse Road. He briefly detailed the history of the rezone application, Public comments and Planning Commission comments, through the Planning process. A map of the property was provided for Council.

Planning Director Lorene Burns addressed the Council, stating that after discussion at the last PC meeting, the developer is agreeable to flip the public street to the north side of the development.

City Engineer Alan Craighead addressed Council regarding details about the potential Collector Road connection to Buckhorn Flats Road.

The applicant addressed the Council, detailing their proposed development.

There was Council discussion about zoning, density and compatibility with the Comprehensive Plan.

City Attorney Brian Rabal stated that this rezone request was denied at the last Council Meeting and that there is State Statute procedure to follow, as he has recommended to Staff. He said the Arkansas Municipal League has offered another option to Council for passage this evening. He said Council did not recommend that it go back to the Planning Commission as part of their motion in the previous meeting. Rabal recommended to Council that the request go back to the Planning Commission, for review and another public notification prior to a Council vote. His recommendation was for Council to vote to take no action tonight, and the applicant could then go back through the Planning process.

The applicant explained how he came to be at tonight's meeting, with there being a tie vote at the last meeting and questions from Council. He claimed to not have notice of the previous Council Meeting. The date of that meeting was shown to be on the top of each of the pages of the Application/Comment paperwork. The applicant stated that he was told he could come back to the Council for discussion this evening. He was notified the night of the Council meeting by the Mayor that it had been denied.

Mayor Edwards said his initial understanding from City Attorney Brian Rabal was that it could come back to Council for discussion, but was later told that it could not.

Planning Director Lorene Burns said the normal process after a denial is that the applicant can go through the Court of Appeals or can go back to the Planning Commission with a lesser zoning. She questioned what sending it back to the Planning Commission with no change in zoning would accomplish, as they have already approved it.

There was Council discussion about whether the item should be sent back to Planning as R-2, with a flipped layout.

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

Misty Elam made a motion that No Action be taken by Council, per City Attorney recommendation, with a 2nd from Darren Warren. There was a roll call. Amy Rochette, Darren Warren and Misty Elam voted YES; Josie Reed, Justin Cowgur and Keith Higginbotham voted NO. Mayor Edwards voted NO to break the tie and the motion was denied.

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 2nd from Josie Reed. There was a roll call. Justin Cowgur, Keith Higginbotham and Josie Reed voted YES; Darren Warren voted NO based on recommendation of City Attorney and the Conditional Use is not tied to the land. Amy Rochette and Misty Elam also voted NO; Mayor Bill Edwards voted YES, and the motion carried.

- **Ordinance 2022-78 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO LESLIE COBERLY FROM AGRICULTURE (A-1) TO LOW DENSITY RESIDENTIAL (R-1) AND RESIDENTIAL ESTATE (R-E).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone property off of Daisy Road and Brookside Road from Agriculture (A-1) to Low Density Residential (R-1) and Residential Estate (R-E). He said this was recommended for approval by the Planning Commission at their 10/04/2022 meeting, and there were no public comments. A map of the property 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. 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 2022-83 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO ANDERSON CUSTOM HOMES FROM AGRICULTURE (A-1) TO MEDIUM DENSITY RESIDENTIAL (R-2).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone property off of Wolverine Drive from (A-1) to Medium Density Residential (R-2). He said this was recommended for approval by the Planning Commission at their 10/18/2022 meeting, and there were no public comments. A map of the property 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. 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 2022-85 - AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY BELONGING TO CASEY FAMILY TRUST, ANDERSON**

CUSTOM HOMES LLC AND THE CITY OF CENTERTON TO THE CITY OF CENTERTON, APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; ASSIGNING SUCH AREA TO WARD 1; AND ZONING AS AGRICULTURE (A-1).

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the annexation of property off of Hwy 72 and Walters Road. He said this annexation has been accepted by the County. A map was provided for Council.

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 2nd from Amy Rochette. There was a roll call. All Council Members voted in favor and the motion carried.

- **Ordinance 2022-86 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO NAVV INVESTMENTS FROM MEDIUM-HIGH DENSITY TWO-FAMILY RESIDENTIAL DUPLEX (RTH-D) TO MEDIUM-HIGH DENSITY SINGLE FAMILY RESIDENTIAL (R3-SF).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone property off of Motley Road from Medium-High Density Two-Family Residential Duplex (RTH-D) to Medium-High Density Single Family Residential (R3-SF). He said this was recommended for approval by the Planning Commission at their 11/01/2022 meeting, and there were no public comments. A map of the property 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. 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 2022-87 - AN ORDINANCE ACCEPTING DEDICATION OF UTILITY EASEMENT BY CENTERTON ENTERPRISES LLC, PER TRACT SPLIT PLAT TITLED "GMRS CENTERTON LLC LOT SPLIT".**

Mayor Edwards addressed the Council, stating that this Ordinance is to dedicate Utility Easement for a Tract Split off of Centerton Blvd. He said this Tract Split was recommended for approval by the Planning Commission at their 10/18/2022 meeting. A map of the property 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. 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 2022-42 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH AMBULANCE MEDICAL BILLING PADUCAH, KENTUCKY FOR AMBULANCE BILLING FOR THE CENTERTON FIRE DEPARTMENT IN THE CITY OF CENTERTON, ARKANSAS.**

Financial Director Carl Rabey addressed the Council, stating that this Resolution is to allow the City to enter into an agreement with Ambulance Medical Billing, to bill for Ambulance Service for the Centerton Fire Department. He said this is the only company that came to the city in person, of the couple that were reached out to, regarding this service, and the only ones ready to start 1/01/2023. He said they are willing to start at a 6.8% monthly fee. He said he understood that they are a Collection Agency as well. Fire Chief Matt Thompson also shared some details of the training and billing. A copy of the agreement was provided to Council.

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

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

- **Resolution 2022-43 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT WITH SPECTRUM VOIP, PLANO TEXAS TO LEASE A PHONE SYSTEM FOR THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to allow the city to enter into an agreement with Spectrum VOIP, for a phone system for the Centerton Fire Department at \$535.69/month. He said this is the same phone system as City Hall and was approved for the Police Department last month. A copy of the agreement was provided for Council.

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

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

(9) Approve 2022 Christmas Bonus -

Mayor Edwards addressed the Council, stating that this Bonus was started by the previous Mayor, for all employees. He provided a history and a proposed spreadsheet of recommended amounts for Council. He said the total amount is approx. \$60,000.00 and said Financial Director Carl Rabey says we are in a good financial position to provide this for the employees. He thanked the Council for approving pay increases for employees this year, to go along with the Salary Study. He stated that the Council has approved the following Christmas Bonus amounts for the previous two (2) years:

Less than 6 Months - \$125.00
6 Months to 1 Year - \$250.00
1 Year to 5 Years - \$500.00
5 Years to 10 Years - \$750.00
Over 10 Years - \$1000.00

There was discussion by Council regarding bonuses for surrounding cities, employee salary increases approved already this year, possible longevity incentives, and possible flat rates.

Anthony Martinez addressed Council, asking them not to make a change in the Christmas Bonus structure 2 weeks prior to the date employees are expecting this year's bonus. He recommended that any changes made be for the next year.

Financial Director Carl Rabey recommended two (2) rates for a Christmas Bonus (less than 6 months and over 6 months). He recommended a separate Longevity Bonus.

Amy Rochette recommended approving the bonus as presented this year, and to discuss future bonus amounts at an upcoming Council Work Session.

Amy Rochette made a motion to approve the Employee Christmas Bonus for 2022 as presented, with a 2nd from Josie Reed. There was a roll call. All Council Members voted in favor, except Keith Higginbotham, who abstained, and the motion carried.

(10) Approve Position Change for Public Works Department -

Anthony Martinez addressed the Council, requesting to fill a position of Building Inspector at \$22.00/Hour or \$45,729.00/Year. He detailed the need for the position and said this would fill the position he vacated. He said the position will be posted internally and externally.

Justin Cowgur made a motion to approve the Building Inspector position as presented, with a 2nd from Josie Reed. There was a roll call. All Council Members voted in favor and the motion carried.

(11) Approve Forest Keeling Nursery Invoice for Tree Giveaway -

Mayor Edwards addressed the Council, requesting payment of \$20,209.29 to Forest Keeling Nursery for the trees for the Fall Tree Giveaway. He said we have received a grant for the trees from the Walmart Foundation, which funnels through the General Fund. He said the reason for the Council approval is due to the amount being over \$20,000.00.

Keith Higginbotham made a motion to approve the \$20,209.24 for trees for the Tree Giveaway, with a 2nd from Misty Elam. There was a roll call. All Council Members voted in favor and the motion carried.

(12) Set Cost of Living Increase and Merit Increase for 2023 Budget -

Mayor Edwards addressed the Council, stating that we need to set the amount of COLA and Merit Increases for the Financial Director to prepare the 2023 Budget. He said this was discussed previously by Council.

Financial Director Carl Rabey said the 2023 Budget he prepared for the October Budget Workshop contained a 2% COLA and Merit Increases of 3%.

There was Council discussion about pro-rating the amount of the Merit Raise depending on the date of the Merit Reviews.

Misty Elam made a motion to approve a 2% COLA and up to 3% for Merit Increases, with a 2nd from Amy Rochette. There was a roll call. All Council Members voted in favor and the motion carried.

(13) Public Comments – None

(14) Other Business –

- **Council Pay** – Mayor Edwards addressed the Council, asking them to consider an increase in Council Pay to \$400.00 for regularly scheduled meetings and \$150.00 for Special Meetings. He said this was already included in the 2023 Budget presented by Financial Director Carl Rabey. He said he would prepare an Ordinance for the next Council Meeting.
- **Code Changes** - Alan Craighead, City Engineer said he will be prepared to bring a contract to Council for Phase 1 of the Grimsley Junior High sidewalks, from the RFQ's that were sent out.

Craighead stated that we will not be renewing our contract with the city with CEI for general engineering services, as he is currently providing the majority of those services. He said he will be sending out RFQ's for pre-approval for miscellaneous outside engineering services required by the city.

Craighead stated that he will be coming before Council with Code Amendments requiring their approval. He said a Public Hearing will be held at the December Planning Commission Meeting. He detailed some of those changes for Council. They were also provided for them in their Council Packets.

No action was taken by Council.

(15) Announcements -

- **11/15/2022 – Planning Commission Meeting @ 6:00 PM**
- **12/06/2022 - Planning Commission Meeting @ 6:00 PM**
- **12/13/2022 – City Council Meeting @ 6:00 PM**
- **12/20/2022 - Planning Commission Meeting @ 6:00 PM**

(16) Adjourn -

Josie Reed made a motion to Adjourn at 9:15 PM with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk