

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

- Monday, May 20th, 5:30 p.m. is the next Committee meetings.
- Committee agendas will be available on Friday, May 17th, 2013.

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 14TH, 2013

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – **ERIC FORD**

6:00 p.m. **OFFICIAL AGENDA Pg's 1-2**

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 15, 2013 **Pg's 3-14**
 - b) April 16, 2013 **Pg's 15-17**
 - c) April 23, 2013 **Pg's 18-25**
6. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers....10-A; 12 A,B,C.* (Motion must be approved by two-thirds (2/3) of the council members).
7. **1st Public Hearing** on ORC Products presented by Lance Eads Vice President of Springdale Chamber of Commerce. **Pg's 26-48**

A Resolution authorizing the Mayor and City Clerk to apply for a grant under the Arkansas Community and Economic Development Program (ACEDP) for ORC Products.
8. **2nd Public Hearing** on Dixie Southern presented by Lance Eads Vice President of Springdale Chamber of Commerce. **Pg. 49**

Concerning the implementation of an Arkansas Community Economic Development Program (ACEDP) grant for Dixie Southern.
9. **An Appeal** of the Planning Commission's decision to deny the rezoning request of a 2 acre parcel and .959 parcel owned by TBM Properties, LLC, located at 881 Rio Bravo Drive from C-2 to C-5, presented by David Jorgensen, Jorgensen & Associates. (R13-11) **Pg's 50-56**
10. Street & CIP Committee Report & Recommendations by Chairman Rick Evans:

- A. **An Ordinance** to waive competitive bidding for the installation of a third axle on four dump trucks. **Pg's 57-69**
- B. **A Resolution** authorizing the City Attorney to settle an inverse condemnation lawsuit wherein Wendell and Renee Collins are plaintiffs. **Pg's 70-72**
- 11. Finance Committee Report & Recommendations by Chairman Brad Bruns
A Resolution amending the 2013 Budget of the City of Springdale Fire Department. Pg's 73-74
- 12. Planning Commission Recommendations by Planning Director Patsy Christie:
 - A. **An Ordinance** amending Article 5, Section 40 of the Zoning Ordinance of the City of Springdale, Arkansas; declaring an emergency; and for other purposes. **Pg's 75-76**
 - B. **An Ordinance** amending Article 4, Section 3 of the Zoning Ordinance of the City of Springdale, Arkansas; declaring an emergency; and for other purposes. **Pg's 77-80**
 - C. **An Ordinance** amending Article 4, Section 4 of the Zoning Ordinance of the City of Springdale, Arkansas; declaring an emergency; and for other purposes. **Pg's 81-84**
- 13. **A Resolution** opposing Route 108 of Southwestern Electric Power Company's Shipe Road to Kings River Transmission Project, presented by Councilman Jim Reed. **Pg's 85-86**
- 14. **A Resolution** approving the donation of vacation time for Teresa Johnson, presented by Courtney Kremer, Animal Services Director. **Pg's 87-88**
- 15. **A Resolution** authorizing execution of a construction contract and setting overall budget for I-540/Don Tyson Parkway Interchange. (12BPS1; AHTD 040527) presented by Patsy Christie, Director of Planning and Community Development. **Pg. 89**
- 16. Comments from Department Heads.
- 17. Comments from Council Members.
- 18. Comments from City Attorney.
- 19. Comments from Mayor Sprouse.
- 20. Adjournment.

SPRINGDALE CITY COUNCIL
APRIL 15, 2013

The regularly scheduled April 9, 2013 City Council meeting was cancelled due to the lack of a quorum of the Council. There was a death in the family of one of the City Council members. The meeting was rescheduled for April 15, 2013.

The City Council of the City of Springdale met in special session on Monday, April 15, 2013, 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 (Absent)
Mike Overton	Ward 2
Eric Ford	Ward 4
Rick Evans	Ward 2
Jim Reed	Ward 1
Kathy Jaycox	Ward 1
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Wyman Morgan	Director of Finance & Admin.
Patsy Christie	Planning & Comm. Dev. Director
Alan Pugh	Engineering Director
Kathy O'Kelley	Police Chief
Mike Irwin	Fire Chief
Rick McWhorter	Parks & Recreation Director
Mike Chamlee	Chief Building Official
Loyd Price	Human Resource Director
Sam Goade	Public Works Director
Mark Gutte	IT Director

APPROVAL OF MINUTES

Alderman Jaycox moved the minutes of the March 26, 2013 City Council meeting be approved as presented. Alderman Evans made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

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

The vote:

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

No: None

RESOLUTION NO. 56-13 – AUTHORIZING THE TEMPORARY OPERATION OF A CARNIVAL AT PARSONS STADIUM RODEO ARENA

Wyman Morgan presented a Resolution authorizing the temporary operation of a carnival to be held at Parsons Stadium Rodeo Arena located at 1423 Emma Avenue.

RESOLUTION NO. _____

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

WHEREAS, Janet Edwards, Special Events Program Director from the Rodeo of the Ozarks has requested permission to conduct a Carnival entertainment event at the Parsons Stadium Rodeo Arena located at 1423 Emma Avenue, put on by Ed Burlingame with Pride of Texas Amusements; and

WHEREAS, Pride of Texas Carnival dates will be Wednesday, May 22nd, thru Sunday, May 26th, 2013, and

WHEREAS, the carnival's hours of operation will be Wednesday, May 22nd thru Sunday, May 26th, 2013 from noon – Midnight; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Janet Edwards, Special Events Program Director with the Rodeo of the Ozarks and Ed Burlingame with the Pride of Texas, is hereby authorized to conduct a carnival entertainment event in Parsons Stadium Rodeo Arena located at 1423 Emma Avenue, May 22nd thru May 26th, 2013, with the carnival opening and closing times listed above. In case of a rain out, the Mayor has the authority to reschedule this event.

PASSED AND APPROVED this ____ day of April, 2013.

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 Jaycox made the second.

The vote:

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

No: None

The Resolution was numbered 56-13.

RESOLUTION NO. 57-13 – AUTHORIZING THE MAYOR AND THE CITY CLERK
OF THE CITY OF SPRINGDALE TO ACCEPT A GIFT OF LAND FROM KAREN
MORTON

Wyman Morgan presented a Resolution authorizing the Mayor and the City Clerk of the City of Springdale to accept a gift of land from Karen Morton. This property is located north of Rabbit Foot Lodge and will be part of the wildlife observation area.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR
AND THE CITY CLERK OF THE CITY OF
SPRINGDALE TO ACCEPT A GIFT OF LAND
FROM KAREN MORTON.**

WHEREAS, Karen Morton is desirous of making a gift of land to the City of Springdale, Arkansas, said land being more particularly described as follows:

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.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk of the City of Springdale, Arkansas, accept the above described property from Karen Morton.

PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 57-13.

SPRINGDALE CITY COUNCIL
APRIL 15, 2013

RESOLUTION NO. 58-13 – AUTHORIZING CONTRACT EXECUTION FOR
STREET PAVING SERVICES FOR 2013

Sam Goade presented a Resolution authorizing contract execution for street paving services for 2013 with Hutchens Construction Company in the amount of \$1,543,965.78.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING CONTRACT
EXECUTION FOR STREET PAVING SERVICES FOR
2013**

WHEREAS, competitive bids were received on March 28, 2013 a copy of the tabulation of bids received that date are attached, and

WHEREAS, Hutchens Construction Company submitted the lowest bid in the amount of \$1,543,965.78.

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 execute a contract with Hutchens Construction Company, in the amount of \$1,543,965.78.

PASSED AND APPROVED this ____ day of April, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 58-13.

ORDINANCE NO. 4685 – AMENDING CHAPTER 98 (SIGNS) OF THE CODE OF
ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; TO DECLARE AN
EMERGENCY AND FOR OTHER PURPOSES

Alderman Overton presented an Ordinance amending Chapter 98 (Signs) of the Code of Ordinances of the City of Springdale, Arkansas; to declare an emergency and for other purposes.

The change is to Chapter 98-61(k) of the Code of Ordinances to clarify the regulations pertaining to temporary signs and banners, limiting the size to 32 square feet in surface area.

A public hearing was held at the April 2, 2013 Planning Commission meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4685.

ORDINANCE NO. 4686 – AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPER PARTNERSHIP AGREEMENT WITH WAL-MART REAL ESTATE BUSINESS TRUST; TO WAIVE COMPETITIVE BIDDING; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES

Alderman Evans presented an Ordinance authorizing the Mayor to enter into a Developer Partnership Agreement with Wal-Mart Real Estate Business Trust; to waive competitive bidding; to declare an emergency and for other purposes.

Wal-Mart has presented large scale development plans to construct a store on Elm Springs Road. The City of Springdale and Wal-Mart desire to enter into a partnership relating to construction and development. Improvements will include drainage improvements that will aid in the development of the proposed Wal-Mart and enhance the development potential of the surrounding area.

The City of Springdale desires to share the cost to construct the 48th Street Improvements with Wal-Mart at a total cost to the City of \$650,000.00 and to share the costs to construct the drainage improvements with Wal-Mart at a total cost to the City of \$600,000.00.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4686.

RESOLUTION NO. 59-13 – AUTHORIZING CAPITAL IMPROVEMENT PROJECT FUNDS – MATCH GRANT FUNDS FOR THE REPLACEMENT OF RUNWAY APPROACH LIGHTS AT THE SPRINGDALE AIRPORT

Wyman Morgan presented a Resolution authorizing capital improvement project funds – match grant funds for the replacement of runway approach lights at the Springdale Airport in the amount not to exceed \$60,000.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING CAPITAL IMPROVEMENT PROJECT FUNDS - MATCH GRANT FUNDS FOR THE REPLACEMENT OF RUNWAY APPROACH LIGHTS AT THE SPRINGDALE MUNICIPAL AIRPORT

WHEREAS, the Springdale Airport approach lights were installed over twenty years ago, and

WHEREAS, the approach lights have failed and parts to repair them are not available, and

WHEREAS, the estimated cost to replace the approach lights is \$300,000, and

WHEREAS, the City of Springdale has applied for a grant from the Arkansas Department of Aeronautics for 80% of the project cost;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the expenditure of \$60,000 of Capital Improvement Project Funds is hereby authorized as grant matching funds for replacement of the runway approach lights at the Springdale Municipal Airport.

PASSED AND APPROVED this _____ day of April, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 59-13.

RESOLUTION NO. 60-13 – AUTHORIZING THE PURCHASE OF PROPERTY
LOCATED AT 622 PARK STREET, SPRINGDALE, ARKANSAS (RAZORBACK
GREENWAY)

Alderman Evans presented a Resolution authorizing the purchase of property located at 622 Park Street, Springdale, Arkansas, to be used for construction of the Razorback Greenway trail system and the construction of a street round-about.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE PURCHASE OF
PROPERTY LOCATED AT 622 PARK STREET,
SPRINGDALE, ARKANSAS**

WHEREAS, this acquisition of this property, consisting of approximately 0.2 acres, is needed for construction of the trail system and the construction of a street round-about, and

WHEREAS, the property has been appraised for \$60,000, and

WHEREAS, the owner has agreed sell this property for the appraised value;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor is hereby authorized to execute all documents necessary for the acquisition of and tender payment from the Capital Improvement Fund for approximately 0.2 acres located at the east 622 Park Street in Springdale, with a total purchase price of \$60,000.

PASSED AND APPROVED this ____ day of April, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 60-13.

PROPOSED ORDINANCE CALLING FOR A SPECIAL ELECTION TO FILL A
VACANCY ON THE SPRINGDALE CITY COUNCIL; TO DECLARE AN
EMERGENCY AND FOR OTHER PURPOSES

A proposed Ordinance was presented calling for a special election to fill a vacancy on the Springdale City Council; to declare an emergency and for other purposes.

At the March 26, 2013 City Council meeting, Alderman Bobby Stout notified the Mayor and City Council that he is resigning from his position of Alderman, Ward 4, Position 1, effective April 1, 2013.

Arkansas State Statute requires that at the first regular meeting after the occurrence of the vacancy, City Council has to either elect to have someone fill his seat by majority vote of the remaining members of the council or call for a special election.

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

Some council members were concerned with the cost of holding a special election which is estimated at \$17,000 plus, because it would only be for about 16 months. The election can not be held until August 13, 2013.

The vote:

Yes: Jaycox, Overton, Ford, Evans

No: Bruns, Reed

Motion failed by a 4-2 vote.

A Resolution was presented at this time.

RESOLUTION NO. 61-13 – APPOINTING DWIGHT HEATHMAN TO FILL THE UNEXPIRED TERM OF BOBBY STOUT IN THE POSITION OF ALDERMAN, WARD 4, POSITION 1 FOR THE CITY OF SPRINGDALE

Alderman Overton presented a Resolution appointing Dwight Heathman to fill the unexpired term of Bobby Stout in the position of Alderman, Ward 4, Position 1 for the City of Springdale.

Mr. Heathman is a former Alderman and has been actively involved in city affairs as well as a leader in civic clubs. He has expressed an interest in serving and has no interest in running for re-election.

RESOLUTION NO. _____

A RESOLUTION APPOINTING DWIGHT HEATHMAN TO FILL THE UNEXPIRED TERM OF BOBBY STOUT IN THE POSITION OF ALDERMAN, WARD 4, POSITION 1 FOR THE CITY OF SPRINGDALE, ARKANSAS.

WHEREAS, Alderman Bobby Stout, Ward 4, Position 1, resigned effective April 1, 2013;

WHEREAS, Ark. Code Ann. § 14-43-411 states that if the unexpired portion of the term of alderman exceeds one (1) year, at the first regular meeting after the occurrence of the vacancy, the City Council shall proceed to elect by a majority vote of the remaining members elected to the council an alderman to serve for the unexpired term;

WHEREAS, Dwight Heathman, who is a qualified candidate, has expressed an interest in filling this vacancy;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Dwight Heathman is hereby

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immediately appointed by a majority vote of the City Council as Alderman, Ward 4, Position 1.

PASSED AND APPROVED, this _____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 61-13.

ORDINANCE NO. 4687 – ACCEPTING THE REPLAT OF PHASE I OF LEGENDARY SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance accepting the Replat of Lots 218 and 219 in Phase I of Legendary Subdivision to the City of Springdale, Arkansas and declaring an emergency.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4687.

ORDINANCE NO. 4688 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 605 NORTH JEFFERSON

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris within the City of Springdale, Arkansas, located at 605 North Jefferson.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4688.

ORDINANCE NO. 4689 – AMENDING ARTICLE 6, SECTION 3.16 OF THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES (PERTAINING TO MOBILE VENDING UNITS)

Patsy Christie presented an Ordinance amending Article 6, Section 3.16 of the Zoning Ordinance of the City of Springdale, Arkansas and for other purposes (pertaining to Mobile Vending Units).

The section needs to be amended to exempt mobile vendors operating at approved events at Shiloh Square and takes out FeatherFest (which no longer exists).

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4689.

ORDINANCE NO. 4690 – AMENDING ARTICLE 6, SECTION 3.5 OF THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES (PERTAINING TO TEMPORARY OPEN-AIR ENTERPRISES)

Patsy Christie presented an Ordinance amending Article 6, Section 3.5 of the Zoning Ordinance of the City of Springdale, Arkansas and for other purposes (pertaining to Temporary Open-Air Enterprises).

The section needs to be amended to exempt temporary open-air enterprises operating at approved events at Shiloh Square and takes out FeatherFest (which no longer exists).

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4690.

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 6:10 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

SPRINGDALE CITY COUNCIL
APRIL 16, 2013

The City Council of the City of Springdale met in special session on Tuesday, April 16, 2013, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 5:15 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Brad Bruns	Ward 3
Jeff Watson	Ward 3 (Absent)
Mike Overton	Ward 2
Eric Ford	Ward 4
Rick Evans	Ward 2
Jim Reed	Ward 1
Kathy Jaycox	Ward 1
Ernest Cate	City Attorney
Rose Lawrence	Mayor's Administrative Assistant

Department heads present:

Wyman Morgan	Director of Finance & Admin.
Alan Pugh	Engineering Director
Kevin Lewis	Police Lieutenant
Loyd Price	Human Resource Director

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

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

The vote:

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

No: None

RESOLUTION NO. 62-13 – RESCINDING RESOLUTION NO. 60-13 APPOINTING DWIGHT HEATHMAN TO FILL THE VACANCY IN WARD 4, POSITION 1, IN THE CITY OF SPRINGDALE, ARKANSAS

City Attorney Ernest Cate presented a Resolution rescinding Resolution No. 60-13, appointing Dwight Heathman to fill the vacancy in Ward 4, Position 1, in the City of Springdale, Arkansas.

Mayor Sprouse explained that it was brought to his attention after last night's meeting that Mr. Heathman does not reside in Ward 4. He was always located in Ward 4 until the ward boundary maps were changed a couple of years ago after the census. He actually resides in Ward 1.

RESOLUTION NO. _____

A RESOLUTION RESCINDING RESOLUTION NO. 61-13 APPOINTING DWIGHT HEATHMAN TO FILL THE VACANCY IN WARD 4, POSITION 1 IN THE CITY OF SPRINGDALE, ARKANSAS.

WHEREAS, Dwight Heathman was appointed by Resolution No. 61-13 on April 15, 2013;

WHEREAS, it is found that Dwight Heathman does not reside in Ward 4, Position 1 and therefore is not eligible to be appointed to this position;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Resolution No. 61-13 is hereby rescinded in its entirety.

PASSED AND APPROVED, this _____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 62-13.

ORDINANCE NO. 4691 – CALLING FOR A SPECIAL ELECTION TO FILL A VACANCY ON THE SPRINGDALE CITY COUNCIL; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES

City Attorney Ernest Cate presented an Ordinance calling for a special election to fill a vacancy on the Springdale City Council; to declare an emergency and for other purposes.

The date of the special election for the office of Alderman, Ward 4, Position 1, Springdale, Arkansas, will be held Tuesday, August 13, 2013.

The deadline for any person desiring to become an independent candidate for the office will have to file his or her Petition of Nomination with the County Clerk at noon on June 4, 2013.

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

Alderman Reed said he is still opposed to spending a lot of money on a special election when someone could be appointed to finish the term.

Other council members said they have received comments that there should be an election for the position.

The vote:

Yes: Ford, Evans, Jaycox, Bruns, Overton

SPRINGDALE CITY COUNCIL
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No: Reed

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

The vote:

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

No: None

The Ordinance was numbered 4691.

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 5:25 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

SPRINGDALE CITY COUNCIL
APRIL 23, 2013

The City Council of the City of Springdale met in regular session on April 23, 2013, 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 (Absent)
Eric Ford	Ward 4
Rick Evans	Ward 2
Jim Reed	Ward 1
Kathy Jaycox	Ward 1
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Patsy Christie	Planning & Comm. Dev. Director
Kathy O'Kelley	Police Chief
Mike Irwin	Fire Chief
Rick McWhorter	Parks & Recreation Director
Mike Chamlee	Building Inspector
Loyd Price	Human Resource Director
Sam Goade	Public Works Director
Alan Pugh	Engineering Director
Courtney Kremer	Animal Services Director
Mark Gutte	Information Services Director

AUTISM AWARENESS MONTH

Eight year old Avery Downum made a presentation to City Council on the effects of Autism. He is trying to teach the community about Autism during the month of April which is National Autism month.

MAY MOTORCYCLE SAFETY MONTH

Mayor Sprouse presented a proclamation to Ed Jackson proclaiming May as "Motorcycle Safety Month".

NEW WATER AND SEWER DIRECTOR

Chris Weiser, Chairman of Water and Sewer Commission, introduced the new Water and Sewer Department Director, Heath Ward to City Council.

REPORT ON ECONOMIC DEVELOPMENT

Lance Eads, Vice-President of Springdale Chamber of Commerce, gave a report on economic development in the City of Springdale. (Report on file in City Clerk's Office)

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

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

The vote:

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

No: None

The Resolution was numbered 63-13.

ORDINANCE NO. 4692 – REZONING 1.67 ACRES OWNED BY SPRINGDALE CHURCH OF GOD, DANNY MCCULLEY, PASTOR, LOCATED AT 3749 S. POWELL, FROM A-1 TO P-1 AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning 1.67 acres owned by Springdale Church of God, Danny McCulley, Pastor, located at 3749 S. Powell, from A-1 to P-1 and declaring an emergency.

A public hearing was held at the April 2, 2013 Planning Commission meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4692.

ORDINANCE NO. 4693 – REZONING 9.35 ACRES OWNED BY PMD ENTERPRISES LOCATED DIRECTLY NORTH OF EVERETT CHEVROLET, NORTH OF 45TH STREET, FROM C-5 TO C-6 AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning 9.35 acres owned by PMD Enterprises located directly north of Everett Chevrolet, north of 45th Street, from C-5 to C-6 and declaring an emergency.

A public hearing was held at the April 2, 2013 Planning Commission meeting.

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

The vote:

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

No: None

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

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

The vote:

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

No: None

The Ordinance was numbered 4695.

ORDINANCE NO. 4696 – REZONING .11 ACRES OWNED BY DANIEL AND DASHA FAIRES LOCATED AT 108 GRAHAM, FROM C-2 TO C-3 AND DECLARING AN EMERGENCY

Patsy Christie presented an Ordinance rezoning .11 acres owned by Daniel and Dasha Faires located at 108 Graham, from C-2 to C-3 and declaring an emergency.

A public hearing was held at the April 2, 2013 Planning Commission meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4696.

RESOLUTION NO. 64-13 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO FOOD EQUIPMENT PROCESS COMPANY IN CONNECTION WITH L13-07, A LARGE SCALE DEVELOPMENT

Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Food Equipment Process Company in connection with L13-07, a Large Scale Development.

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

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

RESOLUTION NO. 65-13 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO WAGON WHEEL BEND SUBDIVISION IN CONNECTION WITH FP07-03, A FINAL PLAT

Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Wagon Wheel Bend Subdivision in connection with FP07-03, a final plat.

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

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

Alderman Reed moved the Resolution be adopted with Option 1. Alderman Jaycox made the second.

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO WAGON WHEEL BEND SUBDIVISION IN CONNECTION WITH FP07-03 A FINAL PLAT

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 Wagon Wheel Bend Subdivision in connection with FP07-03 a Final Plat 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 Wagon Wheel Bend Subdivision including improvements related thereto, sidewalks in connection with FP07-03 a Final Plat. This is to include making the recommendation that in lieu of a five foot sidewalk they allow the property owners and developers to construct a four foot sidewalk on all lots. In areas where utility facilities interfere with the placement of the four foot sidewalk, the owner/developer will be allowed to reduce the sidewalk width to three feet in order to maneuver around said facilities. A four foot sidewalk would also match the existing sidewalk on lot 5 and per the Final Plat sidewalks are waived on those lots backing up to Wagon Wheel Road.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

Doug Sprouse, Mayor

WHEREAS, Karen Morton donated a tract of land near Lake Springdale to the City of Springdale; and

WHEREAS, the City of Springdale has received a grant from the Arkansas Game and Fish Commission (AGFC) for construction of a wildlife observation area on this property; and

WHEREAS, the project will include a observation shelter to enhance wildlife observation in the area; and

WHEREAS, the associated trail will provide enhanced recreational opportunities for the citizens of Springdale; and

WHEREAS, the AGFC grant provides for \$100,000 toward the construction of the trail; and

WHEREAS, it is necessary to formally establish a budget for this project.

Total Construction	\$129,460.44
Bridge/Boardwalk Materials	\$8,541.66
Contingency (10%)	\$13,800.21
<u>Materials previously purchased</u>	<u>\$9,500.00</u>
Total Project	\$161,302.31
<u>Game and Fish</u>	<u>-\$100,000.00</u>
City Total	\$61,302.31

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

1) The total project cost shall not exceed \$161,302.31 without Council approval and \$61,302.31 of the total project cost will be funded from the funds designated for park land acquisition in the Capital Improvement Project Fund; and

2) Construction of the Rabbits Foot Wildlife Observation Area will begin upon completion of design and contract negotiation.

PASSED AND APPROVED this ____ day of April 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 66-13.

PASSED AND APPROVED this ____ day of April, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 67-13.

RESOLUTION NO. 68-13 – AMENDING THE 2013 BUDGET FOR THE FIRE DEPARTMENT (TWO NEW AMBULANCES)

Alderman Bruns presented a Resolution amending the 2013 Budget for the Fire Department for the purchase of two new ambulances from the Ambulance Equipment Replacement Fund.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2013 BUDGET OF THE FIRE DEPARTMENT

WHEREAS, the 2012 budget included \$390,000 for the purchase of two new ambulances from the ambulance equipment replacement fund, and

WHEREAS, the ambulances have been ordered and delivery is expected soon, and

WHEREAS, the completion of this purchase was not included in the 2013 Fire Department budget;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2013 budget of the Fire Department is hereby amended as follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
Fire	10106014228050	Capital from Reserves	0	390,000		390,000

PASSED AND APPROVED this ____ day of April, 2013.

Doug Sprouse, Mayor

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 69-13.

ORDINANCE NO. 4698 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS WITHIN THE CITY OF SPRINGDALE, ARKANSAS, LOCATED AT 4376 CAMPION COURT, 1140 WEST END STREET AND 1001 WILKINSON LANE

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris within the City of Springdale, Arkansas, located at 4376 Campion Court, 1140 West End Street and 1001 Wilkinson Lane.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 4698.

RESOLUTION NO. 70-13 – AUTHORIZING CAPITAL IMPROVEMENTS PROJECT FUNDS FOR A CHRISTMAS DRIVE-THRU LIGHT DISPLAY IN J.B. HUNT PARK

Alderman Evans presented a Resolution authorizing capital improvements project funds for a Christmas drive-thru light display in J.B. Hunt Park.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING CAPITAL IMPROVEMENT
PROJECT FUNDS FOR A CHRISTMAS DRIVE-THRU LIGHT
DISPLAY**

SPRINGDALE CITY COUNCIL
APRIL 23, 2013

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

The vote:

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

No: None

The Ordinance was numbered 4699.

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 7:05 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO APPLY FOR A GRANT UNDER THE ARKANSAS COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAM (ACEDP) FOR ORC PRODUCTS.

WHEREAS, the City Council for the City of Springdale, Arkansas, has determined that ORC Products meets eligibility requirements necessary to apply under the Arkansas Community and Economic Development Program (ACEDP); and

WHEREAS, ORC Products has presented a plan to purchase equipment associated with the expansion of its facilities in Springdale; and

WHEREAS, the City Council recognizes the need for the project, concurs its importance, and supports ORC Products in its efforts to proceed with the same;

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 submit an application of formal request to the Arkansas Economic Development Commission for purposes of securing state grant funds to assist ORC Products in executing the proposed project described herein.

PASSED AND APPROVED this _____ day of May, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

FOR OFFICE USE ONLY:

ACEDP #79 _____
 Funding Year: _____
 Grants Manager: _____
 Fed. Grant #: _____
 CDFA #: _____

ACEDP GRANT APPLICATION
Cover Page

NATIONAL OBJECTIVE (CHECK ONE):

- Benefit LMI Person
- Eliminate Slum or Blight
- Urgent Need

APPLICATION TYPE:

- Public Works
- Public Facilities
- Innovative Projects
- ED Set-Aside
- Loan-to-Industry
- Infrastructure (list below)
- Building

I. APPLICANT INFORMATION

Applicant Name: City of Springdale

Mayor/County Judge Name and Title:
Doug Sprouse, Mayor

Address (Physical and P.O. Boxes please):
201 Spring St

City/State/Zip Code plus 4: (*Can be found at www.usps.com):
Springdale, AR 72764-4554

Phone: (479) 750 - 8114

Email: dsprouse@springdalear.gov

County: Washington

DUNS#: 075661694 Tax ID#: 71-6015810

II. PREPARER INFORMATION

Preparer Name: Mayor Doug Sprouse

Company/PDD Name: City of Springdale

Address (Physical and P.O. Boxes please):
201 Spring St.

City/State/Zip Code:
Washington, AR 72764-4554

Phone: (479) 750 - 8114

Email: dsprouse@springdalear.gov

County: Washington

III. PROJECT INFORMATION

Project Scope: Building acquisition and renovation costs, and equipment purchases--

Project Type (Please refer to Project ID list): LI-Loan for Industry

Address (NO P.O. Boxes please):
683 Bain St.

City/State/Zip Code plus 4: (*Can be found at www.usps.com):
Springdale, AR 72764-6014

Phone: (_____) _____ - _____

County: Washington

IV. PROJECT SUMMARY

(BRIEFLY DESCRIBE THE ACTIVITIES TO BE UNDERTAKEN FOR THE PROJECT):

Direct assistance to Company in the form of a loan from the City to the Company for the purchase of equipment, and for the acquisition and renovation of a building.

*Please list all infrastructure activities:

V. TYPE OF APPLICANT (CHECK ONE):

- City
- County
- Joint*

**All joint applications must be accompanied by cooperative agreements between all jurisdictions applying for funds in the application. See "Application Guidelines" for joint application procedures.*

*List Minor Parties: _____

FOR OFFICE USE ONLY:

ACEDP #79 _____
 Funding Year: _____
 Grants Manager: _____
 Fed. Grant #: _____
 CDFA #: _____

ACEDP GRANT APPLICATION
(Continued)

VI. EO BENEFIT INFORMATION

Total families served to be served: _____
 *Total persons to be served/jobs created: 11
 Total LMI families: _____
 Total LMI persons/jobs: 6

Ethnicity Breakdown:

	Race	Hispanic	
a. White	_____	_____	(a)
b. Black/African American	_____	_____	(b)
c. Asian	_____	_____	(c)
d. American Indian /Alaskan Native	_____	_____	(d)
e. Native Hawaiian/Other Pacific Islander	_____	_____	(e)
f. American Indian/Alaskan Native and White	_____	_____	(f)
g. Asian and White	_____	_____	(g)
h. Black/African American and White	_____	_____	(h)
i. American Indian/Alaskan Native and White	_____	_____	(i)
j. American Indian/Alaskan Native and Black/African American	_____	_____	(j)
k. Other Multi-Racial:	_____	_____	(k)
TOTAL	_____	_____	

*NOTE: Every person should be represented in the "Race" column (a. thru k.). The "TOTAL" should equal the "Total persons served" at the top of the page.

Total female head of households: _____
 Total elderly persons: _____
 Total handicapped persons: _____

VII. STATE/U.S. REPRESENTATION INFORMATION

State Senator(s)/District(s): 35, Jason Rapert
 State Representative(s)/Districts: 94, Les "Skip" Carmine
 U.S. Congressional District: 3, Steve Womack

VI. EO BENEFIT INFORMATION (CONTINUED)

LMI Percentage (%): 54.5%
 (*LMI Persons/Total Persons=LMI Percentage)

Source of Information: Job Creation

County Code: 143
 Census Tract: 103.02
 Block Group(s): 1

Income Levels

Extremely Low: _____
 Low: _____
 Moderate: 6
 Non-LMI: 5

*All information concerning LMI census numbers must be filled out for accurate information for your community and/or service area of the project. If you are uncertain how to secure these figures, please talk with an AEDC Grants Division Staff member.

VIII. TOTAL PROJECT BUDGET (LIST SOURCES OF FUNDS):

a) ACEDP	\$ <u>385,000</u>
b) Local	\$ _____
c) _____	\$ _____
d) _____	\$ _____
e) _____	\$ _____
a) Total	\$ <u>385,000</u>

Comments on Funding/Budget: _____

FOR OFFICE USE ONLY:	
ACEDP #79	_____
Funding Year:	_____
Grants Manager:	_____
Fed. Grant #:	_____
CDEA #:	_____

ACEDP GRANT APPLICATION
(Continued)

IX. PROJECT INFORMATION

- a) Estimate the number of consecutive calendar days for construction: _____
- b) Enter the square footage of the proposed building (if applicable):
 - Renovation: _____
 - New Construction: _____
 - Total Square Feet: _____
- c) List all parcels of land to be acquired for the project (donated and/or fee simple). Include size references for these parcels (if applicable):

- d) Estimated number of easements (donated and/or acquired) needed for this project: _____

X. PLEASE ANSWER THE FOLLOWING QUESTION:

In your business or organization's preceding completed fiscal year, did your business/organization (the legal entity to which this specific CCR record, represented by a DUNS number, belongs) receive (1) 80 percent or more of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; and (2) \$25,000,000 or more in annual gross revenues from federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

CHECK ONE: YES NO

XI. CERTIFICATION OF CHIEF ELECTED LOCAL OFFICIAL

To the best of my knowledge and belief, all data contained in this application is true and correct and its submission has been duly authorized by the governing body. I understand that if the application is found to contain significant misinformation or deviates significantly from the integrity of the ACEDP application process, this application will be automatically eliminated from further consideration for funding.

Signature: _____ Title: Mayor

Typed Name: Doug Sprouse Date: _____

CONTACT INFORMATION	<p>ARKANSAS ECONOMIC DEVELOPMENT COMMISSION GRANTS DIVISION</p> <p>900 W. CAPITOL AVENUE, SUITE 400 LITTLE ROCK, ARKANSAS 72201 PHONE: 501-682-1211 FAX: 501-682-7499 DHEATLEY@ARKANSASEDC.COM WWW.ARKANSASEDC.COM</p>	CONTACT INFORMATION
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Project Narrative

Application should include a short narrative which describes the project. Please provide photos if applicable.

Up to \$385,000 has been committed to the City and the Company to provide funds for a loan to be made from the City to the County from Disaster funds, for the Company's purchase of equipment, and for building acquisition and renovation costs.

AEDC will forgive up to \$150,000 of this loan based on job creation. The commitment is contingent upon the Company creating 11 new full-time positions at an average wage of \$15.00 an hour within 5 years of signing a loan agreement.

ACEDP CERTIFICATION OF REQUIREMENTS FORM

All applicants for ACEDP funding must submit the following Form, executed by the Mayor, County Judge or City Manager. This Form certifies that all requirements contained below will be completed and documented as conditions of ACEDP funding, should a grant be awarded.

CERTIFICATION

I, Doug Sprouse (Type/Print Name) as Mayor (Type/Print Title) of _____ (Type/Print Name of City/County) certify that all requirements, listed below, have been or will be met and documented as conditions of grant award, should assistance be provided.

COMMUNITY DEVELOPMENT/CITIZEN PARTICIPATION PLAN

In accordance with Section 104 (a) of the Housing and Community Development Act of 1974, as amended, and *ACEDP Application Guidelines*, a Community Development/Citizen Participation Plan has been/will be completed, documenting all required public participation activities.

AUTHORIZATION RESOLUTION

A resolution has been passed authorizing the applicant's Mayor, County Judge or City Manager to submit an ACEDP application, on its behalf, and to expend funding in conjunction with this application, if funded.

ANTI-DISPLACEMENT PLAN

In accordance with Section 104 (d) (1) of the Housing and Community Development Act of 1974, as amended, a Residential Anti-Displacement Plan will be enacted.

PROTECTION OF INDIVIDUALS ENGAGED IN NONVIOLENT CIVIL RIGHTS DEMONSTRATIONS

In accordance with Section 906 of the Cranston-Gonzalez National Affordable Housing Act of 1990, the applicant will adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies, within its jurisdiction, against any individuals engaged in nonviolent civil rights demonstrations; and enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location subject to nonviolent civil rights demonstrations within its jurisdiction.

PROHIBITION AGAINST LOBBYING

No federally appropriated funds have been paid or will be paid, by or on behalf of the applicant, to any person for influencing an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in conjunction with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.

The applicant shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

IDENTIFICATION AND ABATEMENT OF LEAD-BASED PAINT

Consistent with 42 USC 4831 (b), the Lead-Based Paint Poisoning Prevention Act, will eliminate as far as practical, the hazards of lead poisoning due to the presence of lead-based paint in any existing housing or public buildings assisted or improved with CDBG funds and, shall provide for assured notification to purchasers and tenants of such housing of the various hazards of lead-based paint.

Signature

Date

Mayor

Title

**ARKANSAS COMMUNITY & ECONOMIC DEVELOPMENT PROGRAM
DISCLOSURE REPORT**

PART I - APPLICANT/GRANTEE INFORMATION

1. Applicant/Grantee: City of Springdale Phone Number: 479-750-8114
 Address: 201 Spring St., Springdale, AR 72764

2. Indicate whether this is: (Check one)

a. Initial Report Update Report b. ACEDP Control Number/Fund Year:
 [X] [] #790-_____ / _____

3. Federal employer identification number: 71-6015810

4. Brief description of project: Loan to industry for equipment purchase, building renovation, and building acquisition costs.

5. ACEDP grant type: Categorical Economic Development

6. Amount requested/awarded\$ 385,000.00

7. Program income to be used*\$ 0

8. Total\$ 385,000.00

* N/A for all applicants/grantees except those who have been specifically advised by the Commission or the local government that their projects were funded with program income.

PART II - OTHER GOVERNMENT ASSISTANCE PROVIDED/APPLIED FOR

1. Provide the requested information for any other Federal, State and/or local government assistance, on hand or applied for, that will be used in conjunction with the ACEDP grant.

Name and Address of Agency Providing Assistance	Program	Type of Assistance	Amount Requested or Provided
AEDC, 900 W. Capitol, Ste. 400 Little Rock, AR 72201	State CDBG	Loan	\$385,000

PART III - INTERESTED PARTIES

(1) Alphabetical List of All Persons With a Reportable Financial Interest in the Project	(2) Social Security No. Or Employer ID No.	(3) Type of Participation in Project	(4) Financial Interest in Project (\$ and %)

PART IV - EXPECTED SOURCES AND USES OF FUNDS

This part requires that you identify the sources and uses of all assistance, including ACEDP that have been or may be used in the Project.

Source	Use
ACEDP (CDBG) Grant Funds	Equipment, Building Renovation, Acquisition

PART V - CERTIFICATION

I hereby certify that the information provided in this disclosure is true and correct and I am aware that any false information or lack of information knowingly made or omitted may subject me to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, I am aware, that if I knowingly and materially violate any required disclosure of information, including intentional nondisclosure, I am subject to a civil penalty not to exceed \$10,000 for each violation.

(Chief Elected Official)

(Date)

Form 103
PROPOSED BENEFICIARIES

Date: 4/23/2013

Applicant: City of Springdale

Complete the information below regarding the beneficiaries of the activity/project. Do not leave any item blank; enter a "0" if there are no beneficiaries.

- | | |
|-----------------------------------|----|
| 1. Project type: | |
| 2. Total families served created: | |
| 3. Total persons/jobs served: | 11 |
| 4. Total LMI families: | |
| 5. Total LMI persons/jobs: | 6 |

The following information is a breakdown of the beneficiaries identified above.

6. Racial/Ethnicity Breakdown of persons served:	Race	Hispanic
White/Caucasian:		
Black/African American:		
Asian:		
Pacific Islander/Native Hawaiian:		
American Indian/Alaska Native:		
American Indian/Alaska Native & White:		
Asian & White:		
Black/African American & White:		
American Indian/Alaska Native & Black/African American:		
Other:		
Total		

NOTE: Every person should be represented in the race column (number 6 column 1). The total should equal the Total Persons Served (number 3) above.

- | | |
|-------------------------------------|--|
| 7. Total female heads of household: | |
| 8. Total elderly persons: | |
| 9. Total handicapped persons: | |

PROPOSED ACEDP APPLICATION BUDGET FOR GENERAL ASSISTANCE & INNOVATIVE PROJECTS

APPLICANT: City of Springdale

CONTROL NUMBER: 79 _____ - _____

PROJECT TYPE: Loan to Industry

FUNDING SOURCES						
COST CLASSIFICATIONS	ACEDP			LOCAL	OTHER FUNDING (Please specify)	TOTALS
Engineering/Architectural						
Basic Fee						
Inspection						
Additional Services (Please attach explanation and list)						
Construction	\$169,700					\$69,700
Contingency (Max. 5%)						
Other						
Fees						
Permits						
Testing						
Other Fees (Please explain)						
Acquisition (Attach itemized list)	102,800					102,800
Land						
Abstractor						
Appraiser						
Legal						
Survey						
Legal						
LMI Hookups (\$1,200 max/hookup)						
Interest						
Equipment	112,500					\$112,500
M & O						
TOTALS =						\$385,000
FOR OFFICE USE ONLY. DO NOT WRITE BELOW THIS LINE.						
Administration						
Contractual						
General						1,000
Audit						3,000
TOTALS =	\$385,000					\$389,000.00

Application for Federal Assistance SF-424

Version 02

*1. Type of Submission <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application		*2. Type of Application <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		*If Revision, select appropriate letter(s): * Other (Specify)	
*3. Date Received:			4. Application Identifier:		
5a. Federal Entity Identifier:			*5b. Federal Award Identifier:		
State Use Only:					
6. Date Received by State:			7. State Application Identifier:		
8. APPLICANT INFORMATION:					
* a. Legal Name: City of Springdale					
* b. Employer/Taxpayer Identification Number (EIN/TIN): 71-6015810			*c. Organizational DUNS: 075661694		
d. Address: *Street1: 201 Spring St. Street 2: *City: Springdale County: Washington *State: AR Province: Country: United States *Zip/ Postal Code: 72764-4554					
e. Organizational Unit:					
Department Name: City of Springdale			Division Name:		
f. Name and contact information of person to be contacted on matters involving this application:					
Prefix:		First Name: Doug			
Middle Name:					
*Last Name: Sprouse					
Suffix:					
Title: Mayor					
Organizational Affiliation: City of Springdale					
*Telephone Number: 479-750-8114			Fax Number:		
*Email: dsprouse@springdalear.gov					

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type: **C. City or Township Government**

Type of Applicant 2: Select Applicant Type:
- Select One -

Type of Applicant 3: Select Applicant Type:
- Select One -

*Other (specify):

*10. Name of Federal Agency:
US Dept. of Housing & Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.228

CFDA Title:

CDBG State's Program

*12. Funding Opportunity Number: **B12DC050001**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

City of Springdale, Washington County, Arkansas

*15. Descriptive Title of Applicant's Project:

Direct Assistance to Company in the form of a grant to the City to provide a loan to the Company with which to assist the Company with equipment purchases, building renovations, and moving costs

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant 3

*b. Program/Project: 3

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: 07/01/2013

*b. End Date: 07/01/2018

18. Estimated Funding (\$):

*a. Federal \$385,000.00

*b. Applicant

*c. State

*d. Local

*e. Other

*f. Program Income

*g. TOTAL \$385,000.00

*19. Is Application Subject to Review By State Under Executive Order 12372 Process?

a. This application was made available to the State under the Executive Order 12372 Process for review on

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372

*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)

Yes No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

**I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: *First Name: Doug

Middle Name:

*Last Name: Sprouse

Suffix:

*Title: Mayor

*Telephone Number: 479-750-8114

Fax Number:

*Email: dsprouse@springdalear.gov

*Signature of Authorized Representative:

Date Signed:

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

March 29, 2013

Mr. Tom Benincosa
ORC Precision Products, Inc.
2380 Suite B Worth Lane
Springdale, AR 72764

Dear Mr. Benincosa:

Recognizing the importance of continued investment in Arkansas communities, the Arkansas Economic Development Commission (AEDC) is pleased to support the growth of ORC Precision Products, Inc. (the Company) in Springdale, Washington, Arkansas. We are excited about the potential impact of this project and the economic benefit it will provide.

In addition to the programs offer in the attached proposal, AEDC will commit up to \$385,000 in Community Development Block Grant (CDBG) Disaster Relief fund to the Company to be used as a loan. The Company may use the funds to purchase equipment, building renovations or moving costs. AEDC will forgive up to \$150,000 of this loan based on job creation specified in the loan agreement. AEDC's commitment is contingent upon the Company creating 11 full-time positions at an average wage of \$15.00 per hour within sixty (60) months of signing a loan agreement with AEDC.

Projects using CDBG funds must meet the requirements of certain federal statutes and regulations which include environmental review; Davis-Bacon required federal minimum wage for construction laborers on the site; prohibition on use of CDBG assistance for job-pirating activities; employee reporting, including the requirement that at least 51% of jobs created as a result of the project are made available to persons of low-to-moderate income; and other financial and record keeping requirements. These regulations will be explained in detail during the administration of the grant, but by signing this letter, the Company acknowledges the existence of these statutes and their potential impact on project schedule, cost, and paperwork.

CDBG disaster loan totaling \$385,000 to ORC Products, Inc. subject to the following conditions:

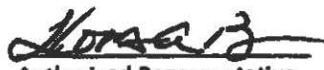
1. Personal Guaranties from Thomas A. and Roxanne E. Benincosa.
2. Loan will be for a term of 10 years at 3% APR with a fifteen (15) year amortization and a balloon payment at the end of ten (10) years. There will be no principal or interest payments due for the first six (6) months of the loan. Interest-only payments will be due in months six through 12. Principal and interest payments will be due monthly beginning month thirteen for the remaining term of the loan.
3. For the first five (5) years, company will earn an annual \$4,000 principal credit for each new employee up to \$30,000 per year. At loan closing, the company will submit a certified payroll to determine the baseline payroll number. At the end of each calendar year for five consecutive years, the company will submit a certified payroll in order for AEDC to calculate the principal reduction for the loan. Principal reductions will begin in the calendar year 2014.
4. Second mortgage on land and building shared with SSBCI.
5. Second security interest on the equipment shared with SSBCI.

This commitment is good for three (3) months from the date of this letter. Please contact Rick Pilkington at 501-682-5355 if you have any questions.

Sincerely,


Grant Tennille
Executive Director

I accept the terms and conditions of this commitment letter dated March 29, 2013.


Authorized Representative
ORC Precision Products, Inc.

4-15-13
Date

April 4, 2013

The Honorable Doug Sprouse
Mayor, City of Springdale
201 Spring St.
Springdale, Arkansas 72764

Mr. Tom Benincosa
ORC Products, Inc.
2380 Suite B Worth Lane
Springdale, Arkansas 72764

Re: ORC Products, Inc. CDBG Commitment Letter

Dear Mayor Sprouse and Mr. Benincosa:

The Arkansas Economic Development Commission (AEDC) is pleased to assist the City of Springdale and ORC Products, Inc. with its expansion in Springdale, Arkansas. The AEDC hereby commits to the City of Springdale a disaster grant through the Community Development Block Grant (CDBG) Program for the following purposes: up to \$385,000 is to be used for a loan to ORC Products, Inc. to acquire and renovate a building in the Springdale Industrial Park along with the purchase of equipment for its expansion. This commitment is based on the following conditions:

- The City of Springdale must submit a completed formal CDBG application to AEDC.
- ORC Products, Inc. must agree to create a minimum of 11 new permanent full-time jobs within five (5) years. At least 51% of the new jobs must be made available to low-to-moderate income persons. Quarterly job creation reports will be required for two (2) years or until the jobs are created.
- The CDBG loan will have a second security lien on the land, buildings and equipment and joint and several personal guaranties from Thomas A. and Roxanne E. Benincosa.
- Interim financial statements must be furnished to AEDC on a quarterly basis within 45 days of the end of the reporting period. Reviewed financial statements must be furnished to AEDC on an annual basis within 120 days after the end of the reporting period.

The term of the CDBG loan is ten (10) years with a 3% annual interest rate. The loan will be amortized over fifteen (15) years with a balloon payment at the end of ten (10) years. No principal and interest payments for the first six (6) months. Interest-only payments will be due and payable for months 7 through 12. Monthly principal and interest payments will be due and payable for the remaining nine (9) years of the loan.

For the first five (5) years of the loan, ORC Products will earn an annual \$4,000 principal credit for each new employee up to \$30,000 per year. At loan closing, the company will submit a certified payroll to determine the baseline payroll number. At the end of each calendar year, for five consecutive years, the company will submit a certified payroll in order for AEDC to calculate the principal reduction for the loan for the previous year. Principal reductions will begin in the calendar year 2014.

ORC Products, Inc. will be required to pay all of the closing costs associated with the loan. Following the loan closing, ORC Products, Inc. must send requests for CDBG funds along with invoices to the grant administrator for processing.

This commitment is good for six months from the date of this letter. If you agree with the terms of this letter, please indicate acceptance by signing below and returning to David Nevala.

If you have any questions, please feel free to contact David Nevala at 501-682-7697 or me at 501-682-7786.

Sincerely,



Bryan Scoggins
Director
Business Finance

I have reviewed this commitment letter and I accept its terms and conditions.

CITY OF SPRINGDALE

Date: 4/24/13
By: [Signature]
Title: MAYOR

ORC PRODUCTS, INC.

Date: 4-15-13
By: [Signature]
Title: PRESIDENT.

HUD Community Development Block Grant Disaster Recovery Grant Funds Duplication of Benefits Affidavit

The Stafford Act §312 [42 U.S.C. §5155] prohibits persons, business concerns or other entities suffering losses as a result of a major disaster or emergency from receiving benefits for any project which has received financial assistance under any other program or from insurance or any other source.

I also acknowledge that should there be a Duplication of Benefits discovered; Arkansas Economic Development Commission (AEDC) will require the grantee to reimburse all funds expended from the referenced grant.

Prior to the execution of a grant agreement the following information must be completed, the form signed and returned to the AEDC grant manager.

By signing below, I hereby certify that all information contained in this document is true.

Funding Received and/or Applied for this Project					
Funding Agency	Grants	Loans	Insurance	Other Awards	Total
FEMA					
USDA					
SBA					
Insurance					
CDBG	\$385,000				
Other					
Other					
Totals	\$385,000				

City/County: Washington _____ ACEDP Project Number _____

Address 201 Spring St. _____ Phone: 479-750-8114 _____

Springdale, AR 72764-4554 _____ Date _____

Mayor/Judge _____
Signature

ARKANSAS COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAM
ECONOMIC DEVELOPMENT SET-ASIDE

DIRECT ASSISTANCE TO COMPANY OR LOAN APPLICATION

I. Project Applicant

Applicant Name: City of Springdale

II. Identification of Loan Applicant

Company Name: ORC Products, Inc.

Trade Name (d.b.a.): _____

Street/P.O. Box: 2380 Worth Lane

City: Springdale State: AR Zip Code: 72764

Chief Executive Officer: Thomas A. Benincosa

Telephone Number: (479) 756-0028

Products: Aerospace/military and commercial
custom parts

Standard Industrial Classification Code(s): 35990303
NAICS = 332710

Subsidiaries: NONE

Parent Company: NONE

Corporate Headquarters: 2380 WORTH LN
SPRINGDALE, AR 72764

DUNS # 968353859

Certifications

A. The undersigned, as chief executive officer of the loan applicant, certifies the following:

1. That the company will comply with state and federal statues, regulations, and guidelines associated with the Arkansas Community and Economic Development Program, including those related to Civil Rights and Equal Opportunity, Labor Standards, Environmental Protection, Historic Preservation, Job Creation, and Anti-Pirating;
2. That the company will provide authorized state and/ or local officials with access to all records, personnel, and facilities pertaining to the project in order to make audits, examinations, excerpts, and transcripts;
3. That the information provided in this loan application exhibits and attachments, is true and complete to the best knowledge and belief of the applicant and the undersigned.

THOMAS A. BENINCOSA

Thomas A. Benincosa PRESIDENT

4-27-12

Name & Title

Signature

Date

B. The undersigned, as chief elected official of the grant applicant, certifies the following:

1. That the governing body has considered the qualifications of the loan applicant in the foregoing request and has approved the loan application for the purpose of meeting the requirements of the ACEDP;
2. That the governing body has considered the proposed project and does hereby find that the project is consistent with the State's Consolidated Plan and that, to the best of its knowledge and belief, it is not prohibited by the laws of the State of Arkansas or the unit of government in which it is to be located.

Name & Title

Signature

Date

PUBLIC HEARING

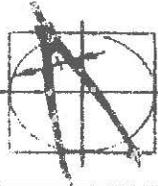
A second required public hearing concerning the implementation of an Arkansas Community and Economic Development Program (ACEDP) grant for Dixie Southern will be held at Springdale City Council, City Administration Building, 201 Spring Street, Springdale, AR 72764 on Tuesday, May 14, 2013 at 6:00 p.m.

The purpose of this hearing is to inform citizens of the current scope and progress of the ACEDP project; discuss any changes or impacts involving financing sources, user fees or beneficiaries that have occurred since the first public hearing conducted on

ACEDP funds are federal assistance received by the State of Arkansas and administered by the Economic Development Commission. These funds will be made available to cities and counties according to need and can be used for housing rehabilitation, community facilities, or economic development, but must address one of the following objectives:

1. Provide benefit to low and moderate income families,
2. Aid in the prevention of slum and blight, or
3. Meet other community needs, which pose a serious, immediate threat to the health or welfare of the community where no other funding is available to meet such needs.

All residents of the City of Springdale are encouraged to attend the hearing and participate in the community development process. The City of Springdale will provide technical assistance in development proposals by groups representing low and moderate-income persons.



JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

FILED

DATE 4-15-13

Dennis Pearce
CITY CLERK SPRINGDALE, AR

City of Springdale
201 Spring Street
Springdale, AR 72764

4/12/13

Att: City Clerk
Re : Rezone TBM Property

As you know, a request was made to rezone a 2.00 acre parcel and a 0.958 acre parcel from C-2 to C-5 and the Planning Commission denied this request. On behalf of the owners, we would like to appeal this decision to the Springdale City Council. If possible, we would like this appeal to be reviewed by the Council on the meeting of May 14th.

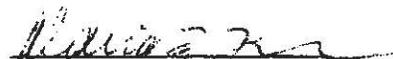
The owner would like to make improvements to accommodate public gatherings such as increased parking with landscaping and lighting of the parking lot and building. In addition, the owner may wish to build a connecting street. The problem is that the owner does not want to invest the amount of money for these improvements and then still not have the property rezoned.

Our understanding is that even if this property were re-zoned to C-5 the owner would have to submit a large scale development plan showing increased parking, etc to meet occupancy ability to enforce it's regulations.

Your consideration of this matter would be greatly appreciated.

Thank you

Sincerely;


David L. Jorgensen, P.E.

• PUBLIC WORKS • LAND DEVELOPMENT • WATER SYSTEMS • WASTEWATER SYSTEMS • LAND SURVEYING •

F. R13-11 TBM Properties, LLC
881 Rio Bravo Drive
From C-2 to C-5
Presented by Jørgensen and Associates

Note: the following is a verbatim account of this rezoning request.

Mr. Kelsey: Alright, last item under rezoning. R13-11-TBM Properties, LLC, 881 Rio Bravo Drive, from C-2 to C-5, presented by Jorgensen and Associates.

Mr. Jorgensen: My name is Dave Jørgensen and I'm here to represent TBM Properties on this rezoning request.

Mr. Kelsey: Alright, Staff comments.

Ms. Christie: The adopted Comprehensive Land Use Plan indicates regional commercial use for the area. The rezoning request is keeping with the following goals and policies of the Comprehensive Land Use Plan and is recommended for approval.

Improve the City's economic base and tax structure through the promotion of healthy, stable commercial concentrations.

Assure adequate land allocation for commercial areas of sufficient size and in proper locations.

Encourage the development of a wide range of commercial development for the residents and tourist to include neighborhood, community and regional centers.

Mr. Kelsey: Alright is there anybody in the audience who wants to comment.

Mr. Danny Wright: I'm corporal Danny Wright of the Springdale Police Department. What I was explaining is that I have recently been in contact with Mr. Plata back there in the back corner. He was wanting to open an event center in this building. And he asked me to look into problems that might happen or problems the City might have with opening such a facility.

And I don't know if you remember or not but this used to be Rio Bravo nightclub. It was a very big headache for the City. The City started tracking this nightclub at the time in 2006 and in one year there were 95 calls for service.

We successfully shut that nightclub down in 2009 ending the problems with that particular nightclub. Since then it has sat vacant and now it is just overgrown and you know, become dilapidated. The building has been vandalized and the bank has come back in and fixed it back up.

However, just recently over the Easter week-end, it was vandalized to the tune of about \$40,000.00 of copper and plumbing copper. So the building is in very bad disrepair.

But our objection to this, is if it was because they are listing they do want an event center and/or a church.

You know, you could rezone it. It could stay a C-2 and be a church under a conditional use or it could zone to a P-1 which would be fine for a church as well and that's typically what we have.

But C-5 that would allow for an event center and it's an 18,000 square foot building. It has an occupancy load of 1,200 people. There are 93 normal parking spots, four handicapped. 97 total parking spots for 1,200 occupancy load. It just doesn't fit.

There is limited access to this business. There is one way in, one way out, with no traffic controls entering onto highway 412. Very busy interchange.

We ran into a lot of problems with people parking along the Rio Bravo drive and actually blocking all fire personnel and some police vehicles from making access up there. It was such chaotic times that, we, you know, we were talking about riot training and things of that nature for the police department because of how bad it had become. I just don't want, you know, past performance dictates future problems. I don't want to see this go through the same problems again without some serious consideration.

Mr. Kelsey: I understand.

Ms. Christie: Part of the problem was when this was allowed to go in at the very beginning; the use unit 16 which is hotel, motel, and entertainment facilities was allowed as a permitted use in a C-2 zone. Since that time the zoning classifications have been modified and we added a C-5 zoning classification which is considered to be thoroughfare commercial district which now includes that hotel, motel and entertainment facilities as a use unit 18 and they are no longer allowed in a C-2 zone. This building has been set vacant for several years as Danny just mentioned and it couldn't open back up without it being rezoned and that's where we are right now.

I think that we recognize that the problem with those kind of facilities in a C-2 and was trying to take some of that out.

Commercial uses that are still allowed in a C-2 zone would allow it be used as a cultural, recreational, and health facilities, an office, studio and related services. Eating places, neighborhood shopping goods. Other shopping goods, trades and services. Automotive services and a parking lot with the current zoning classification that's there, which is a little bit more conducive to the type of access it has right now.

45th Place is shown on the Master Street Plan as a collector street to be extended along as a parallel access road. When that is completed, that would make access to this piece of property a little bit easier and address some of the concerns the police and fire have as far as that is concern.

When this originally came in, also as part of a development that was dividing that piece of property into more lots and there would be access to 45th Place. That never

happened, that never occurred so we are kind of caught in a transition time with this piece of property.

Mr. Kelsey: O.K., anybody in the audience wants to comment? Yes sir. Just state your name and address please sir.

Mr. Plata: I'm Mr. Patal, 4540 W. Sunset Avenue, Springdale, Arkansas. I am at the Super 8 on the Rio Bravo and I think as mentioned previously, when it was a night club previously and it could cause an effect to the business.

Event center was very broadly defined so I didn't know what kind of event center or if it is going to be a night club it will be another problem for the business. People come there to rest and during night times if it is going to be noisy or a lot of cars going in and out it can affect the business.

Mr. Kelsey: O.K., Thank you, sir. Yes, sir?

Mr. Plata: Jonathan Plata, 2709 West Dogwood Street, Rogers, Arkansas. Thank you corporal, actually he came out and took a look around and showed us a lot of things which were a concern to me too. I want to make sure that we are working with the community.

We were planning during the day time we are going to be available either to the City or the schools at no profit to us. Available to use this center as long as they would volunteer their time at the center. We would take the cost as far as the electricity.

We are planning, as far as, basically like the AMP. Run different bands, bring those in. Also we are going to do quinceañeras and different rentals for birthdays or anything or any kind of use that somebody may have. We're going to try to do it at a lower scale.

Now there was also some mention that we talked to the corporal about. Depending on business we were planning to also do some dance nights as far as like a club also. We were going to limit our self to 500. I don't know about the sleep issue over at the Super 8, but I was hoping we were going to give them more business by having show up there.

The only thing that I see with this is that I hope that by letting us open up there is that we can draw more business from Fayetteville and Rogers and Springdale while limiting our capacity to 500 not 1,200. We don't even want 800. We want 500 to keep it at a controlled cost for us. Anything more than that is a little bit too much. Even with the size building that we are. After doing some remodeling our square footage should be cut down to about 10,000 actually on the inside. We went by the actual area allowed for the customers; we will be down closer to the 500 range.

All I know is, and I hope that there is some approval because we need to make money in order to clean up the area next to us which is better for my business. As far as insurance wise and everything else because I don't need to be ripped off or vandalized. I don't need to lose that money. So, if we can get approval and clean up the area and

hopefully expand our parking lot. We are working out a deal with them now to hopefully to be able to take over that parking lot a few months down the line after we have brought in some more income, of course and re-do that on the side so we don't have a grassy field anymore. We were trying to find out if we might be able to get some kind of permit which I believe is not allowed, or temporary where we could put up some lighting down at that end of the field to get some lighting in there and work our way to building a parking lot. That way we could start something with it to clear it up.

We are also going to put some wrought iron fencing down; we can't do the whole thing, down along and around the club in order to keep anybody from vandalizing or coming through there.

I really, from what I have seen investigating, walking around and I'm sure the corporal can agree the apartments, buildings and things around there in that area. It doesn't matter what business you put there, they are going to try to vandalize it if there's nobody in it. It is becoming a bad place. I was down there and saw people hanging down in the field over there doing things that they didn't need to. There is nobody there folks. They are camping out around the building. There are mattresses there and if there's nobody there we're just bringing down this side of Springdale.

I ask you guys to please approve this. I'm not on the board. I don't have that much knowledge about what you do, but I would assume that somehow, if you didn't agree with our business or what we are doing you could always stop us. All I can do is say that, on our part I want us to succeed and the only way to succeed is to keep Springdale happy.

Mr. Kelsey: Thank you sir.

Ms. Christie: Let me remind you that I'm not doubting that he's not going to do anything that he said he was going to do. The rezoning the property does not guarantee that any of those things are going to happen because we rezoning it and as long as the structure there, any use that can be done and we can't limit it with the zoning question itself.

Mr. Wright: Just briefly. Mr. Patel brought up another fact that I meant to bring up but I didn't. He mentioned his motel which is very close to this building. It would draw some concerns of noise from that. But more importantly, being closer to that building would be all of 770 and 750 S. 40th directly to the north and east of that building. Those residents are very close and we had a lot of noise problems from that.

Mr. Kelsey: Let me ask this question.

Mr. Wright: Sir?

Mr. Kelsey: In reference to the security problem and the issues that we had when it was Rio Bravo and then it was no long Rio Bravo, how often did the police patrol the area.

Mr. Wright: That was pretty well a nightly occurrence that officers patrolled that. However, when you have something that is put where it doesn't have natural surveillance it helps promote crime. If you don't have basically the fear that somebody might see you, it is going to promote crime. That area is so overgrown, it is easy to hide back there and it's just, it's very unlikely that somebody is going to be caught unless there happens to be an officer to patrol that particular area.

Mr. Kelsey: Do we still patrol.

Mr. Wright: Absolutely. I've looked at daily statistics that officers are patrolling it and it's been patrolled every day, a couple of times a day here very recently.

Mr. Kelsey: O.K. Anybody else in the audience want to comment? Alright to the commission.

Mr. Powell: Well, I'm concerned about having empty buildings in Springdale for one thing and if something could be done with this to have it occupied and up the City and revenue, then I'm for it with improvements to security around there.

Of course this is zoning and I'm just talking outside of the box a little bit. But, if it is such a concern for the police and for crime around there, I mean you got an option of getting rid of it. I mean just getting rid of it and then we won't have that option but then we're losing a potential business for the City of Springdale.

I just want to keep this out here. I'm not promoting areas that will have or is crime infested or will continue to be crime infested so if we do put this up to C-5 and we get plans come in we need to have terrific lighting around there, terrific security fence around there but is the person who wants to come in and do that going to want to put out the cost to do that.

Mr. Arthur: You can't dictate that.

Mr. Powell: You can't dictate that.

Ms. Christie: But it wouldn't be a large scale that would be submitted because it is an existing building and we have no way to require them come back to do a lighting system or anything like that. Now if they add on to the building that is a different story. They can't park in grass, that's an enforcement issue. But it doesn't come back to us once it is rezoned to that unless there is some addition or some changes to the site itself that occurs. This is a rough situation to be in to.

Mr. Kelsey: Is there a possibility that you can downgrade from a C-5. Somewhere between a C-2 and a C-5 in order to do what he wants to do. No? It has to be a C-5 only.

Ms. Christie: The way the current Ordinance is written, it is not a conditional use in a C-2. We discussed that once before when we were looking at the situation down on Shady Grove Road adding it as a conditional use where, you know, we have discussed going

through and looking at all our commercial zones and re-evaluating those and to see if we can come up with some better combinations than we have now. It has been a tough time getting to that but I think we really need to get to that quickly and see if we can address some of these issues there. That doesn't help tonight, but that is where we are.

Ms. Haney: I think when you get the feeder road coming through it would be better suited to look at it as a C-5 but as it stands now to have an entertainment facility, if there was, you know, only one access in and out and the size potential of cars coming in and out. It is a safety issue to me.

Mr. Covert: I'm going to have to agree with that based on what the corporal told us and understanding that the property owner wants to cut it down to 500 people which I get that, but you are still looking at 500 people with 97 stalls. So you are basically assuming that everybody coming in there has a car full of 5 people, at least to stay within your parking ratio where you are already outside of your parking ratio. I sometimes believe that self-inflicted wounds hurt worse and if we already had an opportunity there, I don't see the need to go back down that road.

Ms. Haney: But the building has a capacity of 1,200 and if they get permission to have enough parking and it is a C-5 they could have 1,200.

Mr. Covert: I agree.

Ms. Haney: And if you have only one in and out then that's eventually could be a real issue.

Mr. Covert: I agree. I support Brian. I believe that we need to do everything we can to drive economic growth in the area. But in some points you have to realize we're throwing bad money after good and until we can get down the road a little more with some other infrastructure in this area that's going to build that up, I think you are looking for an opportunity here.

Mr. Kelsey: O.K., anyone else? To the commission.

Mr. Szmyd: Call for the vote.

Mr. Kelsey: Call for the vote by Mr. Szmyd. Roll call.

Ms. Pounders: Parsley-no, Powell, yes, Szmyd, no, Arthur, no, Covert, no, Haney, no, Kelsey, that's a hard one, no, Locke, yes, Miller, yes.

Mr. Kelsey: It fails 6-3.

Ms. Christie: You have the right to appeal the Planning Commission's decision to the City Council. That appeal has to be filed within 15 days to the City Clerk's office indicating why you think the Planning Commission's decision was in error. You have to notify the adjacent property owners again.

ORDINANCE NO. _____

**AN ORDINANCE TO WAIVE COMPETITIVE BIDDING
FOR THE INSTALLATION OF A THIRD AXLE ON
FOUR DUMP TRUCKS**

WHEREAS, the hauling capacity of the Public Works four dump trucks would be increased by 66% by the installation of a liftable third axle, and

WHEREAS, the Public Works Director has estimated the fuel savings for hauling 100,000 tons to be \$25,684 after the installation of the third axle, and

WHEREAS, the installation of a third axle on these vehicles would cost \$27,201 and increase productivity and efficiency, and

WHEREAS, Arkansas Code 14-58-303 states, "The governing body, by ordinance, may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical";

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

Section 1. This Council finds that due to the immediate need of the start of the construction season to improve the productivity and efficiency of the Public Works Department competitive bidding is not feasible or practical and is here by waived on the installation of a 3rd axle on four dumptrucks for a cost of \$27,201.23.

Section 2. There are not sufficient funds in the Public Works Budget for this project and the Council hereby authorizes the expenditure of \$27,201.23 for this project from the Capital Improvement Project Fund.

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

PASSED AND APPROVED this 14th day of May, 2013

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM



Ernest B. Cate, City Attorney



Public Works Department

Streets and Public Facilities

MEMORANDUM

To: Mayor Doug Sprouse
From: Sam Goade *SG*
Date: April 19, 2013
RE: Proposal to add a liftable third axle to our Mack dump trucks to increase load capacity from 10-tons per load to 16.6 tons per load
Cc: Terry Anderson, James Carr, Chuck Harris

I have attached an analysis of diesel fuel cost savings that can be achieved by adding a liftable and steerable third axle to our four (4) Mack dump trucks. The lowest quote per axle installation is from Johnson Truck & Trailer of Lowell in the amount of \$6,800.30. The total cost to retrofit all four trucks would be \$27,201.56 based on the lowest quote. If each truck was retrofitted and invoiced separately the three attached quotes would satisfy the Arkansas purchasing laws regarding competitive bidding.

As shown on the spreadsheet fuel cost savings analysis we would recover our cost per axle after hauling 22,505 tons of material per truck. As an example we will haul 3,600 tons of Class 7 base and 5,280 tons of hot mix asphalt for the Hylton Road project when we construct the asphalt roadway. This total tonnage of 8,880 tons would be approximately 40% of the tonnage to recover our cost for one axle retrofit. Based on our haul burden per year the investment in the axle retrofit for all four trucks should be achieved in about two (2) years depending on the scope of our future construction projects. The bottom line is we are improving our fuel cost by 39.76% by adding the third axle to increase our Mack truck haul capacity. I believe we have sufficient reserves in our street fund to make this investment. If you agree I will proceed with a resolution for a budget amendment to pull funds out of our reserves for consideration by the City Council.

269 E. Randall Wobbe Lane, Springdale, Arkansas 72764
Phone: 479.750.8135 Fax: 479.750.8504

Analysis of Fuel Cost Savings to Add Third Axle to Public Works Mack Dump Truck

April 17, 2013

Analysis Based on Hauling 100,000 Ton of Materials at an Average of 8.5 Loaded Miles Per Trip

Diesel Fuel Cost	Miles per Gallon for Mack Truck	Trips Necessary to Haul 100k Tons of Material at 10 tons per Load	Loaded Miles Traveled Assuming an Average of 8.5 miles per one-way Trip	Cost of Fuel at 5 MPG Hauling 10 Tons per Load	Cost Per Ton of Material Hauled	Trips Necessary to Haul 100k Tons of Material at 16.6 tons per Load	Loaded Miles Traveled Assuming an Average of 8.5 miles per one-way Trip	Cost of Fuel at 5 MPG Hauling 16.6 Tons per Load	Cost Per Ton of Material Hauled	Fuel Cost Savings per 100k Tons of Materials Hauled after adding Third Axle	Cost To Add Third Axle to Haul 16.6 Tons per Load	Tons of Material Hauled at 16.6 Tons per Load to Recover Cost of Third Axle	Cost Savings as a Percentage after adding Third Axle
\$ 3.80	5.0	10,000	85,000	\$ 64,600	\$ 0.76	6,024	51,202	\$ 38,710	\$ 2.33	\$ 25,884	\$ 6,800.19	22,595	29.3%
			10 Tons / Load				16.6 Tons / load						

Johnson Truck & Trailer of Lowell

124 West Apple Blossom Avenue
 Lowell, Arkansas 72745
 (479) 770-6180 Fax (479) 770-2139

QUOTATION

Quote Number: 5240
 Quote Date: Apr 10, 2013
 Page: 1

Quoted To:
 SPRINGDALE STREET DEPT.
 CITY OF SPRINGDALE
 201 SPRING STREET
 SPRINGDALE, AR 72764

SPRINGDALE STREET DEPT.
 CITY OF SPRINGDALE
 201 SPRING STREET
 SPRINGDALE, AR 72764

Customer ID		Quantity	Description	Unit Price	Total Price
SPRIST	5/10/13		Net 30 Days		
1.00		RSS232 STEERABLE LIFT SUSPENSION	5,138.50	5,138.50	
		W/AIR KIT			
1.00		MISCELLANEOUS	200.00	200.00	
1.00		LABOR TO INSTALL	1,500.00	1,500.00	
1.00	OTHER SUPPLIES	SHOP SUPPLIES	200.00	200.00	
				Subtotal	7,038.50
				Sales Tax	651.06

Customer Signature: _____

Please Pay from this invoice according to the Payment Terms.

DISCLAIMER OF WARRANTIES - The only warranties applying to this part(s) are those which may be offered by the manufacturer. The seller hereby expressly disclaims all warranties either express or implied, including any implied warranties of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this part(s) and/ or service. Buyer shall not be entitled to recover any consequential damages, damages to property, damage for loss of use, loss of time, loss of profits or income, or any other incidental damages.



Shipley Motor Equipment Company



324 So. Bloomington
Lowell, Arkansas 72745
(479) 770-6040

620 Mountain Base Road
Pottsville, AR 72858
(479) 498-8260

2800 Wheeler Avenue
Fort Smith, Arkansas 72901
(479) 782-8281

SEND ALL PAYMENTS TO: P.O. BOX 4, FORT SMITH, ARKANSAS 72902

RETURN POLICY

1. NO RETURNS WITHOUT PURCHASE INVOICE
2. 30% RESTOCKING CHARGE ON RETURNED PARTS
3. NO RETURNS ON PARTS HELD OVER 30 DAYS
4. NO RETURNS ON SPECIAL ORDER ITEMS
5. 10% RESTOCKING CHARGE ON CORES HELD OVER 30 DAYS
6. NO RETURNS ON ELECTRICAL PARTS
7. NO CREDIT ON CORES HELD OVER 90 DAYS

DISCLAIMER OF WARRANTIES

Any warranties on the product sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

DATE ENTERED 12 APR 13	YOUR ORDER NO.	DATE SHIPPED 16 APR 13	INVOICE DATE	INVOICE NUMBER Q90478
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QUOTE

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ACCOUNT NO. L1019

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PAGE 1 OF 1

SPRINGDALE PUBLIC WORKS
269 E RANDALL WOBBE LANE
SPRINGDALE, AR 72764

SHIP VIA		SLSM.	B/L NO.	TERMS		F.O.B. POINT	
		CL		NET 10		LOWELL AR	
QTY	UNIT	QTY	UNIT	DESCRIPTION	LIST	NET	AMOUNT
1		0		999 LIFT AXLE	6600.00	4125.00	4,125.00
1		0		666 AIR CONTRO	400.00	290.00	290.00
1		0		LABOR LABOR	1450.00	1000.00	1,000.00
**** I N V O I C E Q U O T E - DO NOT PAY ****							
THANK YOU FOR YOUR BUSINESS! YOU MAY RECEIVE A SURVEY IN THE MAIL-WE HOPE YOU TAKE THE TIME TO GIVE US A POSITIVE REVIEW. IF NOT PLEASE CALL US TO RESOLVE THE ISSUE. 479-770-6040				PARTS		5,415.00	
CUSTOMER'S SIGNATURE X				SUBLET			
				FREIGHT		0.00	
				SALES TAX		426.10	
				TOTAL		\$5,841.10	



FINANCE CHARGES will apply if the new balance is unpaid one month from closing date of statement. FINANCE CHARGES is computed at the highest percentage rate allowed by law, applied to the previous balance after deducting current payments and/or credits appearing on this statement.

410-100-1

SIGNATURE COPY



Shipley Motor Equipment Company



324 So. Bloomington
Lowell, Arkansas 72745
(479) 770-6040

620 Mountain Base Road
Pottsville, AR 72858
(479) 498-8260

2800 Wheeler Avenue
Fort Smith, Arkansas 72901
(479) 782-8281

SEND ALL PAYMENTS TO: P.O. BOX 4, FORT SMITH, ARKANSAS 72902

RETURN POLICY

1. NO RETURNS WITHOUT PURCHASE INVOICE
2. 30% RESTOCKING CHARGE ON RETURNED PARTS
3. NO RETURNS ON PARTS HELD OVER 30 DAYS
4. NO RETURNS ON SPECIAL ORDER ITEMS
5. 10% RESTOCKING CHARGE ON CORES HELD OVER 30 DAYS
6. NO RETURNS ON ELECTRICAL PARTS
7. NO CREDIT ON CORES HELD OVER 90 DAYS

DISCLAIMER OF WARRANTIES

Any warranties on the product sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

DATE ENTERED 16 APR 13	YOUR ORDER NO.	DATE SHIPPED 16 APR 13	INVOICE DATE	INVOICE NUMBER Q90584
---------------------------	----------------	---------------------------	--------------	--------------------------

QUOTE

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ACCOUNT NO. L1019

PAGE 1 OF 1

SHIP TO

SPRINGDALE PUBLIC WORKS
269 E RANDALL WOBBE LANE
SPRINGDALE, AR 72764

SHIP VIA		SLSM.	B/L NO.	TERMS	F.O.B. POINT		
		CL		NET 10	LOWELL AR		
QTY	UNIT	QTY	UNIT	DESCRIPTION	LIST	NET	AMOUNT
1	0	1	0	999 STEER LEFT	1000.00	6950.00	6,950.00
1	0	1	0	AIR CONTROLS	482.00	301.25	301.25
1	0	1	0	LABOR	1450.00	1000.00	1,000.00
*** INVOICE QUOTE - DO NOT PAY ***							
THANK YOU FOR YOUR BUSINESS! YOU MAY RECEIVE A SURVEY IN THE MAIL-WE HOPE YOU TAKE THE TIME TO GIVE US A POSITIVE REVIEW. IF NOT PLEASE CALL US TO RESOLVE THE ISSUE. 479-770-6040							
CUSTOMER'S SIGNATURE							
X							
					PARTS		8,251.25
					SUBLET		
					FREIGHT		0.00
					SALES TAX		596.62
					TOTAL		\$8,847.87



FINANCE CHARGES will apply if the new balance is unpaid one month from closing date of statement. FINANCE CHARGES is computed at the highest percentage rate allowed by law, applied to the previous balance after deducting current payments and/or credits appearing on this statement.

SIGNATURE COPY

TRUCK CENTERS OF ARKANSAS

2675 WEST SUNSET
 SPRINGDALE, AR, 72764
 Tel: 1-479-751-4551 Fax: 1-479-751-0407
 jwright@truckcentersar.com
 Tax ID: 31-0810-78-003

Estimate - Preliminary

Estimate Prepared by: RANDY WRIGHT

Appraised for:

Accident Date:
 Date of Loss:
 Arrival Date:
 Type of Loss:
 Policy Number:
 Claim Number:

Date: 4/16/2013
 Estimate#: 4843

Insured:

Company: SPRINGDALE
 Telephone, Fax: 750-8504

Year	Make	Model	Color	Trim
2004	MACK	CV713		
Unit Number	License Plate #	Mileage	Serial#/VIN#	

Sup Seq	Labor Type	Labor Op	Description	Part Type	Part Number	Dollar Amount	Labor Units
1	Body	Rem/Rep	Install Lift Axle Steerable	New		\$7,971.67 T	40.0*
2			Shipping			\$200.00 T	*
3	Body	Rem/Rep	Air Line And Fittings	New		\$250.00 T	*
4			Shop Materials			\$260.00 T	*

* - Judgement Item
 # - Labor Note Applies

Labor

Body	40.0 Hrs @	\$65.00	\$2,600.00
Labor Total			\$2,600.00

Parts

Parts Subtotal	\$8,221.67
Less Adjustments	
Parts Total	\$8,221.67

Additional Costs and Operations

Addl. Costs/Ops Total	\$460.00
-----------------------	----------

Tax

Labor Tax @	9.25%	\$240.50
Parts Tax @	9.25%	\$760.51
Addl. Costs Tax @	9.25%	\$42.55
Tax Total		\$1,043.56

Totals

Sub Total:	\$12,325.23
Customer Resp.	\$0.00

Sup Seq	Labor Type	Labor Op	Description	Part Type	Part Number	Dollar Amount	Labor Units
Net Total							\$12,325.23

The above is an estimate based on our inspection and does not cover any additional parts or labor which may be required after the work has started. Occasionally, worn or damaged parts are discovered which may not be evident on the first inspection. Because of this, the above prices are not guaranteed. Quotations on parts and labor are current and subject to change.

This is a preliminary estimate. Additional changes to the estimate may be required for the actual repair.

TruckEst does not automatically include items required by many business repair partners. This application allows the author to manually enter line items such as overlap deductions.

2004 MACK CV713

Version 3.0
 Database Edition PHT 13-01

TruckEst is a Trademark of Mitchell International
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 All Rights Reserved.

Page 2 of 2

TRUCK CENTERS OF ARKANSAS

2675 WEST SUNSET
 SPRINGDALE, AR, 72764
 Tel: 1-479-751-4551 Fax: 1-479-751-0407
 jwright@truckcentersar.com
 Tax ID: 31-0810-78-003

Estimate - Preliminary

Estimate Prepared by: RANDY WRIGHT

Appraised for:

Accident Date:

Date of Loss:

Arrival Date:

Type of Loss:

Policy Number:

Claim Number:

Date: 4/16/2013

Estimate#: 4842

Insured:

Company: SPRINGDALE
 Telephone, Fax: 750-8504

Year	Make	Model	Color	Trim
2004	MACK	CV713		
Unit Number	License Plate #	Mileage	Serial#/VIN#	

Sup	Seq	Labor Type	Labor Op	Description	Part Type	Part Number	Dollar Amount	Labor Units
	1	Body	Rem/Rep	Install Lift Axle	New		\$5,540.30	T 40.0*
	2			Shipping			\$200.00	T *
	3	Body	Rem/Rep	Air Lines And Fittings	New		\$250.00	T *
	4			Shop Materials			\$260.00	T *

* - Judgement Item
 # - Labor Note Applies

Labor

Body	40.0	Hrs @	\$65.00	\$2,600.00
Labor Total				\$2,600.00

Parts

Parts Subtotal	\$5,790.30
Less Adjustments	
Parts Total	\$5,790.30

Additional Costs and Operations

Addl. Costs/Ops Total	\$460.00
-----------------------	----------

Tax

Labor Tax @	9.25%	\$240.50
Parts Tax @	9.25%	\$535.60
Addl. Costs Tax @	9.25%	\$42.55
Tax Total		\$818.65

Totals

Sub Total:	\$9,668.95
Customer Resp.	\$0.00

Sup	Seq	Labor Type	Labor Cp	Description	Part Type	Part Number	Dollar Amount	Labor Units
Net Total								\$9,668.95

The above is an estimate based on our inspection and does not cover any additional parts or labor which may be required after the work has started. Occasionally, worn or damaged parts are discovered which may not be evident on the first inspection. Because of this, the above prices are not guaranteed. Quotations on parts and labor are current and subject to change.

This is a preliminary estimate. Additional changes to the estimate may be required for the actual repair.

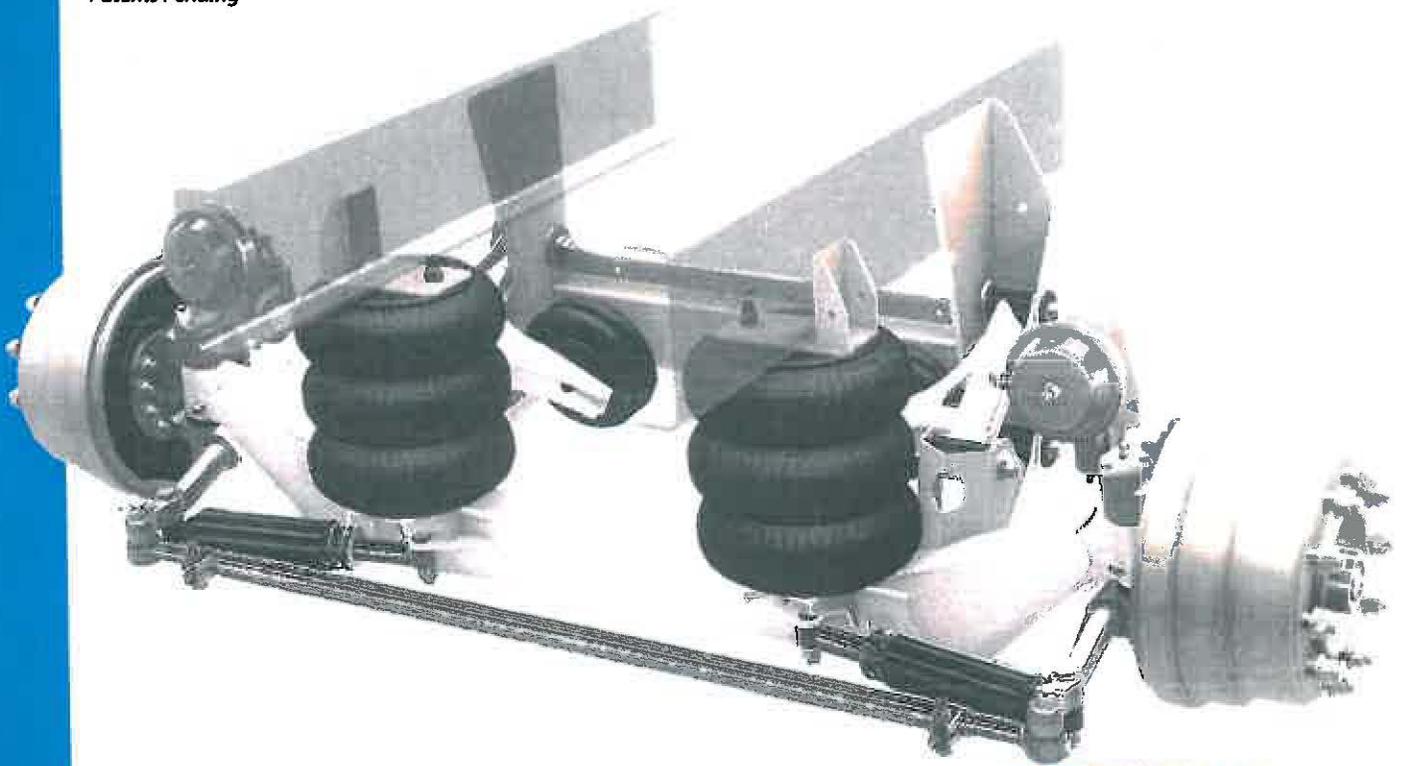
TruckEst does not automatically include items required by many business repair partners. This application allows the author to manually enter line items such as overlap deductions.

2004 MACK CV713

Flex-Trac™ 232-13K

Self-Steering Auxiliary Axle Suspension

Model RSS-232-13K
Patents Pending



*A lift axle system designed
with built-in flexibility for the
aftermarket installer*

*Easily adjusts to various frame
widths & ride heights*

13,200 lb. capacity

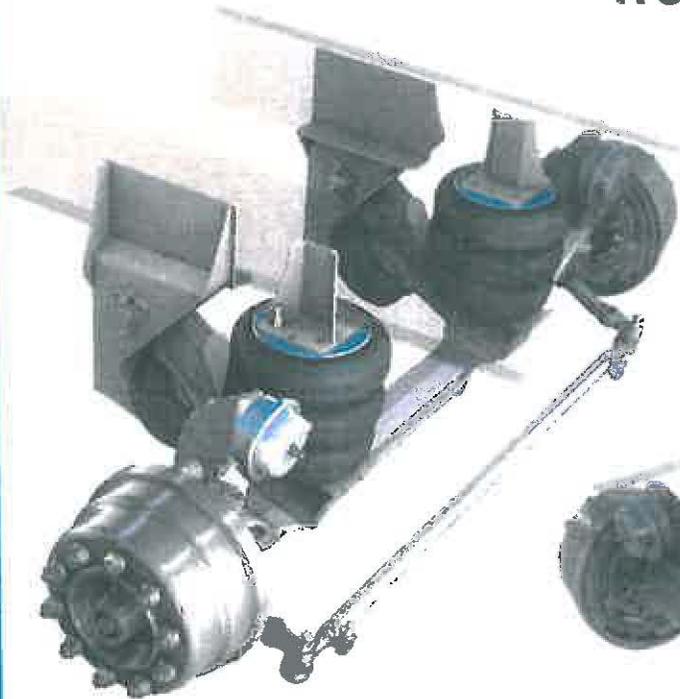


www.ridewellcorp.com • 800.641.4122 • Fax 417.833.4560

Next Generation

RUL-245 "Bantamweight"

Auxiliary Liftable Air-Rides for
Truck & Trailer Applications



RUL-245I

Patents Pending

For I-beam axles with permanently locked tie rods (truck applications only).



RUL-245R

Patents Pending

For 5" round axles, straight or drop.

Compact design fits tight spaces.

13,200 lb. capacity



www.ridewellcorp.com • 800.641.4122 • Fax 417.833.4560

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE AN INVERSE CONDEMNATION LAWSUIT
WHEREIN WENDELL AND RENEE COLLINS ARE
PLAINTIFFS.**

WHEREAS, Wendell Collins and Renee Collins filed a lawsuit against the City of Springdale alleging damages to their property in excess of the amount paid for the easements acquired for a tract of land for the Northern Corridor, Wagon Wheel Road, Highway I-540 to Robins Road Construction Project, Project No. BP-0302 in the 2003 Street Improvement Bond Program;

WHEREAS, the Collins have extended an offer to settle the inverse condemnation lawsuit for the total sum of \$49,700;

WHEREAS, it is the recommendation of the City Attorney that the City Council approve the sum of \$49,700 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 Collins inverse condemnation lawsuit for the total sum of \$49,700.

PASSED AND APPROVED this _____ day of _____, 2013.

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:

MEMORANDUM

Ernest B. Cate
City Attorney

Brooke Lockhart
Deputy City Attorney

Jonathan D. Nelson
Deputy City Attorney

Taylor Samples
Deputy City Attorney

Lynda Belvedresi
Case Coordinator

Steve Helms
Investigator

Cindy Horlick
Administrative Asst.

TO: City Council – Mayor Sprouse
FROM: Ernest Cate, City Attorney *EC*
RE: *Collins v. City of Springdale*
DATE: April 25, 2013

If you will recall, the City Council approved the condemnation of land in connection with the Northern Corridor. One of these tracts of land was owned by Wendell and Renee Collins. The City ultimately reached a settlement with the Collins for the acquisition of the easements needed for this project.

Since the road has been constructed, however, the Collins have experienced problems with flooding and water issues on their property. As a result, they have filed suit against the City for the additional damages that they have incurred to their property. Specifically, they allege that part of their property is unusable due to the water issues, and that the structure located on the residence has incurred damage from flooding and standing water as a result of the City's design and construction of Wagon Wheel Road. In support of their claim, the Collins have provided reports from an appraiser, an engineer, and a laboratory indicating the presence of mold on the property due to the water issues.

This case is currently scheduled for a two-day jury trial in Benton County Circuit Court on May 7th. The attorney for the Collins has contacted this office and has indicated that the Collins would accept the total sum of \$49,700 to settle this case. It is my recommendation that the City agree to pay this amount.

The appraisal submitted by the Collins indicates excessive damage to the property since the construction of Wagon Wheel Road. The appraisal estimates damages at nearly \$60,000, plus damages for the structure no longer being habitable due to water damage and mold. In addition, the appraiser believes compensation should also be paid for the loss of use of the flood prone area created by the taking.

If this case were to go to trial, the Collins have requested that the jury be allowed to visit the property. The Judge granted this request. As such, the jury will be allowed to view the property first hand, and see the damage to the structure, the mold, and the water damage on the property.

While I believe that the City has a legitimate defense to the Collins' claim, I am also well aware of the risks involved with taking a case like this to a jury. Invariably, the jury will be sympathetic to the Collins, and will likely award them damages, even if the City adequately presents its case under the law.

In addition, should the jury award the Collins damages, they would also be entitled to an attorney fee award in addition to the amount awarded for the property damage. It is my opinion that the City's possible total exposure in this case could exceed \$100,000.

As such, I believe that adequate justification exists for paying the Collins the requested amount of \$49,700. This amount would avoid the risk of proceeding to trial, and would settle this matter once and for all.

I appreciate your consideration of this request.

RESOLUTION NO. _____

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

WHEREAS, the Springdale Fire Department has been selected to be video profiled at the IAFC's Annual Fire-Rescue International Conference at Chicago in August, and

WHEREAS, the video we will receive will be a valuable tool for Fire Prevention and Community Education and will have many other uses as outlined in the attached memo; and

WHEREAS, our share of the production costs of this video would be \$19,500;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2013 budget of the City of Springdale 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>
General Fund	10101013110000	Franchise Tax Revenue	3,488,500	19,500		3,508,000
Fire	10106014226006	Training	10,000	19,500		29,500

PASSED AND APPROVED this 14th day of May, 2013

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

To: 'mirwin@springdalear.gov'
Subject: IAFC TV - Schedule Call - FRI 2013

Dear Chief Irwin,

As discussed I will call for you 1pm on Monday to discuss profiling the **Springdale Fire Department** at the IAFC's Annual Fire-Rescue International (FRI) Conference in Chicago this August.

Last year, we profiled some very high achieving fire departments including Fremont Fire Department, Glendale Fire Department and the Los Angeles Fire Department (you can still see their films at www.iafctv.org), and I would like to discuss the **Springdale Fire Department** being profiled in Chicago.

To give you the background- WebsEdge has again partnered with the IAFC to broadcast IAFC TV at Fire-Rescue International. For details clarifying our partnership and for more details on the initiative and the conference, please visit <http://www.iafctv.org/>.

With the recent Federal Budget Sequester and the IAFC's campaign on Positive Public Perception, incident commanders face increased pressure to do more with less. As such, IAFC TV is going to educate the delegation about some of the latest thought leadership and best practice across the following key areas:

- Fire Prevention and Community Education
- Fire-fighter Health and Safety
- Effective use of Data and Reporting Systems
- Wildland Fire Management and Prevention
- Fire-fighter Education and Training
- Use of the Media
- Risk Assessment and Prevention

As a key part of this, IAFC TV is going to highlight a number of leading Fire Departments and offer them a unique opportunity to profile their latest programs, initiatives and best practices in the form of a five minute documentary feature.

There is a cost for any department that chooses to take part in this opportunity. This cost will cover production and distribution of the films and can certainly be warranted as your organization will retain the full ownership of the resulting film which you may use for community engagement, education, training and recruitment purposes.

Through my research, I am considering a number of leading Departments as potential candidates to sponsor these "thought leadership" features including the **Springdale Fire Department**. I am keen to speak with you first, though, to discuss some of your work in more detail and to make sure that this would be an appropriate fit.

In the meantime, to get a better understanding of the style and structure of the film we would be producing on your department (and the sort of thing we look for), you can see the films on the departments we profiled last year at the following link: http://www.websedge.com/videos/iafc_tv/##

That which is stricken through is deleted.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE 5,
SECTION 40 OF THE ZONING ORDINANCE OF
THE CITY OF SPRINGDALE, ARKANSAS;
DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES.**

WHEREAS, Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas, contains the various use units which are allowed in the various zoning districts in Springdale, Arkansas;

WHEREAS, Article 5, Section 40, contains the definition of Use Unit 37, Auction Houses;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Article 5, Section 40, of the Zoning Ordinance of the City of Springdale, Arkansas, to avoid confusion regarding Use Unit 37, Auction Houses; and

WHEREAS, a public hearing was held before the Springdale Planning Commission on May 7, 2013, after notice was given of said hearing as required by law.

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

Section 1: Article 5, Section 40, of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 40. – Unit 37: Auction houses.

Places where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in conjunction with each other with all activities taking place at a specified location. ~~Use Unit 37 shall be considered a conditional use on appeal in an Agricultural District (A-1).~~ The granting of a conditional use for an auction house is nontransferable and shall only be valid for the applicant and location for which it is issued.

Section 2: All other provisions of Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended herein shall remain in full force and effect.

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

PASSED AND APPROVED this ____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

That which is underlined is added.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE 4,
SECTION 3 OF THE ZONING ORDINANCE OF
THE CITY OF SPRINGDALE, ARKANSAS,
DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES.**

WHEREAS, Article 4, Section 3 of the Zoning Ordinance of the City of Springdale, Arkansas, contains regulations for the various commercial zoning districts in the City of Springdale, Arkansas;

WHEREAS, the regulations pertaining to the C-2 General Commercial District are in need of revision;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to add Use Unit 37, Auction houses, as a conditional use in the C-2 General Commercial zoning district;

WHEREAS, a public hearing was held before the Springdale Planning Commission on May 7, 2013, after notice was given of said hearing as required by law.

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

Section 1: Article 4, Section 3.4 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

C-2—General commercial district.

PURPOSE.

The C-2 general commercial district is established in order to be a broader range of retail uses, which comprise the commercial function of the city including groupings of freestanding commercial structures. Permitted uses include most types of retail activity except those involving open displays of merchandise and those which generate large volumes of vehicular traffic or are otherwise incompatible with the purpose and intent of the C-2 general commercial district. Retail areas zoned C-2 shall be generally concentrated as to geographical configuration. It is anticipated, however, that in some situations, change to another commercial or office classification may be appropriate to permit the transition of strip retail areas to other productive forms of land use. It is the intent of these regulations that the C-2 district be concentrated at the intersections of arterial streets. Extension of the district along major arterial streets in linear fashion shall be discouraged.

USES PERMITTED.

- Unit 1, city-wide public uses by right.
- Unit 4, cultural, recreational and health facilities.
- Unit 16, offices, studios and related services.
- Unit 17, eating places.
- Unit 19, neighborhood shopping goods.
- Unit 20, shopping goods.
- Unit 21, trades and services.
- Unit 22, automotive services.
- Unit 27, parking lot.
- Unit 32, temporary buildings.
- Unit 35, transportation services.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.

- Unit 2, city-wide uses by conditional use permit.
- Unit 3, utility facilities.
- Unit 31, recycling collection facilities.
- Unit 33, self-supporting tower or antenna structure or monopole.
- Unit 40, temporary classrooms.
- Unit 41, automobile sales.
- Unit 42, church/synagogue.
- Unit 44, mobile vending site.
- Unit 37, Auction houses.

ACCESSORY USES.

See article 6, subsection 3.1 of this chapter.

SITE PLAN REVIEW.

When a conditional use is proposed in a C-2 district a site plan review shall be required. See article 2, section 13 of this chapter for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS.

There shall be no maximum height limits in C-2 district; provided, however, that any building which exceeds the height of twenty (20) feet shall be set back from any boundary line of any residential district a distance of at least one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS.

SETBACKS.

Front setback30'

Front setback if parking is allowed between R-O-W and the building
.....50'
Side setback (subject to applicable fire and building codes)0
Side setback when contiguous to a residential district20'
Rear setback20'

GREENSPACE.

Each developed lot shall provide and maintain:

1. A landscaped buffer, not less than ten (10) feet wide, along the front property line. When adjacent to the property line of a residential use a five (5) foot landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten (10) percent of the total surface area of the lot or development.

OFF-STREET PARKING.

See article 7 of this chapter.

SUPPLEMENTAL REGULATIONS FOR USE UNIT 22: Automotives Services AND USE UNIT 41, AUTOMOBILE SALES

1. All of the lot used for the parking of vehicles, for the storage and display of merchandise shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
2. All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
3. No article or material stored or offered for sale in connection with the conditional use herein shall be stored or displayed outside the confines of the building unless it is so screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply:
 - a. Except as provided in use unit 43: Automobile sale— Damaged vehicles, automobile, truck, tractor, mobile home, boat or motorcycle sales areas are not required to screen fully assembled merchandise that is ready for sale.
 - b. No permanent open display will be permitted on sidewalks, or public right-of-way.
 - c. There shall be no open display of any kind whatsoever in the first twenty (20) feet of the required front yard setback.

4. All property must be designed and at all times maintained to allow emergency vehicles to respond and to navigate the property.
5. Parked vehicles must be able to egress from a parked position without impediment.
6. Vehicles parked in designated services lanes are exempt from supplemental regulation #5 above during normal business hours.

The provisions of Supplemental Regulations No. 4, 5, and 6 shall be applicable to all existing uses in the City of Springdale as of the date of passage of this amendment with full compliance of these regulations by August 15, 2011.

Section 2: All other provisions of Article 4 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

Section 3: Emergency Clause: The implementation of the amended ordinance will be unreasonably delayed if not allowed to take affect immediately, and therefore an emergency is hereby declared to exist and this ordinance shall become 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 B. Cate, City Attorney

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE 4,
SECTION 4 OF THE ZONING ORDINANCE OF
THE CITY OF SPRINGDALE, ARKANSAS,
DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES.**

WHEREAS, Article 4, Section 4 of the Zoning Ordinance of the City of Springdale, Arkansas, contains regulations for the various industrial zoning districts in the City of Springdale, Arkansas;

WHEREAS, the regulations pertaining to the I-1 Light Industrial zoning district are in need of revision;

WHEREAS, the regulations pertaining to the I-2 General Industrial zoning district are in need of revision;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to add Use Unit 37, Auction houses, as a conditional use in the I-1 Light Industrial zoning district and the I-2 General Industrial zoning district;

WHEREAS, a public hearing was held before the Springdale Planning Commission on May 7, 2013, after notice was given of said hearing as required by law.

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

Section 1: Article 4, Section 4.3 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

4.3 I-1—Light industrial districts.

PURPOSE.

The I-1 light industrial district is designed to accommodate a wide range of industrial and related uses which conform to high development standards. Industrial establishments of this type may either be located in extensive areas devoted solely to these uses or may provide a buffer between commercial districts and other industrial uses which involve more objectionable influences. Residential development is excluded from this district, both to protect residents from an undesirable environment and to facilitate maximum efficiency of industrial activity.

USES PERMITTED.

Unit 1, city-wide uses by right.
Unit 21, trades and services.
Unit 22, automotive services.
Unit 24, warehousing and wholesale.
Unit 25, limited manufacturing.
Unit 27, parking lot.
Unit 32, temporary buildings.
Unit 33, self-supporting tower or antenna structure or monopole.
Unit 35, transportation services.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.

Unit 2, city-wide uses by conditional use permit.
Unit 3, utility facilities.
Unit 16, offices, studios and related services.
Unit 37, Auction houses.
Unit 48, Automotive, machinery and equipment open display retail sales.

HEIGHT REGULATIONS.

There shall be no maximum height limits in I-1 district; provided, however, that any building which exceeds the height of twenty (20) feet shall be set back from any boundary line of any residential district a distance of one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS. SETBACKS.

Front setback30'
Front setback if parking is allowed between R-O-W and the building
.....50'
Side setback (subject to applicable fire and building codes)0
Rear setback25'
Setbacks adjacent to residential uses50'

GREENSPACE.

Each developed lot shall provide and maintain:

1. A landscaped buffer, not less than ten (10) feet wide, along the front property line. When adjacent to the property line of a residential use a five (5) foot landscaped area and a six (6) foot opaque screen shall be required.
2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten (10) percent of the total surface area of the lot or development.

OFF-STREET PARKING.

See article 7 of this chapter.

Section 2: Article 4, Section 4.4 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

4.4 I-2—General industrial districts.

PURPOSE.

The I-2 general industrial district is designed to accommodate industrial uses which involve potentially objectionable uses and hazards, and which, therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential to the economic viability of the city.

USES PERMITTED.

- Unit 1, city-wide public uses by right.
- Unit 21, trades and services.
- Unit 24, warehousing and wholesale.
- Unit 25, limited manufacturing.
- Unit 26, general industrial.
- Unit 27, parking lot.
- Unit 32, temporary buildings.
- Unit 33, self-supporting tower or antenna structure or monopole.
- Unit 35, transportation services.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.

- Unit 2, city-wide uses by conditional use permit.
- Unit 3, utility facilities.
- Unit 16, offices, studios and related services.
- Unit 37, Auction houses.

HEIGHT REGULATIONS.

There shall be no maximum height limits in I-2 district; provided, however, that any building which exceeds the height of twenty (20) feet shall be set back from any boundary line of any residential district a distance of at least one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS. SETBACKS.

- Front setback30'
- Front setback if parking is allowed between R-O-W and the building50'
- Side setback (subject to applicable fire and building codes)0

Rear setback25'
Setbacks adjacent to residential uses50'

GREENSPACE.

Each developed lot shall provide and maintain:

1. A landscaped buffer, not less than ten (10) feet wide, along the front property line.

When adjacent to the property line of a residential use a five (5) foot landscaped area and a six (6) foot opaque screen shall be required.

2. Landscaping, including grass, shrubs and trees, and without structure or pavement, of a minimum of ten (10) percent of the total surface area of the lot or development.

OFF-STREET PARKING.

See article 7 of this chapter.

Section 3: All other provisions of Article 4 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

Section 4: Emergency Clause: The implementation of the amended ordinance will be unreasonably delayed if not allowed to take affect immediately, and therefore an emergency is hereby declared to exist and this ordinance shall become effect immediately upon its passage and approval.

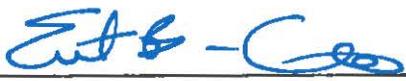
PASSED AND APPROVED this _____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION OPPOSING ROUTE 108 OF
SOUTHWESTERN ELECTRIC POWER COMPANY'S
SHIPE ROAD TO KINGS RIVER TRANSMISSION
PROJECT.**

WHEREAS, On April 3, 2013, Southwestern Electric Power Company ("SWEPCO") filed an application with the Arkansas Public Service Commission seeking a Certificate of Environmental Compatibility and Public Need for the construction of a transmission line between its Shipe Road Station and a proposed Kings River Station;

WHEREAS, among the routes proposed by SWEPCO in its application with the Arkansas Public Service Commission is a route known as "Route 108" on the attached map;

WHEREAS, Route 108 will adversely affect several projects currently undertaken by the City of Springdale, Arkansas, including but not limited to the Springdale Bike Park & Trail System, Razorback Regional Greenway, Pump Station/Silent Grove Road Trailhead, Lake Springdale Use Area/Fishing Pier Project, Rabbit Foot Lodge Wildlife Observation Trail, National Historic Register of Historic Places (Rabbit Foot Lodge), and will adversely affect those living and owning property in at least one residential subdivision located in the City of Springdale, Arkansas;

WHEREAS, the City Council of the City of Springdale, Arkansas, wishes to promote the interests of the citizens of the City of Springdale and northwest Arkansas, and promote the growth and development of the same for the benefit of all its citizens; and

WHEREAS, the City Council of the City of Springdale, Arkansas, wishes to make its opposition to Route 108 known to the Arkansas Public Service Commission; and

WHEREAS, the City of Springdale has formally intervened in Docket No: 13-041-U of the Arkansas Public Service Commission, so that it may oppose Route 108.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City of Springdale, Arkansas, hereby recognizes the adverse impacts that Route 108 would have on several projects currently undertaken by the City of Springdale, Arkansas, and recognizes the adverse impacts that Route 108 would have on the citizens of Springdale, Arkansas, and northwest Arkansas, and as such, the City of Springdale, Arkansas, hereby formally opposes Route 108, and this Resolution shall be forwarded to the Arkansas Public Service Commission so that it will be aware of the City of Springdale's opposition to Route 108.

PASSED AND APPROVED this ____ day of _____, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

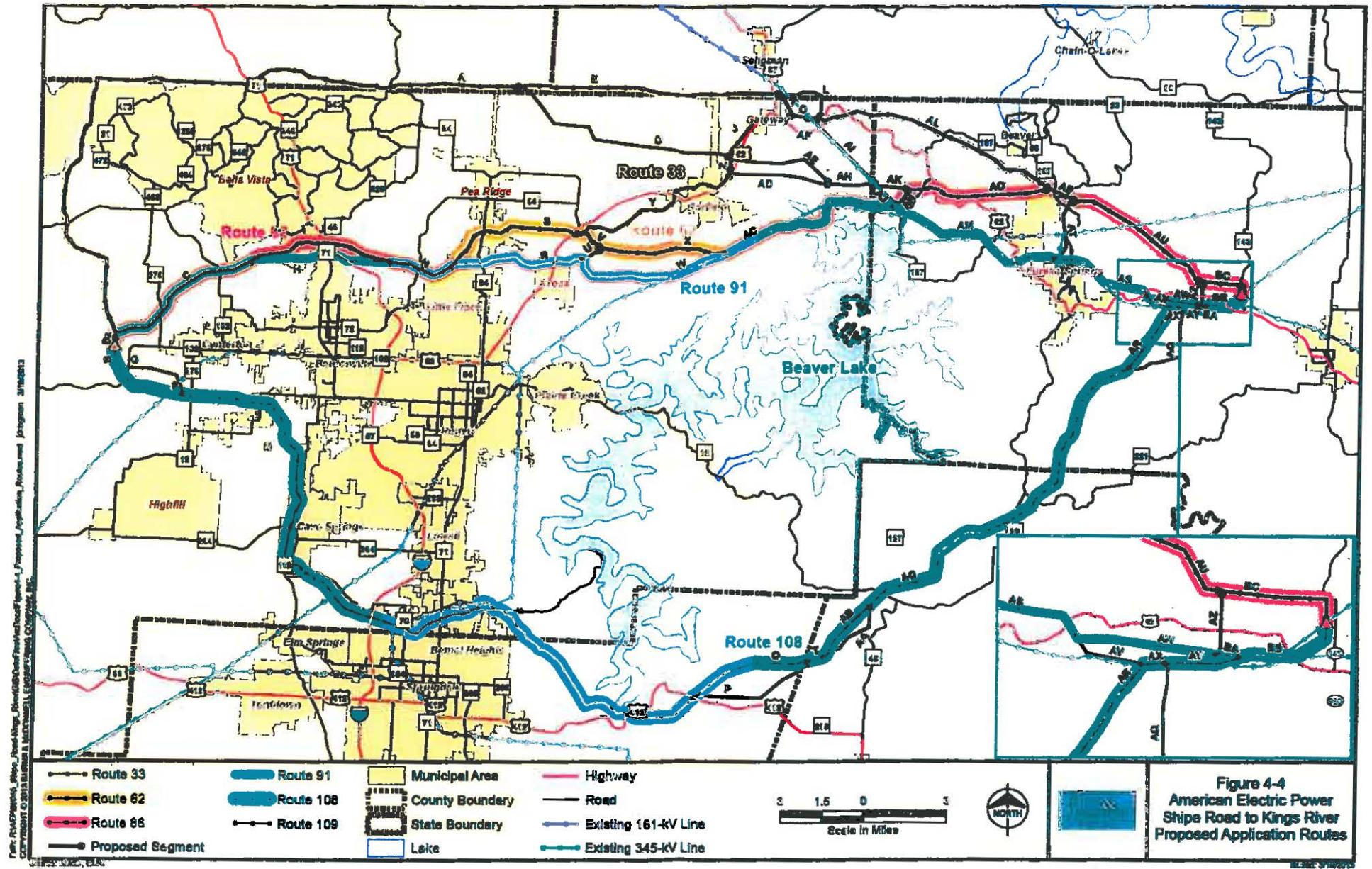


Figure 4-4
American Electric Power
Shipe Road to Kings River
Proposed Application Routes

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE DONATION OF
VACATION TIME FOR TERESA JOHNSON**

WHEREAS, Teresa Johnson has been a dedicated employee of the Springdale Animal Shelter since March of 1993; and

WHEREAS, due to her own health and now the ailing health of her father, Teresa has exhausted her sick and vacation hours; and

WHEREAS, the Animal Services Director has indicated there are employees that would like to donate vacation time to this employee and the Animal Services Director has requested authorization for employees to donate accumulated vacation to this employee;

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

Section 1: employees are hereby authorized to donate accumulated vacation time to Teresa Johnson, making it possible for the payment of her salary to continue during the time she assists her ailing father. Donated vacation time will be adjusted for hourly pay differentials and donations not needed, will be prorated back to all employees that donated vacation time.

Section 2: This authorization for donated vacation time will expire on the exhaustion of her authorized Family Medical Leave.

Section 3: the utilization of donated vacation time will be discontinued if the employee becomes eligible to receive long term disability.

PASSED AND APPROVED this _____ day of _____ May, 2013.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney

Wyman Morgan

From: Courtney Kremer [ckremer@springdalear.gov]
Sent: Tuesday, May 07, 2013 3:47 PM
To: Wyman Morgan
Cc: Loyd Price; Doug Sprouse
Subject: Teresa Johnson FMLA Leave

Hello Wyman,

After speaking with Loyd Price yesterday, I feel that it would benefit Teresa Johnson greatly if City employees were able to donate vacation time to her in order to allow for continued health benefits. Teresa has been with the City for over twenty years and has had to take FMLA leave to assist her ailing father. Please prepare a resolution for donation of vacation time to Teresa Johnson for the City council meeting on May 14, 2013.

Thank you!

Courtney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING EXECUTION OF A
CONSTRUCTION CONTRACT AND SETTING OVERALL
BUDGET FOR I-540/DON TYSON PARKWAY
INTERCHANGE (12BPS1; AHTD 040527)**

WHEREAS, sealed competitive construction bids were received and opened for said project on April 23, 2013, and;

WHEREAS, the low bid of \$11,168,013.97 was submitted by Emery Sapp & Sons, Inc. of Columbia, Missouri, and;

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

Construction (Bid Amount)	\$11,168,013.97
Construction Contingency (10%)	<u>\$1,116,801.40</u>
Total Construction Budget	\$12,284,815.37

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 Emery Sapp & Sons, Inc. in the amount of \$11,168,013.97.
2. The overall project budget including, but not limited to, engineering design, AHTD review fees, environmental design, right-of-way acquisition, relocation, construction engineering, materials testing, construction and contingencies shall not exceed \$23,000,000 without council approval.

PASSED AND APPROVED this _____ day of May, 2013

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:



Ernest B. Cate, City Attorney