



**CITY COUNCIL MEETING
MAY 11, 2021
6:00 PM**

- (1) **Pledge** – The Pledge Allegiance was recited.
- (2) **Prayer** – Keith Higginbotham offered the prayer.
- (3) **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, HR Director Jocelyn Diaz, Planning Director Lorene Burns, Senior Planner Nicole Gibbs, Police Chief Cody Harper, Fire Chief Matt Thompson, Director of Public Works Rick Hudson, Animal Control Director Cody Wilson and Centerton Utilities Director Frank Holzkamper.
- (4) **Public Hearing – Vacate Easements Lot 96 Versailles Subdivision –**

Mayor Edwards introduced the item to the Council, stating that this Public Hearing is for the Vacation of Utility and Drainage Easements for Lot 96 Versailles Subdivision.

Jared Marley, Property owner, addressed the Council, giving a brief overview of his request to vacate an 8’ portion of the 15’ side Drainage & Utility easements and ask for a Variance for the setback for retaining walls for construction of his personal home in the Versailles Subdivision. He said the property is a cul-de-sac lot with a narrow front to the lot and a slope to the rear of the lot. He said the home will be built within the setbacks. Mayor Edwards said there are no utilities in the Easement.

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

Mayor Edwards asked if there were any public comments.

Public Comments –

Scott Simmons – 1504 Fontaine Court – He said he lives in the cul-de-sac behind this lot, but also owns Lot 97, which is adjacent to the subject property. He said this is a 2-acre lot and asked Mr. Marley why he needed to try to “jam” this house on the front, right part of the lot. Mr. Marley said it is a narrow lot in the front, and there is an 80’ fall from the front of the lot to the creek, in the rear. He said he did not want to build a home that only showed a roof-line as you pulled up. He gave an example of another home in the subdivision. Simmons agreed that the other home was awkward. There was discussion between Marley and Simmons, regarding the property line and height and finish of the wall. Marley said he was open to different types wall finishes, within reason. Simmons said he had no issue with the development, but asked that Marley be mindful of the neighbors, regarding the walls.

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

Wayne Low 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) Council Minutes –

Josie Reed made a motion to Approve the Minutes of the April 13, 2021 City Council Meeting & April 21, 2021 Special City Council Meeting, with a 2nd from Wayne Low. All Council Members voted in favor and the motion carried.

Planning Commission, Water & Sewer and Parks & Recreation Minutes –

Keith Higginbotham made a motion to Acknowledge Receipt of the Minutes of the April 6, 2021 & April 20, 2021 Planning Commission Meetings, the March 16, 2021 CWSD Meeting and the March 8, 2021 Parks & Recreation Meeting, with a 2nd from Darren Warren. All Council Members voted in favor and the motion carried.

Corrected 1/12/2021 City Council Minutes –

Mayor Edwards addressed the City Council, stating that we had a scrivener’s error in the 1/12/2021 City Council Minutes, regarding an easement Vacation Request. He said the proper Ordinance for a 14.5’ Vacation was provided to the property owner and was read and approved during the meeting. He said this is just to correct those meeting Minutes.

Keith Higginbotham made a motion to Approve the Corrected Minutes of the January 12, 2021 City Council 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 33 % through the year we have received 32.35 % of our Budgeted Revenue. He stated that our Expenditures were at 30.70 %. 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 April, 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.

Financial Director Pam Grant said the Financial Audit for the City is supposed to start off-site next week and then will begin in-house on June 1st, 2021.

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

(8) Ordinances –

Wayne Low made a motion to Read Ordinances 2021-27, 2021-28, 2021-29, 2021-30, 2021-31, 2021-32, 2021-33, 2021-34, 2021-35, 2021-36 and 2021-37 and Resolutions 2021-12 and 2021-13 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 2021-27, 2021-28, 2021-29, 2021-30, 2021-31, 2021-32, 2021-33, 2021-34, 2021-35, 2021-36 and 2021-37, with a 2nd from Josie Reed. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-27 - AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT AMENDMENT FOR SOLID WASTE COLLECTION SERVICES; AMENDING CENTERTON MUNICIPAL CODE SECTION 5.08.03; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

Mayor Edwards addressed the Council, stating that this Ordinance is to extend our contract with Waste Management for solid waste collection services.

George Wheatley, with Waste Management, briefly addressed the Council, regarding the opportunity to service the city of Centerton. He said this renewal is for five (5) years and

the price will not go down, but will not increase before 3/30/2022. He said there is a CPI (Consumer Price Index) Increase planned for years 2, 3, 4 and 5.

Mayor Edwards asked the Council if there were any other 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 Keith Higginbotham. All Council Members voted in favor and the motion carried. Brian Rabal read the Emergency Clause. Darren Warren 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 2021-28 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO KASHIOM INVESTMENTS, LLC., FROM AGRICULTURE (A-1) TO HIGH DENSITY RESIDENTIAL DUPLEX (R-3 DUPLEX)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Rainbow Farm Road, across from Brookside Road, and was recommended for approval by the Planning Commission at their 4/20/2021 meeting. He said there were public comments in opposition during the meeting, regarding consistency with current zoning, density, and character and value of the neighborhood. He said PC found the request compatible with the Land Use Plan and existing zoning.

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

- **Ordinance 2021-29 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO STEINLAGE PROPERTY, FROM AGRICULTURE (A-1) TO HIGH DENSITY RESIDENTIAL DUPLEX (R-3 DUPLEX)**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Brookside Road from A-1 to R-3 Duplex. He said this was recommended for approval by the Planning Commission at their 4/20/2021 meeting, and there were public comments regarding drainage, density, size and quality of the proposed housing, and protection of a line of trees along her property. He said PC addressed her concerns.

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

- **Ordinance 2021-30 - AN ORDINANCE ACCEPTING THE FINAL PLAT OF WILLIAMSON MINOR SUBDIVISION, CREATING LOTS 3A AND 3B IN S17-T20N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Final Plat for the Minor Subdivision on Bullock Road, and was recommended for approval by the Planning Commission at their 4/20/2021 meeting. He said there were no public comments.

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

- **Ordinance 2021-31 - AN ORDINANCE ACCEPTING DEDICATION OF PUBLIC UTILITY EASEMENTS AND AN ADDITIONAL 40' OF RIGHT-OF-WAY ALONG FISH HATCHERY ROAD BY JOSE JORGE AND ALFREDO PUGA, PER LOT SPLIT PLAT FOR PROPERTY LOCATED IN S04-T19N-R31W, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept 40' of ROW on Fish Hatchery Road, per a Tract Split approved at the 4/20/2021 PC meeting. He said this property was split into three (3) Tracts. He said there is already 25' of ROW, so they just added the extra 15' to meet the Master Street Plan. There was a brief discussion about possible future improvements to Fish Hatchery Road.

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

- **Ordinance 2021-32 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO BIG SKY PHASE 2, LLC, FROM AGRICULTURAL (A-1) TO MEDIUM DENSITY RESIDENTIAL (R-2).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Walters and Bullock Roads, and was recommended for approval by the Planning

Commission at their 5/04/2021 meeting. He said there were public comments regarding verification of Easements and Stormwater detention on the Big Sky property. He said there was also a comment in opposition to allowing access from Phase 1 to Phase 2, and a comment asking about future connection and improvements to Bullock Road. Gavin Edwards, the developer, addressed each of the concerns during the PC meeting. Mayor Edwards said there will be a nice Trail System going through all of this development to the north.

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

- **Ordinance 2021-33 - AN ORDINANCE TO REZONE CERTAIN LANDS WITHIN THE CENTERTON CITY LIMITS, BELONGING TO THE GRAY WISDOM TRUST, FROM AGRICULTURAL (A-1) TO HIGH DENSITY RESIDENTIAL DUPLEX (R-3 DUPLEX).**

Mayor Edwards addressed the Council, stating that this Ordinance is to rezone certain land on Bates Lane, and was recommended for approval by the Planning Commission at their 5/04/2021 meeting. He said there was one public comment regarding increased traffic on an undeveloped road. He said there will be required improvements to Bates Lane. Rick Hudson said there have been improvements to some of the roads in this area, and the developer will be required to improve Bates Lane. Hudson detailed the LSD process in regard to streets. Darren Warren said he felt the timing was off on this development, due to the infrastructure not being in place.

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, except for Amy Rochette, Darren Warren and Misty Elam, who voted NO. Mayor Edwards voted in favor, to break the tie, and the motion carried.

- **Ordinance 2021-34 - AN ORDINANCE ACCEPTING THE FINAL SUBDIVISION PLAT OF MAPLE ESTATES PHASE 1A, BEING A REPLAT OF LOTS 1 AND 2, PLAT BOOK 2017, PAGE 239, CREATING LOTS 120-127, CITY OF CENTERTON, S29-T20N-R31W, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Ordinance is to accept the Final Plat of Maple Estates Phase 1A, replatting Lots 1 & 2, creating Lots 120-127. He said it was approved at the 5/04/2021 PC meeting. Keith Higginbotham asked Cody Harper if the stormwater issues have been addressed in the subdivision, as we previously stated that

we would not approve any additional development until the issues were resolved. Harper said it has been somewhat corrected, but not to the designed plans. Harper said it is substantially better. He said there is still no sod on the development behind him, and it is still a work in progress. He said his issues are better, but the issues of his neighbors to the east are worse. Rick Hudson said C3 did not account for all of the water coming across their property. He said Ashmore Landing has done a fantastic job handing their water. He said the remaining problems are a legal issue. Harper said he didn't see any reason to hold up the lots in question this evening.

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

- **Ordinance 2021-35 - AN ORDINANCE VACATING A PORTION OF THE EAST AND WEST EIGHT FOOT (8') OF THE FIFTEEN FOOT (15') SIDE YARD PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE EAST AND WEST PROPERTY LINES OF LOT 96 IN THE VERSAILLES SUBDIVISION, CITY OF CENTERTON, AS SHOWN ON PLAT RECORD BOOK 2006 PAGE 999, BENTON COUNTY, ARKANSAS; AKA 1505 CHATEAU COURT.**

Mayor Edwards addressed the Council, stating that this Ordinance is to vacate an 8' portion of the 15' east & west side Utility & Drainage Easements on Lot 96 of the Versailles Subdivision, AKA 1505 Chateau Court. He said there are no utilities in this area of the easement. He said the Planning Commission recommended approval for the Vacation and a Variance at their meeting on 5/04/2021. He said we heard a presentation earlier in this meeting, as well as the public comments. Jared Marley made a brief statement, thanking the Planning Staff.

Mayor Edwards asked the Council if there were any other 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 Misty Elam. All Council Members voted in favor and the motion carried.

- **Ordinance 2021-36 - AN ORDINANCE WAIVING BIDDING REQUIREMENTS FOR THE PURCHASE OF AN 11 FOOT DUMP BED FROM GRAND TRUCK EQUIPMENT COMPANY LLC. AFTON, OKLAHOMA, FOR THE CENTERTON STREET DEPARTMENT.**

Mayor Edwards addressed the Council, stating that this Ordinance is to waive the competitive bidding requirement for a dump bed for the chassis that we just purchased for

the Street Department. He said the dump bed we were initially looking at, turned out to be an electric bed, and Rick Hudson feels a hydraulic bed will better fit our needs. He said the price on this hydraulic dump bed is \$25,182.00. He said the money is budgeted in the Street Department.

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

- **Ordinance 2021-37 - AN ORDINANCE WAIVING BIDDING REQUIREMENTS FOR THE PURCHASE OF A 2021 MACK PI64 DUMP TRUCK FROM BRUCKNER TRUCK SALES, LOWELL, ARKANSAS, FOR THE CENTERTON STREET DEPARTMENT.**

Mayor Edwards addressed the Council, stating that this Ordinance is to waive the competitive bidding requirement to purchase a Dump Truck for the Street Department for \$148,091.00. He said there was an accident involving our 2006 Dump Truck, which was totaled. He said the Municipal League estimated \$25,464.23 for the loss, and we will be receiving a check. He said we are going to pay for this out of the Street Department Reserves. Hudson said there were only two (2) available trucks in the country, to fit this requirement, and this one will be coming from Colorado.

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

(9) Resolutions –

- **Resolution 2021-12 - A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF CITY, AN AGREEMENT WITH HOUSEAL LAVIGNE, CHICAGO, ILLINOIS, TO PROVIDE A ZONING AUDIT FOR THE CITY OF CENTERTON, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to approve an agreement with Houseal Lavigne, to provide a Zoning Audit for our city. He said it was recommended for approval by the Planning Commission at their 5/04/2021 meeting. Nik Davis and Jackie Wells were present from Houseal Lavigne. Davis made a brief presentation, stating that they will be helping the city audit the current Zoning Code, as a pre-cursor for the Comprehensive Plan alignment. He said they will review and assess the existing Code, review some of the document proposals and Zoning reliefs, and do some

regulation testing. He said they will look at the Land Use Plan and the Zoning, to make sure they are aligned. He said after they gather this information, there will be a discussion with Staff, and then it will come back to the Planning Commission and City Council, as a presentation and discussion. He said the 2nd phase of this process is a Preliminary Recommendations Memo, to look at the Zoning Code restructuring. He said they will be making recommendations at that time. He said they will look at Development and Use specific Standards, and Administrative and Enforcement Standards as well, which will be summarized in a Preliminary Recommendations Memo. He said the entire process will be summarized into the two (2) memos. He said this will all go through a full Staff Review, followed by a Planning & Zoning Presentation, to determine what is needed. There was an anticipated cost of \$14,940.00 for this scope of work.

Nicole Gibbs said the Planning Commission did recommend this scope of work to the City Council, for their approval.

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, except for Misty Elam, who voted NO, and the motion carried.

- **Resolution 2021-13 - A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE VACATION OF UTILITY EASEMENT LOCATED ON LOT 36 OF LEXINGTON SUBDIVISION, CITY OF CENTERTON, BENTON COUNTY, ARKANSAS.**

Mayor Edwards addressed the Council, stating that this Resolution is to set a date of 6/08/2021 for a Public Hearing to discuss the Vacation of Utility Easement on Lot 36 of the Lexington 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 Darren Warren. All Council Members voted in favor and the motion carried.

(10) Request to Convert two (2) Seasonal Employees to Full-Time Maintenance Technicians for the Street Department –

Mayor Edwards addressed the Council, stating that Director of Public Works Rick Hudson would like to move two (2) Seasonal Employees to Full-Time Maintenance Technicians for the Street Department at a rate up to \$17.00/hr.

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

Keith Higginbotham made a motion to Approve the conversion of two (2) Seasonal Employees to Full-Time Maintenance Technicians for the Street Department, as presented, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

(11) Request Destruction of Old Files –

Mayor Edwards addressed the Council, stating that Financial Director Pam Grant is requesting the destruction of old records. He said City Attorney Brian Rabal has done a review. A list of documents was provided for Council.

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

Wayne Low made a motion to Approve the destruction of documents, as presented, with a 2nd from Misty Elam. All Council Members voted in favor and the motion carried.

(12) Public Comments – None

(13) Other Business –

- **July City Council Date Change** - Mayor Edwards asked Council if they would entertain the option of moving the July City Council up to July 8th, 2021. Council was in favor of the change.
- **Zoning Code Review for R-3 Zoning**- Mayor Edwards said we have Garver reviewing our R-3 Zoning, and they will make recommendations for a proposed Ordinance. He said we hope to have this ready for the 6/08/2021 City Council Meeting. He said there will likely be a 6/01/2021 Public Hearing at the PC Meeting

(14) Announcements -

- **5/15/2021 – Coffee with the Mayor (Virtual) @ 9:00am**
- **5/18/2021 - Planning Commission (Virtual) @ 6:00pm**
- **5/20/2021 – Joint Work Session @ 5:30pm**
- **6/01/2021 – Planning Commission (Virtual) @ 6:00 pm**
- **6/08/2021 – City Council Meeting @ 6:00pm**
- **6/15/2021 – Planning Commission (Virtual) @ 6:00pm**
- **6/24/2021 – Joint Work Session @ 5:30pm**

(18) Adjourn -

Wayne Low made a motion to Adjourn at 8:09 pm with a 2nd from Josie Reed. All Council members voted in favor and the motion carried.

Bill Edwards, Mayor

Todd Wright, City Clerk