

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

- **The next Committee Meeting - Monday, October 19, 2020**
 - **Committee agendas will be available on Friday, October 16, 2020.**

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
COUNCIL CHAMBERS
TUESDAY, October 13, 2020**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Mike Lawson

6:00 p.m. **OFFICIAL AGENDA**

1. *Large Print* agendas are available.
2. Call to Order – Mayor Doug Sprouse
3. Roll Call – Denise Pearce, City Clerk
Recognition of a Quorum.
4. Recognition of the 2020 Census Complete Count Committee
5. Comments from Citizens
The Council will hear brief comments from citizens present at the meeting during this period on issues not on the Agenda. No action will be taken tonight. All comments will be taken under advisement.
6. Approval of Minutes – September 22, 2020 **Pgs. 3 - 18**
7. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item number(s) **9, 10A & B, 12.** Motion must be approved by two-thirds (2/3) of the council members).*
8. **Hearing** to appeal Planning Commission decision to deny the rezoning request by Macrich, LLC for rezoning 81 of 91.5 acres on W. Apple Blossom Rd. and N. Graham Rd. from C-2, General Commercial to I-1, Light Industrial. **Pgs. 19 - 41**
9. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development
An Ordinance accepting the Final Plat of Spring Meadows Subdivision, west side of Old Wire Rd, to the City of Springdale, Arkansas, and declaring an emergency. **Pgs. 42 - 44**
10. Ordinance Committee, Chairman Mike Overton
 - A. **An Ordinance** to waive competitive bidding for the purchase of Employee Insurance Coverage. Resolution presented by Wyman Morgan, Administrative and Financial Services Director. **Pgs. 45 - 47**
 - B. **An Ordinance** calling for the annexation of land pursuant to ARK. CODE ANN. §14-40-501, et. Seq. Annexation includes Tracts 1 through 6 of property located in Benton County on the north side of County Line Rd. and the south side of Morris. Ordinance to be presented by Ernest Cate, City Attorney. **Pgs. 48 - 58**

11. Finance Committee, Chairman Jeff Watson
 - A. **A Resolution** to levy Benton County AD Valorem Taxes of the City of Springdale, Arkansas. Resolution presented by Wyman Morgan, Administrative and Financial Services Director. Pg. 59
 - B. **A Resolution** to levy Washington County AD Valorem Taxes of the City of Springdale, Arkansas. Resolution presented by Wyman Morgan, Administrative and Financial Services Director. Pgs. 60 & 61
 - C. **A Resolution** authorizing payment of an invoice from Milestone Construction for Project No. 18BPC1, Springdale Municipal Campus, in the amount of \$1,019,003.36 for construction expenses – September 2020. Resolution presented by Wyman Morgan, Administrative and Financial Services Director. Pgs. 62 & 63
12. **An Ordinance** authorizing the City Clerk to file a Clean-up Lien for the removal of overgrown brush and debris on property within the City of Springdale, Arkansas; Lot 7 in Block Number 4, Neal's Addition. Ordinance presented by Ernest Cate, City Attorney. Pgs. 64 - 69
13. Comments from Council Members.
14. Comments from City Attorney.
15. Comments from Mayor.
16. Adjournment.

SPRINGDALE CITY COUNCIL
SEPTEMBER 22, 2020

The City Council of the City of Springdale met in regular session on Tuesday, September 22, 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
Jim Reed	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
Mike Peters	Police Chief
Patsy Christie	Planning Director
Wyman Morgan	Director of Financial Services
Brad Baldwin	Eng. & Public Works Director
Colby Fulfer	Assistant to the Mayor

RONNIE TREAT RECOGNIZED

Mayor Sprouse presented Ronnie Treat with a plaque recognizing today as "Ronnie Treat Day" for his efforts in obtaining the needed signatures to finish the petition for the Bethel Heights Annexation ballot issue.

APPROVAL OF MINUTES

Council Member Jaycox moved the minutes of the September 8, 2020 City Council meeting be approved as presented. Council Member Reed 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: Watson, Overton, Reed, Lawson, Evans, Powell, Jaycox Williams

No: None

ORDINANCE NO. 5509 – ANNEXING 9.93 ACRES OWNED BY HYLTON ROAD PROPERTY LLC LOCATED IN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS

City Attorney Ernest Cate presented an Ordinance annexing 9.93 acres owned by Hylton Road Property LLC located in the City of Springdale, Washington County, Arkansas.

SPRINGDALE CITY COUNCIL
SEPTEMBER 22, 2020

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

The vote:

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

No: None

The Ordinance was numbered 5509.

ORDINANCE NO. 5510 – AMENDING ORDINANCE NO. 5488 (ACCEPTING THE FINAL PLAT OF PHASE 1 OF COTTAGES AT THE PARK SUBDIVISION) TO CORRECT A SCRIVENER'S ERROR; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance amending Ordinance No. 5488 (accepting the Final Plat of Phase 1 of Cottages at the Park Subdivision) to correct a scrivener's error; and declaring an emergency.

Mrs. Christie said there were a couple of street names that were not on the plat correctly when it was filed.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5510.

ORDINANCE NO. 5511 – ACCEPTING THE REPLAT OF SAID REPLAT OF LOTS 8-11, BLOCK 6, CARTER ADDITION TO THE CITY OF SPRINGDALE, ARKANSAS AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of said Replat of Lots 8-11, Block 6, Carter Addition to the City of Springdale, Arkansas, and declaring an emergency. The property is located on the west side of Young Street.

SPRINGDALE CITY COUNCIL
 SEPTEMBER 22, 2020

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5511.

ORDINANCE NO. 5512 – REZONING .486 ACRES OWNED BY GERARDO GARCIA, LOCATED AT 304 W. SUNSET AVENUE, FROM C-2 TO C-5; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning .486 acres owned by Gerardo Garcia, located at 304 W. Sunset Avenue, from C-2 to C-5; and declaring an emergency.

Planning Commission recommended approval at their September 1, 2020 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5512.

RESOLUTION NO. 107-20 – APPROVING A CONDITIONAL USE APPEAL BY GREG BROWN FOR A USE UNIT 52 (FOOD TRUCK COURT) IN A C-2 ZONE LOCATED ON 1.68 ACRES BETWEEN CASEY'S AND DOLLAR GENERAL ON THE EAST SIDE OF HIGHWAY 265 (WASHINGTON COUNTY PARCEL #815-36109-000)

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Greg Brown for a Use Unit 52 (Food Truck Court) in a C-2 zone. The court would be located on 1.68 acres between Casey's and Dollar General on the east side of Highway 265 (Washington County Parcel #815-36109-000).

Planning Commission recommended approval at their September 1, 2020 meeting.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONDITIONAL USE FOR 1.68 ACRES BETWEEN CASEY'S AND DOLLAR GENERAL ON THE EAST SIDE OF HIGHWAY 265 WASHINGTON COUNTY PARCEL #815-36109-000 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 September 1, 2020 on a request by Greg Brown for a conditional use for a Use Unit 52 (Food Truck Court) in a General Commercial District (C-2) 1.68 acres between Casey's and Dollar General on the East side of Highway 265 Washington County Parcel #815-36109-000; and

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) no recommends that a conditional use be granted to Greg Brown for a Use Unit 52 (Food Truck Court) in a General Commercial District (C-2) 1.68 acres located between Casey's and Dollar General on the East side of Highway 265 Washington County Parcel #815-36109-000 with the following conditions – Large Scale Development Plan submitted addressing all uses outlined in Chapter 130 Article 6 Section 3.18.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Greg Brown for a Use Unit 52 (Food Truck Court) in a General Commercial District (C-2) 1.68 acres located between Casey's and Dollar General on the East side of Highway 265 Washington County Parcel #815-36109-000 with the following conditions – Large Scale Development Plan submitted addressing all uses outlined in Chapter 130 Article 6 Section 3.18.

PASSED AND APPROVED THIS _____ DAY OF September, 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 Williams made the second.

The vote

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

No: None

The Resolution was numbered 107-20.

RESOLUTION NO. 108-20 – APPROVING A CONDITIONAL USE APPEAL BY BRICE CURRY FOR A USE UNIT 41 (AUTOMOBILE SALES) IN A C-2 ZONE LOCATED AT 853 PLAZA COURT

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Brice Curry for a Use Unit 41 (Automobile Sales) in a C-2 zone located at 853 Plaza Court.

Planning Commission recommended approval at their September 1, 2020 meeting.

RESOLUTION NO. ____

A RESOLUTION APPROVING A CONDITIONAL USE AT 853 PLAZA COURT 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 September 1, 2020 on a request by Brice Curry for a conditional use for a Use Unit 41 (Automobile Sales) in a General Commercial District (C-2) at 853 Plaza Court; and

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) yes and one (1) no recommends that a conditional use be granted to Brice Curry for a Use Unit 41 (Automobile Sales) in a General Commercial District (C-2) at 853 Plaza Court with the following conditions – Limited to five (5) vehicles for sale at any given 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 Brice Curry for a Use Unit 41 (Automobile Sales) in a General Commercial District (C-2) at 853 Plaza Court with the following conditions – Limited to five (5) vehicles for sale at any given time.

PASSED AND APPROVED THIS ____ DAY OF September, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote

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

No: None

The Resolution was numbered 108-20.

RESOLUTION NO. 109-20 – APPROVING A CONDITIONAL USE APEAL BY
SCOUT ENTERPRISES LLC FOR A TANDEM LOT SPLIT IN AN A-1 ZONE
LOCATED AT 9487 E. BROWN ROAD, PARCEL #21-00167-007, BENTON
COUNTY

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Scout Enterprises LLC for a tandem lot split in an A-1 Zone located at 9487 E. Brown Road, Parcel #21-00167-007, Benton County.

Planning Commission recommended approval at their September 1, 2020 meeting.

RESOLUTION NO. ____

**A RESOLUTION APPROVING A CONDITIONAL USE AT 2.1
ACRES LOCATED BEHIND AND SOUTH OF 9487 EAST BROWN
ROAD BENTON COUNTY PARCEL #21-00167-007 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 September 1, 2020 on a request by Scout Enterprises, LLC for a conditional use for a Tandem Lot Split in an Agricultural District (A-1) 2.1 acres located behind and South of 9487 East Brown Road Benton County Parcel #21-00167-007; and

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) no recommends that a conditional use be granted to Scout Enterprises, LLC for a Tandem Lot Split in an Agricultural District (A-1) with the following conditions – no conditions set.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF SPRINGDALE**, that the City Council hereby grants a conditional use to Scout Enterprises, LLC for a Tandem Lot Split in an Agricultural District (A-1) 2.1 acres located behind and South of 9487 E. Brown Road Benton County Parcel #21-00167-007 with the following conditions – No conditions set.

PASSED AND APPROVED THIS ____ DAY OF September, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote

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

No: None

The Resolution was numbered 109-20.

RESOLUTION NO. 110-20 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 IN CONNECTION WITH C20-19, A CONDITIONAL USE APPEAL BY CAMMIE SCOTT FOR A TANDEM LOT SPLIT AT 9553 EAST BROWN ROAD

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 in connection with C20-19, a conditional use appeal by Cammie Scott for a tandem lot split at 9553 East Brown Road.

Planning Commission recommended approval at their September 1, 2020 meeting.

Council Member Reed made the motion to approve the Resolution with Option 1. Council Member Powell 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 CAMMIE SCOTT IN CONNECTION WITH C20-19 A CONDITIONAL USE FOR A TANDEM LOT SPLIT

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

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, sidewalks in connection with C20-19 a Conditional Use for a Tandem Lot Split for Cammie Scott 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 9553 East Brown Road including drainage improvements related thereto, sidewalks in connection with C20-19, a Conditional Use for a Tandem Lot Split for Cammie Scott.

PASSED AND APPROVED THIS ____ DAY OF September, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote

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

No: None

The Resolution was numbered 110-20.

RESOLUTION NO. 111-20 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO CAMMIE SCOTT IN CONNECTION WITH 8915 E. BROWN ROAD, A SINGLE FAMILY DWELLING

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Cammie Scott in connection with 8915 E. Brown Road, a single family dwelling.

Planning Commission recommended approval at their September 1, 2020 meeting.

Council Member Reed made the motion to approve the Resolution with Option 1. Council Member Powell 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 CAMMIE SCOTT IN CONNECTION WITH 8915 E. BROWN ROAD, A SINGLE FAMILY DWELLING

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

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with 8915 East Brown a single family dwelling for Cammie Scott 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 East Brown Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with 8915 E. Brown, a single family dwelling for Cammie Scott.

PASSED AND APPROVED THIS ____ DAY OF September, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote

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

No: None

The Resolution was numbered 111-20.

RESOLUTION NO. 112-20 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO PAINT INNOVATORS IN CONNECTION WITH L20-27, A LARGE SCALE DEVELOPMENT LOCATED ON THE SOUTH SIDE OF 40TH STREET

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Paint Innovators in connection with L20-07, a large scale development located on the south side of 40th Street.

Planning Commission recommended approval at their September 1, 2020 meeting.

Council Member Jaycox made the motion to approve the Resolution with Option 1. Council Member Evans made the second.

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO PAINT INNOVATORS IN CONNECTION WITH L20-27, A LARGE SCALE DEVELOPMENT.

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

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L20-27 a Large Scale Development for Paint Innovators 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 40th Street including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L20-27, a Large Scale Development for Paint Innovators.

PASSED AND APPROVED THIS _____ DAY OF September, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote

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

No: None

The Resolution was numbered 112-20.

RESOLUTION NO. 113-20 – ADOPTING AND APPROVING THE 2020 ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Council Member Mike Lawson presented a Resolution adopting and approving the 2020 Action Plan for the Community Development Block Grant Program.

RESOLUTION NO. _____

A RESOLUTION ADOPTING AND APPROVING THE 2020 ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, in accordance with the guidelines established by the Department of Housing & Urban Development for the Community Development Block Grant Program, a 2020 Program Year Action Plan was developed, a copy of which is attached and made a part of the resolution; and

WHEREAS, a final public hearing was held before the City Council on January 14, 2020

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

1. That the 2020 Program Year Action Plan for use of Community Development Block Grant Program Funds, a copy of which is attached and made a part as though set out herein word or word, is approved and authorized for submission to the United States Department of Housing and Urban Development on August 31, 2020.
2. That Mayor Doug Sprouse is hereby designated as the authorized official to execute all documents pertaining to the Community Development Block Grant Program.

PASSED AND APPROVED this _____ day of September, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

"ATTACHMENT"

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM ANNUAL
ACTION PLAN
FY 2020**

TOTAL FUNDING ANTICIPATED: \$813,098

PUBLIC SERVICES: \$90,800 (11% of Program Income)

In order to meet deadlines for submission of the Annual Action Plan, applications for public services provided by non-profit organizations are requested during the first quarter of the next fiscal year. (Applications for the 2020 fiscal year were submitted in January) Listed below are the non-profit organizations being recommended for funding for FY 2020.

A total of 6 applications were received and the following non-profit organizations are recommended for funding in the 2020 Program year.

- Bread of Life- \$24,000
- St. Francis House dba Community Clinic- \$12,000
- Scholastic Mission- \$15,000
- Returning Home- \$10,560
- Compassion House- \$19,240
- CASA- \$10,000

ADMINISTRATION: \$75,000

HOUSING REHABILITATION PROGRAM: \$647,298

The remainder of funding will be used for the Housing Rehabilitation Program to continue in the same form as it has for many years. Applications for owner occupied housing rehabilitation will be received throughout the year. Complete application with qualifying income verifications will be processed and a waiting list established for scheduling of work throughout the year.

With the council accepting the proposed funding levels and activities above, the Annual Action Plan can be finalized and the 30 day public comment period can begin. Following that comment period the Action Plan along with any comments received, will be submitted to the Council for review and authorization to submit the necessary documents to HUD.

September 22, 2020 will be the public notice for the 2020 Action Plan.

Anticipated CDBG fund balance, as of 8/26/20: \$317,585.61

- Six houses under contract as of 8/26/20
- Anticipated completion a of 30 houses with 2019 fiscal year funding –Average cost of a rehabilitation is: - \$23,770.63
- Six houses that are 1978 and older on waiting list

I am also pleased to say that we have the COVID-19 funding of \$478,318. The funds will be distributed on Friday, September 4, 2020 to all of the Non-profits or whenever possible to get the funding out to the community.

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

The vote:

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

No: None

The Resolution was numbered 113-20.

RESOLUTION NO. 114-20 – AUTHORIZING THE EXECUTION OF AN ARCHITECT CONTRACT FOR RENOVATION OF FIRE DEPARTMENT STATION NO. 4

Council Member Brian Powell presented a Resolution authorizing the execution of an architect contract for renovation of Fire Department Station No. 4.

The renovations will include updating the showers and restroom areas. This station was built in 1982.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF AN ARCHITECT CONTRACT FOR RENOVATION OF FIRE DEPARTMENT STATION NUMBER 4.

WHEREAS, Arkansas Statute 22-9-101 provides for the employment of an architect for public improvement projects, and

WHEREAS, Crafton Tull has been recommended by the Mayor to serve as architect for the design of the renovation of Fire Department Station No. 4, and

WHEREAS, Crafton Tull has agreed to furnish architectural services for a fee of \$7,800.

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 with Crafton Tull for architectural services to be provided relating to the remodeling of Fire Department Station No. 4.

PASSED AND APPROVED this _____ day of September, 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 Reed made the second.

The vote:

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

No: None

The Resolution was numbered 114-20.

RESOLUTION NO. 115-20 – AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE DESIGN AND DEVELOPMENT OF AN AMBULANCE SUPPLEMENTAL PAYMENT PROGRAM AND FOR OTHER PURPOSES

Council Member Brian Powell presented a Resolution authorizing the execution of a contract for the design and development of an ambulance supplemental payment program with Public Consulting Group and for other purposes.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE DESIGN AND DEVELOPMENT OF AN AMBULANCE SUPPLEMENTAL PAYMENT PROGRAM AND FOR OTHER PURPOSES.

WHEREAS, the Springdale Fire Department provides emergency medical transportation and

WHEREAS, it is anticipated that the Springdale Fire Department will receive additional revenue from the development of this program.

WHEREAS, the Public Consulting Group would receive a fee equal to 15% of the additional revenue, and

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 services with Public Consulting Group for services to be provided relating to billing for ambulance service.

PASSED AND APPROVED this _____ day of September, 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 Reed made the second.

The vote:

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

No: None

The Resolution was numbered 115-20.

RESOLUTION NO. 116-20 – AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN WENDELL KEVIN BROWN AND KARLA ANNETTE TAYLOR ARE DEFENDANTS ASSOCIATED WITH THE 48TH STREET EXTENSION TO BOB MILLS ROAD

Council Member Rick Evans presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein Wendell Kevin Brown and Karla Annette Taylor are defendants associated with the 48th Street extension to Bob Mills Road.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN WENDELL KEVIN BROWN AND KARLA ANNETTE TAYLOR ARE DEFENDANTS.

WHEREAS, the City of Springdale has filed a lawsuit against Wendell Kevin Brown and Karla Annette Taylor to condemn easements across property owned by the them for the 48th Street Extension to Bob Mills Road (Project 18BPS9);

WHEREAS, the City of Springdale deposited the sum of \$69,000.00 into the Registry of the Court as estimated just compensation for the easements across the subject property;

WHEREAS, the property owners have provided an appraisal for the property, and other supporting documentation, to support an offer to settle the condemnation lawsuit for the total sum of \$125,000.00;

WHEREAS, it is the recommendation of the Mayor and City Attorney that the City Council approve the additional sum of \$56,000.00 to settle this lawsuit, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City Attorney is hereby authorized to settle the Wendell Kevin Brown and Karla Annette Taylor condemnation lawsuit for the total sum of \$125,000.00, with the additional \$56,000.00 to be paid from the 2018 Street Bond Program (48th Street Extension to Bob Mills Road, Project 18PBS9).

PASSED AND APPROVED this ____ day of September, 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: Reed, Lawson, Evans, Powell, Jaycox, Williams, Overton

Abstain: Watson

No: None

The Resolution was numbered 116-20.

ORDINANCE NO. 5513 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 898 TAMARACK STREET WITHIN THE CITY OF SPRINGDALE, 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 property located at 898 Tamarack Street within the City of Springdale, Arkansas.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5513.

RESOLUTION NO. 117-20 – AUTHORIZING THE GRANT OF UTILITY EASEMENTS TO CARROLL ELECTRIC COOPERATIVE CORPORATION ACROSS PROPERTY OWNED BY THE CITY OF SPRINGDALE, ARKANSAS (PARCEL NO. 21-00167-470 AND PARCEL NO. 21-00167-471, BENTON COUNTY

City Attorney Ernest Cate presented a Resolution authorizing the grant of utility easements to Carroll Electric Cooperative Corporation across property owned by the City of Springdale, Benton County, Arkansas, (Parcel No. 21-00167-470 and Parcel No. 21-00167-471. The utility easements are necessary for the construction of Shaw Park, and will provide electric service to Shaw Park.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE GRANT OF UTILITY EASEMENTS TO CARROLL ELECTRIC COOPERATIVE CORPORATION ACROSS PROPERTY OWNED BY THE CITY OF SPRINGDALE, ARKANSAS (PARCEL NO. 21-00167-470 AND PARCEL NO. 21-00167-471, SPRINGDALE, BENTON COUNTY, ARKANSAS).

WHEREAS, the City of Springdale, Arkansas, owns two tracts of property known as Parcel No. 21-00167-470 and Parcel No. 21-00167-471, Springdale, Benton County, Arkansas (“the Property”);

WHEREAS, Carroll Electric is in need of three (3) utility easements across the Property, as shown on the attached Exhibit "A";

WHEREAS, the utility easements are necessary for the construction of Shaw Park, and will provide electric service to Shaw Park, and will be beneficial to future growth and development of the area; and

WHEREAS, Ark. Code Ann. §14-54-302 provides that the Mayor and City Clerk may execute the attached easement document when authorized to do so by Resolution approved by the City Council.

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 the attached easement document granting three (3) utility easements across the Property to Carroll Electric.

PASSED AND APPROVED this ____ day of September, 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: Powell, Jaycox, Williams, Watson, Overton, Reed, Lawson, Evans

No: None

The Resolution was numbered 117-20.

ADJOURNMENT

Council Member Overton made the motion to adjourn. Council Member Lawson made the second.

After a voice vote of all ayes and no nays, the meeting adjourned at 6:35 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer

FILED
DATE 10-7-20
Denise Pearce
CITY CLERK SPRINGDALE, AR

**WATKINS, BOYER,
GRAY & CURRY, PLLC**

ATTORNEYS AT LAW

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
JOHN E. JENNINGS (OF COUNSEL)
* ALSO LICENSED IN MISSOURI

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

October 7, 2020

City of Springdale
City Council
Attn: Denise Pearce, City Clerk
201 Spring St.
Springdale, AR 72764

Also via email to dpearce@springdalear.gov; pchristie@springdalear.gov

RE: Appeal of Planning Commission Denial of Item R20-41, Rezoning 81 Acres on W. Apple Blossom Road and N. Graham Road From C-2, General Commercial to I-1, Light Industrial

Dear Council Members:

This purpose of this letter is to appeal the abovementioned decision by the Planning Commission, pursuant to Chapter 30, Article 2, Section 11.1(f) of Springdale City Code. Below, I have outlined why the applicant considers the Planning Commission's decision to be in error.

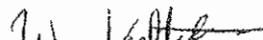
The applicant for this rezoning request, Macrich, LLC, is requesting that 81 of a total 91.5 acres located at on W. Apple Blossom Road and N. Graham Road be rezoned from C-2, General Commercial to I-1, Light Industrial. The Planning Commission considered this item on October 6th, 2020 and voted 5-3 to deny it. The Planning Commission presumably based its decision on two issues: (1) traffic, infrastructure and access; and (2) compatibility of I-1 zoning with the surrounding uses.

Because traffic, infrastructure, and access are all engineering issues which are addressed in the large scale development process, and because the property would be sufficiently buffered on all sides from conflicting uses, the applicant considers the Planning Commission's decision to be in error.

Thank you for considering this appeal. If you have any questions Please contact me at 479-636-2168.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC



Will A. Kellstrom

WK:
pc:

File No. R20-41

PETITION FOR REZONING

Petition is hereby made to the City Council of the City of Springdale, through the Springdale Planning Commission, pursuant to the provisions of Act 186 of 1957, as amended, and Chapter 130 of the City of Springdale Code of Ordinances, as amended, by MACRICH, LLE (Steve Brooks)

The record property owner(s), petitioning to rezone the following described area:

Legal Description:

SEE EXHIBIT D

Layman's Description:

The **Petitioner** hereby states by oath that:

1. The Petitioner is the record title holder of the above described property evidenced by the attached copy of a **Warranty Deed** as Exhibit A.
2. A **scaled drawing** showing accurate dimensions, lot lines, surrounding zoning, adjacent owners, north arrow and graphic scale is attached as Exhibit B.
3. The names and address of all adjacent owners of the above described property **certified by a licensed abstractor or licensed land surveyor** within the past sixty (60) days are attached as evidenced by Exhibit C.

The **Petitioner** requests the following zoning classification:

FROM (current zoning) C-2
TO (proposed zoning) I-1

The **Petitioner's** immediate intentions are to:

1. **Sell** the property yes (Yes or No), and if so, is the property subject to an offer and acceptance, escrow contract, option agreement, other contract for conveyance of title yes (Yes or No).
2. **Develop** the property yes (Yes or No), and if so, the proposed use is warehouse distribution.
3. **Effect** of the proposed zoning upon the adjacent property and neighborhood is anticipated to be as follows: due to the distance from neighbors, the cow pasture will be developed to warehousing and distribution properties.

