

MAYOR

McGeorge "Mac" Caradine

CITY CORDER | TREASURER

Andrea Kray

CITY ATTORNEY

Roger Morgan



CITY COUNCIL MEMBERS

WARD 1

Position 1: Carolyn Gill

Position 2: Joe Bass

WARD 2

Position 1: Nicole Hatchet

Position 2: Linda McCarthy

WARD 3

Position 1: Mertice Kray

Position 2: Ang Pereira

July 24, 2026

Members of the Cotter City Council

City of Cotter
115 McLean Avenue
P.O. Box 9
Cotter, AR 72626

Dear Council Members,

Enclosed for your review is my written response to each of the seven (7) agenda items requested for discussion at the Special City Council Meeting scheduled for August 3, 2026.

The purpose of this document is to provide the Council with the relevant background information, applicable ordinances, building code references, City records, and administrative actions pertaining to each agenda item. My intent is to ensure that every Council Member has the same factual information available before the meeting so that any discussion may be productive, informed, and based upon the official records of the City.

In preparing these responses, I have made every effort to present the facts accurately and objectively. Where appropriate, I have included supporting documentation and identified matters that are the responsibility of the Building Official (Authority Having Jurisdiction), the City Attorney, or other officials under Arkansas law and the City's adopted codes and ordinances.

It is my hope that these materials fully address the questions and concerns that prompted the request for the Special Meeting. If, after reviewing the enclosed responses and supporting documentation, the Council determines that the requested information has been satisfactorily provided, I respectfully ask the Council to consider whether further discussion at a Special Meeting is necessary. If the Council believes additional discussion would be beneficial, I welcome that opportunity and will gladly answer any remaining questions.

My commitment, as always, is to conduct the City's business with transparency, fairness, and in accordance with Arkansas law, the City's ordinances, and the adopted building and fire codes. I appreciate the Council's dedication to serving the citizens of Cotter and look forward to continuing to work together in a cooperative and respectful manner.

Thank you for your consideration.

Respectfully submitted,

McGeorge "Mac" Caradine
Mayor, City of Cotter



870-435-6326
FAX: 870-435-2438
mayor@cotterar.gov
www.cotterar.gov

City of Cotter

City of Cotter, Arkansas
P.O. Box 9
115 McLean Ave.,
Cotter, AR 72626
www.cotterar.gov

MEETING IN SPECIAL SESSION

August 3, 2026 – 6:00 P.M.

Cotter City Hall Council Chamber

AGENDA

Call to Order

Roll Call

Agenda

1. Review of the OTB Development Project and all permits, approvals, and authorizations issued by the City.
2. Review of building permit approvals, engineering documentation, and professional engineer certifications submitted in support of the project.
3. Verification of compliance with applicable City ordinances, zoning requirements, and adopted building and fire codes, including the International Building Code (IBC) and International Fire Code (IFC), and consideration of a stop-work order until all building and construction permit requirements have been reviewed and brought into compliance.
4. Review of the unauthorized removal or alteration of the public alley associated with the project, including:
 - a. The circumstances surrounding the removal or obstruction of the alley;
 - b. The City's directive requiring restoration of the public alley;
 - c. Engineering plans, specifications, and design criteria used for reconstruction;
 - d. Verification that the reconstructed alley meets applicable municipal, roadway, drainage, utility, and emergency access standards;
 - e. Inspection, acceptance, and maintenance responsibilities for the reconstructed alley.
 - f. Review of reopening of the public alley immediately.
5. Discussion of public safety impacts, emergency vehicle access, fire department access, utility access, drainage impacts, traffic circulation, and impacts to adjacent property owners and alley ways in the entertainment district.
6. Consideration of an independent regulatory and code-compliance review to ensure transparency and public confidence in the City's permitting process.
7. Discussion and possible action regarding any corrective measures necessary to ensure compliance with applicable laws, ordinances, engineering standards, and public safety requirements.

Adjourn

RECEIVED

JUN 10 2026

CITY OF COTTER

:: June 10, 2026

TO:

Mayor McGeorge Caradine

Cotter City Council

Andrea Kray, Recorder/Treasurer

City of Cotter

RE: Request for Special City Council Meeting

Pursuant to Resolution 2026-03 of the City of Cotter and applicable provisions of the Arkansas Freedom of Information Act, the undersigned members of the Cotter City Council hereby request that a Special City Council Meeting be scheduled and publicly noticed at the earliest practical date.

Purpose of Special Meeting

The purpose of this Special Meeting is to review matters relating to the OTB development project, associated permitting activities, public infrastructure impacts, and compliance with applicable City ordinances, adopted codes, and engineering requirements.

Requested Agenda Items

1. Review of the OTB Development Project and all permits, approvals, and authorizations issued by the City.
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Given the significant public interest surrounding this project and the potential impacts on the community, a Special Meeting would provide an appropriate forum for public discussion, Council review, and any actions deemed necessary by the governing body.

The undersigned respectfully request that notice of the Special Meeting be provided in accordance with Arkansas law and City procedures and that all supporting documents be made available to Council Members and the public no later than ten (10) calendar days prior to the Special Meeting to allow adequate review and informed public participation.

Respectfully Submitted,

Council Member

Bass (Joe Bass)

Council Member

Council Member

on June 10, 2026 Joe Bass, City Council member, appeared before me and signed this document.



Emily Kaitz

RECEIVED

JUN 10 2026

CITY OF COTTER

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Cotter City Council
Andrea Kray, Recorder/Treasurer
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Respectfully Submitted,

Council Member

Carolyn Gill

Council Member

X

Council Member

X

STEPHANIE ELLIOTT
Notary Public - Arkansas
Baxter County
Commission # 00009743
My Commission Expires Mar 21, 2036

On the 10th day of June 2026
before me *Stephanie Elliott*, notary
by *Carolyn Gill*

RECEIVED

JUN 15 2026

CITY OF COTTER

Date: June 10, 2026

TO:

Mayor McGeorge Caradine
Cotter City Council
Andrea Kray, Recorder/Treasurer
City of Cotter

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Council Member

Carolyn Gill

Council Member

X

Council Member

X



On the 10th day of June 2026
before me *Stephanie Elliott*, notary
by *Carolyn Gill*

RECEIVED

JUN 15 2026

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Date: June 10, 2026

TO:

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Cotter City Council
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Respectfully Submitted,

Council Member

Nicole Hatchet

6/11/26

Council Member

Council Member

Hannah Grace Holtby 6/11/26

Hannah Grace Holtby



12

MEETING IN SPECIAL SESSION

August 3, 2026 – 6:00 P.M.

Cotter City Hall Council Chamber

Mayor's Administrative Response to Requested Agenda Items for the August 3, 2026 Special City Council Meeting

Administrative Note:

A Special Meeting was requested by three council members. See attached three (3) letters of request.

The following are seven (7) Agenda Items that were requested to be discussed at a special meeting.

This document is provided in response to the requested agenda items for the August 3, 2026 Special City Council Meeting. It summarizes information available from City records and is intended for informational purposes only. It does not constitute a legal opinion, code determination, enforcement action, or final administrative decision. Legal interpretations should be obtained from the City Attorney, and code compliance determinations are made by the Building Official (Authority Having Jurisdiction) in accordance with applicable laws and adopted codes. Nothing contained herein is intended to waive any legal rights or remedies of the City.

1. Review of the OTB Development Project and all permits, approvals, and authorizations issued by the City.

Response:

a. A Construction Application for mercantile/retail shops located at 160 Combs Avenue and 155 McLean Avenue was submitted to the City of Cotter on December 1, 2025. (See attached Permit Application)

b During permit review, the plan showed the alley to remain open, which was confirmed with OTB prior to the permit being issued.

c. Building Permit No. 581 was issued on December 5, 2025, by the City's Public Works Director/Building Inspector. (AHJ - Authority Having Jurisdiction) See attached 2021 IBC Definition for AHJ.

d. The permit package included: (See attached building permit and supporting documents)

- Building Permit No. 581 dated December 5, 2025.
- Cotter Ordinance 2018-01 adopting the Arkansas State Building Codes passed by City Council.
- List of Current Applicable Codes utilized by the City of Cotter (revised January 2023).
- Copy of the 2021 International Building Code (IBC) Chapter 11, Special Construction, Section 3115 identifying the applicable provisions governing the use of intermodal shipping containers that are repurposed for use as building or structures.

e. Following issuance of the permit, the developer advised the City in writing that the project would be completed in accordance with applicable federal, state, and local laws, ordinances, codes, inspection requirements, and occupancy requirements. See attached letter from Potter Block Properties, LLC.

f. At the City Council Meeting on December 18, 2025, the report for Building Permits Issued (attached) from November 14, 2025 through December 12, 2025, was read by the Recorder/Treasurer which included Permit No. 581 issued to Jason Nazarenko for Commercial New Construction for 160 Combs Ave / 155 McLean Ave. Meeting Minutes for December 18, 2025 was approved on January 22, 2026.

g. After Building Permit No. 581 was issued, the City Attorney provided an opinion to the Planning and Zoning Board on February that the City's zoning ordinance did not prohibit the proposed use. This review occurred after permit issuance and was separate from the Building Official's permit determination.

2. Review of building permit approvals, engineering documentation, and professional engineer certifications submitted in support of the project.

Response:

a. Refer to Item #1 The permit application was reviewed by the Public Works Director/Building Inspector which is the AHJ (Authority Having Jurisdiction) as described in 2021 International Building Code (IBC) Section 103 – Department of Building Safety establishes the building official as the enforcement authority; IBC Section 104 – Duties and Powers of the Building Official. This section effectively describes the Building Official/Authority Having Jurisdiction (BO/AHJ). It includes powers such as: Interpretation of the code; approving materials and methods; issuing permits; performing inspections.

b. Following issuance of the permit, the OTB developer advised the City in writing that the project would be completed in accordance with applicable federal, state, and local laws, ordinances, codes, inspection requirements, and occupancy requirements. See attached letter from Potter Block Properties, LLC.

c. Subsequently, the OTB developer stated that a consulting engineer had been hired to perform any design modifications to the containers to meet the design criteria outline in the 2021 International Building Code (IBC) Chapter 11, Special Construction, Section 3115 providing applicable code for intermodal shipping containers that are repurposed for use as building or structures.

d. Prior to issuance of a Certificate of Occupancy, the Building Official will require a letter from the Consulting Engineer of Record certifying that all modifications comply with the applicable provisions of the 2021 International Building Code, including Section 3115 governing intermodal shipping container construction.

3. Verification of compliance with applicable City ordinances, zoning requirements, and adopted building and fire codes, including the International Building Code (IBC) and International Fire Code (IFC), and consideration of a stop-work order until all building and construction permit requirements have been reviewed and brought into compliance.

Response:

- a. The property is located within the City's Multiple Use (MU) zoning district. Both properties are zoned commercial.
- b. The Building Official (AHJ) determined the project complies with all applicable city municipal codes, ordinances, zoning requirements, adopted building codes, adopted fire codes, and inspection requirements, therefore the project did not require a review by the Planning and Zoning Board. Inspections and verification during construction to be performed by the AHJ.
- c. Compliance determinations under the adopted building and fire codes are made through the inspection and enforcement process administered by the Building Official (AHJ) and other authorized officials (City Fire Chief and Arkansas State Fire Marshal) as deemed necessary by Cotter's Building Official (AHJ).
- d. As of the date of this report, no Certificate of Occupancy has been issued. Project is still under construction.
- e. Questions concerning code enforcement procedures, permit enforcement, permit suspension, permit revocation, or stop-work authority shall be reviewed by the Building Official (AHJ). As of the date of this report, the Building Official (AHJ) has not filed any formal determination of code violations requiring issuance of a stop-work order.
- f. Only the Building Official (AHJ) can issue a Stop-Work Order. See attached definition for a stop work order.
- g. Nothing in this response is intended to limit the authority of the Building Official under the adopted building code. The Mayor may seek legal advice regarding any significant enforcement action affecting the City, but issuance of a Stop-Work Order remains an administrative determination of the Building Official as provided by the adopted codes.
- h. In accordance with the Cotter Municipal Code, Title 14 (Zoning), Page 129.18, Section 3. Appeals from Decision of Building Official, Paragraph A, states: An appeal may be taken to the Board of Zoning Adjustments by any person, group or organization public or private affected by a decision of the Building Official. No such appeal has been submitted to the City of Cotter's Board of Zoning Adjustments.
- i. Under Arkansas Code § [14-56-416](#) and the Cotter Municipal Code, a person aggrieved by an administrative zoning decision of the Building Official may appeal that decision to the Board of Zoning Adjustment (BZA) in accordance with the City's appeal procedures. The City's ordinances should be consulted regarding the time for filing such an appeal. After the Board of Zoning Adjustment renders a decision, Arkansas law provides that an appeal of the Board's decision to circuit court must be filed within thirty (30) days as provided by law. Building Permit No. 581 was included in the Building Permit Report presented at the December 18, 2025, City Council meeting, and the meeting minutes were subsequently approved as part of the City's public record.

j. Before taking action affecting an issued permit, the City Council may wish to obtain advice from the City Attorney regarding any potential legal consequences.

4. Review of the unauthorized removal or alteration of the public alley associated with the project.

- a. The circumstances surrounding the removal or obstruction of the alley;
- b. The City's directive requiring restoration of the public alley;
- c. Engineering plans, specifications, and design criteria used for reconstruction;
- d. Verification that the reconstructed alley meets applicable municipal, roadway, drainage, utility, and emergency access standards;
- e. Inspection, acceptance, and maintenance responsibilities for the reconstructed alley.
- f. Review of reopening of the public alley immediately

Response:

a. Prior to the permit being reviewed a discussion between the OTB developer, Mayor, and Public Works Director confirmed the drawings showed the alleyway on the drawing would remain open.

b. During early site preparation and earthmoving activities, construction activity affected the existing public alley serving the project area.

c. On January 13, 2026, the developer met with the Mayor, Public Works Director and the Chief of Police with concerns of the earthmoving activities asking if the alley could be temporarily closed during construction. The Mayor and Building Official granted OTB the request to temporarily closing the alleyway as a safety concern during construction.

d. Later on January 13, 2026, the developer submitted a request seeking planning and zoning's consideration of alley closure with options.

e. The alley matter was reviewed by the Planning and Zoning Commission on January 29, 2026, and February 16, 2026. The Cotter Planning Commission made a recommendation to City Council to close the alley using Option B to reroute the alleyway. Recommendations were forwarded to the City Council for consideration.

f. On March 26, 2026, the City Council considered Ordinances 2026-01, 2026-02, and 2026-03 regarding potential alley closure alternatives. No ordinance was adopted. Alleyway will re-open after construction is completed.

g. The alley is expected to be reopened following completion of construction, subject to final inspection by the AHJ. See comments by the mayor in Meeting Minutes dated March 26, 2026.

h. Restoration, reopening, maintenance responsibilities, and final acceptance of the alley remain subject to Public Works Director's review and applicable public works requirements.

i. Final verification of alley conditions, drainage, utilities, access requirements, and public improvements would occur through the inspection process during construction and final inspections by the AHJ.

j. After the recent heavy rains, a site visit by the Building Official (AHJ) on June 30, 2026, confirmed there was little evidence of erosion of along the property line to the adjacent landowners. The developer

provided an eight (8) feet grass buffer on the top of the bank. The bank was found to be stable. There was no washing of the side slopes of the alley gravel.

5. Discussion of public safety impacts, emergency vehicle access, fire department access, utility access, drainage impacts, traffic circulation, and impacts to adjacent property owners and alleyways in the entertainment district.

Response:

- a. Public safety, emergency vehicle access, fire department access, utility access, drainage, and traffic circulation are matters routinely reviewed by the Building Official (AHJ) and Fire Chief through the City's permitting and inspection processes during construction. These reviews ensure that emergency responders, utility providers, and the public maintain adequate access throughout the project.
- b. Based on current conditions, the CVFD Fire Chief and Asst Fire Chief have determined that emergency vehicles can adequately access the property for any medical calls, and the fire department has the fire equipment to adequately fight a fire at property and surrounding buildings in the entertainment district. There are eight (8) fire hydrants located in the Entertainment District for fire protection and water flow. Two are located on or across the street from OTB. The Building Official confirmed that the each retail/mercantile unit exceeds the minimum fire separation between units per code.
- c. During construction, the OTB developer installed two (2) surface drainage grates to correct the City's open storm drainage ditches located on the northwest and southwest corner of Combs Avenue. These drainage improvements were approved by the Building Official (AHJ) and installed by OTB at no cost to the City enhancing stormwater management on the Combs Ave side of the development in the entertainment district.
- d. To improve traffic circulation and reduce impacts on adjacent property owners, the developer constructed additional parking spaces on the north side of Combs Avenue. This added parking capacity is intended to minimize congestion and reduce overflow parking in the entertainment district.
- e. At no cost to the City, the developer will replace a portion of the City sidewalk adjacent to the project—from the alleyway to McLean Avenue that was removed by OTB due to existing deterioration. This improvement will enhance pedestrian safety and accessibility in the entertainment district.
- f. Construction activities and circulation planning have been coordinated to ensure that the adjacent alleyway maintains required access for utilities, drainage, emergency services, and neighboring properties. The alleyway will be fully restored and reopened upon project completion, consistent with City requirements.
- g. Any deficiencies identified during inspections may require corrective action prior to project completion or occupancy. All corrective measures must be completed to the satisfaction of the Building Official (AHJ).
- h. Final approval of the project will require verification that all applicable code requirements related to public safety, emergency access, utilities, drainage, traffic, and adjacent property impacts have been fully satisfied by the Building Official.

6. Consideration of an independent regulatory and code-compliance review to ensure transparency and public confidence in the City's permitting process.

Response:

- a. The City Council may consider whether an independent review is appropriate.
- b. If so, directed by the Council, an independent review can be performed using the following method:
 - identification of the scope of services;
 - procurement consistent with Arkansas procurement laws and City purchasing procedures.
 - budget authorization by council for these professional services; and
 - compliance with applicable purchasing and contracting requirements.
 - authorization by budget resolution must be approved by council after selection is made.

7. Discussion and possible action regarding any corrective measures necessary to ensure compliance with applicable laws, ordinances, engineering standards, and public safety requirements.

Response:

- a. The compliance with applicable laws, ordinances, engineering requirements, and public safety standards is an ongoing part of the permitting, inspection, and occupancy process and shall be verified by the Cotter Building Official (AHJ) to ensure the project is in compliance before a Certificate of Occupancy is issued.
- b. Any corrective actions identified through inspections, engineering review, fire code inspection, or public works review shall be addressed by the Building Official (AHJ), by notifying the developer that corrective action is needed and compliance shall be met prior to the final inspection.
- c. The City Council may request updates or reports from the Building Official but does not administer or enforce corrective actions. All corrective measures are handled through the established code-enforcement and inspection process.
- d. A Certificate of Occupancy shall not be issued unless all applicable requirements have been satisfied by the AHJ.

1

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b During permit review, the plan showed the alley to remain open, which was confirmed with OTB prior to the permit being issued.

c. Building Permit No. 581 was issued on December 5, 2025, by the City's Public Works Director/Building Inspector. (AHJ - Authority Having Jurisdiction) See attached 2021 IBC Definition for AHJ.

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e. Following issuance of the permit, the developer advised the City in writing that the project would be completed in accordance with applicable federal, state, and local laws, ordinances, codes, inspection requirements, and occupancy requirements. See attached letter from Potter Block Properties, LLC.

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g. After Building Permit No. 581 was issued, the City Attorney provided an opinion to the Planning and Zoning Board on February that the City's zoning ordinance did not prohibit the proposed use. This review occurred after permit issuance and was separate from the Building Official's permit determination.

Authority of the Building Official

Under Cotter Municipal Code §14.04.07 and the Arkansas-adopted 2021 International Building Code (IBC), the Building Official is designated as the **Authority Having Jurisdiction (AHJ)**. As AHJ, the Building Official holds exclusive authority to:

- Review permit applications
- Determine what documents are required at time of permit issuance
- Issue building permits
- Conduct inspections
- Require corrective measures
- Issue certificates of occupancy
- Issue stop-work orders (IBC §115)

Neither the Mayor nor the City Council may override or assume any enforcement authority assigned to the AHJ.

IBC SECTIONS & ARKANSAS LAW

International Building Code (IBC 2021)

- **§103 — Department of Building Safety**
Establishes the Building Official as the enforcement authority.
- **§104 — Duties and Powers of Building Official**
Grants authority to interpret the code, approve materials/methods, and require documents.
- **§104.3 — Construction Documents**
Allows documents to come before permit issuance or during construction.
- **§104.11 — Alternative Materials, Design, and Methods**
Allows conditional approvals pending later engineering evaluation.
- **§111 — Certificate of Occupancy**
Requires full compliance before occupancy.
- **§115 — Stop-Work Order**
Authorizes only the Building Official to issue stop-work orders.
- **§3115 — Intermodal Shipping Containers (Chapter 31)**
Governs engineered evaluation for container modifications.

Documentation Requirements

Engineering documentation and certifications for intermodal shipping containers are governed by **IBC Chapter 31, Section 3115**. The IBC permits the Building Official to issue a permit while requiring engineering documents **during construction** and **prior to occupancy**. This is supported by:

IBC §104.3 – Construction documents may be received prior to permit issuance *or* during construction, at the discretion of the Building Official

IBC §104.11 – Alternative materials/methods may be approved pending later engineering

IBC §111 – Certificates of Occupancy require full compliance with all applicable provisions

The developer submitted a written commitment to comply with IBC §3115 and to provide all required engineering certifications. This satisfies all legal requirements at the time of permit issuance.

RECEIVED

DEC 02 2025

CITY OF COTTER BUILDING/CONSTRUCTION PERMIT APPLICATION
115 MCLEAN AVE, COTTER, AR 72626
(870) 435-6326

CITY OF COTTER

Date of Application 12-1-25

I, Jason Nazarenko (address) 170 Harding Blvd. Cotter AR 72626 (phone) 931-627-5056

Hereby make application for a permit: (circle one) construct, remodel, relocate, other _____

Building to be used for: Retail Shops Construction to begin on: 12-15-25 end on 12-15-26

LOCATION:

Street address: 160 Combs Ave. & 155 McLean Ave. Zoned: _____
Distance from property lines: North _____ ft. South _____ ft. East _____ ft. West _____ ft.
Dimensions of building: Length _____ ft. Width _____ ft. Height of walls _____ ft. Number of stories: _____ Total square footage: _____

Materials: (Select by marking X below)

Foundation: Monolithic Slab ☒ Footing & Block _____
Floor: Concrete _____ Wood ☒
Exterior Walls: Brick _____ Masonry _____ Wood _____ Metal ☒ Siding _____ Interior Walls: Sheetrock ☒
Paneling: _____
Roof: Built-up _____ Wood Shake _____ Comp. Shingles _____ Metal ☒

Contractor: (Name, Address, Phone) Jason Nazarenko (same as above)
General Contractor Potter Block Construction State License# 04370
Electrician/Number Rick's Electric 870-453-5939 State License# AR 4146
Plumber/Number Ryflo Plumbing 870-656-7147 State License# MP 6977
HVAC/Number Holmes Heat & Air 870-321-8241 State License# 1029570

Total cumulative & Fair market value to complete, not including site: \$ 125,000

If permit is granted, I, Jason P. Nazarenko agree to erect said building according to the plans and specifications presented and to complete all work in accordance with the International Building Code, Arkansas Energy Code, and any/all codes in force by the State of Arkansas and City of Cotter. I have or will call 811 for the location of underground structures prior to any work being started. All construction will adhere to ordinance 2010-6 regarding setbacks and zoning regulations.

Signature: Jason P. Nazarenko
For Owner: Jason P. Nazarenko

Permit Approval: [Signature]
Cotter Building Inspector

Date/Time: 12/5/25

Remarks: _____

Permit Fee \$ 408.00 Collected \$ _____ Receipt No. _____ Date: _____

State \$ _____ * The state of Arkansas requires an additional \$.50 per \$1,000.00 for non-residential buildings. *

CITY OF COTTER, ARKANSAS

Building Department

Owner Jason Nazarenko

Date: 12/5/2025

Address 160 Combs + 135 McLean

Unit Cost of Permits Below:

Bldg. Permit No : _____

Basic: \$50.00 Other \$ _____

New-Construction _____ SQ FT

X \$0.12 per SQ FT = \$ _____

Footing _____

\$ 50.00

Foundation _____

☒ \$ 75.00

Framing _____

\$120.00

HVAC _____

☒ \$ 50.00

Licensed Plumber _____

☒ ~~\$ 50.00~~ + (1.50 Per fixture) 22 fixtures

Licensed Electrician _____

☒ ~~\$ 50.00~~ + (2.50 per Circuit) 40 circuits

Final Inspection _____

☒ \$ 50.00

Gas Inspection _____

\$ 50.00

Other Misc. Permits _____

Total Permit Cost \$ 408.00

Comments: _____

Land Clearing \$50.00

Culvert / Driveway \$50.00

Demolition \$50.00

Fence Permit \$50.00

House Moving \$50.00

HVAC/Duct Replace \$50.00

Shed/Carport \$50.00

Re-Roofing Permit \$50.00

Storm Shelter \$50.00

Swimming Pool \$50.00

Misc. Permit Total \$ _____

Building Inspector [Signature] Date: 12/5/25

MC LEAN AVE

ENTRY 5

22'-6"

100'

20'

100'

22'-6"

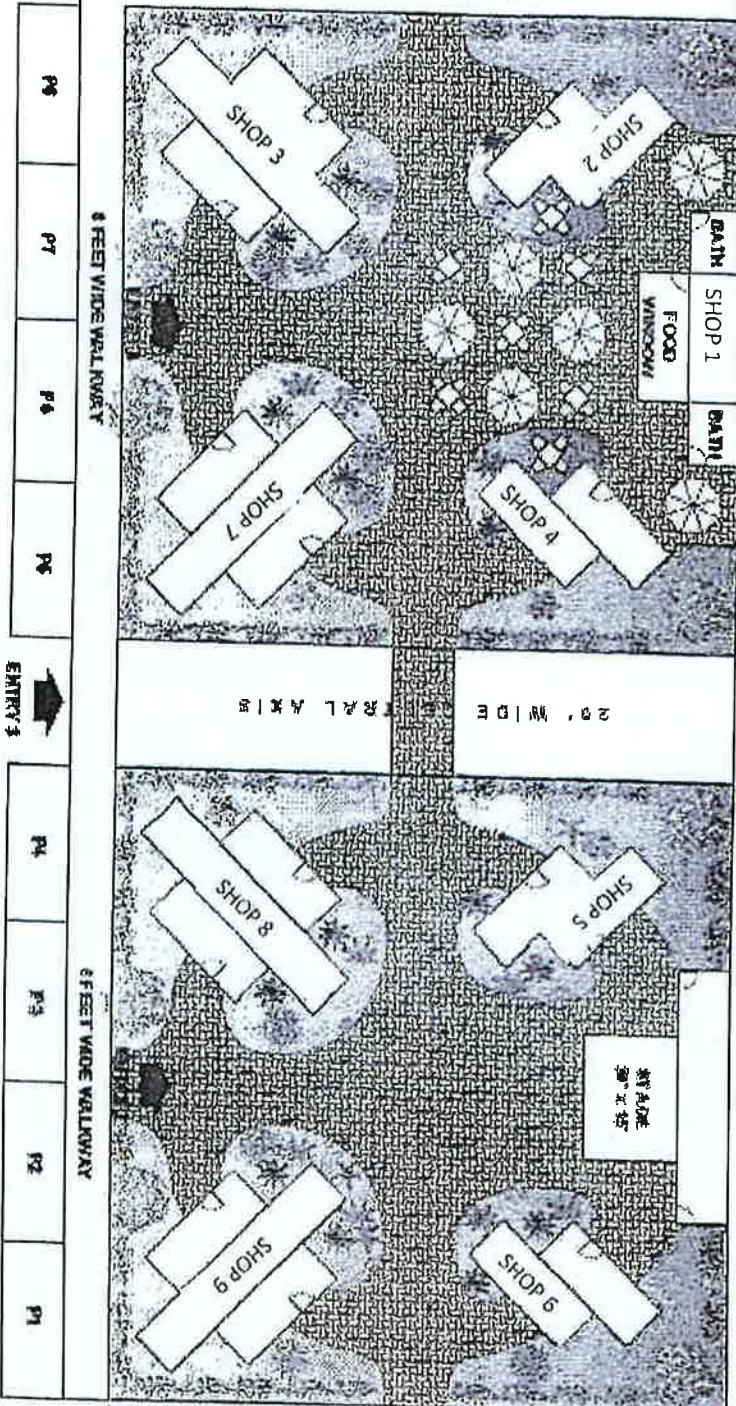
COMBS AVE

ENTRY 1

100'

8 FEET WIDE WALKWAY

8 FEET WIDE WALKWAY



2ND STREET

C.

20.10





Permits Issued

November 14, 2025 through December 12, 2025

Permit #578	Katrina Reed 704 Harding Blvd.	Res. Remodel/deck
Permit #579	Rodney Coats 319 Harding Blvd.	Res. Remodel
Permit #580	Hayley Colarusso 159 Monroe St.	Res. Remodel
Permit #581	Jason Nazarenko 160 Combs / 155 McLean	Comm. New Construction
Permit #582	Jason Nazarenko 302 Second St.	Comm. Remodel

Permit No. 581

Date: December 5, 2025

PERMIT

PERMISSION IS HEREBY GRANTED

TO: Jason Nazarkenko

FOR: Commercial New Construction

\$ 408

AT: 160 Combs/155 McLean Cotter, AR 72626

R- 814374

This Card Must Be Posted in a Conspicuous Place Before Any Work is Started

**City of Cotter
Cotter, Arkansas
Ordinance Number 2018-01**

**AN ORDINANCE OF THE CITY OF COTTER AMENDING ITS MUNICIPAL CODE TO UPDATE
PORTIONS OF THE MUNICIPAL CODE**

WHEREAS, the City of Cotter has found provisions and citations to statutes which are outdated within its municipal ordinances; and

WHEREAS, the City of Cotter desires to correct any outdated provisions and citations to statutes which are outdated with its municipal ordinances; and

WHEREAS, the City of Cotter recognizes that confusion over its ordinance may lead to improper enforcement of ordinance, and misapplication of law;

WHEREAS, the City of Cotter finds that this Ordinance furthers the public health, safety, and welfare of the City of Cotter and its residents in that it provides clarity and specificity on a variety of issues pertaining to the City and its residents.

NOW THEREFORE, be it ordained by the City Council of Cotter as follows:

SECTION 1. Sections 11.08, 11.12, 11.16, 11.24, and 11.28 are hereby repealed.

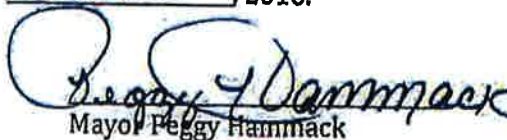
SECTION 2. Section 11.04.01 is hereby amended to read:

"The following codes as adopted now and in the future by the State of Arkansas, and any amendments made by the State of Arkansas are adopted by reference:

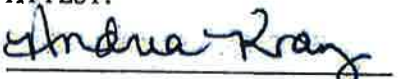
- A. The Arkansas Fire Prevention Code
Volume 1—Fire, Volume 2—Building, and Volume 3—Residential
- B. The Arkansas Electrical Code
- C. The Arkansas State Plumbing Code
- D. The Arkansas State Gas Code
- E. The Arkansas Mechanical Code
- F. Arkansas State Energy Code for New Building Construction
- G. Arkansas Manufactured Home Commission Rules and Regulations
- H. Arkansas Department of Environmental Quality (ADEQ)
- I. Building Code—(IRC) International Residential Code

As the state of Arkansas adopts newer versions of the above codes, then the new codes will replace the previous ones listed in this Ordinance.

PASSED AND APPROVED THIS 25 DAY OF October, 2018.


Mayor Peggy Hammack

ATTEST:


Andrea Kray, Recorder/Treasurer

ORIGINAL

Current Applicable State Codes in Arkansas

(This list contains only the most commonly requested. Other codes may be applicable to a specific project.)

Code Type	Current Code	Contact
Fire and Building	2021 Arkansas Fire Prevention Code (Includes: Fire Code, Building Code, Residential Code) (Based on IBC 2021 w/Arkansas Amendments) Arkansas Fire Prevention Code On-line	Arkansas State Fire Marshall Building 9501 Camp Joseph T. Robinson North Little Rock, AR 72199 501-683-6700
Electrical	2020 Arkansas National Electrical Code	<u>State Board of Electrical Examiners</u> 10421 West Markham Little Rock AR 72205-2190 501-682-4549 Fax 501-682-1765
Plumbing	2018 Arkansas Plumbing Code, 9th Edition	<u>Arkansas Department of Health</u> 4815 West Markham Street, Slot 37 Little Rock, Arkansas 72205-3867 501-661-2000 or 800-462-0599
Gas\Fuel	2018 Arkansas Fuel Gas Code	<u>Arkansas Department of Health</u> 4815 W. Markham, Slot 24 Little Rock, AR 72205 501-661-2462 Fax 501-661-2671
Mechanical (HVAC)	2021 International Mechanical Code	<u>Arkansas Department of Labor</u> 900 W. Capitol Avenue Suite 400 Little Rock, Arkansas 72201 1-501-682-9201

Liquefied Petroleum Gas	2009 State Code of Liquefied Petroleum Gas Containers and Equipment	<u>Arkansas Liquefied Petroleum Gas Board</u> LP Gas Board Building 3800 Richards Road North Little Rock, AR 72117-2944 501-683-4100 Fax 501-683-4110
Energy	Arkansas Energy Code for New Building Construction Supplements and Amendments 2014 (Based on 2009 ICC w\Arkansas Amendments)(Commercial Building Only)	<u>Arkansas Dept. of Environmental Quality</u> Arkansas Energy Office 5301 Northshore Drive North Little Rock, AR 72118-5317 501-682-1121 Fax: 501-682-2433
Elevators & Escalators	ASME A17.1-2007 Safety Code for Elevators and Escalators	<u>Arkansas Dept. of Labor</u> Elevator Inspection & Permit Division 10421 West Markham Little Rock, AR 72205 501-682-4500 Fax: 501-682-4535

2021 International Building Code (IBC)

CHAPTER 31 SPECIAL CONSTRUCTION

Section 3115 Intermodal Shipping Containers

3115.1 General.

The provisions of Section 3115 and other applicable sections of this code shall apply to intermodal shipping containers that are repurposed for use as buildings or structures, or as a part of buildings or structures.

Exceptions:

1. **1.**
Intermodal shipping containers previously approved as existing relocatable buildings complying with Chapter 14 of the *International Existing Building Code*.
2. **2.**
Stationary storage battery arrays located in intermodal shipping containers complying with Chapter 12 of the *International Fire Code*.
3. **3.**
Intermodal shipping containers that are listed as equipment complying with the standard for equipment, such as air chillers, engine generators, modular data centers, and other similar equipment.
4. **4.**
Intermodal shipping containers housing or supporting experimental equipment are exempt from the requirements of Section 3115, provided that they comply with all of the following:
 1. **4.1.**
Such units shall be single stand-alone units supported at grade level and used only for occupancies as specified under Risk Category I in Table 1604.5.
 2. **4.2.**
Such units are located a minimum of 8 feet (2438 mm) from adjacent structures, and are not connected to a fuel gas system or fuel gas utility.
 3. **4.3.**
In hurricane-prone regions and flood hazard areas, such units are designed in accordance with the applicable provisions of Chapter 16.

3115.2 Construction documents.

The construction documents shall contain information to verify the dimensions and establish the physical properties of the steel components and wood floor components of the intermodal shipping container, in addition to the information required by Sections 107 and 1603.

3115.3 Intermodal shipping container information.

Intermodal shipping containers shall bear an existing data plate containing the following information as required by SO 6346 and verified by an approved agency. A report of the verification process and findings shall be provided to the building owner.

1. **1.**
Manufacturer's name or identification number.
2. **2.**
Date manufactured.
3. **3.**
Safety approval number.
4. **4.**
Identification number.
5. **5.**
Maximum operating gross mass or weight (kg) (lbs).
6. **6.**
Allowable stacking load for 1.8G (kg) (lbs).

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7. 7.

Transverse racking test force (Newtons).

8. 8.

Valid maintenance examination date.

Where approved by the building official, the markings and existing data plate are permitted to be removed from the intermodal shipping containers before they are repurposed for use as buildings or structures or as a part of buildings or structures.

3115.4 Protection against decay and termites.

Wood structural floors of intermodal shipping containers shall be protected from decay and termites in accordance with the applicable provisions of Section 2304.12.1.1.

3115.5 Under-floor ventilation.

The space between the bottom of the floor joists and the earth under any intermodal shipping container, except spaces occupied by basements and cellars, shall be provided with ventilation in accordance with Section 1202.4.

3115.6 Roof assemblies.

Intermodal shipping container roof assemblies shall comply with the applicable requirements of Chapter 15.

Exception: Single-unit, stand-alone intermodal shipping containers not attached to, or stacked vertically over, other intermodal shipping containers, buildings or structures.

3115.7 Joints and voids.

Joints and voids that create concealed spaces between connected or stacked intermodal shipping containers at fire-resistance-rated walls, floor or floor/ceiling assemblies and roofs or roof/ceiling assemblies shall be protected by an approved fire-resistant joint system in accordance with Section 715.

3115.8 Structural.

Intermodal shipping containers that conform to ISO 1496-1 and are repurposed for use as buildings or structures, or as a part of buildings or structures, shall be designed in accordance with Chapter 16 and this section.

3115.8.1 Foundations.

Intermodal shipping containers repurposed for use as a permanent building or structure shall be supported on foundations or other supporting structures designed and constructed in accordance with Chapters 16 through 23.

3115.8.1.1 Anchorage.

Intermodal shipping containers shall be anchored to foundations or other supporting structures as necessary to provide a continuous load path for all applicable design and environmental loads in accordance with Chapter 16.

3115.8.2 Welds.

New welds and connections shall be equal to or greater than the original connections.

3115.8.3 Structural design.

The structural design for the intermodal shipping containers repurposed for use as a building or structure, or as part of a building or structure, shall comply with Section 3115.8.4 or 3115.8.5.

3115.8.4 Detailed design procedure.

A structural analysis meeting the requirements of this section shall be provided to the building official to demonstrate the structural adequacy of the intermodal shipping containers.

Exception: Intermodal shipping containers designed in accordance with Section 3115.8.5.

3115.8.4.1 Material properties.

Structural material properties for existing intermodal shipping container steel components shall be established by material testing where the steel grade and composition cannot be identified by the manufacturer's designation as to manufacture and mill test.

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The allowable shear for the corrugated steel side walls (longitudinal) and end walls (transverse) for wind design and seismic design using the coefficients of Section 3115.8.5.2 shall be in accordance with Table 3115.8.5.3, provided that all of the following conditions are met:

1. 1.

The total linear length of all openings in any individual side wall or end wall shall be limited to not more than 50 percent of the length of that side wall or end wall, as shown in Figure 3115.8.5.3(1).

2. 2.

Any full-height wall length, or portion thereof, less than 4 feet (305 mm) shall not be considered as a portion of the lateral force-resisting system, as shown in Figure 3115.8.5.3(2).

3. 3.

All side walls or end walls used as part of the lateral force-resisting system shall have an existing or new boundary element on all sides to form a continuous load path, or paths, with adequate strength and stiffness to transfer all forces from the point of application to the final point of resistance, as shown in Figure 3115.8.5.3(3).

4. 4.

Where openings are made in container walls, floors or roofs, for doors, windows and other openings:

1. 4.1

The openings shall be framed with steel elements that are designed in accordance with Chapters 16 and 22.

2. 4.2

The cross section and material grade of any new steel element shall be equal to or greater than the steel element removed.

5. 5.

A maximum of one penetration not greater than 6 inches (152 mm) in diameter for conduits, pipes, tubes or vents, or not greater than 16 square inches (10 323 mm²) for electrical boxes, is permitted for each individual 8-foot (2438 mm) length of lateral force-resisting wall. Penetrations located in walls that are not part of the lateral force-resisting system shall not be limited in size or quantity. Existing intermodal shipping container vents shall not be considered a penetration, as shown in Figure 3115.8.5.3(4).

6. 6.

End wall doors designated as part of the lateral force-resisting system shall be welded closed.

TABLE 3115.8.5.3 ALLOWABLE SHEAR VALUES FOR INTERMODAL SHIPPING CONTAINER CORRUGATED STEEL WALLS FOR WIND OR SEISMIC LOADING

CONTAINER DESIGNATION ^b	CONTAINER DIMENSION (nominal length)	CONTAINER DIMENSION (nominal height)	ALLOWABLE VALUES (PLF) ^{a, c}		SHEAR
			Side Wall	End Wall	
1EEE	45 feet	9.5 feet	75		
1EE		8.5 feet			
1AAA	40 feet	9.5 feet	84		
1AA		8.5 feet			
1A		8.0 feet			
1AX		< 8.0 feet			
1BBB	30 feet	9.5 feet	112	843	
1BB		8.5 feet			
1B		8.0 feet			
1BX		< 8.0 feet			
1CC	20 feet	8.5 feet	168		
1C		8.0 feet			
1CX		< 8.0 feet			
1D	10 feet	8.0 feet	337		

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For SI: 1 foot = 304.8 mm.

1. a.
The allowable strength shear for the side walls and end walls of the intermodal shipping containers are derived from ISO 1496-1 and reduced by a factor of safety of 5.
2. b.
Container designation type is derived from ISO 668.
3. c.
Limitations of Section 3115.8.5.1 shall apply.

FIGURE 3115.8.5.3(1) BRACING UNIT DISTRIBUTION—MAXIMUM LINEAR LENGTH

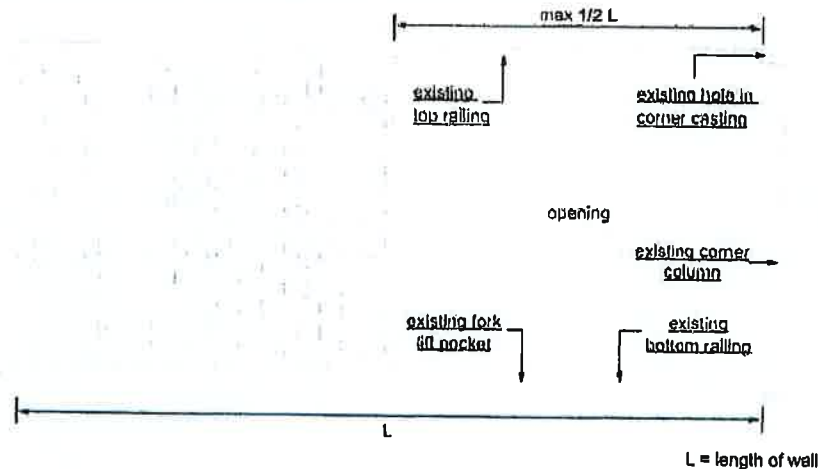
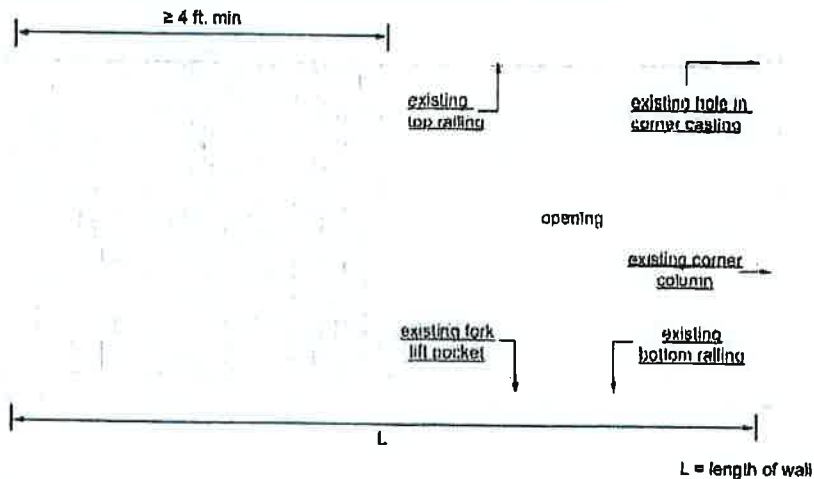


FIGURE 3115.8.5.3(2) BRACING UNIT DISTRIBUTION—MINIMUM LINEAR LENGTH



For SI: 1 foot = 304.8 mm.

FIGURE 3115.8.5.3(3) BRACING UNIT DISTRIBUTION—BOUNDARY ELEMENTS

3115.8.4.2 Seismic design parameters.

The seismic force-resisting system shall be designed and detailed in accordance with one of the following:

1. **1.**
Where all or portions of the corrugated steel container sides are considered to be the seismic force-resisting system, design and detailing shall be in accordance with the ASCE 7, Table 12.2-1 requirements for light-frame bearingwall systems with shear panels of all other materials.
2. **2.**
Where portions of the corrugated steel container sides are retained, but are not considered to be the seismic force-resisting system, an independent seismic force-resisting system shall be selected, designed and detailed in accordance with ASCE 7, Table 12.2-1.
3. **3.**
Where portions of the corrugated steel container sides are retained and integrated into a seismic force-resisting system other than as permitted by Item 1, seismic design parameters shall be developed from testing and analysis in accordance with Section 104.11 and ASCE 7, Section 12.2.1.1 or 12.2.1.2.

3115.8.4.3 Allowable shear value.

The allowable shear values for the intermodal shipping container corrugated steel sheet panel side walls and end walls shall be demonstrated by testing and analysis in accordance with Section 104.11. Where penetrations are made in the side walls or end walls designated as part of the lateral force-resisting system, the penetrations shall be substantiated by rational analysis.

3115.8.5 Simplified structural design of single-unit containers.

Single-unit intermodal shipping containers conforming to the limitations of Section 3115.8.5.1 shall be permitted to be designed in accordance with the simplified structural design provisions of Section 3115.8.5.2.

3115.8.5.1 Limitations.

The use of Section 3115.8.5 is subject to the following limitations:

1. **1.**
The intermodal shipping container shall be a single-unit, stand-alone unit supported on a foundation and shall not be in contact with or supporting any other shipping container or other structure.
2. **2.**
The intermodal shipping container top and bottom rails, corner castings, and columns or any portion thereof shall not be notched, cut, or removed in any manner.
3. **3.**
The intermodal shipping container shall be erected in a level and horizontal position with the floor located at the bottom.
4. **4.**
The intermodal shipping container shall be located in Seismic Design Category A, B, C or D.

3115.8.5.2 Simplified structural design.

Where permitted by Section 3115.8.5.1, single-unit, stand-alone intermodal shipping containers shall be designed using the following assumptions for the corrugated steel shear walls:

1. **1.**
The appropriate detailing requirements contained in Chapters 16 through 23.
2. **2.**
Response modification coefficient, $R = 2$.
3. **3.**
Overstrength factor, $\Omega_0 = 2.5$.
4. **4.**
Deflection amplification factor, $C_d = 2$.
5. **5.**
Limits on structural height, $h_n = 9.5$ feet (2900 mm).

3115.8.5.3 Allowable shear.

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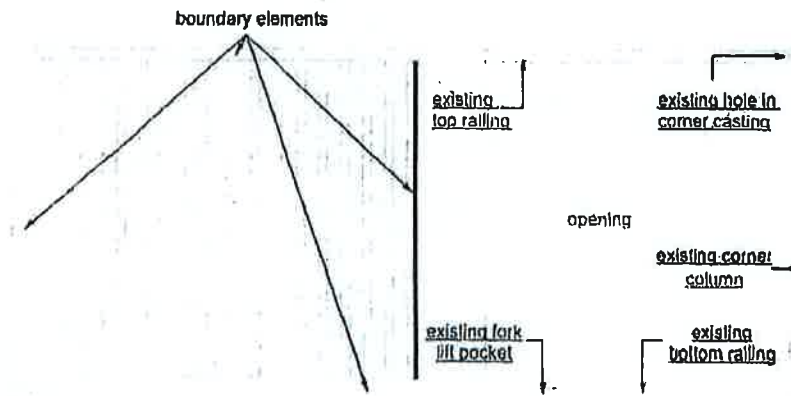
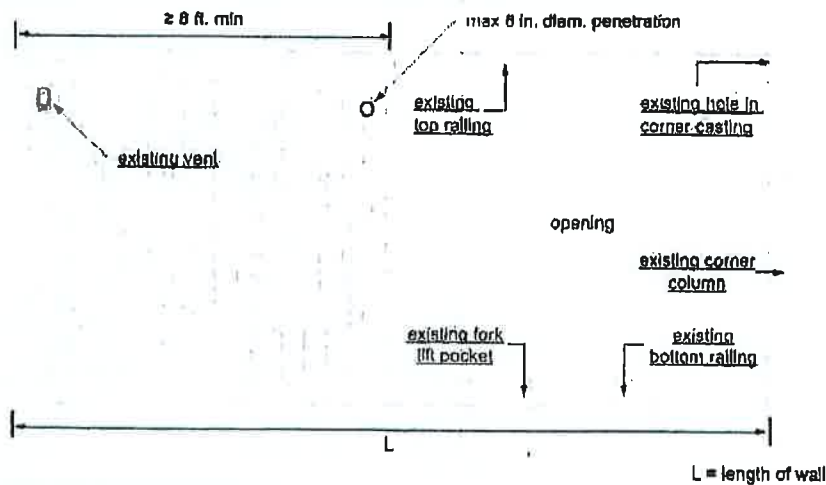


FIGURE 3115.8.5.3(4) BRACING UNIT DISTRIBUTION—PENETRATION LIMITATIONS



For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.



Permits Issued

November 14, 2025 through December 12, 2025

Permit #578	Katrina Reed 704 Harding Blvd.	Res. Remodel/deck
Permit #579	Rodney Coats 319 Harding Blvd.	Res. Remodel
Permit #580	Hayley Colarusso 159 Monroe St.	Res. Remodel
Permit #581	Jason Nazarenko 160 Combs / 155 McLean	Comm. New Construction
Permit #582	Jason Nazarenko 302 Second St.	Comm. Remodel

2

2. Review of building permit approvals, engineering documentation, and professional engineer certifications submitted in support of the project.

Response:

- a. Refer to Item #1 The permit application was reviewed by the Public Works Director/Building Inspector which is the AHJ (Authority Having Jurisdiction) as described in 2021 International Building Code (IBC) Section 103 – Department of Building Safety establishes the building official as the enforcement authority; IBC Section 104 – Duties and Powers of the Building Official. This section effectively describes the Building Official/Authority Having Jurisdiction (BO/AHJ). It includes powers such as: Interpretation of the code; approving materials and methods; issuing permits; performing inspections.
- b. Following issuance of the permit, the OTB developer advised the City in writing that the project would be completed in accordance with applicable federal, state, and local laws, ordinances, codes, inspection requirements, and occupancy requirements. See attached letter from Potter Block Properties, LLC.
- c. Subsequently, the OTB developer stated that a consulting engineer had been hired to perform any design modifications to the containers to meet the design criteria outline in the 2021 International Building Code (IBC) Chapter 11, Special Construction, Section 3115 providing applicable code for intermodal shipping containers that are repurposed for use as building or structures.
- d. Prior to issuance of a Certificate of Occupancy, the Building Official will require a letter from the Consulting Engineer of Record certifying that all modifications comply with the applicable provisions of the 2021 International Building Code, including Section 3115 governing intermodal shipping container construction.



Potter Block Properties LLC
170 Harding Blvd.
Cotter, AR 72626

To Whom It may concern.

The commercial project in downtown Cotter referred to as "Outside The Box" will be completed as per state and local guidelines, ordinances, codes, and laws. All requirements for certifications and inspections will be adhered to prior to a letter of occupancy being sought by the developer.

Jason Nazarenko
Potter Block Properties LLC - CEO
931-627-5056
jasonnazarenko@gmail.com



142 South College St
Mountain Home, AR 72653
870.424.4330
strider.consulting

July 21, 2026

Mr. Jason Nazarenko
170 Harding Blvd
Cotter, AR 72626
jasonnazarenko@gmail.com

Re: Out of the Box

Mr. Nazarenko;

Please be advised that the plans submitted to you conform to IBC 2021 Chapter 31 Section 3115 referring to the use of Intermodal Shipping Containers.

Respectfully Submitted,

Strider Consulting
Ben Strider, P.E.

SANDERS, MORGAN, CLARKE & FLOYD PLLC

ATTORNEYS AT LAW

701 SOUTH STREET

P.O. BOX 2308

MOUNTAIN HOME, ARKANSAS 72654

TED H. SANDERS, P.A.

ROGER L. MORGAN

ROBERT S. CLARKE, P.A.

CHRISTOPHER M. FLOYD, P.A.

(870) 425-2126

Fax: (870) 424-3447

January 29, 2026

VIA EMAIL:

mayor@cotterar.gov

Mayor Caradine

Re: Cotter Ordinance No. 2024-06

Dear Mayor Caradine,

At your request, I have reviewed the above-referenced Ordinance and various zoning regulations within the City of Cotter. The purpose of my review was to determine the legality of using shipping box containers and/or semi-truck trailers as mercantile or retail establishments. After review of such documents, my opinion is as follows:

1) The primary purpose of Ordinance No. 2024-06 is to prohibit the usage of shipping box containers and semi-truck trailers as **PERMANENT STORAGE UNITS** (emphasis added) in R-1, R-2, MU1, C-1 and C-2 zones. The Ordinance does not prohibit the usage of shipping box containers and/or semi-truck trailers for any other purpose, i.e. residential use, retail usage, etc. Specifically, in my opinion, the terms of the Ordinance do not prohibit the usage of such containers and trailers in a proposed retail project such as Outside the Box (OTB); and

2) It is my understanding that OTB is to be developed in an area which is zoned MU-1. One of the permitted uses of MU-1 is retail establishments providing goods and services. In my opinion, OTB falls squarely within the permitted uses of MU-1 (see pages 129.14 and 129.15 of the Cotter Zoning Regulations) and it would be proper for OTB to be in the proposed location.

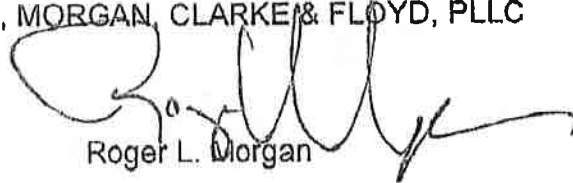
Therefore, in my opinion, OTB may consist of mercantile shops housed in shipping

box containers and semi-truck trailers in the presently proposed location.

Please contact me if you should have any additional questions or concerns.

Sincerely,

SANDERS, MORGAN, CLARKE & FLOYD, PLLC

A handwritten signature in black ink, appearing to read "R. Morgan", is written over the printed name.

Roger L. Morgan

RLM:th

**CITY OF COTTER
ORDINANCE NO. 2024-06**

AN ORDINANCE REGULATING SHIPPING CONTAINERS AND SEMI-TRUCK TRAILERS FOR THE PURPOSE OF ANY TYPE OF STORAGE OR RESIDENTIAL USE IN RESIDENTIAL PROPERTIES IN THE CITY OF COTTER, ARKANSAS, DEFINING SUCH CONTAINERS AND FOR OTHER PURPOSES

WHEREAS, it has been determined that there is a need to regulate the use of certain containers and trailers for storage purposes within the city in residential areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTER, ARKANSAS.

SECTION 1. DEFINITIONS.

- A. **SHIPPING BOX CONTAINER.** A container of which the corrugated wall panels, frame, cargo doors, and cross members are made of steel or Corten steel (aka weathering steel) for the purpose of shipping.
- B. **SEMI-TRUCK TRAILER.** A container whose primary purpose was to be used for transporting goods behind a tractor/truck that attached to the tractor/truck by a fifth wheel hitch. Typically consisting of two doors.

SECTION 2. RESIDENTIAL PROPERTY MINIMUMS.

Shipping Box Containers and Semi-Truck Trailer shall not be allowed as permanent storage units in Residential R1 and R2, MU1, C1 and C2.

That shipping box containers and semi-truck trailers shall only be allowed in Industrial zone I-1 or residential areas containing a minimum of (five) 5 acres of contiguous land and shall have a minimum setback of (thirty) 30 feet from the primary residence of the property and the property lines, no containers or trailers shall be placed over any city utility easement.

SECTION 3. PRE-EXISTING.

All containers and semi-trailers that are on residential property as of the passage and date of this ordinance qualify as pre-existing and are not subject to the enforcement or penalties of this ordinance.

SECTION 4. RESIDENTIAL HOME USE

Any shipping box containers or semi-truck trailers designed for residential homes use shall be submitted to the Planning and Zoning Board for review. The home shall be designed by a registered architect and/or engineer showing that the container home meets all city and state codes (i.e., structural, foundation, electrical, plumbing, mechanical, gas, energy, and fire safety IRC codes). Design plans shall be submitted to the Planning and Zoning Board prior to scheduling a public hearing.

SECTION 5. ENFORCEMENT/PENALTIES.

Any person, firm, or corporation deemed to be found guilty of this ordinance in the District Court (Cotter Division) shall be deemed guilty of a misdemeanor with a minimum fine of \$50 (fifty-dollars) up to a maximum of \$250 (two-hundred fifty dollars) with each day in violation counted as a separate offence.

SECTION 6. That all ordinances in conflict with this ordinance are hereby repealed. Any provision of

C. J. COTTER

SECTION 6. That all ordinances in conflict with this ordinance are hereby repealed. Any provision of the older ordinance will remain in effect if they do not conflict with the later ordinance.

THEREFORE, BE IT ORDAINED by the City Council of the City of Cotter, Arkansas, as follows:

That it is hereby determined and declared that an emergency exists, and this Ordinance being necessary for the immediate preservation of the public peace, health, and safety, shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 25th day of July 2024.

McGeorge Caradine
McGeorge "Mac" Caradine, Mayor

ATTEST:

Andrea Kray
Andrea Kray, Recorder/Treasurer

ORIGINAL

3

3. Verification of compliance with applicable City ordinances, zoning requirements, and adopted building and fire codes, including the International Building Code (IBC) and International Fire Code (IFC), and consideration of a stop-work order until all building and construction permit requirements have been reviewed and brought into compliance.

Response:

- a. The property is located within the City's Multiple Use (MU) zoning district. Both properties are zoned commercial.
- b. The Building Official (AHJ) determined the project complies with all applicable city municipal codes, ordinances, zoning requirements, adopted building codes, adopted fire codes, and inspection requirements, therefore the project did not require a review by the Planning and Zoning Board. Inspections and verification during construction to be performed by the AHJ.
- c. Compliance determinations under the adopted building and fire codes are made through the inspection and enforcement process administered by the Building Official (AHJ) and other authorized officials (City Fire Chief and Arkansas State Fire Marshal) as deemed necessary by Cotter's Building Official (AHJ).
- d. As of the date of this report, no Certificate of Occupancy has been issued. Project is still under construction.
- e. Questions concerning code enforcement procedures, permit enforcement, permit suspension, permit revocation, or stop-work authority shall be reviewed by the Building Official (AHJ). As of the date of this report, the Building Official (AHJ) has not filed any formal determination of code violations requiring issuance of a stop-work order.
- f. Only the Building Official (AHJ) can issue a Stop-Work Order. See attached definition for a stop work order.
- g. Nothing in this response is intended to limit the authority of the Building Official under the adopted building code. The Mayor may seek legal advice regarding any significant enforcement action affecting the City, but issuance of a Stop-Work Order remains an administrative determination of the Building Official as provided by the adopted codes.
- h. In accordance with the Cotter Municipal Code, Title 14 (Zoning), Page 129.18, Section 3. Appeals from Decision of Building Official, Paragraph A, states: An appeal may be taken to the Board of Zoning Adjustments by any person, group or organization public or private affected by a decision of the Building Official. No such appeal has been submitted to the City of Cotter's Board of Zoning Adjustments.
- i. Under Arkansas Code § 14-56-416 and the Cotter Municipal Code, a person aggrieved by an administrative zoning decision of the Building Official may appeal that decision to the Board of Zoning Adjustment (BZA) in accordance with the City's appeal procedures. The City's ordinances should be consulted regarding the time for filing such an appeal. After the Board of Zoning Adjustment renders a decision, Arkansas law provides that an appeal of the Board's decision to circuit court must be filed within thirty (30) days as provided by law. Building Permit No. 581 was included in the Building Permit Report presented at the December 18, 2025, City Council meeting, and the meeting minutes were subsequently approved as part of the City's public record.
- j. Before taking action affecting an issued permit, the City Council may wish to obtain advice from the City Attorney regarding any potential legal consequences.

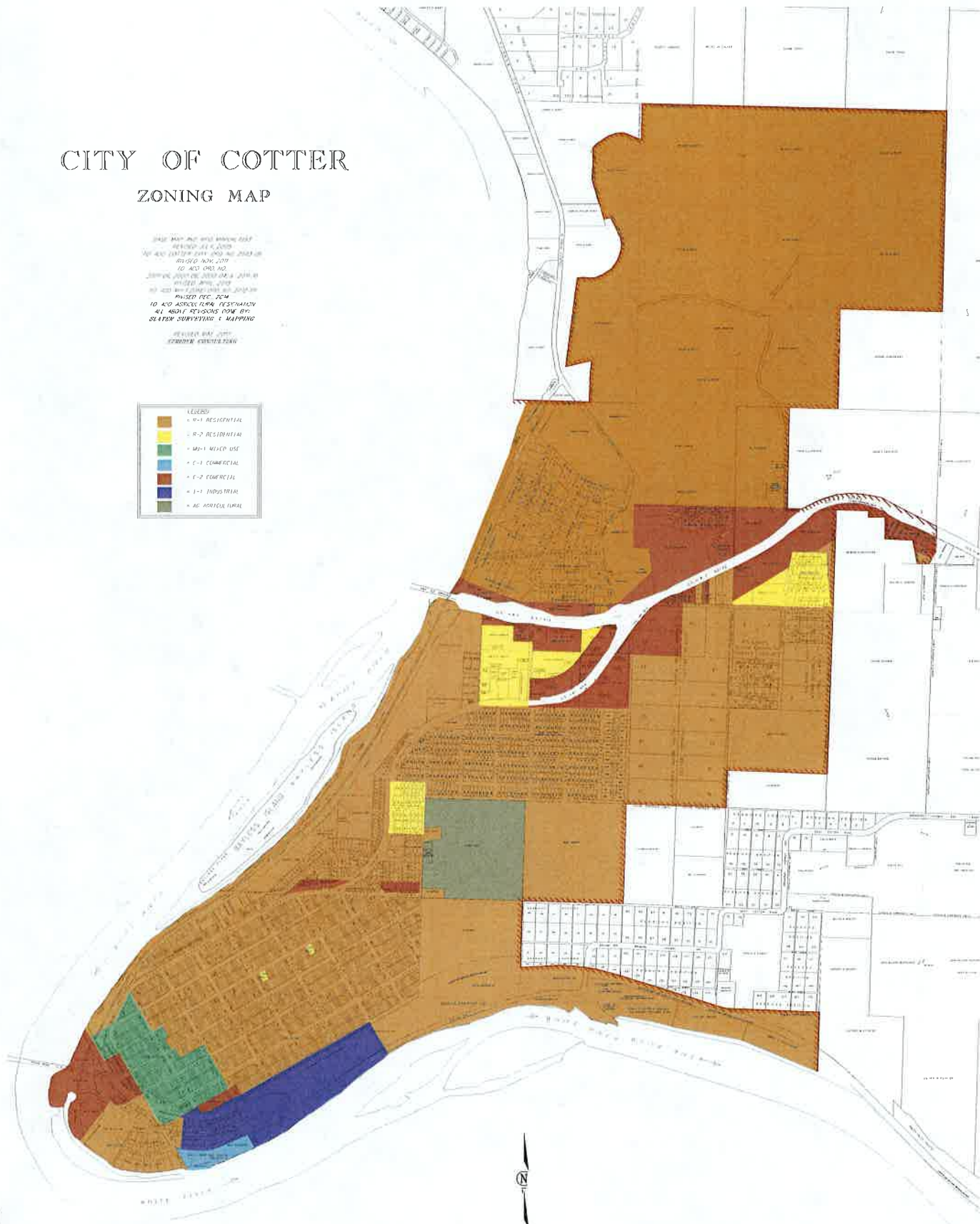
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EXHIBIT "A" COTTER RIVER DISTRICT



BUILDING OFFICIAL – AUTHORITY HAVE JURISDICTION (AHJ)

International Building Code (IBC) 2021, Section 104 establishes the legal framework for the **Building Official**, also acting as the **Authority Having Jurisdiction (AHJ)**. This official is granted the statutory power to interpret the code, review plans, issue permits, conduct inspections, and mandate testing to enforce structural safety and compliance.

The specific powers and responsibilities of the AHJ or Building Official outlined in Section 104 include:

- **Code Interpretation and Policy:** The AHJ has the authority to render interpretations of the code and adopt policies to clarify its provisions, ensuring they align with the code's broader intent
- **Permitting and Inspections:** The AHJ reviews construction documents, issues permits (e.g., for repairs, alterations, additions, or demolitions), and performs required inspections—or accepts certified reports from approved inspection agencies.
- **Alternative Materials and Methods:** The AHJ holds the authority to approve alternative materials, designs, or methods of construction not explicitly prescribed in the code, provided they are proven to be at least equivalent in quality, strength, effectiveness, and fire resistance.
- **Testing Authority:** If there is insufficient evidence that a material or method complies with the code, the AHJ can require tests to be performed by an approved agency at the expense of the permit applicant.
- **Stop Work Orders:** When construction is being done contrary to the provisions of the IBC, dangerous, or done without proper permits, the Building Official has the authority to issue written notices or orders to stop work until compliance is achieved.

Under the **2021 International Building Code (IBC)** as adopted in Arkansas, the authority to issue a **Stop Work Order** rests with the **building official**. In Arkansas, the “building official” is defined by the **Arkansas Fire Prevention Code (AFPC)**—which includes the 2021 IBC with Arkansas amendments—and is typically the **local code official**, **city building inspector**, or the **State Fire Marshal's Office** depending on jurisdiction.

The 2021 IBC (Section 115 – Stop Work Order)

The IBC states that **the building official** may issue a stop-work order whenever construction is found to be:

- In violation of the code, Not in accordance with the approved permit or plans, Unsafe or dangerous

Section 2. Meetings

- A. The Board of Zoning Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Each session of the Board of Zoning Adjustment shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city, at least on time seven days prior to the meeting.

Section 3. Appeals from Decision of Building Official

- A. An appeal may be taken to the Board of Zoning Adjustment by any person, group, or organization, public or private, affected by a decision of the Building Official. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Building Official and with the Board a notice of appeal, specifying the grounds thereof. A fee of \$5.00 shall accompany all notices of appeals.

Section 4. Powers The Board of Zoning Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Official in the enforcement of these regulations and may affirm or reverse, in whole or part, said decision of the enforcement officer.
- B. To hear requests for variances from the literal provisions of the zoning regulations in instances where strict enforcement of the zoning regulations would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning regulations. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.
- C. To hold public hearings on, and decide the following exceptions to or variations of these regulations:



Permits Issued

November 14, 2025 through December 12, 2025

Permit #578	Katrina Reed 704 Harding Blvd.	Res. Remodel/deck
Permit #579	Rodney Coats 319 Harding Blvd.	Res. Remodel
Permit #580	Hayley Colarusso 159 Monroe St.	Res. Remodel
Permit #581	Jason Nazarenko 160 Combs / 155 McLean	Comm. New Construction
Permit #582	Jason Nazarenko 302 Second St.	Comm. Remodel

COTTER CITY
COTTER COUNCIL REGULAR MINUTES
December 18, 2025
6:00 p.m.
COUNCIL CHAMBERS

The Regular meeting of the Cotter City Council was called to order at 6:00 p.m. and roll call was taken by Recorder/Treasurer Andrea Kray. Present were Council Members Chuck Sugg, Joe Bass, Mertice Kray, Ang Pereira and Linda McCarthy. Absent was Carolyn Gill.

The invocation was given by Councilwoman Mertice Kray followed by the recitation of the Pledge of Allegiance by all present.

REPORTS

In the first order of New Business, Councilwoman Linda McCarthy moved to accept the minutes of a regular meeting of the City of Cotter, Arkansas, City Council held on December 18, 2025, as written with a second provided by Councilman Joe Bass. **Motion passed unanimously.**

November 2025 Financials were presented to Council and there were no questions or comments
Public Works Department Report was given by Mayor Caradine
Fire Department Report was given by Chief Lyle Jack
Police Department Report was given by Chief Travis Hopson (Brad Beard named Officer of the Year)
Building Permit Report was given by Andrea Kray
Planning & Zoning Commission Report -none at this time
Cotter/Gassville Sewer Commission – none at this time
Tree Advisory Board Report – none at this time.

UNFINISHED BUSINESS

In the first order of Unfinished Business, Council heard an update on Ordinance 2025-02 - Status on 427 McLean Clean up. Court date is set for December 17, 2025, and an extension of 60 days for clean-up has been granted.

In the second order of Unfinished Business, Council heard an update on Ordinance 2025-05- Owner of 433 South Ave. Owner has been contacted and is coming back to the area for clean-up.

NEW BUSINESS

In the first order of New Business, Brian Haas presented to Council the 2024 Water & Sewer Audit. He stated that everything looked good. There is an additional footnote pertaining to the ductile iron project with an explanation of interest expenses and Cotter's share. He pointed out that APERS is now being included in the audit. He complimented the City of Cotter on their planning, documentation, and handling of finances of the ductile iron project. There will be a final report in 30 days' time.

In the second order of New Business, Council considered Resolution 2025-16 - A Budget Resolution to Adopt the 2026 Operation Budget. Mayor Caradine explained that a matching funds USDA grant for hazmat suits and bottles was added to the Fire Department budget since the workshop. He also explained that this budget does include water tank repairs starting with the Hwy 62 tank and then 2 years later the repairs on the Powell Street tank would begin. He also asked a member of Council to be present to volunteer to open and document the bids for the water tank project on January 27, 2026. Councilman Chuck Sugg moved to pass Resolution 2025-16 - A Budget Resolution to Adopt the 2026 Operation Budget with a second provided by Councilman Joe Bass. **Motion passed unanimously.**

In the third order of New Business, Council considered Resolution 2025-17 – A Resolution to support of Reviving the State-run Federal Surplus Property Program Administer by the State of Arkansas. Councilwoman Ang Pereira moved to pass Resolution 2025-17 – A Resolution to support of Reviving the State-run Federal

COTTER CITY

Surplus Property Program Administer by the State of Arkansas with a second provided by Councilwoman Linda McCarthy. **Motion passed unanimously.**

INFORMATION

During Information, Mayor Caradine shared the City of Cotter is working on draft Cyber Security policy as required by AR State Statues. He also shared a preliminary final cost summary of the USDA Sewer Project. The City of Cotter's grant application for 2025 ARDOT TAP (Transportation Alternative Program) was approved for new sidewalks from downtown into Big Spring Park and work will start in 2026. A virtual kickoff meeting with ARDOT TAP was held on December 10, 2025. On December 11, 2025, the City of Cotter had a virtual meeting with ARDOT presenting the total cost for a Traffic Light at Hwy 62/412 and Harding Blvd. Arkansas Legislative Auditor has completed year 2023 and 2024 Audits and we are waiting on final review. The next "Coffee with the Mayor" will be on January 23, 2026, at Cotter City Hall from 8 am to 9 am.

SIGN-UP SHEET REQUESTS

No sign ins.

AUDIENCE ANNOUNCEMENTS

No audience announcements.

COUNCIL COMMENTS

Councilman Chuck Sugg thanks everyone for being in attendance and wished everyone a Merry Christmas and Happy Holidays.

Councilman Joe Bass wished everyone a very Merry Christmas and a blessed Holiday Season.

Councilwoman Mertice Kray wished everyone a very Merry Christmas and quoted Luke 1:37 "For with God nothing shall be impossible."

Councilwoman Ang Pereira shared Christmas in Cotter was amazing. She appreciated that the mayor drove to Gentry, Arkansas to pick up the 1000 Little Debbie Snack cakes that were donated. She thanked the teenagers that worked for community service hours. The addition of passing out hats, gloves, and blankets were a big hit for the kids waiting to see Santa and were unprepared for the cold.

Councilwoman Linda McCarthy shared that 271 toys were given out from Santa and the pictures were taken by the Fire Department. This year, basketballs and footballs were popular items. She also confirmed that the Railroad Crossing button was pushed A LOT as a new element placed in the park.

Mayor Caradine encouraged everyone to stay healthy and safe. He was very complementary of the Council and the good they are doing for the City of Cotter.

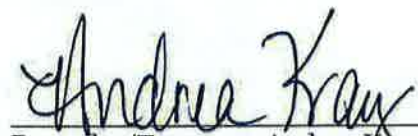
Councilwoman Mertice Kray moved to adjourn with a second provided by Councilwoman Ang Pereira. **Motion passed unanimously.** Meeting ended at 6:53 p.m.

APPROVED:



Mayor MacGeorge Caradine

ATTEST:



Recorder/Treasurer Andrea Kray

ORIGINAL

Section 1. Organization

- A. Board of Zoning Adjustment is hereby created which shall consist of the Planning Commission as a whole and the Chairman of the one shall likewise be the Chairman of the other.

Section 2. Meetings

- A. The Board of Zoning Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Each session of the Board of Zoning Adjustment shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city, at least on time seven days prior to the meeting.

Section 3. Appeals from Decision of Building Official

- A. An appeal may be taken to the Board of Zoning Adjustment by any person, group, or organization, public or private, affected by a decision of the Building Official. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the Building Official and with the Board a notice of appeal, specifying the grounds thereof. A fee of \$5.00 shall accompany all notices of appeals.

Section 4. Powers The Board of Zoning Adjustment shall have the following powers:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Official in the enforcement of these regulations and may affirm or reverse, in whole or part, said decision of the enforcement officer.
- B. To hear requests for variances from the literal provisions of the zoning regulations in instances where strict enforcement of the zoning regulations would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning regulations. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.
- C. To hold public hearings on, and decide the following exceptions to or variations of these regulations:

1. To permit the extension of a district where the boundary line thereof divides a lot held in a single ownership at the time of adoption of these regulations.
2. Interpret the provisions of these regulations in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map where the street layout on the ground varies from the street layout as shown on this map.
3. Classify commercial or industrial uses which are likely to create hazards and review the locations of proposed industrial uses.

Section 5. Variance and Special Use Permits

- A. The Board shall hear requests for variances from the stated provisions of the zoning regulations in instances where strict compliance with the provisions of the regulations would cause undue hardship to the circumstances unique to the individual property under consideration.
- B. The Board may grant variances or special use permits only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning regulations.
- C. The Board shall not permit as a variance any use in a zone that is not permitted under these regulations in conformance with Act 186 of 1957 as amended.
- D. The Board may impose conditions in the granting of the variance or special use permit to insure compliance and to protect adjacent property.

Section 6. Other Functions of Board

- A. The Board may hear applications and take such action as permitted on matters specifically referred to it under these regulations.

Section 7. Appeals from Decisions of the Board

- A. Appeal from the decision of the Board shall be to a court of record within 30 days from the decision of the Board in accordance with Act 186 of 1957 as amended.

Section 8. Notice of Public Hearing

- A. Whenever an appeal or application for a variance or special use permit is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in said notice to designate the particular location with which

the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.

14.04.06 Amendments To Zoning Regulations

Section 1. Amendments by Public Body

- A. The City Council may suggest that the Planning Commission amend the text of these regulations, or the Planning Commission itself may desire to initiate an amendment.
- B. Amendments to the text proposed by the Planning Commission shall be advertised in a paper of general circulation at least 15 days in advance of a public hearing to be conducted by the Planning Commission. After the public hearing, the Planning Commission shall make a report and recommendation to the City Council pertaining to the proposed amendment to the text. The City Council action on the report and recommendation shall be final.

Section 2. Amendments by Individual Property Owners

- A. A petition, giving the legal description of the property involved and the zoning classification requested for the property, or indicating the proposed amendment, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall also include a statement and diagram explaining the proposed change.
- B. Upon receipt of the petition, the Planning Commission, in accordance with Act 186 of the 1957 General Assembly as subsequently amended, shall proceed as follows:
 - 1. The Planning Commission shall hold a public hearing on a proposed amendment. Notice of the public hearing shall be published in a newspaper of general circulation in the City, at least one time fifteen (15) days prior to the hearing.
 - 2. Following the public hearing, the proposed amendment may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended to the City Council for adoption.

3. If the Planning Commission disapproved a proposed amendment, the reasons for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the decision.
4. The City Council, by majority vote, may by ordinance adopt the recommended amendment submitted by the Planning Commission or may return the proposed change to the Planning Commission for further study and recommendation.

If the City Council does not concur with the recommendations of the Planning Commission, either as first submitted or as submitted after re-study, the City Council may, by a majority vote, amend these regulations by granting the request for the proposed change in zoning classification in full or in modified form.

5. Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days of receipt of notice of Planning Commission action.
- C. No application for a change in zoning classification will be reconsidered by the Planning Commission within twelve (12) months from date of final disapproval unless the Commission finds that a substantial reason exists for waiving this limitation.
 - D. Before any action shall be taken as provided in this section, any person or persons proposing a change in the zoning classification of his property shall deposit with the City Clerk the sum of twenty-five dollars (\$25.00) to cover the expenses involved in this procedure, and any excess shall be returned to the petitioner.

14.04.07 Enforcement And Administration

Section 1. Responsibility

- A. The Building Official shall be responsible for the administration and enforcement of these regulations.

Section 2. Building Permits (See Appendix 2 0 Ord. 2007-07))

- A. No structure shall be erected, moved, added to, or externally altered without a building permit. No building permit shall be issued except in conformity with the provisions of these regulations, except after written order by the Board of Adjustment.
- B. All applications for building permits shall show dimensions and shape of the lot to be built upon; the sizes and locations on the lot of structures already existing, if any, and the location and dimensions of the proposed structure or alteration. The application shall include such other information as lawfully may be required, including existing or proposed structural alterations; existing or proposed uses of structure and land; the number of families, housekeeping units, or rental units the structure is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, these regulations.

Section 3. Fees

The Cotter City Council shall set fees for all applications, permits, or appeals provided for by these regulations to defray the costs of advertising mailing notices, processing, inspecting, and copying applications, permits and use permits.

Section 4. Violations

- A. If the Building Official shall find that the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- B. Should the person responsible for such violation fail to take the necessary action to correct it, the Building Official shall notify the City Council of the violation, said City Council shall certify the violation to the City Attorney, and said City Attorney shall within seven (7) days thereafter apply to Chancery Court for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.

Section 5. Penalty for Violation

- A. Any person or corporation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement of plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof, shall be fined as hereinbefore provided.

Stop-Work Authority and Appeal Deadlines

1. Only the Building Official can issue a stop-work order.

State law and our adopted building codes give that authority solely to the Building Official, not to the City Council or the Mayor.

2. The City Council cannot issue or direct a stop-work order.

Even if a vote were taken, it would have no legal effect because enforcement powers are administrative, not legislative.

3. The correct way to challenge a building permit is through the Board of Zoning Adjustment.

Our zoning regulations specify that any person or group affected by a decision of the Building Official may appeal **only** to the BZA.

4. Appeals of Building Official decisions must be filed within 30 days.

This is the standard in Arkansas for administrative zoning decisions, and no appeal was filed regarding this project.

5. The permit issued in December 2025 is final and cannot be appealed now.

The 30-day appeal window expired in February 2026.

No resident, business, or council member filed an appeal.

6. The Building Official continues to inspect the project and enforce all codes.

If any violation is found, corrective action can be required immediately, up to and including a stop-work order by the Building Official.

7. The Council may request information or consider policy changes for future projects.

However, the Council cannot retroactively overturn or halt a legally issued and un-appealed permit.

Q: When does the appeal period for a building permit begin?

A: The appeal period begins when the Building Official issues the permit or when the permit is made part of the public record. In this case, Permit No. 581 was:

- Issued on December 5, 2025
- Reported publicly on December 18, 2025
- Approved in the minutes on January 22, 2026

Any of these dates is sufficient to start the appeal clock.

Q: How long does someone have to appeal for a building permit?

A: Under Arkansas administrative law and standard zoning procedures, the deadline is **30 days**, unless a local ordinance clearly provides a different period. Cotter regulations do *not* provide a different period, so the default 30-day standard applies.

Q: Where does the 30-day standard come from?

A: Arkansas Code § 14-56-416 (administrative zoning decisions)
Arkansas case law on zoning appeals
Arkansas municipal zoning manuals
Standard Board of Zoning Adjustment (BZA) rules statewide
Courts consistently use the 30-day rule for challenging administrative zoning decisions.

Q: Did anyone file an appeal to the BZA within that 30-day window?

A: No. The City has no record of any appeal being filed.

Q: Can the City Council appeal to the permit now, months later?

A: No. The appeal window closed in **February 2026**. Once the appeal period expires, a building permit is *final and not subject to challenge*.

Q: Can the Council take action to revoke or suspend the permit now?

A: No. Only the Building Official can take enforcement actions, and those actions must be based on code violations—not on a lapse in appeal.

Q: What if a council member or resident did not know about the permit at the time?

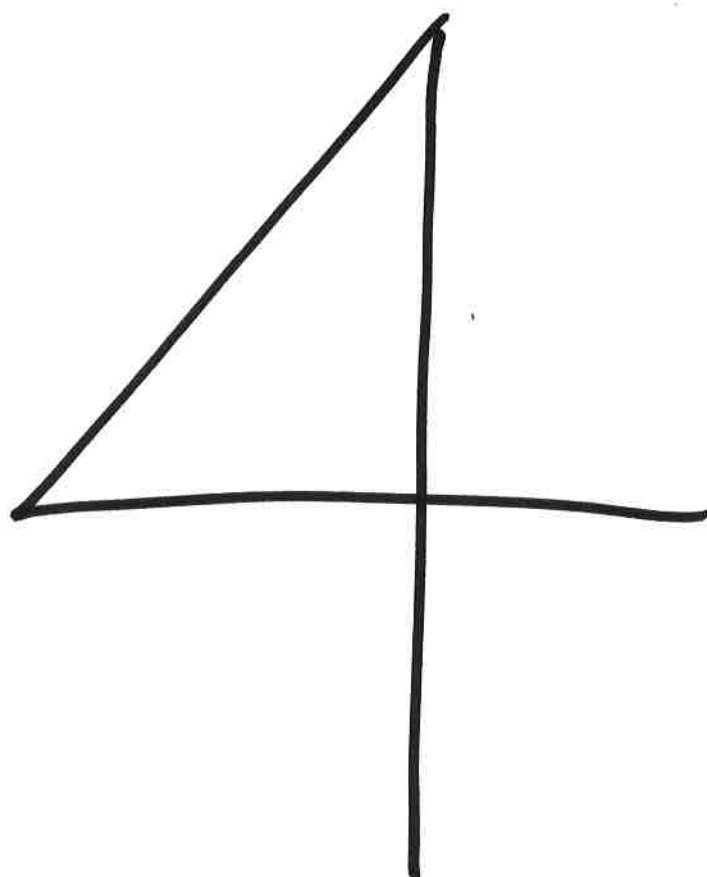
A: The law is clear: the appeal clock begins when the permit is issued and/or publicly reported, regardless of whether someone personally noticed it. Public notice and meeting minutes satisfy the legal requirement.

Q: Does the Council have any role at this stage?

A: Yes, but only in the following ways:

- Request updates and reports
- Seek legal advice
- Amend zoning rules for future projects
- Request independent reviews

The Council does **not** have authority to relitigate or overturn past permits



4. Review of the unauthorized removal or alteration of the public alley associated with the project.

- a. The circumstances surrounding the removal or obstruction of the alley;
- b. The City's directive requiring restoration of the public alley;
- c. Engineering plans, specifications, and design criteria used for reconstruction;
- d. Verification that the reconstructed alley meets applicable municipal, roadway, drainage, utility, and emergency access standards;
- e. Inspection, acceptance, and maintenance responsibilities for the reconstructed alley.
- f. Review of reopening of the public alley immediately

Response:

- a. Prior to the permit being reviewed a discussion between the OTB developer, Mayor, and Public Works Director confirmed the drawings showed the alleyway on the drawing would remain open.
- b. During early site preparation and earthmoving activities, construction activity affected the existing public alley serving the project area.
- c. On January 13, 2026, the developer met with the Mayor, Public Works Director and the Chief of Police with concerns of the earthmoving activities asking if the alley could be temporarily closed during construction. The Mayor and Building Official granted OTB the request to temporarily closing the alleyway as a safety concern during construction.
- d. Later on January 13, 2026, the developer submitted a request seeking planning and zoning's consideration of alley closure with options.
- e. The alley matter was reviewed by the Planning and Zoning Commission on January 29, 2026, and February 16, 2026. The Cotter Planning Commission made a recommendation to City Council to close the alley using Option B to reroute the alleyway. Recommendations were forwarded to the City Council for consideration.
- f. On March 26, 2026, the City Council considered Ordinances 2026-01, 2026-02, and 2026-03 regarding potential alley closure alternatives. No ordinance was adopted. Alleyway will re-open after construction is completed.
- g. The alley is expected to be reopened following completion of construction, subject to final inspection by the AHJ. See comments by the mayor in Meeting Minutes dated March 26, 2026.
- h. Restoration, reopening, maintenance responsibilities, and final acceptance of the alley remain subject to Public Works Director's review and applicable public works requirements.
- i. Final verification of alley conditions, drainage, utilities, access requirements, and public improvements would occur through the inspection process during construction and final inspections by the AHJ.
- j. After the recent heavy rains, a site visit by the Building Official (AHJ) on June 30, 2026, confirmed there was little evidence of erosion of along the property line to the adjacent landowners. The developer provided an eight (8) feet grass buffer on the top of the bank. The bank was found to be stable. There was no washing of the side slopes of the alley gravel.

On Alley Restoration and Public Safety

The alley closure was temporary for construction safety. Planning and Zoning reviewed possible closure options, and the Council did not adopt any. The alley will reopen after construction, subject to final inspection. Emergency access, drainage, utilities, and fire protection have been reviewed by the Building Official, the Fire Chief, and Public Works.

MEETING IN REGULAR SESSION

January 22, 2026 – 6:00 P.M.
Cotter City Hall Council Chamber

AGENDA

Call to Order
Roll Call
Invocation
Pledge of Allegiance

REPORTS

Approval of City Council Regular Minutes for December 2025
Financial Report - December 2026 - (Sent to Council members by email for review and comments.)
Public Works Department Report
Fire Department Report
Police Department Report
Building Permit Report
Planning and Zoning Commission Report
Cotter-Gassville Sewer Commission Report
Tree Advisory Board Report

UNFINISHED BUSINESS

- Update on Ordinance 2025-02 - Status on 427 McLean Clean up
- Update on Ordinance 2025-05 - Ordering Removal and Clean-up 433 South Ave. Owner is selling the property.

NEW BUSINESS

- Council will recognize the passing of Alderman Chuck Sugg, and the vacancy position for Ward 2, Position 1, held by Alderman Sugg will be filled in February. Pursuant Arkansas Statue 14-44-104, "If a vacancy occurs in the office of council member in any city of the second class, at the first regular meeting after the occurrence of the vacancy, the city council shall proceed to elect, by a majority vote of the council, a council member to serve for the unexpired term". Any interested resident living in Ward 2 should contact the Mayor prior to the February 26, 2026, council meeting.
- Brian Hass to present the final 2025 Water and Sewer Audit.
- Jason Nazarenko, presentation of development project in the downtown area of Cotter – "Outside the Box - OTB"
- Jason Nazarenko to present the possibility for a welcome sign at 62B/412 entering Cotter from the West to the Arch Bridge.
- Consider Resolution #2026-01: A resolution to Adopt the 2025 Year End Amended Operating Budget (postings to follow)
- Consider Resolution #2026-02: A Resolution establishing a Cotter City Council Member code of conduct.
- Consider Resolution #2026-03: A Resolution establishing a Cotter City Council Member code of meetings /activities.
- Read into the meeting minutes the Semiannual 2025-2 Inventory additions or deletions.

INFORMATION

- Traffic Light Update from ARDOT.
- ARDOT Railroad Crossing Improvement Project on Big Spring Parkway tentative schedule to start in 2027.
- Cotter Elected Officials serving need to turn in a Statement of Financial Interest to Cotter Recorder/Treasurer by January 31, 2026.
- Read into Meeting Minutes the Proof of Posting of the 2026 Operating Budget. It was posted for 30 days from December 18, 2025 – January 18, 2026.
- Cotter Planning and Zoning to meet on January 27, 2026 at 5:30 pm
- Cotter Volunteer Fire Department Fundraiser with Chili and Auction, is tentatively scheduled for March 7, 2026, at the Firehouse, starting at 11:30 am.
- The Annual Cotter Trout Festival is Saturday, May 2, 2026.
- Coffee with the Mayor shall be on January 23, 2026 at 8:00 am at Cotter City Hall.
- The next city council meeting shall be on February 26, 2026 at 6:00 pm.

Sign-Ins:
Council Comments:
Public Announcements:
Adjourn

COTTER CITY
COTTER COUNCIL PUBLIC HEARING MINUTES
March 26, 2026
6:00 p.m.
COUNCIL CHAMBERS

Public Hearing meeting of the Cotter City Council was called to order at 6:00 p.m. and roll call was taken by Mayor/Treasurer Andrea Kray. Present were Council Members Nicole Hatchet, Joe Bass, Carolyn Gill, Mertice Kray, Ang Pereira and Linda McCarthy.

NEW BUSINESS

This Public Hearing was called to hear comments from citizens and other interested persons for the purpose of vacating an alley between 106 Combs Avenue (Lots #801, 802, 803, & 804) and 155 McLean Avenue (Lots #545, 546, 547, and 548) starting at 2nd Street and stopping at Lots (#544/805).

Mayor Caradine provided information about the alley closure request from Jason Nazarenko located at the above listed location. He stated that the City of Cotter had closed 17 alleyways and 13 streets since 1979 not including the closures of said passageways located on the Cotter School District. He stated that these requests were directly from requests of local business owners. Mayor Caradine then proceeded with audience sign ins.

SIGN INS

#1-Nathan Buck-declined to comment.

#2-Steve Leisey-doesn't feel that this business is asking more of those businesses in the past have asked and Council should consider one of the options to close said alleyway.

#3- Austin James-wants safety for the area and wants Council to come to an agreement.

#4-Cody Barlett-has safety concerns with keeping the alley way open and wants Council to come to an agreement.

#5-Samantha James-asks as a resident for Council to put safety first regardless of opinion about OTB (Outside the Box). She will be working in this business and will have her child there. Safety is a major concern.

#6-Jane Hatchet-objects to the alley closure as the steps to close an alleyway was not followed. She states that Jason Nazarenko should've known the rules governing a closure as he serves as the chair of the Planning and Zoning Commission. He should have to return the alley way as it was or Council should decide on an appropriate solution. She wants Council to set a precedence that citizens regardless of who they are should always follow the rules and go by the steps and procedures set in place.

#7-Matt Millner-states his lives on Combs. He states that he wasn't going to say anything, but like the saying goes, "If you don't stand for something, you'll fall for anything." He states that he has nothing against Jason Nazarenko as he has brought lots of people to the area and they have stayed in Jason's properties and he will continue to bring people to the area and utilize his places of business. However, he feels a certain way about how Jason contacted him and stated to him that "he doesn't have to follow the rules as he is commercial and if he doesn't agree to this alleyway closure that he (Jason) can place a shipping container so close to the property line that my guests will be able reach out the window and touch it." He states that this alleyway should've never been closed and that he brings 100s of guests to the area and his voice matters, too.

#8-Glen Dimick-Has been a resident since 1979 and he understands steps. He feels that "some toes got stubbed on this one, but something has to be put in place to not stub anymore toes." He favors option C, but proposes an Option D of putting in a turnaround, so no one loses property.

ORIGINAL

#9-Jason Nazarenko-Starts by stating "fully takes responsibility". He states he went to Mayor Caradine asking to close the alleyway, but he was asked by Mayor Caradine to try to leave the alleyway in. He states he didn't go to Planning and Zoning until it became too dangerous to use. He denies what Matt Millner stated, stating, "I don't remember the conversation going that way". He addresses Glen Dimick's comment's stating "no one was losing property except for him (Jason) and that he wants a decision, so that everyone can move forward.

#10-Paula Flippin-states that she agrees with Jane Hatchet. By closing this alleyway, the Council is setting a terrible precedence. She states there is a wall there now. She questions how he (Jason Nazarenko) has this type of pull and what about the little people in this town. She further goes on to state "that wall sets an example that shouldn't have happened".

As there were no more Sign-ins, Mayor Caradine asked for a motion to adjourn.

Councilwoman Mertice Kray moved to adjourn with a second provided by Councilwoman Ang Pereira.
Motion passed unanimously. Meeting ended at 6:22 p.m.

APPROVED:


Mayor MacGeorge Caradine

ATTEST:


Recorder/Treasurer Andrea Kray

ORIGINAL

COTTER CITY
COTTER COUNCIL REGULAR MINUTES
March 26, 2026
6:25 p.m.
COUNCIL CHAMBERS

The Regular meeting of the Cotter City Council was called to order at 6:00 p.m. and roll call was taken by Recorder/Treasurer Andrea Kray. Present were Council Members Nicole Hatchet, Joe Bass, Carolyn Gill, Mertice Kray, Ang Pereira and Linda McCarthy.

The invocation was given by Councilwoman Mertice Kray followed by the recitation of the Pledge of Allegiance by all present.

REPORTS

In the first order of New Business, Councilwoman Ang Pereira moved to accept the minutes of a regular meeting of the City of Cotter, Arkansas, City Council held on February 2, 2026, with noted corrections with a second provided by Councilwoman Mertice Kray. **Motion passed unanimously.**

January 2026 Financials were emailed and Council had no comments/questions during the meeting.

Public Works Department Report was given by Thomas Pittman

Fire Department Report was given by Assistant Chief Sharon Kaster

Police Department Report was given by Chief Travis Hopson

Building Permit Report was given by Andrea Kray

Planning & Zoning Commission Report -none at this time

Cotter/Gassville Sewer Commission was given by Carolyn Gill

Tree Advisory Board Report -none at this time

UNFINISHED BUSINESS

In the first order of Unfinished Business, Council heard an update on Ordinance 2025-02 - Status on 427 McLean Clean up. Clean up has occurred. Previous water bill has been paid and water has been reconnected at the property. This matter has been addressed and no further action by Council is needed. It will be removed from Old Business.

In the second order of Unfinished Business, Council heard an update on Ordinance 2025-05- Owner of 433 South Ave. Owner has sold the property and new owner is assuming the responsibility of clean up. New owner has since sold the property and 3rd owner is renovating the property. The matter has been addressed and no further action by Council is needed. It will be removed from Old Business.

NEW BUSINESS

Prior to New Business starting, Mayor Caradine asked Recorder/Treasurer Andrea Kray to explain the parliamentary procedural steps in what happens if motions don't receive a second or there are no motions forthcoming from Council on the Ordinances. City Attorney Roger Morgan expressed his thoughts on the matter as well, and Council moved forward with New Business.

In the first order of New Business, Council considered Ordinance 2026-01-An Ordinance for Option A for vacating a portion the alley between 160 Combs Ave and 155 McLean Ave. Mayor Caradine shared that he has asked the City's Police Department to stop parking in the alleyway and asked Jason Nazarenko to widen the alleyway at his own expense. Mayor Caradine asked Recorder/Treasurer Andrea Kray to read the ordinance in its entirety and she proceeded to do as such. Councilwoman Linda McCarthy moved to place Ordinance 2026-An Ordinance for Option A for vacating a portion the alley between 160 Combs Ave and 155 McLean Ave on its first reading by title only. Mayor Caradine asked for a second. Mayor Caradine again asked for a second. **Seeing as there was no second, motion dies for lack of a second.**

In the second order of New Business, Council considered Ordinance 2026-02-An Ordinance to consider Option B for vacating a portion the alley between 160 Combs Ave and 155 McLean Ave. Mayor Caradine asked Recorder/Treasurer Andrea Kray to read the ordinance in its entirety and she proceeded to do as such. Mayor Caradine asked for a motion to place Ordinance 2026-02-An Ordinance to consider Option B for vacating a portion the alley between 160 Combs Ave and 155 McLean Ave on its 1st reading by title only. He called again asking for Ordinance 2026-02-An Ordinance to consider Option B for vacating a portion the alley between 160 Combs Ave and 155 McLean Ave on its 1st reading by title only. **Hearing no such motion, the ordinance dies for lack of a motion.**

In the third order of New Business, Council considered Ordinance 2026-03-An Ordinance to consider Option C for vacating a portion the alley between 160 Combs Ave and 155 McLean Ave. Mayor Caradine asked Recorder/Treasurer Andrea Kray to read the ordinance in its entirety and she proceeded to do as such. Mayor Caradine asked for a motion to place Ordinance 2026-03-An Ordinance to consider Option C for vacating a portion the alley between 160 Combs Ave and 155 McLean Ave on its 1st reading by title only. Councilwoman Ang Pereira moved to place Ordinance 2026-03-An Ordinance to consider Option C for vacating a portion the alley between 160 Combs Ave and 155 McLean Ave on its 1st reading by title only with a second provided by Councilwoman Linda McCarthy. **Motion fails with 2 in favor (Pereira and McCarthy) and 4 opposed (Gill, Hatchet, Bass, and Kray).**

Once the votes were cast, Councilwoman Carolyn Gill asked, "What does this mean?" and Mayor Caradine explained that Jason Nazarenko would have to put back in the alleyway. She then questions the time limit, and Mayor Caradine further explained that Jason would have until his permit expired. The permit is good for 1 year from the date it is issued.

Dec 5, 2026

INFORMATION

During Information, Mayor Caradine shared a draft copy of the City of Cotter's Cyber Security and AI Artificial Intelligence Employee Policy to be presented to Council at April's meeting for approval. He read into the meeting minutes the City of Cotter's for year 2023 and 2024 Financial and Compliance Report was approved by the Arkansas Legislative Audit Committee on March 12, 2026. There was not a Traffic Light Update from ARDOT available, but the ARDOT Railroad Crossing Improvement Project on Big Spring Parkway tentative schedule to start is in 2027. The 2025 Financial Statement for all departments (General, Street, Water/Sewer, Cemetery and Fire) was presented to City Council on February 26, 2026 and posted on February 27, 2026, at two locations (City Hall, the Post Office) and on the City website. The Cotter Warrior Foundation 5K Annual Fundraiser is scheduled for 7:30 am on Saturday, April 11, 2026, at Big Spring Park. Coffee with the Mayor shall be on March 27, 2026 at 8:00 am at Cotter City Hall. The next City Council meeting shall be on April 23, 2026 at 6:00 pm.

SIGN-UP SHEET REQUESTS

Jane Hatchet thanks Council and the citizens of Cotter that spoke and prayed over the issue faced tonight.

Nathan Buck thanks Council and states his concerns as he doesn't want the city to face a lawsuit. He states that the 2024-06 Ordinance pertaining to shipping containers is in violation of itself. He advises Council to withdraw said shipping container ordinance.

Jason Nazarenko states that in the beginning of his plans, he asked to close the alleyway and was told that the alleyway needed to remain open. He is disappointed in Council's decision tonight, but excited to move forward in the development of his new business.

AUDIENCE ANNOUNCEMENTS

None at this time.

COUNCIL COMMENTS

Councilwoman Nicole Hatchet had no comment.

Councilman Joe Bass states that Jason and Kammi Nazarenko have no doubt done wonders for the City of Cotter, but why didn't Jason just come forward with OTB instead of keeping it a surprise. He states, "If OTB would have had a professional business plan, this type of planning would have been taken care of. Now his

(Joe's) property has an 8-foot drop, and he questions the legality of the containers. Furthermore, could they become a health and safety issue for the town once they start to deteriorate." Due to the length of Councilman Bass's comments, Mayor Caradine rapped the gavel to move on to the remaining Council member for comment.

Councilwoman Carolyn Gill shared she'd recently attended a CERT meeting and there were a lot of new faces. She praised their eagerness and interest in serving as volunteers one day.

Councilwoman Mertice Kray had no comment.

Councilwoman Ang Pereira had no comment.

Councilwoman Linda McCarthy states she is disappointed in tonight's Council decision. She shares that the Cotter VFD and Auxiliary's annual Chili Supper and Auction raised over \$8,000.00.

Councilwoman Mertice Kray moved to adjourn with a second provided by Councilwoman Linda McCarthy. **Motion passed unanimously.** Meeting ended at 7:15 p.m.

APPROVED:



Mayor MacGeorge Caradine

ATTEST:



Recorder/Treasurer Andrea Kray

COTTER PLANNING AND ZONING PUBLIC HEARING

**February 16, 2026- 5:00 p.m. Cotter City
Hall Council Chamber**

AGENDA

The Cotter Planning and Zoning Board will be holding a meeting for public comments at a hearing before the Cotter Planning Board at 5:00 pm on Monday, February 16, 2026, to address the closing of an alley between behind property located 106 Combs Ave (Lots #801, 802, 803, 805) and 155 McClean Ave (Lots #545, 546, 547, 548) starting at Second Street and stopping at Lots #805/544. The Public Hearing will be held at 115 McLean Ave, Cotter at 5:00 pm in the Cotter Council Chambers.

AFFIDAVIT OF PUBLICATION

State of Arkansas, County of Baxter, ss:

I, Jessie Longstreet, being duly sworn according to law, state that I represent the publisher of the Baxter Bulletin, a daily newspaper in said county, and that I am duly authorized to and do make this affidavit for the dates of publication herein after stated, and that said newspaper has a bona fide circulation in said county at said dates, and has been published in said county for a period of more than one month next before the date of the first publication of the advertisement hereto annexed, and that the said advertisement was published in said newspaper on the following dates:

From 02/04/2026 to 02/11/2026 both inclusive.

1st insertion, Vol. 125, No. 13, 02/04/2026

2nd insertion, Vol. 125, No. 15, 02/11/2026

3rd insertion, Vol. , No. ,

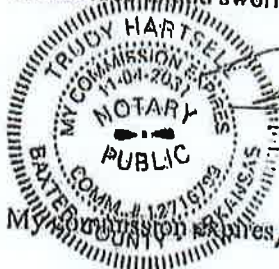
4th insertion, Vol. , No. ,

Account#8001632

Ad#190257

Jessie Longstreet

Subscribed to, and sworn to before me this 02/11/2026



[Signature]
Notary

Nov 4 2031

Filed and Recorded _____

(Publication Fee, \$43.50)

NOTICE

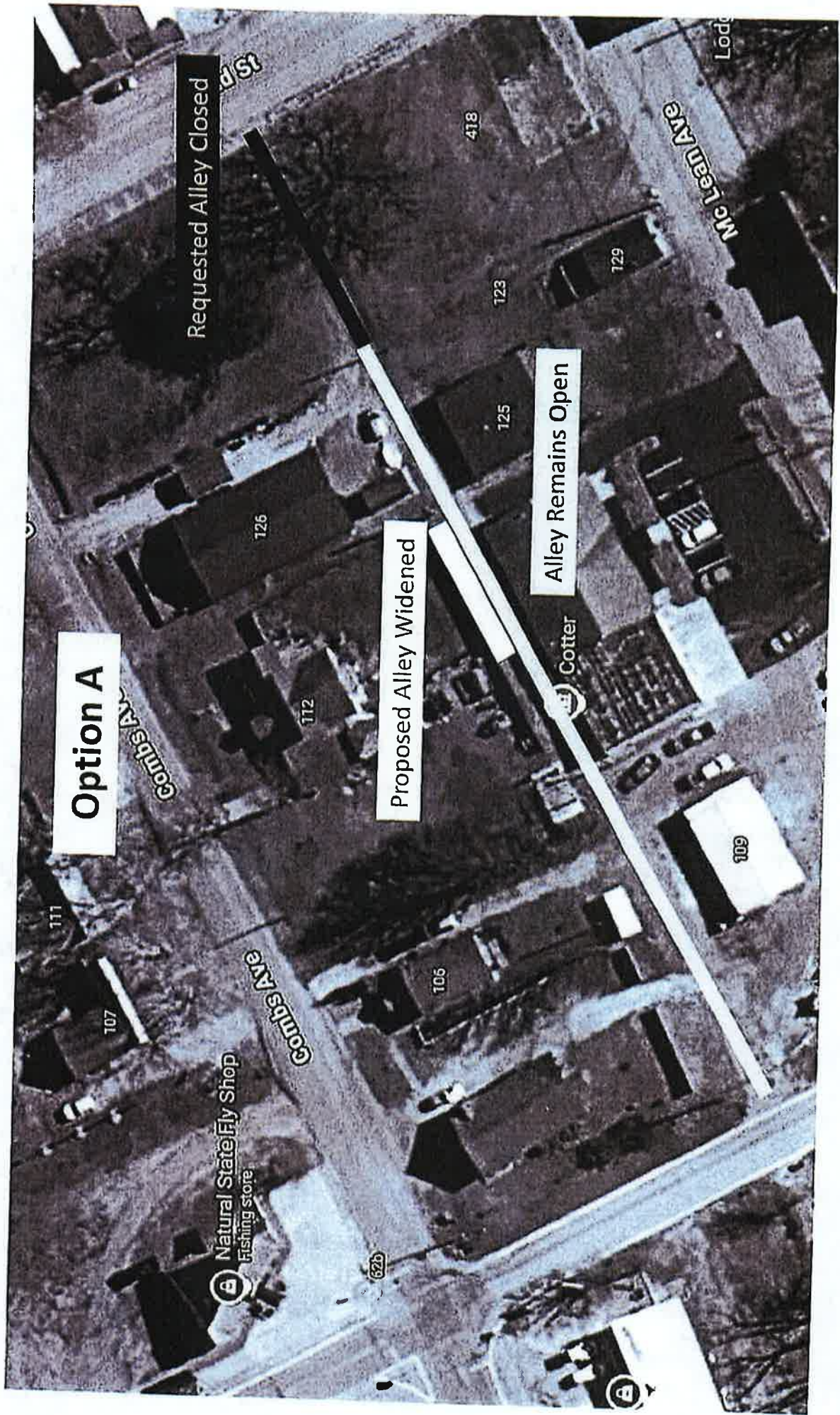
The Cotter Planning and Zoning Board will be holding a meeting for public comments at a hearing before the Cotter Planning Board at 5:00 pm on Monday, February 16, 2026, to address the closing of an alley between behind property located 108 Combs Ave (Lots #801, 802, 803, 805) and 168 McLean Ave (Lots #545, 546, 547, 548) starting at Second Street and stopping at Lots #805/544. The Public Hearing will be held at 116 McLean Ave, Cotter at 5:00 pm in the Cotter Council Chambers.

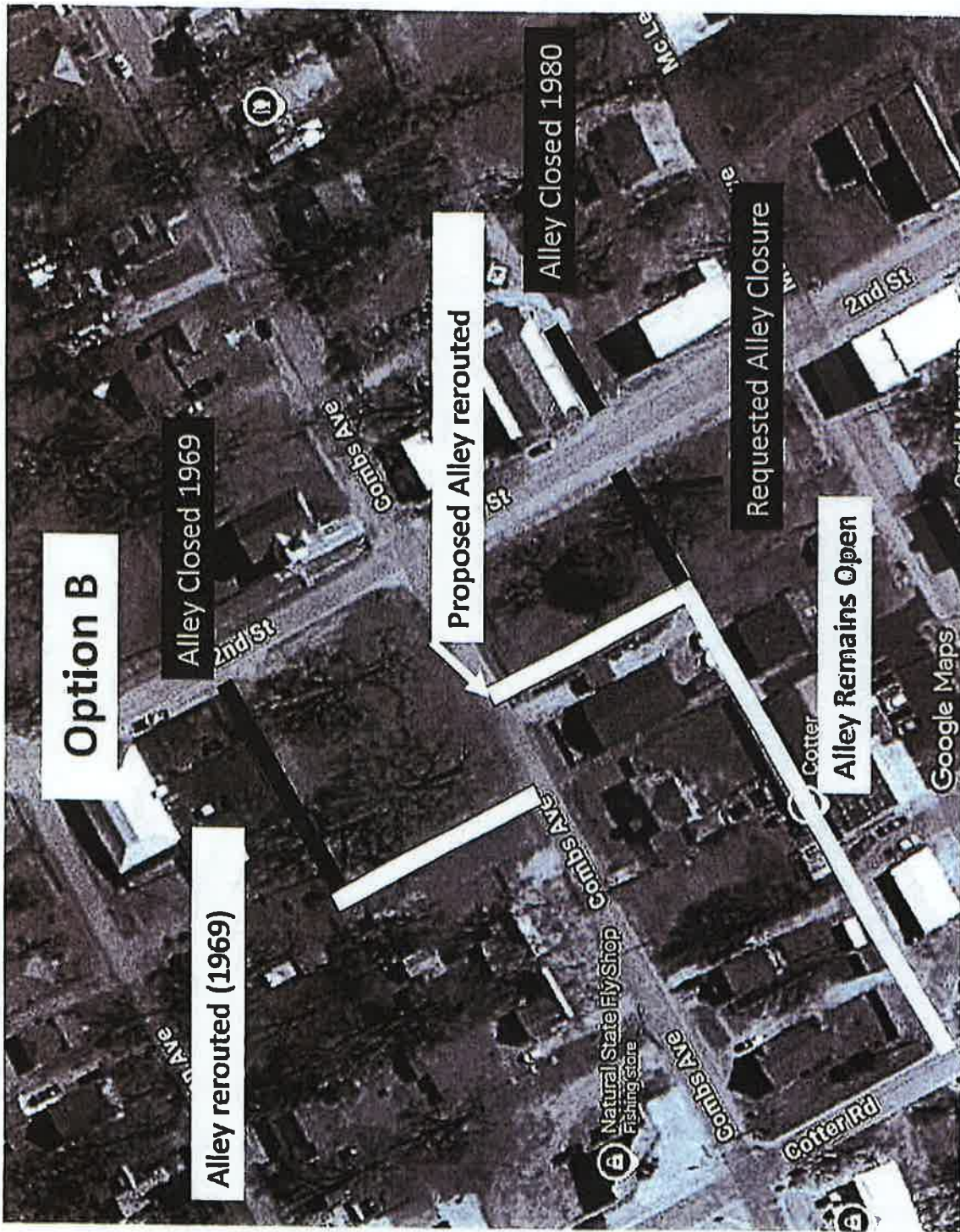
**Cotter Planning and Zoning Committee
Planning Meeting**

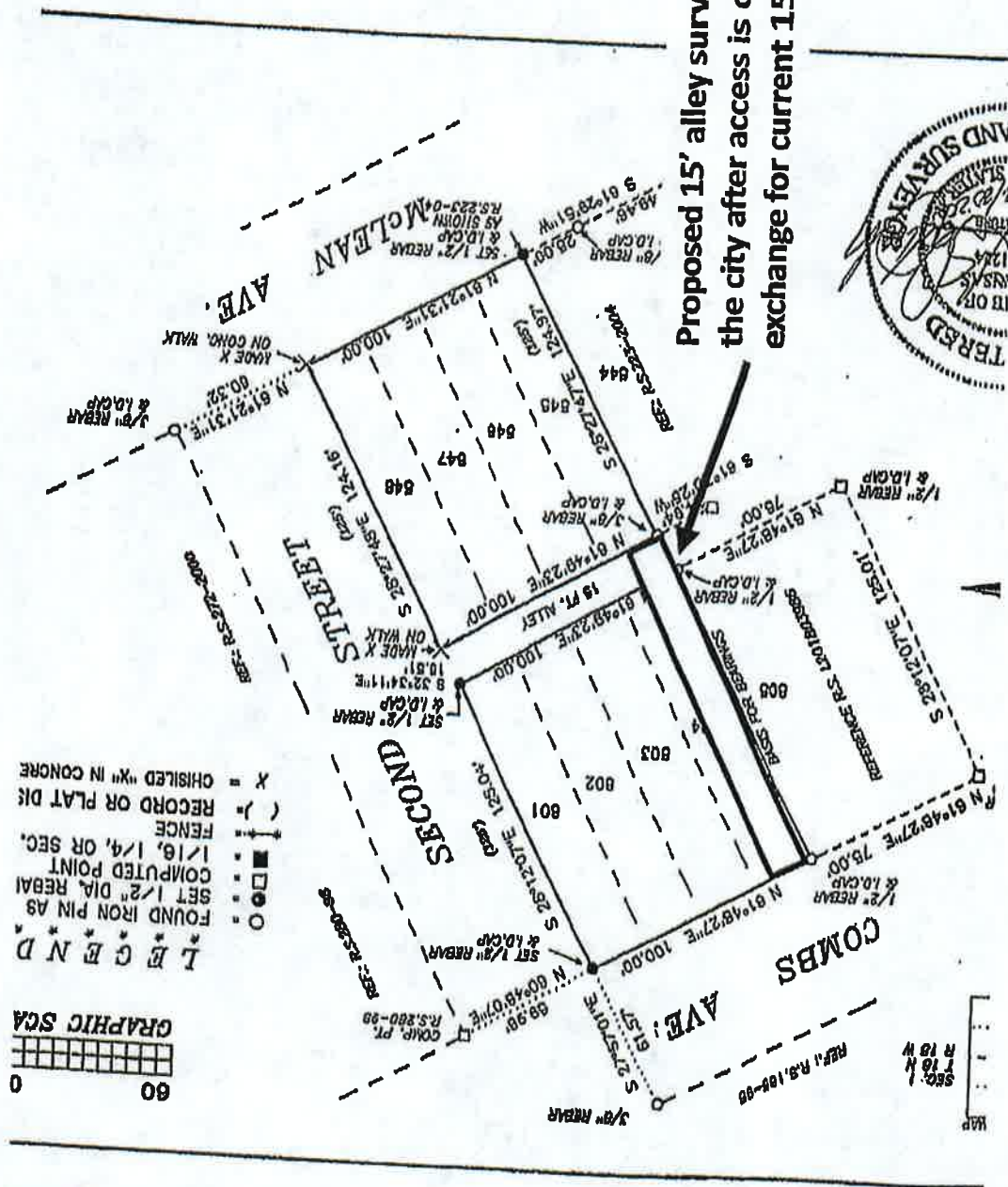
Meeting Agenda for Feb 16, 2026

5:00 p.m. City Hall, Cotter, AR 72626

- 1. Public Hearing Opens / Closes**
- 2. Planning meeting call to order**
- 3. Roll Call and Declaration of Quorum**
- 4. Reading and approval of minutes from previous P & Z Meeting**
- 5. Old Business**
 - a. Vote on request to close 100' of alleyway between McLean Ave. and Combs Ave. starting at second street dividing Cotter Lots 545-548 and 801-804. Information submitted prior to the meeting. Information from the vote will be presented to the City Council February 26th at the regular meeting - P&Z representative identified to present to council.**
- 6. New Business**
 - a. Accept Richard Pickers resignation**
- 7. Adjourn**







Proposed 15' alley survey & deeded to the city after access is created in exchange for current 15' alley closed

COTTER PLANNING AND ZONING PUBLIC HEARING

February 16, 2026-5:00 p.m. Cotter City
Hall Council Chamber

AGENDA

The Cotter Planning and Zoning Board will be holding a meeting for public comments at a hearing before the Cotter Planning Board at 5:00 pm on Monday, February 16, 2026, to address the closing of an alley between behind property located 106 Combs Ave (Lots #801, 802, 803, 805) and 155 McClean Ave (Lots #545, 546, 547, 548) starting at Second Street and stopping at Lots #805/544. The Public Hearing will be held at 115 McClean Ave, Cotter at 5:00 pm in the Cotter Council Chambers.

SIGN IN SHEET TO MAKE A COMMENT ON VACATING ALLEY

Nathan Buck

Cody Bartlett

Austin James

Steve Leiby

Kristi Mayo

Monty Shore

Samantha James

JOE BASS (CHARLIE HUGGINS)

REMOTE OWNER HUGGINS

1 NATHAN } AGAINST ALLEYWAY CLOSURES
2 BUCK }

4 CODY } OKAY w/ PROPOSED OPTION B
5 BARTLET } REROUTE option seems REASONABLE
6

8 AUSTIN } NEW DAD * SAFETY CONCERN
9 MIDDLEGROUND & REROUTE seem reasonable
10

11 STEVE } Pedestrian hazard - child or elderly
12 LEISLY } Does NOT see A NEED FOR A REROUTE
13 ALLEY @ ALL
14

15 CHRISTY } • Don't think current Alley s/B Reopened
16 • FOR REROUTE
17

18 Monty } WHY WAS THERE NOT A GRADING PLAN?
19 would like to see site plan?
20 Permit = PUBLIC DOCUMENT?
21

22 SAYS Alleyway SHOULD HAVE BEEN IN SITE PLAN
23 STATES THAT HE IS AGAINST THE CLOSING OF
24 ALLEY → MENTIONED BOOZE IN DIST. AREA
25 AGAINST WHOLE DEVELOPMENT

26 SAMATHA - TAKING over management of OTB -
27 MAKE DECISION ON SAFETY AND NOT AGAINST
28 JASON OR THE DEVELOPMENT
29

30 JOE BAEZ - JOE HUGGINS - Joe Read an
31 email; Lease Alleyway RATHER THAN GIVE
32 TO JASON
33

34 Joe → SHOULD HAVE BEEN DONE ON FRONT END NOT
35 BACKEND; NOW HAVE TO FIGURE OUT WHAT TO
DO.



Chairperson: Jason Nazarenko

Call To Order: Time: 5:00 PM By: Tim

Date: 2/16/2026

Roll Call:

Joe Ross X

Jason Nazarenko

Tim Risley X

Ben Woodard X

Mark Johnson

Linda Brazzel

Brazzel X

JACK CHRISTENSEN X

~~RICHARD PETERS~~

Mayor Carridine X

Mertice Kray (advisory position) X

(X=Present)

Quorum Declared; ✓ By Tim Risley (INTERIM MODERATOR)

Reading of Previous Meeting Minutes: Approved / Not Approved
Approved w/ noted changes

Old Business:

Discussion:

~~THE~~ OLD BUSINESS - NOTE TO CLOSE
ALLEY BETWEEN COMBS AN /ALCAN.
ISSUE DISCUSSED AND FORWARDED TO
A PUBLIC HEARING ON 2/16/26 05:00

Motion:

By:

Tim

Second:

LINDA

Pass/Fail

New Business:

Discussion:

- PUBLIC HEARING ON ALLEY CLOSURE...
140 CITIZENS IN ATTENDANCE.
- 8 FOLKS SIGNED UP TO SPEAK
 - JASON RECOUNTED HISTORY OF PROTECT TO DATE. PRESENTED INFO ON PERCEPENT FROM EARLIER APPROVED CLOSINGS AND EXPLAINED AN OPTION B FOR DOG-LEGGING ACCESS TO COMBS. HE ALSO STRESSED STEEP-KINES OF SAFETY.
 - PUBLIC SPOKE ~~BOTH~~ BOTH FOR AND AGAINST. SEE ATTACHED NOTES.

Motion:

By:

Second:

Pass/Fail

~~Now Business:~~

Discussion:

PUBLIC COMMENTS AGAINST CLOSURE
LEANED HEAVILY ON TIMING I.E. NOT
EXPLAINING THE PLANS BEFORE HAND
AND PREMATURE DIRTWORK.

- COMMITTEE DISCUSSION FOLLOWED...
JOE ROSS STATED THE DEVELOPER WAS
IN VIOLATION OF CITY PROPERTY AND
MADE A MOTION TO DENY CLOSURE....
MOTION DIED TO LACK OF A SECOND.

THE DEVELOPER ALSO SUBMITTED AN OPTION
OF DOG-LEGGING THE ALLEY TO THE NORTH
TO JOIN COMBS. THE 15' WOULD BE DEEDED
TO THE CITY. JOE ROSS QUESTIONED "WHY
NOT DIRECTED SOUTH". CONFLICTS W/ POWER
POLES WAS BROUGHT UP.

THE QUESTION OF GOING SOUTH TO MCLEAN
HAD BEEN MENTIONED IN THE MTG ON
1/29/26 BUT TAKEN NO FURTHER SINCE
SAID DISCUSSIONS NEEDED TO BE ADDRESS-
ED DURING PUBLIC HEARING.

- TIM RISLEY MADE A MOTION THAT
THE ALLEY BE CLOSED AND RE-ROUTE
PROVIDED TO COMBS AT DEVELOPER'S
EXPENSE AND ON HIS PROPERTY, IN
ACCORDANCE WITH "OPTION B" (ATTACHED)
SECOND BY JACK. TIM, BEN, JACK AND
LINDA IN FAVOR OF OPTION B....

JOE ROSS AGAINST... PASSED 4 TO 2
AND FORWARDED TO CITY COUNCIL
FOR REVIEW AND PUBLIC HEARING IF
THEY SO CHOOSE.

NEW BUSINESS - ACCEPT RICHARD PICKER'S RESIGNATION
FROM THE PAZ COMMISSION. MOTION
MADE TO ACCEPT.

Motion:

By: JACK

Second: BEN

Pass/Fail

Adjournment: Motion by: TIM Second: LINDA Time: 5:55

**Cotter Planning and Zoning Committee
Planning Meeting**

Meeting Agenda for Jan 27, 2026

5:00 p.m. City Hall, Cotter, AR 72626

- 1. Call to Order**
- 2. Roll Call and Declaration of Quorum**
- 3. Reading and approval of minutes from previous P & Z Meeting**
- 4. Old Business**
 - a. NONE**
- 5. New Business**
 - a. Hear information and request to close 100' of alleyway between McLean Ave. and Combs Ave. starting at second street dividing Cotter Lots 545-548 and 801-804. Information submitted prior to the meeting.**
 - b. Review City of Cotter Ordinance NO. 2024-06**

PD Ck# 1575

PAID

JAN 13 2026

BY pm

Request For Alley Closure

APPLICATION TO THE BOARD OF ZONING ADJUSTMENT

Applies to:

Appeals from a decision of the Building Official concerning his interpretation of the zoning regulations.

Requests for variances from the zoning regulations due to unique characteristics of the property. (Does not apply to a request for any use in a zone where said use is not permitted - this would require an amendment to the zoning regulations.)

Steps Involved:

Step 1

ANY PERSON or his legally designated agent, prepares an application for hearing before the Board of Zoning Adjustment. (Form #5 is provided on a following page.) The application is submitted to the Building Official with legible copies mailed to each member of the Board of Zoning Adjustment. The applicant is responsible for the mailing and delivery of copies.

The Secretary of the Board of Zoning Adjustment may schedule the public hearing on the application or he may defer this action to the Board. The Notice of Public Hearing must be published at least one time, not less than seven (7) days prior to the public hearing. (The content of this notice is shown on Form #5 herein.) (Chapter V, Section 8.A.). The advertising cost of publication of the Notice of Public Hearing is paid for by the Applicant.

Step 2

BOARD OF ZONING ADJUSTMENT holds the public hearing on the application. Following the hearing and reaching a decision the Board may either, (1) deny the application, (2) grant the request in a modified form, or (3) grant the request as submitted.

(An appeal from the decision of the Board of Zoning Adjustment may be made only in a court of record having jurisdiction - Chancery Court or Circuit Court - but not to the City Council.) (Arkansas Code 14-56-425)

RECEIVED

JAN 13 2026

CITY OF COTTER

APPLICATION FOR PUBLIC HEARING

TO THE COTTER BOARD OF ZONING ADJUSTMENT:

Application is hereby made to the Cotter Board of Zoning Adjustment pursuant to the Arkansas laws, Act 186 of 1957, Act of Arkansas, as amended, and the Cotter zoning regulations, Ordinance 158-71, as amended, requesting a hearing related to the following described property:

- 1) Legal Description: Cotter Lots 545-548 and 801-804
- 2) Street Address or approximation thereof: 302 Second Street
- 3) Title to this property is vested in the name of: Jason Nazarenko
Address: _____
- 4) (There are) (There are no) deed restrictions pertaining to the variance or appeal requested herein.
Any restrictions are described: N/A
- 5) The hearing is requested for the following reasons:
 - () Appeal from a decision of the Building Official concerning his interpretation of the zoning regulations. Explanation: Alley Closure between lots
Zoning Article# _____
 - ☒ Request for a variance from the zoning regulations due to the unique characteristics of the property. Explanation: ALLEY between Lot 545-548 AND 801-804 HAS NO UNDERGROUND UTILITIES - OWNER OWNS BOTH SIDE OF ALLEY.
Zoning Article# _____
 - () Request to (Remodel) (Expand) a nonconforming structure.
Explanation: _____
- 6) A map of the subject property is enclosed herewith as a means of illustrating the problem of concern. Where applicable, the map shows (1) the approximate dimensions of property lines and adjoining right-of-way, (2) approximate outline location of buildings with appropriate dimensions, and (3) land uses and owners names of adjacent properties.

NOTICE OF PUBLIC HEARING BEFORE
THE BOARD OF ZONING ADJUSTMENT

Notice is hereby given that an application by _____
For a hearing before the Cotter Board of Zoning Adjustment has been filed with the Board of Zoning
Adjustment wherein the (appeal or application) _____ for a variance is concerned with the property
located at _____
And the content of the application is described as follows: _____

A PUBLIC HEARING on said application will be held by the Cotter Board of Zoning Adjustment at
_____ AM/PM, on _____, 20_____ at Cotter City Hall.

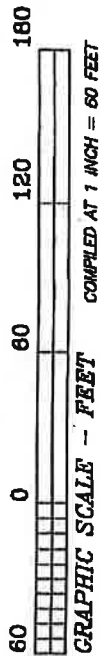
ALL PARTIES IN INTEREST MAY BE HEARD at said time and place or may notify the Board of Zoning
Adjustment by letter of their views on the matter.

THE APPLICATION is on file for public inspection at Cotter City Hall.

Dated this _____ day of _____, 20_____

Cotter Board of Zoning Adjustment,

By: _____
Chairman



DATE : JUNE 19, 2020
 JOB NO : 024-20
 FIELD BK, NO. : 01-20
 DRAWN : C.S.J.R.
 SURVEY : C.S.J.R. & G.L.S.
 SCALE : AS NOTED
 REFERENCES : PLAT OF COTTER
 SURVEYS AS NOTED

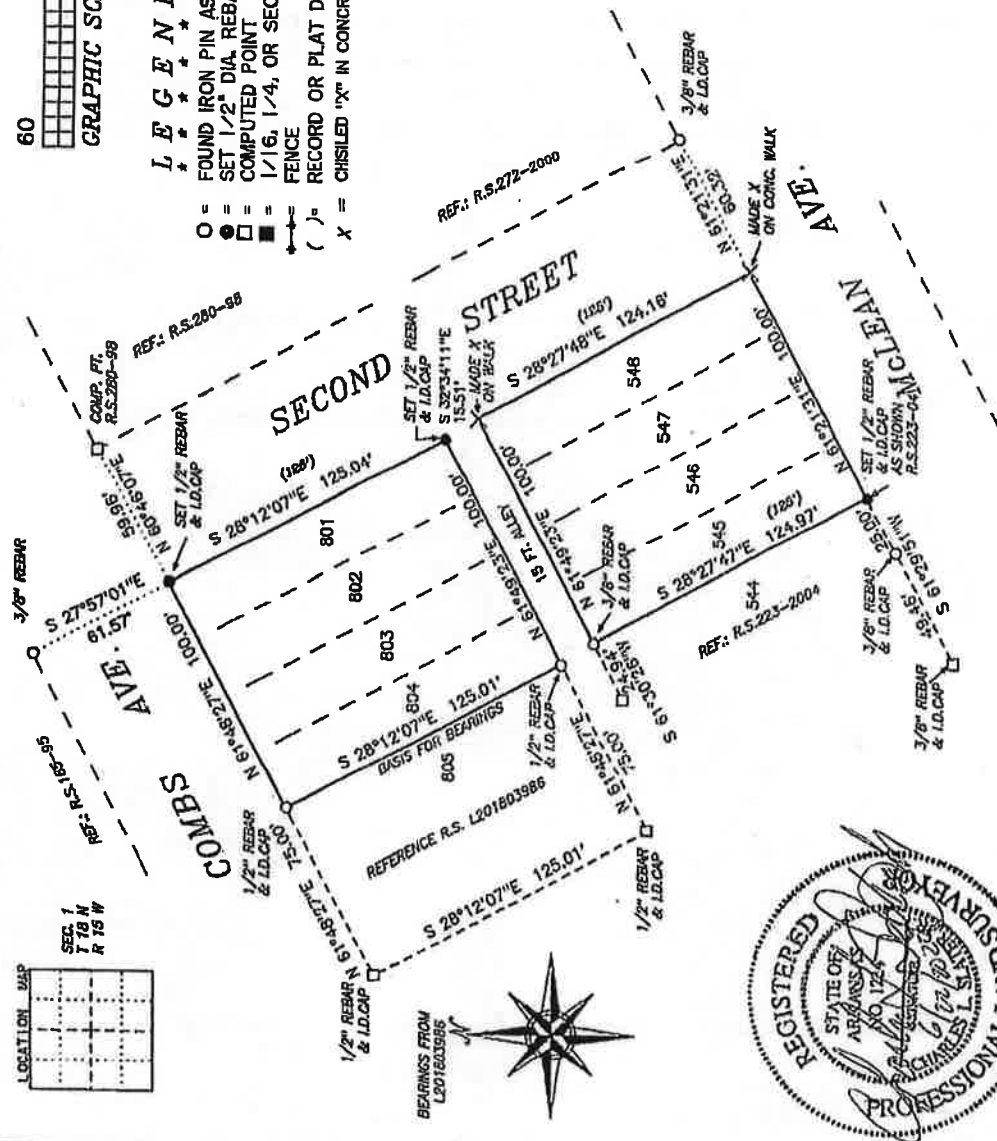
LEGEND
 * * * * *
 O = FOUND IRON PIN AS NOTED
 ● = SET 1/2" DIA. REBAR & L.D. CAP
 □ = COMPUTED POINT
 ─ = FENCE
 () = RECORD OR PLAT DISTANCE
 X = CHISELED "X" IN CONCRETE

SURVEY & PLAT FOR:
JASON NAZARENKO
COTTER, AR.
JUNE 19, 2020
DESCRIPTION:

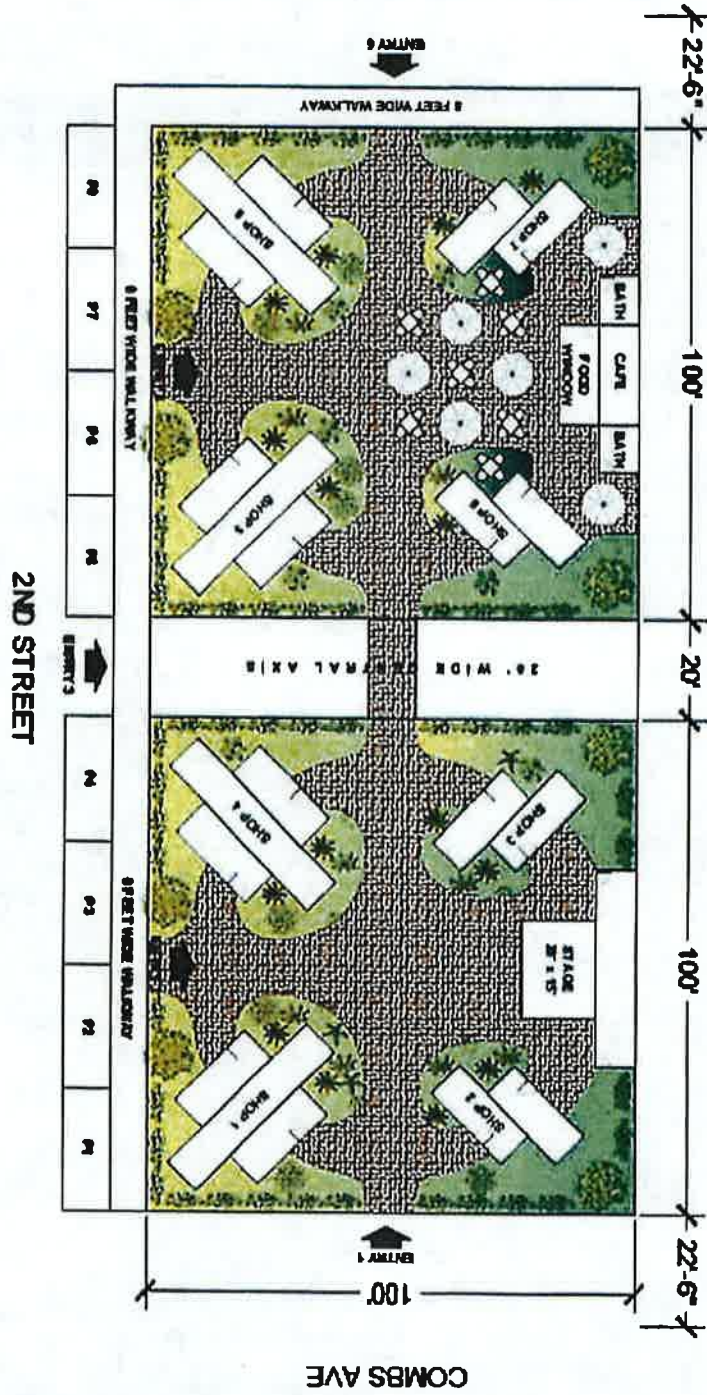
LOTS 801, 802, 803, 804
AND LOTS 545, 546, 547, 548
CITY OF COTTER,
BAXTER COUNTY, AR.

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BAXTER CO, AR FEE \$15.00
 PRESENTED: 06-22-2020 12:48:08 PM
 RECORDED: 06-22-2020 12:48:08 PM
 CANDA REESE
 COUNTY AND CIRCUIT CLERK
 BY: AMANDA SCHILING
 DEPUTY
PLATS AND SURVEYS
 1 Page

SSM
S Slater Surveying & Mapping
 POST OFFICE BOX 70
 CASSVILLE, ARKANSAS 72836
 (501) 435 - 8005
 CHARLES L. SLATER JR.
 (501) 405-0455



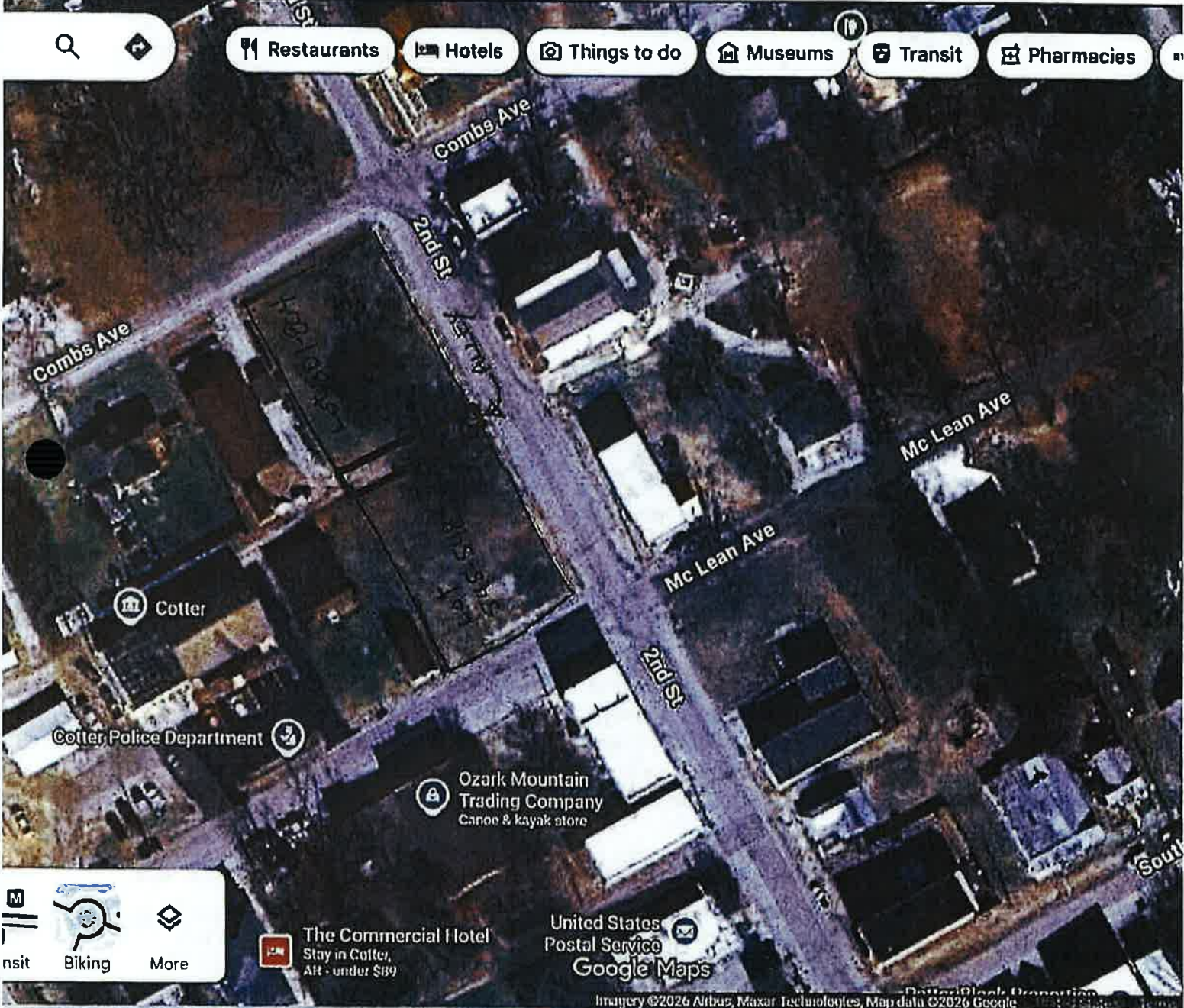
MCLEAN AVE



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SANDERS, MORGAN, CLARKE & FLOYD PLLC

ATTORNEYS AT LAW

701 SOUTH STREET

P.O. BOX 2308

MOUNTAIN HOME, ARKANSAS 72654

TED H. SANDERS, P.A.

ROGER L. MORGAN

ROBERT S. CLARKE, P.A.

CHRISTOPHER M. FLOYD, P.A.

(870) 425-2126

Fax: (870) 424-3447

January 29, 2026

VIA EMAIL:

mayor@cotterar.gov

Mayor Caradine

Re: Cotter Ordinance No. 2024-06

Dear Mayor Caradine,

At your request, I have reviewed the above-referenced Ordinance and various zoning regulations within the City of Cotter. The purpose of my review was to determine the legality of using shipping box containers and/or semi-truck trailers as mercantile or retail establishments. After review of such documents, my opinion is as follows:

1) The primary purpose of Ordinance No. 2024-06 is to prohibit the usage of shipping box containers and semi-truck trailers as PERMANENT STORAGE UNITS (emphasis added) in R-1, R-2, MU1, C-1 and C-2 zones. The Ordinance does not prohibit the usage of shipping box containers and/or semi-truck trailers for any other purpose, i.e. residential use, retail usage, etc. Specifically, in my opinion, the terms of the Ordinance do not prohibit the usage of such containers and trailers in a proposed retail project such as Outside the Box (OTB); and

2) It is my understanding that OTB is to be developed in an area which is zoned MU-1. One of the permitted uses of MU-1 is retail establishments providing goods and services. In my opinion, OTB falls squarely within the permitted uses of MU-1 (see pages 129.14 and 129.15 of the Cotter Zoning Regulations) and it would be proper for OTB to be in the proposed location.

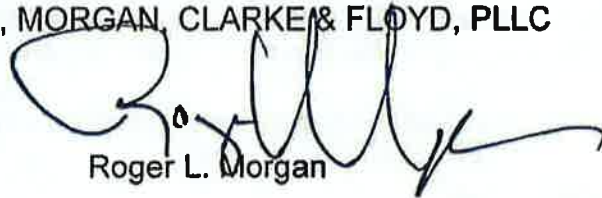
Therefore, in my opinion, OTB may consist of mercantile shops housed in shipping

box containers and semi-truck trailers in the presently proposed location.

Please contact me if you should have any additional questions or concerns.

Sincerely,

SANDERS, MORGAN, CLARKE & FLOYD, PLLC

A handwritten signature in blue ink, appearing to read "R. Morgan", is written over the printed name.

Roger L. Morgan

RLM:th

**CITY OF COTTER
ORDINANCE NO. 2024-06**

AN ORDINANCE REGULATING SHIPPING CONTAINERS AND SEMI-TRUCK TRAILERS FOR THE PURPOSE OF ANY TYPE OF STORAGE OR RESIDENTIAL USE IN RESIDENTIAL PROPERTIES IN THE CITY OF COTTER, ARKANSAS, DEFINING SUCH CONTAINERS AND FOR OTHER PURPOSES

WHEREAS, it has been determined that there is a need to regulate the use of certain containers and trailers for storage purposes within the city in residential areas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTER, ARKANSAS.

SECTION 1. DEFINITIONS.

- A. **SHIPPING BOX CONTAINER.** A container of which the corrugated wall panels, frame, cargo doors, and cross members are made of steel or Corten steel (aka weathering steel) for the purpose of shipping.
- B. **SEMI-TRUCK TRAILER.** A container whose primary purpose was to be used for transporting goods behind a tractor/truck that attached to the tractor/truck by a fifth wheel hitch. Typically consisting of two doors.

SECTION 2. RESIDENTIAL PROPERTY MINIMUMS.

Shipping Box Containers and Semi-Truck Trailer shall not be allowed as permanent storage units in Residential R1 and R2, MU1, C1 and C2.

That shipping box containers and semi-truck trailers shall only be allowed in Industrial zone I-1 or residential areas containing a minimum of (five) 5 acres of contiguous land and shall have a minimum setback of (thirty) 30 feet from the primary residence of the property and the property lines, no containers or trailers shall be placed over any city utility easement.

SECTION 3. PRE-EXISTING.

All containers and semi-trailers that are on residential property as of the passage and date of this ordinance qualify as pre-existing and are not subject to the enforcement or penalties of this ordinance.

SECTION 4. RESIDENTIAL HOME USE

Any shipping box containers or semi-truck trailers designed for residential homes use shall be submitted to the Planning and Zoning Board for review. The home shall be designed by a registered architect and/or engineer showing that the container home meets all city and state codes (i.e., structural, foundation, electrical, plumbing, mechanical, gas, energy, and fire safety IRC codes). Design plans shall be submitted to the Planning and Zoning Board prior to scheduling a public hearing.

SECTION 5. ENFORCEMENT/PENALTIES.

Any person, firm, or corporation deemed to be found guilty of this ordinance in the District Court (Cotter Division) shall be deemed guilty of a misdemeanor with a minimum fine of \$50 (fifty-dollars) up to a maximum of \$250 (two-hundred fifty dollars) with each day in violation counted as a separate offence.

SECTION 6. That all ordinances in conflict with this ordinance are hereby repealed. Any provision of

ORIGINAL

SECTION 6. That all ordinances in conflict with this ordinance are hereby repealed. Any provision of the older ordinance will remain in effect if they do not conflict with the later ordinance.

THEREFORE, BE IT ORDAINED by the City Council of the City of Cotter, Arkansas, as follows:

That it is hereby determined and declared that an emergency exists, and this Ordinance being necessary for the immediate preservation of the public peace, health, and safety, shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 25th day of July 2024.

McGeorge Caradine
McGeorge "Mac" Caradine, Mayor

ATTEST:

Andrea Kray
Andrea Kray, Recorder/Treasurer

ORIGINAL

5

5. Discussion of public safety impacts, emergency vehicle access, fire department access, utility access, drainage impacts, traffic circulation, and impacts to adjacent property owners and alleyways in the entertainment district.

Response:

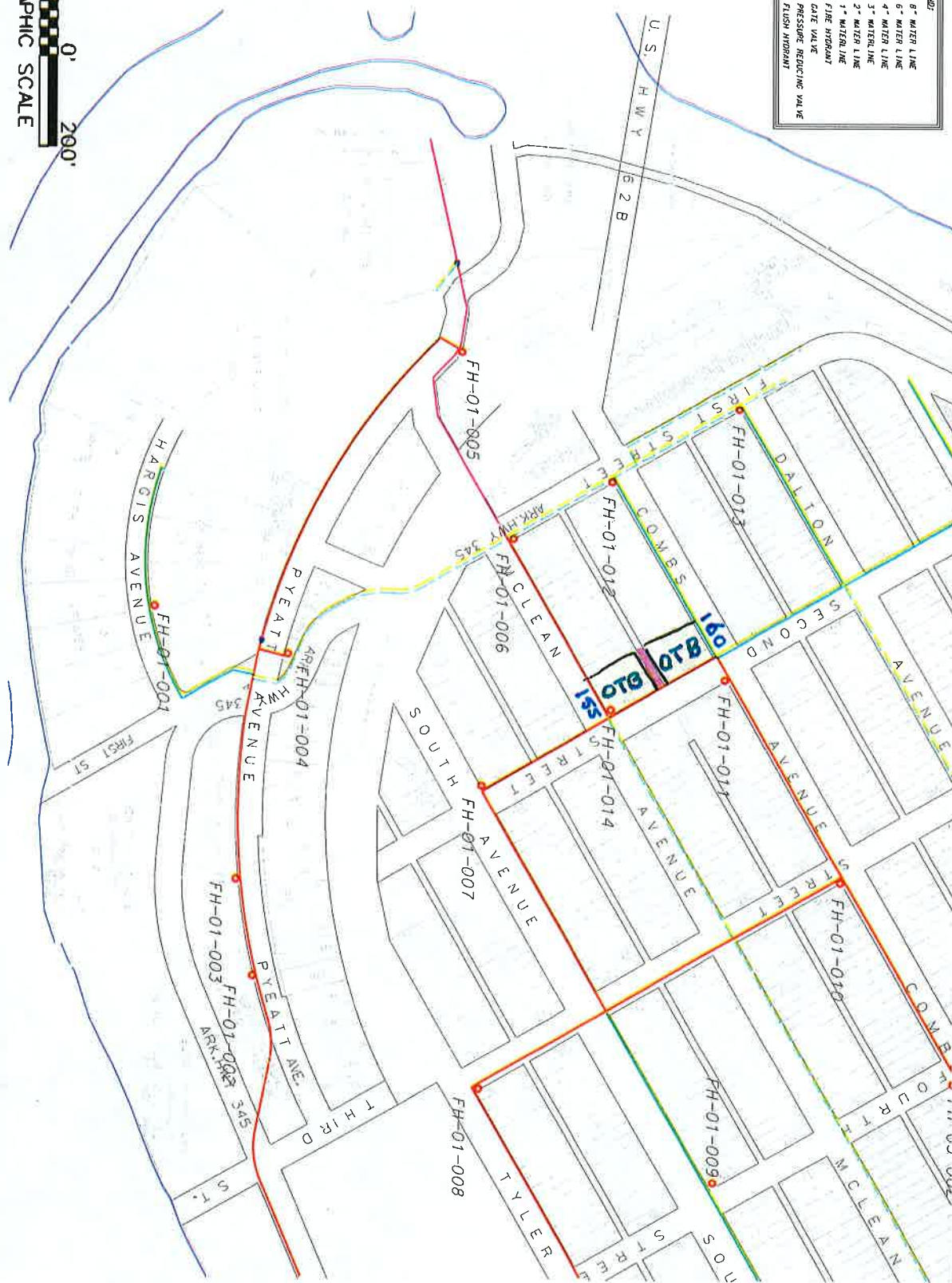
- a. Public safety, emergency vehicle access, fire department access, utility access, drainage, and traffic circulation are matters routinely reviewed by the Building Official (AHJ) and Fire Chief through the City's permitting and inspection processes during construction. These reviews ensure that emergency responders, utility providers, and the public maintain adequate access throughout the project.
- b. Based on current conditions, the CVFD Fire Chief and Asst Fire Chief have determined that emergency vehicles can adequately access the property for any medical calls, and the fire department has the fire equipment to adequately fight a fire at property and surrounding buildings in the entertainment district. There are eight (8) fire hydrants located in the Entertainment District for fire protection and water flow. Two are located on or across the street from OTB. The Building Official confirmed that the each retail/mercantile unit exceeds the minimum fire separation between units per code.
- c. During construction, the OTB developer installed two (2) surface drainage grates to correct the City's open storm drainage ditches located on the northwest and southwest corner of Combs Avenue. These drainage improvements were approved by the Building Official (AHJ) and installed by OTB at no cost to the City enhancing stormwater management on the Combs Ave side of the development in the entertainment district.
- d. To improve traffic circulation and reduce impacts on adjacent property owners, the developer constructed additional parking spaces on the north side of Combs Avenue. This added parking capacity is intended to minimize congestion and reduce overflow parking in the entertainment district.
- e. At no cost to the City, the developer will replace a portion of the City sidewalk adjacent to the project—from the alleyway to McLean Avenue that was removed by OTB due to existing deterioration. This improvement will enhance pedestrian safety and accessibility in the entertainment district.
- f. Construction activities and circulation planning have been coordinated to ensure that the adjacent alleyway maintains required access for utilities, drainage, emergency services, and neighboring properties. The alleyway will be fully restored and reopened upon project completion, consistent with City requirements.
- g. Any deficiencies identified during inspections may require corrective action prior to project completion or occupancy. All corrective measures must be completed to the satisfaction of the Building Official (AHJ).
- h. Final approval of the project will require verification that all applicable code requirements related to public safety, emergency access, utilities, drainage, traffic, and adjacent property impacts have been fully satisfied by the Building Official.

200' 0' 200'

GRAPHIC SCALE



LEGEND	
—	8" WATER LINE
---	6" WATER LINE
—	4" WATER LINE
---	3" WATER LINE
—	2" WATER LINE
---	1" WATER LINE
—	5" WATER LINE
---	4" WATER LINE
—	3" WATER LINE
---	2" WATER LINE
—	1" WATER LINE
---	0.5" WATER LINE
—	FLUSH HYDRANT
---	PRESSURE REDUCING VALVE
---	FLUSH HYDRANT



STRIDER CONSULTING
 1029 Hwy 201 N
 Mountain Home, AR 72653
 870-424-4330 phone/fax
www.striderconsulting.eng.pro

DRAWN BY:
 JOB #:
 DATE:
 REVISION:
 SHEET: SHEET 1



6

6. Consideration of an independent regulatory and code-compliance review to ensure transparency and public confidence in the City's permitting process.

Response:

- a. The City Council may consider whether an independent review is appropriate.
- b. If so, directed by the Council, an independent review can be performed using the following method:
 - identification of the scope of services;
 - procurement consistent with Arkansas procurement laws and City purchasing procedures.
 - budget authorization by council for these professional services; and
 - compliance with applicable purchasing and contracting requirements.
 - authorization by budget resolution must be approved by council after selection is made.

INTERGOVERNMENTAL COOPERATIVE AGREEMENT FOR THE PROCUREMENT OF PLANNING AND RELATED CONSULTING SERVICES

Pursuant to the authority granted municipalities in Arkansas to cooperate for their mutual benefit including without limitation Act 1 of 1875, the Arkansas Interlocal Cooperation Act, the cooperative purchasing provisions of the Arkansas Procurement Law, and common law of Arkansas, the municipalities identified on the signature below hereby enters this Agreement with such municipalities who reciprocally execute this Agreement in the same form and content hereof.

RECITALS

WHEREAS, the Parties are municipalities authorized under Arkansas law to exercise local governmental powers; and

WHEREAS, pursuant to the Arkansas Interlocal Cooperation Act, Ark. Code Ann. 25-20-101 *et seq.*, municipalities may jointly exercise powers and cooperate in the performance of governmental functions; and

WHEREAS, the Arkansas Procurement Law, more specifically Ark. Code Ann. 19-61-801 *et seq.*, municipalities are further authorizes municipalities to join together for the cooperative purchasing of services; and

WHEREAS, the municipalities who have joined in on this Agreement have recognized that their master plans are outdated and need to be updated and brought up to meet current state law, including planning and zoning regulations; and

WHEREAS, the Parties desire to cooperatively procure professional planning and related consulting services including comprehensive master plan updates, zoning ordinance revisions, subdivision regulations, land use mapping, and related advisory services; and

WHEREAS, cooperative procurement of these services will reduce administrative duplication, improve efficiency, and reduce overall cost

NOW, THEREFORE, in consideration of the mutual covenants contained herein and of the mutual benefits to result, the Parties hereto agree as follows:

Article I. Definitions

Agreement means this Intergovernmental Cooperative Agreement for the Procurement of Planning and Related Consulting Services.

Consultant means the professional planning or consulting firm selected under this Agreement.

Lead Member means the City of Gassville, Arkansas

Participating Member means any municipality executing this Agreement.

Services means professional planning, zoning, land use, development code drafting, public engagement, advisory services, and any other ancillary services related to planning that may be required by Participating Members.

Article II. Purchasing Services

- a. *Obligations.* A Party that elects to participate in this Agreement will take reasonable steps to facilitate participation, including:
 1. Appointment of a representative;
 2. The timely execution of documents;
 3. Attendance at meetings if necessary;
 4. Sharing information that is not confidential; and
 5. The timely payment of proportionate costs, as described in this Agreement.
- b. *Procurement Procedures.* The cooperative procurement of Services under this Agreement shall be conducted with and subject to the relevant statutes, ordinances, and regulations, that govern the Lead Member's procurement practices. As part of the procurement process, Participating Members may appoint a representative to assist Lead Member in the evaluation of bids and qualifications. Prior to the cooperative procurement of Services under this Agreement, Parties shall meet in Gassville, Arkansas to prepare and approve: (1) specific scope of services each Party is in need of; (2) a schedule to complete necessary tasks that take into account the least amount of consultant travel and training in order to reduce costs; and (3) a cost share agreement in accordance with Paragraph e of Article II in the instance the procured Consultant is unable to allocate and bill costs separately to each Party
- c. *Services.* The lead member, with assistance from participating members, will initiate and conduct the procurement of a consultant experienced in the field of urban planning with specific expertise in the State of Arkansas. The consultant services will include, but are not limited to the following:
 1. Meet with representatives of the participating members to outline the necessary steps to prepare urban plans and enforcement regulations that meet current state and federal imperatives as of the initiating date.
 2. Evaluate the existing urban plans and enforcement regulations for each participating city and prepare reports of needed updates and improvements.
 3. Prepare and submit a schedule for guiding the preparation and needed updates, said schedule to synchronize needed times and dates of local meetings in order to minimize the need for consultant travel. Plan and execute a unified community engagement approach carried out for each participating city.
 4. Prepare and submit revised and individual urban plans and regulations for each participating city.

5. Oversee the adoption of revised urban plans and regulations in accordance with existing state statutes.
 6. Prepare and submit a final strategy for maintaining updated plans and regulations.
- d. *Relevant Information.* The Lead Member, upon request, shall make available to each Participating Member information that is relevant to the cooperative procurement of Services. As permitted by law, a Lead Member may require Participating Members to execute an agreement to prevent the disclosure of nonpublic information described in Ark. Code Ann. 25-19-105(b) as a condition to receive information about the cooperative procurement under this Agreement.
- e. *Contract Structure and Privity.* The master consulting agreement shall be executed by the Lead Member. The procurement of Services made pursuant to this Agreement shall include the following statement: The procurement is made as part of a cooperative agreement among participating municipalities that shall each share privity of contract with the Consultant.
- f. *Payment and Cost Sharing.* If feasible, the Consultant chosen shall allocate costs proportionately to the members based on the Services provided to each member and bill each member separately for their allocated costs. Each member will make timely payments for Services procured under this Agreement in accordance with the terms and conditions of this Agreement and any related contracts thereto. Unless the chosen Consultant is unable to allocate costs proportionately to members under this Paragraph e, the Lead Member will make payments directly to Consultant and invoice each Participating Member for their proportionate share of the costs of procurement and the costs of the Services procured. The Lead Member may require security for payments made in advance for a Participating Member.
- g. *No Shared-Liability.*
1. The Lead Member shall not be liable in any manner for any act or omission by a Participating Member, and, to the extent permitted by applicable law, the Participating Member shall hold the Lead Member harmless from any liability that may arise from the acts or omissions of the Participating Member.
 2. A Participating Member shall not be liable in any manner for any act or omission by the Lead Member, and, to the extent permitted by applicable law, the Lead Member shall hold Participating Members harmless from any liability that may arise from the acts or omissions of the Lead Member.
 3. This Article II, Paragraph f shall not be construed to constitute a insurance or a waiver of immunity by any Party.
- h. *Enforcement Against Consultant.* The exercise of any rights or remedies against the Consultant procured under this Agreement by Lead Member shall be the exclusive obligation

of the Lead Member. The exercise of any rights or remedies against the Consultant procured under this Agreement by a Participating Member shall be the exclusive obligation of such Participating Member. This Section shall not be interpreted to preclude cooperation among Lead and Participating Members against the Consultant procured under this Agreement.

ARTICLE III. APPROVAL, IMPLEMENTATION, AND TERMINATION

- a. *Effective Date of Agreement.* This Agreement shall be effective from and after execution by two or more entities eligible to become Parties to this Agreement. Each Party executing this Agreement shall reasonably provide notice to other Parties to this Agreement which may be facilitated by email or through other Parties. Upon request, a Party shall provide evidence of execution of this Agreement.
- b. *Amendment.* This Agreement shall only be amended, modified, or otherwise changed by: (1) prior written consent of all the Parties, who at the time have not terminated their Agreements or given notice of the termination thereof.
- c. *Termination.* As to each Party, this Agreement shall remain in effect until such Party has provided ninety (90) days' written notice of termination to the other Parties. Termination shall not alter any existing obligations under this Agreement. Any financial obligation or obligation related to confidential information incurred by a Party under this Agreement shall survive termination. Upon receiving notice of termination, nonterminating Parties shall reasonably mitigate the costs of terminating Parties.

ARTICLE IV. DISPUTE RESOLUTION

- a. *Negotiation.* The Parties shall attempt to resolve any dispute arising under this Agreement through good faith discussions between the chosen representatives of each Party.
- b. *Mediation.* If a dispute is not resolved through good faith discussion between respective representatives, the Parties shall attempt to resolve such dispute through mediation, with each Party paying its own costs and attorney fees and evenly dividing the costs of an impartial mediator, prior to the filing of any lawsuit. Except as may be agreed between the Parties, mediation shall occur in the city where a Party that did not demand mediation is located within ninety (90) days of demand issued by either Party. Upon receiving a demand for mediation, any Party who refuses to mediate, fails to respond, fails to select a mediator from a proposed list of ten or more qualified mediators, or fails to select a date and time for mediation from a list of ten or more dates, shall be in breach of this Agreement and liable for all costs related thereto.
- c. *Failed Mediation.* If a dispute is not resolved through mediation, a Party may pursue such other remedies as may be available at law or equity.

ARTICLE V. MISCELLANEOUS

- a. *Timely Performance.* Unless stated otherwise, when timely performance of an obligation is required under this Agreement, performance shall be made within twenty (20) days.
- b. *Assignment.* No Party shall assign any right under this Agreement without prior written consent of all other Parties to this Agreement.

- c. *Applicable Law.* This Agreement shall be construed and enforced in accordance with the laws of the State of Arkansas.
- d. *Third Party Legal Challenge.* In the event that legal action or proceeding is commenced by any person or entity other than a Party to challenge this Agreement, each Party may elect to tender its defense individually or collectively as a group of Parties. Notwithstanding the previous sentence, no Party shall agree to the settlement of a Third-Party Challenge without the consent of all affected Parties.
- e. *Non-waiver.* No delay or failure to exercise any right under this Agreement shall impair any such right or be construed to be a waiver thereof. No waiver shall be effective unless in writing signed by the Party waiving. A waiver of a right on one occasion shall not be deemed to be waiver of such right on any other occasion. A waiver of a right on one occasion shall not be deemed to be a waiver of any other right on that occasion.
- f. *Authority.* The persons executing this Agreement each represent and warrants that he or she is: (a) duly authorized by his or her respective governing body to bind the same to the terms contained herein; and (b) hereby binds their respective governing body to the terms contained herein as evidenced by his or her signature below.

[SIGNATURE PAGES FOLLOW]

FOR _____:
Name of Municipality

Signature: _____

Printed Name: _____

Title: _____

Date: _____

City: _____

Address: _____

Point of Contact: _____

Email: _____

Phone Number: _____

7

7. Discussion and possible action regarding any corrective measures necessary to ensure compliance with applicable laws, ordinances, engineering standards, and public safety requirements.

Response:

- a. The compliance with applicable laws, ordinances, engineering requirements, and public safety standards is an ongoing part of the permitting, inspection, and occupancy process and shall be verified by the Cotter Building Official (AHJ) to ensure the project is in compliance before a Certificate of Occupancy is issued.
- b. Any corrective actions identified through inspections, engineering review, fire code inspection, or public works review shall be addressed by the Building Official (AHJ), by notifying the developer that corrective action is needed and compliance shall be met prior to the final inspection.
- c. The City Council may request updates or reports from the Building Official but does not administer or enforce corrective actions. All corrective measures are handled through the established code-enforcement and inspection process.
- d. A Certificate of Occupancy shall not be issued unless all applicable requirements have been satisfied by the AHJ.

Authority of the Building Official

Under Cotter Municipal Code §14.04.07 and the Arkansas-adopted 2021 International Building Code (IBC), the Building Official is designated as the **Authority Having Jurisdiction (AHJ)**. As AHJ, the Building Official holds exclusive authority to:

- Review permit applications
- Determine what documents are required at time of permit issuance
- Issue building permits
- Conduct inspections
- Require corrective measures
- Issue certificates of occupancy
- Issue stop-work orders (IBC §115)

Neither the Mayor nor the City Council may override or assume any enforcement authority assigned to the AHJ.