



**CITY OF CENTERTON
CITY COUNCIL MEETING
APRIL 9, 2024
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, Darren Warren (via Zoom), 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, City Engineer Alan Craighead, Planning Director Lorene Burns, Police Chief Cody Harper and Director of Public Works Anthony Martinez.

(4) **Council Minutes** –

Amy Rochette made a motion to Approve the Minutes of the March 12, 2024 and March 26, 2024 City Council Meetings, with a 2nd from Justin Cowgur. All Council Members voted in favor and the motion carried.

CWSD, Planning Commission, Parks and Recreation Advisory Board and A & P Commission Minutes –

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the February 20, 2024 CWSD Meeting, March 5, 2024 and March 19, 2024 Planning Commission Meetings, March 4, 2024 Parks and Recreation Advisory Board Meeting and December 6, 2023 A & P Commission Meeting Minutes, with a 2nd from Darren Warren. 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 March 2024, as provided in the Council packets. Revenue was at 30.61% and Expenses were at 26.69%. She also updated Council on the March 2024 Ambulance Billing, as well as the Investment Account.

The March 2024 Financial Report and Court Report were 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 March, 2024 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 asked the Council if there were any questions. There were none.

(7) Public Comments –

Michael Woodring – 110 Hoss Street - Mr. Woodring asked for an update on ArDOT and N. Main Street. Mayor Bill Edwards gave an update.

(8) Ordinances –

Darren Warren made a motion to Read Ordinances 2024-12, 2024-13, 2024-15 and 2024-16; and Resolutions 2024-07, 2024-08, 2024-09, 2024-10, 2024-11, 2024-12 and 2024-13 by Title only, with a 2nd from Keith Higginbotham. 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 2024-12, 2024-13, 2024-15 and 2024-16, with a 2nd from Keith Higginbotham. There was a roll call. All Council Members voted in favor and the motion carried.

- **Ordinance 2024-12 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO MODLUXE, LLC FROM AGRICULTURAL (A-1) TO MEDIUM DENSITY MULTI-FAMILY (R3-MF).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone land off of Kimmel and Womack Roads from (A-1) to (R3-MF). He said it was recommended for Council

approval at the 3/19/24 PC meeting. He said there was no public comment. Mayor Edwards read the results of the PC findings. 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. Darren Warren made a motion to adopt the Ordinance, with a 2nd from Keith Higginbotham. There was a roll call. All Council Members voted in favor, except for Justin Cowgur and Amy Rochette, who both voted NO, and the motion carried.

- **Ordinance 2024-13 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO GEORGE AND CHARLA WEEKS, FROM AGRICULTURAL (A-1) TO MEDIUM-HIGH DENSITY SINGLE-FAMILY RESIDENTIAL (R3-SF).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone land off of Bush Road from (A-1) to (R3-SF). He said it was recommended for Council approval at the 4/02/2024 PC meeting. He detailed public comments concerning infrastructure, traffic safety, density and zoning. Mayor Edwards addressed some of the public concerns and read the results of the PC findings. A map was provided for Council.

A representative for the developer addressed Council.

Council Member Amy Rochette questioned surrounding Land Use.

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 Darren Warren. There was a roll call. All Council Members voted in favor, except for Justin Cowgur and Amy Rochette, who both voted NO, and the motion carried.

- **Ordinance 2024-15 - AN ORDINANCE ACCEPTING DEDICATION OF UTILITY EASEMENT BY INFAS CORPORATION PER PLAT TITLED "REPLAT OF CRYSTAL COVE PHASE I" FOR PROPERTY LOCATED IN A PART OF THE NE ¼ OF THE SE ¼ OF SECTION 31, T-20-N, R-31-W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept Easement Dedication in the Crystal Cove Subdivision Phase I.

Planning Director Lorene Burns addressed Council, detailing the reasons for the easement dedications.

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

- **Ordinance 2024-16 - 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 for New Construction 1” Water Meters from the Centerton Water & Sewer Department. A copy of the new Fee Schedule was provided for Council.

Centerton Utilities Director Malcom Attwood detailed the new Fee Schedule 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. 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.

(9) Resolutions –

- **Resolution 2024-07 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH GARRETT EXCAVATING INC. ROGERS, ARKANSAS, FOR MULTIPLE MILLING AND OVERLAY PROJECTS AND OTHER CITY PROJECTS THRU DECEMBER 31, 2024.**

Mayor Bill Edwards addressed the Council, stating that this Resolution is for the city to enter into an agreement with Garrett Excavating Inc., for asphalt milling and overlay projects through the end of the year. He stated that we did receive two (2) bids and they were 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. Josie Reed made a motion to adopt the Resolution, with a 2nd from Justin Cowgur. All Council Members voted in favor, and the motion carried.

- **Resolution 2024-08 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO**

ENTER INTO AN EQUIPMENT PURCHASE AGREEMENT WITH STRIBLING EQUIPMENT COMPANY LLC, SPRINGDALE, ARKANSAS, FOR THE PURCHASE OF A JOHN DEERE 320-P TIER BACKHOE.

Mayor Bill Edwards addressed the Council, stating that this Resolution is for the city to enter into an agreement with Stribling Equipment, for purchase of a John Deere 320-P Tier Backhoe for the Public Works Department, in the amount not to exceed \$134,000.00. A copy of the Purchase Agreement was provided for Council.

Director of Public Works Anthony Martinez detailed the need for the Backhoe.

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 Josie Reed. All Council Members voted in favor, and the motion carried.

- **Resolution 2024-09 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY, AN AGREEMENT WITH TISCHLER BIASE, BETHESDA, MARYLAND, FOR AN IMPACT STUDY FEE FOR THE CITY OF CENTERTON, ARKANSAS.**

Mayor Bill Edwards addressed the Council, stating that this Resolution is to enter into an agreement with Tischler Bise, for an Impact Fee study for the city. He stated that there were two (2) bids, and the bids were provided for Council.

Director of Public Works Anthony Martinez detailed the process and the plan for the use of Impact Fees in the city. He stated that the cost of the study is \$70,240.00.

Mayor Edwards asked the Council if there were any 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 Justin Cowgur. All Council Members voted in favor, and the motion carried.

- **Resolution 2024-10 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO EXECUTE A CHANGE ORDER WITH ARKANSAS DEPARTMENT OF TRANSPORTATION, LITTLE ROCK, ARKANSAS, FOR ADDITIONAL ASPHALT FOR OVERLAY PROJECT IN THE CITY OF CENTERTON, ARKANSAS.**

Mayor Bill Edwards addressed the Council, stating that this Resolution is for a Change Order for additional asphalt for the overlay project on Tycoon Road. He stated that ArDOT minimum requirement is for 2” of asphalt for overlays, however our City Code requires a minimum of 3”.

He stated that we received a matching grant for this project and we have the additional funds in our budget, to cover the additional approx. \$116,000.00

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

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

- **Resolution 2024-11 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH HALFF ENGINEERS, BENTONVILLE, ARKANSAS FOR TRAIL REDISIGN AND PERMITTING SERVICES TO PREPARE CONSTRUCTION PLANS FOR THE MCKISSIC TRAIL PROJECT AMENDMENT # 4 IN THE CITY OF CENTERTON, ARKANSAS.**

Mayor Bill Edwards addressed the Council, stating that this Resolution is for the city to enter into an agreement with Halff Engineering for additional design work for the McKissic Trail Project Phase 2, not to exceed \$10,200.00.

City Engineer Alan Craighead detailed the need for the additional funds.

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 Josie Reed. All Council Members voted in favor, and the motion carried.

- **Resolution 2024-12 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN EQUIPMENT RENTAL AGREEMENT WITH STRIBLING EQUIPMENT COMPANY LLC, SPRINGDALE, ARKANSAS, FOR RENTAL OF A MODEL 331G COMPACT TRACK LOADER.**

Mayor Bill Edwards addressed the Council, stating that this Resolution is for the city to enter into an agreement with Stribling Equipment, for rental of a John Deere 331G Compact Track Loader for the Public Works Department, with an estimated payment of \$1725.18. A copy of the Rental Agreement was provided for Council.

Director of Public Works Anthony Martinez detailed the need for the Track Loader.

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 Justin Cowgur. All Council Members voted in favor, and the motion carried.

- **Resolution 2024-13 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH HALFF ENGINEERS, BENTONVILLE, ARKANSAS FOR REDISIGN AND PERMITTING SERVICES TO PREPARE CONSTRUCTION PLANS FOR THE SAFE ROUTES TO SCHOOL PROJECT IN THE CITY OF CENTERTON, ARKANSAS.**

Mayor Bill Edwards addressed the Council, stating that this Resolution is for the city to enter into an agreement with Halff Engineering for additional design work for sidewalks along south side of Seba Road from Main Street to Gamble Road, along Gamble Road to Bliss Street and along Bliss Street from Gamble Road to Main Street, not to exceed \$27,575.00. He stated that we did receive a \$269,000.00 matching grant.

City Engineer Alan Craighead and Director of Public Works Anthony Martinez detailed the changes to the project and the need for the additional funds.

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 Amy Rochette. All Council Members voted in favor, and the motion carried.

- (10) Appoint Ken Cruse to the Advertising & Promotion Commission, Term Expiring April 4, 2028 -**

Mayor Edwards addressed the Council, recommending the appointment of Ken Cruse to the Advertising & Promotion Commission, Term expiring 4/04/28.

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

Keith Higginbotham made a motion to Appoint Ken Cruse to the Advertising & Promotion Commission, Term expiring April 4, 2028, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- (11) Chamber of Commerce Update –**

Josie Reed gave an update on the Centerton Area Chamber of Commerce.

(12) Other Business –

- **Old City Hall** – Mayor Bill Edwards gave an update on current uses of the Old City Hall building and discussed possible future uses.

(13) Announcements -

- **4/16/2024 – Planning Commission Meeting @ 6:00 PM**
- **4/20/2024 – Coffee w/ the Mayor @ 9:00 AM**
- **5/07/2024 – Planning Commission Meeting @ 6:00 PM**
- **5/14/2024 – City Council Meeting @ 6:00 PM**
- **5/21/2024 – Planning Commission Meeting @ 6:00 PM**

(14) Interview Candidates for Open Council Position –

Mayor Edwards addressed Council, stating that the candidates for the open Council position will be presented in the order they applied and will be allowed 5-7 minutes to present to Council, followed by any questions the Council have for the candidate. He said Council will deliberate after hearing from each of the candidates and appoint one (1) candidate to the vacant Council position. The candidates presented in the following order.

- James Wilson (via Zoom)
- Cody Miles
- Chris Mooney
- Brian Bennett
- Brandon Swoboda
- Michael Woodring
- Thomas Loucks
- Madre Easterling
- James McDonner

Following the candidate presentations, Wendy Henson, Cindy Zumstein and Cody Harper made public comments regarding the candidates.

Council deliberated.

Justin Cowgur made a motion to Appoint Cody Miles to the Centerton City Council, Ward 1, Position 1, Term expiring December 31, 2024, with a 2nd from Josie Reed. All Council Members voted in favor, except for Amy Rochette and Darren Warren, who voted NO, and the motion carried 3-2.

(15) Swear In New Council Member -

City Council 4/09/2024

Mayor Bill Edwards swore in Cody Miles, as City Council Member Ward 1, Position 1

(16) Adjourn -

Keith Higginbotham made a motion to Adjourn at 9:46 PM with a 2nd from Amy Rochette. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk