



**CITY OF CENTERTON
CITY COUNCIL MEETING
JULY 12, 2022
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, Josie Reed, Misty Elam, and Amy Rochette. Justin Cowgur was absent. Those present and not answering Roll Call were City Clerk Todd Wright, City Attorney Brian Rabal, Financial Director Carl Rabey, Finance Manager Shannon Zappettini, HR Director Jocelyn Diaz (Zoom), City Engineer Alan Craighead (Zoom), Police Chief Cody Harper, Fire Chief Matt Thompson (Zoom), Chief Building Inspector Robert Coffelt, Public Works Director Edgar Barroso (Zoom), Animal Control Director Cody Wilson, Joshua Price and Jake Barrett from Public Works and Malcolm Attwood from Centerton Utilities (Zoom).

(4) Public Hearing – Vacate Utility and Drainage Easement, Lot 7 Quail Ridge 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 for construction of a pool. He read a letter of objection from the property owner to the east, Joseph Briar.

The applicant Dan Parker addressed the Council detailing their request.

Mayor Edwards asked Council if there were any questions.

City Attorney Brian Rabal asked if the property abuts the subject property. Mayor Edwards stated that it does.

Misty Elam made a motion to Open the Public Hearing, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

Public Comments - None

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

(5) Public Hearing – Vacate Utility and Drainage Easement, Lot 169 Oak Tree Subdivision -

Mayor Edwards addressed the Council, stating that this is a Public Hearing for a Vacation Request for 5’ of the 7’ side Utility & Drainage Easement for Lot 169 in the Oak Tree Subdivision, for construction of a garage/shop. Mayor Edwards said the Planning Commission also approved a Variance Request for this applicant.

The applicant Kelly Buttle addressed the Council, detailing their request.

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 Misty Elam. All Council Members voted in favor and the motion carried.

(6) Council Minutes –

Josie Reed made a motion to Approve the Minutes of the June 14, 2022 and June 29, 2022 City Council Meetings, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

CWSD and Board of Zoning Adjustments Minutes –

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the May 17, 2022 CWSD Meeting and the June 7, 2022 Board of Zoning Adjustment Meeting, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

(7) City and Court Financials -

Financial Direct Carl Rabey addressed the Council, giving the Financial Report for June, where 50% through the year we have received 69.10% of our Budgeted Revenue and our Expenditures are at 45.66 %. He detailed some of the financials and the surplus for June. He said we should receive our \$1.6 million ARPA payment this month.

The June Court Report was contained in the Council packets.

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

Josie Reed made a motion to accept the June, 2022 City & Court Financials, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

(8) Department Reports -

The Department Reports were in the Council Packet.

Mayor Edwards asked the Council if there were any other questions.

Amy Rochette asked for a report in the July Council Meeting from the Planning Department on recent training regarding Low Income Housing, and their vision for it in our city. Sha also asked for an update on the new Planning software.

(9) Moving Permit Lot 2, 280 Fair Street, Centerton Village LLC. –

Mayor Edwards addressed the Council, asking for their approval of a Moving Permit for a trailer at Lot 2, 280 Fair Street, by Centerton Village LLC. He detailed the process for obtaining and approving a Moving Permit.

Keith Higginbotham made a motion to approve a Moving Permit for Lot 2, 280 Fair Street, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

(10) Ordinances –

Keith Higginbotham made a motion to Read Ordinances 2022-46, 2022-51, 2022-52, 2022-53, 2022-54, 2022-55, 2022-56, 2022-57 and 2022-58; and Resolutions 2022-19, 2022-20 and 2022-21 by Title only, with a 2nd from Darren Warren. 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 2022-46, 2022-51, 2022-52, 2022-53, 2022-54, 2022-55, 2022-56, 2022-57 and 2022-58, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

- **Ordinance 2022-46 - AN ORDINANCE VACATING A PORTION OF THE SOUTH TEN FEET (10') OF THE TWENTY FIVE FOOT (25') REAR YARD PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE NORTH PROPERTY LINE OF LOT 7 IN THE QUAIL RIDGE SUBDIVISION, CITY OF CENTERTON, AS SHOWN**

ON PLAT RECORD BOOK 2005 PAGES 746 THRU 748 BENTON COUNTY, ARKANSAS; AKA 1671 WHIPPOORWILL LANE.

