

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 11th, 2012

SCHEDULED MEETINGS:

- **5:30 p.m. September 11, 2012, Finance Committee meeting, followed by a CDBG Committee meeting, these meetings will be in the Multipurpose Rm #236, second floor of the City Administration Building located at 201 Spring Street.**
 - **The Finance meeting is concerning Agenda Items 8A-C**
 - **The CDBG meeting is concerning the Five Year Plan**
- **The next committee meetings are scheduled for 5:30 p.m. Monday, September 17th, 2012**
- **Committee agendas will be available on Friday, September 14th, 2012.**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation - **Jeff Watson**

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) August 28th, 2012
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-D* (Motion must be approved by two-thirds (2/3) of the council members).
7. Planning Commission Recommendations by Planning Director Patsy Christie:
 - A. **An Ordinance** accepting the re-plat of lot 20 Block 1 of Green Acres South Subdivision to the City of Springdale, Arkansas, and declaring an emergency.
 - B. **An Ordinance** accepting the re-plat of lots 5 & 8 in the Enclave Subdivision to the City of Springdale, Arkansas, and declaring an emergency.
 - C. **An Ordinance** accepting the re-plat of lots 67 & 89 of the Parker's Place, Phase II Subdivision to the City of Springdale, Arkansas, and declaring an emergency.
 - D. **An Ordinance** rezoning 1.5 acres owned by Stacy Gilbert located at 1507 Shady Grove Road from General Commercial District (C-2) to Commercial District (C-5) and declaring an emergency.

8. Finance Committee Report and Recommendations by Chairman Bobby Stout:
 - A. **A Resolution** amending the 2012 Budget of the Police Department.
 - B. **A Resolution** amending the 2012 Budget of the Parks Department.
 - C. **A Resolution** authorizing the purchase of property located at 1509 and 1803 Lowell Road, Springdale, AR.
9. Street & CIP Committee Report and Recommendations by Chairman Rick Evans:
 - A. **A Resolution** authorizing the execution of a contract for the Johnson Road project.
10. **A Resolution** authorizing the temporary operation of a carnival, presented by Wyman Morgan, Director of Administration & Financial Services.
11. **A Resolution** appointing Ernest Cate to the position of City Attorney for the City of Springdale effective January 1, 2013.
12. Comments from Department Heads.
13. Comments from Council Members.
14. Comments from City Attorney.
15. Comments from Mayor Sprouse.
16. Adjournment.

SPRINGDALE CITY COUNCIL
AUGUST 28, 2012

The City Council of the City of Springdale met in regular session on August 28, 2012, 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
Brad Bruns	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Eric Ford	Ward 4
Bobby Stout	Ward 4
Rick Evans	Ward 2
Jim Reed	Ward 1
Kathy Jaycox	Ward 1
Jeff Harper	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Wyman Morgan	Director of Finance & Admin.
Kathy O'Kelley	Police Chief
Mike Irwin	Fire Chief
Rick McWhorter	Parks & Recreation Director
Loyd Price	Human Resource Director
Sam Goade	Public Works Director
Mike Chamlee	Chief Building Official

APPROVAL OF THE MINUTES

Alderman Stout moved the minutes of the July 24, 2012 and August 14, 2012 City Council meetings 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: Evans, Reed, Jaycox, Bruns, Watson, Overton, Ford, Stout

No: None

APPEAL BY JHT, LLC, C.L. GEORGE & SONS LIMITED PARTNERSHIP AND SHAW HOLDINGS, LP ON THE PLANNING COMMISSION'S DECISION FROM AUGUST 7, 2012 MEETING, APPROVING TWO VARIANCES FOR SIGNAGE ALLOWING THE VICTORY CHURCH NWA, INC./LOVES TRAVEL CENTER TO ERECT A 125 FOOT TALL SIGN, WITH AN AREA OF 800 SQUARE FEET, ON THE REFERENCED PROPERTY LOCATED AT 5441 DEARING ROAD

Craig Jones, Attorney representing the Tyson Family, presented an appeal for the Planning Commission's decision from their August 7, 2012 meeting, approving two variances for signage allowing the Victory Church NWA, Inc./Love's Travel Center to erect a 125 foot tall sign, with an area of 800 square feet, on property located at 5441

Dearing Road. There is a total of 650 acres owned by his clients located between Dearing Road and US Highway 412, including 40 acres owned by the Tyson Family directly north of the Arvest Ballpark and 40 acres directly north of where the proposed sign is to be located.

Mr. Jones feels like the Planning Commission's decision in granting these variances will not only diminish the property values and impact them in a very negative way, but the existence of this very tall and very large sign will negatively impact the desirability and economic potential of a critical growth area for Springdale. He also feels like the applicants failed to adequately explain and/or justify their need for the requested variances, both as to sign height and as to the size of the sign. He asked that the Springdale City Council overturn the variances.

James Graves, Attorney speaking on behalf of the George Family, stated there is no reasonable cause for granting a variance that is more than three times in magnitude. This will set a precedent for people who will want the same treatment when they move into this area. He asked City Council to overturn the variances granted.

Pastor Billy Coffman spoke on behalf of Victory Church. He said their desire is to see the city grow. They have waited five years for something to happen in this area.

Rick Shuffield, Love's Travel Center, said one of the reasons they are asking for a variance is it makes more sense esthetically to have one sign instead of multiple signs for all the businesses to be located there. The travel center will encompass 11 acres with four different businesses – McDonald's, Subway, Love's Retail and Fuel Sales, and a tire care facility. The reason for the size of the sign is the visibility. After looking at it again today, they feel like they can reduce the size down to 100 feet. Once the trees are cleared, they will be in a position to do an effective survey of the site and make the final determination. They hope they can go less than 100 feet but will not know until the interchange is actually put into place and the final grading is done and the tree clearing is completed. At this point in time, we do not know what the final elevation is going to be.

Alderman Watson feels like we should look at maybe creating "Special Visibility Districts" for the interchanges instead of granting variances. There is a designated "Special Visibility District" along the Highway 412/540 Bypass interchange.

After discussion, Alderman Jaycox made the motion to overturn the Planning Commission's decision. Alderman Bruns made the second.

There were a lot of people in attendance who raised their hand showing support to uphold the variance.

After more discussion, Alderman Jaycox withdrew her motion and Alderman Bruns withdrew his second.

Alderman Jaycox then made the motion to table the variance appeal and stay any action until September 25, 2012 when it will be placed on the City Council agenda. Alderman Overton made the second.

Several in attendance spoke in favor of the variance.

Mr. Graves said they are not opposed to tabling this appeal.

After more discussion, the vote was taken:

Yes: Jaycox, Bruns, Watson, Overton, Ford, Evans

No: Reed, Stout

This item will be placed on the September 25, 2012 City Council agenda.

PUBLIC HEARING - ORDINANCE NO. 4614 – VACATING A PORTION OF HARRIS STREET IN THE CITY OF SPRINGDALE, ARKANSAS, TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES

A public hearing was held on a petition by Alejandro and Nadia Zamora to vacate a portion of Harris Street between Price Avenue and West Huntsville Avenue in the City of Springdale, Arkansas.

There were no comments made at the Public Hearing.

City Attorney Harper presented the Ordinance vacating the portion of Harris Street.

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

The vote:

Yes: Jaycox, Bruns, Watson, Overton, Ford, Stout, Evans, Reed

No: None

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

The vote:

Yes: Bruns, Watson, Overton, Ford, Stout, Evans, Reed, Jaycox

No: None

The Ordinance was numbered 4614.

ORDINANCE NO. 4615 – REZONING 1.25 ACRES OWNED BY JIMMY R. AND MARY RUTH ALLRED LOCATED AT 1603 CARLEY ROAD, FROM A-1 AND O-1 TO SF-2; AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning 1.25 acres owned by Jimmy R. and Mary Ruth Allred located at 1603 Carley Road, from A-1 and O-1 to SF-2; and declaring an emergency.

Planning Commission recommended approval at their August 7, 2012 meeting.

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

The vote:

Yes: Watson, Overton, Ford, Stout, Evans, Reed, Jaycox, Bruns

No: None

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

The vote:

SPRINGDALE CITY COUNCIL
AUGUST 28, 2012

Yes: Overton, Ford, Stout, Evans, Reed, Jaycox, Bruns, Watson

No: None

The Ordinance was numbered 4615.

ORDINANCE NO. 4616 – REZONING 1.8 ACRES OWNED BY THE ARTS CENTER OF THE OZARKS LOCATED AT 214 S. MAIN, FROM MF-12 AND C-3 TO P-1 AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning 1.8 acres owned by the Arts Center of the Ozarks located at 214 S. Main, from MF-12 and C-3 to P-1 and declaring an emergency.

Planning Commission recommended approval at their August 7, 2012 meeting.

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

The vote:

Yes: Ford, Stout, Evans, Reed, Jaycox, Bruns, Watson, Overton

No: None

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

The vote:

Yes: Stout, Evans, Reed, Jaycox, Bruns, Watson, Overton, Ford

No: None

The Ordinance was numbered 4616.

ORDINANCE NO. 4617 – REZONING 15 ACRES OWNED BY THE VICTORY CHURCH NWA, LOCATED AT 5441 DEARING ROAD, FROM A-1 TO C-2 AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning 15 acres owned by the Victory Church NWA, located at 5441 Dearing Road, from A-1 to C-2 and declaring an emergency.

Planning Commission recommended approval at their August 7, 2012 meeting.

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

The vote:

Yes: Evans, Reed, Jaycox, Bruns, Watson, Overton, Ford, Stout

No: None

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

The vote:

Yes: Reed, Jaycox, Bruns, Watson, Overton, Ford, Stout, Evans

No: None

The Ordinance was numbered 4617.

ORDINANCE NO. 4618 – REZONING 3.22 ACRES OWNED BY WESTSIDE CHURCH OF CHRIST LOCATED AT 5196 APPLE ROAD, FROM C-2 AND A-1 TO P-1 AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning 3.22 acres owned by Westside Church of Christ located at 5196 Apple Road, from C-2 and A-1 to P-1 and declaring an emergency.

Planning Commission recommended approval at their August 7, 2012 meeting.

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

The vote:

Yes: Jaycox, Bruns, Watson, Overton, Ford, Stout, Evans, Reed

No: None

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

The vote:

Yes: Bruns, Watson, Overton, Ford, Stout, Evans, Reed, Jaycox

No: None

The Ordinance was numbered 4618.

RESOLUTION NO. 90-12 – APPROVING A CONDITIONAL USE REQUEST BY JULIA JOHNSON GARTON AT 4450 CLEAR WATER CIRCLE AS SET FORTH IN ORDINANCE NO. 4030

Patsy Christie presented a Resolution approving a conditional use request by Julia Johnson Garton at 4450 Clear Water Circle as set forth in Ordinance No. 4030.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE AT 4450 CLEAR WATER CIRCLE 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 August 7, 2012 on a request by Julia Johnson Garton for a conditional use for a Use Unit 28 (Home Occupation) in a Low/Medium Single Family Residential District (SF-2) at 4450 Clear Water Circle; and

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yeas and no nays recommends that a conditional use be granted to Julia Johnson Garton for a Use Unit 28 (Home Occupation) in a Low/Medium Density Single Family Residential District (SF-2) at 450 Clear Water Circle with the following conditions – .
Must meet the following criteria for home occupation.

No alteration of the outside appearance of the residential structure or provision of a separate outside entrance for the business areas of the residential structure.

No outside storage of materials required for the operation of the business.

Operated only by the resident members of the household and shall not have any Employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premise.

Requires the use of an area no greater than thirty (30) percent of the total heated living space of the residential structure.

Generates no traffic, parking, and sewage or water use in excess of what is normal in the residential neighborhood.

Will not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.

Will not involve accessory buildings.

Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use.

Will not require the construction of a duplicate kitchen, or the addition to the existing kitchen.

Will not require or cause the consumption on the premises of any food product produced thereon.

Will not provide medical treatment, therapeutic massage or similar activities.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Julia Johnson Garton for a Use Unit 28 (Home Occupation) in a Low/Medium Density Single Family Residential District (SF-2) at 4450 Clear Water Circle with the following conditions – **Must meet the following criteria for home occupation.**

No alteration of the outside appearance of the residential structure or provision of a separate outside entrance for the business areas of the residential structure.

No outside storage of materials required for the operation of the business.

Operated only by the resident members of the household and shall not have any employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premise.

Requires the use of an area no greater than thirty (30) percent of the total heated living space of the residential structure.

Generates no traffic, parking, and sewage or water use in excess of what is normal in the residential neighborhood.

Will not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.

Will not involve accessory buildings.

Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use.

Will not require the construction of a duplicate kitchen, or the addition to the existing kitchen.

Will not require or cause the consumption on the premises of any food product produced thereon.

Will not provide medical treatment, therapeutic massage or similar activities.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney

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

The vote:

Yes: Watson, Overton, Ford, Stout, Evans, Reed, Jaycox, Bruns

No: None

The Resolution was numbered 90-12.

Alderman Reed said he would like to look into maybe changing the procedures for obtaining a home occupation (conditional use appeal).

RESOLUTION NO. 91-12 – APPROVING A CONDITIONAL USE REQUEST BY JSAC, LLC (DENNIS MOORE) FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF HIGHWAY 412 EAST AND SPUR 165 AS SET FORTH IN ORDINANCE NO. 4030

Patsy Christie presented a Resolution approving a conditional use request by JSAC, LLC (Dennis Moore) for property at the northeast corner of Highway 412 East and Spur 165 as set forth in Ordinance No. 4030.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL
USE AT THE NORTHEAST CORNER OF
HIGHWAY 412 EAST & SPUR 265 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 August 7, 2012 on a request by JSAC, LLC (Dennis Moore) or a conditional use for a Tandem Lot Split at the Northeast corner of Highway 412 East and 265 Spur; and

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yeas and no nays recommends that a conditional use be granted to JSAC, LLC (Dennis Moore) for a Tandem Lot Split with the following conditions: Must submit a parking agreement to be approved and the replat must include a note concerning the agreement.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Northeast corner of Highway 412 East and 265 Spur for a Tandem Lot Split.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney

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

The vote:

Yes: Overton, Ford, Stout, Evans, Reed, Jaycox, Bruns, Watson

No: None

The Resolution was numbered 91-12.

RESOLUTION NO. 92-12 - APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 IN CONNECTION WITH A HABITAT FOR HUMANITY HOME LOCATED AT 100 TERRY AVENUE

Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 in connection with a Habitat for Humanity Home located at 100 Terry Avenue.

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.

Alderman Reed moved the Resolution be adopted with Option 1. Alderman Evans 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 IN CONNECTION WITH 100 TERRY AVENUE – HABITAT FOR HUMANITY

WHEREAS, 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; and

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to 100 Terry Avenue in connection with W12-12, Habitat for Humanity 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 100 Terry Avenue including improvements related thereto, sidewalks in connection with W12-12 Habitat for Humanity.

PASSED AND APPROVED THIS _____ DAY OF _____, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney

The vote:

Yes: Ford, Stout, Evans, Reed, Jaycox, Bruns, Watson, Overton

No: None

The Resolution was numbered 92-12.

ORDINANCE NO. 4619 – CREATING SECTION 82-4 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS, RELATING TO PEDDLING AND SOLICITING AT INDUSTRIAL AND COMMERCIAL BUSINESSES WITHIN THE CITY OF SPRINGDALE, ARKANSAS

Alderman Overton presented an ordinance creating Section 82-4 of the Code of Ordinances of the City of Springdale, Arkansas, relating to peddling and soliciting at industrial and commercial businesses within the City of Springdale, Arkansas.

City Council passed an amended door to door solicitation ordinance that applied to private residences, effective July 1, 2012.

Since the ordinance was passed, persons operating businesses within the City of Springdale have requested that the prohibition on solicitors or peddlers apply to businesses within the City of Springdale when the business has a posted “no solicitor or peddler” sign.

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

The vote:

Yes: Stout, Evans, Reed, Jaycox, Bruns, Watson, Overton, Ford

No: None

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

The vote:

Yes: Evans, Reed, Jaycox, Bruns, Watson, Overton, Ford, Stout

No: None

The Ordinance was numbered 4619.

ORDINANCE NO. 4620 – AMENDING SECTION 2.51(E) THROUGH SECTION 2-51(G) OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS, TO PROVIDE CERTAIN RETIREMENT BENEFITS FOR THE SPOUSE OF THE CITY CLERK AS ALLOWED BY ARKANSAS LAW; AND FOR OTHER PURPOSES

City Attorney Jeff Harper presented an Ordinance amending Section 2.51(e) through Section 2-51(g) of the Code of Ordinances of the City of Springdale, Arkansas, to provide certain retirement benefits for the spouse of the City Clerk as allowed by Arkansas Law; and for other purposes.

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

The vote:

Yes: Reed, Jaycox, Bruns, Watson, Overton, Ford, Stout, Evans

No: None

The Ordinance was numbered 4620.

RESOLUTION NO. 93-12 – AUTHORIZING FUNDS FROM THE CAPITAL IMPROVEMENT PROJECT FUND FOR BUILDING IMPROVEMENTS AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR BUILDING RENOVATION OF THE BUILDINGS AT 128 AND 130 SPRING STREET

Wyman Morgan presented a Resolution authorizing the expenditure of \$975,000 from the Capital Improvement Project Fund for building improvements, purchase of office furniture and the purchase of a security system and authorizing the Mayor to execute a contract with Turnkey Construction Management for building renovation of the buildings at 128 and 130 Spring Street.

Turnkey submitted the low bid of \$689,900.00.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING FUNDS FROM THE CAPITAL IMPROVEMENT PROJECT FUND FOR BUILDING IMPROVEMENTS AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR BUILDING RENOVATION

WHEREAS, the City of Springdale purchased the building at 128 Spring Street for the Police Criminal Investigative Division (CID) and the attached building at 130 Spring Street for an employee physical fitness center, and

WHEREAS, competitive bidding resulted in bids for renovation from four construction companies with Turnkey Construction Management submitting the lowest bid of \$689,900, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that

Section 1: the expenditure of a maximum of \$ 975,000.00 of funds from the Capital Improvement Projects Fund is hereby approved for the renovation of the buildings at 128 & 130 Spring, purchase of office furniture and the purchase of a security system.

Section 2: the Mayor and City Clerk are hereby authorized to execute a contract with Turnkey Construction Management in the amount of \$689,900 for renovation of the buildings at 128 & 130 Spring.

PASSED AND APPROVED this ____ day of August, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney

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

The vote:

Yes: Jaycox, Bruns, Watson, Ford, Stout, Evans, Reed

No: Overton

The Resolution was numbered 93-12.

RESOLUTION NO. 94-12 – AUTHORIZING A CHANGE IN THE AUTHORIZED STAFF OF THE SHILOH MUSEUM

Alderman Overton presented a Resolution authorizing a change in the authorized staff of the Shiloh Museum.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A CHANGE IN THE AUTHORIZED STAFF OF THE SHILOH MUSEUM

WHEREAS, the Shiloh Museum is currently authorized five (5) part-time employees and two of these positions are vacant, and

WHEREAS, the Museum Director has requested to eliminate these two open position and add a full time position for Research Library Assistant at a pay grade of 17, and

WHEREAS, the Mayor agrees with the Director and also recommends approval by the City Council;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the authorized staff of the Shiloh Museum is hereby amended by reducing the part-time employees from five (5) to three (3) and adding one full time position of Research Library Assistant at a pay grade of 17.

PASSED AND APPROVED this ___ day of August, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney

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

The vote:

Yes: Bruns, Watson, Overton, Ford, Stout, Evans, Reed, Jaycox

No: None

The Resolution was numbered 94-12.

RESOLUTION NO. 95-12 – AMENDING THE 2012 BUDGET OF THE SPRINGDALE DISTRICT COURT

Alderman Overton presented a Resolution amending the 2012 Budget of the Springdale District Court to purchase new computers and related equipment.

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE 2012 BUDGET OF THE
SPRINGDALE DISTRICT COURT**

WHEREAS, fifteen new computers and related equipment are needed to replace the old and outdated ones currently used in the Springdale District Court, and

WHEREAS, the District Judge is in agreement with the replacement of this equipment, and

WHEREAS, the Court Automation Fund contains sufficient funds for an appropriation for this purpose;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2012 budget of the Springdale District Court is hereby amended as follows with the budget increase funded from the Court Automation Fund.

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
District Court	20501034138030	Capital – Equipment	0	20,000		20,000

PASSED AND APPROVED this ____ day of August, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney

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

The vote:

Yes: Watson, Overton, Ford, Stout, Evans, Reed, Jaycox, Bruns

No: None

The Resolution was numbered 95-12.

**RESOLUTION NO. 96-12 –AUTHORIZING THE EXECUTION OF AN ELEVATOR
MAINTENANCE AGREEMENT WITH THYSSENKRUPP ELEVATOR
CORPORATION**

Wyman Morgan presented a Resolution authorizing the execution of an elevator maintenance agreement with ThyssenKrupp Elevator Corporation for a monthly cost of \$500.00. This agreement is for elevators in the City Administration Building, Fire Station One, Springdale Youth Center and the Springdale Airport Terminal.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN
ELEVATOR MAINTENANCE AGREEMENT WITH
THYSSENKRUPP ELEVATOR CORPORATION**

WHEREAS, the City of Springdale currently has four (4) separate maintenance agreements for elevators in the following locations; City Administration Building, Fire Station One; Springdale Youth Center; and the Springdale Airport Terminal; and

WHEREAS, the new contract with ThyssenKrupp Elevator Corporation is \$1,500.00 a year less than the previous contract; and

WHEREAS, this Platinum Maintenance Agreement will be for three (3) years and will begin on November 1, 2012;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute a three (3) year Platinum Maintenance Agreement with ThyssenKrupp Elevator Corporation for a monthly cost of \$500.00.

PASSED AND APPROVED this ___ day of August, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney

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

The vote:

Yes: Overton, Ford, Stout, Evans, Reed, Jaycox, Bruns, Watson

No: None

The Resolution was numbered 96-12.

**RESOLUTION NO. 97-12 – AUTHORIZING THE MAYOR TO EXECUTE AN
AGREEMENT WITH WAGeworks INC.**

Wyman Morgan presented a Resolution authorizing the Mayor to execute an agreement with Wageworks Inc. who will manage the medical reimbursement plan at no cost to the City of Springdale for its employees.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE AN AGREEMENT WITH WAGeworks, INC.**

WHEREAS, Aflac has managed our flexible benefits plan for several years and has arranged for WageWorks, Inc. to manage the medical reimbursement plan at no cost to the City of Springdale or its employees, and

WHEREAS, one of the new features that will be available to employees will be a debit card to pay medical bills with in lieu of filing for a refund, and

WHEREAS, this plan provides a substantial tax savings to our employees that the City Council desires to continue;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute a Reimbursement Services Agreement with WageWorks, Inc.

PASSED AND APPROVED this ____ day of August, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney

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

The vote:

Yes: Ford, Stout, Evans, Reed, Jaycox, Bruns, Watson, Overton

No: None

The Resolution was numbered 97-12.

**RESOLUTION NO. 98-12 – AUTHORIZING THE TEMPORARY OPERATION OF A
CIRCUS IN THE VACANT LOT WEST OF THE ARVEST BALLPARK PARKING
LOT**

Wyman Morgan presented a Resolution authorizing the temporary operation of a circus in the vacant lot west of the Arvest Ballpark parking lot put on by the Carson & Barnes Circus on September 22nd and 23rd, 2012.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE TEMPORARY
OPERATION OF A CIRCUS**

WHEREAS, Eric Edelstein, General Manager of the NWA Naturals has requested permission to conduct a Circus entertainment event in the vacant lot west of the Arvest Ballpark parking lot located in the 6300 Block of Watkins Avenue, put on by the Carson & Barnes Circus; and

WHEREAS, Carson & Barnes Circus dates will be Saturday, September 22nd and Sunday, September 23rd, 2012; and

WHEREAS, the circus hours of operation will be Saturday, September 22nd 1:00 – 8:00 p.m. and Sunday, September 23rd, 12:30 – 7:00 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 Eric Edelstein, General Manager of the NWA Naturals and Carson & Barnes Circus, is hereby authorized to conduct a circus entertainment event in the vacant lot west of the Arvest Ballpark parking lot located in the 6300 Block of Watkins Avenue, September 22nd and September 23rd, 2012, with the circus 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 August, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney

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

The vote:

Yes: Stout, Evans, Reed, Jaycox, Bruns, Watson, Overton, Ford

No: None

The Resolution was numbered 98-12.

REPORT ON THE ECONOMIC DEVELOPMENT PROGRAM

Lance Eads, Vice President of Economic Development for the Springdale Chamber of Commerce, presented a report on the economic development program for July 2012. (On file in the City Clerk's Office)

ORDINANCE NO. 4621 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 515 NORTH JEFFERSON STREET

City Attorney Jeff Harper presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris within the City of Springdale, Arkansas, located at 515 North Jefferson Street.

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

SPRINGDALE CITY COUNCIL
AUGUST 28, 2012

The vote:

Yes: Evans, Reed, Jaycox, Bruns, Watson, Overton, Ford, Stout

No: None

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

The vote:

Yes: Reed, Jaycox, Bruns, Watson, Overton, Ford, Stout, Evans

No: None

The Ordinance was numbered 4621.

COMMITTEE MEETINGS

The Ordinance Committee set Monday, September 10, 2012, at 5:30 p.m., to have a meeting to discuss the sign ordinance.

The Parks and Recreation Committee and Police and Fire Committee will meet on Thursday, August 30, 2012, at 5:30 p.m. to discuss the bond projects.

ADJOURNMENT

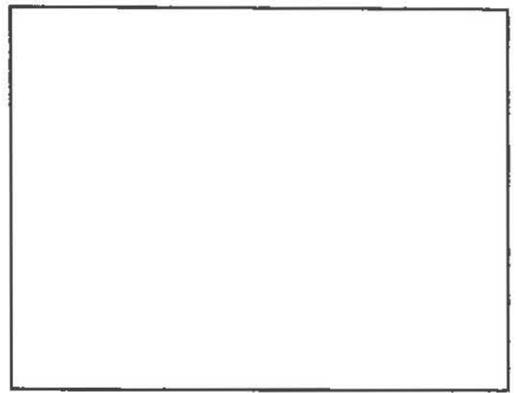
Alderman Overton made the motion to adjourn. Alderman Reed made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 8:55 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

ORDINANCE NO. _____



AN ORDINANCE ACCEPTING THE RE-PLAT OF LOT 20, BLOCK 1 OF GREEN ACRES SOUTH SUBDIVISION TO THE CITY OF SPRINGDALE ARKANSAS, AND DECLARING AN EMERGENCY.

BE IT KNOWN BY THE CITY OF SPRINGDALE, ARKANSAS:

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:

Legal Description:

Lot 20 in Block 1 of Green Acres South Subdivision in Springdale, Arkansas as per plat of said subdivision recorded in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

AND WHEREAS, said Planning Commission after conducting a public hearing, has approved the re-plat as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said re-plat and join with the said petitioner in petitioning the City Council to accept the said REPLAT OF lot 20, block 1 of Green Acres South Subdivision to the City of Springdale, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the RE-PLAT OF lot 20, block 1 of Green Acres South Subdivision, TO THE City of Springdale, Arkansas, as shown on the re-plat approved by the City Planning Commission, a copy of which is attached to this Ordinance and made a part hereof as though 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 use and benefit to the public the dedications contained therein.

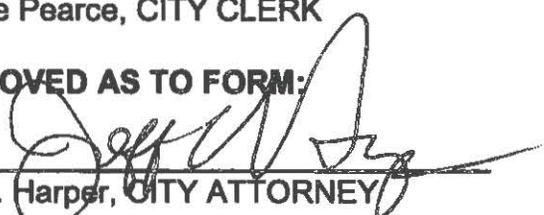
EMERGENCY CLAUSE: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2012.

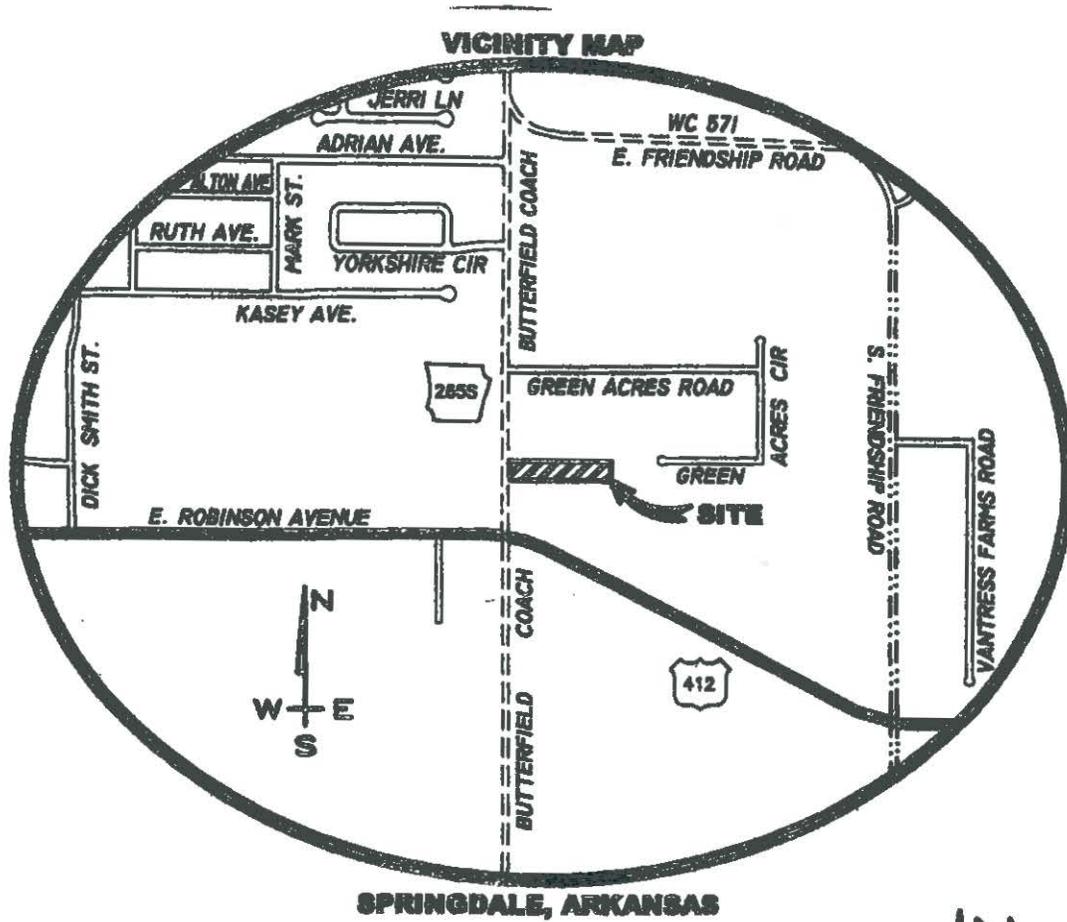
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:


Jeff C. Harper, CITY ATTORNEY



JSAC, LLC
VICINITY MAP



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE RE-PLAT OF LOTS 5 AND 8 IN THE ENCLAVE SUBDIVISION TO THE CITY OF SPRINGDALE ARKANSAS, AND DECLARING AN EMERGENCY.

BE IT KNOWN BY THE CITY OF SPRINGDALE, ARKANSAS:

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:

Legal Description

PARENT TRACT(S); LOTS 5 AND 8 THE ENCLAVE

PARCEL NUMBER 815-36392-000 - LOT 5

PARCEL NUMBER 815-36395-000 - LOT 8

LOTS FIVE (5) AND EIGHT (8) OF THE FINAL PLAT OF THE ENCLAVE SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS PER PLAT RECORDED IN PLAT BOOK 23A AT PAGE 96, CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS.

ADJUSTED LOT 5

ALL OF LOT 5 AND A PART OF LOT 8 IN THE ENCLAVE SUBDIVISION IN THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION EIGHTEEN (18), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY NINE (29) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND IRON PIN (LS 1499) AT THE SOUTHWEST CORNER OF SAID LOT 5, THENCE ALONG THE WESTERLY LINE OF SAID LOT 5 NORTH 20°55'05" WEST - 161.45 FEET TO A FOUND IRON PIN (LS 1499) ON THE COMMON LINE BETWEEN SAID LOT 5 AND LOT 8; THENCE NORTH 00°54'48" EAST - 129.17 FEET TO A SET IRON PIN ("ESI COA 131") ON THE SOUTH RIGHT OF WAY LINE OF IVEY LANE; THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 87°27'32" EAST - 73.57 FEET TO A FOUND 5/8" IRON PIN; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE SOUTH 21°10'07" EAST ALONG THE EASTERLY LINE OF SAID LOTS 5 AND 8 - 245.84 FEET TO A FOUND 5/8" IRON PIN, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF TUSCANY AVENUE; THENCE SOUTHWESTERLY, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 895.0 FEET, A CENTRAL ANGLE OF 07°14'23", SUBTENDED BY A CHORD BEARING SOUTH 65°10'27" WEST, AN ARC DISTANCE OF 113.09 FEET TO THE POINT OF BEGINNING. SAID LOT CONTAINS 0.63 ACRES (27,484 SQUARE FEET) MORE OR LESS AND SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY OR PROTECTIVE COVENANTS OF RECORD, IF ANY.

ADJUSTED LOT 8

A PART OF LOT 8 THE ENCLAVE SUBDIVISION IN THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION EIGHTEEN (18), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY NINE (29) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 5/8" IRON PIN AT THE THE SOUTHWESTERLY CORNER OF SAID LOT 6, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF ST. JOHN'S WOOD STREET, THENCE NORTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.0 FEET, A CENTRAL ANGLE OF 68°23'18", SUBTENDED BY A CHORD BEARING NORTH 15°27'27"WEST, AN ARC DISTANCE OF 59.68 FEET TO A SET IRON PIN ("ESI COA 131"); THENCE NORTH 40°13'25" EAST - 182.03 FEET TO A FOUND IRON PIN (LS 1499) ON THE SOUTH RIGHT OF WAY OF IVEY LANE; THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 87°27'32" EAST - 83.54 FEET TO AN IRON PIN SET ("ESI COA 30"); THENCE DEPARTING SAID RIGHT OF WAY LINE SOUTH 00°54'48" EAST - 129.17 FEET TO A FOUND IRON PIN (LS 1499) ON THE COMMON LINE BETWEEN SAID LOT 5 AND LOT 8; THENCE SOUTH 63°30'01" WEST - 109.43 FEET TO A FOUND 5/8" IRON PIN; THENCE SOUTH 82°45'16" WEST - 90.88 FEET TO THE POINT OF BEGINNING, CONTAINING 0.60 ACRES (25,992 SQUARE FEET) MORE OR LESS AND SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY OR PROTECTIVE COVENANTS OF RECORD, IF ANY.

AND WHEREAS, said Planning Commission after conducting a public hearing, has approved the re-plat as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said re-plat and join with the said petitioner in petitioning the City Council to accept the said REPLAT OF LOTS 5 AND 8 THE ENCLAVE SUBDIVISION to the City of Springdale, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the RE-PLAT OF LOTS 5 AND 8 THE ENCLAVE SUBDIVISION, TO THE City of Springdale, Arkansas, as shown on the re-plat approved by the City Planning Commission, a copy of which is attached to this Ordinance and made a part hereof as though 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 use and benefit to the public the dedications contained therein.

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.

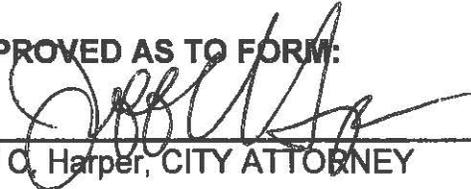
PASSED AND APPROVED this _____ day of _____, 2012.

Doug Sprouse, Mayor

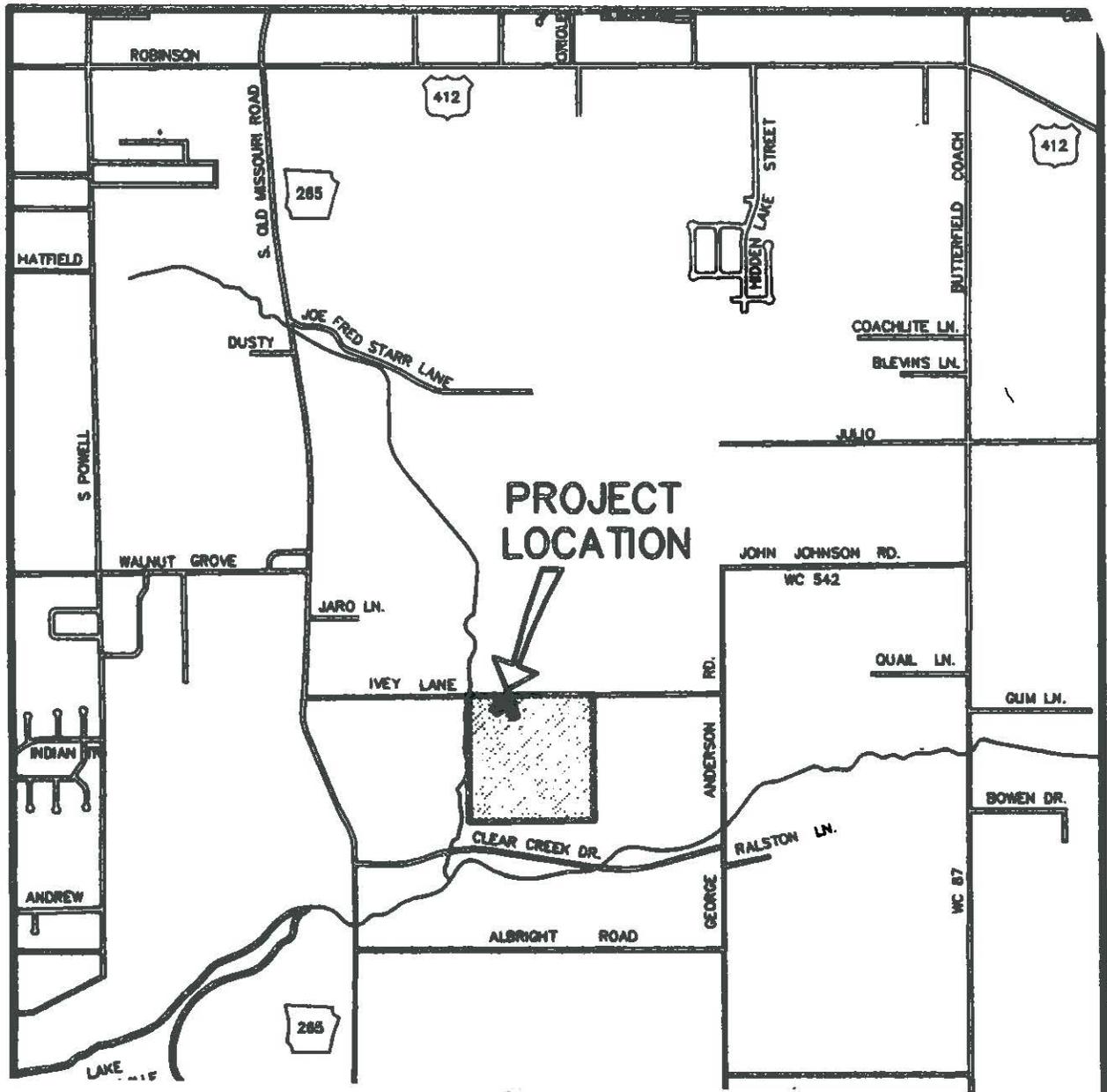
ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Jeff Q. Harper, CITY ATTORNEY



**THE ENCLAVE
REPLAT LOTS 5 & 8**

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE REPLAT LOTS 67 & 89 OF THE PARKER'S PLACE, PHASE II 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 replat of certain lands in the City of Springdale, Washington County, Arkansas, being more particularly described as follows, to wit:

Lots 67 and 89 Of Parker's Place, Phase II, City of Springdale, Arkansas, Being a Part Of The Southwest Quarter Of The Northwest Quarter Of Section 33, Township 18 North, Range 30 West Of The Fifth Principle Meridian, Washington County, Arkansas, Filed As Plat Record 0023-00000380.

AND WHEREAS, said Planning Commission, after holding a public hearing, has approved the replat as presented by petitioner, and has approved the dedication of streets, rights of way and utility easements as shown upon said replat and join with said petitioner in petitioning the City Council to accept the said replat of Lots 67 and 89 of Parker's Place, Phase II Subdivision to the City of Springdale, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the replat of Lots 67 and 89 of Parker's Place, Phase II Subdivision 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 though 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 use and benefit to the public the dedications contained therein.

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.

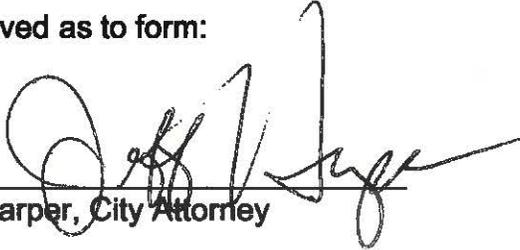
PASSED and APPROVED this ____ day of _____, 2012.

Doug Sprouse, Mayor

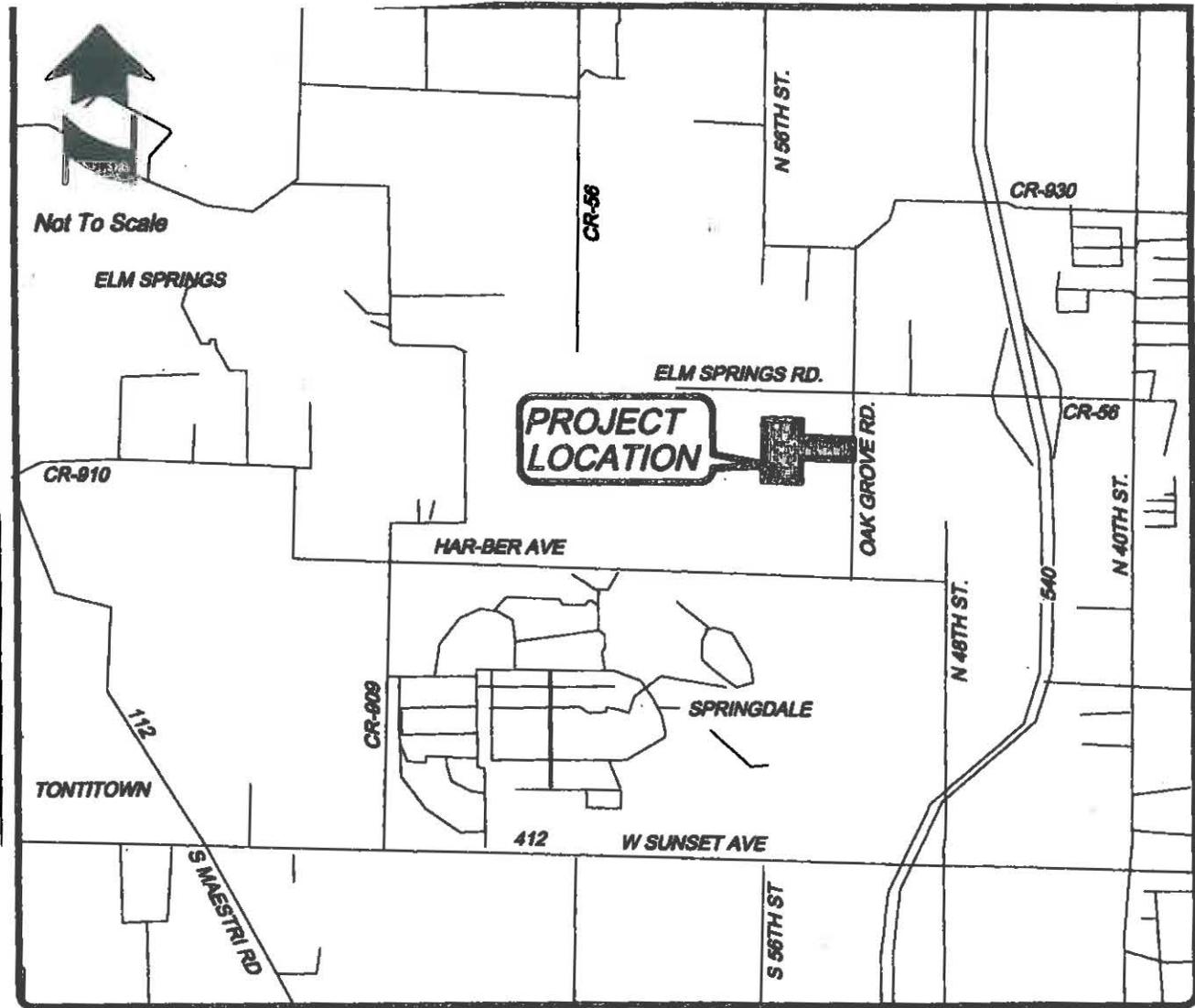
ATTEST:

Denise Pearce, City Clerk

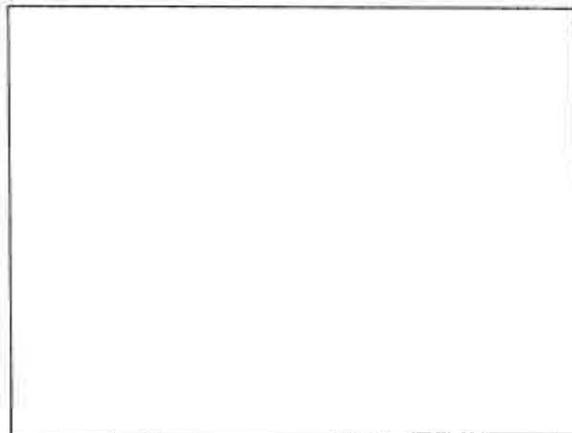
Approved as to form:



Jeff Harper, City Attorney



**PARKER'S PLACE
VICINITY MAP**



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) TO THOROUGHFARE COMMERCIAL DISTRICT (C-5) AND DECLARING AN EMERGENCY:

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of September 4, 2012 for a hearing the matter of a petition of Sweetser Family Limited Partnership requesting that the following described tract of real estate be zoned from General Commercial District (C-2) to Thoroughfare Commercial District (C-5).

Layman's Description: 1507 Shady Grove Road

Legal description: Lot 1, Block 1, Garden Center Place, to the City of Springdale, Arkansas, as shown on plat of record in plat book 7, at page 57, plat records of Washington County, Arkansas, less and except the East 111.00 feet of said lot.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from General Commercial District (C-2) to Thoroughfare Commercial District (C-5) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From General Commercial District (C-2) to Thoroughfare Commercial District (C-5).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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.

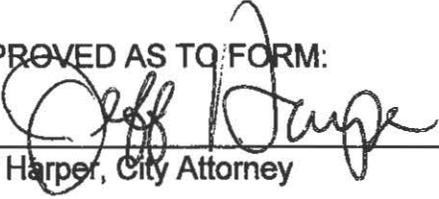
PASSED AND APPROVED THIS _____ DAY OF _____, 2012

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Jeff Harper, City Attorney



APPLICANT: SWEETSER FAMILY LTD PARTNERSHIP
FILE #: R12-19
REZONING REQUEST:
C-2 TO C-5

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
9/4/2012

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE 2012
BUDGET OF THE POLICE DEPARTMENT**

WHEREAS, the City of Springdale has received drug seizure funds that have not been appropriated for expenditure, and

WHEREAS, the Police Chief has requested an appropriation of \$1,000 for training and public education by the Washington County Drug Court, and

WHEREAS, the Police Chief has also requested an appropriation of \$10,000 for vehicle graphics on departmental vehicles.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2012 budget of the Police Department is hereby amended as follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
Police	10105014217021	Drug Seizure Funds	75,065	11,000		86,065

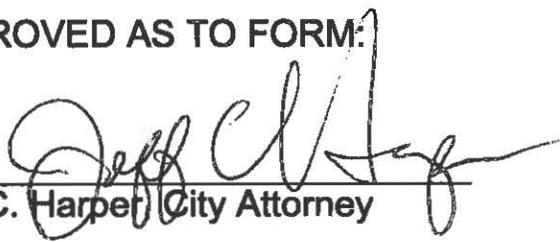
PASSED AND APPROVED this 11th day of September, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Jeff C. Harper, City Attorney

MEMO

Date: 8-17-2012
To: Wyman Morgan
From: Chief Kathy O'Kelley
Re: Asset Forfeiture transfer

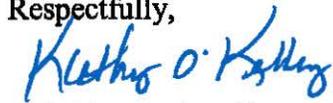
Wyman:

I have been in discussion with the Washington County Drug Court, Fayetteville Police Department, and the Washington County Sheriff's Office. Collectively we have found a need to support the Drug Court efforts to effectively train and reinforce the need to for participants to stay off drugs.

I am therefore requesting \$1000.00 from Revenue Account 101-0501-331.20-00 be transferred to the Police Department Budget Account 0501-421.70-20. This money will be transferred to the Drug Court in accordance the Asset Forfeiture rules established by the State of Arkansas

Additionally, I am requesting \$10,000 to be transferred from and to the same accounts for the purpose of changing vehicle graphics on 12 to 14 vehicles.

Respectfully,



Chief Kathy O'Kelley

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE 2012
BUDGET OF THE PARKS DEPARTMENT**

WHEREAS, the City of Springdale Parks and Recreation Director has received a donation of \$10,000 to be used for the purchase and installation of an omni spinner, and

WHEREAS, the Parks and Recreation Director has requested the appropriation of these funds and the appropriation of an additional \$4,000 to have sufficient funds to cover the acquisition and installation of this equipment.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2012 budget of the Parks Department is hereby amended as follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
Parks	10103014518030	Capital Equipment	57,000	14,000		71,000
Park Revenue	10103013650000	Misc. Grants	0	10,000		10,000

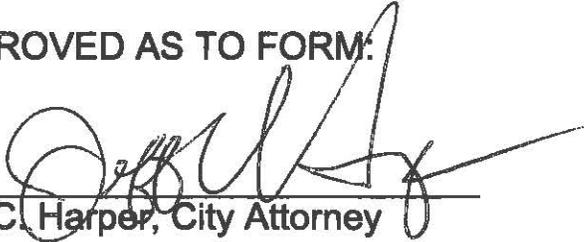
PASSED AND APPROVED this 11th day of September, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Jeff C. Harper, City Attorney

Wyman Morgan

From: Rick McWhorter [rmcwhorter@springdalear.gov]
Sent: Wednesday, August 15, 2012 9:41 AM
To: 'Wyman Morgan'
Cc: 'Doug Sprouse'; 'Patsy Christie'
Subject: LSI Omni Spinner for Miracle League

Attachments: Becky Thompson email to Mayor 12-2-11.pdf; Mayor's letter to Becky Thompson 12-14-11.pdf

Attached are the communications between Becky Thompson, Arkoma Playgrounds, and the Mayor concerning the donation from Aaron's Rental to help purchase an omni spinner for the Miracle League facility. Becky called me last Friday to see if we have been able to identify how we could find \$4,000 to match the \$10,000 donation from Aaron's to purchase and install this equipment. Please let me know what else I need to provide. Thanks.

Dr. Rick McWhorter, CPRP
Director
Springdale Parks & Recreation
P.O. Box 42
Springdale, AR 72765

ph: 479-750-8185
fax: 479-750-8595

8/15/2012



Mayor Doug Sprouse

201 Spring Street
Springdale, Arkansas 72764
(479) 750.8114
(479) 750.8559 fax
www.SpringdaleAR.gov

December 14, 2011

Aaron's Inc.
1410 S. Thompson
Springdale, AR 72762

To Whom It May Concern:

I want to take this opportunity to express my thanks to Aaron's Sales and Lease for their willingness to support the City of Springdale and the Miracle League Program. With this letter I am expressing the City's intent to accept this charitable donation to provide playground equipment through Arkoma Playgrounds & Supply for the Miracle League Park. We would like to place a sign at the Park acknowledging Aaron's Sales and Lease donation of the equipment as a token of our appreciations.

I look forward to working with Arkhoma Playgrounds & Supply and Aaron's to bring this project forward. If you have any questions please feel free to contact me.

Sincerely,

Doug Sprouse
Mayor

cc: Amber Spencer, Miracle League Director
Becky Thompson, Arkhoma Playgrounds & Supply
Rick McWhorter, Parks & Recreation Director
Patsy Christie, Planning Director

Rick McWhorter

From: Doug Sprouse [dsprouse@springdalear.gov]
Sent: Friday, December 02, 2011 4:06 PM
To: 'Wyman Morgan'; 'Christie, Patsy'; 'Sam Goade'; 'McWhorter, Rick'
Cc: 'Rose Lawrence'
Subject: FW: Miracle League Park
Attachments: Omni Prop 12-2-11.pdf

We need to talk about this Monday so I can get back with Becky about what the city can do to help make this happen. Rose can schedule it with you.

From: Becky [mailto:becky@arkoma.net]
Sent: Friday, December 02, 2011 3:54 PM
To: dsprouse@springdalear.gov
Subject: Miracle League Park

Mayor Sprouse,

I'm following up to a couple of messages I've left at your office and I'm sorry I missed you when you tried to get back in touch with me.

Last year we were fortunate to be involved in the development of the Miracle League park, providing the rubberized surface for the fields and the playground equipment. We have recently been contacted by Aaron's Sales Lease who would like to make a corporate donation of \$10,000 to go towards the purchase of our Landscape Structures' OmniSpin spinner provided through Arkoma Playgrounds at the Miracle League park. In return, Aaron's Sales and Lease would simply ask for acknowledgement with a sign stating something along the lines of "made possible by Aaron's.... etc".

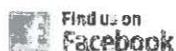
The OmniSpin is a stand-alone piece of playground equipment that allows children with various limitations to play side-by-side with their friends and siblings. We call this "inclusive play" and feel this piece of playground equipment will be a wonderful addition to the park because of the high level of inclusive play opportunities it would provide. The \$10,000 donation would cover the majority of the costs necessary to provide and install the OmniSpin as well as the same rubberized safety surfacing material that's already in place at the park.

Attached is a breakdown of the total costs involved and you will see the significant benefit of the contribution. Some of the items shown (ie, grading concrete, etc.) could perhaps be provided as donations-in-kind, or even provided by the city.

I have been speaking with Diane Alford, Executive Director of Miracle League who recommended I contact you directly and I would be happy to answer any questions you have and further explain what we need to do in order to see this happen.

Thanks very much,

Becky Thompson, CPSI
 93 W. Colt Square Dr., Suite 5
 Fayetteville, AR 72703
 Ph: 479-443-0066 | 888-340-7529
 Fax: 479-443-9202
www.arkomaplaygrounds.com



12/2/2011

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF
PROPERTY LOCATED AT 1509 AND 1803 LOWELL
ROAD, SPRINGDALE, ARKANSAS**

WHEREAS, the building that has been used to service vehicles of the Public Works Department has become unsafe and unusable due to age and deterioration, and

WHEREAS, the Public Works complex has become congested and the removal of the old vehicle servicing building would relieve a considerable amount of the congestion, and

WHEREAS, the properties recommended for acquisition consist of approximately 4.3 acres and contains a 3,240 SF office/warehouse corrugated, steel exterior wall and steel-framed building that would be suitable for servicing the vehicles of the Public Works Department, and

WHEREAS, appraisals of the properties indicated that the total Market Value of the sites (land only) is \$240,000 and the Market Value of the property with improvements is \$364,000, and

WHEREAS, the owners of these properties have agreed to sale to the City of Springdale for a total of \$360,900 and the Street Fund has sufficient unappropriated funds make this purchase ;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that

Section 1. the 2012 budget of the Public Works Department is hereby amended a follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
Public Works	20102014318010	Land & Improvements	0	360,900		360,900

Section 2. the Mayor is hereby authorized to execute all documents necessary for the acquisition of approximately 4.3 acres located at 1509 and 1803 Lowell Road, Springdale with a total sale price of \$360,900.

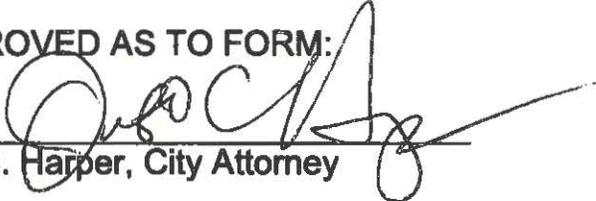
PASSED AND APPROVED this 11th day of September, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Jeff C. Harper, City Attorney



Public Works Department

Streets and Public Facilities

MEMORANDUM

Date: September 4, 2012
To: Mayor Doug Sprouse
From: Sam Goade
Subject: Proposed purchase of two (2) properties located on Lowell Road and contiguous with Public Works Department

It is my understanding that a resolution for purchase of the subject land will be on the September 11, 2012 City Council agenda. I have provided some factual data comparing building a new building on the existing Public Works property vs. purchase of the two properties.

Proposed New Building

Building size would be 80 x 40 with three (3) drive-thru bays.
Bay 1 for routine fleet maintenance (oil & lub)
Bay 2 for Landscaping Division equipment storage
Bay 3 for welding shop

Associated Cost Estimate:

1. Architectural Design	\$22,400
2. Civil Engineering Site Plan	\$5,000
3. Geotechnical Analysis	\$3,500
4. Building Cost with lift or pit in oil bay	<u>\$200,000</u>
Total new building cost	\$230,900
Cost per square foot	\$72.16

Proposed Purchase of Land with Improvements

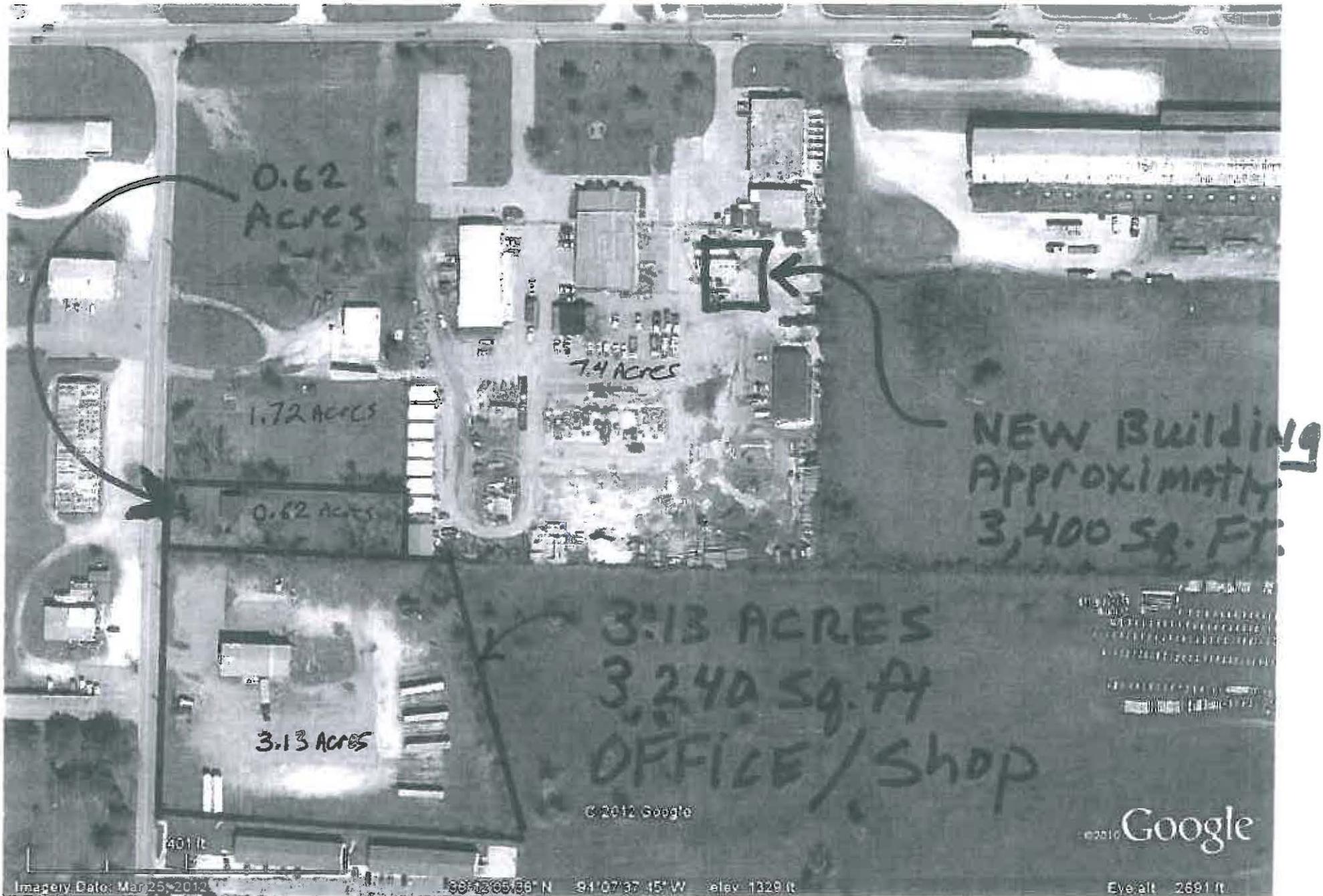
1. Property at 1803 Lowell Road is a 3.13 acre tract with a 3,240 square foot office/shop building. This property appraised for \$313,000. The land appraised at \$199,000 and the office/shop appraised at \$114,000. The owner asking price for the land and building is \$309,000.
2. Property at 1509 Lowell Road is a 0.62 acre tract with a residential house. The land appraised at \$41,000 and the residential house at \$10,000. The owner will accept the appraised value. This property is situated between the 3.13 acres tract and the Public Works property immediately to the north and provides contiguity.
3. The total cost for both properties would therefore be \$360,000.
4. We are proposing to move the entire Fleet Maintenance Division and the welding shop to the existing shop building on the 3.13 acre tract. The Landscaping Division would move into the existing shop building at Public Works.
5. The existing shop building on the 3.13 acre site would get a vehicle lift system costing \$38,000 which would be paid out of our 2013 capital equipment fund along with approximately \$2,500 to improve the overhead lighting.
6. Purchase of both tracts would add 3.74 acres of land to Public Works or an increase in available space of 41 percent for future growth.

Summary:

New building to be constructed on the existing Public Works property: **\$230,900**

Purchase land with existing shop building plus the vehicle lift and lighting: **\$400,500**

The difference in cost to purchase the land vs. a new building would therefore be \$169,600. Building a new building on the existing Public Works property would further crowd our already crowded available space and limit the future possible expansion of the Animal Services facility. With the new land we could relocate and better organized our inventory of construction supplies and materials. There would be the additional cost to remove the existing residential home on the 0.61 acre tract and eventually fence the area with chain link fencing but those are not immediate issues and would not prevent us from making immediate beneficial use of the new property and existing shop building.



SUBJECT PHOTOGRAPHS



**Subject Front
West Side**

Building is 3,240 sq. Ft. Appraised AT \$114,000 OR
\$ 35.19 per Square Foot



**Subject
South Side**

SUBJECT PHOTOGRAPHS



**Subject
North Side**



**Subject
South
Side Yard**

ADJACENT PROPERTIES:

Existing land uses are residential, industrial and commercial all around the subject site. The Market Area is more than 80+/-% developed and some vacant land is available for acquisition.

IMPROVEMENTS:

Subject property is improved with a 3,240 +/-SF office/warehouse corrugated, steel exterior wall and steel-framed building that includes 646 +/-Sf of office space at the front of the building. The building has adequate pedestrian access with a door on the front and both sides.

The north and south sides have three overhead doors that can provide drive-through ability if needed. The rear side has no doors. The front 60 feet of depth has a 22-foot ceiling height and the last 20 feet has a 15 foot ceiling height.

No complete interior inspection was performed. However, a window inspection revealed a 2-fixture bathroom and central heat and air conditioning. The effective age of the building is estimated at 17 years and the economic life is estimated to be 45 years.

The front side has 14,000+/- square feet of paved area and the south side has another 27,000+/- square feet of paved area. The entire property is fenced with chain link of the west side, barbed wire on the north and east sides and wood fence on the south side.

CONCLUSIONS:

The Subject site is uniquely situated to contribute and benefit from continued industrial use. It is a functional tract, being compatible with the area. Overall, the subject site is considered to be a marketable property, having no apparent adverse encroachments or easements affecting value.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF A
CONSTRUCTION CONTRACT AND MEMORANDUM OF
UNDERSTANDING FOR JOHNSON ROAD-I-540 TO
CHAPMAN AVENUE IMPROVEMENTS (CP-1004; AHTD
040272)**

WHEREAS, sealed competitive construction bids were received and opened for said project on September 6, 2012, and;

WHEREAS, the bids included two schedules with schedule one covering the majority of the roadway improvements and schedule two including only the signal at Greathouse Springs Road and 48th Street, and;

WHEREAS, federal funds will not cover the installation of the signal included in schedule two, therefore, the signal is to be paid in full by the City of Johnson, and;

WHEREAS, schedule two will be awarded pending an agreement between the City Of Springdale and the City of Johnson regarding payment;

WHEREAS, if no such agreement can be reached, the signal installation will not be performed therefore reducing the overall contract amount;

WHEREAS, the low bid for schedule one (1) of \$9,825,782.21 and schedule two (2) of \$174,195.52 was submitted by APAC Central, Inc., of Fayetteville, AR;

WHEREAS, it is necessary to formally establish a construction budget for this project, said budget to be as follows:

Construction (Bid Amount)	
Schedule 1	\$9,825,782.21
Schedule 2	\$174,195.52
Construction Contingency (10%)	<u>999,997.74</u>
Total Project Budget	\$9,999,977.73

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

- 1) The Mayor and City Clerk are hereby authorized to execute a construction contract with APAC Central, Inc. in the amount of \$9,825,782.21 plus the signal to be paid for by the City of Johnson of \$174,195.52.
- 2) The Mayor and City Clerk are hereby authorized to execute a memorandum of understanding with the City of Johnson, AR indicating that the City of Johnson will be responsible for 100% of the cost of schedule 2.

PASSED AND APPROVED this _____ day of September, 2012

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Jeff C. Harper, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE TEMPORARY
OPERATION OF A CARNIVAL**

WHEREAS, Janet Edwards, Special Events Program 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 Pride of Texas; and

WHEREAS, Pride of Texas Carnival dates will be Wednesday, October 3rd thru Sunday, October 7th, 2012, and

WHEREAS, the carnival's hours of operation will be Wednesday, October 3rd thru Sunday, October 7th, 2012 from 10:00 a.m. – Midnight; 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 Janet Edwards, Special Events Program Director with the Rodeo of the Ozarks and the Pride of Texas, is hereby authorized to conduct a carnival entertainment event in Parsons Stadium Rodeo Arena located at 1423 Emma Avenue, October 3rd through October 7th, 2012, with the carnival opening and closing times listed above. In case of a rain out, the Mayor has the authority to reschedule this event.

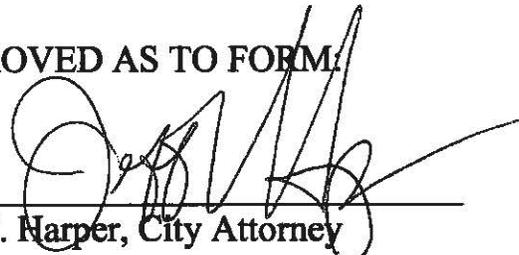
PASSED AND APPROVED this 11th, day of September, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Jeff C. Harper, City Attorney

CITY OF SPRINGDALE
APPLICATION FOR CIRCUS/EVENT

DATE OF APPLICATION: August 30, 2012

BUSINESS NAME: Rodeo of the Ozarks for Pride of Texas Amusements

OWNER: Ed Burlingame

BUSINESS ADDRESS: Rodeo of the Ozarks, PO Box 1909, Springdale, AR 72765

BUSINESS PHONE: 479-756-0464

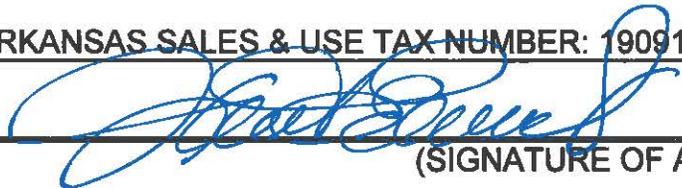
EMERGENCY PHONE: Denny Upton 479-841-7414

DATE OF EVENT(7 day maximum): October 3 - 7, 2012

PHYSICAL LOCATION OF EVENT: Parsons Stadium, 1423 E. Emma, Springdale, AR 72764

HOURS OF OPERATION(Limited hrs. 10 a.m. to midnight): noon - midnight

ARKANSAS SALES & USE TAX NUMBER: 190912-72002



(SIGNATURE OF APPLICANT)

OFFICE USE ONLY

1. APPLICATION FEE OF \$100.00 COLLECTED:

2. VERIFICATION OF ZONING (C-2, C-5): 

3. PROOF OF \$1 MIL PUBLIC LIABILITY INSURANCE:(Non-profits exempt) OIC

4. COPY OF WRITTEN PERMISSION FROM PROPERTY OWNER: OIC

*******Please complete the following steps after Council Approval*******

DATE OF COUNCIL APPROVAL:

FIRE MARSHAL'S SIGNATURE:(Call 479-751-4510)

BUILDING OFFICIAL'S SIGNATURE:(Call 479-750-8557)

CarnivalPermitapplication

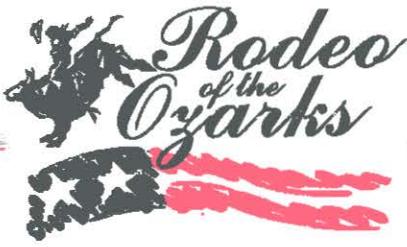
PERMIT ISSUED:

DATE:

BY:

(Copy to Dispatch & Code Enforcement)

CarnivalPermitapplication



August 30, 2012

City of Springdale
100 N. Spring
Springdale, AR 72764

The Rodeo of the Ozarks will be hosting the Pride of Texas Carnival here at Parsons Stadium for a Fall Carnival Celebration. The event will held October 3-7, 2012

RODEO OF THE OZARKS

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

Janet Edwards
Special Events Program Director

P.O. Box 1909 • Springdale, AR 72765-1909 • 1-479-756-0464 • Fax 1-479-756-6582
www.rodeooftheozarks.com

RESOLUTION NO. _____

**A RESOLUTION APPOINTING ERNEST CATE TO THE
POSITION OF CITY ATTORNEY FOR THE CITY OF
SPRINGDALE EFFECTIVE JANUARY 1, 2013.**

WHEREAS, the current elected City Attorney for the City of Springdale, Arkansas, Jeff Harper, has been elected Springdale District Judge and shall take office January 1, 2013;

WHEREAS, as of January 1, 2013 there will be a vacancy in the office of the City Attorney for the City of Springdale, Arkansas;

WHEREAS, the City Council for the City of Springdale finds that Ernest Cate should be appointed as City Attorney effective January 1, 2013, to serve the remaining two years of the term;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Ernest Cate be appointed City Attorney for the City of Springdale, Arkansas effective January 1, 2013.

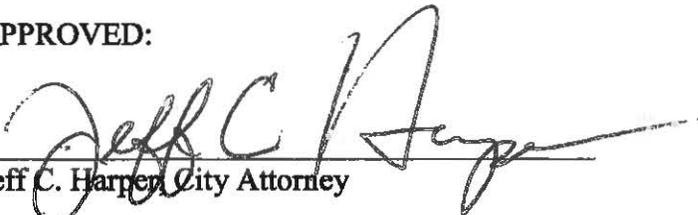
PASSED AND APPROVED, this _____ day of _____, 2012.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:



Jeff C. Harper, City Attorney