



**CITY OF CENTERTON  
CITY COUNCIL MEETING  
OCTOBER 11, 2022  
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, 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, Finance Assistant Shannon Zappettini, HR Director Jocelyn Diaz, City Engineer Alan Craighead, Police Chief Cody Harper, Fire Chief Matt Thompson, Chief Building Inspector Robert Coffelt, Animal Control Director Cody Wilson and Street Superintendent Jake Barrett.

**(4) Council Minutes** –

**Josie Reed made a motion to Approve the Minutes of the September 13, 2022 and September 22, 2022 City Council Meetings, with a 2<sup>nd</sup> from Misty Elam. All Council Members voted in favor and the motion carried.**

**CWSD, Planning Commission and Parks & Recreation Minutes** –

**Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the August 16, 2022 CWSD Meeting; the September 6, 2022 and September 20, 2022 Planning Commission Meetings and the July 11, 2022 Parks & Recreation Advisory Board Meeting, with a 2<sup>nd</sup> 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 Report for September.

Amy Rochette asked for clarification of A&P funds in the budget. Carl Rabey detailed a fund transfer from A&P to the Parks and Recreation Department.

The September 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 September, 2022 City & Court Financials, with a 2<sup>nd</sup> from Misty Elam. 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, 2022-75, 2022-76, 2022-77, 2022-79, 2022-80, 2022-81 and 2022-82; and Resolutions 2022-29, 2022-31, 2022-35, 2022-36, 2022-37, 2022-38, 2022-39, 2022-40 and 2022-41 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 2022-69, 2022-75, 2022-76, 2022-77, 2022-79, 2022-80, 2022-81 and 2022-82, 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 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 is to rezone property on Greenhouse Road from (A-1) to Medium-High Density Single Family Residential (R3-SF), heard at the 9/06/2022 Planning Commission Meeting. He said this property is between the Creekside and Quailridge Subdivisions. He said the original request was for (R3-SF) and (C-3), but the Commercial zoning request was removed after feedback from residents and the Planning Staff. He said this is a very narrow piece of land, with a portion being ROW for a future connection to Buckhorn Flats Road. He said the main public comments were expressing concern with traffic on Greenhouse Road. He said Tony Davis gave an update on improvements to

Greenhouse Road, and City Staff was going to be meeting with Bentonville Staff, to go over the plans for those improvements. He said this was recommended unanimously by the Planning Commission for approval. He said the PC found the rezone request to be consistent with the Comprehensive Plan and compatible with the surrounding area, and of no non-shared benefit to this land owner. He said PC requested that the property be developed as a PUD, with the developer agreeing to 27% Green Space and to plant trees as buffers on the north and south of the property. He said the PUD was also recommended for approval unanimously by the Planning Commission. Josie Reed pointed out that the reasoning behind the smaller lot size was due to the shape of the land and the Setback Requirements for the future connection to Buckhorn Flats Road. 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 2<sup>nd</sup> from Amy Rochette. There was a roll call. Misty Elam, Josie Reed and Keith Higginbotham voted YES; Darren Warren, Justin Cowgur and Amy Rochette voted NO; Mayor Bill Edwards chose not to vote, and the motion was denied.**

**Mayor Edwards recommended sending the item back to the Planning Commission. Amy Rochette stated that her reasoning in voting NO was due to current traffic issues on Greenhouse Road.**

- **Ordinance 2022-75 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO ALMA LUCIA AND GONZALO ACEVADO FROM AGRICULTURE (A-1) TO LOW DENSITY RESIDENTIAL (R-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone property off of Rainbow Farm Road and Brookside Road from Agriculture (A-1) to Low Density Residential (R-1). 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. 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, except for Justin Cowgur and Darren Warren, who voted NO, and the motion carried.**

- **Ordinance 2022-76 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO SKYLIGHT PROPERTIES LLC FROM AGRICULTURE (A-1) TO HIGHWAY COMMERCIAL (C-2).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone property on Greenhouse Road from (A-1) to Highway Commercial (C-2). 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. Justin Cowgur 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, except for Amy Rochette, who voted NO, and the motion carried.**

- **Ordinance 2022-77 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO RYAN ANGLIN FROM AGRICULTURE (A-1) TO RESIDENTIAL DUPLEX (R3-D) AND NEIGHBORHOOD COMMERCIAL (C-3).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone property on Hwy 279 South and Holloway Road from (A-1) to Residential Duplex (R3-D) and Neighborhood Commercial (C-3). 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 2<sup>nd</sup> from Josie Reed. There was a roll call. All Council Members voted in favor, except for Justin Cowgur and Amy Rochette, who voted NO, and the motion carried.**

- **Ordinance 2022-79 - AN ORDINANCE TRANSFERRING ADMINISTRATION OF RETIREMENT COVERAGE FOR ELIGIBLE MEMBERS OF THE CENTERTON FIRE RELIEF AND PENSION FUND TO THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM (LOPFI) AND AUTHORIZING THE CHIEF ADMINISTRATIVE OFFICER TO ENTER INTO AN IRREVOCABLE AGREEMENT WITH LOPFI AND DECLARING AN EMERGENCY.**

Financial Director Carl Rabey addressed the Council, stating that this Ordinance is to allow the Centerton Fire Relief and Pension Fund administration to be turned over to LOPFI, as stated in a Resolution approved unanimously by the Centerton Fire and Relief Pension Board, at their meeting on 9/30/2022.

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. 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 Darren Warren. All Council Members voted in favor and the motion carried.**

- **Ordinance 2022-80 - AN ORDINANCE ACCEPTING THE FINAL SUBDIVISION PLAT OF THE PRAIRIE BROOK PHASE 4 SUBDIVISION, CREATING RESIDENTIAL LOTS 114-149, AND TRACT D, CITY OF CENTERTON, S6-T19N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Final Plat of Phase 4 of the Prairie Brook Subdivision. He said this was recommended for approval by the Planning Commission at their 10/04/2022 meeting. The Plat 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 2<sup>nd</sup> from Amy Rochette. There was a roll call. All Council Members voted in favor, and the motion carried.**

- **Ordinance 2022-81 - AN ORDINANCE ACCEPTING THE FINAL SUBDIVISION PLAT OF THE FOX HAVEN SUBDIVISION, CREATING RESIDENTIAL LOTS 1-18, AND TRACTS A, B AND C, CITY OF CENTERTON, S32-T20N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Final Plat of the Fox Haven Subdivision. He said this was recommended for approval by the Planning Commission at their 10/04/2022 meeting. The Plat 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 2022-82 - AN ORDINANCE ACCEPTING DEDICATION OF UTILITY AND DRAINAGE EASEMENTS BY LIN & NGUYEN, LLC, PER TRACT SPLIT PLAT TITLED “CENTERTON RETAIL LOT SPLIT”.**

Mayor Edwards addressed the Council, stating that this Ordinance is to dedicate Utility and Drainage Easements for a Tract Split at the Retail Center at Allen Road and Centerton Blvd.

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

**(8) Resolutions –**

- **Resolution 2022-29 - RESOLUTION REGARDING AN INVESTMENT POLICY FOR THE CITY OF CENTERTON.**

This Resolution was tabled at the last Council meeting, with Council asking that “amount up to \$10 million” be added to the Resolution.

Financial Director Carl Rabey addressed the Council, detailing a plan for investment of operating and capital improvement funds for the city.

There was discussion between Council and Department Heads regarding City Revenue and Expenses.

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

- **Resolution 2022-31 - A RESOLUTION AMENDING THE EMPLOYEE POLICY HANDBOOK OF THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to amend the Employee Policy Handbook regarding rates for COLA and Merit Raises, and was tabled at the last Council Meeting.

HR Director Jocelyn Diaz led a discussion regarding COLA and Merit Raises. Financial Director Carl Rabey said he is figuring a 2% COLA and 4% Merit Raise for all employees for the 10/25/2022 Budget Workshop discussion.

Council agreed that the Employee Evaluations be completed by Department Heads, including Evaluation Form, meeting with the Employee, and Mayor sign-off, by October 15<sup>th</sup>, effective 1/01/2023.

Police Chief Cody Harper asked that an exception be made for Comp Time for the SRO position, due to the hours worked. He asked for 4 weeks (172 Hours), to be taken during school breaks. Council recommended that it be brought back next month.

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

**Justin Cowgur made a motion that the Employee Evaluations be completed by Department Heads, including Evaluation Form, meeting with the Employee and Mayor sign-off, by October 15<sup>th</sup>, effective 1/01/2023, 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 Resolution by title only. Keith Higginbotham made a motion to adopt the Resolution, with a 2<sup>nd</sup> from Justin Cowgur. There was a roll call. All Council Members voted in favor and the motion carried.**

- **Resolution 2022-35 - A RESOLUTION APPROVING AN ENCROACHMENT AGREEMENT BETWEEN THE CITY OF CENTERTON, ARKANSAS AND CENTERTON FOOD TRUCKS LLC.**

Mayor Edwards addressed the Council, stating that this Resolution is to allow the city to enter into an Encroachment Agreement with Centerton Food Trucks LLC.

Planning Director Lorene Burns addressed the Council, detailing the reason for this agreement, along with Rolando Enriquez, owner of Centerton Food Trucks LLC.

Darren Warren asked about doing a Property Line Adjustment. Burns said we could look at doing that at a later date. Enriquez agreed.

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

**Keith Higginbotham made a motion to approve the Resolution as stated and look to do a Property Line Adjustment in the future, with a 2<sup>nd</sup> from Josie Reed. All Council Members voted in favor and the motion carried.**

**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.**

- **Resolution 2022-36 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH VERZANI CONSTRUCTION LLC, BELLA VISTA, ARKANSAS, FOR A FIRE STATION NUMBER 2 ADDITION FOR THE CITY OF CENTERTON.**

Mayor Edwards addressed the Council, stating that this Resolution is to allow the city to enter into an agreement with Verzani Construction LLC, to construct an addition to Centerton Fire Station #2, for up to \$632,000.00. He said this will be paid for out of the Bond Funds for the Fire Department.

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, contingent upon review of the contract by the City Attorney, with a 2<sup>nd</sup> from Josie Reed. There was a roll call. All Council Members voted in favor and the motion carried.**

- **Resolution 2022-37 - 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 Police Department for \$289.53/month. He said this is a similar system to the City Hall and Court Building. He said their contract with Cox Communications has expired. He pointed out that this service also includes cellular backup, should we lose power. A contract was provided for Council.

**Council agreed to have the Fire Department also look into adding the same phone system, bringing a Resolution to the next Council Meeting.**

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

- **Resolution 2022-38 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH CRAIG HUFFMAN CONCRETE CONSTRUCTION LLC, SILOAM SPRINGS, ARKANSAS, FOR SIDEWALKS FOR THE CITY OF CENTERTON.**

Mayor Edwards addressed the Council, stating that this Resolution is to allow the city to enter into an agreement with Craig Huffman Concrete Construction LLC, to construct 600 linear feet of sidewalks on the north side of Bliss Street, at a cost not to exceed \$27,000.00. He said we had \$50,000.00 in the Budget for sidewalks. Street Superintendent Jake Barrett detailed the bidding process. 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 Resolution by title only. Justin Cowgur made a motion to adopt the Resolution, with a 2<sup>nd</sup> from Keith Higginbotham. There was a roll call. All Council Members voted in favor and the motion carried.**

- **Resolution 2022-39 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH R AND D COMPUTER SYSTEMS LLC. SHAWNEE, KANSAS, FOR LASERFICHE SOFTWARE FOR THE CITY OF CENTERTON.**

Mayor Edwards addressed the Council, stating that this Resolution is to allow the city to enter into an agreement with R and D Computer Systems LLC., for Laserfiche Software for the city.

Financial Director Carl Rabey stated that the Finance Department have been using the software on a Trial Basis for the last 45 days and it is working well. He detailed the function and operation of the software for Council. He said we will scan all financial documents, Ordinances and Resolutions. He said the software has the ability to interface with the public as well. He said the cost is \$7169.00 for the first year, with an Annual Fee of \$4150.00 for each user license. He said Laserfiche stated that the Planning Software is also compatible. He said a security system is also provided for the software.

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

- **Resolution 2022-40 - A RESOLUTION 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 Resolution is to lower speed limits on sections of Kimmel Road and Seba Road from 45 mph to 35 mph, and to create a school zone on a section of Seba Road. He said the speed limit changes are due to the increase in population on these roads. He detailed the location of the speed changes and the school zone.

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

- **Resolution 2022-41 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH HALFF ENGINEERING, BENTONVILLE, ARKANSAS FOR CIVIL DESIGN AND SURVEYING SERVICES TO PREPARE CONSTRUCTION PLANS FOR THE MCKISSIC TRAIL PROJECT AMENDMENT #3 IN THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to authorize additional engineering fees for the McKissic Trail Project.

City Engineer Alan Craighead and Planning Director Lorene Burns addressed the Council, detailing the need for an additional “not to exceed” \$58,000.00 plus permitting fees, for a Flood Study for continuation of the McKissic Trail Project. Craighead stated that this Flood Study was not included in the original contract, but is required to continue the project.

There was Council Discussion. Mayor Edwards stated that he would pull all of the amendments to the contracts that were previously approved by Council for this project.

Mayor Edwards asked the Council if there were any 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 Darren Warren. There was a roll call. All Council Members voted in favor and the motion carried.**

#### **(9) Public Comments –**

- **Diana Allen- 201 Blake Drive** – Mrs. Allen requested no parking on Sun Meadow Drive at the curve. Mayor Edwards stated that he would have the Police Department look into it.
- **Brian Riley- 116 Brookshire Lane** – Brian Riley addressed the Council, recommended a Service Level Agreement in the contract for the VOIP phone systems of the city, as well as a POTS Line, in the event of cellular service going out. He said there should also be a Fail Order Plan for review twice a year. City Attorney Brian Rabal took Mr. Riley’s contact information for follow-up.

#### **(10) Other Business –**

- **Solid Waste District** – Justin Cowgur asked for an update on the Solid Waste District. Mayor Edwards gave an update, stating that they are no longer looking at asking for the extra fees, but are looking at raising the per capita Service Fee from \$.50 to \$1.00. He said they haven’t had an increase since 2005. He said the Solid Waste District Board meets again later in October. Cowgur expressed disappointment in lack of response from them.

**No action was taken by Council.**

**(11) Announcements -**

- **10/18/2022 – Planning Commission Meeting @ 6:00 PM**
- **10/25/2022 – Budget Meeting @ 6:00 PM**
- **11/01/2022 - Planning Commission Meeting @ 6:00 PM**
- **11/08/2022 – City Council Meeting @ 6:00 PM**
- **11/15/2022 - Planning Commission Meeting @ 6:00 PM**

**(12) Adjourn -**

**Keith Higginbotham made a motion to Adjourn at 8:24 PM with a 2<sup>nd</sup> from Misty Elam. 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