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate 10' of the 25' Utility and Drainage Easements for Lot 7 in the Quail Ridge Subdivision for installation of a pool. He said the Public Hearing was held earlier this evening, with no public comments. There was one (1) e-mail in opposition, from the abutting neighbor to the east. He said we have heard from all but one (1) Utility.

Darren Warren asked if the City Engineer has reviewed this. City Engineer Alan Craighead addressed Council (via Zoom), stating that he did review this request and will sign off on it, as there are no drainage concerns. Misty Elam recommended that the City Engineer address concerns with the abutting property owner.

City Attorney Brian Rabal recommended that we have sign-off from all utilities, and stated that per his understanding of the State Statute, abutting property owners must file a written consent for approval of vacation.

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

Darren Warren made a motion to Table the Ordinance, until there is written approval from all Utilities, the City Engineer, and the Abutting Neighbor, with a 2nd from Josie Reed. There was a roll call. All Council Members voted in favor, and the motion carried.

- **Ordinance 2022-51 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO SABLAR-HUNT REVOCABLE LIVING TRUST FROM AGRICULTURAL (A-1) TO MEDIUM-HIGH DENSITY TWO-FAMILY RESIDENTIAL DUPLEX (RTH-D).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone property on Vaughn Road from (A-1) to (RTH-D). He said this was recommended for approval (7-2) by the Planning Commission at their 6/21/2022 meeting. He said XNA Regional Airport was in opposition of the request. He said the PC recommended that an Avigation Easement also be provided. A map of the property was provided for Council.

Mayor Edwards asked the Council if there were any 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, except for Amy Rochette, who voted NO, and the motion carried.

- **Ordinance 2022-52 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO MERCY HEALTH NORTHWEST**

ARKANSAS COMMUNITIES FROM HIGHWAY COMMERCIAL (C-2) TO HIGH DENSITY MULTI-FAMILY RESIDENTIAL (R4-MF).

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone property on Marigold Road, off of Centerton Blvd. from (C-2) to (R4-MF). He said this was recommended for approval (9-0) by the Planning Commission at their 6/21/2022 meeting. A map of the property was provided for Council.

Mayor Edwards asked the Council if there were any 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 2022-53 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO SREENI AND ARONA PARISE 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 property on Bliss Street from (A-1) to (R3-SF). He said this was recommended for approval (8-1) by the Planning Commission at their 6/21/2022 meeting. He said there were public comments, and read two (2) e-mails in opposition. A map of the property was provided for Council.

Mayor Edwards asked the Council if there were any 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 Darren Warren. There was a roll call. All Council Members voted in favor, except for Misty Elam and Amy Rochette, who voted NO, and the motion carried.

- **Ordinance 2022-54 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO SHIRLEY A. BRIGGS FROM AGRICULTURAL (A-1) TO LIGHT INDUSTRIAL (I-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone property on W. Centerton Blvd. from (A-1) to (I-1). He said this was recommended for approval (9-0) by the Planning Commission at their 6/21/2022 meeting. Will Kelstrom made a brief presentation for the applicant. A map of the property was provided for Council.

Mayor Edwards asked the Council if there were any 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 Misty Elam. There was a roll call. All Council Members voted in favor, and the motion carried.

- **Ordinance 2022-55 - AN ORDINANCE ACCEPTING THE FINAL SUBDIVISION PLAT OF THE PRAIRIE BROOK PHASE 3 SUBDIVISION, CREATING RESIDENTIAL LOTS 66-113, AND TRACT C, CITY OF CENTERTON, S6-T19N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept Final Plat of Prairie Brook Phase 3. He said this was recommended for approval by the Planning Commission at their 7/05/2022 meeting. The Final Plat was provided for Council.

Mayor Edwards asked the Council if there were any 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.

- **Ordinance 2022-56 - AN ORDINANCE VACATING A PORTION OF THE SOUTH FIVE FEET (5') OF THE SEVEN FOOT (7') REAR YARD PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE SOUTH PROPERTY LINE OF LOT 169 IN THE OAK TREE SUBDIVISION, CITY OF CENTERTON, AS SHOWN ON PLAT RECORD BOOK 2007 PAGES 868 THRU 873 BENTON COUNTY, ARKANSAS; AKA 1050 SAWTOOTH COURT.**

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate 5' of the 7' side-yard Utility and Drainage Easements for Lot 169 in the Oak Tree Subdivision for installation of a pool. He said this was heard by the Planning Commission, and there was a Public Hearing earlier this evening, with no public comments. He said the applicant's Variance Request was also approved by the Planning Commission. He said we have heard back from all utilities.

The applicant addressed the Council and detailed their request.

Mayor Edwards asked the Council if there were any 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 Amy Rochette. There was a roll call. All Council Members voted in favor, and the motion carried.

- **Ordinance 2022-57 - AN ORDINANCE ACCEPTING THE AMENDED FINAL SUBDIVISION PLAT OF THE PINES PHASE 2 SUBDIVISION, CREATING**

RESIDENTIAL LOTS 60-98, AND TRACT C, CITY OF CENTERTON, S20-T20N-R31W, BENTON COUNTY, ARKANSAS.

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the amended Final Plat of The Pines Phase 2. He said this was approved at the 2/16/2022 meeting, however Carrol Electric has asked that the side-yard setback on Lot 83 be adjusted from 7' to 25'. He said this is to change the setback for street alignment. The amended Final Plat was provided for Council.

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

- **Ordinance 2022-58 - AN ORDINANCE ACCEPTING THE AMENDED FINAL SUBDIVISION PLAT OF THE PINES PHASE 3 SUBDIVISION, CREATING RESIDENTIAL LOTS 99-135, CITY OF CENTERTON, S20-T20N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the amended Final Plat of The Pines Phase 2. He said this was approved at the 2/16/2022 meeting, however Carrol Electric has asked that the side-yard setback on Lot 115 be adjusted from 7' to 25'. He said this is to change the setback for street alignment. The amended Final Plat was provided for Council.

Mayor Edwards asked the Council if there were any 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 Misty Elam. There was a roll call. All Council Members voted in favor, and the motion carried.

(11) Resolutions –

- **Resolution 2022-19 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN EQUIPMENT RENTAL AGREEMENT WITH JA RIGGS TRACTOR CO, SPRINGDALE, ARKANSAS, FOR RENTAL OF A MODEL 150 MOTOR GRADER.**

Mayor Edwards addressed the Council, stating that this Resolution is to allow the city to enter into an agreement with JA Riggs for rental of a Road Grader for the Street Department. He said they were able to get two (2) quotes. A copy of the quote was provided for Council.

Jake Barrett addressed the Council, expressing the need for the Road Grader and the pointed out the issues with availability and pricing.

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

Brian Rabal read the Resolution by title only. Misty Elam made a motion to adopt the Resolution, contingent upon review of the agreement by the City Attorney, with a 2nd from Darren Warren. All Council Members voted in favor and the motion carried.

- **Resolution 2022-20 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN EQUIPMENT RENTAL AGREEMENT WITH JA RIGGS TRACTOR CO, SPRINGDALE, ARKANSAS, FOR RENTAL OF A MODEL 305 COMPACT RADIUS EXCAVATOR.**

Mayor Edwards addressed the Council, stating that this Resolution is to allow the city to enter into an agreement with JA Riggs for rental of an Excavator for the Street Department. A copy of the quote was provided for Council

Jake Barrett addressed the Council, expressing the need for the Excavator.

