

CITY OF SPRINGDALE
Committee Agendas
Monday, November 4th, 2013
Multi-Purpose Room #236
City Administration Building
Meetings begin at 5:30 p.m.

Ordinance Committee, Chairman Mike Overton:

1. *Discussion* concerning Pit Bull Dogs, presented by Ernest Cate, City Attorney. **Pg 2-8**

Parks & Recreation Committee, Chairman Brad Bruns:

2. *A Resolution* authorizing the purchase of bleachers and shade covers, presented by Rick McWhorter, Director of Parks & Recreation. **Pg 9**

Police & Fire Committee, Chairman Eric Ford:

3. *A Resolution* amending the 2013 Budget of the Fire Department, presented by Mike Irwin, Fire Chief. **Pg 10-11**

Street & CIP Committee, Chairman Rick Evans:

4. *A Resolution* authorizing the purchase of property located at 125 Mill Street, Springdale, Arkansas, presented by Mayor Doug Sprouse. **Pg 12**

Finance Committee, Chairman Brad Bruns:

Budget Review with the following Departments:

City Attorney
Buildings Department
Planning & Community Development
Airport
Library
Parks, Aquatic Center, Soccer Program, Activity Fund
Animal Shelter
Administration
Engineering
Information Technology

5. *A Resolution* approving the City of Springdale, Arkansas Budget for the Year 2014, presented by Mayor Doug Sprouse. **Pg. 13**
6. *A Resolution* amending Section 4.10 of the City of Springdale Personnel and Procedures Manual, presented by Wyman Morgan, Director of Administration & Financial Services. **Pg 14**
7. *An Ordinance* setting the salaries of the elected officials and Planning Commission members of Springdale, Arkansas and repealing Ordinance Number 4653, presented by Mayor Doug Sprouse. **Pg 15**

Pit Bulls

From 1/1/2011 to 10/23/2013

Page	Pit	Mixed Pit	TTL	Unk
1	4	1	5	1
2	4		4	3
3	4	1	5	1
4	2		2	1
5	5	2	7	
6	3		3	
7	4		4	1
8	4		4	1
9	2		2	2
10	5	2	7	
11	7		7	1
12	6		6	
13	6		6	
14	2		2	1
15	1		1	
	59	6	65	12
	43.7%	4.4%	48.1%	52.8%

Total number of Incidents: 135

Total number with breeds: 123

JACKSONVILLE

(Russellville is identical)

ANIMALS

D. BANS

1. **Ban** It shall hereafter be unlawful for any person, firm, or corporation to keep, own, or harbor within the City limits any of the following breeds of dog(s):

- a) Stafford Bull Terrier;
- b) American Pit Bull Terrier;
- c) American Bull Dog;
- d) Dogs of mixed breed or of other breeds than the above-listed whose breed is known as Pit Bull, Bull Dogs, or Pit Bull Terrier;
- e) Any breed being a predominate breed of a Stafford Bull Terrier, an American Pit Bull Terrier, Bull Dog, or any mixed breed thereof; and,
- f) Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this Ordinance.

2. **Registration** Any owner, keeper, or harbinger of a dog listed above will have Thirty (30) days after passage and publication of this Ordinance to register the animal with Jacksonville Animal Control pursuant to the following criteria:

- a) The animal was licensed prior to the effective date of this Ordinance;
- b) The owner, keeper, or harbinger shall provide proof of rabies vaccination;
- c) The owner, keeper, or harbinger must be at least Twenty-one (21) years of age;
- d) The owner, keeper, or harbinger shall, at his/her own expense, have the animal spayed or neutered and/or shall present to the Jacksonville Animal Control documentary proof from a licensed veterinarian that a sterilization procedure has been performed on said animal. An owner of such a prohibited animal may be exempted from the spay or neuter requirement. To obtain such an exemption, documentation must be provided from a licensed veterinarian stating that a spay or neuter procedure would put the animal's life at-risk at that time, but the documentation must specify a timeframe within which the sterilization procedure can be completed;
- e) The owner, keeper, or harbinger shall bring the animal to the Jacksonville Animal Shelter where authorized personnel will assign a registration number to the animal and shall direct the owner to a licensed veterinarian to cause a computer chip to be implanted in the animal. Documented proof of said implementation must be returned to the Jacksonville Animal Control, which shall maintain a file containing the registration numbers, names of the animals, and the names and

ANIMALS

addresses of the owners. The owner shall notify Animal Control of any change of address.

3. Conditions for Keeping and Maintaining a Banned Animal

The Confinement, Leash and Muzzle Restrictions, and other requirements found in JMC § 6.04.045(B)(5) shall apply to any animal identified and properly registered under this Section.

4. Exceptions

A banned breed of animal shall not be considered owned or kept in the City if the animal is only brought into the City to a licensed veterinarian located in the City for the purpose of veterinary care, as is necessary for the completion of veterinary care, or for special event dog shows sanctioned by the City. Additionally, any animal used for law enforcement or other governmental purposes by the Police Department, military personnel, or other local, state, or federal agency(ies) are exempt from the provisions of this Section. However, any such animal is, at all times, subject to all other applicable restrictions under this Code.

5. Violations

a) It shall be unlawful for the owner, keeper, or harbinger of any animal registered with the City to fail to comply with the requirements and conditions set forth in this Ordinance. Any such animal found to be the subject of a violation of the provisions of this Section shall be subject to immediate seizure, impoundment, revocation of the license of such animal, and initiation of the procedures set forth herein.

b) The owner, keeper, or harbinger of any animal found to be in violation of the terms of this Ordinance shall be guilty of a violation and be subject to the Enforcement and Penalties Provisions contained in JMC § 6.04.120.

c) Any animal seized under the terms and conditions of this Ordinance by Animal Control shall be held by the Department for Three (3) business days for the owner to reclaim the animal. Any such animal shall be retrieved only upon compliance with all provisions of this Ordinance and after payment of a Seizure fee of One Hundred Dollars (\$100.00).

The owner must also sign a Statement verifying that the animal will be permanently removed from the City limits within Forty-eight (48) hours.

d) If any animal seized under the provisions of this Ordinance is not reclaimed within Three (3) business days as prescribed above, said animal shall be euthanized in a humane manner.

EC DOKADO

Title 6 ANIMALSChapter 6.20 WILD AND DANGEROUS ANIMALS***6.20.040 Pit bull prohibitions.**

A. It is unlawful to keep, harbor, own or in any way possess within the corporate limits of the city any pit bull dog as defined by administrative regulation; provided that pit bull dogs properly registered with the city by March 1, 1988, and kept within the city continuously since that time, may remain within the city subject to the requirements set forth in Section 6.20.060 of this chapter.

B. Any person violating or permitting violation of any provision of this chapter shall, upon conviction in municipal court, be fined a sum not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00). In addition to the fine imposed, the court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In addition, the court shall order the registration of the subject pit bull revoked and the dog removed from the city. Should the defendant refuse to remove the dog from the city, the judge of the municipal court shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this chapter occurs shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter. (Ord. G-1011 § 1 (part), 2007; Ord. G-1001 § 1 (part), 2007)

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(H) *Microchips*. Twenty-five dollars for any animal not adopted from the Animal Control shelter.
(Ord. 14, passed 10-19-09)

§ 91.37 KEEPING OF PIT BULL DOGS AND OTHER ANIMALS OF A VICIOUS NATURE.

(A) It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the city:

(1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to non-human primates, skunks, foxes and wild and exotic cats; but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes).

(2) Any animal having poisonous bites.

(3) Any pit bull dog; unless, said pit bull dog(s) is properly registered with the city, in accordance with this section, said registered pit bull dog may be kept within the city provided said dog(s) shall be securely confined indoors or in a securely enclosed and locked pen or kennel as set out in division (B).

(4) **PIT BULL DOG** is defined to mean:

(a) The bull terrier breed of dog;

(b) Staffordshire bull terrier breed of dog;

(c) The American pit bull terrier breed of dog;

(d) The American Staffordshire terrier breed of dog;

(e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs, or pit bull terriers;

(f) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

(5) Any animal that exhibits fierce or vicious behavior or that has attacked a person or animal with such severity as to cause physical injury or property damage. However, the fact that that animal has attempted to bite a person when that person has provoked or teased it shall not constitute the animal's being a vicious animal.

(B) The keeping of pit bull dogs by residents legally registered in the city shall be subject to the following standards:

(1) *Leash*. No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate object such as trees, posts, buildings, and the like.

(2) *Confinement*. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed as above provided. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the

ground. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) *Confinement indoors.* No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(4) *Signs.* All owners, keepers or harborers of registered pit bull dogs within the city shall within ten day of the effective date of this section display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(5) *Identification.* All owners, keepers or harborers of registered pit bull dogs must within ten days of the effective date of this section provide to the City Clerk/Animal Control two (separate and different poses) color photographs of the registered animal clearly showing the color and approximate size of the animal.

(6) *Reporting requirements.* All owners, keepers or harborers of registered pit bull dogs must within ten days of the incident, report the following information in writing to the Cabot City Clerk as required hereinafter:

- (a) The removal from the city or death of a registered pit bull dog;
- (b) The birth of offspring of a registered pit bull dog;
- (c) The new address of a registered pit bull dog owner should the owner move within the corporate city limits.

(7) *Sale or transfer of ownership prohibited.* No person shall sell, barter or in any other way dispose of a pit bull dog registered with the city to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the city.

(8) *Animals born of registered dogs.* All offspring born of pit bull dogs registered with the city must be removed from the city within six weeks of the birth of such animal.

(9) *Irrebuttable presumptions.* There shall be an irrebuttable presumption that any dog registered with the city as a pit bull dog or any of those breeds prohibited by the city code is in fact a dog subject to the requirements of this section.

(10) *Procedures for dealing with violators.* The owner or possessor of any dog found to be in violation of this section shall be guilty of a violation and be subject to punishment as provided for pursuant to division (11). In addition the Animal Shelter shall handle dogs in violation of this section as follows:

(a) The animal will be seized by Cabot Animal Control and held for three business days for the owner to reclaim the dog with a reclaim fee of \$100. The owner must sign an affidavit agreeing to immediately move the animal out of the city limits. The animal must be spayed or neutered at the owner's expense prior to its release to the owner.

(b) If the animal is not reclaimed within three business days as prescribed by division (a) it shall be humanely destroyed by Cabot Animal Control personnel or sent to a suitable rescue outside of the city limits.

(c) If the animal is found within the city limits a second time, the owner shall, upon conviction in the Cabot District Court, be fined as provided for pursuant to division (11). Any such order of conviction shall include seizure of the animal by Cabot Animal Control personnel to be humanely destroyed.

(11) *Violations and penalties.* Any person violating or permitting the violation of any provision of this section shall upon conviction in the District Court be fined a sum not less than \$200 and not more than \$1,000. In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed 30 days. In addition, the Court shall order the registration of the subject pit bull revoked and the dog removed from the city. Each day that violation of this section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this section.

(Ord. 5, passed 4-18-11)

LIVESTOCK/FOWL

§ 91.50 CERTAIN STABLES DECLARED NUISANCE.

All stables within the limits of the city used for the housing of horses, mules, cattle or livestock for sale, which violate any of the provisions of this chapter, are hereby declared to be public nuisances and menaces to the public health.

(Ord. 14, passed 10-19-09) Penalty, see § 91.99

§ 91.51 KEEPING OF HORSES AND COWS.

No person, household, or residence, shall keep any horse or cow except in an enclosed pasture containing a minimum of one acre for each horse or cow.

(Ord. 14, passed 10-19-09) Penalty, see § 91.99

§ 91.52 KEEPING OF HOGS, GOATS OR SHEEP.

(A) It is hereby declared to be unlawful for any person to possess, maintain or keep any hogs, goats or sheep within the limits of the city or to permit any hogs, goats or sheep to run at large within the limits of the city; except that hogs, goats and sheep in transit may be kept for a period not to exceed 24 hours in a duly established stockyard.

(B) The enforcement of the provisions contained in this section shall be the responsibility of the city Animal Control officer.

(Ord. 14, passed 10-19-09) Penalty, see § 91.99

§ 91.53 LIVESTOCK RUNNING AT LARGE PROHIBITED.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE
OF BLEACHERS AND SHADE COVERS**

WHEREAS, the Parks & Recreation Director has requested funds to purchase twenty sets of aluminum bleachers from DGJD, Inc. at a cost of \$81,719.65 and thirty-two bleacher shade covers from Davis Playgrounds, Inc. at a cost of \$107,306.97, and

WHEREAS, Parks & Recreation Director has received sealed bids for both of these items, and

WHEREAS, the providing of this type bleacher and bleacher shade structure will improve baseball and softball facilities at Tyson Park and J.B. Hunt Park, and

WHEREAS, the City Council desires that funds from the Park Bond Issue be appropriated for this project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the expenditure of \$189,026.62 of funds from the 2012 Park Bond Construction Fund to purchase bleachers and shade covers is hereby approved.

PASSED AND APPROVED this 12th day of November, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE 2013 BUDGET
OF THE FIRE DEPARTMENT**

WHEREAS, the City of Springdale Fire Department depends on the use of artificial light for structural fire-fighting efforts, roadway operations and other purposes, and

WHEREAS, the City of Springdale Fire Department has found the use of AA battery powered LED flashlights to be a more cost efficient use of taxpayer funds, and

WHEREAS, the stream of light emitted by an LED source is more effective and improves visibility in smoke filled fire-fighting environments, and

WHEREAS, the Fire Department also needs P100 respirators with filters and bags as well as helmets to use in the overhaul stage of fires and in environments that we do not need to be in full SCBA, but still need to protect our personnel, and

WHEREAS, the City of Springdale Fire Department Act 833 committee has approved the expenditure of \$ 19,000.00 and recommends the purchase of the aforementioned new flash lights, respirators and helmets;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2013 budget of the Fire 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>
Fire	10106014226031	Supplies from Reserves	0	19,000		19,000

PASSED AND APPROVED this 12th day of November, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Wyman Morgan

From: Mike Irwin <mirwin@springdalear.gov>
Sent: Wednesday, October 30, 2013 5:03 PM
To: 'Wyman Morgan'
Cc: 'Laura Favorite'
Subject: Act 833 funds

Wyman,

Our rechargeable flashlights are old and becoming less reliable. In an effort to help, we have asked our Act 833 committee to spend \$5,000.00 to purchase new LED handheld lights for every individual on the department. It will allow everyone on the scene to be able to provide their own source of light, and studies show the LED cuts through smoke and obscured areas much better than traditional lighting. Can I ask that this be put on the agenda for the Fire and Police committee meeting? This would come out of Act 833 funds and would not come out of the general fund. Thanks for your consideration!

Respectfully,

Mike Irwin

Fire Chief
Springdale Fire Department
417 Holcomb
Springdale, AR 72765
Office: 479-751-4510
Cell: 479-799-9091
mirwin@SpringdaleAR.gov

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF
PROPERTY LOCATED AT 125 MILL STREET,
SPRINGDALE, ARKANSAS.**

WHEREAS, the acquisition of 125 Mill Street, Parcel #815-22942-000 (as listed in the Washington County Assessor's Office) is needed for the Downtown Springdale Revitalization Projects, and

WHEREAS, the owner has agreed to sell this property to the City of Springdale for \$115,000.00;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor is hereby authorized to execute all documents necessary for the acquisition of and tender payment from the Capital Improvement Fund for property located at 125 Mill Street in Springdale, for a total purchase price of \$115,000.00.

PASSED AND APPROVED this ____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE CITY OF
SPRINGDALE, ARKANSAS BUDGET FOR
THE YEAR 2014**

WHEREAS, the Mayor has presented a proposed budget for the calendar year 2014 to the City Council for the City of Springdale, Arkansas as required by Arkansas Code 14-58-201; and

WHEREAS, the proposed budget includes a compensation step increase for eligible employees and a one-time bonus for employees at the top of their pay scale; and

WHEREAS, the City Council Finance Committee held budget work sessions to review, study, discuss and adjust the 2014 budget proposed by the Mayor and has recommended adoption with amendments;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the 2014 Mayor's proposed budget and the salary increases, as revised by the City Council Finance Committee, are hereby passed and approved with the compensation step increases to be effective January 1, 2014 and the bonuses to be paid in April of 2014.

PASSED AND APPROVED this 12th day of November, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AMENDING SECTION 4.10 OF THE
CITY OF SPRINGDALE PERSONNEL AND
PROCEDURES MANUAL**

WHEREAS, some of the services provided by the City of Springdale require having employees “On-Call” after normal working hours, and

WHEREAS, when an employee is assigned the responsibility of being on call they incur some personal restrictions and inconveniences, and

WHEREAS, Animal Control Officers, Information Technology Department employees and employees of the Public Works Signalization Division should be compensated for being “On-Call”;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Section 4.10 of the City of Springdale Personnel and Procedures Manual is hereby amended to read as follows, effective January 1, 2014.

4.10 Additional Compensation for Certain Employees:

In addition to regular pay, including any holiday compensation, certified full-time paramedics of the Springdale Fire Department shall receive an additional salary compensation, to be determined by the City Council. Those full-time firefighters who are members of HAZMAT shall receive additional compensation in an amount to be determined by the City Council.

Police officers who have attained any certificate, except the Basic Certificate, under the Arkansas Commission on Law Enforcement Standards, shall receive an additional compensation each month for each certificate earned above the "Basic Certificate," and said compensation amount shall be set by the City Council.

Animal Control Officers, employees of the Information Technology Department and employees of the Public Works Signalization Division shall receive additional compensation of \$105.00 per week when required to be “On-Call” after normal work hours.

All additional pay set out in this policy is paid bi-weekly ~~semi-monthly~~, and such compensation is set out on the employee's paycheck.

PASSED AND APPROVED this ____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE SETTING THE SALARIES OF THE
ELECTED OFFICIALS AND PLANNING COMMISSION
MEMBERS OF SPRINGDALE, ARKANSAS AND
REPEALING ORDINANCE NUMBER 4653**

WHEREAS, the Arkansas Municipal League legal staff has recommended that salaries of elected officials be established by ordinance, and

WHEREAS, the 2014 proposed budget includes increases in compensation for some elected officials, and

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

1. Effective January 1, 2014, the annual compensation for Springdale elected officials and Planning Commission members shall be as shown below.

City Council Members	\$ 10,200
Planning Commission Members	3,600
Mayor	111,227
City Clerk/Treasurer	77,922
City Attorney	101,898
District Judge	123,580

2. Ordinance Number 4653 setting salaries for elected officials is hereby repealed effective January 1, 2014.

3. **Emergency Clause.** It is hereby declared that an emergency exists, and this ordinance being necessary for the immediate preservation of the health, safety, and welfare of the citizens of Springdale, Arkansas, shall be effective January 1, 2014.

PASSED AND APPROVED this ____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney