

SCHEDULED COMMITTEE MEETINGS to be held in the Multi-Purpose Room #236, second floor of the City Administration Building, 201 Spring Street:

- **Monday, June 15th, 5:30 p.m. is the next Committee meetings.**
 - **Committee agendas will be available on Friday, June 12th, 2015.**

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, June 9th, 2015**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Mayor Sprouse

6:00 p.m. **OFFICIAL AGENDA**

1. *Large Print* agendas are available at the back of the room, next to the main entrance.
2. Call to Order - Mayor Doug Sprouse
3. Roll Call – City Clerk Denise Pearce

Recognition of a Quorum.
4. Comments from Citizens

The Council will hear brief comments from citizens during this period on issues not on the agenda. No action will be taken tonight. All comments will be taken under advisement.
5. Approval of Minutes
 - a) May 26th, 2015 (2-13)
6. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers....7a; 8a* (Motion must be approved by two-thirds (2/3) of the council members).
7. Ordinance Committee Report and Recommendations by Chairman Mike Overton:
 - A. **An Ordinance** amending Section 98-58 of the Code of Ordinances of the City of Springdale, Arkansas; to declare an emergency; and for other purposes. (Pertaining to abandoned and unsafe signs.) Committee Recommended approval. Presented by: Ernest Cate, City Attorney
8. Planning Commission Committee Report and Recommendations by Patsy Christie, Planning Director:
 - A. **An Ordinance** accepting a new addition to the City of Springdale, Arkansas to be known as the final plat of Ozark Center Point Place, West Phase 1, a subdivision to the City of Springdale, Arkansas, and declaring an emergency. (17-19)
9. Comments from Department Heads.
10. Comments from Council Members.
11. Comments from City Attorney.
12. Comments from Mayor Sprouse.
13. Adjournment.

**SPRINGDALE CITY COUNCIL
MAY 26, 2015**

The City Council of the City of Springdale met in regular session on May 26, 2015, in the City Council Chambers, City Administration Building. Mayor Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Rick Culver	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Eric Ford	Ward 1
Mike Lawson	Ward 4
Rick Evans	Ward 2
Jim Reed	Ward 1
Kathy Jaycox	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Wyman Morgan	Director of Finance & Admin.
Mike Peters	Police Captain
Patsy Christie	Planning Director
Mike Irwin	Fire Chief
Mike Chamlee	Buildings Director
Sam Goade	Public Works Director
Brad Baldwin	Engineering Director
Bill Mock	Parks & Recreation Director
Gina Lewis	Human Resource Director
Courtney Kremer	Animal Services Director

EXPANDED DOWNTOWN MASTER PLAN PRESENTATION

John Hoal, H# Studios, gave a presentation on the planning process for the expanded Downtown Master Plan.

APPROVAL OF MINUTES

Alderman Reed moved the minutes of the May 12, 2015 City Council meeting be approved as presented. Alderman Evans made the second.

There was a voice vote of all ayes and no nays.

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Alderman Reed made the motion to read all Ordinances and Resolutions by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Alderman Jaycox made the second.

The vote:

Yes: Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans, Reed

No: None

RESOLUTION NO. 57-15 – AUTHORIZING THE TEMPORARY OPERATION OF A CARNIVAL AT PARSONS STADIUM RODEO ARENA

Wyman Morgan presented a Resolution authorizing the temporary operation of a carnival at Parsons Stadium Rodeo Arena located at 1423 Emma Avenue, put on by Ed Burlingame with Pride Amusements.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE TEMPORARY OPERATION OF A CARNIVAL

WHEREAS, Rick Culver, Executive Director from the Rodeo of the Ozarks has requested permission to conduct a Carnival entertainment event at the Parsons Stadium Rodeo Arena located at 1423 Emma Avenue, put on by Ed Burlingame with Pride Amusements, LLC; and

WHEREAS, Pride Amusements, LLC carnival dates will be Wednesday, June 17th, thru Sunday, June 21st, 2015, and

WHEREAS, the carnival's hours of operation will be Wednesday, June 17th thru Saturday, June 20th, 2015, from 4:00 p.m. – Midnight and Sunday, June 21st, 2015 from noon to 8:00 p.m.; and

WHEREAS, Sec. 26-43 of the Springdale Code of Ordinances provides that the operation of a carnival, sideshow or other similar amusement facility within the city must be approved by resolution adopted by the city council,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Rick Culver, Executive Director with the Rodeo of the Ozarks and Ed Burlingame with the Pride Amusements, LLC., is hereby authorized to conduct a carnival entertainment event in Parsons Stadium Rodeo Arena located at 1423 Emma Avenue, June 17th thru June 21st, 2015, with the carnival opening and closing times listed above. In case of a rain out, the Mayor has the authority to reschedule this event.

PASSED AND APPROVED this ____ day of May, 2015.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Evans made the second.

The vote:

Yes: Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox

Recuse: Culver

The Resolution was numbered 57-15.

RESOLUTION NO. 54-15 – APPROPRIATING CAPITAL IMPROVEMENT FUNDS
FOR THE ENGINEERING AND DESIGN OF THE FUTURE DEVELOPMENT OF
THE NORTHWEST PARK FOR REIMBURSEMENT TO THE PARK BOND
CONSTRUCTION FUND

Alderman Evans presented a Resolution appropriating capital improvement funds for the engineering and design of the future development of the Northwest Park for reimbursement to the Park Bond Construction Fund.

RESOLUTION NO. _____

**A RESOLUTION APPROPRIATING CAPITAL
IMPROVEMENT FUNDS FOR THE ENGINEERING
AND DESIGN OF THE FUTURE DEVELOPMENT
OF THE NW PARK**

WHEREAS, the City of Springdale expended funds for the engineering and design of the NW Park from the Park Bond Construction Fund, and;

WHEREAS, after a review of the bids and contracts related to the development of the SE Park, the City administration has determined it will be necessary to delay the development of the NW park and allow citizens to utilize it as a nature park until developed in the future, and;

WHEREAS, since the development of the NW Park has been delayed, the funds spent from the Park Bond Construction Fund need to be reimbursed;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that \$363,760.00 of capital improvement funds reserved for park land acquisition are hereby appropriated for reimbursement to the Park Bond Construction Fund for expenditures on engineering and design of improvements to the NW park.

PASSED AND APPROVED this ____ day of May, 2015.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Evans made the second.

The vote:

Yes: Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver

No: None

The Resolution was numbered 54-15.

ORDINANCE NO. 4916 – APPROVING A 2 YEAR EXTENSION OF, AND A 4TH AMENDMENT TO, A SANITATION SERVICE CONTRACT WITH SUNRAY SERVICES, INC. (NOW WASTE MANAGEMENT OF ARKANSAS, INC.), FOR THE PROVISION OF COLLECTION, RECYCLING, COMPOSTING, TRANSFER AND DISPOSAL OF SOLID WASTE; DECLARING THE EXISTENCE OF EXCEPTIONAL CIRCUMSTANCES MAKING THE COMPETITIVE BIDDING PROCEDURE NOT FEASIBLE OR PRACTICAL; AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Alderman Reed presented an Ordinance approving a two year extension of, and a 4th amendment to a sanitation service contract with Sunray Services, Inc. (now Waste Management of Arkansas, Inc.) for the provision of collection, recycling, composting, transfer and disposal of solid waste; declaring the existence of exceptional circumstances making the competitive bidding procedure not feasible or practical and authorizing the Mayor to execute the contract on behalf of the City.

The contract will be amended to include commercial hand-collect trash and recycle service for small commercial businesses that generate less than two cubic yards of solid waste per week, and this will make the contract more consistent with the Code of Ordinances of the City of Springdale, Arkansas. The contract will be extended for an additional two (2) year term as provided in the attached "Fourth Amendment to Sanitation Service Contract".

After the reading the title of the Ordinance, Alderman Reed moved the Ordinance "Do Pass". Alderman Jaycox made the second.

The vote:

Yes: Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson

No: None

The Ordinance was numbered 4916.

ORDINANCE NO. 4917 – REZONING 1.976 ACRES OWNED BY YOLANDA FITZGERALD LOCATED AT 1918 FITZGERALD LANE, FROM A-1 TO SF-1 AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 1.976 acres owned by Yolanda Fitzgerald located at 1918 Fitzgerald Lane, from A-1 to SF-1 and declaring an emergency.

Planning Commission recommended approval at their May 5, 2015 meeting.

After the reading the title of the Ordinance, Alderman Reed moved the Ordinance "Do Pass". Alderman Evans made the second.

The vote:

Yes: Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Jaycox made the second.

The vote:

Yes: Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton, Ford

No: None

The Ordinance was numbered 4917.

ORDINANCE NO. 4918 – REZONING 7.5 ACRES OWNED BY MARIA DEL CARMEN GOMEZ LOCATED AT 167 E. COUNTY LINE ROAD, FROM MF-4 TO I-1; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 7.5 acres owned by Maria Del Carmen Gomez located at 167 E. County Line Road, from MF-4 to I-1; and declaring an emergency.

Planning Commission recommended approval at their May 5, 2015 meeting.

After the reading the title of the Ordinance, Alderman Evans moved the Ordinance “Do Pass”. Alderman Reed made the second.

The vote:

Yes: Evans, Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Reed made the second.

The vote:

Yes: Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans

No: None

The Ordinance was numbered 4918.

ORDINANCE NO. 4919 – REZONING 2.5 ACRES OWNED BY ALAN PARKER AND MELONEY N. BELT, III, LOCATED AT 2186 N. 56TH STREET, FROM A-1 TO SF-1; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 2.5 acres owned by Alan Parker and Meloney N. Belt, III, located at 2186 N. 56th Street, from A-1 to SF-1; and declaring an emergency.

Planning Commission recommended approval at their May 5, 2015 meeting.

After the reading the title of the Ordinance, Alderman Reed moved the Ordinance “Do Pass”. Alderman Evans made the second.

The vote:

Yes: Jaycox, Culver, Watson, Overton, Ford, Lawson, Evans, Reed

No: None

Alderman Reed moved the Emergency Clause be adopted. Alderman Evans made the second.

SPRINGDALE CITY COUNCIL
MAY 26, 2015

The vote:

Yes: Culver, Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox

No: None

The Ordinance was numbered 4919.

ORDINANCE NO. 4920 – REZONING PROPERTY OWNED BY THE GREGORY A. KENDRICK REVOCABLE TRUST AND SHELLY ANN KENDRICK, LOCATED AT 1161, 1211 AND 1256 KENDRICK LANE, FROM A-1 TO I-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by the Gregory A. Kendrick Revocable Trust and Shelly Ann Kendrick, located at 1161, 1211 and 1256 Kendrick Lane, from A-1 to I-2; and declaring an emergency.

Mrs. Christie said there has been an appeal filed on the annexation of this property so any rezoning will be subject to the court process taking place.

Planning Commission recommended approval at their May 5, 2015 meeting.

After the reading the title of the Ordinance, Alderman Reed moved the Ordinance “Do Pass”. Alderman Culver made the second.

The vote:

Yes: Watson, Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Reed made the second.

The vote:

Yes: Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson

No: None

The Ordinance was numbered 4920.

RESOLUTION NO. 55-15 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO EMMA AVENUE IN CONNECTION WITH A DUPLEX FOR JIM JONES CONSTRUCTION COMPANY LOCATED AT 114 BLUE STEM

Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Emma Avenue in connection with a duplex for Jim Jones Construction Company located at 114 Blue Stem.

Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only.

The proposed Resolution provides for four options to consider, either Option 1 to grant waiver, Option 2 to deny waiver, Option 3 to approve payment in lieu of improvements or Option 4 to deny waiver and allow Bill of Assurance.

Planning Commission's recommendation was Option 2 to deny the request.

Alderman Jaycox asked if we could consider allowing a Bill of Assurance for sidewalks because in the future there could be development and sidewalks will be needed. Then when development occurs, the taxpayers will not have to foot the bill.

After discussion, Alderman Reed moved the Resolution be adopted with Option 1. Alderman Overton made the second.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO EMMA AVENUE IN CONNECTION WITH A DUPLEX FOR JIM JONES CONSTRUCTION CO., LOCATED AT 114 BLUE STEM

WHEREAS, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to Emma Avenue including drainage improvements related thereto, sidewalks in connection with a duplex for Jim Jones Construction Co. and the Planning Commission recommends approval of the waiver request.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby:

Option 1: Grants a waiver of street improvements to Emma Avenue including drainage improvements related thereto, sidewalks in connection with a duplex for Jim Jones Construction Co.

PASSED AND APPROVED THIS ____ day of May, 2015.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote:

Yes: Ford, Evans, Reed, Culver, Overton

No: Lawson, Jaycox, Watson

The Resolution was numbered 55-15.

ORDINANCE NO. 4921 – AMENDING SECTION 26-30 OF THE SPRINGDALE CODE OF ORDINANCES PERTAINING TO BUSINESS LICENSES

Alderman Overton presented an Ordinance amending Section 26-30 of the Springdale Code of Ordinances pertaining to business licenses.

Section 26-30 of the Code of Ordinances of the City of Springdale, Arkansas, currently requires a separate business license for each business location. Many licensed businesses within the City of Springdale, Arkansas, have auxiliary locations associated with the principal place of business, but at which no business is actually being conducted

The amendment to Section 26-30 of the Code of Ordinances of the City of Springdale, Arkansas, will remove the requirement that an auxiliary location obtain a separate business license and allow these auxiliary locations to be noted and included upon the business license for the principal business location.

After the reading the title of the Ordinance, Alderman Overton moved the Ordinance “Do Pass”. Alderman Jaycox made the second.

The vote:

Yes: Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton, Ford

No: None

The Ordinance was numbered 4921.

ORDINANCE NO. 4922 – AMENDING ARTICLE 5 OF THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES (USE UNIT 51 – AIRPORT HANGAR WITH LIVING QUARTERS)

Alderman Overton presented an Ordinance amending Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas; declaring an emergency and for other purposes.

Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas, contains the various use units which are allowed in the various zoning districts in Springdale, Arkansas. There currently is no use unit for airport hangar with living quarters.

A public hearing was held before the Springdale Planning Commission on May 5, 2015.

The ordinance is amended to read as follows:

Section 1: Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to add a new Use Unit, Use Unit 51, to read as follows:

Sec. 54. – Unit 51: Airport Hanger with Flight Crew Quarters

A building designed and used primarily for aeronautical purposes which provides space for aircraft storage and service activities. Flight crew quarters may be provided in the airport hangar as an accessory use designed for overnights and resting periods, not to exceed two weeks continuous occupancy, for flight crews, aircraft owners or operators, guests, customers, or the families or relatives of same and shall not be utilized as an independent residence for lease or rent. All flight crew or caretaker quarters will be required to obtain a separate certificate of occupancy upon inspection by building and fire officials and a

determination that all adopted building and fire code requirements have been addressed.

Conditional use in I-1 District only.

After the reading the title of the Ordinance, Alderman Lawson moved the Ordinance "Do Pass". Alderman Jaycox made the second.

The vote:

Yes: Evans, Reed, Jaycox, Culver, Watson, Overton, Ford, Lawson

No: None

Alderman Overton moved the Emergency Clause be adopted. Alderman Lawson made the second.

The vote:

Yes: Reed, Jaycox, Culver, Overton, Ford, Lawson, Evans

No: Watson

The Ordinance was numbered 4922.

ORDINANCE NO. 4923 – ANNEXING CERTAIN REAL PROPERTY LOCATED AT 571A OAK GROVE ROAD TO THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS, PURSUANT TO ARK. CODE ANNOTATED §14-40-2002 (ACT 779 OF 1999) AND MAKING A COMMITMENT TO PROVIDE SEWER SERVICES TO SAID PROPERTY AS REQUIRED BY ARK. CODE ANNOTATED §14-40-2002 (ACT 779 OF 1999)

City Attorney Ernest Cate presented an Ordinance annexing one acre owned by Aaron B. Davis and Nicole C. Davis, located at 571a Oak Grove Road, Elm Springs, Washington County, Arkansas, into the City of Springdale, Arkansas, pursuant to Arkansas Code Annotated §14-40-2002 (Act 779 of 1999) and making a commitment to provide sewer services.

The City of Elm Springs has indicated they have no objections.

After the reading the title of the Ordinance, Alderman Reed moved the Ordinance "Do Pass". Alderman Lawson made the second.

The vote:

Yes: Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson

No: None

The Ordinance was numbered 4923.

ORDINANCE NO. 4924 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 3909 CLARK AVENUE LOCATED IN THE SPRINGDALE, ARKANSAS

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located at 3909 Clark Avenue located in Springdale, Arkansas.

After the reading the title of the Ordinance, Alderman Reed moved the Ordinance "Do Pass". Alderman Jaycox made the second.

The vote:

Yes: Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton

No: None

Alderman Jaycox moved the Emergency Clause be adopted. Alderman Reed made the second.

The vote:

Yes: Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton, Ford

No: None

The Ordinance was numbered 4924.

RESOLUTION NO. 56-15 – MAKING AN APPOINTMENT TO THE SPRINGDALE CIVIL SERVICE COMMISSION

City Attorney Ernest Cate making an appointment to the Springdale Civil Service Commission.

Alderman Overton moved the Resolution be adopted. Alderman Reed made the second.

Alderman Jaycox stated there was a Resolution adopted several years ago stating that there would be advertisement for positions on the Civil Service Commission and then the City Council would be able to review their resumes making sure they choose the most qualified candidate for this very important position. There were two applications received and she has not had time to review them. She asked that this be postponed for a couple of weeks.

RESOLUTION NO. ____

**A RESOLUTION MAKING AN APPOINTMENT TO
THE SPRINGDALE CIVIL SERVICE
COMMISSION.**

WHEREAS, Bob Downum has been serving on the Springdale Civil Service Commission, and his term expired April 1, 2014;

WHEREAS, the City Council for the City of Springdale finds that Bob Downum should be appointed to the Springdale Civil Service Commission for a six year term from April 1, 2014, to April 1, 2020;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Bob Downum is hereby appointed to the Springdale Civil Service Commission for a six year term running from April 1, 2014, to April 1, 2020.

PASSED AND APPROVED this ____ day of May, 2015.

SPRINGDALE CITY COUNCIL
MAY 26, 2015

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

The vote:

Yes: Evans, Reed, Culver, Watson, Overton, Ford, Lawson

No: Jaycox

The Resolution was numbered 56-15.

ADJOURNMENT

Alderman Overton made the motion to adjourn. Alderman Reed made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 6:53 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

ORDINANCE NO. 4916 – APPROVING A 2 YEAR EXTENSION OF, AND A 4TH AMENDMENT TO, A SANITATION SERVICE CONTRACT WITH SUNRAY SERVICES, INC. (NOW WASTE MANAGEMENT OF ARKANSAS, INC.), FOR THE PROVISION OF COLLECTION, RECYCLING, COMPOSTING, TRANSFER AND DISPOSAL OF SOLID WASTE; DECLARING THE EXISTENCE OF EXCEPTIONAL CIRCUMSTANCES MAKING THE COMPETITIVE BIDDING PROCEDURE NOT FEASIBLE OR PRACTICAL; AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Alderman Reed presented an Ordinance approving a two year extension of, and a 4th amendment to a sanitation service contract with Sunray Services, Inc. (now Waste Management of Arkansas, Inc.) for the provision of collection, recycling, composting, transfer and disposal of solid waste; declaring the existence of exceptional circumstances making the competitive bidding procedure not feasible or practical and authorizing the Mayor to execute the contract on behalf of the City.

The contract will be amended to include commercial hand-collect trash and recycle service for small commercial businesses that generate less than two cubic yards of solid waste per week, and this will make the contract more consistent with the Code of Ordinances of the City of Springdale, Arkansas. The contract will be extended for an additional two (2) year term as provided in the attached "Fourth Amendment to Sanitation Service Contract".

After the reading the title of the Ordinance, Alderman Reed moved the Ordinance "Do Pass". Alderman Jaycox made the second.

The vote:

Yes: Overton, Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson

No: None

The Ordinance was numbered 4916.

ORDINANCE NO. 4917 – REZONING 1.976 ACRES OWNED BY YOLANDA FITZGERALD LOCATED AT 1918 FITZGERALD LANE, FROM A-1 TO SF-1 AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 1.976 acres owned by Yolanda Fitzgerald located at 1918 Fitzgerald Lane, from A-1 to SF-1 and declaring an emergency.

Planning Commission recommended approval at their May 5, 2015 meeting.

After the reading the title of the Ordinance, Alderman Reed moved the Ordinance "Do Pass". Alderman Evans made the second.

The vote:

Yes: Ford, Lawson, Evans, Reed, Jaycox, Culver, Watson, Overton

No: None

Alderman Evans moved the Emergency Clause be adopted. Alderman Jaycox made the second.

The vote:

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 98-58 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Section 98-58 of the Code of Ordinances of the City of Springdale, Arkansas, contains the regulations pertaining to abandoned and unsafe signs;

WHEREAS, the City Council finds that the regulations pertaining to abandoned and unsafe signs need to be updated and clarified;

WHEREAS, the City Council recognizes that protection of the City's visual environment and beauty will benefit both residential and commercial property owners and will promote a positive image of the City; and

WHEREAS, the City Council desires to promote the reasonable, orderly, and effective display and removal of signs;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

SECTION 1: Chapter 98-58 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 98-58. - Abandoned signs, unsafe signs.

- (a) Any sign which:
- (1) Continues in a state of structural, mechanical or cosmetic disrepair for 30 calendar days after the chief city inspector gives written notice that it constitutes a safety hazard or is a visual blight or eyesore clearly visible from any public right-of-way; or
 - (2) For 30 consecutive calendar days advertises or gives notice of a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted or is otherwise obsolete; shall be deemed abandoned and shall be removed within 30 days after written notice of abandonment from the chief city inspector.
- (b) Any sign presenting a clear and imminent threat to public safety may be summarily removed by the chief city inspector who shall give notice of the action as soon as reasonably possible.
- ~~(c) Signs not timely removed in compliance with subsection (a) of this section may be removed by the chief city inspector who shall give reasonable notice of the action.~~
- ~~(d) Persons who, according to the provisions of section 98-4, are responsible for signs removed by the chief city inspector pursuant to subsections (b) and (c) of this section shall be jointly and severally liable for all costs of the removal, which costs shall also constitute a lien against the real property on which the sign is located. The costs shall be paid within five weekdays following notice thereof; provided, however, that appeal may be taken to the city council by written notice delivered to the chief city~~

~~inspector within five weekdays of notice of the costs. Failure to pay costs when due shall constitute a separate violation of this chapter~~

(c) Removal of abandoned or unsafe signs:

- (1) Whenever the building official shall find any sign as defined in this section as abandoned or unsafe, he shall, in accordance with established procedure for legal notices, give the owner, agent or person in control of such sign notice stating the defects thereof. This notice shall require the owner within 30 days to purchase a sign permit and to commence specified repairs or improvements, or to demolish and remove the sign. The building official shall set the time allowed to complete such repairs or removal. If the person to whom such notice and order is addressed cannot be found after diligent search, then such notice and order shall be sent by certified mail to the last known address of such person; and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service.
- (2) Any owner, agent or person in control of such sign who shall fail, neglect or refuse within the stated time to comply with the notice from the building official to repair, rehabilitate or to remove such sign thereof shall be guilty of a misdemeanor and shall be subject to the penalties set out in section 22-7 of the Code of Ordinances.
- (3) In case the owner, agent or person in control cannot be found within the stated time, or, if such owner, agent or person in control shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or to remove such sign, the building official shall refer the matter of removing the sign to the city council. If the city council deems the sign unsafe and that it is in the best interest of the city to proceed with the removal of the sign, it shall enact an ordinance ordering the property owner to raze and remove the sign, with work thereon to commence within ten days and be completed within 30 days. If the property owner fails to do so, the mayor or his authorized representative shall cause the sign to be razed and removed. The cost thereof shall be charged against such premises and shall constitute a lien thereon.
- (4) The amount of the lien may be determined at a hearing before the city council held after 30 days' written notice by certified mail to the owner of the sign if the name and whereabouts of the owner is known. If the name of the owner cannot be determined, then the amount will be determined only after publication of notice of the hearing once a week for four consecutive weeks. The determination of the city council is subject to appeal by the property owner to circuit court. The amount so determined at the hearing, plus a ten-percent penalty for collection, shall be certified by the city council by ordinance to the tax collector of the county in which the property is located, to be placed on the tax books as delinquent taxes and collected accordingly. The amount, less three percent thereof, when so collected, shall be paid to the city by the county tax collector. In the alternative, the lien provided for pursuant to this chapter and state law may be enforced in circuit court at any time within 18 months after work has been done.

SECTION 2: All other provisions of Chapter 98 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended herein shall remain in full force and effect.

SECTION 3: Emergency Clause. It is hereby declared that an emergency exists and this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2015.

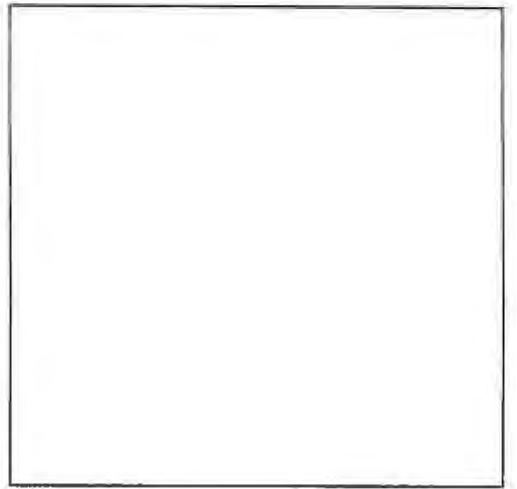
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A NEW ADDITION TO THE CITY OF SPRINGDALE, ARKANSAS TO BE KNOWN AS THE FINAL PLAT of OZARK CENTER POINT PLACE, WEST Phase 1, A SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS: That whereas, there has been duly presented to the City Planning Commission of Springdale, Arkansas, a plat of certain lands in the City of Springdale, Washington County, Arkansas, being more particularly described as follows, to-wit:

A Part of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section Four (4), Township Seventeen (17) North, Range Thirty (30) West. Commencing at a calculated point for the Southwest Corner of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of Section Four (4), Township Seventeen (17) North, Range Thirty (30) West; thence along the West line of said forty acre tract North 02°40'30" East a distance of 536.78 feet to a found iron pin; thence leaving the West line of said forty acre tract South 87°34'22" East a distance of 250.94 feet to a found cotton picker spindle for the POINT OF BEGINNING; thence North 30°53'38" East a distance of 103.62 feet to a point; thence North 02°39'54" East a distance of 301.20 feet to a point; thence South 87°18'19" East a distance of 273.46 feet to a point; thence South 03°09'58" West a distance of 856.50 feet to a point; thence North 87°58'29" West a distance of 85.57 feet to a point; thence South 86°40'59" West a distance of 84.99 feet to a point; thence South 87°00'23" West a distance of 150.65 feet to a point; thence North 03°15'16" East a distance of 488.81 feet to a point, said point being the POINT OF BEGINNING containing in all 260,190 square feet or 5.97 acres, more or less.

AND WHEREAS, said Planning Commission has approved the plat as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said plat and join with the said petitioner in petitioning the City Council to accept said **OZARK CENTER POINT PLACE, WEST Phase 1** to the City of Springdale, Arkansas.

AND WHEREAS, a hearing was held upon the acceptance of said plat by the City Planning Commission and that there appeared no protestants to the acceptance and dedication:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the **OZARK CENTER POINT PLACE, WEST Phase 1**, as shown on the plat approved by the City Planning Commission, a copy of which is attached to this ordinance and made a part hereof as through set out herein word for word, be and the same is hereby accepted by the City of Springdale, Washington County, Arkansas, and the City

hereby accepts for the use and benefit of the public the dedications contained therein.

EMERGENCY CLAUSE: It is hereby declared that an emergency exists in that the owner of property will be deprived of the full use and enjoyment of their property and will not be able to complete the sale of their property within thirty days and therefore an emergency exists.

The ordinance passed this _____ day of _____, 2015.

CITY OF SPRINGDALE.
SPRINGDALE, ARKANSAS

BY: _____
DOUG SPROUSE - MAYOR

ATTEST:

Denise Pearce - City Clerk

APPROVED AS TO FORM:

Ernest Cate - City Attorney