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

Brian Rabal read the Resolution by title only. Josie Reed made a motion to adopt the Resolution, contingent upon review of the agreement by the City Attorney, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

- **Resolution 2022-21 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK, AS REPRESENTATIVES OF THE CITY OF CENTERTON, ARKANSAS, TO ENTER INTO AN EQUIPMENT RENTAL AGREEMENT WITH JA RIGGS TRACTOR CO, SPRINGDALE, ARKANSAS, FOR RENTAL OF A MODEL 420 BACKHOE LOADER.**

Mayor Edwards addressed the Council, stating that this Resolution is to allow the city to enter into an agreement with JA Riggs for rental of a Backhoe Loader for the Street Department. A copy of the quote was provided for Council

Jake Barrett addressed the Council, expressing the need for the Backhoe Loader.

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

Brian Rabal read the Resolution by title only. Misty Elam made a motion to adopt the Resolution, contingent upon review of the agreement by the City Attorney, with a 2nd from Darren Warren. All Council Members voted in favor and the motion carried.

(12) Appoint Robin Reed, Jeremy Isom and Angela Clark to the Parks and Recreation Advisory Board, Term Ending July 31, 2024 –

Mayor Edwards addressed the Council, asking for their approval to re-appoint Robin Reed, Jeremy Isom and Angela Clark to the Parks and Recreation Advisory Board, Term Ending July 31, 2024. He said there are two (2) openings on the Board, and he has forwarded applications to the Committee.

Darren Warren made a motion to re-appoint Robin Reed, Jeremy Isom and Angela Clark to the Parks and Recreation Advisory Board, Term Ending July 31, 2024, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

(13) Public Comments –

Kimberly Sprouse – 1211 Stoneybrook Drive – Mrs. Sprouse expressed concern with not having SRO's at each school in the city. She shared her negative experience with the Benton County SRO at Bentonville West in 2021. She said she started a petition requiring that SRO's wear recording body cams at all times. Darren Warren apologized for her negative experience and pointed out that the School District is operated independently of the City of Centerton. Keith Higginbotham recommended that she reach out to the Arkansas School Safety Commission.

(14) Other Business –

- **School Resource Officer** – Mayor Edwards addressed the Council, stating that representatives of the city met with Dr. Jones and Steve Vera last week, to discuss safety protocols and security at our schools. He said the School District are recommending a 2nd SRO at BWHS, and it will go before the School Board on 7/19/2022. Chief Harper said if approved, both the Benton County Sheriff's Department and the Centerton Police Department will be open to apply for the 2nd SRO position. Mayor Edwards said if a Centerton Officer is selected, the School District will pay for the salary and vehicle, and then we will need to hire another officer for the city. Chief Harper said the School District is open to a trial run for an SRO for Centerton Gamble Elementary. He said the city would have to pay for that position. Harper said Benton County provides an SRO for Grimsley Jr. High.

No action was taken by Council.

- **Police Vehicles- Red River Dodge** – Police Chief Cody Harper addressed the Council, stating that he received an e-mail from Red River Dodge, requesting intent for any Dodge Durango's for next year. He said they will leave those requests open until the end of July. He said this does not guarantee us vehicles, but does get us in line for orders they are putting in for next year. He said this

does not obligate us to any vehicles. Mayor Edwards asked for Council approval for four (4) vehicles.

Darren Warren made a motion to request four (4) V-6 AWD vehicles from Red River Dodge for 2023, with a 2nd from Keith Higginbotham. All Council members voted in favor and the motion carried.

(15) Announcements -

- **7/14/2022 – ARDOT Public Information Meeting @ 6:00 PM**
- **7/19/2022 – Planning Commission Meeting @ 6:00 PM**
- **8/02/2022 - Planning Commission Meeting @ 6:00 PM**
- **8/09/2022 – City Council Meeting @ 6:00 PM**

(16) Adjourn -

Keith Higginbotham made a motion to Adjourn at 7:43 PM with a 2nd from Misty Elam. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk