



**CITY OF CENTERTON
VIRTUAL
CITY COUNCIL MEETING
MARCH 9, 2021
6:00 PM**

(1) Roll Call - Those Present, via Zoom, and answering Roll Call were Mayor Bill Edwards, Keith Higginbotham, Wayne Low, Darren Warren, Misty Elam, Josie Reed and Amy Rochette. Those present and not answering Role Call were City Clerk Todd Wright, City Attorney Brian Rabal, Financial Director Pam Grant, Planning Director Lorene Burns, Police Chief Cody Harper, Fire Chief Matt Thompson, Director of Public Works Rick Hudson, Chief Building Inspector Robert Coffelt and Centerton Utilities Director Frank Holzkamper.

(2) Public Hearing – Vacate Easements Lot 116 Copper Oaks Subdivision –

Mayor Edwards introduced the item to the Council, stating that this a Public Hearing for the Vacation Utility and Drainage Easements for Lot 116 of the Copper Oaks Subdivision

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

Public Comments – None

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

(3) Public Hearing – Water and Sewer Revenue Refunding and Improvement Bonds –

Mayor Edwards introduced the item to the Council.

Centerton Utilities Director Frank Holzkamper addressed the Council, stating that this will allow them to refinance the note for repairing the Sewer Detention Basin on Allen

Road, and add a couple \$ million to continue adding to our sewer service system; to cover most of the southern end of our city, as well as Keller Road. He said they are taking advantage of historic low interest rates and this will not affect the W&S rates.

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

Public Comments – None

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

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

(4) Council Minutes –

Josie Reed made a motion to Approve the Minutes of the February 9, 2021 City Council Meeting, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

Planning Commission, Board of Zoning Adjustments, Parks and Recreation & Water & Sewer Minutes –

Wayne Low made a motion to Acknowledge Receipt of the Minutes of the February 2, 2021 & February 16, 2021 Planning Commission Meetings, the February 16, 2021 BZA Meeting, the January 11, 2021 & February 8, 2021 Parks and Recreation Meetings & the January 19, 2021 CWSD Meeting, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

(5) City and Court Financials- Mayor Edwards stated that 16.67 % through the year we have received 16.92 % of our Budgeted Revenue. He stated that our Expenditures were at 13.47 %. He detailed some of the city financials.

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

Wayne Low made a motion to Accept the February, 2021 City & Court Financials, with a 2nd from Amy Rochette. 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 –

Darren Warren made a motion to Read Ordinances 2021-07, 2021-11, 2021-12, 2021-13, 2021-14, 2021-15, 2021-16, 2021-17, 2021-18, and Resolutions 2021-06 and 2021-07 by Title only, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

Wayne Low made a motion to Suspend the Rule Requiring the Reading on three (3) Separate Occasions for Ordinances 2021-07, 2021-11, 2021-12, 2021-13, 2021-14, 2021-15, 2021-16, 2021-17, 2021-18, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-07 - AN ORDINANCE VACATING A TWENTY-FIVE FOOT (25') PORTION OF THE FIFTY FOOT (50') PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE PROPERTY LINES ON THE SIDE STREET OF COPPER OAKS DRIVE; AND FIVE FEET (5') OF THE 25-FT (25') UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE EAST PROPERTY LINE OF LOT 116 IN THE COPPER OAKS SUBDIVISION, CITY OF CENTERTON, AS SHOWN ON PLAT RECORD BOOK 2005 PAGES 350 & 352, BENTON COUNTY, ARKANSAS**

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate 25' of the 50' side, and 5' of the 25' rear Utility & Drainage Easements on Lot 116 of the Copper Oaks Subdivision, on Copper Oaks Drive. He said we did the same thing on the other side of Copper Oaks Drive. He said the Planning Commission recommended approval at their meeting on 2/02/2021.

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

Josie Reed asked for clarification on the reason for the vacation. Mayor Edwards said the original 50' UE was more than what was needed, and the same developer made the same request on the other side of Copper Oaks Drive, and it was approved.

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

- **Ordinance 2021-11 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO CAP NEWCO 1 LLC, FROM AGRICULTURAL (A-1) TO RESIDENTIAL TOWNHOUSE MULTI-FAMILY (RTH-MF12)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Centerton Blvd. from A-1 to RTH-MF12, and was recommended for approval by the Planning Commission at their 3/02/2021 meeting.

Mayor Edwards asked the Council if there were any questions.

Josie Reed asked if there was any discussion about the northern part of this property being zoned for Commercial Use, due to its frontage along Centerton Blvd. Mayor Edwards said they are planning to develop a PUD. City Clerk Todd Wright pointed out that there is a creek, with wetlands and flood plain on the northern portion of the property, along Centerton Blvd., and PC thought this was the best use for the land.

Amy Rochette asked how many acres and units we being proposed. Mayor Edwards said it was 8.24 Acres and 49 Units were being proposed.

Brian Rabal read the Ordinance by title only. Josie Reed made a motion to adopt the Ordinance with a 2nd from Wayne Low. All Council Members voted in favor, except Amy Rochette, who voted NO, and the motion carried.

- **Ordinance 2021-12 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO ROBERT AND TERI STONE, FROM AGRICULTURAL (A-1) TO HIGHWAY COMMERCIAL (C-2)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Hwy 72 from A-1 to C-2. He said this property was annexed into our city at the last City Council meeting. He said there are other Commercial Uses on Hwy 72, with a Car Wash adjacent to this property, and the Quails Unlimited Gun Barn across the highway. He said this was recommended for approval by the Planning Commission at their 3/02/2021 meeting, with public comments concerning property values, noise and lights. He said the property owner has no plans at this time.

City Clerk Todd Wright stated that Commissioner Joey Ingle reminded the residents that if a development is proposed, they would have another opportunity to gather information and give public input at the LSD phase.

Keith Higginbotham stated that there is already a 24-hr car wash adjacent to this property, with lights and noise, along with other businesses along Hwy 72.

Amy Rochette asked about access onto Hwy 72 along that curve, and said it is all residential housing in that area. Mayor Edwards said that there are other Commercial businesses all along Hwy 72 and we expect more to come, as the Bella Vista Bypass is just northwest of this location. He said any access to Hwy 72 would be coordinated with ARDoT, as it is a State Highway. Todd Wright said that would be addressed with the LSD as well.

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 Wayne Low. All Council Members voted in favor, except for Amy Rochette, who voted No, and the motion carried.

- **Ordinance 2021-13 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO PATSY R. WHITE RECOCABLE TRUST, FROM AGRICULTURAL (A-1) TO HIGH DENSITY RESIDENTIAL SINGLE-FAMILY (R-3 SF)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone 40 acres on Kitty Road from A-1 to R-3 SF. He said this property was recently annexed into the City of Centerton. He said the property adjacent to this property on the south was recently rezoned to R-3 and C-2, so this rezone request would be compatible with what is already here. He said was recommended for approval by the Planning Commission at their 3/02/2021 meeting, with one resident in opposition due to traffic and high-density housing, and another resident just asking who the developer would be and also inquiring about sewer connection for this property. Rick Hudson said this is a great use of property that was once-abandoned, as an old lumber yard and mill.

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 Wayne Low. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-14 - AN ORDINANCE ACCEPTING PUBLIC DEDICATION OF AN ADDITIONAL TWENTY-FOOT (20') SEWER EASEMENT ACROSS THE NORTHEAST CORNER OF KIMMEL ROAD AND SOUTH MAIN STREET BY RENA J. COPELAND REVOCABLE TRUST, PER TRACT SPLIT FOR PROPERTY LOCATED IN THE SW ¼ OF THE NE ¼ OFS04-T19N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept a small portion of Sewer Easement on the NE corner of Kimmel Road and S. Main Street.