The **Petitioner** understands that he/she is responsible to send a notice of the public hearing to owners of adjacent properties in accordance with the requirements set forth in the instruction given with this application and that an affidavit must be submitted with supporting documents no later than seven (7) calendar days prior to the meeting date. It is further understood that the cost of such notice(s) is borne by the Petitioner.

The **Petitioner** understands that he/she should be present at the meeting in order to answer questions. If the **Petitioner** is unable to attend, written authorization must be attached designating a representative and any decisions made by this individual shall be binding on the petitioner.

Authorized Representative: Bill McClard

Address: 149 N. Pleasant Ridge Dr. Rogers, AR 72756

PETITIONER/OWNER SIGNATURE

Bill McClard

MAILING ADDRESS:

149 N. Pleasant Ridge Dr.

Rogers
72756

TELEPHONE:

479-531-7869

DATE:

9/16/20

VERIFICATION

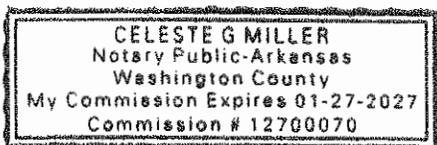
I/We, the undersigned, herewith state on solemn oath that we have read the above and foregoing application for rezoning and that all the facts, statements, and allegations therein contained are true and correct to the best of my knowledge and belief and that complete disclosure of all material facts have been made.

SIGNATURE
(Property Owner)

Steve Brooks
(Property Owner)

State of Arkansas)
) ss.
County of Washington)

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 16th day of September, 2020.



C. G. Miller
Notary Public

AUTHORIZATION

I, Steve Brooks, Managing Member of Macrich, LLC, Petitioner, hereby authorize Will Kellstrom and/or Bill Watkins of Watkins, Boyer, Gray & Curry PLLC to represent Macrich, LLC, with respect to its petition for rezoning at Planning Commission, City Council.

MACRICH, LLC

Steve Brooks - Manager

By: Steve Brooks, Managing Member

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)
COUNTY OF BENTON)

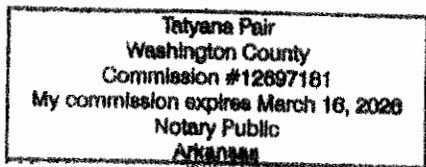
ON THIS DAY before the undersigned, a Notary Public, duly qualified and acting in and for the County and State aforesaid, personally appeared Steve Brooks, to me personally well known, who stated that he is the Managing Member of Macrich, LLC, an Arkansas limited liability company, and that he was duly authorized to and had executed and delivered the foregoing Authorization for the uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 6 day of October, 2020.

Tatyana Pair

NOTARY PUBLIC

My Commission Expires:
3-16-2026





Memo

To: PLANNING COMMISSION MEMBERS
From: Patsy Christie, Planning Director
Date: October 6, 2020
Re: R20-41 Rezone

A request by Macrich, LLC (Steve Brooks) for Planning Commission approval of a zone change from General Commercial District (C-2) to Light Industrial District (I-1) for a tract of land containing 91.5 acres.

LOT LOCATION AND SIZE

The 91.5 acres is located south of Apple Blossom Road and west of N. Graham Road.

A vicinity map is attached.

EXISTING ZONING

The existing zoning of this tract is a C-2 General Commercial District. The 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: - 1, 4, 16, 17, 19, 20, 21, 22, 27, 32, 35
Conditional Uses Permitted on Appeal: - 2, 3, 12, 33

ACCESSORY USES

See Article 6 Section 3.1 of this chapter.

SITE PLAN REVIEW

When a conditional use is proposed in a C-2 district, except for home occupation 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 one (1) foot for each foot of height in excess of twenty (20) feet.

AREA REGULATIONS

SETBACKS:

Front setback	30'
Front setback if parking is allowed between R-O-W 50' and the building	
Side setback (subject to applicable fire and building codes)	0
Side setback when contiguous to a residential district	20'
Rear setback	20'

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 5' 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 percent of the total surface area of the lot or development.

OFF-STREET PARKING

See Article 7 of this chapter.

REQUESTED ZONING

The rezoning application requests an I-1 Light Industrial district. The 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: - 1, 21, 24, 25, 27, 32, 33, 35

Conditional Uses Permitted on Appeal: - 2, 3

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 setback	30'
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 setback	25'
Setbacks adjacent to residential uses	50'

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 5' 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 percent of the total surface area of the lot or development.

OFF-STREET PARKING

See Article 7 of this chapter.

SURROUNDING ZONING AND LAND USE

Zoning of the surrounded area is shown on the attached map. The tract is undeveloped. The area to the north contains a mixture of commercial and residential uses outside the City limits. The area to the west and south is undeveloped in A-1 zoning and the 412 Bypass is designed to cross the southwest corner of the property. The property to the east is undeveloped in C-2 zoning except for approximately 700' that contains single family dwellings in SF-2 zoning.

LAND USE PLAN AND MASTER STREET PLAN

The adopted Comprehensive Land Use Plan indicates Low Density Residential.

The Master Street Plan indicates Apple Blossom Road as a major collector.

STAFF COMMENTS AND RECOMMENDATIONS

The rezoning request is not in keeping with the Comprehensive Land Use Plan but is recommended for approval due to development that has occurred in the area outside the City limits and the locations for the 412 Bypass finalized by ARDOT and the following goals and policies:

Encourage the development of industries that further diversity and stabilize the City's economic base that are compatible to the labor force, raw materials and industrial climate and provide space for new and expanding high technology industries with low environmental impact.

Assure adequate land allocation for industrial growth protected from encroachment by non-industrial use.

The following minutes will be verbatim for:

R20-41 McRich, LLC
 South of Apple Blossom Road
 and West of North Graham Road
 Presented by Will Kellstrom

The following is from the October 6 2020 Planning Commission meeting.

Mr. Parsley: Next item R20-41, McRich, LLC. Intersection of West Apple Blossom and North Graham Roads from C-2 to I-1, presented by Bill McClard.

Ms. Christie: Bill is not making the presentation. We have authorization of representation for Mr. Will Kellstrum to represent the applicant.

Mr. Kellstrum: Good evening, so as Patsy just said I'm Will Kelstrum and I represent McRich, LLC which is the applicant for this rezoning. So the property is 91.5 acres located south of Apple Blossom Road and west of North Graham Road. The applicant is requesting a rezone for 81 acres to I-1 and he is planning to leave a buffer of C-2 on the east side of the property next to Walden Street.

This buffer will be a three hundred foot strip and the buffer would include the approximately 120 foot right-of-way of the proposed Dixieland extension, which all told, would have a 420' buffer between those houses and this property.

So although, the proposed use for land isn't necessarily relevant for the purposes for rezoning, I think that it is no less notable here. The buyer is working on a large project. We have a Fortune 500 company using the majority of the parcel for a massive warehousing distribution operation. A large work force will be necessary to operate this facility. In other words, this rezoning has the potential to be a substantial job creator and economic boom to the City of Springdale.

So one of the issues, I'm sure you are all aware of with this request is that it is not technically compliant with the future land use map. The future land use map calls for this area to be a low density residential neighborhood. However, this future land use plan is around eight years old and the area has changed since. It is now near the intersection of existing I-49 and the planned route for the 612 bypass which has been finalized after this plan was made. Moreover, the plan does not reflect changes in the zoning immediately across the city boundary in Lowell. On the other side of Apple Blossom is some land is zoned predominately commercial business park.

It is for these reasons among the others, the planning staff has recommended approval for this site. As for the current zoning, there is some uncertainty of the marker as to the viability of a C-2 zoning district. The majority of commercial development in Northwest Arkansas has taken place on high visibility parcels along the interstate or otherwise along major five lane commercial corridors. So if you look around this parcel, Apple Blossom and Graham are currently two lane roads and even Dixieland Road which is proposed to come by on the east side, is proposed to be a three lane road. If you look on Springdale's Master Street Plan all these are shown as merely collector streets. It is unlikely that any of these roadways surrounding the property would have the traffic that

would support a commercial zone this big. And as we all know, future potential for further development is limited by traffic count.

So lastly on this point, the limiting effect of commercial development, the limiting effect that traffic has on commercial development seems to be something that is contemplated by Springdale's zoning code, which by C-2 zone this should be located at major arterial intersections. So as a last point, as with all rezones when an exciting development is proposed there is always a concern that the project falls through. However, irrespective of whether that this proposed project comes to fruition, I still think that this land is prime for an industrial park.

As stated above, it has immediate access to the two major highways in the region, those being I-49 and Highway 412 by way of the proposed 612 Bypass. The proximity of these highway corridors, I think, alone would make this a prime location for a distribution and fulfillment center which is one of the uses allowed under I-1. However, in addition to that, the parcel is sufficiently large and the nearby residential density is low, is that whatever use may come of this parcel has little chance of encroaching upon or disturbing the neighboring residences. To that end, I'll point out again; the applicant is asking that a three hundred strip of commercial be left in the east side in addition to the 120 foot right-of-way of Dixieland Road. This would be an addition to the fact that the lots on Walden Street are around three hundred feet deep.

To sum all this up, this is one of the very few lots that's left in Northwest Arkansas has this sort of size for buffering neighboring uses and this sort of proximity to major highways. In my mind this is a perfect mix of factors that make this property prime for a light industrial use. This is a chance for Springdale to bring an immense asset into the City and to bring a large amount of jobs to the City. However, ultimately, this is an opportunity to upgrade a currently underutilized piece of land so that it may be brought to highest investment use. So with that, I am here to answer any questions and if there is anything that I can't answer, Bill McClard will be able to answer.

Thank you.

Mr. Parsley: Thank you. Staff comments.

Mrs. Christie: The adopted Comprehensive Land Use Plan indicates Low Density Residential.

The rezoning request is not in keeping with the Comprehensive Land Use Plan but is recommended for approval due to development that has occurred in the area outside the City limits and the locations for the 412 Bypass finalized by ARDOT and the following goals and policies:

Encourage the development of industries that further diversify and stabilize the City's economic base that are compatible to the labor force, raw materials and industrial climate and provide space for new and expanding high technology industries with low environmental impact.

Assure adequate land allocation for industrial growth protected from encroachment by non-industrial use.

Mr. Parsley: O.K. Any questions or comments from the audience? If you will come up to the mic and state your name and address, please.

Mr. Eric Schein: Yes, my name is Eric Schein at 824 Topaz Street, Lowell, Arkansas. I wasn't even aware of this until I just happen to hear what was going. I am a City Councilman for the City of Lowell. And the first thing I am looking at tonight is the conversation was a lot of the property around this is commercial. Actually, there is quite a bit of residential around this property that we are discussing. I also know that we are talking about something of this magnitude that is across street from a neighboring city. I believe there is comradery question that goes out to the adjoining cities to ask if it meets with their planning for their future growth. This doesn't look like what goes with our plan.

Mr. Parsley: Patsy, do you want to address this?

Ms. Christie: Once we get an action here, we will send it to the Lowell Planning Commission for their discussion. What is the property that J B Hunt owns where the parking lot comes out there? How is it zoned?

Mr. Schein: There is a parking lot that comes out but it's just a parking lot, there's residential on both sides of that driveway.

Ms. Christie: But, how is that property zoned?

Mr. Schein: I believe that that driveway is a private driveway and behind that is commercial; because that is on the other side.

Ms. Christie: We will send it to them once we move forward with this.

Mr. Gilbert: Good evening, my name is David Gilbert and I live at 5714 Walden Street. Despite the fact that my mailing address says Lowell, my property has been within the city limits of Springdale for at least forty-five years; I've only lived there for twenty.

I am a civil engineer with thirty years of experience; five years of my career were spent doing big box retail for a local chain in thirty-eight states; over 150 projects across the United States.

Springdale is the only place that has ever told me that warehouses this close to single family residential on half acre lots is good zoning. Everybody else says that it is poor zoning and that it is inappropriate.

I have spoken against warehouses on this property eleven years ago when the request was to rezone the entire parcel to W-1. I have spoken against rezoning this property to C-2 recommending C-1 zoning specifically because warehouses are allowed as a conditional use as a C-2 and I had a suspicion that we would come back to this point where every few years the applicant, the same applicant, wants to do warehouses on this property.

Warehouses on this property are a bad idea. There is residential on three sides of this property not just the driveway to J B Hunt. There are single family residential all around that are concerned about pollution in that any air pollution that is generated on this site the breezes are predominately from the west and that pollution will wind up in our homes.

I'm concerned about noise because we could very possibly with a distribution center have trucks idling all night long. We will definitely have traffic coming and going, trucks driving in and out all night long, disturbing our neighborhood.

I'm concerned about traffic. As the applicant presented it out, the access and we have been told that the access to this property will be from Dixieland Road. Well, Dixieland Road is not there yet. Dixieland Road won't be built for at least two years if it is ever built. Best case, it is going to be there in two years. In the meantime, all the construction traffic and all the traffic, should this be allowed to open then they will be using Apple Blossom and Graham Road. Graham Road is only about sixteen feet wide and it is so thin that if you start driving trucks on it it's going to fall apart.

Apple Blossom Road structurally is a mess. It is thin, it is falling apart already and Apple Blossom is so narrow that twelve years ago, when we had a fire truck stopped on Apple Blossom to attend to somebody that was off in the front yard of a house it blocked traffic in both directions because the fire truck was wider than the lane. I'll show you the pictures if you want to see them. These roads just can't take that kind of traffic; even for a short period of time. That's assuming the best case if Dixieland gets built.

You can look around Springdale and you can see a lot of property in Springdale with better access than this for distribution center. There is property right across Highway 71 in what used to be Bethel Heights that is now in Springdale that is right on 71; 70 odd acres plus another 35 acre piece next to it that is owned by friends of this applicant that could be used for that purpose without disturbing the entire neighborhood.

There is precedent for you to say no to this. This property is the Planning Commission and I don't think that there is anybody still on the Planning Commission now that was eleven years ago; but the Planning Commission voted to approve it, the City Council sent it back and said consider it again. The Planning Commission voted to approve it again and the City Council said no; it's not compatible with the neighboring land uses.

Every time I have asked what makes this piece of property suddenly change in text and usage I'm told it is the 412 Bypass. Well seven years ago there was a piece of property across the 412 Bypass from Shaw Elementary and Legendary Subdivision. They wanted to be zoned industrial and you said no because it was too close to the neighboring use cross the 412 Bypass. This is not across the 412 Bypass from us, it is right there.

Three years ago, on the same night you voted to approve this C-2 you denied a request from McGaugh RV Center to rezone their property to commercial and the reason that you said that you denied that; that property, by the way, is about a mile from this property less to some parts and a little over a mile to my house in a straight line. But the

residents said that promises have been made that the property in that area would be single family residential not commercial. They want you to keep your promise.

The Master Land Use Plan is a promise. Twenty years ago before I bought my house, I looked at the Master Land Use Plan and it said single family residential. If it had said warehouses, I would not have bought my house but the City promised me that it was going to be single family residential. I know that things change but you made a promise. The houses have been there for forty-five years. This property was agricultural until three years ago. So there are promises that have been made.

The applicant talked about three hundred foot buffer and that looks really good on paper. But we were promised a three hundred foot buffer before, eleven years ago and the applicant's representative who is a member of the owning family who spoke in favor of the rezoning promised us a three hundred foot buffer then he went right over there in that corner and told the guy from KURM radio, "well we will take what we can get tonight and we will come back and get what we want later". "We will take what we can get tonight and we will come back and get what we want later". Short of a legal covenant running with the land; a legal document that says that that can't be changed; I have no confidence that a three hundred foot buffer is going to remain. It will remain until they find it to be inconvenient and then they will want something else.

We have also been told before that they had a buyer and it is interesting to hear the applicant to admit that the deal might fall through. We know that's true; that's just a realistic statement. If it falls through, you can't rezone land based on the promise of what they are going to do. You have to rezone land based on the idea what all the allowable uses will do to the neighboring properties. Because if you zone this to I-1 and the deal with their client falls through not that I wish them any ill, sounds kinds of exciting. I wish it was being built on the other side of 71; I'd be all for it. But if that deal falls through then anything that is allowable in an I-1 can be built on that property; and there is nothing that you can do about it; and there is nothing that we can do about it.

You don't owe it to any one person or family in Springdale to give them what they want if it hurts other people. The job of the Planning Commission, the whole reason we have zoning, the only reason zoning is Constitutional is to preserve the public health, safety and welfare. Other than that you cannot constitutionally tell somebody what they can do on their property but you can tell them what they can't do to other people. The job of the Planning Commission is to promote reasonable growth not unreasonable growth. The job of the Planning Commission is to protect the neighbors, the existing residents from incompatible uses on adjoining property. So I am asking you to do your job. I'm asking you to do your job if you are not here tonight but you are still going to vote. I'm asking you to do your job and I'm asking you to do it the way you would do it if you lived in my house; if this was your property and your home they are talking about.

Thank you.

Mr. Parsley: Thank you; appreciate it; any other questions or comments from the audience?

Ms. Brown: I'll just make a quick statement. I'm Ruth Brown and I live at 5766 Walden.

Mr. Parsley: Can you move a little closer to the mic? I'm sorry.

Ms. Brown: I'm Ruth Brown and I live at 5766 Walden Street. I live close to David. People up and down the street have all been promised that whatever was built behind us would be beneficial to us; that we would be pleased with it. We are not going to be pleased with warehouses and that sort of thing. Everybody is saying, oh well, those lots are three hundred foot deep; they have this big buffer. Well, we own this property. We bought those big lots because we wanted it. People have gardens; I'm in the back yard all the time. I don't feel like you should be using my property for a buffer for them. You should start the buffer from our fence line on west. That's my opinion and I hope that y'all won't pass this. Thank you.

Mr. Parsley: Thank you.

Mr. Cuellar: Hello, my name is Manuel Cuellar and I live at 6004 Walden Street and I can't speak like that gentleman over there but I just want to say that I agree with everything that he said. I don't believe that this is good for our neighborhood and I am a welder by trade and I worked at a place where this company next to it was a neighborhood and they constantly complained about the noise that we made at that big shop. That was over at the Cram-a-Lot welding shop and I used to always say "why did they buy their houses so close to the shop knowing that this is a welding shop why do you live so close?" Well, I feel like it is going to wind up being the same thing for us if you allow this big five hundred company to come in and trucks and just like that gentleman said. Potentially there are a lot of things that are going to go on that is going to make our, I would say pleasant life at the moment, because it is a very pleasant area to live at right now. You got cows back there, it is very nice, it is scenic, we are pretty proud of finding a house in that neighborhood. As a matter of fact, we own two houses there. My mother owns a house there and I own a house there. But I don't believe this is good for this neighborhood. Most of the points that that gentleman made and because we love our house and we love where we live and I feel if this happens we are not going to be as happy as we are not. It is not in our plan to sell our house but if we see what I believe we are going to see right here it is probably what we will have to do and I mean that is our choice but I just don't believe that this is good.

Mr. Parsley: Thank you. Appreciate it. Any other questions or comments? Are there any comments on line? No? O.K.

Mr. Kellstrum: So I believe a question of the zoning in Lowell across the street was brought up. Ms. Christie, I believe that property across the street is the J B Hunt property is zoned business park.

Ms. Christie: I just look at it too. I think it is; which wouldn't necessarily be incompatible use. I will visit with the City Attorney tomorrow.

Mr. Kellstrum: I want to talk about the proximity of Walden Street again. I am going to try to describe this to the best of my ability but if you look up at that map you can see a sort of a dividing line from that eastern lot that jogs out towards Walden Street. If you look at the shape of that parcel, it would only make sense that any development would likely occur on the back majority of the parcel and not the part that juts out. For what it is

worth, although we don't have a large scale plan in front of us; I don't think that that area is slated to be a parking lot. So, what it really boils down to is we are not talking about three hundred or four hundred; it's really more like several or possibly a couple of thousand feet. Maybe a couple thousand feet between this development whatever use will actually be there in these houses. A point was raised as to pollution that might occur back there. I want to reiterate to everyone that this is just I-1 zoning that we are asking for. This is second least intense zoning designation that is industrial. I don't think it allows for anything that allows pollution. I think it is mainly warehousing distribution and maybe some light manufacturing.

Traffic and infrastructure was brought up. I can't say this for certain, but I've heard is that Dixieland Road is supposed to be completed in the next two years. I think that there was some money allocated to it by bond project. On that, there was talk was whether these roads could handle these traffic and these trucks. A traffic study is going to have to be produced for a large scale development. Every access point and all this will have to be governed by your regulations and will be appropriate as to those regulations.

That's all I've got unless you guys have more questions for me.

Mr. Parsley: I think that we have another comment from Mr. Gilbert.

Mr. Gilbert: Sorry, I know that this is not a place for a lot of dialogue but I-1 does allow plastics manufacturing and there is no guarantee that this company is going to come in and build a parking lot at that part that sticks out. You can't rezone property based on a plan because you are not binding the property to the plan you are allowing any I-1 use on that property once it is rezoned. Why would you rezone property to I-1 if you know that the roads can't handle it? Those are two quick points and if could ask the gentleman one question concerning the buffer; is the applicant willing to make a covenant that is binding on the land that the three hundred foot C-2 buffer will remain a three hundred foot C-2 buffer; because if they are not willing to do that; put it in writing and legally bind themselves there is no guarantee that that is going to stay a buffer. Thank you.

Ms. Spark: This is Sarah. I just want to say I understand what that gentleman is requesting to remind the commissioners that that is not something that can be considered in your decision; the covenant that he proposed.

Mr. Parsley: Thank you, Sarah. Did you want...go ahead.

Mr. Kellstrum: To address that question, we are asking that it be zoned C-2 or that it remain C-2 so in the event that we wanted to change that we would have to come back before this body and go through this process again at which point the ill effects on the neighborhood would be considered. It is not like we can just come up and change this whenever we want. We would have to have another public hearing about it, where all this would be considered.

Mr. Parsley: Thank you. Patsy, can you read through as far as the acceptable use unit that fits in an I-1.

Ms. Christie: In an I-1 zone, permitted uses are Citywide public uses by right; Use unit 21-Trades and Services; Use unit 22: Automotive services; warehouses; limited manufacturing, parking lot; temporary buildings and/or storage; self-supporting or antenna structure or monopole; transportation services; commercial assembly.

Mr. Parsley: Any other questions or comments? It's to the commission.

Mr. Covert: Will this be a call for the vote, Mr. Chairman?

Mr. Parsley: This will be a call for the vote, yes.

Mr. Payton Parker: I would like to ask just a couple of questions, I'm sorry.

Mr. Parsley: Please do, Payton.

Mr. Parker: Yes, so am I correct that what I am looking at; the yellow shaded area is all that is being requested to be rezoned to industrial.

Ms. Christie: That is correct.

Mr. Parker: K. I do want to say a couple of other things. I will say first of all that I really appreciate the comments from the residents that live on Walden. I think that they make a very good case and I understand their concerns so I have a couple of questions in relation to those.

With the, I guess my biggest question, is around timing of the rezoning. Because I think we are in agreement that Apple Blossom and Graham currently, probably can't support the development there; an industrial or a development of any kind. So what, Patsy can you just explain what improvements would be required if this were developed beyond the rezoning.

Ms. Christie: They will have to submit a large scale development plan as the attorney indicated they will need a traffic study and have to look at how they access it. The Dixieland Road extension is part of the Bond program. I think that the Mayor can address that. We are talking about going to construction and have it completed within two years; spring of 2022.

Mayor Sprouse: The timeline that I looked at has the completion of March 2022. When I talked with Brad, he said that it might be June of 2022 so it is still well within two years; less than two years. And that could be cut off with there is some acquisitions that may not need to take place. It may not be as long a drawn out process which could cut that time down. At worst case right now, we are looking at June 2022.

Ms. Christie: And I think that the developer understands that improvements to other streets or limiting access to only Dixieland for truck traffic was one of the first things that we discussed. To go to industrial type development it is going to take infrastructure improvements for that entire area to make it work. We all know that Apple Blossom can't handle it. Silent Grove Road can't handle it. The traffic backs up with Hunt employees leaving and coming in during the day. We do control most of the property on the south

side of Apple Blossom with the consolidation of Bethel Heights didn't have before so that's a factor that allows us to address the concerns to Apple Blossom. They are very well aware of the fact that infrastructure improvements will have to be a part of this whole development.

Mr. Parsley: It probably can't be answered here but what traffic studies were done for location as far as J B Hunt.

Ms. Christie: I am not aware of anything that was required by the City of Lowell before the Hunt parking lot was put in. I didn't pursue it very strongly either because that is in Lowell.

Mr. Parker: So, but again, I want to reiterate what you are saying would apply to any owner of this property, not just the developer, the applicant right now. Because the question right now is, I know we talk about jobs being created et cetera but that's not, you can't take that into account for the rezoning; so if this were to be sold to a different owner or

Ms. Christie: It would be the same requirement. It is not

Mr. Parker: They would have the same requirements; traffic studies all the normal stuff.

Ms. Christie: Any type of industrial use at this location once the property is rezoned to that would have to go through same process whether it is this developer or anybody else. They would have to go through the same large scale, same traffic studies, those kind of processes. That doesn't change and we are not rezoning for a particular project. We are rezoning it with the idea that it would be used for light industrial and all the ramifications of what it would take to build on that passes on to whoever develops in the future.

Mr. Parker: Right; which leads me why I think I'm going to vote the way I am going to. My main concern is with really with Walden Street because it's not really accurate to say that this is residential on all three or four sides because, I mean everything, more or less west of this property to the interstate there is up for grabs commercially but what's the distance again between this proposed the far east line of this rezoning with the back of their property of those houses on Walden.

Ms. Christie: Three hundred feet. Well the Dixieland right-of-way is included in that three hundred feet.

Mr. Bill McClard: May I point out; I'm Bill McClard and I am working with the developers on this. If you see on the map up there, the yellow line that is the amount of property that the developer is buying which is roughly ninety-one acres. There should be a dashed line because the yellow line on the east side all that is the proposed right-of-way for Dixieland Road. That is one hundred twenty feet. What we are really saying here is more than double what the Dixieland Road is is where the rezoning actually begins. So it is three hundred feet; the right-of-way one hundred twenty so it is more than double of what that right-of-way is back off of..but that changes when you look at that a great deal

what the impact should be what anybody around you think about that it's almost triple the size of what you are seeing there, the distance between those homes.

Mr. Parker: O.K. thank you.

Ms. Christie: So the map that was included in your packet was the entire tract and it was only so that we gave you relevance where we needed to put the sign; we had a hard time trying to figure out where to put the sign. Technically, the proposed zoning does not touch those properties that back up to Walden but they notified them as well.

Mr. Parker: O.K. so I think that where I'm landing on this and I do think and I agree that our first charge is to protect the residential neighborhood; residential developments but this, and I feel like the distance between this zoning application and those residences is legitimate. I think, it appears to me that there has been an effort to take that into account so I then think what we have here is this is I think that we are talking economics. The cost of this land and the location to me the highest and best use is industrial, commercial use there. I just don't I just wanted to kind of mentally and out loud even go through that to get there. I don't see, I think that there have been precautions to protect the residential development to the east and I do think that there is, this type of zoning don't probably have enough of with access to 49 so thank you, those are my comments.

Mr. Parsley: Quick question on the buffer; that is remaining C-2.

Ms. Christie: Yes.

Mr. Parsley: So you have all the use units in a C-2 that would still be able to be developed on that piece so that is actually the buffer piece.

Ms. Christie: Correct.

Mr. Parsley: And that development could still take place as far as a C-2.

Ms. Christie: Correct, if you build there today.

Mr. Parsley: But even if this, what is being asked for, got rezoned to I-1 you still have a portion of that that could actually be developed between this and the residents, with Dixieland being in that as well. Just wanted to make sure that was also that clarification that there is still land available to develop as frontage along Dixieland, which could be recreational, cultural and health facilities, office, studios, eating places, neighborhood shopping goods, shopping goods, trades and services, automotive services, parking lot temporary buildings and/or storage and transportations services. And there is conditional uses that are also permitted in a C-2.

Mr. Parker: And I do think the point was made that when you purchase a house you do look at the land use plan, but again if that was twenty years ago then things, I think the speaker even mentioned that things do change from that land use plan way back when and you know, we can't just because people like looking at a pasture in their back yard, you can't keep a property owner from developing their property just because maybe that the field is more appealing to look at.

Mr. Parsley: David did you have another.

Mr. Gilbert: Yes, I would like to point out that if you look at the Master Land Use plan today not twenty years ago, right this minute if you pull it up it shows single family residential. So we are not talking about what happened twenty years ago we are talking about a promise that was made twenty years ago that if a person next to me bought that house today, that promise would be made to them today that would be single family residential. That's a lot different than twenty years ago. Also, back to the buffer, briefly, the buffer is not unpalatable but we have no way of assuring that the buffer is going to stay. This applicant has previously stated that we will take what we can get tonight and come back and get what we want later. So this C-2 buffer could be asked to be industrial next month. We don't know that, at some point you need to protect the neighboring residents. It's may be the highest use but it is not the best use. Thank you.

Mr. Parsley: Thank you.

Mr. Parker: I do think that there is a difference between a promise and a plan and so I have a little bit of an issue of saying that this was a promise made when it is a land use plan that is apt to change. Now I will give you it's not up to date on the website as it is right now but I have a little bit of an issue calling it a promise.

Mr. Gilbert: Sir, I'm quoting directly from the hearing for the McGaugh RV three years ago which the residents subdivision across the street which was platted after McGaugh RV went into business on that site stated that they had been promised that that land would stay single family and that was because of the Master Land Use plan; not my words but the words of others that had weight with this planning commission and helped them to determine not to rezone that property to commercial.

Mr. Parsley: Thank you, David. Any other questions or comments from the commission?

Mr. Ben Peters: I think that I would just like to go on record saying that this may become an industrial use when the 412 Bypass is constructed and when the roads in the area develop but until those things happen for me, at this time, it is a little bit early.

Mr. Parsley: Thank you Ben. Any other questions?

Mr. Parker: This is my problem right now is the timing. I don't deny that eventually that this is probably the right zoning but if anybody can help sway me I think that's where I'm having the biggest trouble right now is rezoning this with so many unknowns out there.

Mr. Parsley: Any other comments from the commission?

Ms. Christie: The only comment that I have is that the Mayor indicated that Dixieland is being done. We wouldn't be looking at making improvements to Apple Blossom because we didn't control anything until just recently so those will move forward as we look at capital improvements.

Mr. Parsley: Which from a master planning for next year, right?

Ms. Christie: Yes.

Mr. McClard: Thank you, Bill McClard again. From the standpoint of the potential tenant there is a lot of money that is going to have to be spent any number of ways to make sure that this fits their criteria. This is not their only facility. They have a number of them and they are not going to start spending the kind of money that they have to spend for engineering and that sort of thing unless they know that this property is rezoned. The opportunity and get what I believe the biggest building in Springdale by far and a huge number of people is here and now. We are time sensitive, if we can't get this that use is more than likely going to go away. With the amount of time that it will take to do the large scale and all the planning the developer is telling me that March of 22 or thereabouts will be adequate by the time the thing is finished to have it all come together at the same time. If it's not done now, this opportunity goes away if that's relevant to the city.

Mr. Parsley: Thank you. This will be a call vote.

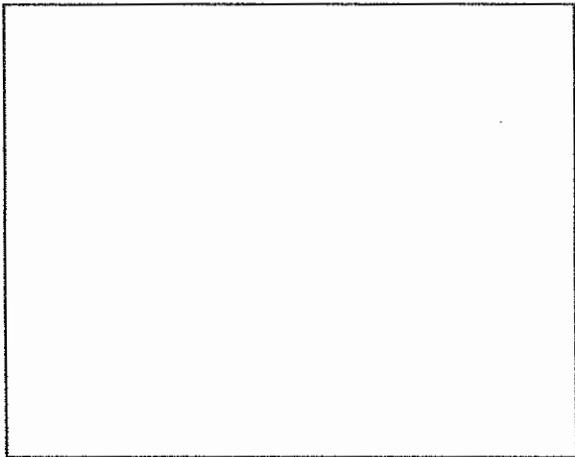
Mr. Covert: Call for the vote.

Ms. Pounders: Covert – No; Mueller – Recuse; Parker – Yes; Parsley – No; Peters – No; Tyler – Yes; Austin – No; Compton – No.

Mr. Parsley: I have five no, two yes, and one recuse.

Ms. Christie: You have the right to appeal this decision to the City Council. The appeal has to be filed with the City Clerk within fifteen days and you have to indicate why you think the Planning Commission has erred in their decision and the adjacent property owners have to be notified.

Mr. Parsley: Thank you all that came in for this.



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING THE FINAL PLAT OF
SPRING MEADOWS SUBDIVISION TO THE CITY OF
SPRINGDALE, ARKANSAS, AND DECLARING AN
EMERGENCY.**

BE IT KNOWN BY THE CITY OF SPRINGDALE, ARKANSAS:

WHEREAS, there has been duly presented to the City Planning Commission of Springdale, Arkansas, a plat of certain lands in the City of Springdale, Benton County, Arkansas, being more particularly described as follows, to-wit:

WARRANTY DEED DESCRIPTION: 2012-19258

THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 18,
TOWNSHIP 18 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS.

AND WHEREAS, said Planning Commission, after conducting a public hearing, has approved the plat as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said plat and join with said Petitioner in petitioning the City Council to accept the said FINAL PLAT OF SPRING MEADOWS SUBDIVISION to the City of Springdale, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the FINAL PLAT OF SPRING MEADOWS SUBDIVISION, as shown on the plat approved by the Planning Commission, a copy of which is attached to this Ordinance and made a part hereof as though set out herein word for word, be and the same is hereby accepted by the City of Springdale, Arkansas, and the City hereby accepts for use and benefit to the public the dedications contained therein.

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

PASSED AND APPROVED this _____ day of _____, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY



P. 44 50 100 200 300 400
Feet
For Location Reference Only

FILE NO. FP20-06
APPLICANT: ESI

REQUEST: Final Plat of Spring Meadows Subdivision

PLANNING COMMISSION MEETING
October 6, 2020

ORDINANCE NO. _____

**AN ORDINANCE TO WAIVE COMPETITIVE
BIDDING FOR THE PURCHASE OF EMPLOYEE
INSURANCE COVERAGE**

WHEREAS, the City of Springdale has provided health insurance for its employees through Arkansas Blue Cross Blue Shield since January 1, 2007, and

WHEREAS, Arkansas Blue Cross Blue Shield has proposed to continue coverage for City of Springdale employees with a 5% reduction in the premium, and

WHEREAS, the rates for dental insurance with Delta Dental will remain the same, and

WHEREAS, there is no change in the rate for vision insurance or life and AD&D insurance or long term disability, 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 complexity of employee insurance competitive bidding is not feasible or practical in the purchase of health, vision insurance, dental insurance or life and AD&D insurance and long term disability insurance needed by the City of Springdale and competitive bidding on the purchase of these employee benefits for the year of 2021 is here by waived with the provision that the providers and insurance monthly premiums will be those as reflected on the attached data sheet.

Section 2. The City's 2021 contribution into the employees' health savings account will be made in two equal payments with the first payment in January and the second payment in July and will be the same amounts as paid in 2020.

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 13th day of October, 2020

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM

Ernest B. Cate, City Attorney

2021 HEALTH BENEFITS PROPOSAL

HEALTH INSURANCE - BLUE CROSS BLUE SHIELD (5% decrease for 2021--No change in benefits)

PPO - CoPay Plan	2021 Proposed		HDHP Plan w/H.S.A.	2021 Proposed	
	2020 Mo. Rates	Rates		Rates	Rates
Employee Only	\$ 483.44	\$ 459.27	Employee Only	\$ 363.24	\$ 345.08
Employee/Spouse	\$ 965.81	\$ 917.52	Employee/Spouse	\$ 725.66	\$ 689.38
Employee/Child(ren)	\$ 868.78	\$ 825.34	Employee/Child(ren)	\$ 652.76	\$ 620.12
Family	\$ 1,327.99	\$ 1,261.59	Family	\$ 997.78	\$ 947.89

DENTAL INSURANCE - DELTA DENTAL (0% increase for 2021--No change in benefits)

	2021 Proposed	
	2020 Mo. Rates	Rates
Employee Only	\$ 29.56	\$ 29.56
Employee/Spouse	\$ 61.66	\$ 61.66
Employee/Child(ren)	\$ 55.44	\$ 55.44
Family	\$ 94.20	\$ 94.20

VISION INSURANCE - VSP (0% increase for 2021--No change in benefits)

	2021 Proposed	
	2020 Mo. Rates	Rates
Employee Only	\$ 6.26	\$ 6.26
Employee/Spouse	\$ 11.57	\$ 11.57
Employee/Child(ren)	\$ 12.51	\$ 12.51
Family	\$ 17.84	\$ 17.84

LIFE INSURANCE - MUTUAL OF OMAHA (0% Increase for 2021--Same benefits)

Basic Life/ADD (\$20K)

	2020 Mo. Rates		2021 Proposed Mo. Rates	
All Employees	\$	3.40	\$	3.40

Voluntary Life

Age Band	2020 Employee & Spouse Rate per \$1K		2021 Proposed Mo. Rates Employee & Spouse Rate per \$1K		2020 All Children Rate per \$1K/cov.	2021 Proposed Rate All Children Per \$1K cov.
<24	\$	0.06	\$	0.06	\$0.24	\$0.24
25-29	\$	0.07	\$	0.07		
30-34	\$	0.09	\$	0.09		
35-39	\$	0.12	\$	0.12		
40-44	\$	0.19	\$	0.19		
45-49	\$	0.32	\$	0.32		
50-54	\$	0.53	\$	0.53		
55-59	\$	0.83	\$	0.83		
60-64	\$	1.29	\$	1.29		
65-69	\$	2.32	\$	2.32		
70-74	\$	4.15	\$	4.15		
75-79	\$	6.85	\$	6.85		
80-84	\$	13.88	\$	13.88		
85-89	\$	13.88	\$	13.88		
90-100	\$	13.88	\$	13.88		

Long Term Disability--LTD (0% increase for 2021)

	2020 Rate (Per \$100 of Monthly Covered Payroll)	2021 Proposed Rate (Per \$100 of Monthly Covered Payroll)
All Employees	\$0.24	\$0.24

ORDINANCE NO. _____

**AN ORDINANCE CALLING FOR THE
ANNEXATION OF LAND PURSUANT TO
ARK. CODE ANN. §14-40-501, *et. seq.***

WHEREAS, the boundaries of the city limits of the City of Springdale have changed over time, causing certain lands which are not in the City of Springdale to become surrounded by land which is located in the City of Springdale;

WHEREAS, given the fact that certain lands are surrounded by property in the City of Springdale, it would be in the public interest for the City of Springdale to provide municipal services, such as police protection, fire protection, etc., to these surrounded lands, and these surrounded lands qualify for annexation pursuant to Ark. Code Ann. §14-40-302;

WHEREAS, Ark. Code Ann. §14-40-501, *et. seq.*, provides that the governing body of a municipality may propose an ordinance calling for the annexation of land that is surrounded by the municipality;

WHEREAS, it is in the best interest of the City of Springdale that these surrounded lands be annexed into and be made a part of the City of Springdale, and the legal descriptions of the land to be annexed, as well as a map of the land to be annexed, are attached hereto as Exhibits "A" and "B", and made a part hereof; and

WHEREAS, the City Council finds that a hearing date should be set on the issue of the annexation of the surrounded lands contained in Exhibits "A" and "B";

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that December 8, 2020, at 6:00 p.m. be set as the date and time for the City Council to hear the issue of the annexation of the surrounded lands contained in Exhibit "A"; and the City Clerk shall give notice of the date and time, as required by law.

PASSED AND APPROVED this _____ day of _____, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

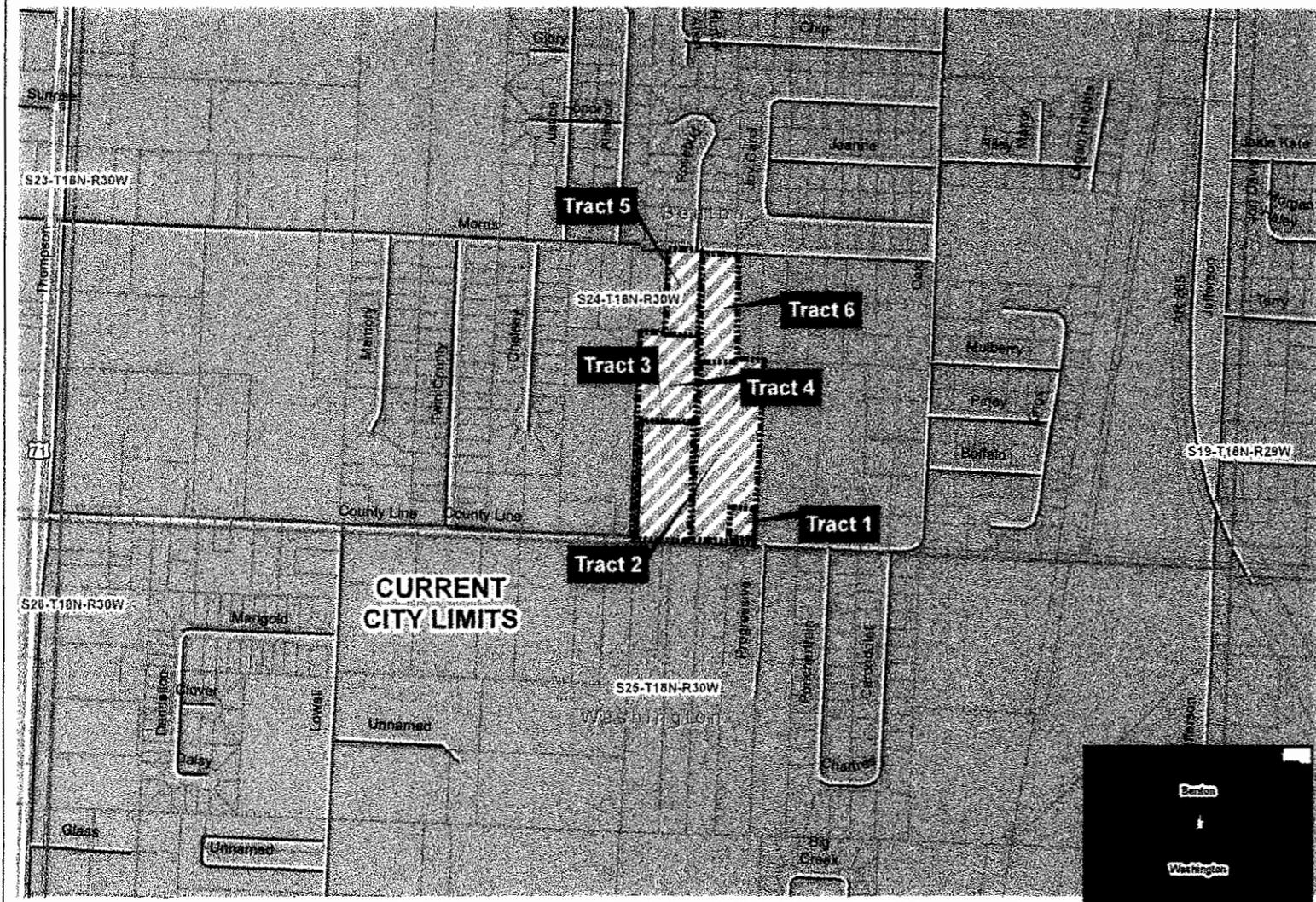
Proposed Annex: City of Springdale
September 2020

City: Springdale
Mayor: Doug Sprouse

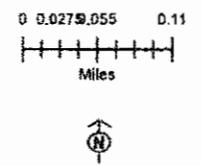
Arkansas Code 14-40-101.

Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

The map contained herein, is evidence, the entity has met requirements of Act 914 of 2015



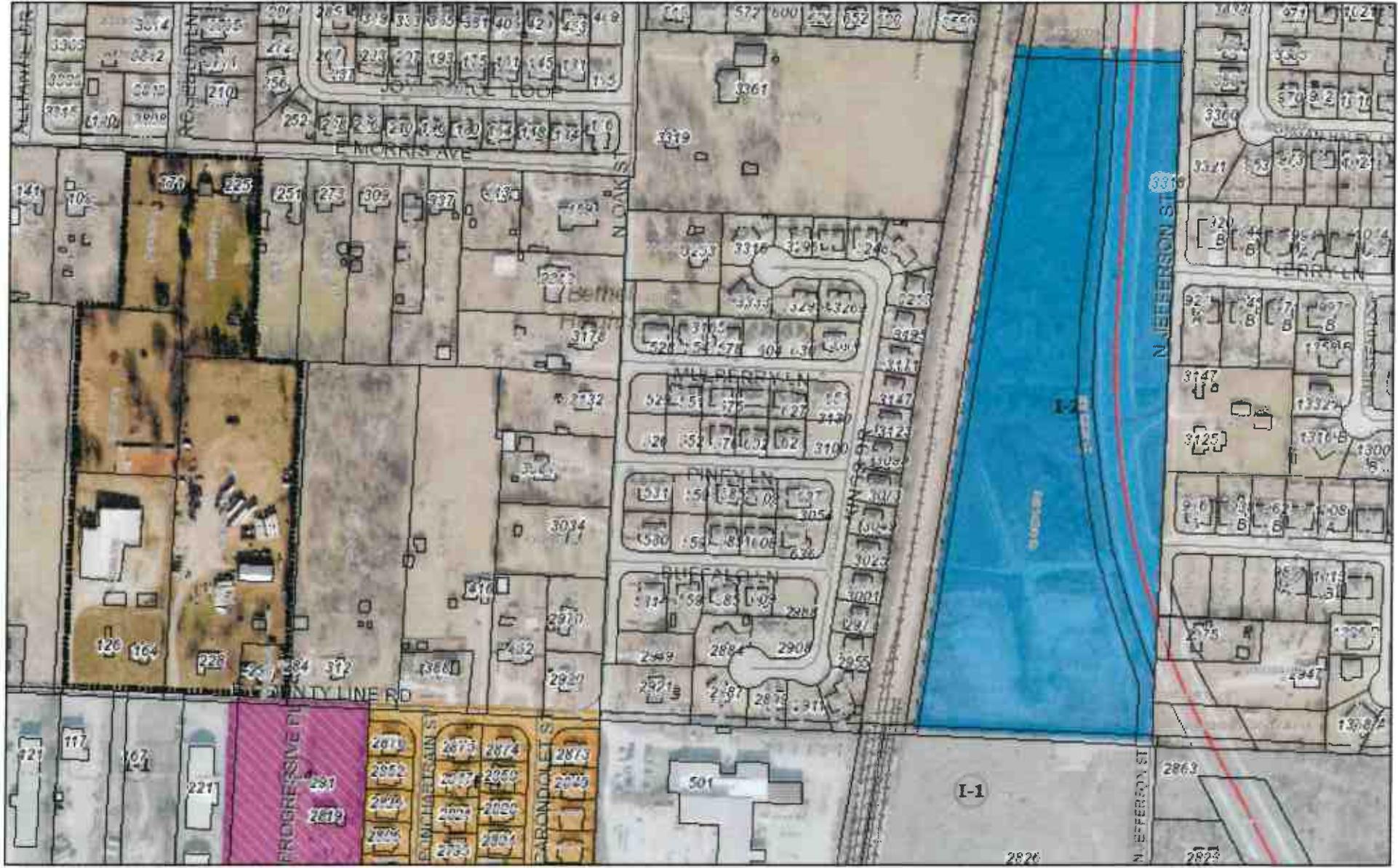
- Proposed Annex
- Section
- Parcel
- Highway
- Minor Road
- Existing City
- County Boundary



ARKANSAS
GIS OFFICE

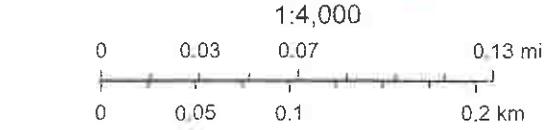
H:\City_Annexations\Cities\Springdale\20200930

City of Springdale Zoning Map



September 9, 2020

- | | | | | | |
|------------------------|--------------|-----------|---------------|----------|---------|
| Washington Co. Parcels | STREAMS | LAKES | STREETS - ALL | U.S. HWY | PRIVATE |
| Benton Co. Parcels | MAIN CHANNEL | Buildings | INTERSTATE | AR HWY | |
| SCHOOLS | TRIBUTARY | RAILROAD | RAMP | LOCAL | |



City of Springdale, Clayton Sedberry

Exhibit B

Benton County Island Annexation 2020

Tract 1: Parcel No. 18-06389-002 (Leola Cross)

Leola Cross
256 E. County Line Rd.
Springdale, AR 72764

PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS S 89° 38' 42" W, 765.50 FEET FROM A FOUND IRON PIN AT THE SE CORNER OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 24; THENCE S 89° 38' 42" W, 117.50 FEET; THENCE NORTH 137.96 FEET; THENCE N 89° 58' 52" E, 117.50 FEET; THENCE SOUTH 137.27 FEET TO THE POINT OF BEGINNING, CONTAINING 0.37 ACRES, MORE OR LESS.

Tract 2: Parcel No. 18-06389-000 (Larry Savage)

Larry Savage
228 E. County Line Rd.
Springdale, AR 72764

Part of the SW 1/4 of the SE 1/4 of Section 24, Township 18 North, Range 30 West described as beginning at a point 765.5 feet West of the SE corner of said 40 acre tract and running thence West 290.5 feet, thence North 825 feet, thence East 290.5 feet, thence South 825 feet to the place of beginning, LESS AND EXCEPT, PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS S 89° 38' 42" W, 765.50 FEET FROM A FOUND IRON PIN AT THE SE CORNER OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 24; THENCE S 89° 38' 42" W, 117.50 FEET; THENCE NORTH 137.96 FEET; THENCE N 89° 58' 52" E, 117.50 FEET; THENCE SOUTH 137.27 FEET TO THE POINT OF BEGINNING, CONTAINING 0.37 ACRES, MORE OR LESS.

Tract 3: Parcel No. 18-06388-000 (Dream Structures, LLC)

Dream Structures, LLC
P. O. Box 39
Lowell, AR 72745-0039

Part of the SW 1/4 of the SE 1/4 of Section 24, Township 18 North, Range 30 West, Benton County, Arkansas, described as beginning 19 feet East of the Southwest corner of said SW 1/4 of the SE 1/4; thence East 245 feet; thence North 535 feet; thence West 245 feet; thence South 535 feet to the place of beginning.

Tract 4: Parcel No. 18-06387-000 (Dream Structures, LLC)

Dream Structures, LLC
P. O. Box 39
Lowell, AR 72745-0039

A part of the SW 1/4 of the SE 1/4 of Section 24, Township 18 North, Range 30 West, Benton County, Arkansas being more particularly described as follows: Beginning at a point located in County Line Road at the SW corner of said 40 acre tract; thence leaving said County Line Road and running N02°19'12"E 935.01' along the west line of said 40 acre tract to a 5/8" iron rebar; thence leaving said west line and running S87°53'30"E 110.55' to a 5/8" iron rebar; thence S02°06'30"W 5.00' to a 5/8" iron rebar; thence S87°53'30"E 150.00' to a 5/8" iron rebar; thence S01°31'26"W 395.89' to a 5/8" iron rebar; thence N87°54'26"W 245.13' to a 5/8" iron rebar; thence S02°31'40"W 534.08' to feet to a 5/8" iron rebar Cap #1519 located in the County Line Road; thence with County Line Road N87°53'30"W 19.00' feet to the point of beginning, containing 2.65 acres, more or less.

Tract 5: Parcel No. 18-06390-001 (Dream Structures, LLC)

Dream Structures, LLC
P. O. Box 39
Lowell, AR 72745-0039

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Tract 6: Parcel No. 18-06390-000 (Antonio Araujo and Jose Araujo)

Antonio Araujo and Jose Araujo
225 E. Morris
Springdale, AR 72764

Part of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 24, Township 18 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows: Commencing at a found railroad spike, said spike accepted and used as the Northeast Corner of the SW 1/4 of said SE 1/4, thence N 89°45'52" W 885.06 feet to a set cotton picker spindle and the point of beginning, thence continue N 89°45'52" W 163.49 feet to a set cotton picker spindle, thence S 1°12'43" W 495.00 feet to a found 5/8 inch diameter iron pin, thence S 89°44'27" E 171.56 feet to a found 5/8 inch diameter iron pin, thence N 0°16'40" E 495.00 feet to the point of beginning, containing 1.90 acres, more or less, and subject to the right of way of Morris Avenue along the North boundary thereof.



**ARKANSAS
GIS OFFICE**

**Department of Transformation
and Shared Services**
Governor Asa Hutchinson
Secretary Amy Fecher
Director Shelby Johnson

September 30, 2020

Mr. Ernest B. Cate
City Attorney/Prosecutor
City of Springdale
201 Spring St.
Springdale, AR 72764

RE: City of Springdale Annexation Coordination Requirement

Mr. Cate,

Thank you for coordinating with our office as you seek to annex property into the City of Springdale, AR located in Section 24, Township 18 North, Range 30 West. This letter represents confirmation that you have properly coordinated with our office (Arkansas GIS Office) as specified in § 14-40-101 (Act 914 of 2015) of the 90th General Assembly.

Our office will wait completion of any additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after any appropriate filing by your County Clerk.

Thank you,

Jennifer Wheeler, GIS Analyst

Attachments:
GIS Office Map of Proposed Annexation
Legal Description
Secretary of State Municipal Change Checklist

H:\City_Annexations\Cities\Springdale\20200930\Doc\20200930_Springdale_Annexation_Coordination_Letter.docx



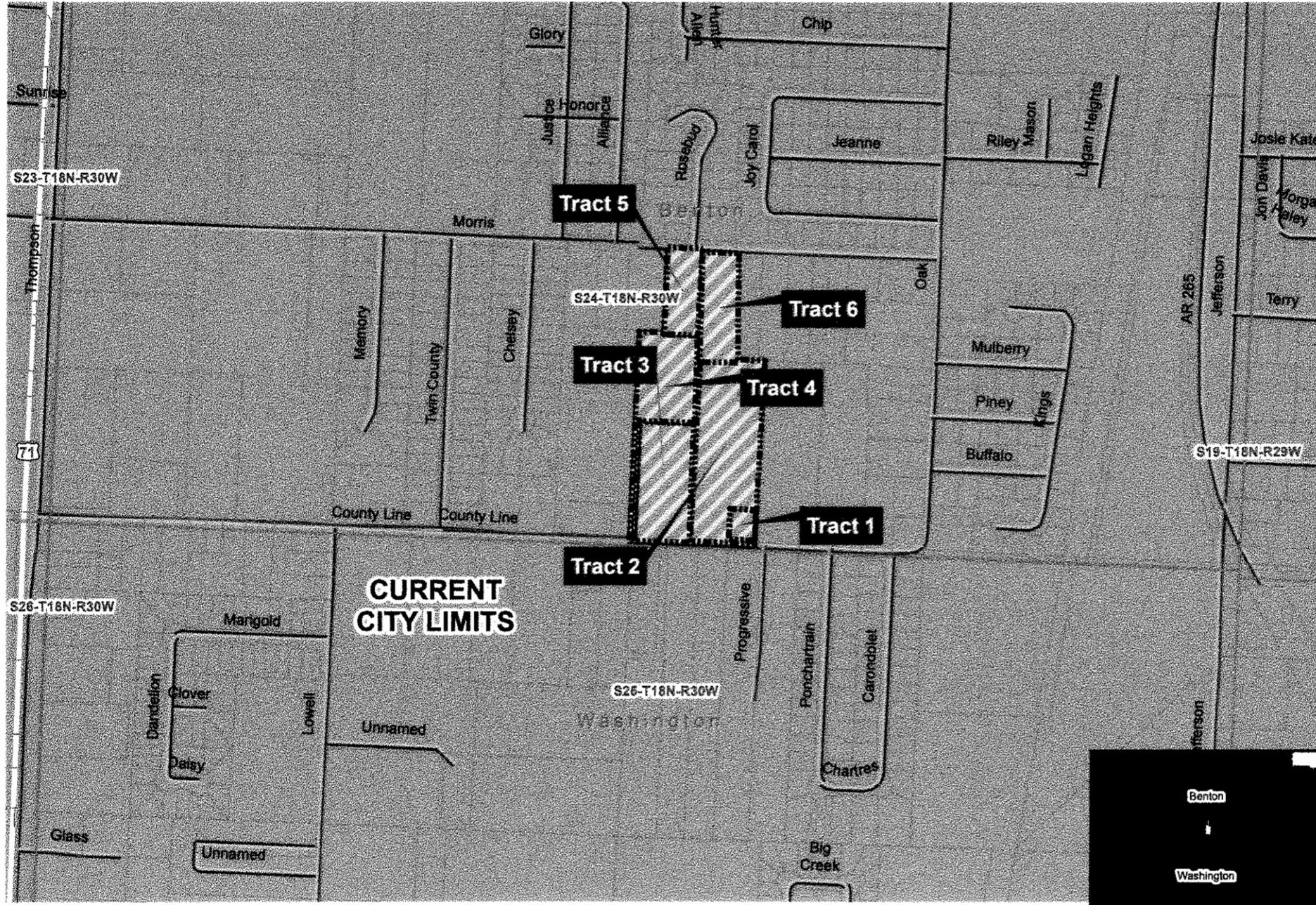
Proposed Annex: City of Springdale
September 2020

City: Springdale
Mayor: Doug Sprouse

Arkansas Code 14-40-101.

Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

The map contained herein, is evidence, the entity has met requirements of Act 914 of 2015



- Proposed Annex
- Sections
- Parcels
- Highway
- Minor Road
- Existing City
- County Boundary

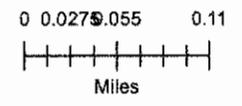


Exhibit B

Benton County Island Annexation 2020

Tract 1: Parcel No. 18-06389-002 (Leola Cross)

Leola Cross
256 E. County Line Rd.
Springdale, AR 72764

PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS S 89° 38' 42" W, 765.50 FEET FROM A FOUND IRON PIN AT THE SE CORNER OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 24; THENCE S 89° 38' 42" W, 117.50 FEET; THENCE NORTH 137.96 FEET; THENCE N 89° 58' 52" E, 117.50 FEET; THENCE SOUTH 137.27 FEET TO THE POINT OF BEGINNING, CONTAINING 0.37 ACRES, MORE OR LESS.

Tract 2: Parcel No. 18-06389-000 (Larry Savage)

Larry Savage
228 E. County Line Rd.
Springdale, AR 72764

Part of the SW 1/4 of the SE 1/4 of Section 24, Township 18 North, Range 30 West described as beginning at a point 765.5 feet West of the SE corner of said 40 acre tract and running thence West 290.5 feet, thence North 825 feet, thence East 290.5 feet, thence South 825 feet to the place of beginning, LESS AND EXCEPT, PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 24, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS S 89° 38' 42" W, 765.50 FEET FROM A FOUND IRON PIN AT THE SE CORNER OF THE SW 1/4 OF THE SE 1/4 OF SAID SECTION 24; THENCE S 89° 38' 42" W, 117.50 FEET; THENCE NORTH 137.96 FEET; THENCE N 89° 58' 52" E, 117.50 FEET; THENCE SOUTH 137.27 FEET TO THE POINT OF BEGINNING, CONTAINING 0.37 ACRES, MORE OR LESS.

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Dream Structures, LLC
P. O. Box 39
Lowell, AR 72745-0039

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225 E. Morris
Springdale, AR 72764

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Arkansas Secretary of State

John Thurston Arkansas Secretary of State, 500 Woodlane Ave, Little Rock, AR 72201-1094

Municipal Boundary Change Checklist

Act 655 of 2017 and A.C.A. §14-40-103

County: _____ City/Town: _____

City Ordinance/Resolution No: _____ Date approved: _____

County Court Case No: _____ Date Order Filed: _____

Type: _____
(Choose from the list of Arkansas Code Sections located on the back)

Date Change Effective: _____ Set by: Municipal Ordinance Emergency Clause Court Default
(Required by Act 655 of 2017)

For Circuit Court Challenge: Date Order Filed: _____ Upheld Overturned Other (attach explanation)

Please indicate which ward(s) the territory will be assigned to: _____
(See A.C.A § 14-40-203)

Initiating party:

All Landowners Majority Landowners Municipal Governing Body State Other _____

Supporting Documentation attached (check all that apply):

- File marked copy of City Ordinance/Resolution (required)
- File marked copy of County Court Order or certified annexation election results (required except for A.C.A. §14-40-501)
- Copy of Arkansas GIS approved printed map and certification letter (required)
- Proof of Publication for all Legal Notices (include Hearing, Election, and City Ordinance/Resolution notices)
- File marked copy of Petition Part (if applicable)
- File marked copy of Complaint and final Circuit Court Order (Court Challenge only)

Municipal Contact:

Name: _____ Title: _____

Street Address: _____

City: _____ St: _____ Zip code: _____

Complete one form per ordinance/resolution, attach it as a cover page to the supporting document set and submit to the County Clerk's Office within 45 days of the Effective Date as required by Act 655 of 2017

County Official:

Signature: _____ Title: _____

Date: _____

Pursuant to Act 655 of 2017, County Officials must submit a file-marked copy of municipal boundary change documents within 30 days of receipt to: Arkansas Secretary of State, Attn: Municipal Boundary Filing, 500 Woodlane Ave Suite 256, Little Rock, AR 72201-1094

Office of the Arkansas Secretary of State use only

Received by: _____

Municipal Annexation, Detachment, and Incorporation Reference

- Annexation of Territories Contiguous to County Seat A.C.A §14-40-201
- Annexation of Territories in another Judicial District (multiple county seats) A.C.A. §14-40-202
 - Annexation of City Park or Airport (automatic) A.C.A §14-40-204
- Annexation of building on boundary of two municipalities (written notice) A.C.A. §14-40-207
 - Annexation by Election (contiguous land) A.C.A. §14-40-302
 - Annexation of land in adjoining County A.C.A §14-40-401
- Annexation of surrounded unincorporated area (island/doughnut holes) by ordinance A.C.A. §14-40-501
 - Annexation by Petition of majority of Landowners A.C.A. §14-40-602
 - Annexation by Petition of all Landowners A.C.A §14-40-609
 - Consolidation of two municipalities by Election A.C.A §14-40-1201
- Annexation with Detachment from another municipality at landowner request A.C.A §14-40-2001
 - Annexation with Detachment from adjoining city at city request A.C.A §14-40-2101
 - Detachment of Land annexed by petition under §14-40-601 A.C.A §14-40-608
 - Detachment of municipal lands back to County by election A.C.A. §14-40-1801
 - Detachment of unsuitable land by municipal resolution A.C.A §14-40-1901
 - Incorporation by direct petition of landowners A.C.A §14-38-101
 - Incorporation by petition for special election A.C.A §14-38-115
 - Surrender of Charter (Disincorporation) by second class city A.C.A §14-39-101

RESOLUTION NO. _____

A RESOLUTION TO LEVY BENTON COUNTY AD VALOREM TAXES OF THE CITY OF SPRINGDALE, ARKANSAS.

WHEREAS, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes at their regular meeting in October of each year; and,

WHEREAS, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

WHEREAS, all property taxes will be collected by the County Clerk and Tax Collector of Benton County.

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

SECTION 1: That the following levies be approved for collection in the year 2021 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Benton County.

The 2020 property tax levy to be collected by the Benton County Tax Collector are as follows:

	REAL ESTATE	PERSONAL PROPERTY
GENERAL FUND	.0047	.0047
FIREMEN'S PENSION	.0005	.0005
POLICEMEN'S PENSION	.0005	.0005
TOTAL	<u>.0057</u>	<u>.0057</u>

PASSED AND APPROVED this _____ day of October, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION TO LEVY WASHINGTON COUNTY AD VALOREM TAXES OF THE CITY OF SPRINGDALE, ARKANSAS.

WHEREAS, governing bodies of the municipalities of the State of Arkansas are required by law to levy ad valorem taxes at their regular meeting in October of each year; and,

WHEREAS, certain levies are needed to properly finance the operation of the City of Springdale, Arkansas.

WHEREAS, all property taxes and voluntary taxes will be collected by the Tax Collector of Washington County.

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

SECTION 1: That the following levies be approved for collection in the year 2021 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Washington County.

The 2020 property tax levy to be collected by the Washington County Tax Collector are as follows:

	REAL ESTATE	PERSONAL PROPERTY
GENERAL FUND	.0047	.0047
FIREMEN'S PENSION	.0005	.0005
POLICEMEN'S PENSION	.0005	.0005
TOTAL	<u>.0057</u>	<u>.0057</u>

SECTION 2: The 2020 voluntary taxes to be collected by the Washington County Tax Collector are as follows:

	REAL ESTATE	PERSONAL PROPERTY
CITY FIRE FUND	.0015	.0015
LIBRARY	.001	.001
TOTAL	<u>.0025</u>	<u>.0025</u>

SECTION 3: The voluntary taxes will be printed in the Washington County Tax Collector's office and shall be billed and collected by the Washington County Tax Collector's office.

PASSED AND APPROVED this _____ day of October, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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 \$1,019,003.36 for construction expenses for Septembert 2020.

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 \$1,019,003.36 with funds from the 2018 Bond Construction Fund.

PASSED AND APPROVED this 8th day of October, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER: City of Springfield
 301 Spring Street
 Springfield, AR 72764

PROJECT: Springlake Municipal Center
 201 Spring Street
 Springfield, AR 72764

APPLICATION NO.: 16
 PERIOD TO: 8-29-2020
 PROJECT NOS.: 1271
 DISTRIBUTION TO:
 OWNER
 ARCHITECT
 CONTRACTOR

RECEIVED
 OCT 9 2020

FROM CONTRACTOR: Hester Construction Company, LLC
 2002 South 48th Street
 Suite A
 Springfield, AR 72762

ARCHITECT: Duval Decker Architects, P.A.
 2015 North State Street
 Jackson, MS 39218

CONTRACT DATE: Jul 21 2019

APPLICATION AND CERTIFICATE FOR PAYMENT

Application is made for payment, as shown below, in accordance with the Contract. Contributions there to be attached:
 1. ORIGINAL CONTRACT SUM \$ 35,855,288.00
 2. Net change by change orders \$ 0.00
 3. CONTRACT SUM TO DATE (Line 1 +/- 2) \$ 35,855,288.00
 4. TOTAL COMPLETED & STORED TO DATE \$ 18,259,350.48
 (Column 5 per 6702)
 5. RETAINAGE: (Total Retainage Column 1 of 6703) \$ 912,987.51
 6. TOTAL EARNED LESS RETAINAGE \$ 17,346,382.85
 (Line 4 less Line 5 Total)
 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Lines 6 thru prior Certificate) \$ 18,327,378.59
 8. CURRENT PAYMENT DUE \$ 1,019,003.36
 9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) \$ 18,508,905.05

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Change Order involved in previous months by Owner	0.00	0.00
APPROVED THIS MONTH		
Month: _____ Date Approved _____		
Current Total	0.00	0.00
Net Change by Change Orders		0.00

The undersigned Contractor certifies that to the best of his Contractor's knowledge, information and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for which he which previous Certificates for payment were issued and payments received from the Owner, and that certain deposit thereof herein is now due:
 By: [Signature] Date: 9/28/20
 Contractor: Hester Construction Company, LLC
 State of Mississippi

County of Washington
 Subscribed and sworn to before me this 28th day of Sept 2020
 Notary Public: [Signature] Date: 09/28/2025
 My Commission expires: _____
 Notary Public: _____
 State of Mississippi
 County of Washington
 Subscribed and sworn to before me this 28th day of Sept 2020
 Notary Public: [Signature] Date: 09/28/2025
 My Commission expires: _____

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the same application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the work has progressed as indicated, the quality of work is in accordance with the Contract Documents, and the Contractor is entitled to the payment of the AMOUNT CERTIFIED:
 AMOUNT CERTIFIED: \$ 1,019,003.36

(Attach explanation if amount certified differs from the amount applied for. Enter figures on this Application and on the Certificate Show how they are changed in conformity to the amount certified.)

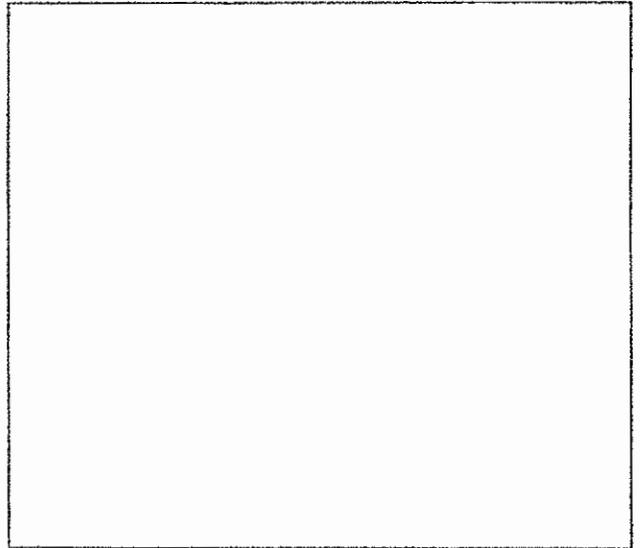
ARCHITECT: Duval Decker Architects, P.A.
 By: [Signature] Date: 10-08-20

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Retention, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

ORDINANCE NO. _____

AN ORDINANCE 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, ARKANSAS.

WHEREAS, the following real property located in Springdale, Washington County, Arkansas, is owned as set out below:



PROPERTY OWNER: Travis Franklin Jordan
LEGAL DESCRIPTION: Lot No. 7 in Block Number 4 Neal's Addition to the City of Springdale, as designated upon the recorded plat of said Addition.
LAYMAN'S DESCRIPTION: 804 N. Virginia Street,
PARCEL NO.: 815-23657-000

WHEREAS, the owner was given notice, pursuant to Ark. Code Ann. §14-54-903, of the unsightly and unsanitary conditions on the properties described above, and instructed to clean the properties in accordance with Sections 42-77 and 42-78 of the Springdale Code of Ordinances;

WHEREAS, the property owner of record did not abate the situation on these properties, and as a result, the City of Springdale was required to abate the conditions on these properties and incurred cost as follows, and as shown in the attached Exhibits:

\$249.91 clean-up costs and \$22.05 administrative costs – 804 N. Virginia (815-23657-000)

WHEREAS, the property owners have been given at least 30 days written notice of the public hearing in accordance with Ark. Code Ann. §14-54-903, as shown in the attached Exhibits;

WHEREAS, Ark. Code Ann. §14-54-904 authorizes the City Council to assert a clean-up lien on these properties to collect the amounts expended by the City in cleaning up these properties;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, pursuant to Ark. Code Ann. §14-54-904, the City Council certifies that the following real property shall be placed on the tax books of the Washington County Tax Collector as delinquent taxes and collected accordingly:

\$271.96, plus 10% for collection – 804 N. Virginia (Parcel No.815-23657-000)

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 _____, 20 ____.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:



Ernest B. Cate, CITY ATTORNEY

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

Sarah Sparkman
Deputy City Attorney
sparkman@springdalear.gov

David D. Phillips
Deputy City Attorney
dphillips@springdalear.gov



SPRINGDALE
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY

201 Spring Street • Springdale, Arkansas 72764
Phone (479) 750-8173 • Fax (479) 750-4732
www.SpringdaleAR.gov

Lourdes Peredo
Case Coordinator/Victim Advocate
lperedo@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Lynda Belvedresi
Administrative Legal Assistant
lbelvedresi@springdalear.gov

Jacque Roth
File/Discovery Clerk
jroth@springdalear.gov

September 10, 2020

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND REGULAR MAIL**

Travis Franklin Jordan
3401 W. Cornell Dr.
Fayetteville, AR 72704-6785

RE: Notice of clean-up lien on property located at 804 N. Virginia, Springdale, Washington County, Arkansas, Tax Parcel No. 815-23657-000

Dear Property Owner/Lienholder:

On May 19, 2020, notice was posted on property located at 804 N. Virginia, Springdale, Arkansas, that the property **was** in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. Also, on May 20, 2020, notice was mailed to you that the City intended to seek a clean-up lien on **this property**, pursuant to Ark. Code Ann. §14-54-903, if the violations were not remedied. The **owner received this notice** on May 26, 2020.

No action was taken by you to clean up the property within **seven (7)** business days. As a result, the City of Springdale took action to remedy **the** violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about June 24, 2020. A lien letter was sent to you on June 29, 2020. The abatement in the **amount** of \$264.11 **was** not paid by September 8, 2020 and the City Council placed a lien on the property.

In the interim, the City of Springdale had to clean this property again, on August 6, 2020. The City expended the sum of \$249.91 to clean **this** property. I have enclosed copies of invoices evidencing this cost. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative **fees** may be added to the total **costs incurred** by the City of Springdale, which will include certified mailing fee in the amount of \$7.05 per letter and a filing fee in the **amount** of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event **this amount** is not paid to the City of Springdale on or before October 13, 2020, a hearing will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the **amount** of the clean-up lien to which the City is entitled for cleaning up the property. The hearing **will** be held Tuesday, October 13, at 6:00 p.m.

in the City Council Chambers ~~at~~ the City Administration Building, 20 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at ~~this~~ hearing concerning the ~~amount~~ of the lien the City of Springdale is claiming.

If you desire ~~not to contest~~ this amount, and desire ~~not~~ to have a hearing on the matter, please remit ~~the~~ total sum of 256.96, which includes ~~\$249.91~~ for cleaning ~~up~~ the property and \$7.05 for ~~certified~~ mailings to the City of Springdale by the date listed above. If you ~~fail~~ to pay this amount before the hearing, then an ~~additional \$5.00~~ will be added for costs of filing the ordinance with the Circuit Clerk's Office. Payment may be made directly to the City Clerk's Office or to the City Attorney's Office. If payment is ~~made~~ to the City Clerk's Office, please provide me with a copy of any payment ~~you make~~ so that I will be aware of it.

If you should have any questions, please let me know.

Sincerely,



Sarah Sparkman
Deputy City Attorney

enclosure
SS:lb



CITY ABATEMENT-2020 - - 8/6/2020 9:27 AM (LOGAN-CODE 2)

Form Started: 8/6/2020 9:42:15 AM
 Form Submitted: 8/6/2020 9:42:15 AM
 Status: CITY ABATEMENT
 Order #: CVIR804-05

Form Fields:

Property Address
 Before Picture

804 Virginia
 Attached Data



Type of Abatement
 Date of Abatement
 Officer on Site

Lien
 8/6/2020 8:27 AM
 L. West

Labor Rate Recovery
 Employee
 JM Benefit Rate

Horatio Jose Mejia
 \$13.59

Method of Compliance
 1 Method of Compliance

Mowing

Equipment Used
 Equipment
 771 Kubota
 779 Grasshopper

771 Kubota, 779 Grasshopper
 \$35
 \$35

Time of Abatement in Hours
 Number of Temporary Laborers
 Temporary Labor Rate Recovery
 Employee labor recovery per hour
 Total Employee Cost
 Equipment Cost per hour
 Total Equipment Cost

1
 2
 48
 13.59
 13.59
 70
 0

City of Springdale
Neighborhood Services Division
230 Spring St
Springdale AR 72704
Phone: 479-756-5700



Disposal Cost Recovery	\$118.32
Number of Tires Removed (\$2 Each)	0
Number of Electronics Removed (\$10 Each)	0
Containers of Chemicals (\$1 Each)	0
Freon Removal Recovery (\$20 each)	0
Total Cost of Abatement	249.91

Items Removed from Property

At the property of 804 Virginia, the landscape crew removed the tall grass and weeds.

Final Photos

Attached Data

