



**CITY OF CENTERTON  
CITY COUNCIL MEETING  
DECEMBER 12, 2023  
6:00 PM**

- (1) Pledge** – The Pledge Allegiance was recited.
  
- (2) Prayer** – Amy Rochette offered the prayer.
  
- (3) Roll Call** - Those Present and answering Roll Call were Mayor Bill Edwards, Misty Elam (Remote), Josie Reed, Keith Higginbotham, Justin Cowgur and Amy Rochette. Darren Warren was absent. Those present and not answering Roll Call were Mayor’s Assistant Nicola Hoofard, City Attorney Brian Rabal, Financial Director Shannon Zappettini, Police Chief Cody Harper, Public Works Director Anthony Martinez, Chief Building Inspector Robert Coffelt and Parks Superintendent Josh Price.

**(4) Council Minutes –**

**Amy Rochette made a motion to Approve the Minutes of the November 14, 2023 and November 22, 2023 City Council Meetings, with a 2<sup>nd</sup> from Justin Cowgur. All Council Members voted in favor and the motion carried.**

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

**Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the October 17, 2023 and November 9, 2023 CWSD Meetings; November 7, 2023 and November 21, 2023 Planning Commission Meetings; November 21, 2023 Board of Zoning Adjustments Meeting; and the November 6, 2023 Parks & Recreation Advisory Board Meeting, with a 2<sup>nd</sup> from Josie Reed. 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 November 2023, as provided in the Council packets. Revenue was at 100.28 % and Expenses were at 99 %.

There was brief discussion about ambulance fees, with \$29,053.55 in fees collected in November.

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

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

**Keith Higginbotham made a motion to accept the November, 2023 City & Court Financials, with a 2<sup>nd</sup> 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 asked the Council if there were any questions. There were none.

**(7) Public Comments –**

**Chris Mooney- 1325 Main Street-** Mr. Mooney recommended that the city review it's Master Land Use and Zoning Plans, giving recent examples of contention regarding the Kum-N-Go at Main Street and Seba Road and a recent proposal for a Battery Plant in an unincorporated area, but using the Centerton Land Use Plan.

**Cindy Zumstein- 230 Town Vu Road-** Mrs. Zumstein questioned the February 2023 Water Rate increase, along with another rate increase approved at the last City Council Meeting. She cited ACT 605 and information from a survey not required until 2026. She recommended a rollback of the February increase.

**(8) Ordinances –**

**Keith Higginbotham made a motion to Read Ordinances 2023-72, 2023-73, 2023-74, 2023-75, 2023-76, 2023-77, 2023-78, 2023-79, 2023-80 and 2023-81 by Title only, with a 2<sup>nd</sup> 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 2023-72, 2023-73, 2023-74, 2023-75, 2023-76, 2023-**

**77, 2023-78, 2023-79, 2023-80 and 2023-81, 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 2023-72 - AN ORDINANCE APPROVING AND ADOPTING A BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2024.**

Mayor Edwards addressed the Council, stating that this Ordinance is to approve and adopt the 2024 Budget as presented. The Proposed Budget was provided in the Council Packets.

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 Josie Reed. There was a roll call. All Council Members voted in favor, and the motion carried.**

- **Ordinance 2023-73 - AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, SECTION 2.14.03, TITLED COMPENSATION.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend Centerton Municipal Code, Section 2.14.03, setting the salary of the Mayor. He stated that there has been no increase the past two (2) years. He proposed a 6% increase, which would increase the salary to \$97,681.46.

Mayor Edwards asked the Council if there were any other 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 2<sup>nd</sup> from Keith Higginbotham. There was a roll call. All Council Members voted in favor, and the motion carried.**

- **Ordinance 2023-74 - AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, SECTION 2.16.03, FIXING THE SALARY FOR CITY CLERK.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend Centerton Municipal Code, Section 2.16.03, setting the salary of the City Clerk. He stated that this is a part-time position and that there has been no increase the past two (2) years. He proposed a 6% increase, which would increase the salary to \$18,083.77.

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 Josie Reed. There was a roll call. All Council Members voted in favor, and the motion carried.**

- **Ordinance 2023-75 - AN ORDINANCE TO ESTABLISH MAXIMUM SPEED LIMITS ON SPECIFIED ROADS, STREETS, EASEMENTS, HIGHWAYS, WAYS OR PLACES USED FOR VEHICULAR TRAVEL, ACCESS OR PARKING.**

Mayor Edwards addressed the Council, stating that this Ordinance is to establish maximum speed limit on certain roads within our city as presented. A list of the affected roads was provided in the Council Packets.

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 Amy Rochette. There was a roll call. All Council Members voted in favor, and the motion carried.**

- **Ordinance 2023-76 - AN ORDINANCE ACCEPTING DEDICATION OF RIGHT-OF-WAY AND UTILITY EASEMENTS BY 2188 LLC AND STANDARD MATERIALS GROUP LLC PER PLAT TITLED “ PROPERTY LINE ADJUSTMENT PLAT” FOR PROPERTY LOCATED IN PART OF THE NW ¼ OF THE SE ¼ OF S03-T19N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept ROW and Utility Easement dedication on Kimmel Road and Buckhorn Flats Road. 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 Keith Higginbotham. There was a roll call. All Council Members voted in favor, and the motion carried.**

- **Ordinance 2023-77 - AN ORDINANCE VACATING A PORTION OF THE WEST FIFTEEN FEET (15') REAR YARD PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE WEST PROPERTY LINE OF LOT 55 IN THE LANEBRIDGE SUBDIVISION, CITY OF CENTERTON, AS SHOWN ON PLAT RECORD BOOK 2003 PAGE 657 BENTON COUNTY, ARKANSAS; AKA 901 MAPLE STREET.**

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate Utility and Drainage Easement at 901 Maple Street. He stated that it was recommended for approval by the Planning Commission.

**Public Hearing –**

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

**Bob Anderson- 124 Skinner Street-** Mr. Anderson stated the reasoning for the easement initially and that it is no longer needed. He stated that he supports the Vacation.

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

**Josie Reed made a motion to Close the Public Hearing, with a 2<sup>nd</sup> from Justin Cowgur. 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 2<sup>nd</sup> from Amy Rochette. There was a roll call. All Council Members voted in favor and the motion carried.**

- **Ordinance 2023-78 - AN ORDINANCE ACCEPTING DEDICATION OF UTILITY EASEMENT BY RED WHITE & BLUE BUILDERS LLC PER PLAT TITLED “REPLAT OF LOT 3, SHORT SUBDIVISION CREATING LOTS 3A, 3B & 3C” FOR PROPERTY LOCATED IN PART OF THE N ½ OF THE SE ¼ OF S15-T20N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept Utility Easement dedication at the Short Subdivision on Punkin Hollow Road. A map was provided for Council. He said it was recommended for approval by the Planning Commission.

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 Amy Rochette. There was a roll call. All Council Members voted in favor, and the motion carried.**

- **Ordinance 2023-79 - AN ORDINANCE TO LEVY A ONE PERCENT (1%) CITY OF CENTERTON, ARKANSAS SALES AND USE TAX; TO ESTABLISH A SYSTEM FOR THE REBATE REQUIRED BY ACT 29 OF 1981; FOR OTHER PURPOSES; AND DECLARING AN EMERGENCY.**

Mayor Edwards addressed the Council, stating that this Ordinance is to request a continuation of the current One Cent Sales Tax for use on Capital Projects.

Jill Grimsley from Mitchell Williams addressed Council, detailing the current Sales Tax Bond and the extension process.

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 Justin Cowgur. There was a roll call. All Council Members voted in favor, except for Amy Rochette, who voted NO, and the motion carried. Brian Rabal read the Emergency Clause Keith Higginbotham made a motion to adopt the Emergency Clause, with a 2<sup>nd</sup> from Misty Elam. There was a roll call. All Council Members voted in favor, except for Amy Rochette, who voted NO, and the motion carried.**

- **Ordinance 2023-80 - AN ORDINANCE CALLING SPECIAL ELECTION IN THE CITY OF CENTERTON, ARKANSAS FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTIONS OF ISSUING BONDS UNDER AMENDMENT NO. 62 TO THE CONSTITUTION OF THE STATE OF ARKANSAS FOR THE PURPOSE OF FINANCING THE COST OF VARIOUS CAPITAL IMPROVEMENTS AND PLEDGING A ONE PERCENT (1%) SALES AND USE TAX FOR THE PURPOSE OF RETIRING SUCH BONDS; DECLARING AN EMERGENCY; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.**

Mayor Edwards addressed the Council, stating that this Ordinance is to call an item to the Election on March 5, 2024 to request a continuation of the current One Cent Sales Tax for use on Capital Projects.

Jill Grimsley from Mitchell Williams addressed Council, stating that the previous Ordinance was to Levy a Tax and this Ordinance is to call for an item to be added to the Election on March 5, 2025 for the citizens to vote on it.

Cheryl Schluterman of Raymond James detailed the breakdown of the Bond request, including the current Bond amounts, as well as the new amount for the Community Center. She said the Community Center amount being requested is \$26 million.

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

- **Ordinance 2023-81 - AN ORDINANCE WAIVING BIDDING REQUIREMENTS FOR THE PURCHASE OF A 2023 CHEVROLET TAHOE FROM SUPERIOR AUTOMOTIVE, SILOAM SPRINGS, ARKANSAS FOR THE CENTERTON POLICE DEPARTMENT; AND DECLARING AN EMERGENCY.**

Mayor Edwards addressed the Council, stating that this Ordinance is to waive the bidding requirements to purchase a 2023 Chevrolet Tahoe for the Police Department for \$58,667.03. He said it is already fully equipped. He said this vehicle is to replace the one that was recently totaled in an accident. He said we will get \$30,900.00 from insurance, and the remainder will be paid out of the ACT988 fund.

Police Chief Cody Harper addressed Council, stating that.

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 Josie Reed. There was a roll call. All Council Members voted in favor, and the motion carried. Brian Rabal read the Emergency Clause. Keith Higginbotham 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.**

**(9) Appoint Council Member to the Centeron Advertising and Promotion Commission -**

Mayor Edwards addressed the Council, stating that Darren Warren is stepping down from the A&P Commission, leaving us with an open position from a Council Member. He said Josie Reed is already the Chairman. He said the position term ends December 2024. He said we need to appoint someone by March 2024. He stated that we can put it on the January 2024 Council Agenda.

**No Action taken by Council**

**(10) Acknowledge Receipt of the Water & Sewer Department 2024 Budget -**

Mayor Bill Edwards addressed the Council, asking for them to acknowledge receipt of the 2024 Water & Sewer Department Budget.

**Keith Higginbotham made a motion to Acknowledge Receipt of the 2024 Water & Sewer Department Budget, as Presented, with a 2<sup>nd</sup> from Justin Cowgur. All Council Members voted in favor and the motion carried.**

**(11) Response to Questions by Council from Water & Sewer Department -**

Mayor Bill Edwards addressed the Council, stating that there were questions from Council at the last meeting, regarding the Water Rate increase.

Robert Anderson and Malcolm Attwell provided Council with a response letter to answer their questions and were available for questions.

Council Member Justin Cowgur asked if the Postage Fee would be credited if a customer opted out of mailed billing. Bob Anderson stated that it is included in Operation Costs.

Council Members Justin Cowgur and Amy Rochette asked for Water & Sewer to look for ways to offset increasing costs and water leaks in the system. Anderson said they are working on reducing the leaks in the system and the costs from Washington and Benton County Water Authority continue to increase.

Jill Grimsley addressed Council, stating that part of the issue with increased costs in Centerton is because the city is growing so fast and is having to finance improvements. She said the reason for some of the increases from Washington and Benton County Water Authority is because they are also financing improvements. She said cities with a slower growth rate do not have such a need for a financial outlay.

**(12) Other Business –**

- **SmartGov Update** – Dianne Morrison Lloyd gave an update on Credit Card Fees

**(13) Announcements -**

- **12/19/2023 – Planning Commission Meeting @ 6:00 PM**
- **1/20/2024 - Coffee with the Mayor @ 9:00 AM**
- **1/02/2024 - Planning Commission Meeting @ 6:00 PM**
- **1/08/2024 – City Council Meeting @ 6:00 PM**
- **1/16/2024 - Planning Commission Meeting @ 6:00 PM**

**(14) Adjourn -**

**Keith Higginbotham made a motion to Adjourn at 7:43 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