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

- **Ordinance 2021-15 - AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,500,000 CITY OF CENTERTON WATER AND SEWER REVENUE IMPROVEMENT AND REFUNDING BONDS, SERIES 2021 FOR THE PURPOSE OF REFUNDING CERTAIN PRIOR INDEBTEDNESS AND FINANCING ALL OR A PORTION OF THE COST OF CERTAIN IMPROVEMENTS; PLEDGING WATER AND SEWER REVENUES TO PAY THE PRINCIPAL OF AND INTEREST ON THE BONDS; AUTHORIZING THE EXECUTION OF A BOND PURCHASE AGREEMENT; AUTHORIZING THE EXECUTION AND USE OF A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION WITH THE MARKETING OF SUCH BONDS; AUTHORIZING A TRUST INDENTURE SECURING THE BONDS; AUTHORIZING THE SALE OF THE BONDS; AUTHORIZING AND APPROVING THE EXECUTION AND USE OF AN OFFICIAL STATEMENT, AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY**

Mayor Edwards addressed the Council, stating that this Ordinance is to issue Bonds for the Water & Sewer Department. He said this is what the Public Hearing was for earlier in this meeting.

Jill Grimsley addressed the Council, stating that we are refunding and refinancing a portion of the bonds that were issued last year by Arvest Bank, allowing Centerton Utilities to extend the term of the debt longer than the maturity date originally set. She said there are some additional funds (up to \$2 million) allocated for new projects.

Bob Wright addressed the Council, stating that the current loan is at a rate of 3.45% and we are looking at dropping down to 2.25%, saving the rent payers, on the refinanced portion, about \$320,000.00. He said the payoff is set for 2044. He recognized Centerton Utilities for an increase in their Moody's Rating from a BAA1 to an A2, stating that it is almost unheard of in one cycle.

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 Wayne Low. 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 2021-16 - AN ORDINANCE ACCEPTING DEDICATION OF PUBLIC UTILITY EASEMENTS PER LOT SPLIT PLAT TITLED SITTON GROUP LLC, DESCRIBED AS BEING PART OF THE S ½ OF THE SE ¼ OF THE SW ¼ OF S35-T20N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept Utility Easements on Centerton Blvd.

Lorene Burns stated that the Access Easement for this property will remain private, but there are some Utility Easements that are being dedicated.

Mayor Edwards asked the Council if there were any questions.

Lorene Burns stated that the title of this Ordinance needed to be amended and made a suggestion of how it should read. Brian Rabal said we would need to read the amended Ordinance by title.

Wayne Low made a motion to read the Ordinance by the amended title only with a 2nd from Darren Warren. All Council Members voted in favor and the motion carried. Brian Rabal read the amended Ordinance by title only. Keith Higginbotham made a motion to adopt the Ordinance with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-17 - AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY BELONGING TO KUHLMAN PROPERTIES LLC, BARRY BENNETT REVOCABLE LIVING TRUST AND WESTON S. KEENE TO THE CITY OF CENTERTON; APPROVING THE SCHEDULE OF SERVICES TO BE EXTENDED TO SAID AREA; AND ASSIGNING SUCH AREA TO WARD 1 AND ZONING AS AGRICULTURAL (A-1).**

Mayor Edwards addressed the Council, stating that this Ordinance is to voluntarily annex land at Kinyon Road and Keller Road. He said this involves five (5) properties and was done by over 50% annexation, as three (3) property owners hold the majority of the area. He said he did make contact with the other two (2) property owners. He said it is currently zoned A-1, and we will hear about a rezone request on the next item of the Agenda.

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 Wayne Low. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-18 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, KUHLMAN PROPERTIES, WESTON KEENE AND BENNETT TRUST, FROM AGRICULTURAL (A-1) TO HIGH DENSITY SINGLE-FAMILY RESIDENTIAL (R-3 SF)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Seba Road and Keller Road from A-1 to R-3 SF, and was recommended for approval by the Planning Commission at their 12/01/2020 meeting, with no public comments.

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

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

(8) Resolutions –

- **Resolution 2021-06 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF CENTERTON AN AGREEMENT WITH TARGET SOLUTIONS LEARNING LLC. TAMPA, FLORIDA FOR SCHEDULING SOFTWARE FOR THE CENTERTON POLICE DEPARTMENT FOR THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve an agreement for scheduling software for the Police Department.

Police Chief Cody Harper addressed the Council, stating that they have been using scheduling software that was sold to Target Solutions Learning LLC. He said the free trial has expired and they would like to sign up. He listed some of the key features and said the annual cost is \$2374.00.

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

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

- **Resolution 2021-07 - A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE VACATION OF UTILITY EASEMENTS LOCATED ON LOT 71 OF TAMARRON SUBDIVISION CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to set a date of 4/13/2021 for a Public Hearing to discuss the Vacation of Utility Easements on Lot 71 of the Tamarron Subdivision.

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, with a 2nd from Misty Elam. All Council Members voted in favor, and the motion carried.

(9) Approve Purchase of a 2021 Dodge Durango for the Police Department and a 2021 Dodge Ram Truck for the Planning Department -

Mayor Edwards addressed the Council, stating that this request is to purchase a 2021 Dodge Durango for the Police Department, at the State Bid price of \$29,550.00 and a 2021 Dodge Ram for the Planning Department, at the State Bid Price of 25,921.00.

Edwards pointed out the fact that there are delays on getting vehicles and parts at this time, giving an example of the vehicle we are waiting on for the Fire Department, as well as the fact that manufacturers are limiting production on vehicles. He said there are 90-120 day delays currently.

Edwards said the Street Department would like to take on the current Planning Commission truck for Parks & Recreation use.

There was discussion.

Financial Director Pam Grant said the City is in a good position financially for these purchases.

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

Wayne Low made a motion to Approve the purchase of the 2021 Dodge Durango and 2021 Dodge Ram at the stated State Bid prices, with a 2nd from Josie Reed. All Council Members were in favor.

(10) Public Comments – None

(11) Other Business –

- **Parks & Recreation Advisory Board Meetings** - Mayor Edwards said the Parks & Rec Advisory Board met last night and have decided to go to Quarterly Board Meetings, effective immediately. He said they will need to amend their By-laws. He said they will still continue to hold individual Committee meetings and do projects on a regular basis.
- **Centerton Day** - Mayor Edwards said he would like to proceed with Centerton Day this year, as long as there are no restrictions from the Governor.

- **Splash Pad** - Mayor Edwards said he would like to proceed with opening the Splash Pad this year, as long as there are no restrictions from the Governor.
- **In-Person City Council Meetings** - Mayor Edwards said he is waiting to see what the CDC says on 3/31/2021, but would like to proceed with In-Person City Council Meetings in April, as long as there are no restrictions. He said the Council would have the option to be at City Hall or Virtual, and Staff would attend virtually, so we can achieve social distancing and keep capacity low. He said the public would also have the option to join us in-person or virtually. He said Bentonville and Benton County are currently doing this. He said he will keep everyone posted.
- **Citizen Information** - Amy Rochette asked about options for informing citizens about City responsibilities. Keith Higginbotham brought up the example of citizen complaints about potholes on Hwy 102 Spur (Main Street), which is a State Highway, maintained by ArDOT. There was lengthy discussion about efforts currently and previously made by the City to try to inform and respond to our citizens, such as Open Public Meetings, Social Media (Facebook), and Coffee with the Mayor, etc.

(12) Announcements -

- **3/16/2021 – Planning Commission (Virtual Meeting) 6:00pm**
- **3/20/2021 – Coffee with the Mayor (Virtual Meeting) 9:00am**
- **4/06/2021 – Planning Commission (Virtual Meeting) 6:00 pm**
- **4/13/2021 – City Council (Virtual Meeting) 6:00 pm**

(13) Adjourn -

Wayne Low made a motion to Adjourn at 8:36 pm with a 2nd from Amy Rochette. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk