



**CITY OF CENTERTON
CITY COUNCIL MEETING
JULY 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, Misty Elam, Josie Reed and Amy Rochette. Those present or on Zoom and not answering Roll Call were City Clerk Todd Wright, City Attorney Brian Rabal, HR Director Jocelyn Diaz, Planning Director Lorene Burns, Police Chief Cody Harper, Fire Chief Matt Thompson, Fire Marshal Paul Higginbotham, Director of Public Works Rick Hudson, Chief Building Inspector Robert Coffelt, Animal Control Director Cody Wilson and Centerton Utilities Director Frank Holzkamper.

(4) Public Hearing – Kensington Hills Lot 80 Easement Vacation –

Mayor Edwards introduced the item to the Council, stating that this Public Hearing is for the Vacation of Utility and Drainage Easements for Lot 80 of the Kensington Hills Subdivision. He said the applicant is requesting a 2.15' Vacation of the rear-yard easement, to build a Sunroom and Patio. He said the City is still waiting to hear back from AT&T and Century Link, for their response. The applicant said she had a verbal approval from both.

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

Mayor Edwards asked if there were any public comments.

Public Comments – None

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

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

(5) Council Minutes –

Josie Reed made a motion to Approve the Minutes of the June 8, 2021 City Council Meeting, with a minor correction, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

Planning Commission & Water & Sewer Minutes –

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the June 1, 2021 & June 15, 2021 Planning Commission Meetings & the May 18, 2021 & June 15, 2021 CWSD Meetings, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

(6) City and Court Financials- Mayor Edwards stated that 50 % through the year we have received 55.5 % of our Budgeted Revenue. He stated that our Expenditures were at 45.72 %. He detailed some of the city financials.

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

Josie Reed made a motion to Accept the June, 2021 City & Court Financials, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

(7) Department Reports -

The Department Reports were in the Council Packet.

Mayor Edwards stated that there were two (2) incidents on July 5th, as a result of fireworks. He recognized both the Police and Fire Departments for their efforts.

Misty Elam asked if our Police Cars utilize dash cams. Chief Harper said the cars do not have dash cams, due to budgetary reasons, but the officers all have body cams.

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

(8) Ordinances –

Keith Higginbotham made a motion to Read Ordinances 2021-45, 2021-46, 2021-47, 2021-48, 2021-49, 2021-50 and 2021-52 and Resolutions 2021-15, 2021-16 and 2021-17 by Title only, with a 2nd from Josie Reed. 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 2021-45, 2021-46, 2021-47, 2021-48, 2021-49, 2021-50 and 2021-52, with a 2nd from Amy Rochette. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-45 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO CEDAR RIDGE, FROM HIGHWAY COMMERCIAL (C-2) TO HIGH DENSITY RESIDENTIAL SINGLE-FAMILY (R-3 SF) AND HIGHWAY COMMERCIAL (C-2) TO AGRICULTURAL (A-1)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain lands on Hwy 72. He said it was recommended for approval by the Planning Commission at their 6/15/2021 meeting. He said there were public comments in opposition, regarding traffic safety at and around the intersection of Versailles Blvd and Hwy 72, density, and access to the public Open Space. He said the Planning Commission recommended it for approval by the City Council.

Amy Rochette asked for clarification of what was being proposed in the R3-SF. City Clerk Todd Wright said it is being proposed as Patio Homes. He said the applicant also agreed to do a Traffic Study. Mayor Edwards pointed out that Hwy 72 is a State Highway and any access will need to be approved by ArDOT.

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 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 2021-46 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO CHRIS CALLIS FROM AGRICULTURE (A-1) TO HIGHWAY COMMERCIAL (C-2)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Centerton Blvd. from (A-1) to (C-2), and was recommended for approval by the Planning Commission at their 6/15/2021 meeting. He said there were no public comments in opposition during the meeting.

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 2021-47 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO ANGLIN PROPERTIES, LLC., FROM AGRICULTURE (A-1) TO HIGH DENSITY RESIDENTIAL SINGLE-FAMILY (R-3 SF)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Vaughn Road, from A-1 to R-3 SF. He said this was denied by the Planning Commission at their 6/15/2021 meeting, and the applicant is appealing that decision to the City Council. He provided a map of the location of the property. He said the property to the east was approved for rezone to R3-SF at a previous meeting, and the property to the south was approved for rezone to R3-SF in October 2020. He said we will be considering a rezone of property to the west, later in this meeting. He pointed out a letter from the Planning Commission Chairman, in opposition of this appeal. Edwards said there was concern with the Comprehensive Plan's representation of this property as Industrial Use. He said there was also discussion about Bentonville's XNA Overlay District in this area, which has no jurisdiction in the City of Centerton. He said XNA representatives spoke in opposition of this request. He said there are a few existing residential homes in this area of the city. He said there was also concern brought up about the existing sewer capability of handling Industrial Use. He said the Planning Commission stated that they may need to take another look at the Land Use recommended for this area. He said he understood that they still want to keep the area south of Vaughn Road for Industrial Use.

Tony Davis stated that it was not a unanimous decision by the Planning Commission to deny this request. He said he was in favor of this rezone. He said there was a concern about the XNA Overlay District, but he felt it did not apply to the rezone request, and could be dealt with at the Development Phase. He said his concern was with what the best Use of the land is today. He said the Comprehensive Plan is only a guideline. He said the cost of existing infrastructure was also a factor for him.. He said with the approved Residential Use to the east and the south, a denial here would put a burden on the property owner.

Ryan Anglin said his family has owned the property for over 50 years. He said he felt 3 of the 5 criteria questions were answered incorrectly by the Planning Commission and were led by Planning Commission Chairman Jeff Seyfarth, with prejudice. He said he felt questions #2, #3 and #4 should have been answered differently. He detailed his opinion.

Darren Warren asked Frank Holzkamper if there was adequate water in this area of the city to service the potential for 600-800 single-family homes. Holzkamper said there is

enough water to service it as it is being built out. He said they are in the process of designing an 18” Main Line and another Water Tower to better serve that area. He said there is enough water to serve the area currently, as it builds out, but not as it continues to develop. He said it would not serve a High-Water Use Industry, along with existing proposed housing. Warren asked Rick Hudson if the Road Infrastructure could handle the possible traffic in this area. Hudson said they will have to make road improvements. He said that he had concern with any proposed Industry in this area, without financial input from the City. Warren said the demand for this area is currently for Residential Use, and recommended that we look at updating the Land Use Map and Comprehensive Plan to reflect that demand. He asked if we are rezoning too much property, ahead of the infrastructure, pointing out that we have issues with Roads and Water. There was discussion.

Frank Holzkamper said they are currently working on capacity issues. He said they know they need to get water down to the southern portion of the city. He said they are working on ways for developers to help with the cost. He said they are also very aware of water rates, and don’t want to have to raise them. He said they are looking at ways for the developers to help pay for the upgrades to the infrastructure. He said the current plan is to have the 18” Water Main in place in the next 3-5 years. He said they are currently putting in a 24” Main from the Water Tower down to Gamble Road and Walters Road. He said they also have multiple projects going, to tie in dead-end lines down there. He said they may be looking at Capacity Fees for developers. He said Centerton was built on the premise that developers used to help build Lift Stations and put in water lines, in order to build homes here.

Amy Rochette said that she agreed with Darren Warren, stating that the Comp Plan is just a guide, and there are some things we need to take another look at. She said she would also like to see the developers help out in any way that they can.

Keith Higginbotham questioned the timing of any potential Industrial Use in this area, due to the lack of roads. He also questioned XNA coming in now, resisting the residential development. He said it is their responsibility to protect the property owners. He said we have a better chance of getting the roads improved now, with a share by the residential developers.

Robert Coffelt said the property is outside of the 65db area of XNA. He said the city should restrict the noise from the airport, to protect the citizens, and not restrict the developers. He said Industrial Use produces a lot of wastewater and could create other issues. He said the Comp Plan will need to be re-evaluated on a regular basis. He said the current “industry” in Centerton is residential homes.

Rick Hudson said the roads in that area will be built with the assistance of the developers building their half. He said He said Commercial or Industrial Use may never come to this area. He pointed out the dangers of certain Industrial Uses, and gave some examples.

Melvin Coffelt said there needs to be better communication in the city. He said any plans for Industrial Use needs to be discussed with CWSD, so that we can have discussions with Decatur, regarding wastewater. He said Decatur has to deal with both Arkansas and Oklahoma in regard to their Discharge Permit.

Todd Wright said he agreed with Melvin Coffelt about the communication. He said he asked both Holzkamper and Hudson for their input on where we should look to place Industrial Use, as they deal with the infrastructure portion of it. He said whatever we decide, it will always be on somebody's land, whether it be the Anglin's, the Coffelt's, the Wright's or even the Mayor's; it will affect someone and there will be issues to work out. He said he feels that Centerton Utilities and the Street Department really need to be involved in those discussions. He said from the Northwest Regional Planning and ArDOT standpoint currently, along with the development of the Bella Vista Bypass, Tycoon Road is on their radar as one of the important corridors. He said Frank and Rick could really help us with that information.

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

Keith Higginbotham made a motion to overturn the decision of the Planning Commission for Ordinance 2021-47, with a 2nd from Amy Rochette. There was a roll call. All Council Members voted in favor, except for Darren Warren, who voted NO, and the motion carried.

Brian Rabal read the Ordinance by title only. Misty Elam 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 Darren Warren, who voted NO, and the motion carried.

- **Ordinance 2021-48 - AN ORDINANCE VACATING A PORTION OF THE SOUTH TWO AND FIFTEEN ONE HUNDREDTHS OF A FOOT (2.15') OF THE TWENTY FOOT (20') REAR YARD PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE NORTH PROPERTY LINE OF LOT 80 IN THE KENSINGTON HILLS SUBDIVISION, CITY OF CENTERTON, AS SHOWN ON PLAT RECORD BOOK 2008 PAGE 34544, BENTON COUNTY, ARKANSAS; AKA 1281 COVENTRY LANE.**

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate 2.15' of the rear 20' Utility and Drainage Easements at 1281 Coventry Lane, in the Kensington Hills Subdivision, for construction of a four Season Sunroom and a concrete patio. He said we are still waiting to hear back from two (2) utilities. He said there will also be a Variance Request heard on this at the 7/20/2021 Planning Commission Meeting. Brian Rabal recommended that no approval be made with a contingency attached. He recommended tabling this until we hear back from the two (2) utilities. Todd Wright pointed out that if the Vacation is approved tonight, and the Variance Request is denied,

the Vacation would still stand. The applicant stated that she would not need the Variance to pour a concrete slab. Chief Building Inspector Robert Coffelt said he did not agree.

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

Misty Elam made a motion to Table the Ordinance, until we hear back from the utilities, with a 2nd from Keith Higginbotham. There was a roll call. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-49 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO MELVIN E. & JUDY D. COFFELT, FROM AGRICULTURE (A-1) TO HIGH DENSITY RESIDENTIAL SINGLE-FAMILY (R-3 SF)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Vaughn Road and Wagner Road, from A-1 to R-3 SF. He pointed out all of the Residential Use coming in near this property. He said this was recommended for approval by the Planning Commission at their 7/06/2021 meeting, and there were no public comments in opposition.

Melvin Coffelt said this property is the last property in Centerton before you get to Highfill.

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 Darren Warren, who voted NO, and the motion carried.

- **Ordinance 2021-50 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO J.B. HUNT LLC, FROM AGRICULTURE (A-1) TO HIGH DENSITY MULTI-FAMILY (R-3 MF)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Kimmel Road from A-1 to R-3 MF. He said this was recommended for approval by the Planning Commission at their 7/06/2021 meeting. He said there were three (3) public comments in opposition, regarding increased traffic at the intersection of Greenhouse Road (Mayor Edwards pointed out that Centerton and Bentonville are currently designing improvements to Greenhouse Road), effect on property values, and privacy. He said there was also a property owner between this property and the upcoming Tiny Home property, that hoped to retire here, who was concerned with having the density of multi-family next to her.

Hugh Jarrett with Lindsey Properties addressed the Council, giving a presentation of their property management division and their proposal for this property. He spoke about how they manage their properties, to reduce density (only 1-2 Bedroom apartments) and keep crime rates down (background checks on all renters). He said this is an alternate housing option for people, where there is already infrastructure. He said this would be a buffer between the Concrete Plant and the Tiny Homes. He said they are proposing an average of 125' of Green Space buffer around the property.

Tony Davis said there is a major flood plain that runs through this property, and apartments with a golf course development would be able to elevate their buildings and manage the stormwater and flood plain issues. He said PC also agreed that the Comp Plan encourages Mixed-Use Developments, and this would be a good fit.

Amy Rochette said the Land-Use Plan in the Comp Plan lists all of this area as Medium-High Density Residential Use. She said she didn't feel that Multi-Family was a good fit with the Comp Plan. She disagreed that crime would not be an issue with apartments. She was very concerned with apartment development next to the Little Osage Development. She said she was elected on the platform of keeping Centerton a "Small Town" community. She said people are moving here from Bentonville because they like that "Small Town" feel.

Keith Higginbotham said it is no longer a small town because people keep moving in. He said there is nothing we can do about that. He said the people that own the property have the right to sell if for a profit. He said the #1 growth in Northwest Arkansas is in apartments. He said that growth is due to the ability to rent out those apartments. He said there will also be less traffic with apartments than if it were developed as R3-SF housing.

Todd Wright pointed out that apartments in Northwest Arkansas are filling up as fast as they can be built. He said that not everyone can qualify for a home loan or afford \$1300/month for a house or a Tiny Home, but they can afford \$1000 for an apartment.

Josie Reed was also concerned about traffic.

Michael Commet (268 Fern Street) said he did not like apartments. He said the number of apartments going up in this area is alarming. He was concerned with traffic and the lack of infrastructure in our city. He said we need to slow down the high-density development until the infrastructure has time to catch up. He expressed concern with crime and trash.

Reeti Bhalla (891 Bob Glen Circle) said she is not in support of Multi-Family Development in this area. She expressed concern with crime and traffic, as well as losing the charm of a small town.

Police Chief Cody Harper said in general terms, High Profile Criminals are found in nicer neighborhoods. He said the three (3) main areas that attract the most crime around

them are: Shopping Areas, Junior High and High School areas, and areas of High-Density populations.

Randy Richardson (1721 Partridge Run) said he was concerned with traffic coming through his neighborhood, and was also concerned with additional flooding at Kimmel Road and Greenhouse Road (Todd Wright said that would be handled at the Development Phase, and they would not be able to put off more stormwater than what is currently there).

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 Darren Warren. All Council Members voted in favor, except for Amy Rochette, who voted NO, and the motion carried.

- **Ordinance 2021-52 - AN ORDINANCE ACCEPTING THE AMENDED FINAL SUBDIVISION PLAT OF BARRINGTON PLACE SUBDIVISION, CREATING RESIDENTIAL LOTS 1-114 AND DETENTION LOTS A AND B, CITY OF CENTERTON, S29-T20N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the amended Final Plat of the Barrington Place Subdivision. He said it was recommended for approval by the Planning Commission at their 6/01/2021 meeting and approved by the City Council 6/08/2021, however a Utility Dedication Statement needed to be added to the Plat, per Carroll Electric.

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

Brian Rabal read the Ordinance by title only. Darren Warren made a motion to adopt the Ordinance, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

(9) Resolutions –

- **Resolution 2021-15 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY, AN AGREEMENT WITH ANDREWS TECHNOLOGY HMS INC., WILMINGTON, NORTH CAROLINA, TO PROVIDE NOVATIME WEB BASED TIME AND ATTENDANCE SYSTEM FOR THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve an agreement with Andrews Technology for a Time and Attendance system for the city.

HR Director Jocelyn Diaz gave a brief presentation of the proposed time & attendance software to the Council and answered questions.

The term of the agreement was for 3 years and the associated costs were presented to Council. City Attorney Brian Rabal said he had recommended some changes, and they complied.

Mayor Edwards asked the Council if there were any other 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.

- **Resolution 2021-16 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY, AN AGREEMENT WITH DOTCOM LEASING LLC., TULSA, OKLAHOMA, TO LEASE A SHARP MX-4051 COPIER FOR THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve a Lease Agreement with Dotcom Leasing LLC., for a copier for the Centerton Street Department. The agreement was included in the Council Packets.

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

- **Resolution 2021-17 - A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE VACATION OF UTILITY EASEMENTS LOCATED ON LOT 28 OF TAMARRON SUBDIVISION, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to set a date of 8/10/2021 for a Public Hearing to discuss the Vacation of Utility Easements on Lot 28 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. Darren Warren made a motion to adopt the Resolution, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

(10) Interview Candidates for Open City Council Position Ward 3 –

The candidates were allowed to make an approximately five (5) minute presentation to Council and answer a few questions from Council. The presentations were made in the following order:

- **Andy Howard**
- **Justin Cowgur**
- **Kevin Clay**
- **Randy Richardson**
- **Tony Davis**
- **Reeti Bhalla**
- **Judy Coffelt**
- **Lynn Shonhart**

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

Mayor Edwards said the Council has the option of deliberating in public and making their decision, or they can go into Executive Session to deliberate, but not vote in the Executive Session. He said they can also vote in public, by ballot, with Edwards reading each ballot out loud.

Amy Rochette made a motion to go into Executive Session to discuss Council Candidates, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

Misty Elam made a motion to exit the Executive Session to discuss Council Candidates and enter back into the City Council meeting, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

Mayor Edwards presented each City Council Member with a Ballot, with their name at the top, listing each of the Candidates. The Council Members each filled out their Ballot. Mayor Edwards read each of the Ballots out loud. Justin Cowgur received three (3) votes and Andy Howard received two (2) votes.

By the number of votes, Justin Cowgur was appointed to the Open City Council Position.

(11) Swear-In New Council Member –

Mayor Edwards swore Justin Cowgur in as the new City Council Member representing Ward 3, Position 2.

(12) Public Comments –

- **Mayor Edwards** said he had a request from **Susan Eldridge at 216 Shane Drive**, to review the city's policy on fireworks. He detailed her concerns. Edwards said he had one other citizen reach out to him. There was discussion. Keith Higginbotham expressed his concern with blocking streets with firework displays. His preference was to set them off closer to the houses. Fire Chief Matt Thompson said he isn't running into issues with streets being blocked. He said he was more in favor of the hard surface of the streets, as opposed to the yards. Higginbotham was also concerned with damaging the asphalt on streets. Rick Hudson said it can cause deterioration of the asphalt. Hudson was more concerned with the trash clean-up. Chief Thompson expressed concern with the two (2) fires we had on July 5th having more fire damage on the trash can side of both houses.
- **Michael Commet – 268 Fern Street** – Reinforced his concern with apartment development in our city.

(13) Other Business – None

(14) Announcements -

- **7/15/2021 – Joint Work PC/CC Session @ 5:30pm**
- **7/17/2021 – Coffee with the Mayor @ 9:00am**
- **7/21/2021 – Special City Council Meeting @ 5:30pm**
- **8/03/2021 - Planning Commission Meeting @ 6:00pm**
- **8/10/2021 – City Council Meeting @ 6:00 pm**

(15) Adjourn -

Amy Rochette made a motion to Adjourn at 11:03 pm with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk