

- The next Committee Meeting will be held on XXXXXX in the Tiered Training Room.
- Committee agendas will be available on the Friday before the meeting.

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
TIERED TRAINING ROOM
2ND FLOOR OF CRIMINAL JUSTICE BUILDING
Tuesday, June 28th, 2022**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance

Invocation – Mayor Doug Sprouse

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

1. *Large Print* agendas are available.
2. Call to Order – Mayor Doug Sprouse
3. Roll Call – Denise Pearce, City Clerk/Treasurer
4. Recognition of a Quorum.
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 – June 14th, 2022: **Minutes located at the back of Agenda. Pgs. 77-131**
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) **11A-11K**. Motion must be approved by two-thirds (2/3) of the council members*).
8. **Employee Recognition**. Presented by Mayor Doug Sprouse.
9. **Retirement Recognition**. Presented by Ernest Cate, City Attorney.
10. **Waste Management Quarterly Report**. Presented by Jamie Vernon and Casey Russell, Waste Management. **Pgs. 1-8**
11. Appointments

A Resolution approving the appointment of Shane Acosta to fill a vacancy on the Springdale Water and Sewer Commission. Presented by Heath Ward, Springdale Water Utilities. Pgs. 9-12

12. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development

- A. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 2805 E. Emma Avenue from Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2) and General Commercial District (C-1) and declaring an emergency. Pgs. 13-16
- B. **An Ordinance** accepting the re-plat of the Tom Carrel Subdivision lots 6 & 7 to the City of Springdale, Arkansas, and declaring an emergency. Pgs. 17-19
- C. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located on West side of N. 56th Street and South of W. County Line Road, Parcel 815-30919-000 from Low Density Single Family Residential District (SF-1) to Low/Medium Density Single Family Residential District (SF-2) and declaring an emergency. Pgs. 20-22
- D. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located on W. side of AR Highway 112, Parcel 21-01521-000 from Agricultural District (A-1) to Low Density Single Family Residential District (SF-1) and declaring an emergency. Pgs. 23-25
- E. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located 3/4 miles south of Don Tyson Parkway, at the end of Hylton Road from Low/Medium Density Single Family Residential District (SF-2) to High Density Single Family Residential District (SF-3) and declaring an emergency. Pgs. 26-28
- F. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 5119 Elm Springs Road from Agricultural District (A-1) to Thoroughfare Commercial District (C-5) and declaring an emergency. Pgs. 29-31
- G. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 5776 Elm Springs Road from Agricultural District (A-1) to General Commercial District (C-2) and declaring an emergency. Pgs. 32-34
- H. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat

pertaining thereto by rezoning certain lands located at 1201 Henryetta Street from Medium Density Multi-Family Residential District (MF-12) to General Commercial District (C-2) and declaring an emergency. Pgs. 35-37

- I. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 3939 S. 48th Street from Agricultural District (A-1) to General Commercial District (C-2) and declaring an emergency. Pgs. 38-40
- J. **An Ordinance** amending Chapter 32 of the Code of Ordinances of the City of Springdale, Arkansas, the Downtown District Form Based Code; revising Section 2.0 the regulating plan; declaring an emergency; and for other purposes. Pg. 41
- K. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands located at 2553 N. Thompson Street from General Commercial District (C-2) to Planned Commercial District (C-4) and declaring an emergency. Pgs. 42-44
- L. **A Resolution** approving a Conditional Use for Elemental Properties, LLC at 2553 North Thompson as set forth in Ordinance No. 4030. Pgs. 45-46
- M. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Oceanfront Estates in connection with PP22-06 a Preliminary Plat. Pgs. 47-48

13. Community Development Block Grant Program by Chairman Kevin Flores

A Resolution adopting and approving the 2022 Action Plan for the Community Development Block Grant Program and the reallocation of the CARES Act Funds. Presented by Dean Allen, Community Development Block Grant Program Manager. Pgs. 49-51

14. Finance Committee by Chairman Jeff Watson

- A. **A Resolution** authorizing the execution of a Professional Services Agreement for a Transportation Study and other purposes. Forwarded from Committee with recommendation for approval. Presented by Colby Fulfer, Chief of Staff. Pg. 52
- B. **A Resolution** amending the 2022 Budget of the Springdale Police Department to implement the "Arkansas Full-Time Law Enforcement Officer Salary Stipend Act of 2022". Forwarded from Committee with recommendation for approval. Presented by Chief Frank Gamble, Chief of Police. Pgs. 53-67

C. **A Resolution** authorizing the City Attorney to settle a Condemnation Lawsuit wherein First Presbyterian Church of Springdale is Defendant (Project No. 18BPS12, Tract 2). Forwarded from Committee with recommendation for approval. Presented by Ernest Cate, City Attorney. Pgs. 68-74

D. **A Resolution** authorizing funding for repairs/improvements to the Huntsville Avenue Railroad Crossing, pursuant to an Addendum to a Railroad Crossing Easement Agreement with the Arkansas & Missouri Railroad Company (AMRR). Forwarded from Committee with recommendation for approval. Presented by Ernest Cate, City Attorney. Pgs. 75-76

15. **A Discussion** on date for the 1st Committee Meeting in July.

16. Comments from Council Members.

17. Comments from City Attorney.

18. Comments from Mayor

19. Adjournment.



Waste Management of Springdale

Introduction

- **Jamie Vernon:** WM Public Sector Manager.
- **Casey Russell:** WM Route Manager.

Springdale Q4 Operations Summary

Residential

4 MSW Automated Side Load units.

2 Recycle Automated Side Load units.

1 Rear Load unit.

562,302 Customers/Containers
including Recycle/MSW/Yard Waste.

Springdale Added 78 homes in Q4

111 – New Residential Trash Carts were
Delivered

98 – Trash Carts were
Repaired(Wheels/Lids) for Residents

2 - Property damage claims.

- 2009 Bluebird ASL- Trash Cart was placed too close to Mailbox and the Mailbox was damaged. The Mailbox replaced by WM.
- Wensworth Avenue- Cable line sagging too low due to storm winds, ASL Truck pulled the cable line down and detached from the home – Cable provider made repairs to the low hanging line that did not meet the required height. ■

Springdale Q4 Operations Summary

Commercial

3 Commercial Front Load units.

1 Commercial Front Load unit.

3,345 Business Customers serviced multiple times per week.

0 Accidents/Injuries/Property damage claims.

Industrial (Rolloff)

5 Industrial units.

622 Customers serviced multiple times per week.

20 industrial Customers were added in Q4

0 Accidents/Injuries/Property damage claims.



2022 Q4 Recycling Summary

During the Period of April - June 2022, WM collected 1.2 million pounds of Recyclables for processing at our partner's facility in Rogers.

WM is participating in NWA Council Recycling Working Group to discuss Regionalized Recycling for NWA. We will work closely with the City of Springdale Leadership to advance your recycling goals



Community Disposal Partnership

City of Springdale

The City of Springdale disposes its residential Bulk Waste at WM's Eco-Vista Landfill.

Q4 Bulk Waste Load Summary:
228 Loads – 659.17 tons of Bulk Waste.

Total Cost including State and Local Fee \$ 19,621.80

Customer	Loads	Tons	Eco Vista Gate FEEs
Springdale	228	659.17	\$19,621.80

Community Disposal Partnership

City of Springdale Tornado Clean up

Waste Management provided the City 10 – 30 yd Roll Off boxes at the City's Tornado Clean-Up staging areas for Residential Customers and City Public Works Staff to dispose of debris. 300 Yards of Debris

WM Volunteers parked Residential Trucks at the John Tyson Elementary School for a Residential Tornado Debris Clean up Day and collected donations for Tornado Victims.





Waste Management of Springdale

Thank you

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE
APPOINTMENT OF SHANE ACOSTA TO FILL
A VACANCY ON THE SPRINGDALE WATER
& SEWER COMMISSION**

WHEREAS, the Springdale City Council adopted Ordinance No. 3592, thereby establishing a five-member board of Water and Sewer Commissioners;

WHEREAS, due to the death of Paul Lawrence, the remaining Commissioners desire that Shane Acosta be appointed to fulfill the remainder of the term on the Springdale Water & Sewer Commission which will expire on July 13, 2028; and

WHEREAS, pursuant to Ark. Code Ann. §14-234-304(d), in the event of a vacancy on the Commission, the vacancy shall be filled by the remaining Commissioners appointing a member, subject to the approval of two-thirds ($\frac{2}{3}$) of the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the appointment of Shane Acosta to fulfill the remainder of the term on the Springdale Water & Sewer Commission, with a term expiration date of July 13, 2028, is hereby approved.

PASSED AND APPROVED this ____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Anna McKinney

From: Leanna Hollingsworth <lhollingsworth@springdalewater.com>
Sent: Wednesday, June 22, 2022 1:43 PM
To: Anna McKinney (amckinney@springdalear.gov)
Cc: dsprouse@SpringdaleAr.gov; Heath Ward
Subject: Water and Sewer Commission Appointment - Shane Acosta
Attachments: RESOLUTION TO APPOINT SHANE ACOSTA TO WATER AND SEWER COMMISSION.pdf;
CITY RES SHANE ACOSTA.doc

Anna,

At the Water and Sewer Commission meeting this morning, the commissioners appointed Shane Acosta to fill the unexpired term of Paul Lawrence. Heath asked me to send you the resolution so hopefully it can be placed on the city council meeting agenda for next week. I have attached the resolution adopted by the commission that includes Mr. Acosta's resume. I have also attached a word document for the city resolution that maybe you can use.

If you have any questions, please let me know.

Thank you,

Leanna Hollingsworth

Executive Secretary

Phone: 479-927-4177

Phone: 479-751-5751 Ext. 2223



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RESOLUTION NO. 12-22

A RESOLUTION APPOINTING A MEMBER TO THE SPRINGDALE WATER AND SEWER COMMISSION TO FILL THE UNEXPIRED TERM OF PAUL LAWRENCE.

WHEREAS, due to the death of Paul Lawrence, a vacancy exists on the Springdale Water and Sewer Commission; and

WHEREAS, Arkansas Code § 14-234-304 shall direct the filling of a member vacancy to the commission by the appointment of the remaining commissioners; and

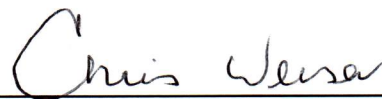
WHEREAS, this vacancy appointment is subject to two thirds (2/3) approval of the City Council of the City of Springdale, Arkansas; and

WHEREAS, the remaining commissioners of the Water and Sewer Commission voted to recommend Shane Acosta to serve on the Water and Sewer Commission;

NOW THEREFORE BE IT RESOLVED by the Water and Sewer Commission of Springdale, Arkansas that Shane Acosta is hereby appointed to fill the vacancy of Paul Lawrence as a member of the Springdale Water and Sewer Commission subject to the above mentioned provisions of Arkansas Code § 14-232-304;

NOW THEREFORE BE IT FURTHER RESOLVED by the Water and Sewer Commission of Springdale, Arkansas that the term of said appointed member will expire July 13, 2028.

PASSED AND APPROVED THIS 22 DAY OF JUNE, 2022.



Chris G. Weiser, Chair

ATTEST:



Al Hanby, Vice-Chair

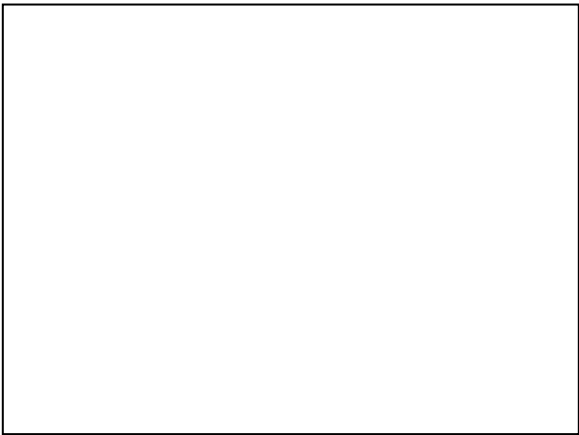
BIO: SHANE ACOSTA

Shane Acosta is currently the complex general manager of Cargill Protein in Springdale, AR where he is responsible for both Agriculture and Processing Plant Operations. Cargill is the 5th largest employer in the city of Springdale. He has worked for Cargill for over 28 years in different roles such as plant supervisor, superintendent, plant manager, and Operations advisor to name a few. He has a Bachelor of Science degree in Vocational Education with a minor in Poultry Science from Louisiana State University in Baton Rouge.

Shane currently serves on the Springdale Chamber of Commerce Board of directors and recently finished his commitment as a Board member of the Northwest AR Food Bank.

He is also a long-time board member of the Poultry Federation which is the trade association that protects and serves the interests of the poultry industry in Arkansas, Oklahoma, and Missouri. In that role, Shane created and still currently presides over an annual Food Safety Conference that has gained national recognition. In 2012, he was named the Industry Leader of the Year by the members of the Poultry Federation. In 2019, Shane was named volunteer of the year by the United Way of Northwest AR.

Shane resides in Springdale, AR with his wife Rachel who between them have 5 children. Mary Catherine, Chase, Cole, Gabby, and Shae.



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO LOW/MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) AND GENERAL COMMERCIAL DISTRICT (C-1) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of June 7, 2022 for hearing the matter of a petition of Juan Garcia, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2) and General Commercial District (C-2).

Layman's Description: 2805 E. Emma Avenue

Legal Description: LOT 13
PART OF LOTS 6, AND 7, IN TOM CARREL SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A FOUND MAG NAIL BEING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT THENCE N87°34'16"W 164.74', THENCE N87°34'16"W 94.31' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE S02°22'03"W A DISTANCE OF 378.99' TO A SET 5/8" REBAR, THENCE N87°33'07"W 135.26' TO A FOUND 5/8" REBAR, THENCE N02°26'53"E A DISTANCE OF 378.95', THENCE S87°34'16"E 134.73' TO THE POINT OF BEGINNING. CONTAINING 1.174 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LOT 14

PART OF LOT 7 IN TOM CARREL SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A FOUND MAG NAIL BEING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT THENCE N87°34'16"W 164.74' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE S02°22'09"W A DISTANCE OF 379.03' TO A FOUND 5/8" REBAR, THENCE N87°33'07"W 94.30' TO A SET 5/8" REBAR, THENCE N02°22'03"E A DISTANCE OF 378.99', THENCE S87°34'16"E 94.31' TO THE POINT OF BEGINNING. CONTAINING 0.821 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2) **and** General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2) **and** General Commercial District (C-2) .

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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

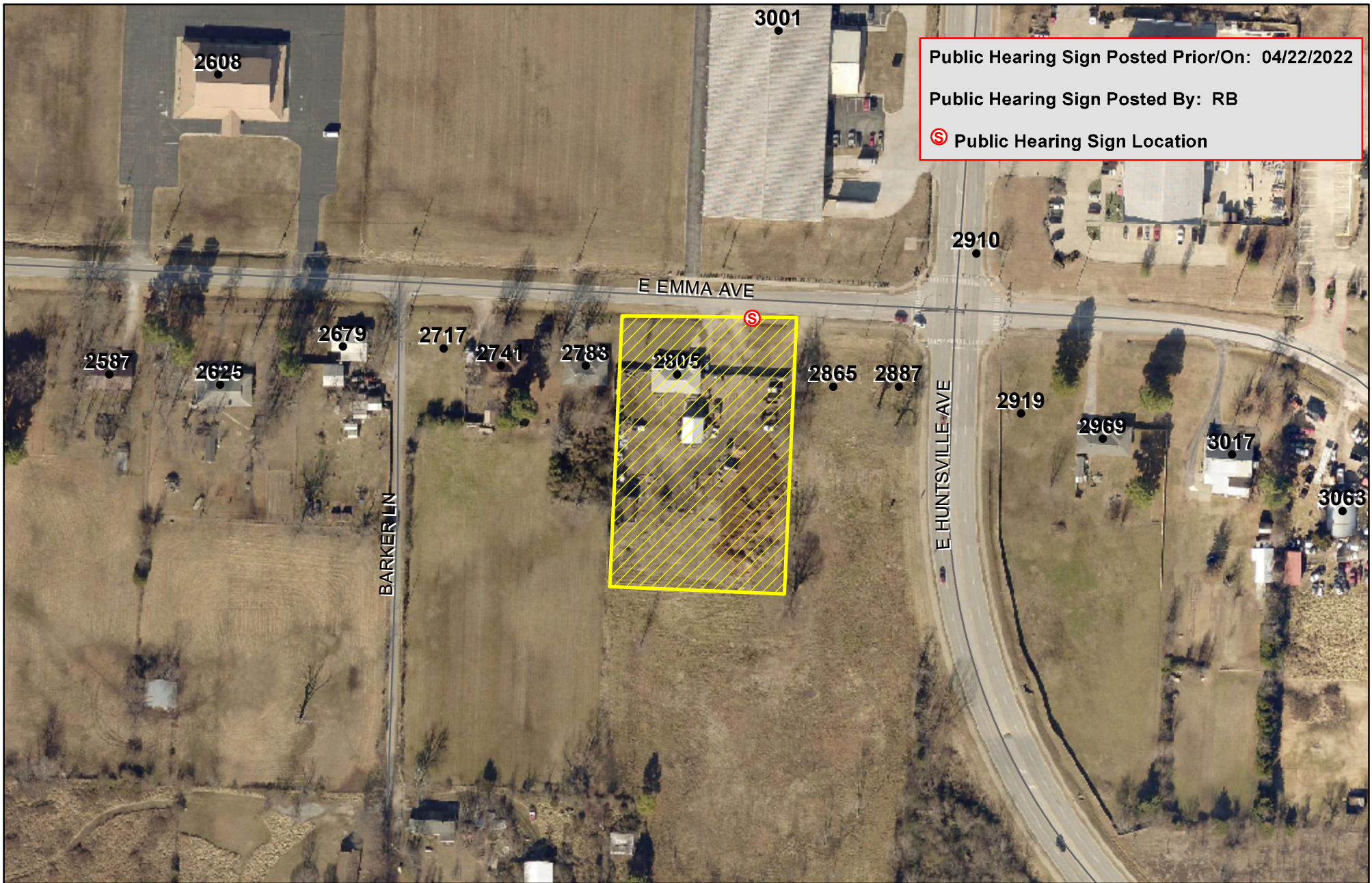
PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk
APPROVED AS TO FORM:

Ernest Cate, City Attorney



Public Hearing Sign Posted Prior/On: 04/22/2022

Public Hearing Sign Posted By: RB

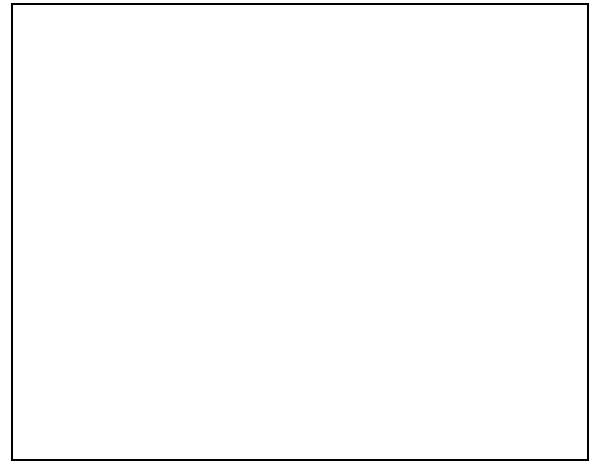
Ⓢ Public Hearing Sign Location



0 30 60 120 180 240
Feet
For Location Reference Only

FILE NO. R22-26
APPLICANT: Juan Manuel Garcia
REQUEST: Rezoning from A-1 to SF-2 (Tract 1) & C-2 (Tract 2)

PLANNING COMMISSION MEETING
May 3, 2022



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING THE RE-PLAT OF THE
TOM CARREL SUBDIVISION LOTS 6 & 7 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, Washington County, Arkansas, being more particularly described as follows, to-wit:

Legal Description

LOT 13

PART OF LOTS 6, AND 7, IN TOM CARREL SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A FOUND MAG NAIL BEING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT THENCE N 87°34'16"W 164.74', THENCE N87°34'16"W 94.31' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE S02°22'03"W A DISTANCE OF 378.99' TO A SET 5/8" REBAR, THENCE N87°33'07"W 135.26' TO A FOUND 5/8" REBAR, THENCE N02°26'53"E A DISTANCE OF 378.95', THENCE S87°34'16"E 134.73' TO THE POINT OF BEGINNING. CONTAINING 1.174 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LOT 14

PART OF LOT 7 IN TOM CARREL SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A FOUND MAG NAIL BEING

THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT THENCE N87°34'16"W 164.74' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE S02°22'09"W A DISTANCE OF 379.03' TO A FOUND 5/8" REBAR, THENCE N87°33'07"W 94.30' TO A SET 5/8" REBAR, THENCE N02°22'03"E A DISTANCE OF 378.99', THENCE S87°34'16"E 94.31' TO THE POINT OF BEGINNING. CONTAINING 0.821 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND WHEREAS, said Planning Commission after conducting a public hearing, has approved the re-plat as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said re-plat and join with the said petitioner in petitioning the City Council to accept the said REPLAT OF the Tom Carrel Subdivision Lots 6 & 7 to the City of Springdale, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the RE-PLAT OF the Tom Carrel Subdivision Lots 6 & 7, TO THE City of Springdale, Arkansas, as shown on the re-plat approved by the City Planning Commission, a copy of which is attached to this Ordinance and made a part hereof as though set out herein word for word, be and the same is hereby accepted by the City of Springdale, Washington County, Arkansas, and the City hereby accepts for use and benefit to the public the dedications contained therein.

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

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest Cate, CITY ATTORNEY

SURVEY DESCRIPTION

PARENT TRACT APN: 815-30765-000 (FILE NO. 2020-00010977):

PART OF LOTS 6, 7, AND 8 IN TOM CARREL SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD 4 AT PAGE 91 AND PLAT RECORD 5 AT PAGE 44, IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT 49 1/2 EAST OF THE NORTHWEST CORNER OF LOT NUMBER 6 OF THE AFORESAID SUBDIVISION AND RUNNING THENCE SOUTH 379.844 FEET, THENCE EAST 229.8 FEET, THENCE NORTH 379.844 FEET, THENCE WEST TO THE PLACE OF BEGINNING, CONTAINING 2 ACRES, MORE OR LESS, LESS PART USED FOR HIGHWAY PURPOSES. IT IS THE INTENTION OF THE GRANTOR THEREIN TO CONVEY 2 ACRES OF LAND WITH AN EAST AND WEST WIDTH OF 229.8 FEET OUT OF THE NORTHWEST CORNER OF THE TRACT OF LAND DESCRIBED AS LOTS 6, 7 AND 8 OF THE TOM CARREL SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, SAVE AND EXCEPT 3/4 OF AN ACRE TAKE OF EQUAL WIDTH OFF THE WEST SIDE OF LOT NUMBER 6.

LOT 13

PART OF LOTS 6, AND 7, IN TOM CARREL SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A FOUND MAG NAIL BEING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT THENCE N87°34'16" W 164.74', THENCE N87°34'16" W 94.31' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE S02°22'03" W A DISTANCE OF 378.99' TO A SET 5/8" REBAR, THENCE N87°33'07" W 135.26' TO A FOUND 5/8" REBAR, THENCE N02°26'53" E A DISTANCE OF 378.95', THENCE S87°34'16" E 134.73' TO THE POINT OF BEGINNING. CONTAINING 1.174 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LOT 14

PART OF LOT 7 IN TOM CARREL SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 18 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A FOUND MAG NAIL BEING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT THENCE N87°34'16" W 164.74' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE S02°22'09" W A DISTANCE OF 379.03' TO A FOUND 5/8" REBAR, THENCE N87°33'07" W 94.30' TO A SET 5/8" REBAR, THENCE N02°22'03" E A DISTANCE OF 378.99', THENCE S87°34'16" E 94.31' TO THE POINT OF BEGINNING. CONTAINING 0.821 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05143C0090F, WHICH BEARS AN EFFECTIVE DATE OF 05/16/2008 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

BASIS OF BEARING

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH BASED ON ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83.

LATITUDE = 36°11'03.0006"

LONGITUDE = -94°05'56.4569"

CONVERGENCE ANGLE = -01°13'17.09566"

UTILITY INFORMATION

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

SIGNATURE BLOCKS

CERTIFICATE OF OWNERSHIP:

AS OWNER OF THE PROPERTY SHOWN HEREON I HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS PRESENTED ON THIS PLAT.

DATE OF EXECUTION _____ SIGNED OWNER _____

CERTIFICATE OF SURVEYING ACCURACY

I, WILLIAM GAGNER, HEREBY CERTIFY THAT THIS PLAT REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE, AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: _____

SIGNED: _____
REGISTERED LAND SURVEYOR
STATE OF ARKANSAS REGISTRATION NO. 1659

THE UNDERSIGNED HEREBY CERTIFY THAT THIS PLAT MEETS CURRENT REGULATIONS OF THE CITY OF SPRINGDALE AND REGULATIONS OF THE ARKANSAS STATE BOARD OF HEALTH AS EACH PERTAINS TO THIS PLAT AND TO THE OFFICES OF RESPONSIBILITY SHOWN BELOW.

DATE	SIGNATURE
ACCEPTANCE OF DEDICATIONS	_____
	CITY CLERK

	MAYOR
CITY OF SPRINGDALE APPROVAL FOR RECORDING	_____
	DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT DIVISION
COMMISSION	_____
	SECRETARY, PLANNING COMMISSION

	CHAIRMAN, PLANNING COMMISSION
WATER AND SEWER	_____
	ENGINEER, SPRINGDALE WATER UTILITIES
STREETS AND DRAINAGE	_____
	CITY ENGINEER

TATIOS, BILLY
1669 B GLENDALE CT
SPRINGDALE, AR 72764
APN: 815-30764-001
ZONING DESIGNATION: P-1

EVANS, GLORIA; MERCER, JANICE;
WRIGHT, CHARLOTTE
2783 E EMMA AVE
SPRINGDALE, AR 72764-3656
APN: 815-30762-000
ZONING DESIGNATION: A-1

REVIVAL TABERNALE CHURCH
2608 E EMMA AVE
SPRINGDALE, AR 72764-3654
APN: 815-30747-000
ZONING DESIGNATION: P-1

MIDDLETON INDUSTRIES LLC
WRIGHT, CHARLOTTE
296 CARLTON ROAD
HOLLISTER, MO 65672
APN: 815-30748-002
ZONING DESIGNATION: I-1

EMMA CORNER FUNDING LLC
4611 ROGERS AVE STE 201
FORT SMITH, AR 72903
APN: 815-30766-000
ZONING DESIGNATION: C-2

EMMA CORNER FUNDING LLC
4611 ROGERS AVE STE 201
FORT SMITH, AR 72903
APN: 815-30766-000
ZONING DESIGNATION: MF-16

THE UNDERSIGNED HEREBY TRANSMIT THIS PLAT TO THE CITY OF SPRINGDALE FOR APPROVAL AND ACCEPTANCE AND CERTIFY TO BE THE OWNER OF THE PROPERTY DESCRIBED AND HEREBY DEDICATE ALL STREETS, ALLEYS, EASEMENTS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED. THE UNDERSIGNED CERTIFY THAT THE PLATTING AS FILED ON RECORD CANNOT BE CHANGED UNLESS VACATED PURSUANT TO APPLICABLE LOCAL OR OTHER LAW. THE UNDERSIGNED FURTHER CERTIFY THAT THE REQUIRED ORDINANCE OF ACCEPTANCE IS IN ORDER HAVING BEEN APPROVED BY THE CITY ATTORNEY ON _____

JUAN GARCIA HAS AUTHORITY TO EXECUTE THE CERTIFICATE OF TRANSMITTAL, OWNERSHIP, AND ORDINANCE.

STATE OF ARKANSAS
COUNTY OF MADISON
SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 2022.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

REPLAT

OF LOTS 6, & 7, CARRELL SUBDIVISION

CREATING LOTS 13 & 14

LAND AREA

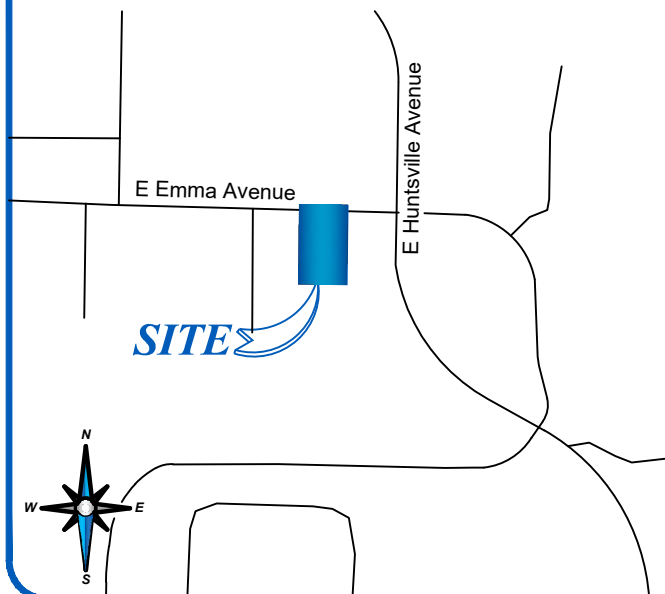
PARENT TRACT
1.995 ACRES ±
86902 SQ. FEET ±

LOT 13
1.174 ACRES ±
51160 SQ. FEET ±

LOT 14
0.821 ACRES ±
35742 SQ. FEET ±

VICINITY MAP

NOT TO SCALE



MISCELLANEOUS NOTES

COMPLETED FIELD WORK:
MARCH 8, 2022

REFERENCE DOCUMENTS:

- WARRANTY DEED FILED IN FILE NO. 2020-00010977.
- SURVEY PLAT FILED IN PLAT BOOK 17 AT PAGE 93.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET 5/8" REBAR & CAP AR PLS 1659
- COMPUTED POINT
- POWER POLE
- TELEPHONE PEDESTAL
- GAS METER
- WATER METER
- SANITARY SEWER MANHOLE
- MEASURED/CALCULATED DIMENSION
- POINT OF COMMENCEMENT
- POINT OF BEGINNING
- NOT TO SCALE
- BOUNDARY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE (R/W)
- CENTERLINE (C/L)
- FENCE LINE
- OVERHEAD POWER LINE
- SETBACK LINE (B.S.B.)

OWNER/DEVELOPER

GARCIA JUAN MANUEL
ADDRESS: 2805 E EMMA AVENUE, SPRINGDALE, AR, 72764
APN: 815-30765-000

ZONING INFORMATION

SF-2 SETBACK REQUIREMENTS:

FRONT - 30'

SIDE - 8'

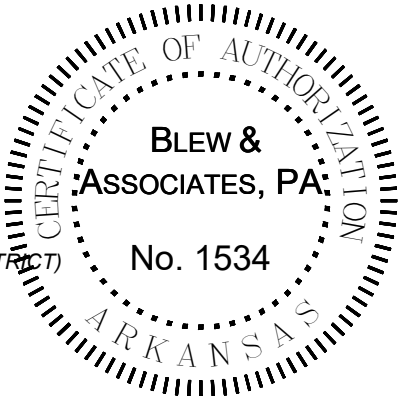
REAR - 20'

C-2 SETBACK REQUIREMENTS:

FRONT - 30'

SIDE - 0' (20' WHEN CONTIGUOUS WITH A RESIDENTIAL DISTRICT)

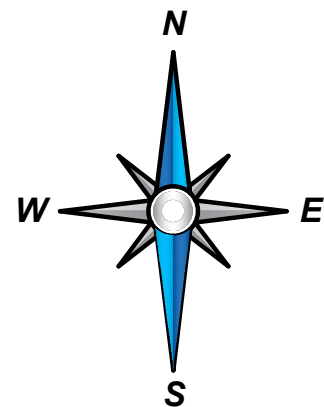
REAR - 20'



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 14TH DAY OF MAY, 2022.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

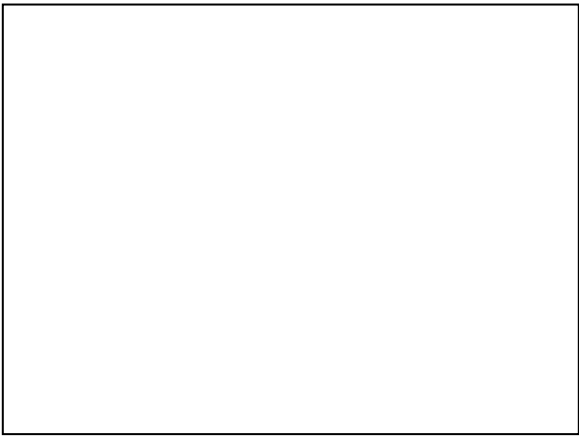


SHEET 1 OF 1

BLEW & ASSOCIATES, P.A.
3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL: SURVEY@BLEWINC.COM
OFFICE: 479.443.4506 - FAX: 479.582.1883
EMAIL: SURVEY@BLEWINC.COM-WWW.BLEWINC.COM

Surveying
Engineering
Mapping

SURVEYOR JOB NUMBER: 22-1126	SURVEY DRAWN BY: JDC - 3/11/2022
SURVEY REVIEWED BY: TPN	SCALE: 1" = 40'
FOR THE USE AND BENEFIT OF: JUAN GARCIA - 2805 E EMMA AVENUE, SPRINGDALE, AR 72764	



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-1) TO LOW/MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of June 7, 2022 for hearing the matter of a petition of Collins Cove, LLC (Brian Moore/Kevin Riggins), requesting that the following described tract of real estate to be zoned from Low Density Single Family Residential District (SF-1) to Low/Medium Density Single Family Residential District (SF-2).

Layman's Description: Parcel 815-30919-000

Legal Description:

A PART OF THE SOUTH HALF (S 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION TWENTY-NINE (29), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF SPRINGDALE, WASHINGTON COUNTY ARKANSAS, AND ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 29, SAID POINT BEING A FOUND RAILROAD SPIKE IN NORTH 56TH STREET (50' R/W); THENCE LEAVING SAID N. 56TH STREET AND ALONG THE SOUTH LINE OF SAID NE 1/4 OF THE NE 1/4, N86°47'37"W A DISTANCE OF 365.94 FEET; THENCE LEAVING SAID SOUTH LINE OF SAID NE 1/4 OF THE NE 1/4 N02°27'39"E A DISTANCE OF 660.58; THENCE S86°46'25"E A DISTANCE OF 365.95 FEET TO THE EAST LINE OF SAID NE 1/4 OF THE NE 1/4; THENCE ALONG SAID EAST LINE S02°27'39" W A DISTANCE OF 660.46 FEET TO THE POINT OF BEGINNING, CONTAINING 5.55 ACRES (241,693 SQUARE FEET), MORE OR LESS,

AND SUBJECT TO THE RIGHT-OF-WAY OF NORTH 56TH STREET
ALONG THE EAST SIDE THEREOF AND ALL RIGHTS-OF-WAY,
EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR
FACT.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Low Density Single Family Residential District (SF-1) to Low/Medium Density Single Family Residential District (SF-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Low Density Single Family Residential District (SF-1) to Low/Medium Density Single Family Residential District (SF-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

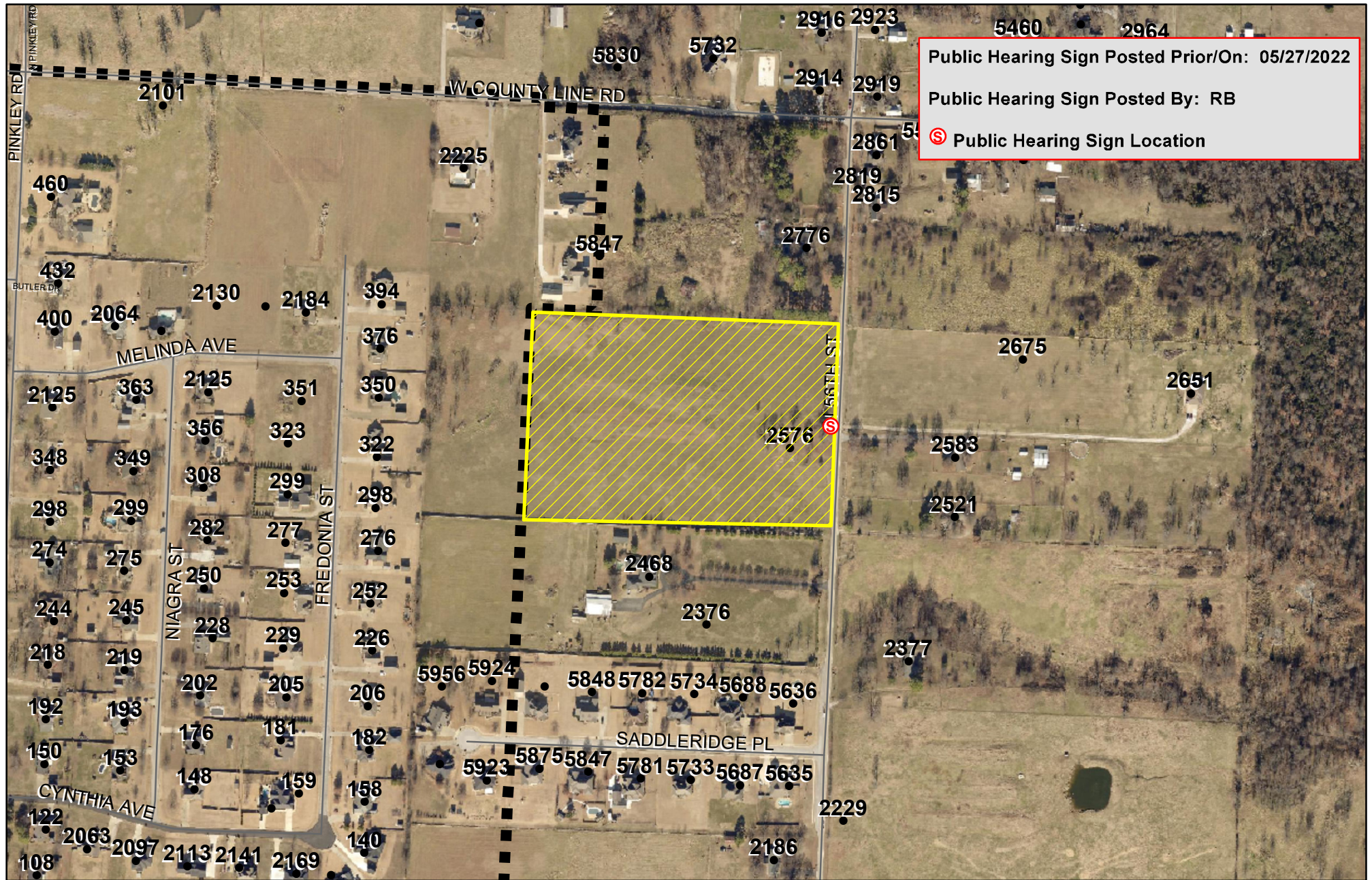
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

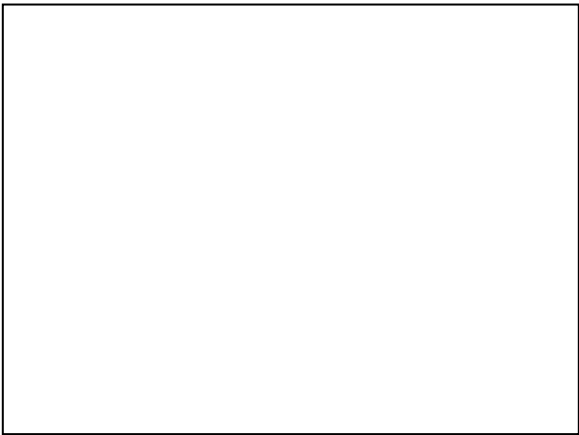
Ernest Cate, City Attorney



0 87.5175 350 525 700
 Feet
 For Location Reference Only

FILE NO. R22-32
APPLICANT: Collin's Cove, LLC
REQUEST: Rezoning from SF-1 to SF-2

PLANNING COMMISSION MEETING
 June 7, 2022



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-1) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of June, 2022 for hearing the matter of a petition of Michael A. Lewis, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Low Density Single Family Residential District (SF-1).

Layman's Description: Parcel 21-01521-000 W. side of AR Highway 112

Legal Description: Tract 5A

Part of Tract 5, Elm Springs, Heights, Benton County, Arkansas being more particularly described as follows:
Beginning at an existing 1inch pipe marking the Northwest Corner of Tract 5, Elm Springs Heights. Thence along the North line of said Tract 5, South 89 degrees 54 minutes 58 seconds East, 338.77 feet to a set rebar. Thence leaving said North line, South 200.03 feet to a set rebar on the South line of said Tract 5. Thence along said South line, North 89 degrees 54 minutes 40 seconds West, 338.77 feet to an existing rebar marking the Southwest Corner of Tract 5, Elm Springs Heights, said point being on the East right of way line of Roma Drive. Thence along the West line of said Tract 5 and along said right of way line, North 200.00 feet to the Point of Beginning, containing 1.56 acres and subject to any Easements of Record.

Tract 5B

Part of Tract 5, Elm Springs Heights, Benton County, Arkansas being more particularly described as follows:

Commencing at an existing 1 inch pipe marking the Northwest Corner of Tract 5, Elm Springs Heights. Thence along the North line of said Tract 5 South 89 degrees 54 minutes 58 seconds East, 338.77 feet to a set rebar and the Point of Beginning. Thence continue along said North line the following bearings and distances: South 89 degrees 54 minutes 58 seconds East, 199.99 feet. South 84 degrees 02 minutes 12 seconds East, 30.00 feet to a set p/k nail marking the Northeast Corner of Tract 5, Elm Springs Heights. Thence along the East line of said Tract 5 the following bearings and distances: South 06 degrees 44 minutes 17 seconds West, 163.96 feet to a set p/k nail South 13 degrees 06 minutes 15 seconds West, 35.02 feet to a set p/k nail marking the Southeast Corner of Tract 5, Elm Springs Heights. Thence along the South line of said Tract 5, North 89 degrees 54 minutes 40 seconds West, 202.65 feet to a set rebar. Thence leaving said South line, North 200.03 feet to the Point of Beginning 1.00 acre and subject to Highway Rights of Way and any Easements of Record.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Low Density Single Family Residential District (SF1) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to Low Density Single Family Residential District (SF-1) .

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

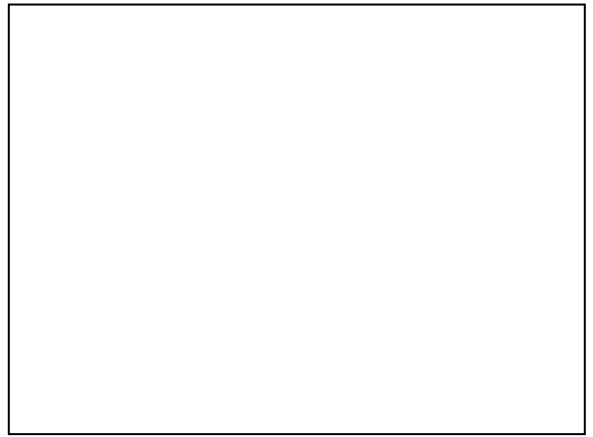
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM LOW/MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-2) TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (SF-3) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of June 7, 2022 for hearing the matter of a petition of MRKJM Holding, Inc. requesting that the following described tract of real estate to be zoned from Low/Medium Density Single Family Residential District (SF-2) to High Density Single Family Residential District (SF-3).

Layman's Description: 120 acres located 3/4 miles south of Don Tyson Parkway, at the end of Hylton Road.

Legal Description:

PER WARRANTY DEED FILE #21-5230A
THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 16, TOWNSHIP 17 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS.
SUBJECT TO EASEMENTS, RIGHTS-OF-WAYS, AND PROTECTIVE COVENANTS OF RECORD, IF ANY.
SUBJECT TO ALL PRIOR MINERAL RESERVATIONS AND OIL GAS LEASES, IF ANY.

LEGAL DESCRIPTION #2:

PER WARRANTY DEED FILE #21-5202
THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 16, AND THE SOUTHEAST QUARTER (SE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 17, ALL BEING IN TOWNSHIP 17 NORTH, RANGE 29 WEST, WASHINGTON

COUNTY, ARKANSAS.
SUBJECT TO EASEMENTS, RIGHTS-OF-WAYS, AND PROTECTIVE
COVENANTS OF RECORD, IF ANY.
SUBJECT TO ALL PRIOR MINERAL RESERVATIONS AND OIL GAS
LEASES, IF ANY.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Low/Medium Density Single Family Residential District (SF-2) to High Density Single Family Residential District (SF-3) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Low/Medium Density Single Family Residential District (SF-2) to High Density Single Family Residential District (SF-3).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

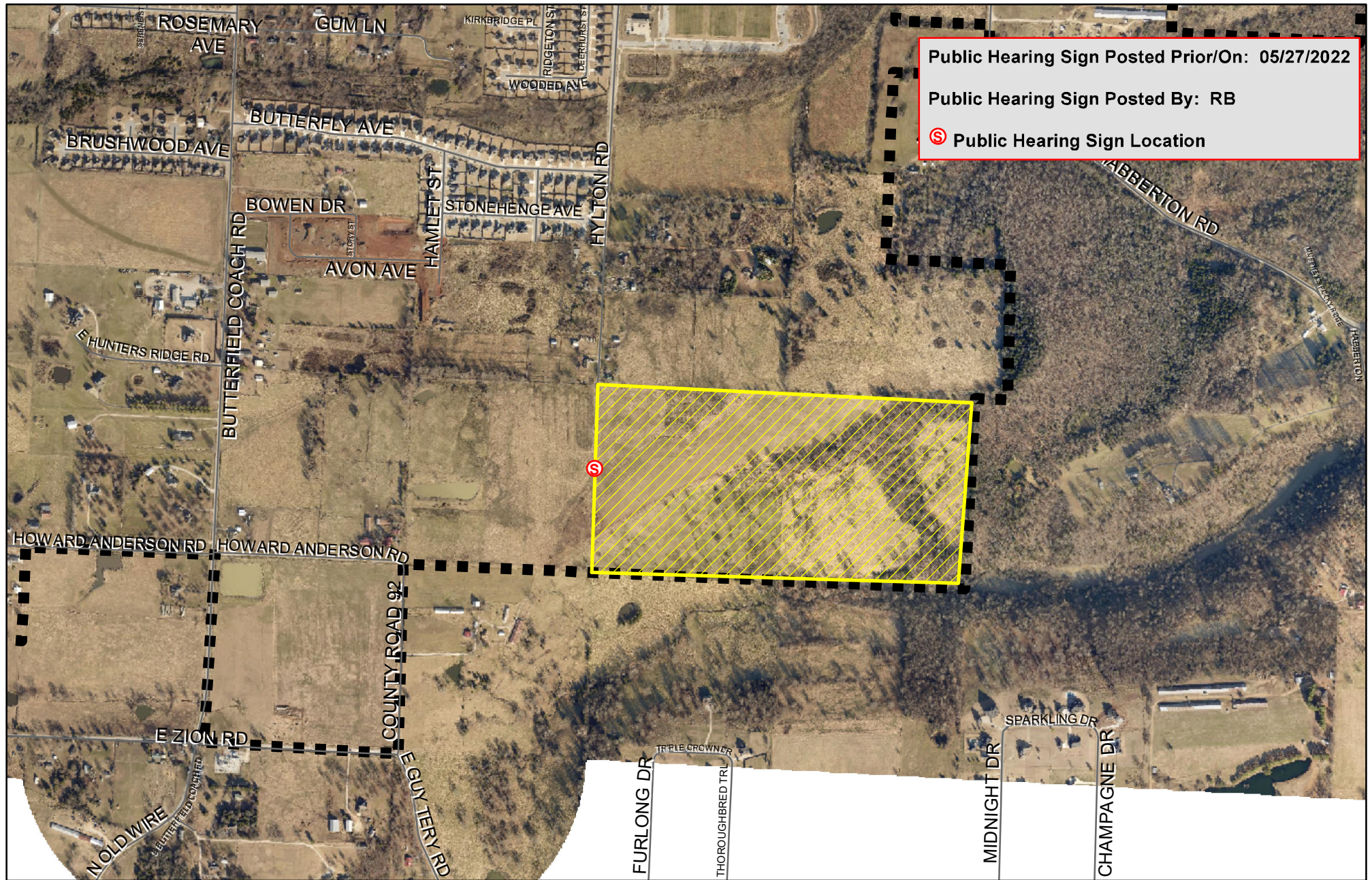
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

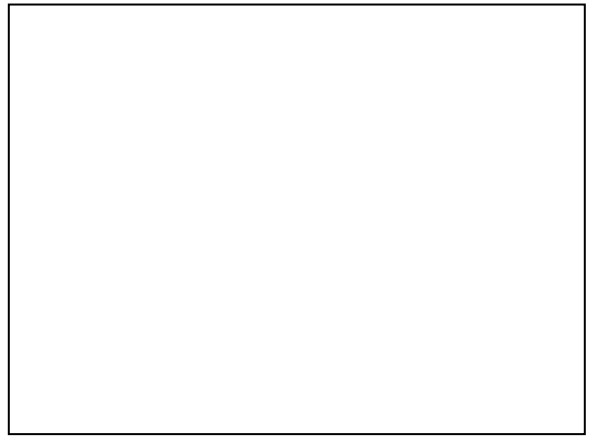
Ernest Cate, City Attorney



0 190 380 760 1,140 1,520
 Feet
 For Location Reference Only

FILE NO. R22-34
APPLICANT: MRKJM Holdings, LLC
REQUEST: Rezoning from SF-2 to SF-3

PLANNING COMMISSION MEETING
 June 7, 2022



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO THOROUGHFARE COMMERCIAL DISTRICT (C-5) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of June 7, 2022 for hearing the matter of a petition of Nora Taylor, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to Thoroughfare Commercial District (C-5).

Layman's Description: 5119 Elm Springs Road

Legal Description: A part of the West Half (W 1/2) of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section Thirty Three (33), Township Eighteen (18) North, Range Thirty (30) West, in Washington County, Arkansas, and being more particularly described as follows, to-wit:

Beginning at the Northwest (NW) Corner of the said Twenty (20) acres, and running South 88° 23' 45", East 180.00 feet to the POINT OF BEGINNING, and running thence

South 88°23'45" East 150 feet, thence

South 01°57'15 West 396.00 feet, thence

North 88°23'45" West 150.00 feet, thence

North 01°57'15" East 396.00 feet, to the

POINT OF BEGINNING, and containing 1.36 acres, more or less and subject to the Right of Way of a County Road, running along the North line.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning,

recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to Thoroughfare Commercial District (C-5) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to Thoroughfare Commercial District (C-5) .

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

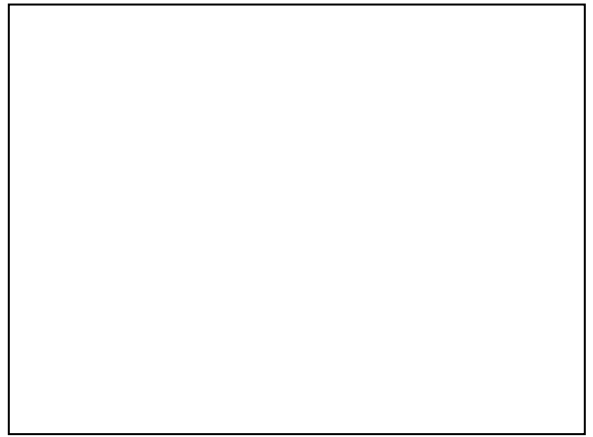
Ernest Cate, City Attorney



0 50 100 200 300 400
Feet
For Location Reference Only

FILE NO. R22-35
APPLICANT: Nora Taylor
REQUEST: Rezoning from A-1 to C-5

PLANNING COMMISSION MEETING
June 7, 2022



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of June 7, 2022 for hearing the matter of a petition of Anthony Perolli and Labinot Dedushaj , requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to General Commercial District (C-2).

Layman's Description: 5776 elm Springs Road

Legal Description: Part of the NE 1/4 of the NE 1/4 of Section 32, Township 18 North, Range 30 West, of the Fifth Principle Meridian, Washington County, Arkansas being more particularly described as follows: Commencing at the Southeast corner of the NE 1/4 of said NE 1/4; thence along the South line of the NE 1/4 of said NE 1/4 N 89°45'05" W a distance of 474.54 feet to a set PK nail and metal flasher and the Point of Beginning of Tract 1; thence continue N 89°45'05" W a distance of 184.80 feet to a set PK nail and metal flasher; thence leaving said South line N 00°26'59" W a distance of 449.24 feet to a set 5/8 inch diameter iron pin; thence S 89°45'05" E a distance of 185.40 feet to a set 5/8 inch diameter iron pin; thence S 00°22'24" E a distance of 449.24 feet to the Point of Beginning of Tract 1, containing 1.91 acres, more or less and being subject to the right of way of Elm Springs Road along the South boundary thereof.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning,

and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

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

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

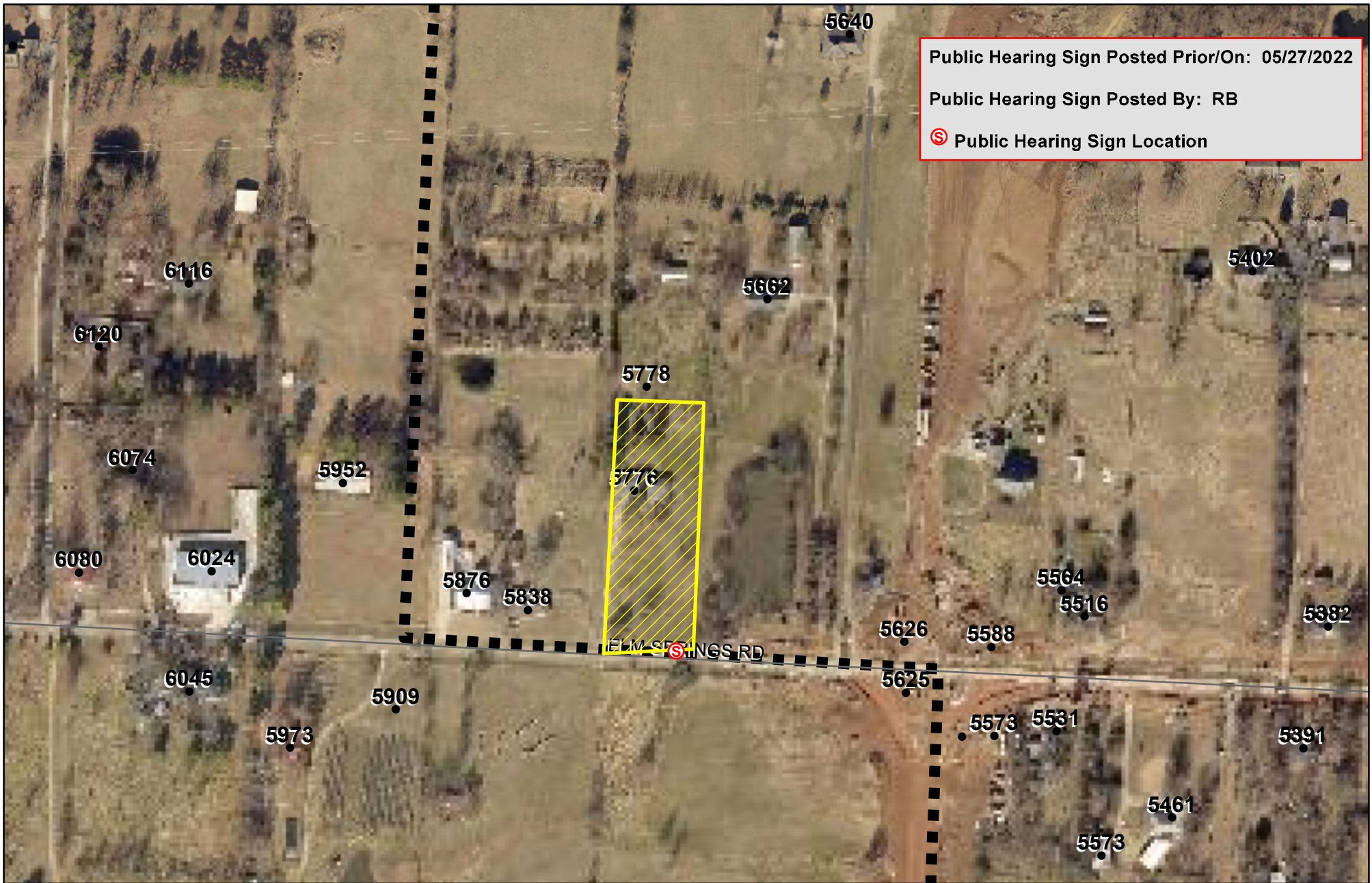
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

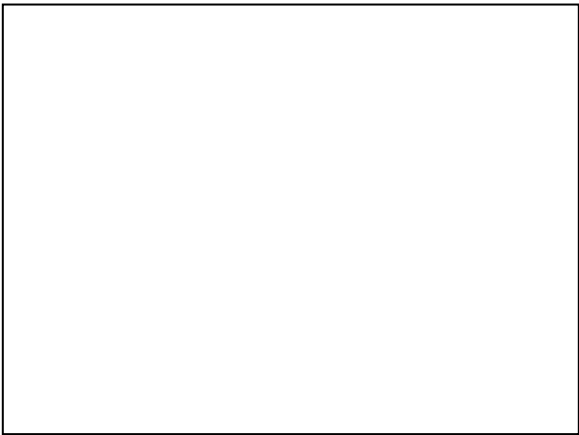
Ernest Cate, City Attorney



0 50 100 200 300 400
Feet
For Location Reference Only

FILE NO. R22-36
APPLICANT: Anthony Perolli & Labinot Dedushaj
REQUEST: Rezoning from A-1 to C-2

PLANNING COMMISSION MEETING
June 7, 2022



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-12) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of June 7, 2022 for hearing the matter of a petition of Kevin and Lucia Wang, requesting that the following described tract of real estate to be zoned from Medium Density Multi-family Residential District (MF-12) to General Commercial District (C-2).

Layman's Description: 1201 Henryetta Street

Legal Description:

THE SOUTH SIXTY FEET OF LOT 2 IN BLOCK 4 IN WESTSIDE ADDITION TO THE CITY OF SPRINGDALE, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING 1/2" PIPE FOR THE SOUTHEAST CORNER OF SAID LOT 2 AND RUNNING THENCE N87°34'36" W 138.77', THENCE N02°19'08"E 60.04' TO AN EXISTING MAG NAIL THENCE S87°34'31"E 138.93' TO AN EXISTING 5/8" REBAR, THENCE S02°28'32"W 60.04' TO THE POINT OF BEGINNING, CONTAINING 0.19 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Medium Density Multi-family Residential District (MF-12) to General Commercial District (C-2) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will

suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Medium Density Multi-family Residential District (MF-12) to General Commercial District (C-2).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

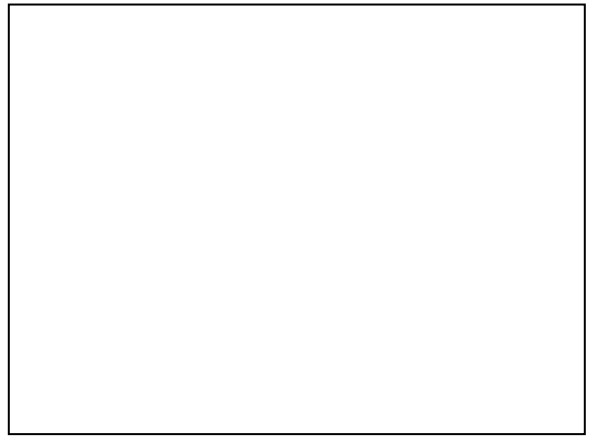
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO GENERAL COMMERCIAL DISTRICT (C-2) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of June 7, 2022 for hearing the matter of a petition of Long-Lykins, LLC, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to General Commercial District (C-2).

Layman's Description: 3939 S. 48th Street

Legal Description: A part of the Northwest Quarter Northeast Quarter and Northeast Northwest Quarter all in Section 16, Township 17 North Range 30 West of the Fifth Principal Meridian all in Washington County, Arkansas and more particularly described as follows:

Beginning at the Southwest Corner of the Northwest Quarter Northeast Quarter of Section 16: thence North 87°31'43" West a distance of 455.24 feet; thence North 09°45'06" West a distance of 142.28 feet; thence North 03°10'06" West a distance of 85.27 feet; thence South 87°39'19" East a distance of 533.40 feet; thence South 87°39'19" East a distance of 984.27 feet; thence along a curve having a radius of 540.00 feet, chord bearing of South 19°35'59" East and a chord distance of 94.45 feet; thence South 14°34'57" East a distance of 143.08 feet; thence North 87°40'54" West a distance of 1,101.38 feet to the Point of Beginning, containing 7.961 acres more or less.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to General Commercial District (C-2) for the

purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

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

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

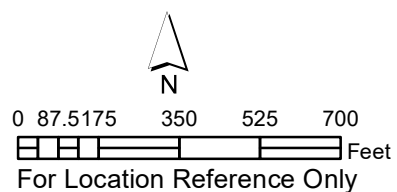
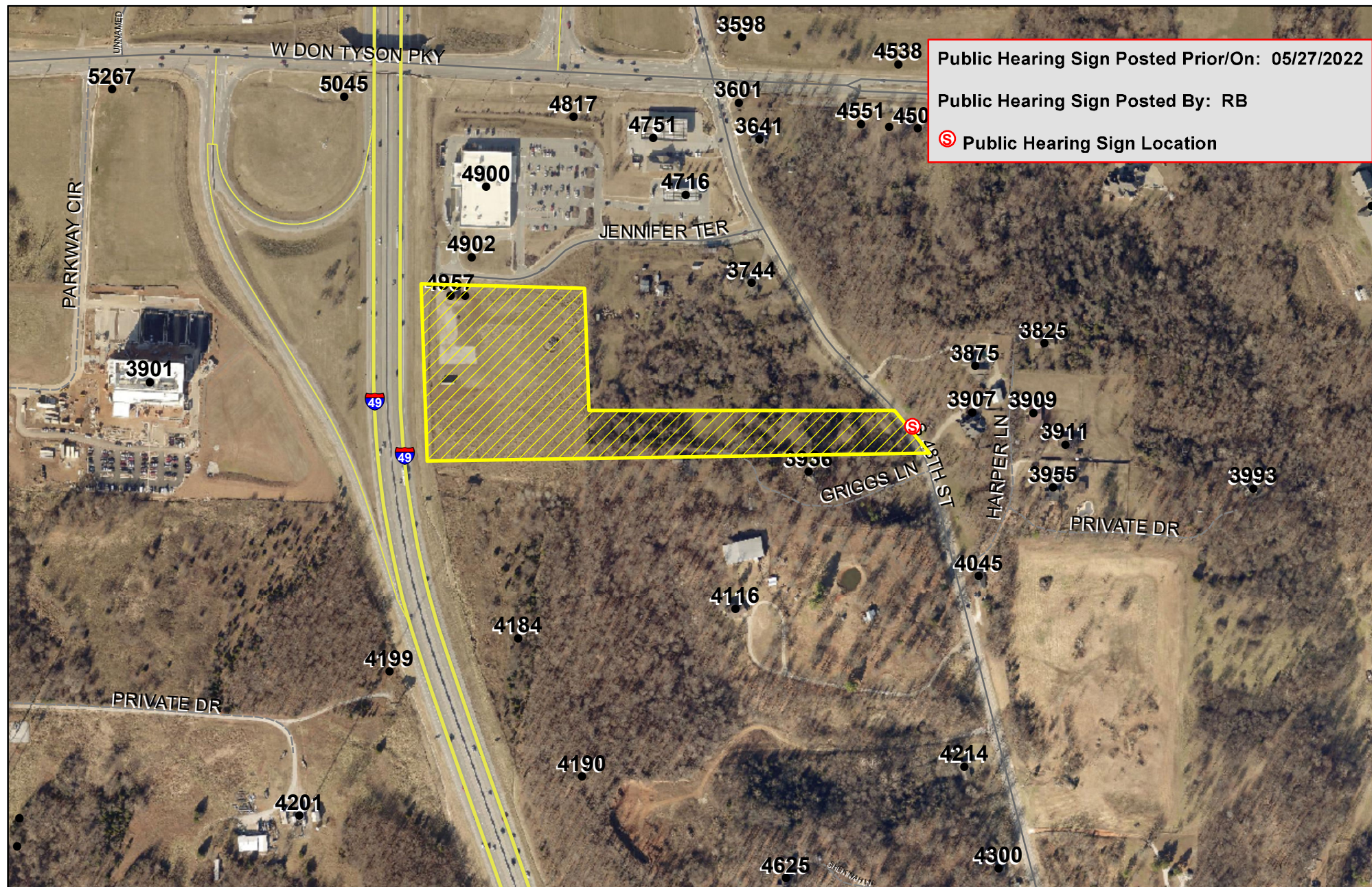
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



FILE NO. R22-38
APPLICANT: Long-Lykins, LLC
REQUEST: Rezoning from A-1 to C-2

PLANNING COMMISSION MEETING
June 7, 2022

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS, THE DOWNTOWN DISTRICT FORM BASED CODE; REVISING SECTION 2.0 THE REGULATING PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 32 of the Code of Ordinances of the City of Springdale, Arkansas, contains the Downtown District Form Based Code for the City of Springdale, Arkansas;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to adopt revisions to the Downtown District Form Based Code for the City of Springdale, Arkansas to revise Section 2 The Regulating Plan by removing parcels 815-27640-000; 815-20924-000; 815-20924-010; 815-20933-000 and, 815-20934-000 from Neighborhood Residential Type 1 District and making said parcels Neighborhood Center Type 2 District;

WHEREAS, a public hearing was held before the Springdale Planning Commission on June 7, 2022, after notice was given of said hearing as required by law;

WHEREAS, notice of the consideration of this Ordinance was also published pursuant to Ark. Code Ann. §14-55-207;

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

Section 1. There is adopted a revision to the reference a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Springdale, Arkansas, for inspection and view by the public, and being marked and designated as the "Downtown District Form-Based Code", for the City of Springdale, Arkansas said revision to Section 2 The Regulating Plan by removal of parcels 815-27640-000; 815-20924-000; 815-20924-010; 815-20933-000 and, 815-20934-000 from Neighborhood Residential Type 1 District and making said parcels Neighborhood Center Type 2 ;

Section 2. All other provisions of Chapter 32 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended by this ordinance shall remain in full force and effect.

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

PASSED AND APPROVED this 28th day of June, 2022.

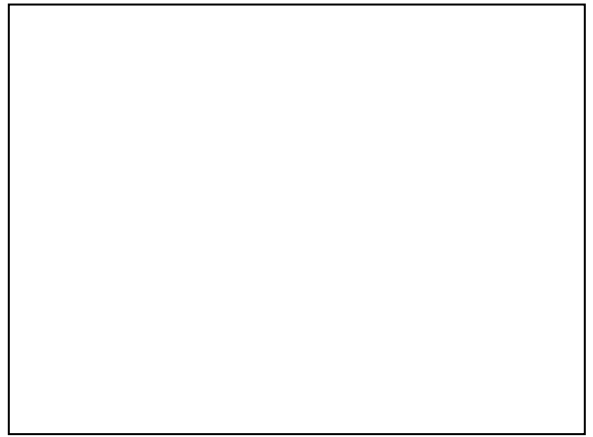
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM GENERAL COMMERCIAL DISTRICT (C-2) TO PLANNED COMMERCIAL DISTRICT (C-4) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of June 7, 2022 for hearing the matter of a petition of Elemental Properties, LLC, requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to Planned Commercial District (C-4) .

Layman's Description: 2553 N. Thompson Street

Legal Description: A part of the NW 1/4 NW 1/4 of Section 25, Township 18 North, Range 30 West, being more particularly described as follows: Commencing at the SE corner of said 40 acre tract; thence S 89 degrees 51'47" W 841.91 feet to an existing iron at the SW corner of North Meadows Subdivision, Springdale, Arkansas, for the TRUE POINT OF BEGINNING; thence S 89 degrees 51'47" W 439.90 feet to a set iron on the East right of way line of US Highway 71B (Thompson Street); thence N 00 degrees 00'47" W along said right of way 247.53 feet to an existing iron; thence leaving said right of way line N 89 degrees 59'08" E 439.49 feet to an existing iron on the West line of said North Meadows Subdivision; thence S 00 degrees 06'27" E 246.59 feet to the point of beginning.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from General Commercial District (C-2) to Planned Commercial District (C-4) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and

damage, and will be substantially deprived of the use of their property.

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

SECTION 1: That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From General Commercial District (C-2) to Planned Commercial District (C-4).

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

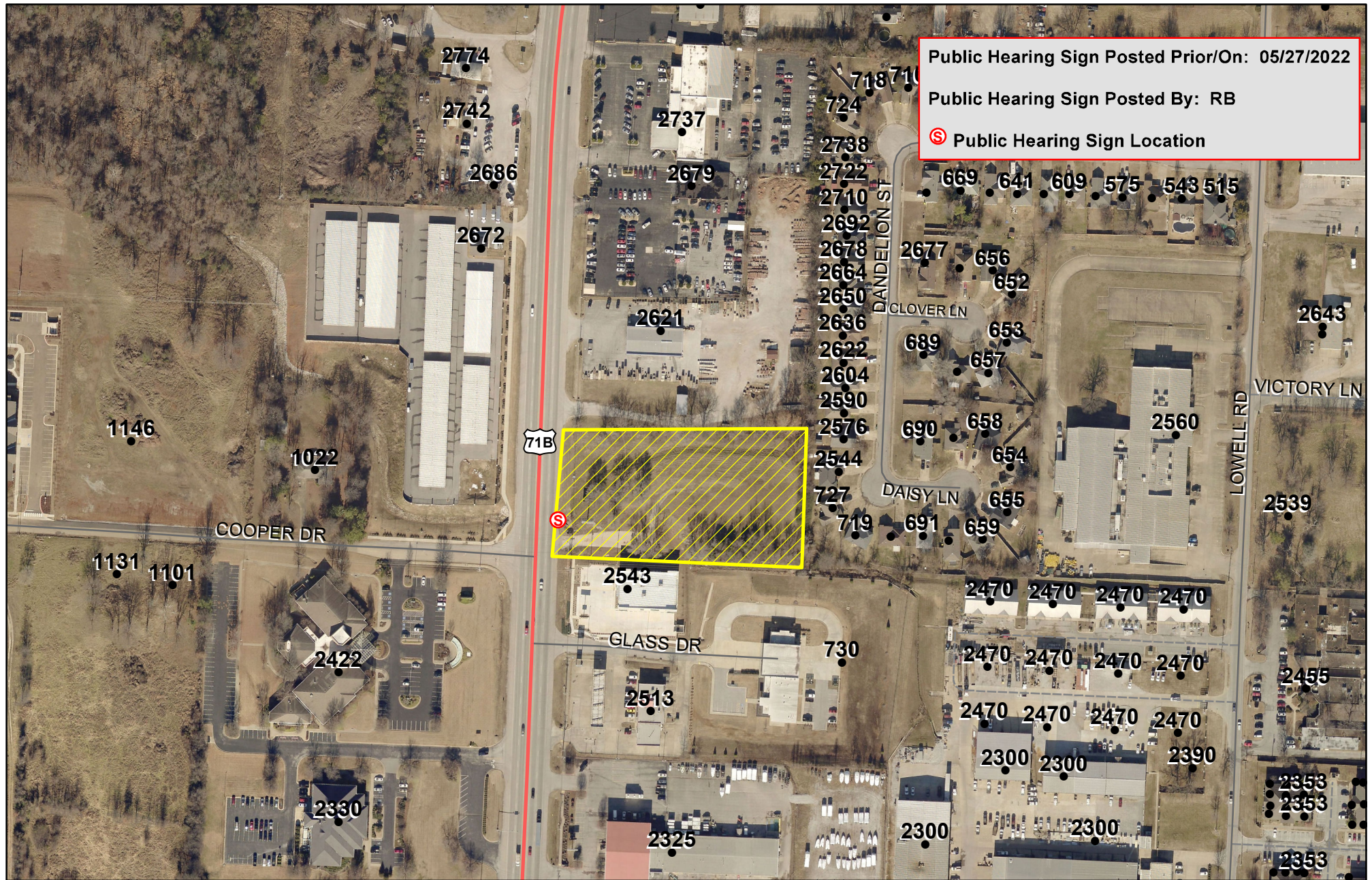
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 50 100 200 300 400
 Feet
 For Location Reference Only

FILE NO. R22-41
APPLICANT: Elemental Properties, LLC
REQUEST: Rezoning from C-2 to C-5

PLANNING COMMISSION MEETING
 June 7, 2022

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
ELEMENTAL PROPERTIES, LLC AT 2553 NORTH
THOMPSON AS SET FORTH IN ORDINANCE NO. 4030**

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

WHEREAS, the Planning Commission held a public hearing on June 7, 2022, on a request by Elemental Properties, LLC for a Use Unit 25 (Limited Manufacturing) at 2553 N. Thompson

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) yes and zero (0) nays recommends that a Conditional Use be granted to Elemental Properties, LLC 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 Elemental Properties, LLC with the following conditions: No conditions set.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO OCEANFRONT ESTATES IN CONNECTION WITH PP22-06 A PRELIMINARY PLAT

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

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with PP22-06 a Preliminary Plat for Oceanfront Estates 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 County Line Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with PP22-06, a Preliminary Plat for Oceanfront Estates.

Option 2: Denies a waiver of street improvements to East County Line Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with PP2206, a Preliminary Plat for Oceanfront Estates.

Option 3: Approves payment in lieu of improvements to East County Line Road in connection with PP22-06, a Preliminary Plat for Oceanfront Estates with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

Option 4: Denies a waiver and allow a Bill of Assurance for a period not to exceed _____ years for street improvements to East County Line Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with PP22-06, a Preliminary Plat for Oceanfront Estates.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 50 100 200 300 400
 Feet
 For Location Reference Only

FILE NO. W22- 09
APPLICANT: Oceanfront Estates
REQUEST: Waiver of street improvements on County Line Rd

PLANNING COMMISSION MEETING
 June 7, 2022

RESOLUTION NO: _____

**A RESOLUTION ADOPTING AND APPROVING THE 2022
ACTION PLAN FOR THE COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM AND THE REALLOCATION
OF THE CARES ACT FUNDS**

WHEREAS, in accordance with the guidelines established by the Department of Housing & Urban Development for the Community Development Block Grant Program, a 2022 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, and the CARES ACT reallocation 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 July 28, 2022.
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 28th day of July, 2022

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

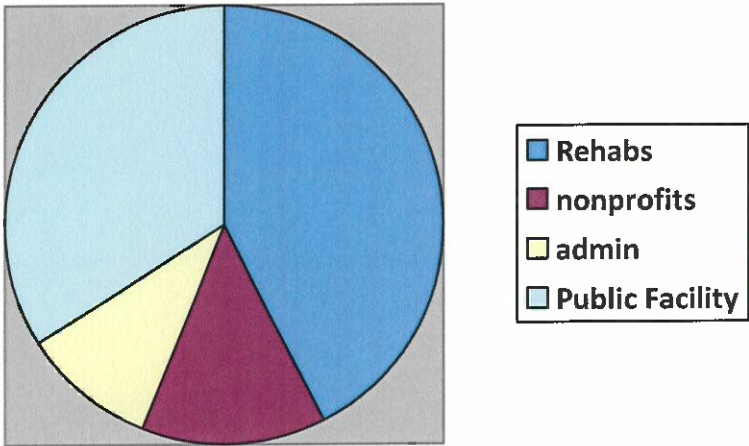
APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

CDBG FY2022 Program Summary

The City of Springdale is anticipating the \$857,593 for the PY22. The funds will be dispersed with the approval through City Council. This is the last year in the Con Plan 18-22 (5 year plan).

The Program year starts July 1, 2022 and ends June 31, 2023



The City of Springdale is an entitlement city in the Department of Housing & Urban Development's (HUD) Community Development Block Grant (CDBG) Program and receives a formula grant annually. The primary objective of the CDBG Program is the preservation and development of viable communities by providing decent housing, a suitable living environment, economic development opportunities, public services and public facilities principally for low and moderate income persons.

The activities contained in the City's work program are as follows:

- Rehabilitation of owner occupied single family dwellings from 1978 or older, including emergency repairs-- \$365,562 - 42%
- Direct grant to Nonprofit organizations -- \$117,031 – 13.6%
- Program administration -- \$75,000 - 8%
- Public Facility- Miracle League Field Replacement- \$300,000- 34%

The nonprofit organizations that turned in applications to be approved by City Council:

- VFW- \$9,000
- Bread of Life- \$24,000

- Community Clinic- \$12,000
- Hydration for Life- \$7,300
- CASA of NWA- \$10,000
- Compassion House- \$20,731
- VFW Aux- \$10,000
- Feed the 479- \$24,000

Our focus and the accomplishments from the FY20 and FY21:

- 100% dedicated funding for the low income families
- Last fiscal year we rehabilitated 38 homes affected at least 121 family members.
- The average amount of CDBG program spent on a single family dwelling is \$19,417.22, for the 2020 program year CDBG Funding. Thirty eight dwelling received rehabilitation assistance. In FY21 we have spent \$75,000 on single family dwellings or 5 homes.
- We have around \$620,000 left over in the FY2021 Funds. We are in the process of spending these funds now.
- Qualifying conditions for homeowner assistance is; the structure was built on or before 1978 - and the home owner can meet established income qualified. The qualified application must have occupied the home for more than a year. Guidelines provided by HUD are used to ensure accuracy.
- Anticipated completion time for rehabilitation project is approximately 60- 90 days.

US Department of Housing and Urban Development has announced reallocation funds for certain cities. The grantees eligible for this reallocation are limited to those that expended 99% or more of their CDBG-CV funds. We are the only city in Arkansas to receive such a reallocation amount. This amount is; \$178,632. These funds are available to prevent, prepare for, and respond to coronavirus (CDBG-CV). We have received the initial letter to accept the funding; we are now in the process in accepting the reallocation.

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE
EXECUTION OF A PROFESSIONAL SERVICES
AGREEMENT FOR A TRANSPORTATION STUDY
AND OTHER PURPOSES**

WHEREAS, the City of Springdale is in need of a transportation study for future projects and updated information for our master street plan;

WHEREAS, a transportation study is beneficial to our residents for planning purposes and efficiency of future projects;

WHEREAS, a proposal has been submitted for obtaining traffic & safety data, creating a recommended priority list of identified intersections with individual cost estimates, identifying roadway corridors/segments and other purposes; and

WHEREAS, the price not to exceed amount for professional engineering services shall be \$359,850.

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 enter into a professional services agreement with Garver Engineering for a transportation study to be paid from the Street Fund.

PASSED AND APPROVED this _____ day of June, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED:

Ernest B. Cate, CITY ATTORNEY

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE 2022 BUDGET OF THE
SPRINGDALE POLICE DEPARTMENT TO IMPLEMENT
THE "ARKANSAS FULL-TIME LAW ENFORCEMENT
OFFICER SALARY STIPEND ACT OF 2022".**

WHEREAS, the Arkansas General Assembly recently passed the "Arkansas Full-Time Law Enforcement Officer Salary Stipend Act of 2022", Act 224 of the 2022 Fiscal Session ("the Act");

WHEREAS, the Act appropriated funds for a one-time stipend of \$5,000.00 for full time law enforcement officers throughout the State of Arkansas, said funds being paid by the State of Arkansas to the eligible law enforcement agency to disburse to eligible recipients;

WHEREAS, the Act requires, among other things, that the budget of the eligible local law enforcement agency be adjusted to permit the disbursement of the salary stipends as provided in the Act;

WHEREAS, it has been determined that 153 full-time law enforcement officers of the Springdale Police Department are eligible to receive the one-time stipend provided by the Act; and

WHEREAS, the Police Department wishes to comply with the provisions of the Act by adjusting its 2022 Budget to allow for the disbursement of the stipend funds received from the State of Arkansas to the eligible full-time law enforcement officers of the Springdale Police Department, said amount not to exceed amount \$823,522.50.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the 2022 Budget of the Springdale Police Department is hereby amended in an amount not to exceed \$823,522.50 to ensure compliance with the Act, and to allow for the disbursement of the stipend funds received from the State of Arkansas to the eligible full-time law enforcement officers of the Springdale Police Department.

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, MAYOR

ATTEST:

Denise Pearce, CITY CLERK

APPROVED:

Ernest B. Cate, CITY ATTORNEY



CITY of SPRINGDALE

POLICE DEPARTMENT
OFFICE OF THE CHIEF OF POLICE

MEMORANDUM

FROM: Chief Frank Gamble
TO: Colby Fulfer and Mayor Doug Sprouse
DATE: 06/15/22
RE: Stipend from Arkansas for Law Enforcement

In 2022 the State of Arkansas passed Act 224 which appropriated a one-time stipend of \$5000 for full time law enforcement officers throughout the state of Arkansas. All Police Officers at our department that have completed the law enforcement academy are eligible for the stipend. This will include officers that are hired in the future as long as they attend and complete the first academy in 2023. There are rules and procedures that must be followed and I will be submitting all of the necessary paperwork on or shortly after July 1, 2022. Arkansas will issue a check to the City of Springdale that will cover the cities cost for taxes along with \$5000 for each certified full time officers at the Springdale Police Department. After speaking with the finance department it was determined that the cities portion of these taxes will be \$382.50.

Act 224 requires us to amend our budget to allow for the stipend funds. We request that the City Council amend the Springdale Police Department budget with a not to exceed amount of \$823,522.50. This would allow all 153 certified law enforcement positions to receive the stipend. All certified law enforcement officers in the state that meet the qualifications for the funding will receive this one-time stipend. If you have any questions regarding this please feel free to contact me at any time.

Respectfully,

A handwritten signature in blue ink, appearing to read "Frank Gamble".

Chief of Police Frank Gamble
Springdale Police Department

State of Arkansas *As Engrossed: S2/23/22 S3/1/22*

93rd General Assembly

A Bill

Fiscal Session, 2022

SENATE BILL 103

By: Senator Hickey

By: Representative Shepherd

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR LAW ENFORCEMENT
STIPEND GRANTS FOR THE DEPARTMENT OF FINANCE AND
ADMINISTRATION - DISBURSING OFFICER FOR THE FISCAL
YEAR ENDING JUNE 30, 2023; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF FINANCE AND
ADMINISTRATION - DISBURSING OFFICER
APPROPRIATION FOR THE 2022-2023 FISCAL
YEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. APPROPRIATION - LAW ENFORCEMENT STIPEND GRANTS. There is
hereby appropriated, to the Department of Finance and Administration -
Disbursing Officer, to be payable from the Law Enforcement Stipend Grants
Sub-Fund of the Miscellaneous Agencies Fund Account, for Law Enforcement
Stipend Grants for the fiscal year ending June 30, 2023, the following:

ITEM	FISCAL YEAR
NO.	2022-2023
(01) LAW ENFORCEMENT STIPEND GRANTS	<u>\$50,000,000</u>

SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LAW
ENFORCEMENT STIPEND GRANTS.

(a)(1) This section shall be known and may be cited as the "Arkansas



1 Full-Time Law Enforcement Officer Salary Stipend Act of 2022”.

2 (2) It is the intent of the General Assembly that:

3 (A) An eligible full-time law enforcement officer is not
4 awarded more than one (1) salary stipend under this section even if the
5 eligible full-time law enforcement officer is employed by more than one (1)
6 eligible local law enforcement agency or eligible state law enforcement
7 agency during the applicable time period described under this section; and

8 (B) The salary stipends awarded under this section shall
9 not occur more than one (1) time unless authorized by the General Assembly in
10 subsequent legislation.

11 (3)(A) While all persons employed by a local or a state law
12 enforcement agency or other state agency, locality, or political subdivision
13 of the state are engaged in important and vital work in our criminal justice
14 system, it is the intent of the General Assembly to limit the salary stipends
15 provided for under this section to the most vital law enforcement officers
16 who are out on the street, literally standing between criminals and the
17 public or engaged in the active investigation of criminal acts committed
18 against the public at large.

19 (B) As such, the General Assembly intends for the salary
20 stipends to be awarded to our state troopers, our deputy county sheriffs, our
21 city and municipal police officers, our officers engaged in closely
22 supervising our probationers and parolees, detectives who solve crimes, our
23 patrolmen and patrolwomen, our criminal investigators, and any of the other
24 certified law enforcement officers who patrol and work our streets, who are
25 the face of our communities, and who are active every day in protecting the
26 public and stopping and investigating crime.

27 (b) As used in this section:

28 (1) “Auxiliary law enforcement officer” means a person who:

29 (A) Meets the minimum standards and training requirements
30 prescribed for an auxiliary law enforcement officer by law;

31 (B) Receives no salary or wages for the performance of his
32 or her duties; and

33 (C) Is appointed by a political subdivision of the state
34 or a law enforcement agency as a reserve officer, volunteer officer, or
35 mounted patrol, not including any law enforcement officer or deputy county
36 sheriff employed by a planned community property owners’ association;

1 (2)(A) "Eligible full-time law enforcement officer" means a
2 person who:

3 (i) Is an appointed law enforcement officer
4 responsible for the prevention and detection of crime and the enforcement of
5 the criminal, traffic, or highway laws of this state;

6 (ii) Is employed by and receives a salary authorized
7 by an eligible local law enforcement agency or eligible state law enforcement
8 agency;

9 (iii) Has the statutory authority to enforce the
10 criminal, traffic, and highway laws of the state and serves a law enforcement
11 function for an eligible local law enforcement agency or eligible state law
12 enforcement agency;

13 (iv) Is employed as a law enforcement officer more
14 than twenty-four (24) hours per week; and

15 (v) Has satisfactorily completed a program of basic
16 law enforcement training at a school approved by the Arkansas Commission on
17 Law Enforcement Standards and Training.

18 (B) "Eligible full-time law enforcement officer" includes
19 a person who satisfies the requirements of subdivision (b)(2)(A) of this
20 section and who is employed as specialized police personnel for the
21 Department of Corrections.

22 (C) "Eligible full-time law enforcement officer" does not
23 include a person employed as:

24 (i) Specialized police personnel not employed by the
25 Department of Corrections, including without limitation:

26 (a) An employee of a county, regional, or city
27 jail or correctional or detention center who is not otherwise employed as an
28 eligible full-time law enforcement officer;

29 (b) A probation or parole officer who is not
30 otherwise employed as an eligible full-time law enforcement officer; or

31 (c) A bailiff;

32 (ii) An auxiliary law enforcement officer;

33 (iii) A part-time law enforcement officer;

34 (iv) A law enforcement officer of the United States
35 Government;

36 (v) An elected law enforcement officer who is:

- 1 (a) Not a certified law enforcement officer;
2 (b) Employed as a law enforcement officer no
3 more than twenty-four (24) hours per week; or
4 (c) Both;
5 (vi) An employee of a law enforcement agency, state
6 agency, or state department who is not primarily involved in law enforcement;
7 (vii) A law enforcement officer who is currently
8 pending decertification as a law enforcement officer; or
9 (viii) A law enforcement officer primarily employed
10 as a law enforcement officer by an educational institution, including a
11 public or private:
12 (a) Prekindergarten school;
13 (b) Primary school;
14 (c) Secondary school; or
15 (d) Institution of higher education;
16 (3) "Eligible local law enforcement agency" means the following
17 that employ an eligible full-time law enforcement officer:
18 (A) An Arkansas county; or
19 (B) An Arkansas municipal police department;
20 (4) "Eligible state law enforcement agency" means the Department
21 of Public Safety and the Department of Corrections;
22 (5) "Part-time law enforcement officer" means a person who:
23 (A) Is employed by and receives a salary authorized by a
24 law enforcement agency;
25 (B) Has the statutory authority to enforce the criminal,
26 traffic, or highway laws of this state; and
27 (C) Is employed as a law enforcement officer no more than
28 twenty-four (24) hours per week;
29 (6) "Retirement of the eligible full-time law enforcement
30 officer" means that an eligible full-time law enforcement officer has ceased
31 employment as an eligible full-time law enforcement officer with an eligible
32 local law enforcement agency or eligible state law enforcement agency and is
33 scheduled or otherwise approved by the applicable retirement system or plan
34 to draw retirement benefits as a retired eligible full-time law enforcement
35 officer; and
36 (7) "Specialized police personnel" means a full-time or part-

1 time law enforcement officer authorized by statute or employed by a law
2 enforcement agency whose duty as prescribed by law or ordinance is enforcing
3 some part of the criminal or highway laws of this state and whose authority
4 is limited to the facility or area in which he or she works.

5 (c)(1) Subject to an appropriation provided by the General Assembly,
6 an eligible full-time law enforcement officer who is:

7 (A) Employed by an eligible state law enforcement agency
8 or an eligible local law enforcement agency on July 1, 2022, is eligible to
9 receive a one-time salary stipend as described under subsection (g) of this
10 section upon verification of eligibility for the salary stipend by the
11 Division of Law Enforcement Standards and Training; or

12 (B) First employed by an eligible local law enforcement
13 agency or an eligible state law enforcement agency after July 1, 2022, but on
14 or before January 31, 2023, shall receive a one-time salary stipend as
15 described under subsection (g) of this section upon certification to the
16 division by the eligible local law enforcement agency or eligible state law
17 enforcement agency that the eligible full-time law enforcement officer is
18 currently employed by the eligible local law enforcement agency or eligible
19 state law enforcement agency as a full-time law enforcement officer at the
20 time of certification to the division.

21 (2) An eligible local law enforcement agency is required as a
22 condition of receiving funding for the salary stipends provided for under
23 this section to:

24 (A) Proactively request to the division for the salary
25 stipend funds to be distributed to an eligible full-time law enforcement
26 officer;

27 (B) Acknowledge that:

28 (i) The funding provided for under this section is a
29 one-time disbursement and that request for and subsequent receipt of funding
30 for the salary stipends does not in any manner entitle the eligible local law
31 enforcement agency for additional funding for future salary stipends; and

32 (ii) If the funds are received by the eligible local
33 law enforcement agency, the state is no longer responsible to an individual
34 eligible full-time law enforcement officer who is employed by the eligible
35 local law enforcement agency for payment of the salary stipend provided for
36 under this section;

1 (C) Adjust the eligible local law enforcement agency's
2 budget to permit the disbursement of the salary stipends to the eligible
3 local law enforcement agency's full-time law enforcement officers as the
4 local governing body requires; and

5 (D) Agree to being subject to audit by Arkansas
6 Legislative Audit concerning the request for, receipt of, and disbursement of
7 the salary stipend funding.

8 (d)(1) Between July 1, 2022, and August 1, 2022, an eligible local law
9 enforcement agency or an eligible state law enforcement agency that requests
10 funding for the salary stipends provided for under this section shall provide
11 a certification on a form provided by the division that identifies each
12 eligible full-time law enforcement officer employed by the eligible local law
13 enforcement agency or eligible state law enforcement agency as a full-time
14 law enforcement officer on July 1, 2022.

15 (2) The form shall be signed by the chief law enforcement
16 officer of the eligible local law enforcement agency or eligible state law
17 enforcement agency and shall include:

18 (A) The name of the eligible full-time law enforcement
19 officer;

20 (B) The date the eligible full-time law enforcement
21 officer began his or her current employment with the eligible local law
22 enforcement agency or eligible state law enforcement agency as a full-time
23 law enforcement officer; and

24 (C) Any other information required by the division to
25 properly verify eligibility for the salary stipend provided for by this
26 section.

27 (e) As soon as practicable, an eligible local law enforcement agency
28 or an eligible state law enforcement agency that employs an eligible full-
29 time law enforcement officer after July 1, 2022, but on or before January 31,
30 2023, shall provide the form under subdivision (d)(1) of this section to the
31 division for the eligible full-time law enforcement officer.

32 (f) The division shall:

33 (1) Deny any form received under this section from an eligible
34 local law enforcement agency or eligible state law enforcement agency for an
35 eligible full-time law enforcement officer first employed as a full-time law
36 enforcement officer after January 31, 2023;

1 (2) Deny any form received under this section from an eligible
2 local law enforcement agency or eligible state law enforcement agency if the
3 form is received after June 1, 2023;

4 (3) Verify that each full-time law enforcement officer certified
5 to the division as eligible for the salary stipend satisfies the employment,
6 training, and other requirements for eligibility;

7 (4) Provide a certification to the Secretary of the Department
8 of Finance and Administration that includes the following information:

9 (A) The name of each eligible local law enforcement agency
10 and eligible state law enforcement agency employing an eligible full-time law
11 enforcement officer;

12 (B) The name of any eligible full-time law enforcement
13 officer employed by an eligible local law enforcement agency or an eligible
14 state law enforcement agency that qualifies for the salary stipend provided
15 for by this section; and

16 (C) Any other information required by the secretary to
17 properly issue payments to an eligible local law enforcement agency or an
18 eligible state law enforcement agency under this section; and

19 (5) Adopt a form to be signed by an eligible full-time law
20 enforcement officer prior to receiving the salary stipend acknowledging that
21 the eligible full-time law enforcement officer:

22 (A) Has read the requirements to receive and retain the
23 salary stipend;

24 (B) Satisfies the requirements of this section to receive
25 the salary stipend; and

26 (C) Is required by law to return the salary stipend to the
27 eligible local law enforcement agency or eligible state law enforcement
28 agency issuing the salary stipend should he or she fail to comply with the
29 requirements to retain the salary stipend.

30 (g)(1) The secretary, in his or her capacity as Chief Fiscal Officer
31 of the State, shall:

32 (A) Transfer funds from the Law Enforcement Stipend Grant
33 Sub-fund in the Miscellaneous Agencies Fund Account for use in issuing
34 payments to an eligible local law enforcement agency or an eligible state law
35 enforcement agency under this section;

36 (B) Issue a salary stipend to each eligible local law

1 enforcement agency equal to:

2 (i) Five thousand dollars (\$5,000) for each eligible
3 full-time law enforcement officer certified by the division and employed by
4 that eligible local law enforcement agency as a full-time law enforcement
5 officer; and

6 (ii) The employer's matching share of Social
7 Security and Medicare taxes due on that salary stipend as required by federal
8 law in effect on January 1, 2022;

9 (C) Initiate a fund transfer for a salary stipend to the
10 appropriate state agency fund for an eligible state law enforcement agency
11 employing a full-time law enforcement officer, as follows:

12 (i) The fund transfer shall be equal to:

13 (a) Two thousand dollars (\$2,000) for each
14 eligible full-time law enforcement officer certified by the division and
15 employed by that eligible state law enforcement agency unless the eligible
16 full-time law enforcement officer has the primary job responsibility of
17 supervising parolees and probationers, in which case the amount is five
18 thousand dollars (\$5,000); and

19 (ii) The employer's matching share of Social
20 Security and Medicare taxes due on that salary stipend as required by federal
21 law in effect on January 1, 2022; and

22 (D) Deny payment of the salary stipend based on a
23 certification form received from the division after June 15, 2023.

24 (2) An eligible full-time law enforcement officer shall not be
25 awarded more than one (1) salary stipend under this section even if the
26 eligible full-time law enforcement officer is employed by more than one (1)
27 eligible local law enforcement agency or eligible state law enforcement
28 agency during the applicable time period described under this section.

29 (h) Both an eligible local law enforcement agency and an eligible
30 state law enforcement agency shall:

31 (1) Pay the salary stipend under this section to an eligible
32 full-time law enforcement officer in the eligible full-time law enforcement
33 officer's next paycheck or as soon as practicable following receipt of funds
34 from the secretary;

35 (2) Withhold from the salary stipend income taxes, the
36 employee's share of Social Security and Medicare taxes, and any other

1 withholdings required by state or federal law or required by court order;

2 (3) Verify that salary stipends are only issued to persons
3 meeting the eligibility requirements of this section; and

4 (4) Shall not use the funds under this section for any other
5 purpose.

6 (i)(1) Funds received under this section shall be returned to the
7 secretary by the eligible local law enforcement agency or eligible state law
8 enforcement agency if it is later determined that a person certified by the
9 division as eligible for the salary stipend was actually ineligible for the
10 salary stipend.

11 (2) A person who receives the salary stipend provided for by
12 this section who is subsequently decertified as a law enforcement officer
13 shall immediately return the salary stipend to the eligible local law
14 enforcement agency or eligible state law enforcement agency issuing the
15 salary stipend if the decertification becomes effective within one hundred
16 eighty (180) days of the date the person received the salary stipend.

17 (3) An eligible full-time law enforcement officer who receives
18 the salary stipend provided for by this section and who resigns his or her
19 employment or ceases to be employed with an eligible local law enforcement
20 agency or an eligible state law enforcement agency within one hundred eighty
21 (180) days of receiving the salary stipend shall immediately return the
22 salary stipend to the eligible local law enforcement agency or eligible state
23 law enforcement agency issuing the salary stipend unless the resignation or
24 cessation of employment occurred:

25 (A) To immediately accept employment as an eligible full-
26 time law enforcement officer with another eligible local law enforcement
27 agency or an eligible state law enforcement agency;

28 (B) As a result of the death of the eligible full-time law
29 enforcement officer;

30 (C) As a result of the retirement of the eligible full-
31 time law enforcement officer;

32 (D) Due to a medical necessity of the eligible full-time
33 law enforcement officer or a member of the eligible full-time law enforcement
34 officer's family; or

35 (E) For reasons beyond the eligible full-time law
36 enforcement officer's control.

1 (4) An eligible local law enforcement agency or an eligible
2 state law enforcement agency that receives a return of a salary stipend under
3 subdivision (i)(2) or subdivision (i)(3) of this section shall return the
4 returned salary stipend to the secretary immediately following receipt of the
5 returned salary stipend.

6 (5)(A) If the division or the secretary determines that an
7 eligible local law enforcement agency of a county, city, or town has failed
8 to properly pay the salary stipend to an eligible full-time law enforcement
9 officer as required by this section or has failed to return a salary stipend
10 returned by an eligible full-time law enforcement officer who was
11 decertified, resigned, or otherwise ceased employment, the division or the
12 secretary shall notify the Treasurer of State.

13 (B) Upon notification under subdivision (i)(5)(A) of this
14 section, the Treasurer of State shall then withhold from the county or
15 municipal aid of the county, city, or town an amount equal to the funds that
16 were improperly paid to the eligible full-time law enforcement officer or not
17 properly returned and shall remit those amounts to the secretary for deposit
18 into the General Revenue Allotment Reserve Fund.

19 (6)(A)(i) An eligible local law enforcement agency that
20 knowingly fails to abide by the requirements of this subsection is subject to
21 an administrative penalty equaling ten percent (10%) of the funds received
22 and wrongfully or improperly returned, plus interest at the rate of ten
23 percent (10%) per annum and any other assessed fees, as determined by the
24 secretary.

25 (ii) Administrative penalties, interest, and fees
26 under subdivision (i)(6)(A)(i) of this section shall be deposited into the
27 General Revenue Allotment Reserve Fund.

28 (B)(i) An appeal from an adverse decision by the secretary
29 concerning the failure to abide by the requirements of this subsection may be
30 made to the Legislative Council, or if the General Assembly is in session,
31 the Joint Budget Committee, which shall proceed with hearing the appeal
32 subject to the rules of the Legislative Council, or if applicable, the Joint
33 Budget Committee.

34 (ii) The Legislative Council or, if applicable,
35 Joint Budget Committee, may issue an advisory opinion as to the validity of
36 the appeal and shall forward the advisory opinion to the Director of the

1 Department of Finance and Administration.

2 (j)(1) By June 30, 2023, an eligible local law enforcement agency or
3 an eligible state law enforcement agency receiving funds under this section
4 shall submit a report to the division certifying that each eligible full-time
5 law enforcement officer who was verified by the division received the salary
6 stipend and the amount paid to each eligible full-time law enforcement
7 officer.

8 (2) The division shall prepare and submit a report containing
9 the data described under subdivision (j)(1) of this section to the cochairs
10 of the Legislative Council no later than October 1, 2023.

11 (k) The division shall promulgate rules establishing a review process
12 to determine:

13 (1) Whether a person was properly denied payment of the salary
14 stipend for failure to satisfy the requirements necessary to qualify as an
15 eligible full-time law enforcement officer; and

16 (2) Whether a person was properly required to return the salary
17 stipend.

18
19 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
21 TRANSFER. (i) Immediately upon the effective date of this Section or as soon
22 as is practicable, the Chief Fiscal Officer of the State shall transfer on
23 his or her books and those of the State Treasurer and the Auditor of the
24 State the sum of fifty million dollars (\$50,000,000) from the General Revenue
25 Allotment Reserve Fund to the Law Enforcement Stipend Grant Sub-Fund in the
26 Miscellaneous Agencies Fund Account to provide funding exclusively for the
27 Law Enforcement Stipend Grants Appropriation in Section 1 in this Act to be
28 distributed as set out in Law Enforcement Stipend Grants Special Language in
29 Section 2 of this Act.

30 (ii) Any funds not expended in the Law Enforcement Stipend Grant Sub-
31 Fund in the Miscellaneous Agencies Fund Account as established in subsection
32 (i) herein after June 30, 2023 shall be transferred to the General Revenue
33 Allotment Reserve Fund.

34 (iii) The provisions of this section shall be in effect upon passage
35 and approval through June 30, 2023.

36

1 SECTION 4. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
2 authorized by this act shall be limited to the appropriation for such agency
3 and funds made available by law for the support of such appropriations; and
4 the restrictions of the State Procurement Law, the General Accounting and
5 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
6 Procedures and Restrictions Act, or their successors, and other fiscal
7 control laws of this State, where applicable, and regulations promulgated by
8 the Department of Finance and Administration, as authorized by law, shall be
9 strictly complied with in disbursement of said funds.

10
11 SECTION 5. LEGISLATIVE INTENT. It is the intent of the General
12 Assembly that any funds disbursed under the authority of the appropriations
13 contained in this act shall be in compliance with the stated reasons for
14 which this act was adopted, as evidenced by the Agency Requests, Executive
15 Recommendations and Legislative Recommendations contained in the budget
16 manuals prepared by the Department of Finance and Administration, letters, or
17 summarized oral testimony in the official minutes of the Arkansas Legislative
18 Council or Joint Budget Committee which relate to its passage and adoption.

19
20 SECTION 6. EFFECTIVE DATE. Section 1, 4, and 5 of this act are
21 effective on and after July 1, 2022.

22
23 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
24 Assembly of the State of Arkansas that the safety and security of Arkansas
25 citizens and businesses require the presence of a trained workforce of
26 qualified law enforcement officers; that economic conditions have impaired
27 the ability of state and local governments to recruit and retain qualified
28 law enforcement officers; and that Sections 2 and 3 of this act would improve
29 the safety of all citizens by providing immediate financial benefits to
30 encourage the recruitment and retention of qualified law enforcement
31 officers. Therefore, an emergency is declared to exist, and Sections 2 and 3
32 of this act being immediately necessary for the preservation of the public
33 peace, health, and safety shall become effective on:

34 (1) The date of its approval by the Governor;
35 (2) If the bill is neither approved nor vetoed by the Governor,
36 the expiration of the period of time during which the Governor may veto the

1 bill; or

2 (3) If the bill is vetoed by the Governor and the veto is
3 overridden, the date the last house overrides the veto.

4
5 */s/Hickey*

6
7
8 **APPROVED: 3/8/22**

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
FIRST PRESBYTERIAN CHURCH OF SPRINGDALE IS
DEFENDANT (PROJECT NO. 18BPS12, TRACT 2).**

WHEREAS, the City of Springdale has filed a lawsuit against First Presbyterian Church of Springdale to condemn property owned by the Church for the Har-Ber Avenue Extension Project (48th St. to Gutensohn St.)(Project No. 18BPS12, Tract 2);

WHEREAS, the City of Springdale deposited the sum of \$51,800.00 into the Registry of the Court as estimated just compensation for the full taking of the property;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$91,800.00 to acquire the lands needed for the project, said amount being based on, but less than, an appraisal conducted on behalf of the Church;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$40,000.00 to acquire the property needed from the Church, 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 First Presbyterian Church condemnation lawsuit for the total sum of \$91,800.00, with the additional \$40,000.00 to be paid from the 2018 Street Bond Fund.

PASSED AND APPROVED this _____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

**Springdale v. First United Presbyterian Church of Springdale
(Washington Co. 72CV-21-400)**

Property Address: 100 S. Gutensohn Rd.

Project: #18BPS12

SETTLEMENT OFFER

The following information is provided for settlement purposes only.

Background:

First United Presbyterian Church (“Church”) built its first sanctuary on this property in 1986. A new sanctuary was built in 1992. The property is owned by the 323 formal members of the Church, but it is used and enjoyed by many others in the community, including guests, children participating in sports leagues, and the beneficiaries of community outreach programs. For example, the Church works in conjunction with Crowder College to provide classrooms for primarily Hispanic students who are working toward their GED and then hosts their graduation ceremony. There are 180 graduates expected this year. The Church also hosts an unaffiliated Hispanic ministry, and musical groups and music students. The Church grounds are also designated as a staging area in the event of an emergency at Central Jr. High School.

Over the years, the Church has continually improved and updated its facilities. The Columbarium Memorial Garden was built in 2009, a playground was added around 2010, and a youth wing and kitchen were significantly remodeled in 2018. The green space of the Church grounds in the area of the taking have been valued for many years as a location for youth soccer, softball, t-ball, and baseball teams coached by Church members as their practice field. That natural area is also valued for its use for Church picnics, Easter Egg hunts, and for overflow parking for large Church gatherings like Easter Sunday services and funerals.

While increased traffic flow and road development may be of value to a commercial property that benefits from exposure, the project developments in this case will be detrimental to the Church's activities. The Church used the green space for outdoor gatherings and activities. The road construction resulting from this taking will make these grounds too close to Emma Street traffic for use as ball fields and some other former activities.

