

Next scheduled Committee Meeting will be held in the Council Chambers, 201 Spring Street, Springdale, Arkansas

- The next Committee meeting - Tuesday, February 18, 2020
- Committee agendas will be available on Friday, February 14, 2020.

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, February 11th, 2020**

- 5:55 p.m. Pre Meeting Activities
- Pledge of Allegiance
Invocation – Mayor Sprouse
- 6:00 p.m. **OFFICIAL AGENDA**
1. *Large Print* agendas are available.
 2. Call to Order – Mayor Doug Sprouse
 3. Roll Call – Denise Pearce, City Clerk
 - Recognition of a Quorum.
 4. Comments from Citizens
 - The Council will hear brief comments from citizens during this period on issues not on the Agenda. No action will be taken tonight. All comments will be taken under advisement.
 5. Approval of Minutes – January 28th, 2020 **Pgs. 2 - 22**
 6. Annual report from the Public Facilities Board presented by Scott Edmondson, Springdale Chamber of Commerce. **Pgs. 23 & 24**
 7. Procedural Motions
 - A. Entertain Motion to read all Resolutions by title only.
 8. Public Vehicle Commission by Chairman Kathy Jaycox:
 - A Resolution** approving an application for a taxicab operator permit filed by Stewart "Stu" Larrabee on behalf of Fayetteville Taxi, LLC. *Committee forwarded with recommendation for approval.* **Pgs. 25 - 35**
 9. **A Resolution** authorizing payment of an invoice in the amount of \$1,802,149.75, Project No. 18BPC1. The City of Springdale has contracted with Milestone Construction Company, LLC to construct/renovate the Springdale Municipal Campus. Presented by Wyman Morgan, Administrative and Financial Services Director. **Pgs. 36 - 38**
 10. Comments from Council Members.
 11. Comments from City Attorney.
 12. Comments from Mayor.
 13. Adjournment.

SPRINGDALE CITY COUNCIL
JANUARY 28, 2020

The City Council of the City of Springdale met in regular session on Tuesday, January 28, 2020, 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
Amelia Williams	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Colby Fulfer	Ward 1
Mike Lawson	Ward 4
Rick Evans	Ward 2
Brian Powell	Ward 1
Kathy Jaycox	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Mike Irwin	Fire Chief
Frank Gamble	Police Captain
Wyman Morgan	Director of Financial Services
Patsy Christie	Planning & Comm. Dev. Director
Mike Chamlee	Buildings Director
Chad Wolf	Parks & Recreation Director
Ron Findley	Neighborhood Services Director
Gina Lewis	Human Relations Director
Brad Baldwin	Public Works & Eng. Director
Marcia Ransom	Library Director

RECOGNITION OF CINDY HORLICK FROM THE CITY ATTORNEY'S OFFICE

Cindy Horlick was recognized by City Council for her service to the City of Springdale. Cindy is retiring after 33 years with the City Attorney's Office.

APPROVAL OF MINUTES

Council Member Jaycox moved the minutes of the January 14, 2020 City Council meeting be approved as presented. Council Member Evans made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

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

The vote:

Yes: Powell, Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans

No: None

RESOLUTION NO. 6-20 – MAKING THE REAPPOINTMENT OF JIM CROUCH TO THE SPRINGDALE PUBLIC FACILITIES BOARD

Mayor Sprouse presented a Resolution making the reappointment of Jim Crouch to the Public Facilities Board of the City of Springdale.

RESOLUTION NO. ____

A RESOLUTION MAKING A REAPPOINTMENT TO THE PUBLIC FACILITIES BOARD OF THE CITY OF SPRINGDALE

WHEREAS, the term of Jim Crouch, who currently holds Seat #2 on the Public Facilities Board will expire on January 31, 2020, and

WHEREAS, A.C.A. 14-137-108 provide that appointments for these positions will be nominated by a majority of the board and appointed by the mayor subject to approval of the City Council, and

WHEREAS, the Public Facilities Board has recommended the reappointment of Jim Crouch to Seat #2 with a term expiring on January 31, 2025,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Jim Crouch is hereby reappointed as a board member to Seat #2 of the Public Facilities Board with a term expiring on January 31, 2025.

PASSED AND APPROVED this ____ day of January, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Jaycox moved the Resolution be adopted. Council Member Powell made the second.

The vote:

Yes: Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell

No: None

The Resolution was numbered 6-20.

RESOLUTION NO. 7-20 – MAKING AN APPOINTMENT TO THE SPRINGDALE PLANNING COMMISSION FOR THE CITY OF SPRINGDALE

Mayor Sprouse presented a Resolution making the appointment of Howard Austin to the Springdale Planning Commission for the City of Springdale.

RESOLUTION NO. ____

A RESOLUTION APPROVING AN APPOINTMENT TO THE SPRINGDALE PLANNING COMMISSION

WHEREAS, Vivi Haney's term on the Springdale Planning Commission will expire January 31, 2020; and

WHEREAS, Section 90-26 of the Springdale Code of Ordinances provides for these appointments by the Mayor with the approval of the City Council; and

WHEREAS, the Mayor has selected Howard Austin to be appointed to fill Seat #8 on the Springdale Planning Commission; in accordance with Section 90-26 of the Springdale Code of Ordinances; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS that the Mayor's appointment of Howard Austin is hereby appointed to Seat #8 on the Springdale Planning Commission for a (4) four-year term expiring on January 31, 2024.

PASSED AND APPROVED this ____ day of January, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Council Member Jaycox moved the Resolution be adopted. Council Member Powell made the second.

The vote:

Yes: Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox

No: None

The Resolution was numbered 7-20.

RESOLUTION NO. 8-20 – MAKING REAPPOINTMENTS TO THE PUBLIC VEHICLE COMMISSION FOR THE CITY OF SPRINGDALE

Mayor Sprouse presented a Resolution making the reappointments of Kathy Jaycox, Rick Evans and Amelia Williams to the Public Vehicle Commission for the City of Springdale.

RESOLUTION NO. ____

A RESOLUTION MAKING APPOINTMENTS TO THE PUBLIC VEHICLE COMMISSION OF THE CITY OF SPRINGDALE

WHEREAS, terms of all three members of the Public Vehicle Commission has expired, and

WHEREAS, the Mayor has recommended the appointments of Kathy Jaycox, Rick Evans and Amelia Williams to this Commission, and

WHEREAS, Section 122-26 of the Springdale Code of Ordinances provides for the appointment of members of the Public Vehicle Commission by the Mayor with the confirmation of the City Council,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Kathy Jaycox, Rick Evans and Amelia Williams are hereby appointed to the Public Vehicle Commission with their terms to expire on December 31, 2020.

PASSED AND APPROVED this ____ day of January, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Powell moved the Resolution be adopted. Council Member Jaycox made the second.

The vote:

Yes: Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams

No: None

The Resolution was numbered 8-20.

RESOLUTION NO. 9-20 – MAKING AN APPOINTMENT TO THE SPRINGDALE AIRPORT COMMISSION

Mayor Sprouse presented a Resolution making the appointment of Micah Thomason to the Springdale Airport Commission.

RESOLUTION NO. ____

A RESOLUTION MAKING AN APPOINTMENT TO THE SPRINGDALE AIRPORT COMMISSION

WHEREAS, due to the resignation of Greg Willoughby, there is currently a vacancy on the Springdale Airport Commission for Seat #7, and

WHEREAS, according to Section 18-26 of the Springdale Code of Ordinances, commissioners shall be appointed by the Mayor and confirmed by three-fourths of the elected City Council, and

WHEREAS, Mayor Doug Sprouse has recommended the appointment of Micah Thomason to fill the unexpired term of Seat #7, said term to expire on July 1, 2020; and an additional full term with the expiration date of July 1, 2025, to the Springdale Airport Commission,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Micah Thomason is hereby appointed to Seat #7, to complete the unexpired term, and an additional full term; said term to expire on July 1, 2025 to the Springdale Airport Commission.

PASSED AND APPROVED this ____ day of January, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Lawson moved the Resolution be adopted. Council Member Evans made the second.

The vote:

Yes: Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson

No: None

The Resolution was numbered 9-20.

ORDINANCE NO. 5449 – REZONING PROPERTY OWNED BY OREN JR. & LORENE LARUE, LONNIE & BARBARA DICKARD AND MARY RUTH WILHITE LOCATED NORTHWEST OF THE INTERSECTION OF GENE GEORGE BLVD. AND DEARING ROAD, FROM A-1 TO PUD AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning property owned by Oren Jr. & Lorene Larue, Lonnie & Barbara Dickard, and Mary Ruth Wilhite located northwest of the intersection of Gene George Blvd. and Dearing Road, from A-1 to PUD. There is an attached Planned Unit Development Plan and site plan that will be made a part of the Ordinance as set forth word for word.

Planning Commission recommended approval at their January 7, 2020 meeting.

After reading the title of the Ordinance, Council Member Evans moved the Ordinance “Do Pass”. Council Member Fulfer made the second.

The vote:

Yes: Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton, Fulfer

No: None

The Ordinance was numbered 5449.

ORDINANCE NO. 5450 – REZONING PROPERTY OWNED BY THE HENSON FAMILY TRUST LOCATED ON THE WEST SIDE OF OLD MISSOURI ROAD, APPROXIMATELY 1000 FEET NORTH OF DON TYSON PARKWAY, FROM A-1 TO C-5 AND MF-12 AND MF-16

Planning Director Patsy Christie presented an Ordinance rezoning 15 acres owned by the Henson Family Trust located on the west side of Old Missouri Road, approximately 1000 feet north of Don Tyson Parkway, from A-1 to C-5 and MF-12 and MF-16.

A public hearing was held at the January 7, 2020 Planning Commission meeting.

The two tracts on Old Missouri Road would go to C-5 and the remainder would go to MF-12 near the residential areas and then the rest to MF-16. There are 168 one, two and three bedroom units proposed. It is laid out that the total access is off Old Missouri Road and not through the subdivision.

After reading the title of the Ordinance, Council Member Jaycox moved the Ordinance “Do Pass”. Council Member Fulfer made the second.

Kathi Hudspeth, 3235 Kennesaw Street, expressed concern with the multi-family housing near her house. She feels like the city is not following their adopted Land Use Plan. She presented petitions signed by adjacent property owners opposed to the rezoning.

Bart Hudspeth, 3235 Kennesaw Street, feels like the rezoning will reduce the property values. He also asked that council not approve the emergency clause.

Robert Eicher, 850 Palisades Avenue, expressed concern with the extreme amount of traffic in the area.

After considerable discussion the vote was taken:

Yes: Evans, Williams, Watson, Fulfer, Lawson

No: Powell, Jaycox, Overton

The Ordinance was numbered 5450.

ORDINANCE NO. 5451 – REZONING 12 ACRES OWNED BY G T ELECTRIC HOUSING LLC, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF ELECTRIC AVENUE AND ORIOLE STREET DIRECTLY SOUTH OF LINDA CHILDERS KNAPP ELEMENTARY SCHOOL, FROM I-2 TO MF-12

Planning Director Patsy Christie presented an Ordinance rezoning 12 acres owned by G T Electric Housing LLC located at the northwest corner of the intersection of Electric Avenue and Oriole Street directly south of Linda Childers Knapp Elementary School, from I-2 to MF-12.

Planning Commission recommended approval at their January 7, 2020 meeting.

After reading the title of the Ordinance, Council Member Powell moved the Ordinance “Do Pass”. Council Member Jaycox made the second.

The vote:

Yes: Powell, Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans

No: None

SPRINGDALE CITY COUNCIL
JANUARY 28, 2020

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell

No: None

The Ordinance was numbered 5451.

ORDINANCE NO. 5452 – REZONING .95 ACRES OWNED BY PLEASANT STREET CHURCH OF CHRIST LOCATED BETWEEN SOUTH WEST END STREET AND SOUTH PLEASANT STREET AND APPROXIMATELY 650 FEET SOUTH OF HIGHWAY 412, FROM SF-2 TO MF-12 AND MF-16

Planning Director Patsy Christie presented an Ordinance rezoning .95 acres owned by Pleasant Street Church of Christ located between South West End Street and South Pleasant Street and approximately 650 feet south of Highway 412, from SF-2 to MF-12 and MF-16.

Planning Commission recommended approval at their January 7, 2020 meeting.

After reading the title of the Ordinance, Council Member Jaycox moved the Ordinance “Do Pass”. Council Member Fulfer made the second.

The vote:

Yes: Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox

No: None

Council Member Jaycox moved the Emergency Clause be adopted. Council Member Evans made the second.

The vote:

Yes: Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams

No: None

The Ordinance was numbered 5452.

ORDINANCE NO. 5453 – REZONING 4.57 ACRES OWNED BY J.E. DORMAN REVOCABLE TRUST LOCATED ON WESLEY AVENUE APPROXIMATELY 480 FEET SOUTH OF HIGHWAY 412, FROM C-2 TO MF-16

Planning Director Patsy Christie presented an Ordinance rezoning 4.57 acres owned by J.E. Dorman Revocable Trust located on Wesley Avenue approximately 480 feet south of Highway 412, from C-2 to MF-16.

Planning Commission recommended approval at their January 7, 2020 meeting.

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

The vote:

Yes: Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton

No: None

The Ordinance was numbered 5453.

RESOLUTION NO. 10-20 – APPROVING A CONDITIONAL USE APPEAL BY CHONG TAN FOR A USE UNIT 41 (AUTOMOBILE SALES) IN A C-2 ZONE AS SET FORTH IN ORDINANCE NO. 4030 - 2305 SOUTH THOMPSON

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Chong Tan for a Use Unit 41 (Automobile Sales) in a C-2 Zone – 2305 South Thompson.

RESOLUTION NO. ____

A RESOLUTION APPROVING A CONDITIONAL USE AT 2305 SOUTH THOMPSON AS SET FORTH IN ORDINANCE NO. 4030

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

WHEREAS, the Planning Commission held a public hearing on January 7, 2020, on a request by Chong Tan for a conditional use for a Use Unit 41 (Automobile Sales) in a General Commercial District (C-2) at 2305 S. Thompson; and

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) yes and zero (0) no recommends that a conditional use be granted to Chong Tan for a Use Unit 41 (Automobile Sales) in a General Commercial District (C-2) at 2305 S. Thompson with the following conditions – the number of vehicles for sale on the lot at one time shall not exceed fifteen (15).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Chong Tan for a Use Unit 41 (Automobile Sales) in a General Commercial District (C-2) at 2305 S. Thompson with the following conditions – the number of vehicles for sale on the lot at one time shall not exceed fifteen (15).

PASSED AND APPROVED THIS ____ DAY OF January, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Evans moved the Resolution be adopted. Council Member Jaycox made the second.

The vote:

Yes: Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson

No: None

The Resolution was numbered 10-20.

RESOLUTION NO. 11-20 – APPROVING A CONDITIONAL USE APPEAL BY MCLEOD AND SMYTH RACING LLC FOR A USE UNIT 41 (AUTOMOBILE SALES) IN A C-2 ZONE AS SET FORTH IN ORDINANCE NO. 4030 - 3885 ELM SPRINGS ROAD

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by McLeod and Smyth Racing LLC for a Use Unit 41 (Automobile Sales) in a C-2 Zone – 3885 Elm Springs Road.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE AT 3885 ELM SPRINGS ROAD AS SET FORTH IN ORDINANCE NO. 4030

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

WHEREAS, the Planning Commission held a public hearing on January 7, 2020, on a request by McLeod and Smyth Racing, LLC for a conditional use for a Use Unit 41 (Automobile Sales) in a General Commercial District (C-2) at 3885 Elm Springs Road; and

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) yes and zero (0) no recommends that a conditional use be granted to McLeod and Smyth Racing, LLC for a Use Unit 41 (Automobile Sales) in a General Commercial District (C-2) at 3885 Elm Spring Road with the following conditions – no more than four (4) vehicles for sale on the lot at one time.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to McLeod and Smyth Racing, LLC for a Use Unit 41 (Automobile Sales) in a General Commercial District (C-2) at 3885 Elm Springs Road with the following conditions – no more than four (4) vehicles for sale on the lot at one time.

PASSED AND APPROVED THIS _____ DAY OF JANUARY, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Evans moved the Resolution be adopted. Council Member Jaycox made the second.

The vote:

Yes: Evans, Powell, Jaycox, Williams, Watson, Overton, Fulfer, Lawson

No: None

The Resolution was numbered 11-20.

RESOLUTION NO. 12-20 – APPROVING A CONDITIONAL USE APPEAL BY SOON'S ALTERATIONS FOR A USE UNIT 28 (HOME OCCUPATION) IN A SF-2 ZONE AS SET FORTH IN ORDINANCE NO. 4030 - 4007 HOLT AVENUE

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Soon's Alterations for a Use Unit 28 (Home Occupation) in a SF-2 zone - 4007 Holt Avenue.

RESOLUTION NO. 12-20

A RESOLUTION APPROVING A CONDITIONAL USE AT 4007 HOLT AVENUE AS SET FORTH IN ORDINANCE NO. 4030

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

WHEREAS, the Planning Commission held a public hearing on January 7, 2020, on a request by Soon's Alterations for a conditional use for a Use Unit 28 (Home Occupation) in a Low/Medium Density Single Family Residential District (SF-2) at 4007 Holt Avenue; and

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) yes and zero (0) no recommends that a conditional use be granted to Soon's Alterations for a Use Unit 28 (Home Occupation) in a Low/Medium Density Single Family Residential District (SF-2) at 4007 Holt Avenue with the following conditions –

1. **No alteration of the outside appearance of the residential structure or provision of a separate outside entrance for the business areas of the residential structure.**
2. **No outside storage of materials required for the operation of the business.**
3. **Operated only by the resident members of the household and shall not have any employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premises.**
4. **Requires the use of an area no greater than thirty (30) percent of the total heated living space of the residential structure.**
5. **Generates no traffic, parking, and sewage or water use in excess of what is normal in the residential neighborhood.**

6. Will not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.
7. Will not involve accessory buildings.
8. Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Soon's Alterations for a Use Unit 28 (Home Occupation) in a Low/Medium Density Single Family Residential District (SF-2) at 4007 Holt Avenue with the following conditions –

1. No alteration of the outside appearance of the residential structure or provision of a separate outside entrance for the business areas of the residential structure.
2. No outside storage of materials required for the operation of the business.
3. Operated only by the resident members of the household and shall not have any employees, concessionaires or any other form of operator or helper whether such business is conducted on the premises or off the premises.
4. Requires the use of an area no greater than thirty (30) percent of the total heated living space of the residential structure.
5. Generates no traffic, parking, and sewage or water use in excess of what is normal in the residential neighborhood.
6. Will not produce any fumes, odors, noise or any other offensive effects that are not normal to residential activity.
7. Will not involve accessory buildings.
8. Stock in trade shall not exceed ten (10) percent of the floor area of the accessory use.

PASSED AND APPROVED THIS ____ DAY OF JANUARY, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Council Member Jaycox moved the Resolution be adopted. Council Member Evans made the second.

The vote:

Yes: Powell, Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans

No: None

The Resolution was numbered 12-20.

RESOLUTION NO. 13-20 – AMENDING SECTION 3.5 (ANTI-BULLYING) OF THE PERSONNEL AND PROCEDURES MANUAL FOR THE CITY OF SPRINGDALE, ARKANSAS

Council Member Kathy Jaycox presented a Resolution amending Section 3.5 (Anti-Bullying) of the Personnel and Procedures Manual for the City of Springdale, Arkansas.

RESOLUTION NO. _____

A RESOLUTION AMENDING SECTION 3.5 OF THE PERSONNEL AND PROCEDURES MANUAL FOR THE CITY OF SPRINGDALE, ARKANSAS

WHEREAS, Section 3.5 of the Personnel and Procedures Manual for the City of Springdale, Arkansas, contains the guidelines for appropriate conduct by City employees;

WHEREAS, the guidelines on appropriate conduct by City employees needs to be amended to specifically address and include an anti-bullying policy for City employees;

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

Section 1: Section 3.5 of the Personnel and Procedures Manual for the City of Springdale, Arkansas is hereby amended to add a new subsection, known as Section 3.5(C), to read as follows:

C. Anti-Bullying:

The purpose of this policy is to communicate all employees, including supervisors, managers and executives, that the City of Springdale will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

1. The City of Springdale defines bullying as repeated, health-harming mistreatment of one or more people by one or more perpetrators. Such behavior violates the City of Springdale's standards of conduct/employment policies which clearly state that all employees will be treated with dignity and respect. It is abusive conduct that includes:
 - a. Threatening, humiliating or intimidating behaviors;
 - b. Work interference/sabotage that prevents work from getting done;
 - c. Verbal abuse;
2. The City of Springdale considers the following types of behavior examples of bullying:
 - a. **Verbal bullying:** Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks;

- b. **Electronic bullying:** Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks via text, email, social media, or any other electronic means of communication;
- c. **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property;
- d. **Gesture bullying:** Nonverbal gestures that can convey threatening messages;
- e. **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

Individuals who feel they have experienced bullying should report this to their supervisor or to Human Resources before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to allow the City of Springdale to take appropriate action.

Section 2: All other provisions of Section 3.5 of the Personnel and Procedures Manual for the City of Springdale, Arkansas, not specifically modified herein shall remain in full force and effect.

PASSED AND APPROVED this ____ day of January, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Evans moved the Resolution be adopted. Council Member Jaycox made the second.

The vote:

Yes: Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell

No: None

The Resolution was numbered 13-20.

ORDINANCE NO. 5454 – AMENDING CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, REGARDING CITY PARKS AND PARK PROPERTIES

Council Member Mike Overton presented an Ordinance amending Chapter 78 of the Code of Ordinances of the City of Springdale, regarding city parks and park properties.

Section 78-47 of the Code of Ordinances of the City of Springdale, Arkansas, contains the regulations pertaining to bringing or consuming alcoholic beverages into a City park or park properties in the City of Springdale.

The City wishes to allow the possession or consumption of alcoholic beverages at certain designated events held in Walter Turnbow Park and approved by the City Public Events Advisory Committee. This is the only park that it would be allowed in.

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

The vote:

Yes: Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox

No: None

Council Member Jaycox moved the Emergency Clause be adopted. Council Member Evans made the second.

The vote:

Yes: Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams

No: None

The Ordinance was numbered 5454.

RESOLUTION NO. 14-20 – AUTHORIZING THE EXECUTION OF A CONSTRUCTION MANAGER CONTRACT WITH MILESTONE CONSTRUCTION COMPANY LLC FOR ROAD IMPROVEMENTS (PROJECT #18BS10)

Council Member Rick Evans presented a Resolution authorizing the execution of a construction manager contract with Milestone Construction Company LLC for road improvements to Spring Street between Johnson Avenue and Huntsville Avenue, Project #18BS10.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSTRUCTION MANAGER CONTRACT FOR ROAD IMPROVEMENTS - PROJECT #18BS10

WHEREAS, Arkansas Statute 19-11-801 provides for the employment of a construction manager for public improvement projects, and

WHEREAS, the City of Springdale is planning to make improvements to Spring Street between Johnson Ave. and Huntsville Ave. that will also include parking areas, and

WHEREAS, there would be several opportunities for costs savings if the road improvements and the construction of the park were handled by the same construction manager, and

WHEREAS, the coordination of this project with the construction of the Springdale Municipal Campus project is critical to the efficient and timely completion of both projects, and

WHEREAS, Milestone Construction Company, LLC has agreed to furnish these services for a fee of \$5,000 for preconstruction services and a fee of 4.75% of the cost of the work for construction services.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute a contract for construction manager services with Milestone Construction Company, LLC for services to be provided relating to improvements to Spring Street and the related parking areas.

PASSED AND APPROVED this ____ day of January, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Jaycox moved the Resolution be adopted. Council Member Powell made the second.

The vote:

Yes: Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson

No: None

The Resolution was numbered 14-20.

RESOLUTION NO. 15-20 – AUTHORIZING THE CONVEYANCE OF LAND OWNED BY THE CITY OF SPRINGDALE TO JHT, LLC, IN EXCHANGE FOR THE DEDICATION OF LAND FOR A PUBLIC STREET

Council Member Rick Evans presented a Resolution authorizing the conveyance of land owned by the City of Springdale to JHT, LLC, in exchange for the dedication of land for a public street.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CONVEYANCE OF LAND OWNED BY THE CITY OF SPRINGDALE TO JHT, LLC, IN EXCHANGE FOR THE DEDICATION OF LAND FOR A PUBLIC STREET.

WHEREAS, the City of Springdale owns the following real property located in the City of Springdale, Arkansas, said land being more particularly described as follows ("the City Property"), and as shown on the attached Exhibit "A":

Tract 1 - Washington County Tax Parcel No. 815-29107-381

Part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 17 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Commencing at the Cotton Picker Spindle found at the West Sixteenth Corner of Section 9 and 16; thence along the West line of said Southeast Quarter of the Southwest Quarter,

North 2°23'27" East a distance of 320.16 feet to the POINT OF BEGINNING; thence continuing North 2°23'27" East a distance of 73.82 feet to the Northern Right of Way of Don Tyson Parkway as established by AHTD Job 040527; thence along the Northern Right of Way, South 38°32'57" East a distance of 97.87 feet; thence North 87°30'26" West a distance of 64.13 feet to the POINT OF BEGINNING, and containing 0.05 acres (2,367 square feet) more or less as shown on AHTD plans referenced as Job 040527.

Tract 2 – Washington County Tax Parcel No. 815-29107-422

Part of the South Half of the Southwest Quarter of Section 9, Township 17 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Commencing at a Cotton Picker Spindle found at the West Sixteenth Corner of Section 9 and 16; thence along the West line of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 9, North 2°23'27" East a distance of 243.73 feet to the Southern Right of Way of the Don Tyson Access Road as established by AHTD Job 040527 and the POINT OF BEGINNING, thence along said Southern Right of Way, South 42°26'05" West a distance of 19.87 feet; thence North 3°19'21" East a distance of 91.67 feet; thence South 87°30'26" East a distance of 75.42 feet to the Southern Right of Way of the Don Tyson Access Road as established by AHTD Job 040527; thence along said Southern Right of Way, South 42°26'05" West a distance of 99.68 feet to the POINT OF BEGINNING, and containing 0.08 acres (3,457 square feet) more or less as shown on AHTD plans referenced as job 040527.

WHEREAS, JHT, LLC, wishes to acquire the City Property from the City of Springdale;

WHEREAS, JHT, LLC, in exchange for the City Property, would transfer the following property to the City of Springdale, to be dedicated as a public street ("the JHT Property"), and has shown on the attached Exhibit "B":

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 9, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SW 1/4 OF THE SW 1/4 OF SAID SECTION 9; THENCE S02°23'29"W 858.32 FEET TO THE POINT OF BEGINNING; THENCE S02°23'29"W 68.61 FEET TO THE NORTH RIGHT-OF-WAY OF DON TYSON PARKWAY AS PER DOCUMENT 2014-00027648; THENCE ALONG SAID NORTH RIGHT-OF-WAY S02°23'29"W 7.97 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY S85°19'58"W 206.09 FEET; THENCE 103.82 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 72.00 FEET AND A LONG CHORD OF S44°01'30"W 95.05 FEET; THENCE S02°43'02"W 158.14 FEET; THENCE N86°33'22"W 76.01 FEET; THENCE N02°43'02"E 157.17 FEET; THENCE 213.40 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 148.00 FEET AND A LONG CHORD OF N44°01'30"E 195.39 FEET; THENCE N85°19'58"E 215.50 FEET TO THE POINT OF BEGINNING, CONTAINING 0.92 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

WHEREAS, Ark. Code Ann. §14-54-302 empowers and authorizes municipalities to convey real property it owns, subject to approval by the City Council;

WHEREAS, the exchange of property described herein would be in the best interests of the public, and would further enhance the development potential of the property in the vicinity;

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, are hereby authorized to execute all documents necessary to effect the conveyance of the City Property to JHT, LLC, in exchange for the JHT Property, to be dedicated as a public street.

PASSED AND APPROVED this ____ day of January, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

Council Member Jaycox moved the Resolution be adopted. Council Member Powell made the second.

The vote:

Yes: Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton

No: None

The Resolution was numbered 15-20.

RESOLUTION NO. 16-20 – AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT WITH TRI STAR CONTRACTORS FOR THE EXTENSION OF FORD AVENUE – PROJECT #18BPS6

Council Member Rick Evans presented a Resolution authorizing the execution of a construction contract with Tri Star Contractors for the extension of Ford Avenue, Project #18BPS6.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT FOR THE EXTENSION OF FORD AVENUE - PROJECT #18BPS6

WHEREAS, sealed bids were received for the extension of Ford Avenue, and

WHEREAS, Tri Star Contractors was the low bidder for this project at \$4,817,015.87

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

Section 1. The Mayor and City Clerk are hereby authorized to execute a contract with Tri Star Contractors for construction of an extension of Ford Avenue for \$4,817,015.87.

Section 2. The Mayor is authorized to approve construction change orders as long as the cumulative total of the change orders does not exceed 10% of the original contract price.

PASSED AND APPROVED this ____ day of January, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Jaycox moved the Resolution be adopted. Council Member Powell made the second.

The vote:

Yes: Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton, Fulfer

No: None

The Resolution was numbered 16-20.

RESOLUTION NO. 17-20 – AUTHORIZING THE EXPENDITURE FROM THE COURT AUTOMATION FUND FOR TECHNOLOGY RELATED EXPENSES FOR THE SPRINGDALE DEPARTMENT OF THE WASHINGTON COUNTY DISTRICT COURT

Council Member Jeff Watson presented a Resolution authorizing the expenditure from the Court Automation Fund for technology related expenses for the Springdale Department of the Washington County District Court.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING AN EXPENDITURE FROM THE COURT AUTOMATION FUND FOR TECHNOLOGY RELATED EXPENSES FOR THE SPRINGDALE DEPARTMENT OF THE WASHINGTON COUNTY DISTRICT COURT

WHEREAS, under Ark. Code Ann. Section 16-13-704(b)(3)(D)(i), expenditures from the district court automation fund shall be approved by a district judge and shall be authorized and paid under state laws governing the appropriation and payment of county or municipal expenditures by the governing body that contributes to the expense of the district court;

WHEREAS, under Ark. Code Ann. Section 16-13-704(b)(3)(D)(ii), the expenditures from the district court's automation fund may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies;

WHEREAS, the Springdale Police Department has recommended to the Springdale Court that certain bullet resistant metal be purchased and installed in the screening area of the entrance into the Court;

WHEREAS, the metal desired to be purchased is technologically constructed to provide extra protection from gun fire (bullet resistant metal) and this bullet resistant metal can be moved into the new court building when constructed;

WHEREAS, the Court has the necessary funds in its court automation fund to pay for cost and installation of the bullet resistant metal, and the cost will not exceed \$2,000 (see quotes from Boyd Metals and Mayo Custom Metal Fabrication, Inc. incorporated herein by reference);

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE that the Springdale Court (Springdale Department of Washington County District Court) is authorized to purchase and install certain bullet resistant metal at a total cost not to exceed \$2,000.00,

PASSED AND APPROVED this ____ day of January, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Council Member Evans moved the Resolution be adopted. Council Member Jaycox made the second.

The vote:

Yes: Evans, Powell, Jaycox, Williams, Watson, Overton, Fulfer, Lawson

No: None

The Resolution was numbered 17-20.

ORDINANCE NO. 5455 – AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH THE DOWNTOWN SPRINGDALE ALLIANCE TO PROMOTE, PRESERVE AND ENHANCE DOWNTOWN SPRINGDALE, AND TO FACILITATE THE IMPLEMENTATION OF THE DOWNTOWN MASTER PLAN; TO WAIVE COMPETITIVE BIDDING AND FOR OTHER PURPOSES

Council Member Jeff Watson presented an Ordinance authorizing the Mayor and City Clerk to enter into a contract with the Downtown Springdale Alliance to promote, preserve and enhance Downtown Springdale, and to facilitate the implementation of the Downtown Master Plan; to waive competitive bidding and for other purposes.

Jill Dabbs, Director of Downtown Springdale Alliance, presented a report showing the estimation of time and expenses relating to DSA and the City of Springdale contract for services in 2019. She also reported there were more than 30 downtown events, approved by the Public Events Committee, bringing a total estimated attendance of 30,000 people to downtown in 2019.

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

The vote:

Yes: Powell, Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell

No: None

The Ordinance was numbered 5455.

ORDINANCE NO. 5456 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on the following properties located within the City of Springdale, Washington County, Arkansas:

1500 Carlton St. (Parcel # 815-20570-000)
804 Virginia St. (Parcel #815-23657-000)

After reading the title of the Ordinance, Council Member Evans moved the Ordinance “Do Pass”. Council Member Lawson made the second.

The vote:

Yes: Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox

No: None

Council Member Jaycox moved the Emergency Clause be adopted. Council Member Evans made the second.

The vote:

Yes: Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams

No: None

The Ordinance was numbered 5456.

REPORT ON ECONOMIC DEVELOPMENT

Scott Edmondson, Director of Business Development with the Springdale Chamber of Commerce, gave a 4th Quarter 2019 report on economic development in the City of Springdale. (Report on file in City Clerk's Office)

RECOGNITION OF VIVI HANEY FORMER PLANNING COMMISSIONER

Council Member Brian Powell thanked Vivi Haney who served on the Springdale Planning Commission for 10 years.

SPRINGDALE CITY COUNCIL
JANUARY 28, 2020

ADJOURNMENT

Council Member Jaycox made the motion to adjourn. Council Member Evans made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 7:39 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

**Springdale Public Facilities Board
Cash Balances
Accounts/Loan Receivables & Payable History
2019**

<u>Account</u>	<u>Balance</u>
First Security Bank Checking Account #9638729	\$ 56,146.72
First Security Bank Money Market Account #21058512	\$ 357,936.66
Chambers Bank Money Market Account #6485506	\$ 251,161.63
Chambers Bank Bond Payment Account #6485522	\$ 3,071.46
CD-Legacy Bank #30105795	\$ 342,276.04
CD-Legacy Bank #30079750	\$ 64,550.66
Total Deposits as of 12-31-19	\$ 1,075,143.17

ACCOUNTS RECEIVABLE

Land Lease to Arlis Williamson (Kendrick property) \$2,000.00 annually

ACCOUNTS PAYABLE

Chambers Bank-Bond Debt	Payoff (12-31-2019):	\$ 625,640.16
Next Payment Due: June 30, 2020 (Interest Only Payments)	Principal Balance:	\$ 625,575.00

03/28/2019 Principal Payment 1/2 Pro-Fab Land Sale Proceeds	\$74,425.00
06/26/2019 Chambers Bank Interest Payment on Loan	\$12,542.10
12/12/2019 Chambers Bank Interest Payment on Loan	\$11,925.02

**Springdale Public Facilities Board
Cash Balances
December 31, 2019**

<u>Account</u>	<u>Balance</u>
First Security Bank Checking Account #9638729	\$ 56,146.72
First Security Bank Money Market Account #21058512	\$ 357,936.66
Chambers Bank Money Market Account #6485506	\$ 251,161.63
Chambers Bank Bond Payment Account #6485522	\$ 3,071.46
CD-Legacy Bank #30105795	\$ 342,276.04
CD-Legacy Bank #30079750	\$ 64,550.66
Total Deposits as of 12-31-19	\$ 1,075,143.17

Real Estate Holdings

Kendrick Ave. North	65.32 acres	
Kendrick Ave. South	17.49 acres	
Total		82.81 acres
Mountain Road-North to Hwy. 265	20.00 acres	
	9.50 acres	
	8.52 acres	
	3.00 acres	
	2.95 acres	
	1.35 acres	
Total		45.32 acres
Technology Park-Huntsville Ave/Emma Ave.		9.00 acres
Turnbow Avenue	Lot 3 2.29 acres	
	Lot 6 2.29 acres	
	Lot 8 2.74 acres	
	Lot 10 2.10 acres	
	Lot 16 2.33 acres	
	Lot 17 2.82 acres	
	Lot 18 2.36 acres	
	Lot 20 2.37 acres	
Total		19.30 acres
East of Jefferson Street (near Brunner & Lay)	.49 acres	
West of Jefferson Street (near former Cargill Feed Mill)	.53 acres	
East Huntsville Ave (North side curve from UPS)	1.26 acres	
Mountain Road (North side corner near Woodcliff Rd)	1.78 acres	
Mountain Road/Monitor Road (SW Corner)	8.00 acres	
Total		12.06 acres
Total Acreage		168.49 acres

2019 Land Sales:

March 2019: Sold Lot 5 on Turnbow Avenue. 2.29 acres @ \$65,000 per acre (\$148,850.00)

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN APPLICATION FOR
A TAXICAB OPERATOR PERMIT FILED BY STEWART
"STU" LARRABEE ON BEHALF OF FAYETTEVILLE
TAXI, LLC.**

WHEREAS, the City of Springdale has received an application for a taxicab operator permit filed by Stewart "Stu" Larrabee on behalf of Fayetteville Taxi, LLC.;

WHEREAS, Section 122-27 of the Code of Ordinances for the City of Springdale, Arkansas, provides that no taxicab operator permit shall issue unless and until the City Council shall certify a need for the additional service to be rendered by the applicant(s);

WHEREAS, after public hearings and public comment on the issue of public transportation within the City of Springdale, and after the Public Vehicle Commission for the City of Springdale met and recommended the Springdale City Council find that need exists for additional taxicab service in the City of Springdale, the Springdale City Council certified a need for additional taxicab services in the City of Springdale; and

WHEREAS, pursuant to Section 122-27 of the Code of Ordinances for the City of Springdale, the Springdale City Council conducted a hearing on the application for a taxicab operator permit filed by Stewart "Stu" Larrabee of Fayetteville Taxi, LLC.;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that a need for additional taxicab service exists in the City of Springdale, Arkansas, and the application for a taxicab operator permit filed by Stewart "Stu" Larrabee of Fayetteville Taxi, LLC. is hereby approved, and such permit shall issue at such time as the applicant complies with all requirements and provisions of Chapter 122 of the Code of Ordinances for the City of Springdale, Arkansas.

PASSED AND APPROVED this ____ day of _____, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

CITY OF SPRINGDALE
APPLICATION FOR TAXICAB OPERATOR PERMIT
CITY OF SPRINGDALE, ARKANSAS

Name of Applicant: STEWART "STU" LARRABEE
Address: 2556 W. MT. COMFORT RD #10, FAYETTEVILLE, AR, 72704
Name of Company: FAYETTEVILLE TAXI LLC
Business Phone No.: 479-444-8294 (TAXI) Home Phone No.: 954-829-7961
Number of taxicabs to be operated: 10 Color Scheme to be used by taxicab company: STRIPES OF RED & WHITE CHECKERS
(Company insuring taxicabs: SEE ATTACHED & ON FILE W/ SGT. BELL
(Name) SPD
(Address)
(Agent's Name) (Phone No.)

Insurance policy must be attached to application.

(I) (We), the undersigned taxicab operator permit applicant(s), agree to abide by all laws and regulations now in force and/or enacted or promulgated in the future relating to the conduct of the taxicab business in the City of Springdale, Arkansas, and further acknowledge receipt of Ordinance 2722, 2893 and agree to abide by all terms and conditions set out in the Ordinance.

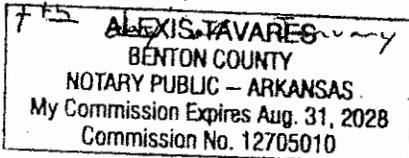
(I) (We) further agree, if granted a permit, (I) (we) will name the City of Springdale as an insured on a policy of insurance which meets the requirements set out by the taxicab ordinance of the City of Springdale, Arkansas, and agree to notify the City, and have the insurance carrier notify the City, upon cancellation or lapse of the insurance policy. (I) (We) further understand that (I) (we) are to keep a current policy of insurance in effect and on file with the administrator insuring all taxicabs that are operated during the term of this permit.

State of Arkansas

County of Benton

Subscribed and sworn to before me

on this 17th day of January 2020.



[Handwritten Signature]

(Signature)

Date: 01-17-2020

On back of this application, list the make, model, type and ownership of each taxicab or taxicabs to be used.

APPLICATION APPROVED: _____

(Public Vehicle Commission Chairman)

Date Approved: _____

CURRENT LIST OF TAXICABS

2X LINCOLN TOWN CARS - OWNED BY CORP.
IN SERVICE

1X LINCOLN TOWN CAR - OWNED BY S.L.
STANDBY

JUST PURCHASED LIST OF TAXICABS

2X FORD CROWN-VICS - OWNED BY S.L.
(BEING OUTFITTED TO A TAXICAB)

NOTE: TENTATIVE SPRINGDALE ADDRESS:

1010 HOLCOMB ST.

WILL ENTER INTO ~~THE~~ LEASE, AS NEEDED,
AFTER CITY APPROVALS, BUT BEFORE

OPERATIONS BEGIN, AND/OR AS AGREED UPON.



CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER, ITS REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS Awaired, the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not constitute an endorsement in lieu of such endorsement(s).

PRODUCER Stacey Carlson Insurance, PLLC 1700 W Industrial Drive, Ste G Rogers, AR 72756	CONTACT NAME: Stacey Carlson PHONE (A/C No. Ext): (479) 717-7444 FAX (A/C): E-MAIL ADDRESS: stacey@scarlsonins.com
INSURER(S) AFFORDING COVERAGE	
INSURER A: The Burlington Insurance Company	
INSURER B: Progressive Casualty Insurance Company	
INSURER C: Wellfleet New York Insurance Company	
INSURER D:	
INSURER E:	
INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE PURPOSES INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH REFERENCE TO THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO THE EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			5826007572	09/20/2019	09/20/2020	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP A
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			08576923-1	02/28/2019	02/28/2020	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per pers) BODILY INJURY (Per accid) PROPERTY DAMAGE (Per accident) Personal Injury Prot.
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>						EACH OCCURRENCE AGGREGATE
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICE/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A <input type="checkbox"/>	ARX10151400	09/24/2019	09/24/2020	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLO E.L. DISEASE - POLICY LIM
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)							

Sec. 122-27. - Authority of administrator; taxicab permit; prerequisites; taxicab driver's permit; general prohibition.

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

Authority of the public vehicle commission. (a)

(1)
The public vehicle commission shall meet on the call of the chairman or of two members thereof, or at the request of the administrator, at such times as may be necessary to transact its business. The public vehicle commission shall recommend rates, which must be adopted by the city council.

(2)
The public vehicle commission shall promulgate rules and regulations to govern the taxicab business, which shall deal with, but shall not be limited to the operation and maintenance of taxicabs, safety equipment, the keeping of a manifest, the providing of services, the loading and the unloading of passengers, and the holding of hearings.

Authority of the administrator. (b)

(1)
The administrator shall be responsible for enforcing the provisions of this ordinance applying to taxicabs, as well as the rules and regulations promulgated by the public vehicle commission.

(2)
The administrator shall also make recommendations to the public vehicle commission concerning the regulations set out in this article.

Taxicab operator permit/shuttle service permit. (c)

(1)
Required. No permit to operate a taxicab in the city shall be issued unless and until the Springdale City Council shall certify the public need for taxicab service requires the additional service to be rendered by the applicant. Before the city council decides this issue, the public vehicle commission shall meet and consider the issue and make a recommendation to the Springdale City Council. In deciding whether a permit shall be issued, the council shall consider the criteria set out in [section [122-27](#)](d)(13) of this article. No certificate shall be required for the renewal of any operators license.

(2)
No person shall operate or permit a taxicab owned, leased, or controlled by them to be operated in the city without having first obtained a taxicab operator permit, if such a permit is required under the provisions of this article, as amended. Further, the taxicab operator permit shall be renewable under the provisions of this article.

(3)
No person not licensed under this article shall display a sign on a motor vehicle reading "taxi", "taxicab", or anything of the same meaning for the purpose of soliciting passengers for hire in the city.

(4)

Application. No later than ten days after receipt of a completed application for a taxicab operator permit, the administrator shall notify the applicant in writing of the date that the public vehicle commission will meet to make a recommendation on the application. At the next regularly scheduled meeting of the Springdale City Council following this meeting of the public vehicle commission, a hearing will be conducted on the application in front of the Springdale City Council. The city shall cause to be given to each and every taxicab operator in the city a due and reasonable notice in writing of the date and time of this hearing. The hearing shall be conducted by the city council for all persons interested in or affected by the application.

(5)

Shuttle services are not required to have a taxicab operator's permit so long as they have a valid shuttle service permit. In addition to this permit, shuttle services must also obtain the following licenses from the Springdale City Clerk:

a.

A shuttle service license (issued annually). In obtaining such license, the shuttle service operator shall present proof of their shuttle service permit. If at any time after the shuttle service license is issued by the city clerk, the shuttle service permit is revoked or suspended, or not renewed for any reason by the Northwest Arkansas Regional Airport Authority, then such shuttle service permit issued by the city clerk shall be canceled. Shuttle service operators are not subject to the taxicab rates set out in this article, nor any other restrictions set out in this article, except those specifically set out in [section 122-27\(c\)\(5\)](#).

(d)

General provisions. Before any taxicab operator permit may be issued, the applicant shall satisfy the following conditions:

(1)

Every operator shall agree to abide by all laws and regulations now in force and/or enacted or promulgated in the future relating to the conduct of the taxicab business in the city.

(2)

Every operator shall maintain a fixed place of business and every operator shall maintain an office open and staffed for a minimum of eight hours a day, five days a week. Every operator shall have a telephone number in the name of the business, which is published in the local directory, and accessible through directory assistance.

(3)

Every operator shall agree to notify the administrator immediately upon change of business address.

(4)

Every operator shall provide for each taxicab a communication system to be approved by the administrator and comply with FCC regulations.

(5)

Every taxicab operator shall maintain a dispatch system in operation 24 hours each day, capable of providing reasonably prompt service in response to requests received by telephone. The dispatch system shall be approved by the administrator and comply with FCC regulations. Two-way radios are the preferred system. CB radios will not be used as the source of communication between the operator's place of business and the taxicab picking up passengers.

(6)

Every operator providing taxicab service in the city shall at all times meet all safety standards required by state and federal law and minimum requirements established by the rules and regulations. All taxicabs must be in mechanically safe condition and must be equipped with basic equipment that ensures the safety and well being of the passengers. This includes, but is not limited to: operating air conditioning and heating systems, functional seat belts, non-cracked window glass, and exhaust system. Seats, floor coverings, and headliners shall be clean, sanitary, and free of visually unappealing, shabby, or torn areas.

(7)

No operator shall permit a taxicab to be operated in the city until it has been inspected and approved by the administrator. The administrator shall authorize the police department to perform an inspection on each taxicab before an operator permit is issued and an annual inspection every year thereafter to ensure compliance to all federal, state, and local rules and regulations. The administrator is authorized to make spot inspections of such taxicabs. If any taxicab operator in the city does not comply with the provisions of this article and established rules and regulations, a hearing will be called in front of the public vehicle commission to determine if the taxicab operator permit should be suspended or revoked.

(8)

Inspections. The operator shall inspect taxicabs on a daily basis for compliance with all pertinent provisions of this article and rules and regulations promulgated hereunder.

(9)

Insurance. Before any taxicab operator permit is issued, the applicant shall file with the administrator a copy of a policy of insurance issued by some good and solvent corporate insurer licensed to do business in the State of Arkansas covering separately, or on a schedule attached to such policy, each taxicab to be operated under the direction of such applicant. The policy must insure payment in accordance with the provisions thereof to any person, except employees of the applicant, for personal injuries to such person and for any damage to property, except property owned, rented to leased to, in charge of, or transported by the operator other than baggage of passengers, caused by the operation of such taxicab. The policy must be for the minimum amounts required under Arkansas law, which are currently \$25,000.00 for the injury or death of any one person and subject to that limit for each person up to \$50,000.00 for each accident; and for damage to property, \$15,000.00 for each accident. The city shall be listed as an additional insured on the policy, and is to receive notice from the insurance company of lapse or cancellation of such policy. Upon lapse or cancellation of such policy, the taxicab operator permit granted to the operator shall be suspended as of the day the operator's insurance ceases to be in effect: it will thereafter be unlawful for such operator to operate any taxicab in the city.

(10)

Identification. The administrator shall allocate a sequence of numbers to each operator for the purpose of identifying all taxicabs. From that sequence an operator shall allocate a number for each of its taxicabs. This number shall be at least three inches in height; letters of the operator's name shall also be at least three inches in height. Both the number and name of the operator shall be permanently affixed to the taxicab in contrasting colors. The color scheme shall be approved by the administrator.

(11)

Transfer of taxicab operator permit. No taxicab operator permit granted under this article may be sold, assigned, transferred, leased or mortgaged without the approval of the public vehicle commission.

(12)

Application and fees. Application for a taxicab operator's permit shall be made on forms provided by the Springdale City Clerk and such application shall be verified by oath and shall set forth the facts showing the qualifications of the applicant to render taxicab service within the City of Springdale, together with the facts the applicant considers justified and required in rendering to the public taxicab service. The application shall contain information as required and it shall be accompanied by an annual fee of \$100.00 base charge plus an annual \$10.00 charge per taxicab.

(13)

Criteria. At the hearing on an application, such factors as the following shall be taken into consideration:

- a. Financial responsibility of applicant;
- b. Moral character;
- c. Number of vehicles to be operated;
- d. Make, model, type and ownership of taxicab or taxicabs to be used;
- e. Color scheme to be used;
- f. Effect of additional taxicabs upon traffic congestion, vehicular and pedestrian alike;
- g. Whether taxes have been paid when due;
- h. Whether the applicant proposes to own, rent or lease some other taxicabs to be used in operating such service;
- i. Total number of taxicabs in operation;
- j. Whether the requirements of public convenience and necessity can be met and complied with only by the issuance of additional permits;
- k. The resulting effect upon the business of existing permit holders and upon existing agencies of mass transportation in the city;
- l. Whether the applicant will operate and continue to operate during the time that the taxicab operator permit shall remain in effect.

(e)

Renewal or change in terms of taxicab operator permit.

(1)

Taxicab operators shall apply for renewal of their permits at least 60 days before expiration of their permits and the taxicab permits shall all expire on December 31 every three years. All permits issued shall expire on the same date, and any permit issued pursuant to this ordinance shall first expire at 11:59 p.m. on December 31, 1999.

(2)

A holder desiring a change in the terms or conditions of the permit must file with the administrator at least 60 days before the permit expires a written request stating reasons for the requested changes.

(3)

If the administrator determines that a denial of an operator permit, renewal or material change in the terms or conditions of the permit is required, or if a holder requests a material change in the terms or conditions of the permit, the administrator shall submit for consideration to the public vehicle commission a written report containing his recommendations. Upon action being taken by the public vehicle commission, the administrator shall issue a denial of permit renewal or renew the permit as directed by the public vehicle commission.

(4)

If the permit expires through no fault of the holder before a ruling on the approval or denial of the renewal, the holder may continue to operate the taxicab service pending a final decision. The holder shall cease operation of the taxicab service immediately upon denial of the request for renewal by the public vehicle commission.

(f)

Taxicab driver's permit.

(1)

Required. No person shall operate a taxicab for hire in the city and no person who owns or controls a taxicab shall permit it to be so operated at any time for hire, unless the driver of said taxicab shall have first obtained and shall then have in force a taxicab driver's permit issued under the provisions of this chapter.

(2)

Qualifications. No taxicab driver's permit shall be granted unless the applicant has the required Arkansas license for transporting passengers, and the applicant has no active suspension on his or her driving privileges in any state. Further, no permit shall be issued if the applicant has been convicted of a felony in the past five years. Further, no permit shall be issued if the felony conviction was for a sexual offense, an offense involving drugs, or the use of a firearm in the commission of the offense, or if it was a violent felony, regardless of when the felony occurred (there is no five-year limitation for this type [of] felony crime).

(3)

Application. Any person desiring a taxicab driver's permit shall, under oath, apply in writing to the administrator. The form of such application shall be developed by the administrator and shall include, but not be limited to, the age, name and address of the applicant. The police department shall also have the authority to require additional documentation, as needed, to process the application.

a.

Fee. A fee of \$5.00 shall be paid to the city at the time the original application is filed, and an annual fee of \$5.00 shall be assessed each year for renewal of the permit.

b.

[Reserved.]

c.

When the application is approved, the taxicab driver's permit shall be issued in card form designed by the administrator. The photograph of the driver shall be attached to the card. Each driver will be given a taxicab drivers permit number which will be on such permit. This card shall be posted in a prominent place in the taxicab as prescribed by the administrator and shall be shown to any passenger, police officer, or to the administrator upon request. Only one driver's permit shall be posted in a taxicab at any time.

d.

Acknowledgment of application. The applicant shall acknowledge with any application that he or she understands that the taxicab driver's permit, if granted, will be for a specific period of time not to exceed one year, and an annual fee will then be charged for renewal of the permit. The applicant shall also acknowledge that it is his or her obligation to notify the administrator any time the drivers driving privileges are suspended, or the driver is convicted for driving while intoxicated or actual control of a motor vehicle while intoxicated.

(4)

Investigation. Each applicant shall be given an Arkansas State Police background check form which they will complete and forward to the Arkansas State Police, Records Section, with required fee. Each applicant shall obtain a driver's license history report from the department of finance and administration and pay any resulting fee. Upon return of the record check and driver's history report, the applicant will deliver it to the administrator for completion of the background investigation. The administrator shall forward all applications to the Springdale Police Department, Records Section, for a city criminal record check and traffic record. The police department shall return the application with the criminal record check and traffic record to the administrator. The administrator may develop rules and regulations with respect to the investigation and issuance of a taxicab driver's permit, but no driver's permit shall be issued if the applicant has a suspended or revoked driver's license in any state. Renewal of permit shall require a yearly driver's history report to be submitted and an Arkansas State Police background check performed on a bi-annual basis.

(5)

Duplicate driver's permit. Upon presentation of convincing evidence that a taxicab driver's permit has been lost or destroyed and payment of a replacement fee of \$2.50 the administrator shall issue a duplicate driver's permit.

(6)

Penalty for DWI. Suspension of taxicab driver's permits shall be for three years for the conviction of driving while intoxicated.

(7)

Smoking prohibited. No taxicab driver or other employee of the taxicab company shall smoke in the taxicab while passengers are present.

(9)

Use of scanner prohibited; monitoring of other operators' calls prohibited. The use of scanners and the monitoring of other operators' calls is hereby prohibited.

(h)

Emergency suspension; grounds for suspension or revocation of permit. The administrator has the power to suspend a taxicab operator permit or a taxicab driver's permit in the case of an emergency. The administrator also has the power to seek an injunction in the event of such emergency. The administrator shall hold hearings and make recommendations to the public vehicle commission concerning suspension or revocation of operators' and drivers' permits. Such action may be taken for, but shall not be limited to, violation of rules and regulations as developed by the administrator, violation of this article, the criminal laws of the State of Arkansas, or the laws of the United States.

(i)

Hearings. If a taxicab operator or driver feels aggrieved by any action taken by the administrator, such person can appeal the decision of the administrator to the public vehicle commission. If any taxicab operator or driver feels aggrieved by any decision by the public vehicle commission, such person may take an appeal to the city council for the city. If there is an appeal from the administrator's decision to the public vehicle commission, such appeal will be heard within ten days after the public vehicle commission is notified that a hearing is requested. If an appeal is taken to the city council, the council shall set a hearing on the appeal within 21 days after the city clerk is notified of such appeal request.

(Ord. No. 2722, § A, 3-11-97; Ord. No. 2885, § 1, 1-26-99; Ord. No. 2893, §§ B—1, 2-23-99; Ord. No. 2927, §§ B, C, 8-24-99; Ord. No. 4061, § 1, 6-12-07; Ord. No. 4577, 3-27-12)

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING PAYMENT OF AN
INVOICE
PROJECT NO. 18BPC1**

WHEREAS, Springdale municipal code sec. 2-158 requires approval of the governing body before paying any bill that exceeds \$1,000,000 , and

WHEREAS, the City of Springdale has contracted with Milestone Construction Company, LLC to construct/renovate the Springdale Municipal Campus, and

WHEREAS, The City has received an invoice for \$1,802,149.75 for construction expenses for December 2019.

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 pay Milestone Construction Company, LLC \$1,802,149.75 with funds from the 2018 Bond Construction Fund.

PASSED AND APPROVED this 11th day of February, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

Duvall Decker Architects P.A.
Architecture . Planning . Interiors (design)

January 6, 2020

Wyman Morgan
Director of Administration & Finance
City of Springdale, Arkansas
201 Spring Street
Springdale, Arkansas 72764

RE: DD#1712 SPRINGDALE MUNICIPAL CAMPUS
MILESTONE CONSTRUCTION COMPANY, LLC - PAY APPLICATION NO. 07

Dear Mr. Morgan,

We herewith transmit Milestone Construction Company, LLC's Application for Payment No. 07 for your review and approval. Their latest Construction Schedule projects the completion dates as follows: Phase 1 - July 21, 2020 and Phase 2 - September 10, 2021. If the application is acceptable to you, please process for payment.

For this pay period, Milestone has requested nine (9) adverse weather delay days. We recommend nine (9) additional days be added to the Contract at this time.

Thank you, and please contact me if you have any questions regarding the application.

Respectfully Submitted,



Brett G. Cupples, AIA

Encs.: Milestone Application for Payment 07
Milestone Weather Days Letter & Report
Milestone Daily Reports

cc: Mike Davis, Milestone Construction Company, LLC
Greg Ferus, Milestone Construction Company, LLC

File: 1712.9 pay app 07