



**CITY OF CENTERTON
CITY COUNCIL MEETING
NOVEMBER 14, 2023
6:00 PM**

(1) Pledge – The Pledge Allegiance was recited.

(2) Prayer – Josie Reed offered the prayer.

(3) Roll Call - Those Present and answering Roll Call were Mayor Bill Edwards, Misty Elam (Remote), Darren Warren (Remote), Josie Reed, 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, Planning Director Lorene Burns, Fire Chief Matt Thompson (Remote), Police Chief Cody Harper and Public Works Director Anthony Martinez.

(4) Council Minutes –

Josie Reed made a motion to Approve the Minutes of the October 10, 2023 and October 30, 2023 City Council Meetings, with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

CWSD & Planning Commission Minutes –

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the September 19, 2023 and October 5, 2023 CWSD Meetings, October 3, 2023 and October 17, 2023 Planning Commission Meetings and September 2, 2023 Parks and 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 Director Shannon Zappettini addressed the Council, detailing the Financial Reports for October 2023, as provided in the Council packets. Revenue was at 90% and Expenses were at 84%. She also updated Council on the October 2023 Ambulance Billing.

Matt Thompson detailed the Fire Department expenses for the Florida Hurricane assistance.

The October 2023 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, 2023 City & Court Financials, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

(6) Department Reports -

The Department Reports were in the Council Packets.

Mayor Edwards recognized the public Works and Parks Departments for their work on the Christmas Lights for the city.

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

(7) Public Comments – None

(8) Ordinances –

Keith Higginbotham made a motion to Read Ordinances 2023-68, 2023-69 and 2023-70; and Resolutions 2023-42, 2023-43 and 2023-44 by Title only, with a 2nd from Amy Rochette. There was a roll call. All Council Members voted in favor and the motion carried.

Amy Rochette made a motion to Suspend the Rule Requiring the Reading on three (3) Separate Occasions for Ordinances 2023-68, 2023-69 and 2023-70, with a 2nd from Justin Cowgur. There was a roll call. All Council Members voted in favor and the motion carried.

- **Ordinance 2023-68 - AN ORDINANCE TO REZONE CERTAIN LAND BELONGING TO EDUARDO RIVERA, LOCATED IN THE CITY OF CENTERTON, S07-T19N-R31W OF BENTON COUNTY, ARKANSAS, FROM AGRICULTURAL (A-1) TO MEDIUM-HIGH DENSITY RESIDENTIAL SINGLE FAMILY (R-3 SF).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone land off of Huber Road from (A-1) to (R-3 SF). He said it was recommended for Council approval at the last PC

meeting on 10/07/2023. He said there was concern from one (1) citizen regarding screening and traffic. 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. Keith Higginbotham 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 2023-69 - AN ORDINANCE VACATING A PORTION OF THE WEST TEN FEET (10') OF THE FIFTEEN FOOT (15') SIDE YARD PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE WEST PROPERTY LINE OF LOT 27 IN THE VERSAILLES SUBDIVISION, CITY OF CENTERTON, AS SHOWN ON PLAT RECORD BOOK 2006 PAGE 997 BENTON COUNTY, ARKANSAS: AKA 1400 LE CHESNAY DRIVE**

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.

Public Hearing –

Josie Reed made a motion to Open the Public Hearing, with a 2nd from Keith Higginbotham. All Council Members voted in favor, and the motion carried.

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

Josie Reed made a motion to Close the Public Hearing, with a 2nd from Keith Higginbotham. All Council Members voted in favor, and the motion carried.

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

- **Ordinance 2023-70 - AN ORDINANCE UPDATING THE SCHEDULE OF FEES, DEPOSITS AND OTHER CHARGES FOR THE CENTERTON WATER AND SEWER DEPARTMENT; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to update fees in the Water and Sewer Department.

Bob Anderson of the Centerton Water and Sewer Commission addressed the Council, detailing the need to update fees in the Water and Sewer Department, due to price increases from the

Benton and Washington County Water Authority, which is the wholesale supplier of the city's water. He also addresses issues of water loss in the city's water system, stating that they plan to add a 3-person crew and equipment specifically to address the water loss. He stated that the requested increase from supplier cost is \$.40/1000 gallons and \$.13/1000 gallons, due to water loss, for a total increase of \$.53/1000 gallons.

Council Members Justin Cowgur and Amy Rochette questioned the increase and asked for the Water & Sewer Department to look for other areas to cut costs. Anderson and Water & Sewer Superintendent Malcolm Attwood addressed the concerns and recommendations. Rochette asked if we could eat the \$.13/1000 gallon portion. Anderson said there are not enough funds in surplus.

Council Member Darren Warren questioned the amount of water loss issue. Anderson addressed the concerns. Anderson stated that if we could mitigate some of the water loss, we could reduce some of the cost increase from the supplier. Anderson said all of the member communities have water loss.

City Clerk Todd Wright recommended that the Water and Sewer Commission provide information specific to the increase from the Water Authority to Council. Wright stated that it sounds like at this point, the supplier increase amount (\$.40/1000 gallons) is a real number and the water loss number is something Centerton Utilities are looking to bite into, through repairs.

Anderson also detailed an increase of \$2.00 for the Meter Replacement Fee and a New Construction Re-Inspection Fee of \$325.00.

Council Member Misty Elam asked what the outcome would be if Council did not approve the increase tonight. Anderson stated that we would be in violation of ACT 605, due to the budget not being balanced. He said that this is State Law. He stated that the Water and Sewer Commission has already approved the increase per Code, and that has been forwarded to Council to be included in the City Code.

Council Member Keith Higginbotham added that the Water & Sewer Department has absorbed several increases in recent years, with no increase to the citizens.

There was brief discussion about the use of surplus in the Water & Sewer Department.

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 Justin Cowgur. There was a roll call. Keith Higginbotham, Josie Reed, Darren Warren (understanding that we need to have a balanced budget, but is concerned with the amount of water loss), and Misty Elam voted in YES, and Amy Rochette and Justin Cowgur voted NO (asking that Centerton Utilities try to mitigate as much cost as possible), and the motion carried.

(9) Resolutions –

- **Resolution 2023-42 - A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF CENTERTON TO UTILIZE STATE AID MONIES FOR THE FOLLOWING CITY PROJECT: CENTERTON SURFACING.**

Mayor Bill Edwards addressed the Council, stating that this Resolution is to express the willingness of the city to utilize a \$300,000.00 State-Aid Grant that has been received, to pave a portion of Motley, Dorsey Lee and Tycoon Roads. He said it is a 100% Grant, but we will need to add to the amount of the grant to fund the project. He said he thinks it will come in at \$450,000.00-\$475,000.00 and the city has funds in the Street Fund to cover it. He said it will go out to bid in January 2024.

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 2nd from Misty Elam. All Council Members voted in favor, and the motion carried.

- **Resolution 2023-43 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH CEI ENGINEERING, ASSOCIATES INC. BENTONVILLE, ARKANSAS FOR SURVEY SURVICES FOR THE CITY OF CENTERTON, ARKANSAS.**

Mayor Bill Edwards addressed the Council, stating that this Resolution is to express the willingness of the city to enter into an agreement with CEI for Survey Services for a Public Works Storage Facility on Hwy 279 N. He said Benton County would need to approve this as well. He said this item is budgeted for 2024.

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

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

- **Resolution 2023-44- A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE VACATION OF A DRAINAGE & UTILITY EASEMENT LOCATED ON LOT 55 OF LAYNEBRIDGE SUBDIVISION, AKA 901 MAPLE STREET, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Bill Edwards addressed the Council, stating that this Resolution is to set a Public Hearing for 12/12/2023 for Easement Vacation on Lot 55 of the Laynebridge 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. Justin Cowgur made a motion to adopt the Resolution, with a 2nd from Josie Reed. All Council Members voted in favor, and the motion carried.

(10) Accept Resignation of Angela Clark-Chandler from the Parks & Recreation Advisory Board -

Mayor Edwards addressed the Council, requesting the Resignation of Angela Clark-Chandler from the Parks & Recreation Advisory Board. A copy of the resignation letter was contained in the Council packet.

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

Josie Reed made a motion to Accept Resignation of Angela Clark-Chandler from the Parks & Recreation Advisory Board, with a 2nd from Keith Higginbotham. All Council Members voted in favor and the motion carried.

(11) Approve Human Resources Policy Changes -

Mayor Edwards stated that these HR Policy changes are the ones discussed in our last Council meeting and have been reviewed and approved by the City Attorney. He said we also added the Longevity Pay Policy.

Keith Higginbotham made a motion to Approve the HR Policy Changes as Presented, with a 2nd from Justin Cowgur. All Council Members voted in favor and the motion carried.

(12) Other Business –

- **Chamber of Commerce Update** – Council Member Josie Reed gave an update.
- **Kum & Go Update** - Mayor Edwards stated that the application for the Kum & Go has been withdrawn. He said they have been sold and he has no new update on the property on Seba Road and N. Main Street.
- **Centerton Retail Center** – Council Member Justin Cowgur asked for an update on vacancies. There was brief discussion.

- **Pending Litigation** – Council Member Justin Cowgur asked about the pending litigation against a previous Public Works employee. City Attorney Brian Rabal said the city is not a party in the litigation.
- **Community Center** – Mayor Edwards gave a timeline on the election process for a new Community Center. There was brief discussion about the existing Community Center.

(13) Announcements -

- **11/21/2023 – Planning Commission Meeting @ 6:00 PM**
- **12/05/2023 – Planning Commission Meeting @ 6:00 PM**
- **12/09/2023 – Christmas Parade @ 3:00 PM**
- **12/12/2023 – City Council Meeting @ 6:00 PM**
- **12/19/2023 – Planning Commission Meeting @ 6:00 PM**

(14) Adjourn -

Keith Higginbotham made a motion to Adjourn at 7:14 PM with a 2nd from Justin Cowgur. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk