

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

- Monday, May 5th, 5:30 p.m. is the next Committee meetings.
 - Committee agendas will be available on Friday, May 2nd

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 22nd, 2014

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – **MIKE LAWSON**

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) April 8th, 2014 **Pg.'s 3-22**

6. A Report on the Economic Development Program by Lance Eads, VP Economic Development for the Chamber of Commerce.

7. 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....9A-E, 10 & 12* (Motion must be approved by two-thirds (2/3) of the council members).

8. **A Resolution** approving a construction progress payment for the Don Tyson Parkway Interchange (12BPS1), presented by Alan Pugh, Director of Engineering. **Pg. 23**

9. Planning Commission Recommendations by Planning Director Patsy Christie:

A. **An Ordinance** accepting the Re-Plat of Lot 1, Block 1 of Henson Heights second Subdivision to the City of Springdale, Arkansas, and declaring an emergency. **Pg.'s 24-26**

B. **An Ordinance** rezoning 4.73 acres owned by Pinewood West, LLC. Located at 2653 N. 48th Street from Agricultural District (A-1) to General Commercial District (C-2) and declaring an emergency. **Pg.'s 27-29**

C. **An Ordinance** rezoning 2.11 acres owned by the City of Springdale located at the Southwest side of Har-Ber Avenue, east of Bella Toscana Street from Commercial District (C-1) to Institutional District (P-1) and declaring an emergency. **Pg.'s 30-32**

D. **An Ordinance** rezoning 3.5 acres owned by the City of Springdale located at the end of Glass Drive, East side of North Thompson Street from Commercial District (C-5) to Institutional District (P-1) and declaring an emergency. **Pg.'s 33-35**

- E. **An Ordinance** rezoning 8.75 acres owned by the City of Springdale located at the north side of Don Tyson Parkway, 550' east of Cambridge, 1,300' west of Highway 71B from Single Family Residential District (SF-2) to Institutional District (P-1) and declaring an emergency. **Pg.'s 36-39**
- F. **A Resolution** approving a Conditional Use at 2576 west Sunset Avenue as set forth in Ordinance No. 4030. **Pg.'s 40-41**
- Waiver:**
- G. **A Resolution** approving a waiver of street improvement, drainage, curbs, gutters, and sidewalks as set forth in Ordinance No. 3725 to Memco Safety, Inc. in connection with L14-02 a Large Scale Development. **Pg.'s 42-43**
- H. **A Resolution** approving a waiver of street improvement, drainage, curbs, gutters, and sidewalks as set forth in Ordinance No. 3725 to Brent and Rae Couch in Connection with a Single Family Dwelling located at 2651 N. 56th Street. **Pg.'s 44-45**
10. Ordinance Committee Report and Recommendations by Chairman Mike Overton:
- An Ordinance** amending Chapter 98-63(d) of the Code of Ordinances of the City of Springdale, Arkansas; to declare an emergency; and for other purposes. **Pg.'s 46-48**
11. Street & CIP Committee Report and Recommendations by Chairman Rick Evans:
- A. **A Resolution** authorizing the purchase of approximately 42 acres of real property located between Lake Springdale and JB Hunt Park, situated in Washington and Benton County, Arkansas, and authorizing the purchase of personal property located therein. **Pg.'s 49-51**
- B. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein Thang Van Nguyen and Xuan Thi Huynh are defendants, presented by Alan Pugh, Director of Engineering. **Pg. 52**
- C. **A Resolution** authorizing execution of a construction contract for the Don Tyson Parkway and 40th Street intersection traffic signal and establishing the budget for said project, presented by Alan Pugh, Director of Engineering. **Pg. 53**
12. Health, Sanitation & Property Maintenance Report & Recommendations by Chairman Jim Reed:
- An Ordinance** razing (demolition) and removal of certain structure within the City of Springdale, Arkansas, located at 308 W. Emma Avenue; to declare an emergency and for other purposes. **Pg.'s 54-58**
13. Finance Committee Report and Recommendations by Chairman Brad Bruns:
- A Resolution** amending the City of Springdale 2014 Budget. **Pg.'s 59-61**
14. Comments from Department Heads.
15. Comments from Council Members.
16. Comments from City Attorney.
17. Comments from Mayor Sprouse.
18. Adjournment.

SPRINGDALE CITY COUNCIL
APRIL 8, 2014

The City Council of the City of Springdale met in regular session on April 8, 2014, 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 1
Mike Lawson	Ward 4
Rick Evans	Ward 2
Jim Reed	Ward 1
Kathy Jaycox	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Wyman Morgan	Director of Finance & Admin.
Patsy Christie	Planning Director
Sam Goade	Public Works Director
Kathy O'Kelley	Police Chief
Mike Irwin	Fire Chief
Mike Chamlee	Chief Building Official
Rick McWhorter	Parks & Recreation Director
Courtney Kremer	Animal Services Director
Alan Pugh	Engineering Director
Gina Lewis	Human Resources Director

RABBIT FOOT LODGE PROPERTY ANNOUNCEMENT

Mayor Sprouse announced that Johnelle Hunt and the Hunt Family have donated \$500,000 towards the purchase of 42 acres around the Rabbit Foot Lodge located off Silent Grove Road.

RECOGNITION – SHILOH MUSEUM DIRECTOR ALLYN LORD

Mayor Sprouse recognized Shiloh Museum Director Allyn Lord and maintenance manager Marty Powers who both received awards at the Arkansas Museums Association annual conference held in North Little Rock.

Allyn received the Peg Newton Smith Award for Lifetime Achievement. Marty received the staff museum of the year award.

APPROVAL OF MINUTES

Alderman Jaycox moved the minutes of the March 25, 2014 City Council meeting be approved as presented. Alderman Reed 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 Evans made the second.

The vote:

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

No: None

ORDINANCE NO. 4781 – ACCEPTING THE REPLAT OF LOTS 2, 3, 4, AND 5 IN THE GLASS COMMERCIAL SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of Lots 2, 3, 4, and 5 in the Glass Commercial Subdivision to the City of Springdale and declaring an emergency.

Planning Commission recommended approval at their April 1, 2014 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4781.

ORDINANCE NO. 4782 – AMENDING SECTION 42-51 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

Alderman Bruns presented an Ordinance amending the Noise Ordinance, Section 42-51 of the Code of Ordinances of the City of Springdale, Arkansas; declaring an emergency and for other purposes.

The change will provide for a greater and more effective regulation of excessive noise made by sound amplification devices in the City of Springdale.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4782.

ORDINANCE NO. 4783 – AMENDING CHAPTER 114-86 (TRAFFIC AND VEHICLES) OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

Alderman Overton presented an Ordinance amending Chapter 114-86 (Traffic and Vehicles) of the Code of Ordinances of the City of Springdale, Arkansas; declaring an emergency and for other purposes.

The amendment clarifies the definition of trucks that cannot be operated on non-truck routes in the City of Springdale, Arkansas. The new definition now states that a truck means any vehicle with more than 6 wheels, except recreational vehicles, buses used in transportation of chartered parties and government owned vehicles.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4783.

RESOLUTION NO. 47-14 – AUTHORIZING A MASTER LEASE AGREEMENT WITH VERIZON WIRELESS

Wyman Morgan presented a Resolution authorizing a Master Lease Agreement with Verizon Wireless who wants to explore the possibility of locating equipment on property owned by the City of Springdale.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING A MASTER LEASE AGREEMENT WITH VERIZON WIRELESS

WHEREAS, Verizon Wireless desires to improve their cell phone capability in Springdale, and

WHEREAS, Verizon Wireless wants to explore the possibility of locating equipment on property owned by the City of Springdale, and

WHEREAS, Verizon Wireless has requested permission to install equipment and work in public rights-of-way;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute a master lease agreement with Verizon Wireless Tennessee Partnership.

PASSED AND APPROVED this ____ day of April, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 47-14.

RESOLUTION NO. 48-14 – AMENDING THE 2014 BUDGET OF THE SPRINGDALE DISTRICT COURT

Alderman Bruns presented a Resolution amending the 2014 Budget of the Springdale District Court.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2014 BUDGET OF THE SPRINGDALE DISTRICT COURT

WHEREAS, the Springdale District Court has proposed an amendment to their budget for the year 2014, based on certain expenditures expected to be made in certain budget categories as well as a reduction in certain expenditures that were anticipated;

WHEREAS, after the budget adjustments, there will be no additional monies required to be allocated to the District Court budget, as there are the proposed increases equal the proposed decreases;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2014 budget of the Springdale District Court is hereby amended as follows:

SPRINGDALE CITY COUNCIL
APRIL 8, 2014

<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	205-0103-413.30-18	Salaries-Civil/ Sm.Claims Judge	\$2500	\$2000		\$ 4500
District Court	205-0103-413.70-03	Communications	\$5500	\$1850		\$ 7350
District Court	205-0103-413.70-05	Travel & Training	\$13362		\$2000	\$11362
District Court	205-0103-413.70-10	Miscellaneous	\$4000		\$1000	\$ 3000
District Court	205-0103-413.51-19	Maint./Other Equipment	\$2500		\$ 500	\$ 2000
District Court	205-0103-413.60-40	Books & Periodic.	\$ 500		\$ 350	\$ 150

PASSED AND APPROVED this _____ day of April, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 48-14.

RESOLUTION NO. 49-14 – AUTHORIZING THE CITY ATTORNEY TO BEGIN CONDEMNATION PROCEEDINGS ON SIX PARCELS OF PROPERTY ON THE 56TH STREET WIDENING PROJECT FROM DON TYSON PARKWAY NORTH TO WATKINS AVENUE

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to begin condemnation proceedings on six parcels of property on the 56th Street widening project from Don Tyson Parkway north to Watkins Avenue.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO BEGIN CONDEMNATION PROCEEDINGS ON SIX PARCELS OF PROPERTY ON THE 56TH STREET WIDENING PROJECT FROM DON TYSON PARKWAY NORTH TO WATKINS AVENUE.

WHEREAS, the City of Springdale is planning street improvements to widen 56th Street, Project #12BPS4;

WHEREAS, attempts at negotiating for the acquisition of necessary rights-of-way and easements from property owners on the parcels of land listed below have been unsuccessful on the project identified as 56th Street Project, #12BPS4.

Parcel No.	Tract No.	Property Owner
815-30846-000	9	Donald D. Lee & Cindy L. Lee and Kenyon Atkinson
815-30842-400	12	Lonnie Dickard & Barbara Dickard
815-30842-000	13	Mary Ruth Wilhite
815-30841-000	14	Oren Larue, Jr. & Lorene Larue
815-30839-000	15	Hubert D. Wilhite & Mattie M. Wilhite
815-30867-000	101	Victory Church NWA, Inc.

WHEREAS, it is now necessary to acquire this right-of-way and easement by condemnation proceedings;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to begin condemnation proceedings to acquire the required right-of-way and easement on the parcels of land listed below:

Parcel No.	Tract No.	Property Owner
815-30846-000	9	Donald D. Lee & Cindy L. Lee and Kenyon Atkinson
815-30842-400	12	Lonnie Dickard & Barbara Dickard
815-30842-000	13	Mary Ruth Wilhite
815-30841-000	14	Oren Larue, Jr. & Lorene Larue
815-30839-000	15	Hubert D. Wilhite & Mattie M. Wilhite
815-30867-000	101	Victory Church NWA, Inc.

PASSED AND APPROVED this _____ day of _____, 2014.

 Doug Sprouse, Mayor

ATTEST:

 Denise Pearce, City Clerk

APPROVED:

 Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 49-14.

RESOLUTION NO. 50-14 – AUTHORIZING THE CITY ATTORNEY TO BEGIN CONDEMNATION PROCEEDINGS ON PROPERTY OWNED BY THANG VAN NGUYEN AND XUAN THI HUYNH LOCATED AT 3700 S. 56TH STREET (PARCEL NO. 815-30889-000) ON THE 56TH STREET WIDENING PROJECT

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to begin condemnation proceedings on property owned by Thang Van Nguyen and Xuan Thi

Huynh located at 3700 S. 56th Street (Parcel No. 815-30889-000) on the 56th Street widening project.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO BEGIN CONDEMNATION PROCEEDINGS ON PROPERTY OWNED BY THANG VAN NGUYEN AND XUAN THI HUYNH LOCATED AT 3700 S. 56TH STREET (PARCEL NO. 815-30889-000) ON THE 56TH STREET WIDENING PROJECT.

WHEREAS, the City of Springdale is planning street improvements to widen 56th Street, Project #12BPS4;

WHEREAS, attempts at negotiating for the acquisition of necessary rights-of-way and easements from property owners, Thang Van Nguyen and Xuan Thi Huynh have been unsuccessful on the project identified as 56th Street Project, #12BPS4.

WHEREAS, it is now necessary to acquire this right-of-way and easement by condemnation proceedings;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to begin condemnation proceedings to acquire the required right-of-way and easement on the property located on 56th Street, owned by Thang Van Nguyen and Xuan Thi Huynh to allow construction of the 56th Street Project to proceed.

PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 50-14.

RESOLUTION NO. 51-14 – REASSIGNING THE ROLE OF PLANS EXAMINATION TO THE CHIEF BUILDING INSPECTOR AND RETURNING THE POSITION OF INSPECTOR/PLANS EXAMINER TO "INSPECTOR"

Alderman Jaycox presented a Resolution reassigning the role of plans examination to the Chief Building Inspector and returning the position of Inspector/Plans Examiner to "Inspector".

RESOLUTION NO. _____

A RESOLUTION REASSIGNING THE ROLE OF PLANS EXAMINATION TO THE CHIEF BUILDING INSPECTOR AND RETURNING THE POSITION OF INSPECTOR/PLANS EXAMINER TO "INSPECTOR."

WHEREAS, Mike Chamlee, Director of Building Inspection, has requested that the role of plans examination be reassigned to the Chief Building Inspector to help insure a greater amount of oversight, especially in the more detailed aspects of commercial construction;

WHEREAS, an adjustment to the position of Chief Building Inspector/Plans Examiner would be reflected on the payscale as Grade 24 Step 10, thus increasing the new position compensation by \$1,754.00;

WHEREAS, Mike Chamlee, Director of Building Inspection, has also requested that the position of Inspector/Plans Examiner be changed to Inspector and said position be reflected on the payscale accordingly.

WHEREAS, with the changes stated above, a cost savings to the 2014 budget will be \$8,095.00.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the role of plans examination be reassigned to the Chief Building Inspector and that the adjustment to this position be reflected on the payscale as Grade 24 Step 10;

BE IT FURTHER RESOLVED, that the position of Inspector/Plans Examiner be changed to Inspector and said position be reflected on the payscale accordingly.

PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 51-14.

RESOLUTION NO. 52-14 – AMENDING SECTIONS 2.6, 2.7, 2.9, 2.11, 2.12, 2.13, 2.15, 2.18, 2.19, 2.21 AND 2.22 OF THE PERSONNEL AND PROCEDURES MANUAL FOR THE CITY OF SPRINGDALE, ARKANSAS

Human Resource Director Gina Kincy presented a Resolution amending Sections 2.6, 2.7, 2.9, 2.11, 2.12, 2.13, 2.15, 2.18, 2.19, 2.21 and 2.22 of the Personnel and Procedures Manual for the City of Springdale, Arkansas.

RESOLUTION NO. _____

A RESOLUTION AMENDING SECTIONS 2.6, 2.7, 2.9, 2.11, 2.12, 2.13, 2.15, 2.18, 2.19, 2.21 AND 2.22 OF THE PERSONNEL AND PROCEDURES MANUAL FOR THE CITY OF SPRINGDALE, ARKANSAS

WHEREAS, it has come to the attention of the City Council that Section 2 of the Personnel and Procedures Manual is in need of revision;

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

Section 1: Sections 2.6 of the Personnel and Procedures Manual for the City of Springdale, Arkansas is hereby amended to read as follows:

2.6 Hiring Process for Civil Service Positions:

The Springdale Civil Service Commission has formulated rules and regulations applicable to civil service positions within the City of Springdale. For entry level positions in the Police or Fire Departments (patrol officer or firefighter) the Civil Service Commission will certify the three applicants standing the highest to the department head. The department head shall then conduct the interview process of the certified applicants as set out herein in Policy 2.5c in this Policies and Procedures Manual. The department head shall also conduct a thorough background check before any hiring decision is made. Other procedures required in the hiring process for civil service positions are set out hereafter in this Policies and Procedures Manual and/or in the Civil Service Rules and Regulations.

The Civil Service Commission has adopted their Rules and Regulations, and a copy of these Rules and Regulations can be obtained from the Mayor's office, the Police Chief, the Fire Chief, Human Resources Department, or City Clerk's office.

Section 2: Sections 2.7 of the Personnel and Procedures Manual for the City of Springdale, Arkansas is hereby amended to read as follows:

2.7 Types of Employment and Eligibility for Benefits:

1. The types of City employment are:
 - a. **Regular Full-Time Employee:** An employee who is assigned to a position which is expected to continue for an indefinite duration, and regularly works a shift schedule of 40 hours or more per week, ~~or an employee who is assigned to a full-time position and said position is a full-time position as~~

~~of July 14, 2009, but due to budget restraints works at least 32 hours but less than 40 hours per week.~~ Employees as described in the latter category above may not use accrued vacation to compensate for any reduction of hours, however, such employees shall be paid the applicable holiday pay when an established holiday occurs during their scheduled non-work hours.

- b. **Regular Part-Time Employee:** An employee who is assigned to a position which is expected to continue for an indefinite duration, and regularly works a shift schedule of 39 hours or less per week.
 - c. **Temporary Full-Time Employee:** An employee whose work assignment is limited in duration to 6 months or less, and works a shift schedule which, on a weekly basis, would total no less than 40 hours.
 - d. **Temporary Part-Time Employee:** An employee whose work assignment is limited in duration to 6 months or less, and works a shift schedule of 39 hours or less per week.
2. Employee compensation shall be stated in terms of monthly salary or hourly wage.
3. Entitlement to employee benefits shall be as follows:
- a. Employees classified as regular full-time employees shall receive all employee benefits provided by the City for the position held. However, in regard to insurance benefits, a regular part-time employee may obtain insurance benefits if such employee regularly works a shift schedule of 30 hours or more per week. An employee becomes eligible for insurance benefits on the first day of the first month following 30 days of employment. For example, if an employee starts on March 15, the employee will not be eligible for insurance benefits until May 1.
 - b. Employees classified as temporary full-time and temporary part-time shall not be entitled to any benefits. Regular part-time employees are not entitled to vacation leave or sick leave. Further, regular part-time employees are only entitled to those insurance benefits as stated in the previous paragraph.
 - c. Benefits in any pension plan shall be governed by the applicable laws and provisions of the pension plan.

Section 3: Sections 2.9 of the Personnel and Procedures Manual for the City of Springdale, Arkansas is hereby amended to read as follows:

2.9 **Post-Job Offer Pre-Employment Physicals/Tests:**

Post job offer pre-employment physicals shall be required for all civil service positions within the City of Springdale, Arkansas, and for certain other positions designated by the Mayor. Any time a pre-employment physical is required, such examination shall be paid for by the City and shall be used to determine whether the applicant can perform the essential functions of the job with or without reasonable accommodation. The examinations shall be performed by a licensed physician selected by the Mayor or the Mayor's designee.

These medical files shall be maintained in the physician's office, with a summary report provided to the department head as to whether the employee can or cannot do the job and what, if any, restrictions are necessary to determine any work restructuring or accommodations. Although the physicians make the medical determinations relative to physical/mental requirements of the job and any direct safety threat determinations, their determinations are only recommendations subject to the decision to make reasonable accommodation by the Mayor or department head. In addition to post-job offer pre-employment physicals, certain civil service positions require a post-job offer psychological examination, and this examination shall be given any time it is required by Federal or State law. In addition, certain other positions within the City of Springdale require a post-job offer drug test, and the positions requiring such an examination and the policies and procedures concerning the drug test are more particularly set out hereafter in this manual.

Reports and records of all physical, psychological, mental exams, and drug tests shall be kept in the offices of the physicians or practitioners performing the examinations, with only a summary report provided to the department head to be kept in a confidential file apart from the personnel file. Should there be a dispute concerning the exam or should a supervisor be informed as to the need of reasonable accommodation including job restructuring, the report shall be made available to the necessary legal, supervisory, or administrative personnel within the City government.

Section 4: Sections 2.11 of the Personnel and Procedures Manual for the City of Springdale, Arkansas is hereby amended to read as follows:

2.11 Employee In Process/Orientation:

All new regular full-time and regular part-time employees of the City will be scheduled to meet with the department head or the department head's designee on their first day of work for general orientation. The department head shall provide the following information to the new employee, including:

- a. Work standards and regulations;
- b. Hours of work, time cards or reports required, leave requests;
- c. Duties of the position and copy of the job description;
- d. Safety rules and procedures, location of safety or protective equipment;
- e. Tour of the work area, including location of equipment, supplies, etc.;
- f. Introduction to co-workers;

- g. Schedule for lunch and breaks;
- h. When and whom to report absence from work;
- i. Who is responsible for performance planning and review;

Each new regular employee shall also be provided with information on employee benefits, City policies and procedures and before performing job functions, will be required to complete a form acknowledging they have read and understand the City's personnel and procedures manual, and have read the procedures, rules and regulations of the department in which they are employed.

Temporary employees of the City will be scheduled to meet with the department head or department head's designee to discuss the duties of the position, safety rules, and procedures, location of safety or protective equipment, and any other information the department head deems necessary to enable the temporary employee to perform the duties of the job.

Each new employee, before beginning work, will also make contact with the Human Resources Department payroll administrator ~~in the City Clerk's office~~ who will provide information on employee benefits and payroll procedures.

Section 5: Sections 2.12 of the Personnel and Procedures Manual for the City of Springdale, Arkansas is hereby amended to read as follows:

2.12 Work Periods:

To establish work periods for the purposes of Federal Fair Labor Standards Act (FLSA), the following are deemed work periods of City employees:

1. **24 Hour Shift Firefighters:** The work period for any 24 hour shift firefighter (a line-duty firefighter, regardless of rank) shall be 21 days. This work period starts at 12:00 a.m. ~~as of the 2nd day of October, 1996,~~ and ends 21 days later at 11:59 p.m.
2. **Non-24 Hour Shift Firefighters:** These are firefighters who are assigned to positions where the firefighters, regardless of rank, regularly work five consecutive days, with two days off; this includes battalion chief/fire marshal and battalion chief/training officer and any other non-exempt firefighter ~~or fire officer~~ assigned to that roll. The work period for these employees shall be seven days. The work period starts at 10:45 p.m. on Saturday and ends at 10:45 p.m. on the following Saturday.
3. **Police Officers:** The work period for all sworn police officers is 14 days beginning at 12:00 a.m. on Sunday, ~~January 30, 2000,~~ and ending 14 days later at the same time.
4. **All Other City Employees:** All other City employees not named in paragraphs 1, 2, or 3 shall be on a seven day work period, beginning at 10:45 p.m. on Saturday and ending at 10:45 p.m. the following Saturday.

Limitations: This policy shall not apply to executive, professional, administrative, and all other employees who are exempt from FLSA.

Section 6: Sections 2.13 of the Personnel and Procedures Manual for the City of Springdale, Arkansas is hereby amended to read as follows:

2.13 Change of Address:

It is important that if an employee changes his or her home address or telephone number that the employee notify his/her department head or designee and the Human Resources Department of this change so that personnel files may be kept up to date. This is important in case the City must mail the employee any information that it feels the employee will need, such as "withholding" statements for the employee's income taxes. Also, if there is any change in the employee's marital status, the employee must ~~should~~ report it immediately to the Human Resources Department ~~to his/her department head~~. In addition to this policy, employees of the Police Department, Fire Department, and other departments providing emergency services, such as the Public Works Street Department road crew, are subject to their own department's rules and regulations governing the notification of the department head on change of address and/or phone numbers.

Section 7: Sections 2.15 of the Personnel and Procedures Manual for the City of Springdale, Arkansas is hereby amended to read as follows:

2.15 Travel Expenses:

The City of Springdale allows travel expenses for City employees who are required to travel to transact official City business and when attending professional meetings, conferences and training sessions which promote the overall job knowledge of the individual.

Employees who travel in their own personal vehicles on City business will be paid at the same rate the federal government pays to its employees. It is the responsibility of the City's finance director to keep up with the current rates being paid federal employees for travel. If, in connection with the travel, the employee is required to stay overnight, then the City shall also pay for necessary motel/hotel expenses. In the event the department head authorizes a City owned vehicle to be used by the employee for travel, all expenses of providing the transportation, such as gas and maintenance on the City owned vehicle, shall be paid by the City.

When travel is required, the City shall also pay for the employee's meals, including tips, on a per diem rate for each day, and the per diem rate is to be determined by the Internal Revenue Service (IRS) guidelines for the area in which the employee is traveling ~~of either \$46, \$51, \$56, \$61, \$66 or \$71~~. The finance director shall be responsible for updating the per diem guidelines on an annual basis, maintaining a list of geographic areas. ~~The per diem allowance is subdivided, by meal, as follows:~~

Meal & Incidental						
------------------------------	--	--	--	--	--	--

Expenses	\$46	\$51	\$56	\$61	\$66	\$71
Breakfast	\$8	\$9	\$10	\$11	\$12	\$13
Lunch	\$13	\$14	\$15	\$16	\$17	\$19
Dinner	\$20	\$23	\$26	\$29	\$32	\$34
Incidentals	\$5	\$5	\$5	\$5	\$5	\$5

~~These per meal subdivisions should be used to calculate the per diem allowance for partial days of travel and the reduction in total per diem when meals are paid as part of conference registration costs.~~

In the event the employee is required to travel, the City will not pay for any entertainment expenses, such as the rental of movies, attendance to non-seminar or non-job related activities, or for alcoholic beverages.

Section 8: Sections 2.18 of the Personnel and Procedures Manual for the City of Springdale, Arkansas is hereby amended to read as follows:

2.18 Re-Employment (Only Applies to Non-Civil Service Positions):

Any former regular employee who resigned from the City in good standing is eligible for re-employment. Persons interested in re-employment should file a completed City application form with the Human Resources Department ~~department head~~. The individual will then proceed through the regular hiring procedures with other applicants as described in the Hiring Process Policy.

If re-hired, the employee will be considered a new employee in all respects.

Section 9: Sections 2.19 of the Personnel and Procedures Manual for the City of Springdale, Arkansas is hereby amended to read as follows:

2.19 Work Hours:

The normal working hours for employees of the City is eight hours per day and the work hours for each department will be set by the department head, with the approval of the Mayor. Any normal change in hours shall be approved by the Mayor in advance.

The Fair Labor Standards Act (FLSA) requires employers to pay employees only for time actually worked. However, under the FLSA, rounding of recorded work time on a fair and even basis, up and down, is permitted by the U.S. Department of Labor. Presumably, this arrangement averages out so that the employees are fully compensated for all the time they actually work. It is the practice of the City of Springdale to round working time to 15-minute intervals *for all non-exempt employees*. To illustrate, if an employee reports to work at 8:08 a.m. rather than at the expected 8:00 a.m. starting time, the employee need be compensated only for work commencing at 8:15 a.m. However, if the same employee reports to work at 8:07 a.m., the employee would have to be paid as if he or she had commenced work at 8:00 a.m. Over time the hours worked under this arrangement even out in a manner fair to both the employer and the employee. The FLSA specifically excludes from hours worked activities that are “preliminary and postliminary” to the main job duties such as the time required to

walk to/from a work station to/from the parking lot. This time need not be compensated.

The provisions of this policy in no way alleviate an employee's obligation to comply with the absenteeism and tardiness requirements set forth further in this section.

Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule.

~~Employees shall receive a rest period of not less than 15 minutes, on the City's time, for each four hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each four hour work period. All rest breaks, including and lunch breaks shall be arranged by the employee at the discretion of his/her supervisor. The employee may add the rest breaks to the meal period with the mutual agreement of the department head and immediate supervisor.~~

The standardization of working hours is necessary to provide:

- A. Continuity in access by and service to the citizenry.
- B. Facilitation of teamwork.
- C. Facilitation of supervisory assistance.

Occasions may arise when the service to the citizen can be improved through the adjustment of an employee's work hours. ~~The department head shall obtain approval of the Mayor for the adjustment in work hours.~~ Individual request for adjustment of working hours for personal reasons must be evaluated in light of the effect on the criteria enumerated in items A, B and C above.

Advance notice of anticipated tardiness is expected; notice of unavoidable tardiness is expected when possible. Failure to do so will be construed as an unexcused absence, and the time missed will not be paid. Tardiness must be made up during the pay period in which it occurs.

Notification by another employee, friend, or relative is not considered proper notification except in an emergency situation where the employee is physically unable to make the notification.

Daily attendance records will be maintained by each department, including date and time absent and reason for absence. Attendance shall be a consideration in determining promotions, transfers, and continued employment with the City. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action. This may take the form of progressive discipline.

Hours for part-time and certain other employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate department head with the concurrence of the Mayor.

Section 10: Sections 2.21 of the Personnel and Procedures Manual for the City of Springdale, Arkansas is hereby amended to read as follows:

2.21 Employment Separation/Out Process:

Types of employment separation:

- a. **Employee Service Retirement:** Voluntary termination after having satisfied the age and length of employment requirements of the applicable retirement system of which the employee is a member.
- b. **Disability Retirement:** Voluntary termination necessitated by an injury or illness which renders the employee incapable of performing his/her usual job. The termination is preceded by a memo/letter from the employee to the department head advising of the disability ruling, date of termination, supporting documentation and a ruling by the appropriate retirement board approving the disability retirement.
- c. **Employee Initiated Resignation:** Voluntary termination for any reason other than formal retirement. An employee wanting to leave the City in good standing shall provide a written resignation to his/her immediate supervisor at least 14 calendar days prior to the effective date of resignation. The resignation letter should include the reason for leaving, as well as the proposed effective date. Two weeks notice (and 4 weeks notice in the case of department heads) is understood to mean that the resigning employee will be available for work during this time so as to aid in the training of a replacement, if necessary.
- d. **Layoff:** Termination of an employee by the City for lack of work, lack of funds, or other changes that have taken place effecting the job. In layoff, recall, and filling regular job vacancies for non-civil service positions, the City shall give equal consideration to an employee's ability and performance of the duties required in the job and consideration to an employee's length of continuous service with the City in the classification. In applying this provision, where qualifications, experience, and performance are equal, seniority shall govern. Every effort will be made for transfers to other departments when a position is open for which the employee qualifies.

The City shall provide an employee with at least two weeks advanced notification prior to layoff, except in case of an emergency. A non-civil service employee on layoff must keep the City informed of the address and telephone number where he/she can be contacted. If the City is unable to contact the employee within seven calendar days, the City's obligation to recall the employee shall cease. The City shall have no obligation to recall an employee after he/she has been on continuous layoff for a period which exceeds one year. Should the employee not return to work when recalled, the City shall have no further obligation to recall him/her.

Civil service employees are governed by Civil Service Rules and Regulations in regard to layoff and recall.

- e. **Discharge/Termination of Employment by City:** This

separation of employment is when the employment relationship is terminated by the City.

EXIT INTERVIEW: The department head should ask the employee if they would like to participate in an exit interview. If the employee so chooses, the employee should contact the Human Resources Department to schedule an exit interview for the employee prior to the last day of employment, if possible, regardless of the reason of employment separation. Temporary employees do not participate in the exit interview process unless information can be gained which will improve or enhance present employment conditions. ~~An exit interview form may be provided to the employee and filled out by the employee prior to the last day of employment. Questions typically covered in the exit interview include:~~

1. ~~What did you like best about working for the City?~~
2. ~~What did you like least about working for the City?~~
3. ~~What did you like best about your position?~~
4. ~~What did you like least about your position?~~
5. ~~Were you adequately compensated for your skills?~~
6. ~~Were you given sufficient advancement/learning opportunities?~~
7. ~~Were you satisfied with the working relationship you had with your supervisor? If not, please explain.~~
8. ~~How would you rate on a scale of 1 to 10 (1 being poor and 10 being excellent) your immediate supervisor (give the supervisor's name) on the following points:~~
 - a. ~~Demonstrates fair and equal treatment.~~
 - b. ~~Provides recognition on the job.~~
 - c. ~~Follows consistent policies and practices.~~
 - d. ~~Encourages feedback and welcomes suggestions.~~
 - e. ~~Ability to handle complaints.~~
 - f. ~~Expresses instructions clearly.~~
 - g. ~~Informs employees on matters directly relating to their job.~~
9. ~~How would you improve department or City procedures to make this a better place to work?~~
10. ~~Would you recommend the City to friends and/or relatives as a place to work?~~
11. ~~Why are you leaving the City?~~
12. ~~What kinds of skills and knowledge are needed by a person filling your position?~~
13. ~~Do you have any other comments or suggestions?~~

The department head should immediately notify the Human Resources Department and the payroll administrator accountant of the employee's separation date, via a memo or email. The employee shall receive pay for work performed through the last hour worked, and for unused benefits as stipulated by policy and laws governing such payments.

Before the final paycheck is issued to the employee, the employee shall be required to turn all City equipment in to the department head, and complete the exit interview. Failure by the employee to

properly complete this procedure may result in delay of receipt of the final paycheck. The official date of termination will be the last day the employee reports for work.

Termination pay shall be reduced by any authorized legal deductions; authorized pension plan; credit union; United Way for the pay period involved; any amounts owed to the City that have not been paid by the employee, including cost of city equipment or uniforms that have not been returned by the employee; and any other amounts specifically agreed upon orally or in writing by the employee and the City.

Benefits continue through the time actually worked by the employee, including any days "worked" from accumulated vacation and compensatory time. If such time takes the employee through the 16th day of the month, health care will continue through the last day of the month.

For those employees who are not retiring, monies accumulated in the employee's retirement account are refundable. Forms required to request this refund are available in the Human Resources Department City Clerk's office.

Section 11: Sections 2.22 of the Personnel and Procedures Manual for the City of Springdale, Arkansas is hereby amended to read as follows:

2.22 Administration of Employee Personnel Records:

The Human Resources Department with the assistance of the payroll accountant Personnel Officer is responsible for establishing and maintaining an official personnel file for each employee of the City. In each personnel file, which will be kept in a secure file cabinet or an electronic version in the payroll accountant's City Clerk's office, the ~~personnel officer~~ Human Resources Department will ensure that the following documents are retained throughout the association of the employee with the City:

1. Employee application;
2. Job description and specification information;
3. Job performance ratings and evaluations;
4. Education/training information;
5. Payroll records, including current step and grade of employee on City of Springdale pay scale;
6. Disciplinary actions involving letters of reprimand (written warning), suspension without pay, demotion, and/or discharge (for civil service employees, disciplinary actions contained in the personnel file shall be purged as set out by Civil Service Rules and Regulations);
7. Letters of commendation, promotion, and/or exit interview;
8. Lists of civil service certifications for appointment or promotion.

Department heads are responsible for the forwarding of the above listed documents for inclusion in the personnel files of all employees assigned to their department.

The results of any physical examination(s), drug test(s), psychological profile(s), or background checks shall be maintained

in a separate file from the personnel file by the department head. Access to these records shall be allowed to the Mayor, ~~Personnel Officer~~ Human Resources Department, and/or City Attorney, if it would be helpful, necessary, or warranted for legal or administrative purposes. ~~The Civil Service Commission shall also have access to personnel records needed to make a determination on promotional examinations.~~

The following documents are deemed to be temporary, and these documents have a limited retention of three calendar years, and such documents include:

1. Administrative correspondence relating to leave/ vacation requests;
2. All other administrative documents of limited informational lifespan;

These documents shall be kept in the permanent personnel file of the employee, but may be purged by the ~~personnel officer~~ Human Resources Department after three calendar years.

~~It is the duty of the department head, or the department head's designee, to meet with the Personnel Officer at least on an annual basis and review each personnel record of employees within his/her department for the purpose of making sure all required information is contained in the personnel file.~~ Department heads may keep their own personnel files containing the permanent documents previously set out in this policy, but the department head shall also ensure that all such permanent documents listed are also kept in a permanent file of the employee in the ~~City Clerk's payroll accountant's~~ office. The department head shall also make sure that those temporary documents, such as vacation requests and other documents, are provided to the ~~Personnel Officer~~ Human Resources Department for inclusion in the employee's personnel file.

The ~~Personnel Officer~~ Human Resources Department shall treat as confidential all employee information, except when required to verify information relating to job title, department, base salary, and dates of employment. Any other information will not be released to the public without the expressed written permission of the employee, unless the City is directed to do so by a subpoena, the records are relevant to a hearing involving the employee (such as a grievance hearing), or unless the documents requested are subject to release under the Arkansas Freedom of Information Act.

All personnel records are maintained during the tenure of the employee and for seven years after the employee leaves City employment, unless a special reason exists for maintaining the file longer.

Section 11: All other provisions of Section 2 not specifically modified herein shall remain in full force and effect.

PASSED AND APPROVED, this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 52-14.

ORDINANCE NO. 4784 – ORDERING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, ARKANSAS (3003 NAPA LANE)

City Attorney Ernest Cate presented an Ordinance ordering the City Clerk to file a clean-up lien for the removal of overgrown brush and debris at 3003 Napa Lane located within the City of Springdale, Arkansas.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4784.

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 6:25 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONSTRUCTION
PROGRESS PAYMENT FOR THE DON TYSON
PARKWAY INTERCHANGE (12BPS1)**

WHEREAS, Pursuant to Ark Code Ann 14-58-305, Section 2-158 of the Springdale Code of Ordinances sets the maximum amount of any bill, debt, or liability that may be paid without the approval of City Council, and

WHEREAS, the maximum amount is set at \$1,000,000, and

WHEREAS, Construction Pay Application Number 10 for the Don Tyson Parkway (DTP) Interchange exceeds this amount, and

WHEREAS, the owner has previously entered into a contract with Emery Sapp and Sons, Inc (ESS) for the construction of the DTP Interchange, and

WHEREAS, the construction continues to progress and ESS is due the money owed based on the work performed;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor and City Clerk are hereby authorized to issue payment to Emery Sapp and Sons, Inc. in the amount of \$1,375,438.67 for the current pay application covering construction work performed to date.

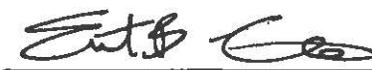
PASSED AND APPROVED this ____ day of April, 2014.

Doug Sprouse, Mayor

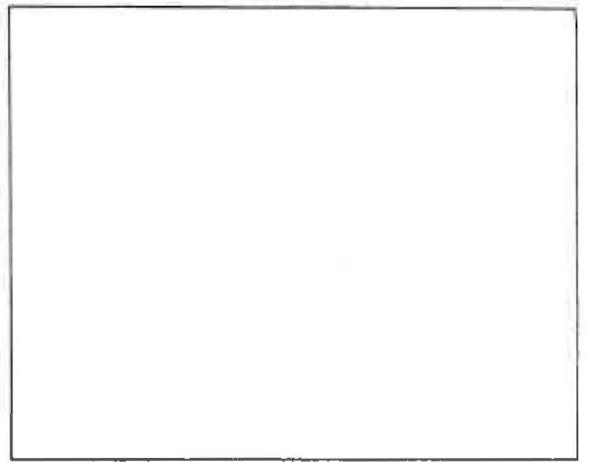
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING THE RE-PLAT OF LOT 1,
BLOCK 1 OF HENSON HEIGHTS SECOND 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, County, Arkansas, being more particularly described as follows, to-wit:

PREVIOUS PARCEL #815-22656-000

LOT NUMBERED ONE (1) IN BLOCK NUMBERED ONE (1) OF HENSON HEIGHTS SECOND SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AS PER PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

PREVIOUS PARCEL #815-29349-000

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF LOT NUMBERED ONE (1) IN BLOCK NUMBERED ONE (1) OF HENSON HEIGHTS SECOND SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AS PER PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND RUNNING THENCE N87°10'16"W 107.18', THENCE N02°05'10"E 16.03', THENCE N87°55'31"W 294.86', THENCE S02°05'12"W 12.15', THENCE N87°10'16"W 294.48', THENCE N02°49'44"E 155.00', THENCE S87°10'16"E 694.09', THENCE S01°55'16"W 137.57' TO THE POINT OF BEGINNING. CONTAINING 2.38 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

ADJUSTED PARCEL #815-22656-000

LOT NUMBERED ONE (1) IN BLOCK NUMBERED ONE (1) OF HENSON HEIGHTS SECOND SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AS PER PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1, BLOCK 1, SAID POINT BEING A SET IRON PIN, AND RUNNING THENCE N87°58'06"W 107.55' TO A FOUND IRON PIN, THENCE N02°05'10"E 150.06' TO A FOUND IRON PIN, THENCE N87°55'31"W 99.91' TO A FOUND IRON PIN, THENCE N02°49'44"E 140.28' TO A SET IRON PIN, THENCE S87°10'16"E 204.84' TO A SET IRON PIN, THENCE S01°55'16"W 287.55' TO THE POINT OF BEGINNING. CONTAINING 1.03 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

ADJUSTED PARCEL #815-29349-000

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED

AS FOLLOWS, TO-WIT: COMMENCING FROM THE SOUTHEAST CORNER OF LOT NUMBERED ONE (1) IN BLOCK NUMBERED ONE (1) OF HENSON HEIGHTS SECOND SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AS PER PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND RUNNING THENCE N87°58'06"W 107.55', THENCE N02°05'10"E 150.06', THENCE N87°55'31"W 99.91' TO THE TRUE POINT OF BEGINNING, SAID POINT BEING A FOUND IRON PIN, AND RUNNING THENCE N87°55'31"W 194.95' TO A FOUND IRON PIN, THENCE S02°05'12"W 12.15' TO A SET IRON PIN, THENCE N87°10'16"W 294.48' TO A SET IRON PIN, THENCE N02°49'44"E 155.00' TO A FOUND IRON PIN, THENCE S87°10'16"E 489.25' TO A SET IRON PIN, THENCE S02°49'44"W 140.28' TO THE POINT OF BEGINNING. CONTAINING 1.68 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY 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 **RE-PLAT OF LOT 1, BLOCK 1 OF HENSON HEIGHTS SECOND 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 1, BLOCK 1 OF HENSON HEIGHTS SECOND 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, Benton 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 _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

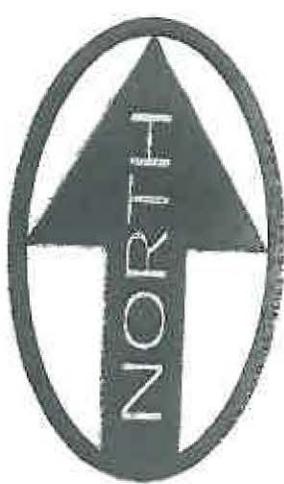
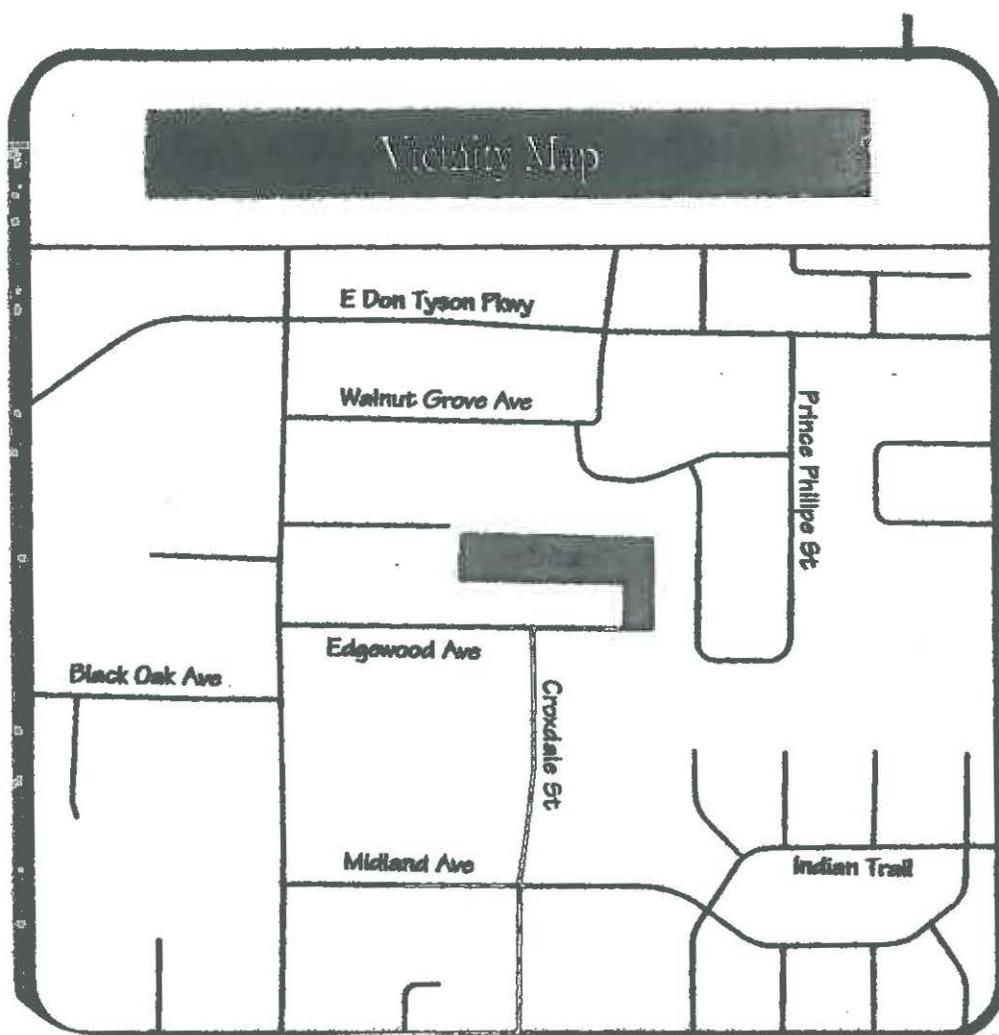
APPROVED AS TO FORM:

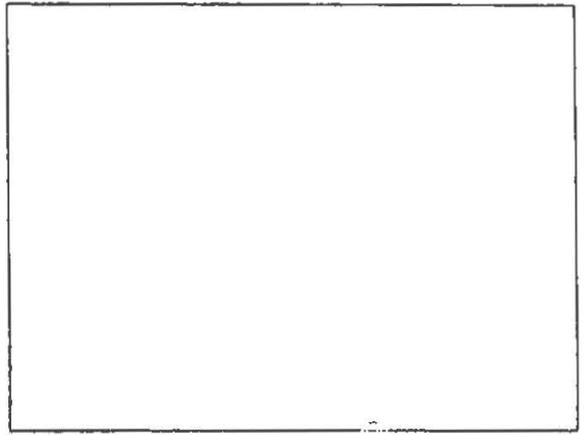


Ernest Cate, CITY ATTORNEY

Vicinity Map (N.T.S.)

Daniel Sparks





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 AGRICULTURAL DISTRICT (A-1) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY:

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of April 1, 2014 for hearing the matter of a petition of Pinewood West, LLC requesting that the following described tract of real estate be zoned from Agricultural District (A-1) to General Commercial District (C-2).

Layman's Description: 2653 N. 48th Street

Legal description: A part of the NW 1/4 of the SE 1/4 of Section 21, Township 18 North, Range 30 West, Benton County, Arkansas, and being more particularly described as follows: Commence at the SW Corner of said NW 1/4 of the SE 1/4, thence North 00 degrees 24 minutes 20 seconds West 176.62 feet for the Point of Beginning, thence South 89 degrees 14 minutes 04 seconds East 79.81 feet to the West right of way of the 540 bypass, thence with said right of way North 11 degrees 37 minutes 47 seconds East 438.01 feet, thence North 02 degrees 14 minutes 54 seconds East 155.54 feet, thence North 12 degrees 52 minutes 23 seconds East 450.15 feet, thence North 04 degrees 51 minutes 15 seconds East 127.12 feet, thence leaving said bypass North 89 degrees 51 minutes 53 seconds West 271.91 feet, thence South 00 degrees 39 minutes 53 seconds West 1149.60 feet to the Point of Beginning, subject to Highway 540 on the East and 48th Street on the West.

The above described tract now being more particularly described on a plat of survey by Jorgensen & Associates, dates June 17, 2010, designated as job #2010057 as follows:

A part of the NW 1/4 of the SE 1/4 of Section 21, T18N, R30W in Benton County, Arkansas and being described as follows: Commencing at the

SW Corner of said NW 1/4, SE 1/4 thence N00°24'20" W 176.62 feet to the P.O.B., thence S89°14'04" E 79.81 feet to the west right of way of Interstate #540, thence along said right of way N11°37'47" E 438.01 feet, thence N02°14'54" E 155.54 feet, thence N12°52'23" E 450.15 feet, thence N04°51'15" E 127.12 feet, thence leaving said right of way N89°51'53" W 271.91 feet, thence S00°39'53" W 1149.59 feet to the P.O.B.; Containing 4.73 acres more or less.

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 Agricultural District (A-1) to General Commercial District (C-2) 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 Agricultural District (A-1) to General Commercial District (C-2).

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 _____, 2014

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney

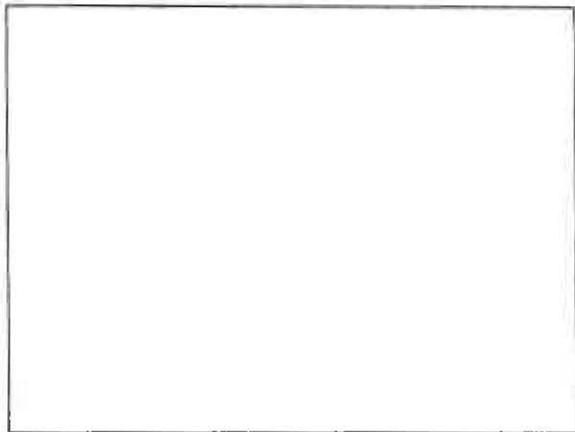


Feet
0 100 200
[Scale bar]

R14-08

APPLICANT: PINWOOD WEST, LLC
REZONING REQUEST:
A-1 TO C-2

CITY OF SPRINGDALE
 PLANNING OFFICE
 PLANNING COMMISSION MEETING
 4/1/2014



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 NEIGHBORHOOD COMMERCIAL DISTRICT (C-1) TO INSTITUTIONAL DISTRICT (P-1) 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 April , 2014 for hearing the matter of a petition of The City of Springdale for Har-Ber Avenue Fire Station #7 requesting that the following described tract of real estate be zoned from Neighborhood Commercial (C-1) to Institutional District (P-1).

Layman's Description: Southwest side of Har-Ber Avenue, east of Bella Toscana Street

Legal description: A part of the Northeast quarter (NE 1/4) of the Southwest Quarter (SW 1/4) and a part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 31, Township 18 North, Range 30 West of the 5th principal meridian being further described as follows:

Commence at the Southwest corner of the NW 1/4 of the SE 1/4 of said 40 acre tract; thence S44°57'25" E a distance of 5.91 feet to a point; thence S02°36'26" W a distance of 32.55 feet to a found iron pin with cap "1499"; thence N86°50'17" W a distance of 18.22 feet to a set iron pin with cap "ESI COA 131" and the point of beginning; thence N86°50'17" W distance of 28.48 feet to the easts line of Tuscany Village subdivision and a found iron pin with cap "1429"; thence along said east line, N03°14'29" E a distance of 565.05 feet to the southern right of way for Har-Ber Avenue (right of way width varies), being a set iron pin with cap 'ESI COA 131"; thence continuing along said southern right of way the following calls, 126.47 feet along a curve to the right having a radius of 656.00 feet, being subtended by a chord bearing of S45°13'55" E and a chord distance

of 126.27 feet to a set iron pin with cap "ESI COA 131"; thence S39°47'49" E a distance of 185.52 feet to a set iron pin with cap "ESI COA 131"; thence S39°47'49" E a distance of 14.48 feet to a set iron pin with cap "ESI COA 131"; thence N50°12'11" E a distance of 4.00 feet to a set iron pin with cap "ESI COA 131"; thence S39°47'49" E a distance of 106.70 feet to a set iron pin with cap "ESI COA 131"; thence leaving said southern right of way, S50°12'11" W a distance of 380.76 feet to the point of beginning.

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 Neighborhood Commercial (C-1) to Institutional District (P-1) 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 Neighborhood Commercial (C-1) to Institutional District (P-1).

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 _____, 2014

Doug Sprouse, Mayor

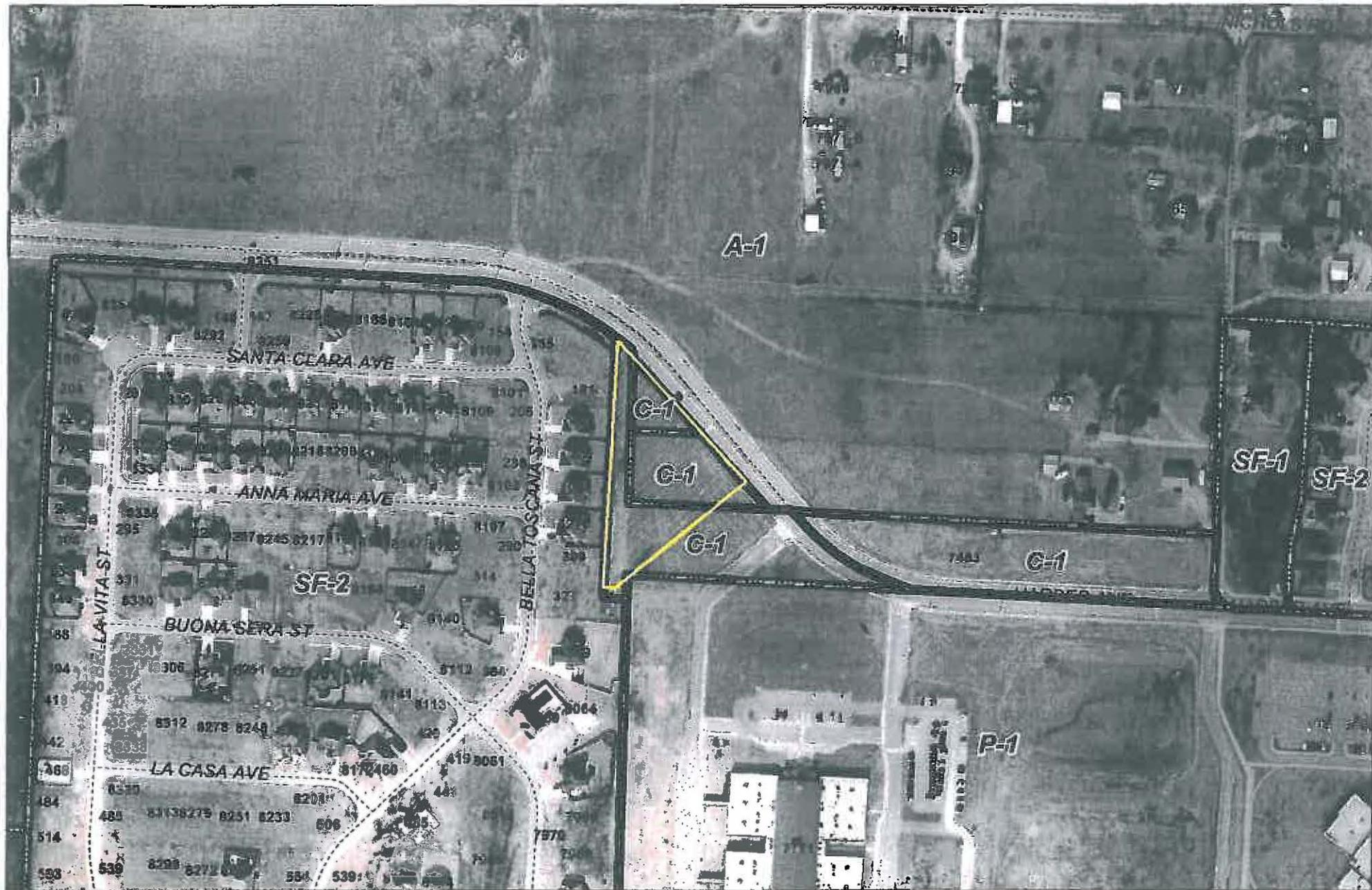
ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Gate, City Attorney

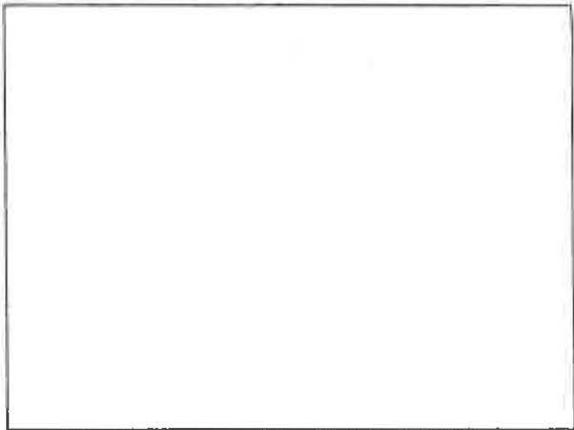


Feet
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RM-09

APPLICANT: CITY OF SPRINGDALE
REZONING REQUEST:
C-1 TO P-1

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
4/1/2014



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 THOROUGHFARE COMMERCIAL DISTRICT (C-5) TO INSTITUTIONAL DISTRICT (P-1) 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 April 1, 2014 for hearing the matter of a petition of The City of Springdale for Glass Drive Fire Station #3 requesting that the following described tract of real estate be zoned from Thoroughfare Commercial District (C-5) to Institutional District (P-1).

Layman's Description: End of Glass Drive, East side of North Thompson Street

Legal description: Lot 2-parcel #815-38500-000

Lot 2 of Glass Commercial subdivision, a commercial subdivision to the City of Springdale, Arkansas, as per the recorded final plat of said subdivision on file in book 023A at page 317, recorded on November 29, 2007 in the office of the Circuit Clerk and Ex-Officio recorder of Washington County, Arkansas.

Lot 3-parcel #815-38501-000

Lot 3, of Glass Commercial subdivision, a commercial subdivision to the City of Springdale, Arkansas, as per the recorded final plat of said subdivision on file in book 023A at page 317, recorded on November 29, 2007 in the office of the Circuit Clerk and Ex-Officio recorder of Washington County, Arkansas.

Lot 4-parcel #815-38502-000

Lot 4, of Glass Commercial Subdivision, a commercial subdivision to the City of Springdale, Arkansas, as per the recorded final plat of said subdivision on file in book 023A at page 317, recorded on November 29,

2007 in the office of the Circuit Clerk and Ex-Officio recorder of Washington County, Arkansas.

Lot 5-parcel #815-38503-000

Lot 5, of Glass Commercial subdivision, a commercial subdivision to the City of Springdale, Arkansas, as per the recorded final plat of said subdivision on file in book 023A at page 317, recorded on November 29, 2007 in the office of the Circuit Clerk and ex-Officio recorder of Washington County, Arkansas.

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 Thoroughfare Commercial District (C-5) to Institutional District (P-1) 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 Thoroughfare Commercial District (C-5) to Institutional District (P-1).

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 _____, 2014

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney

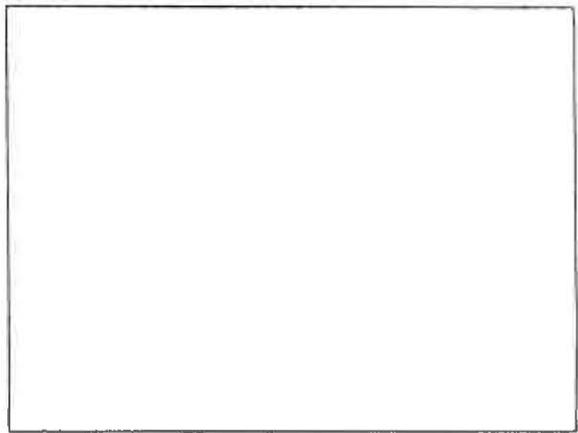


Feet
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R14-10

APPLICANT: CITY OF SPRINGDALE
REZONING REQUEST:
C-5 TO P-1

CITY OF SPRINGDALE
PLANNING OFFICE
 PLANNING COMMISSION MEETING
 4/1/2014



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 LOW/MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) TO INSTITUTIONAL DISTRICT (P-1) 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 April 1, 2014 for hearing the matter of a petition of The City of Springdale for Don Tyson Parkway Fire Station #2 requesting that the following described tract of real estate be zoned from Low/Medium Density Single Family Residential District (SF-2) to Institutional District (P-1).

Layman's Description: North side of Don Tyson Parkway, 550' east of Cambridge, 1,300' west of Highway 71B

Legal description:

Part of the Southeast quarter (SE 1/4) of the Southwest quarter (SW 1/4) of Section eleven (11) township seventeen (17) north, range thirty (30) west of the fifth principal meridian, Washington County, Arkansas being further described as follow: **Beginning** at the SE corner of the said SE 1/4 of the SW 1/4 being a found aluminum monument stamped 'RLS 1181"; thence along the said forty (40) acre tract south line, N87°37'19" W a distance of 777.55 feet to a set iron pin with cap 'ESI COA 131"; thence leaving said south line, N35°33'50" E a distance of 265.64 feet to a set iron pin with cap "ESI COA 131"; thence S88°10'27" E a distance of 32.14 feet to a set iron pin with cap 'ESI COA 131"; thence N04°17'26" W a distance of 52.07 feet to a set iron pin with cap "ESI COA 131"; thence N 60°33'25" E a distance of 710.00 feet to a found 5/8" rebar and east line of said forty (40) acre tract; thence along said east line, S02°08'02" W a distance of 648.71 feet to the **POINT OF BEGINNING**.

AND

Part of a tract of land as described in quitclaim deed book 2002, page 21879 of the instrument records of the Circuit Clerk and Ex-Officio

recorder of Washington County, Arkansas, being part of the Northeast quarter (NE 1/4) of the Northwest quarter (NW 1/4) of section fourteen (14) in township seventeen (17) north, range thirty (30) west of the fifth (5) principal meridian, Washington County, Arkansas being further described as follows:

Beginning at the northeast corner of said forty acre tract being a found aluminum monument stamped 'RLS 1181"; thence along the east line of said forty acre tract, S02°08'02" W a distance of 121.98 feet to a point located on the northern right of way of north Don Tyson Parkway; thence leaving said east line and continuing along said northern right of way the following four calls, N87°33'19" W a distance of 250.85 feet to a point of curvature; thence 185.71 feet along the arc of a curve to the right having a radius of 1950.00 feet subtended by a chord bearing of N84°49'37" W and a chord distance of 185.64 feet to a point of tangency; thence N82°05'56" W a distance of 6.96 feet to a point; thence N76°37'25" W a distance of 578.24 feet to a point on the north line of said forty acre tract; thence leaving said northern right of way and continuing along said north line the following two calls, S87°37'19" E a distance of 232.43 feet to a point; thence S87°37'19" E a distance of 777.55 feet to the point of beginning.

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 Low/Medium Density Single Family Residential District (SF-2) to Institutional District (P-1) 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 Low/Medium Density Single Family Residential District (SF-2) to Institutional District (P-1)

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 _____, 2014

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney



Feet
0 100 200
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RH-11

APPLICANT: CITY OF SPRINGDALE
REZONING REQUEST:
SF-2 TO P-1

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
4/1/2014

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE AT
2576 WEST SUNSET AVENUE AS SET FORTH IN
ORDINANCE NO. 4030**

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

WHEREAS, the Planning Commission held a public hearing on April 1, 2014, on a request by Terry Forsyth for a Use Unit 44 (Mobile Vending) in a General Commercial District (C-2).

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) nays recommends that a conditional use be granted to Terry Forsyth for a Use Unit 44 (Mobile Vending) in a General Commercial District (C-2) with the following conditions – Subject to Article 6, Section 3.16 of the Springdale Code of Ordinance.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Terry Forsyth for a Use Unit 44 (Mobile Vending) in a General Commercial District (C-2) with the following conditions – Subject to Article 6, Section 3.16 of the Springdale Code of Ordinance.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney



Feet
0 100 200

CM-05

APPLICANT: TERRY FORSYTH
CONDITIONAL USE REQUEST:
USE UNIT 44 - MOBILE VENDING SITE

CITY OF SPRINGDALE
PLANNING OFFICE
PLANNING COMMISSION MEETING
4/1/2014

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO MEMCO SAFETY, INC. IN CONNECTION WITH L14-02 A LARGE SCALE DEVELOPMENT

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 Huntsville and Emma Avenues including drainage improvements related thereto, street lights in connection with L14-02, a Large Scale Development for Memco Safety, Inc. 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 Huntsville and Emma Avenues including drainage improvements related thereto, street lights in connection with L14-02, a Large Scale Development for Memco Safety, Inc.

Option 2: Denies a waiver of street improvements to Huntsville and Emma Avenues including drainage improvements related thereto, street lights in connection with L14-02, a Large Scale Development for Memco Safety, Inc.

Option 3: Approves payment in lieu of improvements to Huntsville and Emma Avenues in connection with L14-02, a Large Scale Development for Memco Safety, Inc. with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to Huntsville and Emma Avenues including drainage improvements related thereto, street lights to be built in connection with L14-02, a Large Scale Development for Memco Safety, Inc..

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Doug Sprouse, Mayor

ATTEST:

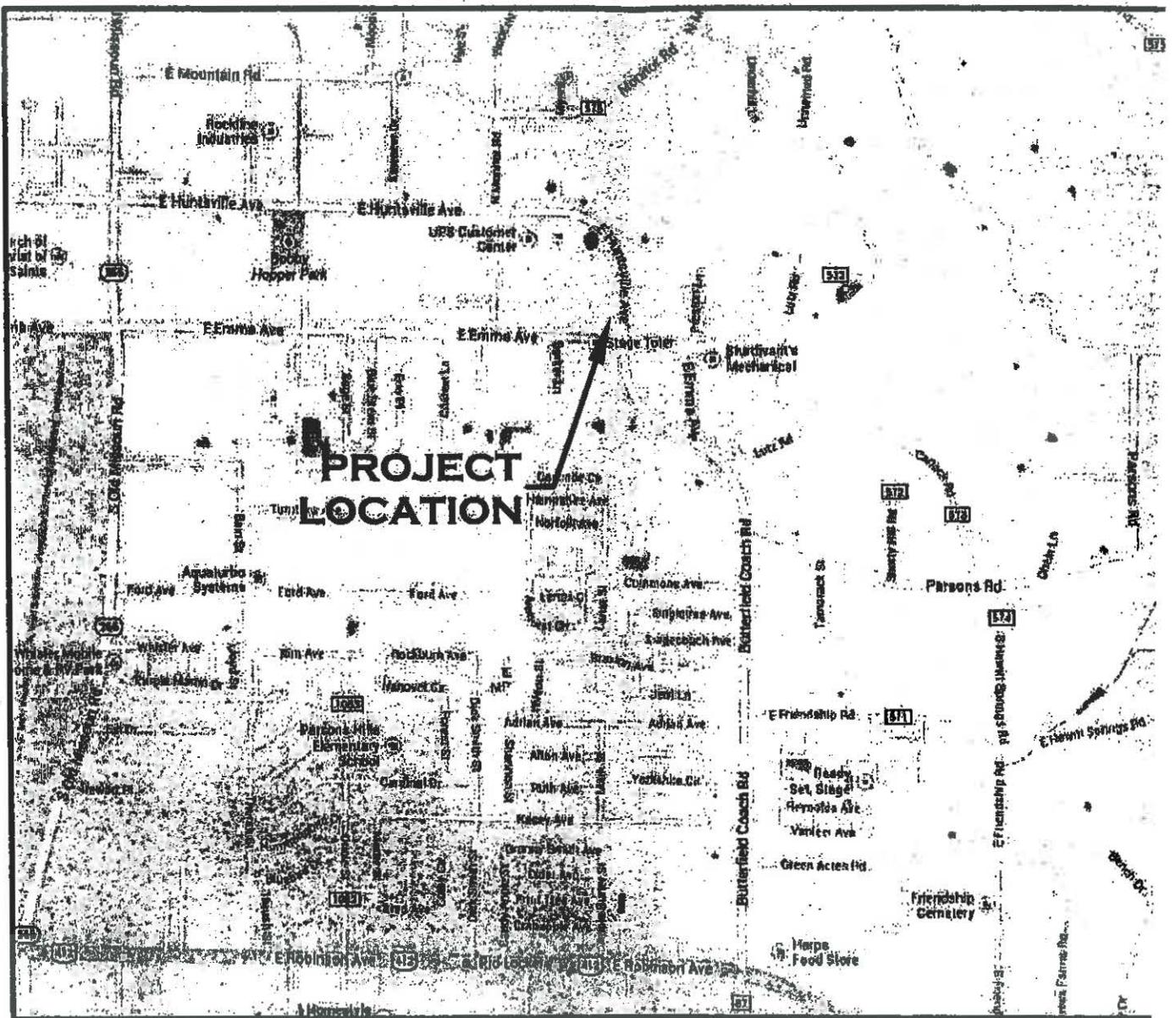
Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney

Vicinity Map for MEMCO SAFETY, INC.



VICINITY MAP
N.T.S.



RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO BRENT AND RAE COUCH IN CONNECTION WITH A SINGLE FAMILY DWELLING LOCATED AT 2651 N. 56TH STREET

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 including drainage improvements related thereto, sidewalks in connection with a single family dwelling located at 2651 N. 56th Street for Brent and Rae Couch 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 Brent and Rae Couch including drainage improvements related thereto, sidewalks in connection with a single family dwelling located at 2651 N. 56th Street.

Option 2: Denies a waiver of street improvements to Brent and Rae Couch including drainage improvements related thereto, sidewalks in connection with a single family dwelling located at 2651 N. 56th Street.

Option 3: Approves payment in lieu of improvements to Brent and Rae Couch in connection with a single family dwelling located at 2651 N. 56th Street with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to Brent and Rae Couch including drainage improvements related thereto, sidewalks to be built in connection with a single family dwelling located at 2651 N. 56th Street.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest Cate, City Attorney



ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 98-63(d) OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council for the City of Springdale has adopted regulations pertaining to the location of specific sign types in the various zoning districts of the City;

WHEREAS, the City Council finds that the regulations pertaining to the location of specific sign types in the various zoning districts of the City need to be clarified;

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

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

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

SECTION 1: Chapter 98-63(d) of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 98-63. Zone restrictions.

(d) General commercial (C-2); thoroughfare commercial (C-5), large product retail sales district (C-6). No signs are permitted except those exempt per section 98-36 (subject to section 98-61), and:

- (1) Each lot or parcel shall contain, for each separately licensed business located thereon, no more than:
 - a. One nonflashing, projecting or wall sign per building frontage. The sign area shall not exceed 300 square feet. Sign height shall not exceed 60 feet;
 - b. One nonflashing, freestanding sign no larger than 400 square feet per sign face with a maximum height of 60 feet, except:
 - (i) On streets classified as an arterial or major collector or a numbered highway on the adopted Master Street Plan, one sign may be allowed per building frontage for each separately licensed business.
 - (ii) No freestanding signs are allowed within 300 feet of the right-of-way of the "Don Tyson Parkway," except for a monument sign.
 - (iii) No freestanding signs are allowed within 300 feet of the right-of-way of Wagon Wheel Road from 40th Street to Robins Road except for a monument sign.
 - (iv) No freestanding signs are allowed, within 300 feet of the right-of-way of Huntsville Avenue from Harris Street east to Butterfield Coach Road except for a monument sign., or
 - (v) No freestanding signs within 300 feet of the right-of-way of Butterfield Coach Road from Huntsville Avenue to the "Don Tyson Parkway," except for a monument sign, and any such monument sign so located on the "Don Tyson Parkway," on Wagon

Wheel Road from 40th Street to Robins Road, on Huntsville Avenue from Harris Street east to Butterfield Coach Road or on Butterfield Coach Road from Huntsville Avenue to the "Don Tyson Parkway shall have a maximum height of eight (8) feet. However, at the intersection of the "Don Tyson Parkway" with the cross streets of 48th Street, Thompson, or Highway 265, an otherwise lawful freestanding sign shall be allowed to be located on property abutting these cross streets as long as the freestanding sign is located a distance of at least 150 feet from the right-of-way of the "Don Tyson Parkway;" at the intersection of Butterfield Coach Road with the cross street of East Robinson (412 East Highway), an otherwise lawful freestanding sign shall be allowed to be located on property abutting East Robinson as long as the freestanding sign is located a distance of at least 150 feet from the right-of-way of Butterfield Coach;

- c. One real estate sign. The sign area shall not exceed 32 square feet. Any billboard, freestanding sign, wall or projecting sign duly permitted hereunder may advertise real estate.
- (2) Each lot or parcel with street frontage may have one nonflashing, freestanding sign no larger than 400 square feet per sign face for use by all businesses located on any adjacent property, provided the adjacent property owner has a separately licensed business and a properly executed and recorded easement or lease agreement, or is the owner of the property on which the sign is to be located.
- (3) Each lot or parcel shall contain no more than one billboard per every 1,320 feet of frontage on a public thoroughfare, or fraction thereof.
- (4) Each lot or parcel shall contain no more than one temporary sign or banner.
- (5) Special visibility district: The special visibility district consists of a district determined by the planning commission and designated on the zoning map by ordinance enacted by the city council, in which signs of a maximum height of 100 feet and maximum sign face area of 300 square feet shall be allowed.

The special visibility district is defined to be 300 feet from the right-of-way on each side of Highway 412 (Sunset Avenue) from the west property line of the Pilot Property, west approximately 2,325 feet from the center of the 1-540 and 412 interchange, and east a distance of 2,225 feet, to the east property line of Braum's, from the same center of the interchange and that special visibility district shall be noted on the official zoning map.

SECTION 2: All other provisions of Chapter 98-63 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended herein shall remain in full force and effect.

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

PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF APPROXIMATELY 42 ACRES OF REAL PROPERTY LOCATED BETWEEN LAKE SPRINGDALE AND JB HUNT PARK, SITUATED IN WASHINGTON AND BENTON COUNTY, ARKANSAS, AND AUTHORIZING THE PURCHASE OF PERSONAL PROPERTY LOCATED THEREON.

WHEREAS, the City of Springdale has the opportunity to purchase approximately 42 acres of real property located in Washington and Benton County, Arkansas, located between Springdale Lake and JB Hunt Park, including the "Rabbit's Foot Lodge" structure located thereon, and other personal property located thereon (collectively "the Property"), and

WHEREAS, the legal description of the Property and a map of the Property are attached hereto as Exhibit "A" and are hereby incorporated by reference; and

WHEREAS, the owner has agreed to sell the Property to the City of Springdale for the total sum of \$1,050,000.00; and

WHEREAS, the acquisition of the Property would be of great benefit to the citizens of the City of Springdale, Arkansas, in that it would provide additional park land for use by all citizens, and would provide the City of Springdale, Arkansas, a unique opportunity to preserve a structure of historical significance in Northwest Arkansas.

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 for the Property, for a total purchase price of \$1,050,000.00, plus associated closing costs.

PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

EXHIBIT "A": Property Description

A part of the SE ¼ of Section 22, Township 18 North, Range 30 West, Benton County, Arkansas and a part of the NE ¼ of the NE ¼ of Section 27, Township 18 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Beginning at the railroad spike that marks the Southwest corner of said SE ¼ of the SE ¼ of Section 22, and run thence along the West line of said SE ¼ of the SE ¼ N 1°49'35" E 662.35 feet to a steel rebar pin; thence S 87°05'31" E 422.22 feet to a steel rebar pin; thence S 04°30'00" E 181.69 feet to a steel rebar pin; thence S 13°00'00" W 163.19 feet to a steel rebar pin; thence S 20°30'00" W 132.18 feet to a steel pin; thence S 10°30'00" W 197.54 feet to a steel rebar pin; thence N 87°01'22" E 16.64 feet to a steel rebar pin; thence N 10°30'00" E 193.91 feet to a steel rebar pin; thence N 20°30'00" E 131.82 feet to a steel rebar pin; thence N 13°00'00" E 166.81 feet to a steel rebar pin; thence N 04°30'00" W 182.09 feet to a steel rebar pin; thence S 87°05'31" E 530.69 feet to a steel rebar pin; thence S 25°53'49" E 225.14 feet to a steel rebar pin; thence S 63°50'27" E 277.51 feet to a steel rebar pin on the East line of said SE ¼ of the SE ¼; thence along said East line S 1°39'39" W 357.09 feet to a four way fence corner at the Southeast corner of said SE ¼ of the SE ¼; thence S 2°29'09" W along the East line of said NE ¼ of the NE ¼ of Section 27, 959.63 feet to a steel rebar pin; thence N 87°34'59" W 1330.30 feet to a steel rebar pin on the West line of said NE ¼ of the NE ¼; thence N 2°36'30" E 164.93 feet to a steel rebar pin; thence S 87°02'36" E 16.50 to the centerline of Silent Grove Rd; thence along said centerline N 00°15'33" E 55.44 feet; thence along said centerline N 01°46'26" E 154.73 feet; thence along said centerline N 3°30'02" E 428.32 feet, thence along said centerline N 00°48'49" E 100.39 feet; thence along said centerline N 2°17'31" W 69.28 feet to the North line of said NE ¼ of the NE ¼; thence along said North line N 87°01'22" W 9.5 feet to the point of beginning, containing 47.456 acres more or less. Subject to the right-of-way of Silent Grove Road and all easements of record.

LESS AND EXCEPT:

One acre (1 acre) taken squarely out of the Northwest corner of the above-described tract of land.

ALSO LESS AND EXCEPT:

A part of the SE ¼ of Section 22, Township 18 North, Range 30 West, Benton County, Arkansas, more particularly described as follows: Commencing at the railroad spike that marks the Southwest corner of said SE ¼ of the SE ¼ of Section 22, and run thence N 1°49'35" E 662.35 feet; thence S 87°5'31" E 208.71 feet to the point of beginning; thence continuing S 87°5'31" E 313.07 feet; thence S 1°49'35" W 208.71 feet; thence N 87°5'31" W 313.07 feet; thence N 1°49'35" E 208.71 feet to the point of beginning containing 1.5 acres more or less.

ALSO LESS AND EXCEPT:

A part of the SE ¼ of Section 22, Township 18 North, Range 30 West, Benton County, Arkansas, more particularly described as follows: Commencing at the railroad spike that marks the Southwest corner of said SE ¼ of the SE ¼ of Section 22, and run thence N 1°49'35" E 453.64 feet to the point of beginning; thence S 87°5'31" E 521.78 feet; thence S 1°49'35" W 83.48 feet; thence N 87°5'31" W 521.78 feet; thence N 1°49'35" E 83.48 feet to the point of beginning, containing 1 acre more or less.

ALSO LESS AND EXCEPT:

Beginning at a point 280 feet North of the Southwest Corner of the SE ¼ of the SE ¼ of Section 22, Township 18 North, Range 30 West, thence North to a point which is S 1°49'35" W 292.19 feet from the Northwest Corner of the S ½ of the SE ¼ of the SE ¼ of Section 22, Township 18 North, Range 30 West, thence S 87°5'31" E 521.78 feet, thence South to the South line of an easement for a sewer transmission line as described by an easement document filed in Benton County, Arkansas, at Book 423, Page 414, thence Northwesterly along said easement to the point of beginning, containing 1.93 acres more or less.



RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
THANG VAN NGUYEN AND XUAN THI HUYNH ARE
DEFENDANTS.**

WHEREAS, the City Council of the City of Springdale has authorized the City Attorney to file a lawsuit against Thang Van Nguyen and Xuan Thi Huynh to condemn a tract of land for the 56th Street Widening Project No. 12BPS4, Tract 3;

WHEREAS, the City of Springdale estimate the amount of just compensation in this case to be \$1,600.00;

WHEREAS, Thang Van Nguyen and Xuan Thi Huynh have extended an offer to settle this case for the total sum of \$3,000.00;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$1,400.00 to settle this lawsuit, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Thang Van Nguyen and Xuan Thi Huynh condemnation lawsuit for the total sum of \$3,000.00.

PASSED AND APPROVED this ____ day of _____, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF A
CONSTRUCTION CONTRACT FOR THE DON TYSON
PARKWAY AND 40TH STREET INTERSECTION TRAFFIC
SIGNAL AND ESTABLISHING THE BUDGET FOR SAID
PROJECT**

WHEREAS, sealed competitive construction bids were received and opened for said project on April 8, 2014;

WHEREAS, the low bid of \$148,042.50 was submitted by All Service Electric, Inc., of Hot Springs, AR;

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

Design Engineering (Signal)	45,590.00
Construction Engineering (Signal)	9,500.00
Materials (Poles, Mast Arms; Luminaire Arms)	38,765.00
Construction (Bid Amount)	148,042.50
Material Testing Services (Estimated)	3,500.00
Construction Contingency	<u>14,804.25</u>
Total Project Budget	\$260,201.75

WHEREAS, the budget for design and construction engineering listed above include an allowance for reimbursable expenses;

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 All Service Electric, Inc. in the amount of \$148,042.50.
- 2) The total construction project cost shall not exceed \$260,201.75 without Council approval.

PASSED AND APPROVED this _____ day of April, 2014

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney



Office Of The City Attorney

201 Spring Street
Springdale, Arkansas 72764
Phone (479) 756-5900
Fax (479) 750-4732
www.springdalear.gov
Writer's Email:

sparkman@springdalear.gov

Ernest B. Cate
City Attorney

Taylor Samples
Deputy City Attorney

Sarah Sparkman
Deputy City Attorney

David D. Phillips
Deputy City Attorney

Lynda Belvedresi
Case Coordinator/
Victim Advocate

Steve Helms
Investigator

Cindy Horlick
Administrative Legal
Assistant/Paralegal

March 19, 2014

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. James R. Ritchey
308 W. Emma Ave.
Springdale, AR 72764

Kashan Property, LLC
c/o Hormoz Ghomghani
845 Nicholson Ave
Springdale, AR 72764

RE: Property located at 308 W. Emma Ave., Springdale, Washington
County, Arkansas,
Tax Parcel No. 815-30007-000

Dear Mr. Ritchey:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 308 W. Emma Ave., Springdale, Washington County, Arkansas, and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 308 W. Emma Ave., Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be considering the enclosed ordinance at a meeting that will take place at 6:00 p.m. on Tuesday, April 22, 2014, in the council chambers located at 201 Spring Street, Springdale, Arkansas. I strongly encourage you to attend this meeting.

Kashan Property, LLC, is receiving this notice because of their interest in the property at 306 W. Emma.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you not take advantage of this opportunity, the City of Springdale will have the right to raze and remove the structure, and then charge the costs of such as a lien against the property. The amount of any such lien would be determined by the City Council, and you would have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know. I am also sending this letter to you via regular mail as well.

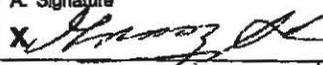
Sincerely,



Sarah Sparkman
Deputy City Attorney

enclosure
SS

cc: Mike Chamlee, Chief Building Official
Tom Evers, Chief Building Inspector

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) Hormoz Ghomghani	C. Date of Delivery 3/20/14
1. Article Addressed to: <div style="border: 1px dashed black; padding: 5px; text-align: center;"> Kashan Property, LLC c/o Hormoz Ghomghani 845 Nicholson Ave. Springdale, AR 72764 </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Transfer from service label) <u>7011 1570 0000 8221 1888</u>		
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) 	C. Date of Delivery 4-3-14
1. Article Addressed to: <div style="border: 1px dashed black; padding: 5px; text-align: center;"> Mr. James R. Ritchey 308 W. Emma Ave. Springdale, AR 72764 </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Transfer from service label) <u>7011 1570 0000 8221 1895</u>		

ORDINANCE NO. _____

AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF A CERTAIN STRUCTURE WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 308 W. EMMA AVE.; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, James Ritchey is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Part of Lot 5 in Block 10 in the original town (now city) of Springdale, Arkansas, described as follows: Beginning at a point 140 feet East of the Southwest corner of said Lot 5 and running thence North parallel with the West line of said lot to the North line thereof; thence East 36 feet; thence South parallel with the West line to the South line of said Lot; thence West 36 feet to the point of beginning.

Commonly known as 308 W. Emma Ave., Springdale, Washington County, Arkansas
Tax Parcel No. 815-30007-000

WHEREAS, the structure on the property is unfit for human habitation, constitutes a fire hazard, otherwise is dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of Springdale City Ordinances (§22-32 and §91-37, *et seq.*);

WHEREAS, the owner has been notified by the City of Springdale prior to the consideration of this ordinance, that the structure on the property is in violation of various ordinances of the City of Springdale, as well as the Property Maintenance Code of the City of Springdale;

WHEREAS, pursuant to Chapter 22-32 of the Ordinances of the City of Springdale, the owner was given thirty (30) days to purchase a building permit and to commence repairs on the property, or to demolish and remove the building from the property;

WHEREAS, the owner has failed, neglected, or refused to comply with the notice to repair, rehabilitate or to demolish and remove the building, and as such, the matter of removing the building may be referred to the City Council pursuant to Chapter 22 and Chapter 91 of the Ordinances of the City of Springdale;

WHEREAS, under Ark. Code Ann. § 14-56-203 and pursuant to Chapter 22 and Chapter 91 of the Springdale Code of Ordinances, if repair or removal is not done within the required time, the structure is to be razed (demolished) and/or removed;

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

Section 1. That the structure located at 308 W. Emma Ave., Springdale, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

Section 2. That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris,

completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

Section 3. If the aforesaid work is not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed and the unsafe, unsanitary and unsightly conditions abated; and, the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council.

Section 4. EMERGENCY CLAUSE: The City Council hereby determines that the aforesaid unsafe structure constitutes a continuing detriment to the public safety and welfare and is therefore a nuisance, and determines that unless the provisions of this ordinance are put into effect immediately, the public health, safety and welfare of the citizens of Springdale will be adversely affected. Therefore, an emergency is hereby declared to exist and this ordinance begin necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2014.

Doug Sprouse, MAYOR

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF
SPRINGDALE 2014 BUDGET**

WHEREAS, the Mayor and City Council desire to demolish and remove the unsafe structures located at 317 E. Emma Ave., and

WHEREAS, the Buildings Department budget does not include sufficient funds to cover the estimated cost of \$50,000 to demolish and remove the structures at 317 E. Emma Ave., and

WHEREAS, the Community Engagement Division spent \$30,673 of their \$40,000 appropriation for property cleanup during February and March and needs additional funds to continue their program;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2014 budget 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>
Buildings	10104034237035	Contract Labor	15,000	50,000		65,000
Co Engagement	10102114427035	Contract Labor	40,000		40,000	
Co Engagement	10102114427050	Public Works Cleanup		60,000		60,000

PASSED AND APPROVED this 22nd day of April, 2014.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

From: Laura Favorite <lfavorite@springdalear.gov>
Sent: Friday, April 04, 2014 2:47 PM
To: Wyman Morgan; Doug Sprouse
Cc: Sam Goade; Missha Wagoner
Subject: City abatement costs
Attachments: Community Engagement abatement - 2013.xlsx

Wyman,

You had asked me how much were the costs of city abatement performed using Public Works employees and equipment. The total for February and March was \$30,673.58. I have attached my summary spreadsheet showing the breakdown by date and property.

I have created a new account in the Community Engagement division entitled Public Works Property Cleanup – account # 101-0211-442.70-50. I will transfer all costs for work performed by Public Works to this account, and thereby reimburse the Street Fund for all of these costs.

Please let me know if you have any questions.

Laura Favorite

Finance Director
City of Springdale
201 Spring St
Springdale, AR 72764
Direct line: 479-750-8177
Email: lfavorite@springdalear.gov

City of Springdale
 Community Engagement - Code Enforcement
 City Abatement - Summary of Charges to be Reimbursed by the General Fund
 FEBRUARY AND MARCH 2014

PROPERTY ADDRESS	DATE OF ABATEMENT	TEMPORARY LABOR	EMPLOYEE COSTS	EQUIPMENT COSTS	MOBILIZATION FEE	TOTAL
1403 DALINE	2/14/14	-	456.72	210.00	-	666.72
1714 HORSESHOE DR	2/24/14	-	123.42	250.00	-	373.42
2063 W MAPLE AVE	3/7/14	48.00	41.48	270.00	-	359.48
4003 S THOMPSON	3/10/14	-	1,884.96	5,810.00	200.00	7,894.96
4003 S THOMPSON	3/11/14	-	2,233.35	7,980.00	200.00	10,413.35
4003 S THOMPSON	3/12/14	-	1,405.74	7,630.00	200.00	9,235.74
2628 OLD MISSOURI RD	3/19/14	-	68.78	235.00	200.00	503.78
307 RUBY	3/24/14	-	21.66	-	150.00	171.66
1000 DALINE	3/26/14	144.00	82.96	74.00	200.00	500.96
1307 YOUNG ST	3/31/14	144.00	69.51	140.00	200.00	553.51
		<u>336.00</u>	<u>6,388.58</u>	<u>22,599.00</u>	<u>1,350.00</u>	<u>30,673.58</u>