



**CITY OF CENTERTON
CITY COUNCIL MEETING
FEBRUARY 8, 2021
6:00 PM**

(1) Pledge – The Pledge Allegiance was recited.

(2) Prayer – Keith Higginbotham offered the prayer.

(3) Roll Call - Those Present and answering Roll Call were Mayor Bill Edwards, Keith Higginbotham, Darren Warren (via Zoom), Josie Reed, Justin Cowgur, Misty Elam (via Zoom) and Amy Rochette. Those present and not answering Roll Call were City Clerk Todd Wright, City Attorney Brian Rabal, Financial Assistant Shannon Zappettini, HR Director Jocelyn Diaz, Planning Director Lorene Burns, Police Chief Cody Harper, Fire Chief Matt Thompson, Director of Public Works Lance Johnson and Chief Building Inspector Robert Coffelt.

(4) Public Hearing – Vacate Utility and Drainage Easement, Lot 42 Oak Tree Subdivision -

Mayor Edwards addressed the Council, stating that this is a Public Hearing for a Vacation Request for 15’ of the 25’ rear-yard Utility & Drainage Easement for Lot 42 in the Oak Tree Subdivision. The property owners made a brief presentation of the request and were present for any questions.

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

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

Public Comments - None

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

(5) Council Minutes –

Josie Reed made a motion to Approve the Minutes of the December 14, 2021 (previously approved, but a correction was made to Ordinance 2021-80) and January 11, 2022 City Council Meetings and the January 5, 2022, January 19, 2022 and January 25, 2022 Special City Council Meetings, with a 2nd from Justin Cowgur. 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 December 28, 2021 CWSD Meeting; the January 4, 2022 and January 18, 2021 Planning Commission Meetings; and the November 8, 2021 Parks & Recreation Advisory Board Meeting, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

- (6) City and Court Financials-** Mayor Edwards stated that 8.33 % through the year we have received 9.55 % of our Budgeted Revenue. He stated that our Expenditures were at 6.88 %. He detailed some of the financials. He said the Court Report was contained in the Council packets, as well as the report on Miscellaneous Expenses.

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

Keith Higginbotham made a motion to Accept the January, 2022 City & Court Financials, with a 2nd from Justin Cowgur. All Council Members voted in favor and the motion carried.

- (7) Department Reports -**

The Department Reports were in the Council Packet.

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

- (8) Ordinances –**

Keith Higginbotham made a motion to Read Ordinances 2022-10, 2022-11, 2022-12, 2022-13, 2022-14, and 2022-16 and Resolutions 2022-01, 2022-04, 2022-05, 2022-06 and 2022-07 by Title only, with a 2nd from Amy Rochette. 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 2022-10, 2022-11, 2022-12, 2022-13, 2022-14, and

2022-16, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-10 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO SAC TOWNHOMES, LLC. FROM RESIDENTIAL TOWNHOUSE MULTI-FAMILY (RTH-MF12) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL (R4-MF)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone 8.64 acres on Centerton Blvd, from RTH-MF12 to R4-MF, with access from the Stoneleigh Apartments. He said it was heard at the 1/18/2022 Planning Commission and it was recommended for approval by the City Council, with no public comment. He detailed some of the PC discussion. A map including the property was provided.

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

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 2022-11 - AN ORDINANCE AMENDING CENTERTON MUNICIPAL CODE, CHAPTER 2.12.04 FIXING THE SALARY FOR CITY COUNCIL.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend our Municipal Code, Section 2.12.04, regarding City Council Pay for Special City Council Meetings. He said the Code previously allowed pay for only six (6) Special Council Meetings, and this amendment would allow the current rate of \$100.00 pay per Special Council Meeting, with no limit for number of meetings.

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

Brian Rabal read the Ordinance by title only. Justin Cowgur 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 2022-12 - AN ORDINANCE AMENDING THE BUDGET FOR THE OPERATION OF THE CITY OF CENTERTON, ARKANSAS FOR THE CALENDAR YEAR 2021; DECLARING AN EMERGENCY; AND FOR OTHER PUPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to amend the 2021 Budget, including the General Budget and all Bank Accounts. He gave a detailed list of those accounts, as well as the American Recue Fund activity. He also detailed other changes to the Budget, as contained in the Council packets.

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

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. Brian Rabal read the Emergency Clause. Keith Higginbotham made a motion to adopt the Emergency Clause with a 2nd from Josie Reed. All Council Members voted in favor, and the motion carried.

- **Ordinance 2022-13 - AN ORDINANCE WAIVING BIDDING REQUIREMENTS FOR THE PURCHASE OF STORM SIRENS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to waive the bidding requirement for the purchase of three (3) Storm Sirens for the city. He said the reason for waiving the bidding requirements is that we need the additional sirens to be compatible with those that we already have. He said this bid is from the same manufacturer. He mentioned some options for placement within the city, and stated that the manufacturer will come and inspect the proposed sites. He said he hopes to have the sirens installed within the next 90 days. He said this is budgeted to come from the General Fund.

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

Brian Rabal read the Ordinance by title only. Amy Rochette 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. Brian Rabal read the Emergency Clause. Keith Higginbotham made a motion to adopt the Emergency Clause, with a 2nd from Amy Rochette. All Council Members voted in favor, and the motion carried.

- **Ordinance 2022-14 - AN ORDINANCE AUTHORIZING THE BORROWING OF FUNDS AND THE ISSUANCE OF A GENERAL REVENUE PROMISSORY NOTE TO PROVIDE SHORT TERM FINANCING FOR THE ACQUISITION OF TANGIBLE PERSONAL PROPERTY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to allow the financing of \$407,274.84, for the purchase of Air Packs for the Centerton Fire Department, as discussed in our last Council Meeting. He said we were able to get a 2.81% rate for 60 months with the financing.

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

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. Brian Rabal read the Emergency Clause. Keith Higginbotham made a motion to adopt the Emergency Clause, with a 2nd from Amy Rochette. All Council Members voted in favor, and the motion carried.

- **Ordinance 2022-16 - AN ORDINANCE VACATING A PORTION OF THE WEST FIFTEEN FEET (15') OF THE TWENTY FIVE FOOT (25') REAR YARD PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE EAST PROPERTY LINE OF LOT 42 IN THE OAK TREE SUBDIVISION, CITY OF CENTERTON, AS SHOWN ON PLAT RECORD BOOK 2007 PAGES 868 THRU 873, BENTON COUNTY, ARKANSAS; AKA 2930 LAUREL CIRCLE.**

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate 15' of the 25' rear yard Utility and Drainage Easement on Lot 42, in the Oak Tree Subdivision for installation of an in-ground swimming pool. He said it was recommended for approval by the Planning Commission and there was no opposition during the Public Hearing this evening. He said we have heard back from all of the public utilities and they have no concerns. He said the property owner is aware that they are responsible for any repairs or relocation costs.

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

Brian Rabal read the Ordinance by title only. Justin Cowgur 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.

(9) Resolutions –

- **Resolution 2022-01 - A RESOLUTION APPROVING AN AGREEMENT OF UNDERSTANDING BETWEEN THE CITY OF CENTERTON, ARKANSAS, AND THE BENTON COUNTY SOLID WASTE DISTRICT, REGARDING THE OPERATION OF THE CONVENIENCE CENTER.**

Mayor Edwards addressed the Council, stating that this Resolution is to adopt an agreement between the City of Centerton and the Benton County Waste District, regarding the operation of the Convenience Center, which was tabled at our previous City Council Meeting, due to additional questions by Council. He said they (Solid Waste) have answered some of the concerns, such as the fact that American Funds cannot be used, and they also addressed what items can and cannot be accepted at the Convenience Center. There was discussion about which cities are participating in the funding and who is using the facility. Council asked for a representative from Solid Waste to make a presentation to Council. Mayor Edwards said their representative said they would be willing to do that.

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

Brian Rabal read the Resolution by title only. Justin Cowgur made a motion to Table the Resolution, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

- **Resolution 2022-06 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN AGREEMENT WITH MORRISON SHIPLEY ENGINEERS, BENTONVILLE, ARKANSAS FOR CIVIL DESIGN AND SURVEYING SERVICES TO PREPARE CONSTRUCTION PLANS FOR THE MCKISSIC TRAIL PROJECT AMENDMENT #2 IN THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to allow the city to amend an agreement with Morrison Shipley Engineers for Design and Surveying services for the McKissic Trail Project on Allen Road. He said that Council approved over \$19,000.00 in funding for this service in November, 2019, but costs have increased, so they are asking for an additional \$5160.00, in the form of a Change Order, bringing the maximum allowable total to \$24,310.00. He said this funding is for Engineering Fees for the 10-ft McKissic Trail project along Allen Road. He said we will look to reimburse a portion of this funding through grants. He said the City of Bentonville will pick this trail up along Town Vu Road. Public Works Director Lance Johnson detailed a timeline for the project. He said it is a 50/50 Grant with the Walmart Foundation, and is included in our budget this year. He said he hopes to have the project completed by the end of 2022.

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

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

- **Resolution 2022-07 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF CENTERTON, AN AGREEMENT WITH DUDE SOLUTIONS, CARY, NORTH CAROLINA, FOR PLANNING PROJECT SOFTWARE FOR THE CENTERTON PLANNING DEPARTMENT 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 Dude Solutions for Planning Project Software.

Planning Director Lorene Burns said the Planning Department is currently using a module in the BS&A Software that Building Safety uses. She detailed the costs and function of the SmartGov cloud-based Planning Software, which would be installed and supported by Dude Solutions. She said she also reached out to Intergov Software, but did not get a call back from them. She said she also looked at Versivo Software, but got a quote of \$102,700.00, which she felt was high. She said she looked at CityView Software, but felt it was not what we were looking for. She said

Dianne Morrison Lloyd looked into Inco Plus software, but it was geared more toward Municipal Code. She said we feel like the SmartGov program is just what we are looking for, and the price is very reasonable. She detailed the proposed costs, with the first year total being approx. \$36,652.92 and said it would take about 6 months to get all of the data transferred over. She said the cost for the 2nd year would be \$15,264.13, and the 3rd year would be \$16,179.97.

Justin Cowgur asked if it was only a 3-yr contract, and why the cost goes up every year. Burns said the increased cost is for inflation. There was discussion.

Council asked for a more detailed breakdown on costs, as well as options for the future (beyond 3 years), before making a decision. They also wanted to know what other cities are using this software. Burns said she would have that information for the March Council Meeting and would see if the Vendor could attend via Zoom.

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

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

- **Resolution 2022-07 - A RESOLUTION PROVIDING FUNDING TO CENTERTON UTILITIES FROM THE AMERICAN RESCUE PLAN.**

Mayor Edwards addressed the Council, stating that this Resolution is to provide \$1.3 million to Centerton Utilities from the American Rescue Plan, as recommended by City Council at our last meeting. He said \$650,000.00 will be available with the passage of this resolution, with the other \$650,000.00 available on or after August 1, 2022, provided that the city receives the 2nd installments of funds from the American Rescue Plan. He said the any expenditures from the American Rescue Plan funds will require a Resolution. He said we will have to provide a contract and a Risk Assessment with Centerton Utilities.

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

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.

(10) Schedule Special City Council Meeting for February 16, 2022, for Final Plat Approvals –

Mayor Edwards addressed the Council, asking for their permission to hold a Special City Council Meeting via Zoom on 2/16/2022 at 6:00pm to hear two (2) Final Plat Approval requests, one for Kimmel Ridge and one for The Pines.

Council agreed hold a Special City Council Meeting on 2/16/2022 at 6:00pm., for the purpose of hearing two (2) Final Plat Requests.

(11) Discuss Hearing Date for Non-Profit Organizations to Apply for American Rescue Funds

Mayor Edwards addressed the Council, stating that he reached out to the Arkansas Municipal League, regarding the disbursement of American Rescue Plan funds for Non-Profit Organizations. He said the AML stated that each Non-Profit Organization would have to submit a detailed formal request to the city, for use of these funds. He said those requests would be brought back to the City Council for approval. He said he felt we should be able to have those requests by the March Council Meeting date, where we would allow presentations. He said Council did earmark \$80,000.00 at the last Council Meeting for Centerton Cares.

(12) Update on City Hall Project –

Mayor Edwards gave an update on the New City Hall, stating that we will be moving into the facility this Thursday and Friday, and hope to be fully operational on Monday, February 14th. He said he hopes to be able to hold the March Planning Commission and City Council Meetings at the new facility. He said we will do an audit of the new furniture with Mosier, before we move in.

(13) Public Comments – None

(14) Other Business –

- **Mayor's Assistant Position has been filled**
- **Accounts Receivable Position Interviews will start next week**

(15) Announcements -

- **2/15/2022 – Planning Commission Meeting @ 6:00 PM**
- **2/22/2022 – City Council Work Session @ 6:00 PM**
- **3/01/2022 - Planning Commission Meeting @ 6:00 PM**
- **3/08/2022 – City Council Meeting @ 6:00 PM**

(21) Adjourn -

Justin Cowgur made a motion to Adjourn at 7:28 PM with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk