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

- **Monday, November 14th, 2016, 5:30 p.m. is the next Committee meetings.**
  - **Committee agendas will be available on Friday, November 11th, 2016.**

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, NOVEMBER 8th, 2016

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – **RICK EVANS**

6:00 p.m. OFFICIAL AGENDA

1. *Large Print* agendas are available.

2. Call to Order – Mayor Doug Sprouse

3. Roll Call – Denise Pearce, City Clerk

   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) October 25th, 2016 (2-15)

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….**10;*** (Motion must be approved by two-thirds (2/3) of the council members).

7. **A Resolution** setting a hearing date on a Petition to Abandon a Portion of a Utility Easement in the City of Springdale, Benton County, Arkansas. Item to be presented by: Ernest Cate, City Attorney. (16-17)

8. **A Resolution** making a re-appointment to the Advertising and Promotion Commission of the City of Springdale. Item presented by: Mayor Doug Sprouse (18-19)

9. Finance Committee Report and Recommendations by Chairperson Eric Ford:

   A Resolution expressing authorizing the Mayor and City Clerk to enter into a grant agreement with the Walton Family Foundation for the construction of Dean's Trail. Committee recommended approval. (20)

10. Planning Commission Report and Recommendations by Patsy Christie, Director of Planning:

    An Ordinance amending Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas; declaring an emergency; and for other purposes. (Use Unit 17). (21-22)

11. Comments from Department Heads.

12. Comments from Council Members.

13. Comments from City Attorney.

14. Comments from Mayor

15. Adjournment.

SPRINGDALE CITY COUNCIL
OCTOBER 25, 2016

The City Council of the City of Springdale met in regular session on October 25, 2016, in the City Council Chambers, City Administration Building. Mayor Doug 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 (Absent)
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Wyman Morgan	Director of Financial Services
Mike Peters	Police Chief
Mike Irwin	Fire Chief
Patsy Christie	Planning Director
Sam Goade	Public Works Director
Bill Mock	Parks and Recreation Director
Gina Lewis	Human Resources Director
Mike Chamlee	Buildings Director

LEADERSHIP ACADEMY

Theresa Goade, Second Grade Teacher at Monitor Elementary, introduced students attending the City Council meeting who are in a Leadership Academy at the school.

REPORT ON ECONOMIC DEVELOPMENT

Scott Edmondson, Director of Business Development with the Springdale Chamber of Commerce, gave a third quarter 2016 report on economic development in the City of Springdale. (Report on file in City Clerk's Office)

APPROVAL OF MINUTES

Alderman Reed moved the minutes of the October 11, 2016 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 Evans 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 Reed made the second.

The vote:

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

No: None

RESOLUTION NO. 94-16 – APPROVING AN APPOINTMENT OF MIGUEL A. LOPEZ TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF SPRINGDALE

Wyman Morgan presented a Resolution approving the appointment of Miguel A. Lopez to the Board of Commissioners of the Housing Authority of the City of Springdale.

RESOLUTION NO. ____

A RESOLUTION APPROVING AN APPOINTMENT TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF SPRINGDALE

WHEREAS, Thomas (TA) Brewer resigned his position on September 2nd, 2016, therefore, there is a vacancy on the Board of Commissioners of the Springdale Housing Authority; and

WHEREAS, the Board of Commissioners has conducted a search for a qualified citizen to serve on this board, and

WHEREAS, the Board of Commissioners of the Housing Authority, under authority of Arkansas Code 14-169-208, passed and approved Resolution No. 675-16 on October 18th, 2016, appointing Miguel A. Lopez, subject to the approval of the City Council, to fill the open position beginning October 19th, 2016, and said term expiring on June 28th, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the appointment of Miguel A. Lopez to the Board of Commissioners of the Housing Authority is hereby approved to fill the open position, term beginning October 19th, 2016, and said term expiring June 28th, 2017.

PASSED AND APPROVED this ____ day of October, 2016.

_____
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, Culver

No: None

The Resolution was numbered 94-16.

ORDINANCE NO. 5102 – TO WAIVE COMPETITIVE BIDDING FOR THE PURCHASE OF INSURANCE COVERAGE FOR CITY EMPLOYEES IN THE CITY OF SPRINGDALE

Alderman Jim Reed presented an Ordinance to waive competitive bidding for the purchase of health and vision insurance for city employees. The City of Springdale has provided health and vision insurance for its employees through Arkansas Blue Cross Blue Shield since January 1, 2007. Arkansas Blue Cross Blue Shield has proposed to continue coverage for City of Springdale employees with no change in the premium for 2017. The rates for dental insurance with Delta Dental will increase by 8% but there is no change in the rate for vision insurance or life and AD&D insurance.

After 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, Culver, Watson

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5102.

RESOLUTION NO. 95-16 – ACCEPTING A GRANT AND AUTHORIZING ONE ADDITIONAL SCHOOL RESOURCE OFFICER

Alderman Rick Culver presented a Resolution accepting a Department of Justice grant to hire one additional School Resource Officer.

RESOLUTION NO. ____

A RESOLUTION ACCEPTING A GRANT AND AUTHORIZING ONE ADDITIONAL SCHOOL RESOURCE OFFICER

WHEREAS, The Springdale Police Department has been awarded a Department of Justice grant to hire an additional School Resource Officer; and

WHEREAS, the City of Springdale Police Chief has recommended acceptance of this grant and the addition of one School Resource Officer to the authorized staff;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to accept a grant from the Department of Justice and the authorized staff of the police department is hereby increased by one School Resource Officer.

PASSED AND APPROVED this ____ day of October, 2016.

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 Culver made the second.

The vote:

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

No: None

The Resolution was numbered 95-16.

RESOLUTION NO. 96-16 – AUTHORIZING FUNDS FOR CAPITAL IMPROVEMENT PROJECTS (MURPHY PARK)

Alderman Rick Evans presented a Resolution authorizing an additional $567,785 of Capital Improvement Funds for the renovation of Murphy Park.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING FUNDS FOR CAPITAL IMPROVEMENT PROJECTS

WHEREAS, the City of Springdale is preparing to close out the 2012 Bond Park Construction Fund and the 2012 Street Bond Construction Fund and

WHEREAS, the 2012 Bond Park Construction Fund had sufficient funds for the completion of the C. L. Charlie & Willie George Park in the south east part of Springdale, and

WHEREAS, the project to renovate Murphy Park is in need of an additional appropriation of $567,785 to complete the project, and

WHEREAS, the Capital Improvement Fund will have approximately $3.5M of unreserved funds if the remaining 2012 Bond Street funds are used for improvements to Cambridge Street;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that an additional $567,785 of Capital Improvement Funds is hereby appropriated for the renovation of Murphy Park and that $3.3M of 2012 Bond Street funds be appropriated for Cambridge Street improvements.

PASSED AND APPROVED this ____ day of October, 2016.

Doug Sprouse, Mayor

ATTEST:

_____

Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 96-16.

ORDINANCE NO. 5103 – ACCEPTING THE REPLAT OF LOT 3A OF THE REPLAT OF THE N1/2 OF LOT 2 AND LOT 3, LAKE ROAD ESTATES FOR THE CITY OF SPRINGDALE, ARKANSAS AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of Lot 3A of the Replat of the N1/2 of Lot 2 and Lot 3, Lake Road Estates, to the City of Springdale, Arkansas, and declaring an emergency.

Planning Commission recommended approval at their October 4, 2016 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5103.

ORDINANCE NO. 5104 – REZONING TWO ACRES OWNED BY ROBIN JETER, SUCCESSOR TRUSTEE OF THE DARYL M. HAWKINS AND SALLY D. HAWKINS REVOCABLE TRUST LOCATED ALONG THE WEST SIDE OF 56TH STREET, APPROXIMATELY 600 FEET NORTH OF SISEMORE LANE AND APPROXIMATELY 1,800 FEET SOUTH OF 56TH STREET, FROM A-1 TO C-5

Planning Director Patsy Christie presented an Ordinance rezoning two acres owned by Robin Jeter, Successor Trustee of the Daryl M. Hawkins and Sally D. Hawkins Revocable Trust located along the west side of 56th Street, approximately 600 feet north of Sisemore Lane and approximately 1,800 feet south of 56th Street, from A-1 to C-5.

Planning Commission denied the rezoning request at their September 6, 2016 meeting. The petitioners appealed to City Council at their October 11, 2016 meeting to overturn Planning Commission's decision. City Council voted at that time to overturn Planning Commission and approve the rezoning from A-1 to C-5.

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

The vote:

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

No: Watson

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

The vote:

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

No: Watson

The Ordinance was numbered 5104.

ORDINANCE NO. 5105 – REZONING 2.4 ACRES OWNED BY JESUS GONZALEZ JR. LOCATED AT 1729 HATCHER ROAD, FROM A-1 TO SF-2

Planning Director Patsy Christie presented an Ordinance rezoning 2.4 acres owned by Jesus Gonzalez Jr. located at 1729 Hatcher Road, from A-1 to SF-2.

Planning Commission recommended approval at their October 4, 2016 meeting.

After 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, Culver, Watson, Overton

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5105.

ORDINANCE NO. 5106 – REZONING .79 ACRES OWNED BY ELM SPRINGS CENTER LLC LOCATED DIRECTLY EAST OF WHATTABURGER, ON THE NORTH SIDE OF ELM SPRINGS ROAD, FROM C-2 TO C-5

Planning Director Patsy Christie presented an Ordinance rezoning .79 acres owned by Elm Springs Center LLC located directly east of Whattaburger, on the north side of Elm Springdale Road, from C-2 to C-5.

Planning Commission recommended approval at their October 4, 2016 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5106.

ORDINANCE NO. 5107 – REZONING .75 ACRES OWNED BY LARRY AND NANCY RUNKSMEIER LOCATED AT 3426 OLD MISSOURI ROAD, FROM A-1 TO C-2

Planning Commission Patsy Christie presented an Ordinance rezoning .75 acres owned by Larry and Nancy Runksmeier located at 3426 Old Missouri Road, from A-1 to C-2.

Planning Commission recommended approval at their October 4, 2016 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5107.

SPRINGDALE CITY COUNCIL
OCTOBER 25, 2016

RESOLUTION NO. 97-16 – APPROVING A CONDITIONAL USE AT ANDREW AVENUE, PARCEL #815-23273-010, AS SET FORTH IN ORDINANCE NO. 4030 – PETITIONER: KYLE PATTON

Planning Director Patsy Christie presented a Resolution approving a conditional use at Andrew Avenue, Parcel #815-23273-010, as set forth in Ordinance No. 4030. The petitioner is Kyle Patton.

RESOLUTION NO. ____

A RESOLUTION APPROVING A CONDITIONAL USE AT ANDREW AVENUE PARCEL #815-23273-010 AS SET FORTH IN ORDINANCE NO. 4030

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on October 4, 2016, on a request by Kyle Patton for a Replat of Lot 3A of the Replat of the N1/2 of Lot 2 & Lot 3, Lake Road Estates.

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) no and recommends that a conditional use be granted – No conditions set.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE that the City Council hereby grants a conditional use to Kyle Patton with the following conditions – No conditions set.

PASSED AND APPROVED THIS ____DAY OF OCTOBER, 2016.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 97-16.

SPRINGDALE CITY COUNCIL
OCTOBER 25, 2016

RESOLUTION NO. 98-16 – APPROVING A WAIVER OF SUBDIVISION REGULATIONS AS SET FORTH IN CHAPTER 112 OF THE SPRINGDALE CODE OF ORDINANCES IN CONNECTION WITH LS16-35, A LOT SPLIT FOR ELM SPRINGS CENTER, LLC

Planning Director Patsy Christie presented a Resolution approving a waiver of subdivision regulations as set forth in Chapter 112 of the Springdale Code of Ordinances in connection with LS16-35, a lot split for Elm Springs Center, LLC.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER OF SUBDIVISION REGULATIONS AS SET FORTH IN CHAPTER 112 OF THE SPRINGDALE CODE OF ORDINANCES IN CONNECTION WITH LS16-35 A LOT SPLIT FOR ELM SPRINGS CENTER, LLC

WHEREAS, Chapter 112 Subdivision of the Springdale Code of Ordinances sets forth the procedures, requirements and minimum standards governing the subdivision of land in the City of Springdale and its territorial jurisdiction; and

WHEREAS, the Planning Commission reviewed a request for waiver of subdivision requirements in connection LS16-35 a Lot split for Elm Springs Center, LLC to allow for a third split of the property for which all requirements for street improvements have been; and

WHEREAS, the Planning Commission recommends approval of a waiver of subdivision regulations with regard to the lot split.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a waiver of subdivision requirements in connection with LS16-3 a Lot Split for Elm Springs Center, LLC.

PASSED AND APPROVED THIS ____ DAY OF OCTOBER, 2016.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 98-16.

SPRINGDALE CITY COUNCIL
OCTOBER 25, 2016

RESOLUTION NO. 99-16 – APPROVING A CONDITIONAL USE FOR A USE UNIT 33 (SELF-SUPPORTING TOWER OR ANTENNA OR MONOPOLE) AT 650 WEST HIGHWAY 264 AS SET FORTH IN ORDINANCE NO. 4030 – PETITIONER: ECOSITE, HELPS, LLC

Planning Director Patsy Christie presented a Resolution approving a conditional use at 650 West Highway 264 as set out in Ordinance No. 4030. The petitioners are EcoSite, Helps, LLC, requesting a Use Unit 33 (self-supporting tower or antenna or monopole) in a General Commercial District (C-2).

RESOLUTION NO. ____

A RESOLUTION APPROVING A CONDITIONAL USE AT 650 WEST HIGHWAY 264 AS SET FORTH IN ORDINANCE NO. 4030

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on October 4, 2016, on a request by EcoSite, Helps, LLC for a Use Unit 33 (Self-supporting tower, or antenna or monopole) in a General Commercial District (C-2).

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) no and recommends that a conditional use be granted – No conditions set.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to EcoSite, Helps, LLC with the following conditions – No conditions set.

PASSED AND APPROVED THIS ____DAY OF OCTOBER, 2016.

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

No: None

The Resolution was numbered 99-16.

SPRINGDALE CITY COUNCIL
OCTOBER 25, 2016

RESOLUTION NO. 100-16 – APPROVING A CONDITIONAL USE FOR A TANDEM LOT SPLIT AT 5018 BOB MILLS ROAD AS SET FORTH IN ORDINANCE NO. 4030 PETITIONERS: WILLIAM AND DORCAS JOHNSON

Planning Director Patsy Christie presented a Resolution approving a conditional use for a tandem lot split at 5018 Bob Mille Road as set forth in Ordinance No. 4030. The petitioners are William and Dorcas Johnson.

RESOLUTION NO. ____

A RESOLUTION APPROVING A CONDITIONAL USE AT 5018 BOB MILLS ROAD AS SET FORTH IN ORDINANCE NO. 4030

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on October 4, 2016, on a request by William and Dorcas Johnson for a Tandem lot split.

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) no and recommends that a conditional use be granted – No conditions set.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to William and Dorcas Johnson with the following conditions – No conditions set.

PASSED AND APPROVED THIS ____ DAY OF OCTOBER, 2016.

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

No: None

The Resolution was numbered 100-16.

SPRINGDALE CITY COUNCIL
OCTOBER 25, 2016

RESOLUTION NO. 101-16 – APPROVING A CONDITIONAL USE APPEAL FOR A USE UNIT 33 (SELF SUPPORTING TOWER OR ANTENNA OR MONOPOLE) AT AMERICAN STREET, SOUTH OF ARAPAHO AVENUE AS SET FORTH IN ORDINANCE NO. 4030 – PETITIONERS: ECOSITE/JIMMY AND DIANA EDISON

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal for a Use Unit 33 (self-supporting tower or antenna or monopole) at American Street, south of Arapaho Avenue, in a General Commercial District (C-2). The petitioners are EcoSite/Jimmy and Diana Edison.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE AT AMERICAN STREET, SOUTH OF ARAPAHO AVENUE AS SET FORTH IN ORDINANCE NO. 4030

WHEREAS, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

WHEREAS, the Planning Commission held a public hearing on October 4, 2016, on a request by EcoSite/Jimmy and Diana Edison for a Use Unit 33 (Self-supporting tower, or antenna or monopole) in a General Commercial District (C-2) .

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) no and recommends that a conditional use be granted – No conditions set.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to EcoSite/Jimmy and Diana Edison with the following conditions – .No conditions set.

PASSED AND APPROVED THIS ____ DAY OF OCTOBER, 2016.

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

No: None

The Resolution was numbered 101-16.

ORDINANCE NO. 5108 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, 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 the following properties located within the City of Springdale, Washington County, Arkansas:

2006 Bluebird Dr. (#815-24240-000)
8154 W. Gibbs Rd. (#815-33675-100)
1701 Green Acres Rd. (#815-30547-000)
517 Mountain View Ave. (#815-26159-000)
1816 Taylor Ave. (#815-21715-000

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5108.

ORDINANCE NO. 5109 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, BENTON COUNTY, 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 the following properties located within the City of Springdale, Benton County, Arkansas:

2764 Charismatic Ave. (#21-01080-000)
1261 Sunrise Ave. (#21-00390-000)

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

Eric Schein, owner of 2764 Charismatic Avenue, said he does not agree with the city ordinance and says it is not measurable on certain issues.

The vote:

Yes: Overton, Ford, Lawson, Evans, Watson

No: Reed, Culver

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

The vote:

Yes: Ford, Lawson, Evans, Watson, Overton

No: Reed, Culver

The Emergency Clause did not pass.

The Ordinance was numbered 5109.

BOND MONEY REFUNDED – 1458 IVY LANE

Alderman Overton asked that City Attorney Ernest Cate write a letter to Jarvis Teague, the owner of 1458 Ivy Lane, letting him know that they have the opportunity to make application to the city within 30 days for a refund of bond money posted for payment in lieu of sidewalk.

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 6:56 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

RESOLUTION NO. _____

A RESOLUTION SETTING A HEARING DATE ON A PETITION TO ABANDON A PORTION OF A UTILITY EASEMENT IN THE CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS.

WHEREAS, Joi R. Ball, Trustee of the Ball Trust, has petitioned for the abandonment of a portion of a utility easement on Lot 38 of the Silent Knoll Subdivision, Springdale, Benton County, Arkansas, more particularly described as follows:

A PART OF LOT 38, SILENT KNOLL SUBDIVISION, TO THE CITY OF SPRINGDALE, ARKANSAS, AS SHOWN IN PLAT RECORD BOOK 2010 ON PAGE 167, IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 38, SILENT KNOLL SUBDIVISION; THENCE ALONG THE WEST LINE OF SAID LOT 38, N03°26'41"E A DISTANCE OF 25.03 FEET TO A POINT; THENCE LEAVING SAID WEST LINE, S86°19'30"E A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING; THENCE N03°40'30"E A DISTANCE OF 5.00 FEET TO A POINT; THENCE S86°33'19"E A DISTANCE OF 17.77 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 19.96 FEET, AN ARC LENGTH OF 23.86 FEET AND A CHORD BEARING & DISTANCE OF N59°14'11"E – 22.46 FEET; THENCE N23°58'35"E A DISTANCE OF 26.53 FEET TO A POINT; THENCE S03°40'30"W A DISTANCE OF 42.48 FEET TO A POINT; THENCE N86°33'19"W A DISTANCE OF 45.50 FEET TO THE POINT OF BEGINNING. CONTAINING 521 SQ.FT., MORE OR LESS. As shown on the attached map.

WHEREAS, the City Council finds that a hearing date should be set on the request to abandon the utility easement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that December 13, 2016, at 6:00 p.m. is set as the date and time for the City Council to hear the petition; that the City Clerk shall give notice of the date and time of said hearing as required by law.

PASSED AND APPROVED this _____ day of _____, 2016.

_____
Doug Sprouse, Mayor

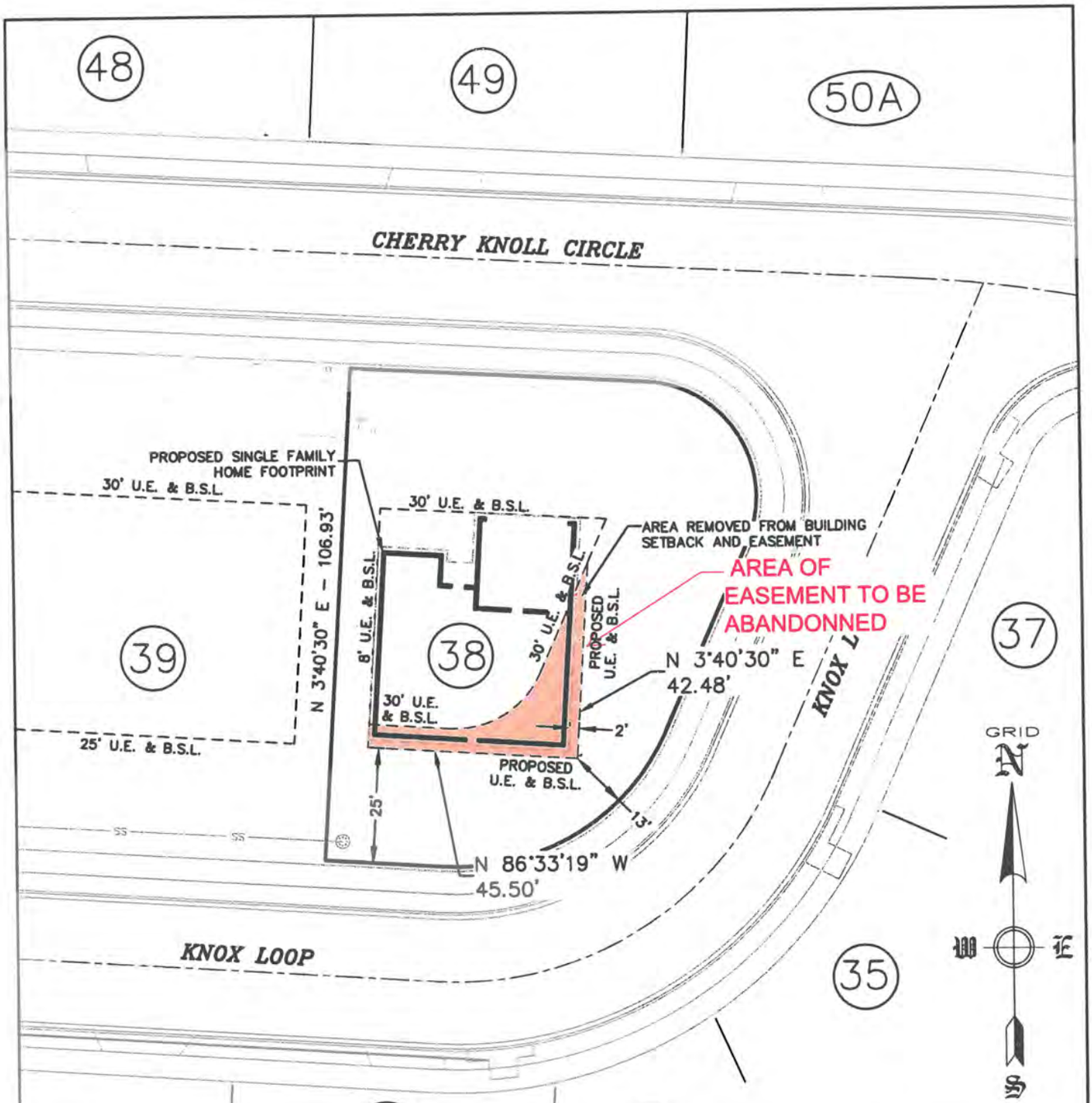
ATTEST:

_____
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

_____
Ernest B. Cate, CITY ATTORNEY

ErnestCa/2016Misc/RESOKnollvac



GRAPHIC REPRESENTATION ONLY

SCALE 1" = 30'

BUILDING SETBACK TABLE	
FRONT	30'
REAR	20'
SIDE	8'

NOTES:

1. DIMENSIONS ARE PERPENDICULAR TO PROPERTY LINES.
2. THIS PLOT DEPICTS FUTURE CONSTRUCTION IMPROVEMENTS AS SHOWN.
3. THIS IS NOT A BOUNDARY SURVEY, IT IS NOT INTENDED FOR THE TRANSFER OF TITLE.
4. ALL DIMENSIONS MEASURED TO BLOCK LINE OF HOUSE.
5. CURRENT ZONING: SF-2

EXHIBIT A

UTILITY EASEMENT & BUILDING SET BACK EXHIBIT

Knox Loop / Cherry Knoll Circle
Lot 38 – Silent Knoll Subdivision
Springdale, Benton County, Arkansas

DWG: Z:\Subd\13930-Silent Knoll\Lot 38 Plot Plan.dwg

DATE: Oct. 3, 2016

SCALE 1" = 30'

ENGINEERING SERVICES, INC.
CONSULTING ENGINEERS AND SURVEYORS
1207 S. OLD MISSOURI ROAD
SPRINGDALE, ARKANSAS
ESI ENGINEERING SERVICES INC.

RESOLUTION NO._____

A RESOLUTION MAKING A RE-APPOINTMENT TO THE ADVERTISING AND PROMOTION COMMISSION OF THE CITY OF SPRINGDALE

WHEREAS, the term that Roger Davis was appointed to expired May 31, 2016; and

WHEREAS, A.C.A. 26-75-605 and Ordinance No. 3293 provide that appointments for these positions will be made by the remaining members of the Commission subject to approval of the City Council, and

WHEREAS, the Advertising and Promotion Commission has recommended the reappointment of Roger Davis to Seat #2; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that Roger Davis is hereby re-appointed as a commissioner to Seat #2 with a term expiring on May 31, 2020 on the Advertising and Promotion Commission.

PASSED AND APPROVED this 8th of November, 2016.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest Cate, City Attorney

SPRINGDALE
The ♥ of Northwest Arkansas

P.O. Box 166 • Springdale, AR 72765
1-479-872-2222 • www.ExploreSpringdale.com

October 26, 2016

Mayor Doug Sprouse
City of Springdale
City Administration Building
201 North Spring Street
Springdale, AR 72764-0000

Dear Mayor Sprouse:

The Springdale Advertising & Promotion Commission currently has a seat up for reappointment. The commission would like Mr. Roger Davis, the General Manager with the Holiday Inn/NWA Convention Center to be reappointed at the November City Council meeting.

The Springdale Advertising & Promotion Commission sincerely believes that Roger is a great asset to the commission and we are confident that he will continue to serve well. Please contact me if you have any questions or concerns.

Sincerely,

Perry Webb, CCE

President/CEO

RESOLUTION NO. _____

A RESOLUTION EXPRESSING AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION FOR THE CONSTRUCTION OF DEAN'S TRAIL

WHEREAS, the Walton Family Foundation has awarded a matching grant in the amount of $1,823,500 to the City of Springdale for the construction of the first of three phases of Dean's Trail,

WHEREAS, Dean's trail is a five-mile lighted trail/alternative transportation route along the east side of Springdale beginning at the Jones Center; crossing through the industrial area and the neighborhoods surrounding Parsons Hills Elementary School; crossing Robinson Avenue at Oriole Street and connecting Kelley Middle School and Knapp Elementary School; continuing south to the existing tunnel under Don Tyson Parkway and terminating at a connection to the Fayetteville trail system; and

WHEREAS, the City's match (50/50) will consist of funds previously committed for engineering and design of the trail and an approved Transportation Alternatives Program (TAP) grant with the remainder of funds to be provided in the Public Works Department trail development budget and any remainder through the Capital Improvement Program with allocation determined with the reward of a construction contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, THAT: the Mayor is hereby authorized to accept grant funds from the Walton Family Foundation for the construction of the first phase of Dean's Trail and to enter into a grant agreement with matching funds set aside as outlined above to provide the required match for the grant.

PASSED AND APPROVED THIS ___ DAY OF _____, 2016.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED:

_____
Ernest Cate, City Attorney

That which is underlined is added.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 5 OF THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, 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;

WHEREAS, it is in the best interests of the City of Springdale, Arkansas, to amend Use Unit 17 (eating places) to allow limited forms of entertainment;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas, to address limited entertainment in a Use Unit 17; and

WHEREAS, a public hearing was held before the Springdale Planning Commission on November 1, 2016, after notice was given of said hearing as required by law.

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

Section 1: Article 5, Section 20 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec 20. – Unit 17: Eating places.

Eating places~~, other than drive-ins, which do not provide dancing or entertainment~~ – Sit down restaurants; cafés; restaurants, with carry out; and coffee houses where the principal use is the service of food for consumption on the premises, does not provide dancing and limited to acoustic music entertainment. Acoustic music is music that solely or primarily uses instruments that produce sound through acoustic means, as opposed to electric or electronic means. Performers of acoustic music may increase the volume of their output using electronic amplifiers. However, these amplification devices remains separate from the amplified instrument and reproduce its natural sound accurately. A microphone may be placed in front of an acoustic instrument which is then wired up to an amplifier. Facilities that provide acoustic music entertainment shall not allow the sound of such music to be heard outside the building or in an adjacent structure.

For the purposes of this use unit a restaurant, and café is an establishment in which food or beverages are cooked or prepared and offered for sale and where consumption of alcoholic beverages may be permitted on the premises. A restaurant, with carry out, is an eating establishment in which food or beverages are cooked and/or prepared and offered for sale, where consumption of alcoholic beverages may be permitted on the premises. Drive-up or walk-up service may be permitted and shall be integrally designed into the development with drive-thru lane and/or drive-thru window located adjacent to the public street network or drives. Exterior signage indicates a carry-out service or dedicated parking stalls for carry-out customer parking. A coffee house is an establishment providing coffee and tea as well as light snacks ranging from baked goods to soups and sandwiches, other casual meals, and light desserts.

Allowed in Zoning Districts as a permitted use: C-1; C-2; C-3; C-4; C-5; PUD

Allowed as a Conditional Use On Appeal: A-1

Section 2: All other provisions of Article 5 of the Zoning Ordinance 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 in effect immediately upon its passage and approval.

PASSED AND APPROVED this ____ day of _____, 2016.

_____
Doug Sprouse, Mayor

ATTEST:

_____
Denise Pearce, City Clerk

APPROVED AS TO FORM:

_____
Ernest B. Cate, City Attorney

EmestCa/2016Misc/ORDuseunit17