

**COTTER CITY COUNCIL
SPECIAL MEETING MINUTES
August 3, 2026
6:00 p.m.
COUNCIL CHAMBERS**

The Special 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.

NEW BUSINESS

To open the meeting, Mayor Caradine explained the receipt of 3 letters from Councilwoman Carolyn Gill, Councilman Joe Bass, and Councilwoman Nicole Hatchet requesting a special meeting to review 7 agenda items relating to the Outside the Box Development Project. He read his cover letter of the documentation provided 10-days prior and posted the documentation on the City of Cotter's website.

He explained that he'd proceed with the agenda and asked Council to limit their questions and discussion to the item number that was currently being address. Councilwoman Nicole Hatchet said she wrote her questions on the pages of the documentation, and "could she go back if needed?"

Mayor Caradine then read Agenda Item #1-Review of the OTB Development Project and all permits, approvals, and authorizations issued by the City. Councilman Joe Bass started reading questions from a citizen's cell phone pertaining to permitting and who oversees said permits. Mayor Caradine explains the permits he is asking about were in Section 2 and that our city building official oversees and approves all permits. Councilwoman Nicole Hatchet asks who our building official is and if it is Justin, is Justin qualified? Mayor Carradine confirms that it is Justin Morrow. He further explains that Justin is well qualified as he is a state licensed inspector and is complying with the IBC section of building codes and following all Arkansas law pertaining to the permits issued. OTB has also hired Strider Consulting as their consulting engineer firm.

Councilman Joe Bass asks if these steps and procedures can be seen? If someone wanted to see, could they FOIA and wonders if all of this has been done legally. He then apologizes to the audience for not knowing that this wasn't a public hearing tonight.

At this time the City's Attorney Roger Morgan asks Mayor Caradine if he could have Justin Morrow explain the process of the inspections for the OTB Development Project. Justin Morrow explains the coding process pertaining to footing and foundations and then the second steps when the developers and contractors come in and then more inspections occurring by him as the development progresses along in the construction process.

Councilman Joe Bass questions about proper disposal of construction material. Justin Morrow confirms that materials are being disposed of properly. Councilwoman Nicole Hatchet states that that's a huge responsibility. Justin Morrow responds that he doesn't take his job lightly and furthermore at changes of occupancy, he will ensure that each building is brought up to code to represent that change if it occurs.

Councilwoman Carolyn Gill questions Resolution 2024-06 pertaining to shipping containers. City attorney Roger Morgan reads from said resolution stating the law is very strict about restricting a person's use of one's own property. However, the key word is storage. Resolution 2024-06 is restricting personal use of shipping containers for storage on personal property. Councilman Joe Bass interjects the keyword is "storage" and how one interprets the verbiage as he feels that this entire OTB project is storage. That these businesses are storing products to sell.

Mayor asks for any more discussion pertaining to Agenda Item #1 and hearing none proceeds to read Agenda Item #2-Review of building permit approvals, engineering documentation, and professional engineer certifications submitted in support of the project.

Councilwoman Carolyn Gill questions the lack of a date on the letter from Potter Block Properties. Mayor Caradine explains the codes and how the building permits approvals and certifications supporting the project and that he specifically asked Jason Nazarenko to provide said letter as there had been such community concern after the announcement of the project.

Mayor Caradine reads Agenda Item #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. Mayor Caradine Shared that Justin Morrow is the building code enforcer and only the building authority can issue a stop work order. Justin Morrow explains that the only time he can stop someone from doing construction is if they do not have a permit. Mayor Caradine then asks Justin Morrow If there has been any evidence to issue a stop work order and Justin responds "no".

Mayor Caradine reads Agenda Item #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.

Councilman Joe Bass asks is there any specifics or conditions on putting the alleyway back in? Justin Morrow states right now since it isn't a constructed street that he is watching for settling and erosion. Councilman Joe Bass asks if there is going to be a curb and Justin Morrow responds that no there is not but there will be a lip as it will not be a flat surface. Councilman Joe Bass states he is concerned about safety, and he understands that the Police Department will not currently be using the alleyway. Justin Morrow states that he is looking into signage to erect for The Walking path between the two sides of the development across the alleyway. Sergeant Michael Patterson speaks to clarify that the Police Department said it will no longer use the alleyway.

Mayor Caradine then reads Agenda Item #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. Mayor Caradine asks Fire Chief Lyle Jack to address any concerns he might have pertaining to a fire within the development. Fire Chief Lyle Jack states he didn't see a problem with access to any portion of the development, especially with the length of hoses currently being used by the department. Mayor Caradine points out the hydrants in the area, and Justin Morrow also states that the development will be ADA compliant.

Councilwoman Carolyn Gill states that the developer (Jason Nazarenko) has admitted that he took out a gas line. Justin Morrow informs her that the gas line was not taken out but was capped. The last house using gas from that line is Joe Bass's on Combs Ave.

Mayor Caradine also informed the developer (Jason Nazarenko) that the city did not have money to replace the sidewalks, and the developer is not only replacing city sidewalks but upgrading the drainage and creating additional parking across Combs Ave for the development. Councilwoman Carolyn Gill compliments the drainage put in around the development.

Mayor Caradine reads Agenda Item #6-Consideration of an independent regulatory and code-compliance review to ensure transparency and public confidence in the City's permitting process. Mayor Caradine explains the pending intergovernmental cooperative agreement for the procurement of planning and related consulting services. Councilwoman Carolyn Gill asks what that has to do with anything pertaining to OTB. Mayor Caradine states "nothing", but Recorder/Treasurer asks if she can explain why it does pertain to the question asked in Agenda Item #6. She explains that the three council members asked the City of Cotter for consideration of an independent regulatory and code compliance review to ensure transparency and build confidence in the city's permitting process. She further explains that at the last council meeting the City

Council members heard from the Gassville Mayor and his proposal of the intergovernmental cooperative agreement that all council members voted to enter that agreement at that meeting. That agreement once in place will provide the City of Cotter with a code compliance review that ensures transparency and should provide confidence in the city's permitting process, but until then Council would have to wait to use these services of planning, zoning, land use, development code drafting, public engagement and any other ancillary services related to planning.

Mayor Caradine read Agenda Item #7-Discussion and possible action regarding any corrective measures necessary to ensure compliance with applicable laws, ordinances, engineering standards, and public safety requirements. Councilman Joe Bass asks what is necessary to halt construction? Justin Morrow responds that if something is being done or is out of code then he is the only one that can halt or issue a stop work order.

Mayor Caradine asks if there are any further discussion and hearing none, he 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 6:58 p.m.

APPROVED:



Mayor McGeorge Caradine

ATTEST:



Recorder/Treasurer Andrea Kray