Appraisals:

The Reed & Associates appraisers determined that the property was well-suited for numerous potential uses. They concluded that the highest and best use for the property, if vacant, would be residential development. Considering the substantial existing Church improvements, the appraisers concluded that the best use of the property is for religious activities. They appraised the land, not considering any of the structures, at \$406,500. The Reed appraisal was completed on September 1, 2020 and relied on comparable sales from 2017 and 2018. Their comparable sales occurred before the current, unprecedented, rapid increase in real estate values in Springdale. The exposure times of the comparable sales used, which occurred years prior to taking, are much longer than those seen in the current market. The Reed appraisers determined that the total compensation owed for the taking is **\$51,800**.

Mark Risk was retained to prepare an appraisal report for the Church. Mr. Risk is a Certified General Appraiser and Licensed Principal Real Estate Broker. He is a principal at The Real Estate Consultants, Inc. Mr. Risk has worked as an appraiser in Northwest Arkansas since 1979 and taught classes in appraisal courses at the University of Arkansas from 1981 to 2021. He has also served on the Arkansas Appraisers' Licensing and Certification Board. He has performed appraisal services for dozens of banks, mortgage companies, developers, and relocation services. He has also provided appraisal services for many municipalities and governmental agencies, including the City of Springdale.

Mr. Risk used a market value approach to determine the value of the property. His appraisal report valued the property on the date of taking which was March 2, 2021. He relied on three comparable sales from 2021 and one from 2019. He determined that the value of the property, not including improvements, was \$600,000 before the taking, and that total just compensation, including payment for the Temporary Construction Easement, should be \$106,000.

Landowners' Testimony:

The members of the Church will focus their testimony on the negative impact of the taking of a significant portion of their greenspace and the close proximity to traffic from the new road project. These are factors of severance damages causing the remaining property to be less valuable for their uses than it was prior to the project.

Potential Trial Outcome:

Considering the rapid appreciation in real estate values in the area and the detrimental effects of the taking on the Church's property, a judgement at the full amount of Risk's appraisal is more likely than a judgment at the valuation provided by the City's appraisers. A judgment in that amount would result in an additional payment of \$54,200, plus pre-judgment interest and "the costs occasioned by the assessment" (under Ark. Code Ann. §18-15-303(c)) which would be at least \$3,500.00 but could be more as determined by the court. The total judgment would be in the neighborhood of **\$112,000**.

For settlement purposes only, my clients have authorized me to accept valuation of their damages, including severance damages, pre-judgment interest, and the costs of assessment at **\$91,800**. The city has previously tendered \$51,800 of the \$91,800. The total additional compensation for settlement would be **\$40,000.00**.

Appraisal Report

**City of Springdale v. The First United Presbyterian Church of Springdale
Washington County Circuit Court: Case # 72CV-21-400
100 S. Gutensohn Rd.
Springdale, AR 72762
As of March 02, 2021**

Presented To:

**Steve Lisle
1458 Plaza Place
Springdale, AR 72764**

Presented By:

**The Real Estate Consultants
118 N. East Avenue
Fayetteville, AR 72701**

Prepared By:

**Mark E. Risk, GAA
AR State Certified General Appraiser #CG0202**

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File # 21-0084

Transmittal Letter



Date: October 14, 2021

To: Mr. Steve Lisle
1458 Plaza Place
Springdale, AR 72764

Re: *City of Springdale, Arkansas vs. The First United Presbyterian Church of Springdale*
Washington County Circuit Court No. 72CV-21-400 Tract 2

Dear Mr. Lisle:

Per your request, I hereby certify I conducted a survey of matters pertinent to developing an opinion of the **Market Value and Just Compensation** resulting from the acquisition of the subject's partial property takings by the City of Springdale. You are the client and intended user. This report is prepared for your exclusive benefit and may not be relied upon by any other party. Any other party relying on information contained in this document, without express permission, does so at their own risk.

I also certify this appraisal report conforms to Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Foundation. The following pages contain data gathered during my investigation, showing the appraisal process in detail with conclusions rendered. Please note this report is subject to stated Assumptions & Limiting Conditions, including any applied Extraordinary Assumptions &/or Hypothetical Conditions.

My primary emphasis was to determine the following:

- Estimate the market value of the subject property before and after the taking
- Ascertain whether severance damages to the remaining property exist due to the taking
- If so, estimate market value loss to subject's remainder property

In the following sections, I analyze relevant facts and apply appropriate appraisal processes to the subject property. After a thorough analysis an opinion of value can be made. Therefore, it is my considered opinion that the Just Compensation due to the property owner as a result of the property taking by the City of Springdale, – **as of the Effective Date of March 2, 2021**, and subject to referenced assumptions and conditions – is as follows:

One Hundred Six Thousand Dollars
\$106,000

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Mark E. Risk', is written over a circular official seal. The seal contains the text 'STATE CERTIFIED GENERAL APPRAISER' and 'No. CG0202'.

Mark E. Risk, GAA
AR State Certified General Appraiser #CG0202
The Real Estate Consultants, Inc.

Market Value – Before and After the Taking

Value Before the Taking (Land Only)

The Market Data Approach – \$830,000

Value After the Taking (Land Only)

The Market Data Approach – \$757,000

Indicated Just Compensation for Land Taken \$73,000

Allocation of Just Compensation

Land Takings:

Permanent Takings – R-O-W .72± Acre or 31,213 sq. ft. @ \$2.35 sq. ft. =	\$ 73,351
Permanent Utility / Drainage Easement - Appx. .29 ac. or 12,555 sq. ft. @ \$2.35/sq. ft.	<u>\$ 29,504</u>
Subtotal	\$102,855

Severance Damages - Market Loss:

Remainder Land and Improvements	
(Proximity Damage or Severance Damage)	= \$ 0
Subtotal	<u>\$ 0</u>
Total	\$102,855

Compensation Due to Rental of Land for Temporary Construction Easements:

Temporary Construction Easements

Appx. .16 ac. or 6,860 sq. ft. @ \$2.35/sq. ft. x .10 x 2 yrs. = \$3,224

Total Compensation for Temporary Construction Easements \$ 3,224

Total Just Compensation Due for Property Acquisition \$106,079

Say \$106,000

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING FUNDING FOR
REPAIRS/IMPROVEMENTS TO THE HUNTSVILLE
AVENUE RAILROAD CROSSING, PURSUANT TO AN
ADDENDUM TO A RAILROAD CROSSING EASEMENT
AGREEMENT WITH THE ARKANSAS & MISSOURI
RAILROAD COMPANY (AMRR).**

WHEREAS, on October 27, 2021, the City Council for the City of Springdale, Arkansas, passed Resolution No. 135-21, authorizing the Mayor and City Clerk to enter into an Addendum ("the Addendum") to a Railroad Crossing Easement Agreement with the Arkansas & Missouri Railroad Company (AMRR);

WHEREAS, the Addendum provides that the City will fund certain improvements/repairs to existing railroad crossings, and authorizes the Mayor to recommend the contemplated improvements/repairs, and to seek funding approval for the same from the Springdale City Council;

WHEREAS, the City and AMRR have agreed, pursuant to the Addendum, to the scope and estimated costs of improvements/repairs to the Huntsville Avenue AMRR crossing, a copy of which is attached hereto and incorporated by reference;

WHEREAS, the amounts expended by the City associated with the improvements/repairs to the Huntsville Avenue AMRR crossing will be applied towards the City's obligations under the Addendum;

WHEREAS, the City finds that it is in the best interests of the citizens of the City of Springdale to undertake the improvements/repairs to the Huntsville Avenue AMRR crossing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that an amount not to exceed \$290,167.71 is hereby appropriated for the improvements/repairs to the Huntsville Avenue AMRR crossing, and that the amounts expended by the City associated with the improvements/repairs to the Huntsville Avenue AMRR crossing be applied towards the City's obligations under the Addendum.

PASSED AND APPROVED this ____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



Arkansas & Missouri Railroad
306 E. Emma Ave
Springdale, AR 72764

Date: June 13, 2022

To: City of Springdale

Job: Huntsville Ave Crossing - Complete Rehabilitation

Details: Completely rehab E. Huntsville Ave Crossing. Replace to existing dimensions. 23'x23' asphalt approaches (x) 4 approaches, 6" thickness. 85'x5' asphalt between two tracks, 6" thickness. 77.1 Cubic YD of asphalt for road bed.

Material

Item #	Qty	Description	Unit	Unit Price	Line Total
1	146.25	115# OMEGA Concrete Panels	FT	\$ 215.00	\$ 31,443.75
2	125	Asphalt (6" Thickness 23' approach) - unofficial	TN	\$ 125.00	\$ 15,625.00
3	160	12" Asphalt Hot Mix - Road Bed Reubuild	TN	\$ 125.00	\$ 20,000.00
4	8.00	115# (Premium) New Rail	TN	\$ 1,500.00	\$ 12,000.00
5	130	10' Switch Ties	EA	\$ 91.00	\$ 11,830.00
6	260	5.5" Pandrol Plates	EA	\$ 16.00	\$ 4,160.00
7	600	Pandrol Screw Spikes	EA	\$ 3.95	\$ 2,370.00
8	550	Pandrol Clips	EA	\$ 3.25	\$ 1,787.50
9	8	115# New/1/4" Worn Transition Rails	EA	\$ 2,500.00	\$ 20,000.00
10	400	Railroad Ballast	TN	\$ 35.00	\$ 14,000.00
11	160	12" Asphalt Hot Mix - Road Bed Reubuild	TN	\$ 125.00	\$ 20,000.00
12	1	AMRR Mobilization/Permits	LS	\$ 3,500.00	\$ 3,500.00
					\$ 156,716.25
				10% Material O/H	\$ 15,671.63
				Shipping	\$ 5,000.00
				Tax	\$ 15,279.83
				Subtotal (material)	\$ 192,667.71

Labor & Services

Item #	Qty	Description	Unit	Unit Price	Line Total
1	1	Asphalt Contractor - unofficial	LS	\$ 25,000.00	\$ 25,000.00
2	1	Road Closure - unofficial	LS	\$ 15,000.00	\$ 15,000.00
3	2	2 Person Surfacing Crew - 10 HR Day	DY	\$ 2,500.00	\$ 5,000.00
4	7	3 Person Maintenance Crew - 10 HR Day	DY	\$ 3,000.00	\$ 21,000.00
5	7	2 Person Maintenance Crew - 10 HR Day	DY	\$ 2,000.00	\$ 14,000.00
6	7	Excavator Operator - 10 HR Day	DY	\$ 1,250.00	\$ 8,750.00
7	7	10 Ton Boom Operator - 10 HR Day	DY	\$ 1,250.00	\$ 8,750.00
				Subtotal (Labor)	\$ 97,500.00

Prepared by: Jeromy Houchin

Total \$ 290,167.71

The City Council of the City of Springdale met in regular session on Tuesday, June 14, 2022, in the tiered training room in the new Criminal Justice Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Brian Powell	Ward 1
Amelia Williams	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Mike Lawson	Ward 4
Kevin Flores	Ward 2
Randall Harriman	Ward 1
Mark Fougerousse	Ward 4 (Late)
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Blake Holte	Fire Chief
Frank Gamble	Police Chief
Patsy Christie	Planning Director
Mike Chamlee	Building Official
Brad Baldwin	Engineering Director
Colby Fulfer	Chief of Staff
Angie Albright	Museum Director
Chad Wolf	Parks & Recreation Director
Mark Gutte	IT Director

CITIZEN COMMENTS

Stu Larrabee, who drives a taxi in Springdale, spoke to City Council about the trees along Don Tyson Parkway. He feels like they are causing a dangerous situation with drivers. Also, he thinks the graffiti in the area should be covered up with better paint.

PUBLIC HEARING – PETITIONS TO VACATE A PORTION OF PUTMAN STREET, FROM PRICE TO HUNTSVILLE AVENUE, AND A PORTION OF BLAIR STREET, FROM PRICE TO HUNTSVILLE AVENUE

A public hearing was held on two proposed ordinances vacating a portion of Putman Street, from Price to Huntsville Avenue, and a portion of Blair Street, from Price to Huntsville Avenue.

No comments were made.

APPROVAL OF MINUTES

Council Member Overton moved the minutes of the May 24, 2022 City Council meeting be approved as presented. Council Member Williams made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Overton 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 Lawson made the second.

The vote:

Yes: Overton, Lawson, Flores, Harriman, Powell, Williams, Watson

No: None

RESOLUTION NO. 52-22 – AUTHORIZING THE EXECUTION OF A CONTRACT
FOR THE CITY OF SPRINGDALE 2022 STREET OVERLAY PROJECT

Council Member Jeff Watson presented a Resolution authorizing the execution of a contract with APAC-Central, Inc. for the City of Springdale 2022 Street Overlay Project in the amount of \$1,265,172.25.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE EXECUTION OF A
CONTRACT FOR THE CITY OF SPRINGDALE 2022 STREET
OVERLAY PROJECT**

WHEREAS, the Public Works Department has budgeted for the 2022 Street Overlay Project ("the Overlay Project");

WHEREAS, the competitive bidding process provided by Arkansas law was utilized by the City of Springdale Public Works Department to obtain bids for the Overlay Project; and

WHEREAS, the lowest responsible bidder for the Overlay Project was APAC-Central, Inc., in the amount of \$1,265,172.25, as they have a facility in the City of Springdale, which is preferable due to the nature of the material involved;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS THAT the Mayor and City Clerk/Treasurer are hereby authorized to execute a contract with APAC-Central, Inc. for the 2022 Street Overlay Project in an amount not to exceed \$1,265,172.25, to be paid from the 2022 Public Works budget.

PASSED AND APPROVED this ____ day of June, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Lawson, Flores, Harriman, Powell, Williams, Watson, Overton

No: None

The Resolution was numbered 52-22.

RESOLUTION NO. 53-22 – AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE A PORTION OF LAND FROM BASIC BLOCK & BRICK I, LLC, FOR THE DEAN'S TRAIL, PHASE IIIA PROJECT (PROJECT NO. ST1802)

Council Member Jeff Watson presented a Resolution authorizing the expenditure of funds to acquire a portion of land from Basic Block & Brick I, LLC, for the Dean's Trail, Phase IIIA Project (Project No. ST1802).

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE A PORTION OF LAND FROM BASIC BLOCK & BRICK I, LLC, FOR THE DEAN'S TRAIL, PHASE IIIA PROJECT (PROJECT NO. ST1802).

WHEREAS, the City of Springdale is in need of acquiring a portion of land for the Dean's Trail, Phase IIIA Project, Project No. ST1802, Tract 18, said lands being owned by Basic Block & Brick I, LLC;

WHEREAS, the City of Springdale has determined by appraisal that the sum of \$12,100.00 is the estimated just compensation for the property needed from Basic Block & Brick I, LLC;

WHEREAS, the property owner has extended a counter-offer that the City pay the total sum of \$14,224.00 to acquire the land needed for the project, said amount being justified by an appraisal conducted by the property owner, as well as an increase in property values since the City's appraisal;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$2,124.00 to acquire the property needed from Basic Block & Brick I, LLC, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of acquiring this property by eminent domain proceedings;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City is hereby authorized to acquire a portion of land for the Dean's Trail, Phase IIIA Project, Project No. ST1802, Tract 18, said lands being owned by Basic Block & Brick I, LLC, for the total sum of \$14,224.00.

PASSED AND APPROVED this ____ day of June, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

Yes: Flores, Harriman, Powell, Williams, Watson, Overton, Lawson

No: None

The Resolution was numbered 53-22.

RESOLUTION NO. 54-22 – TO AUTHORIZE THE PROVISION OF GOVERNMENT SERVICES FOR CITIZENS OF SPRINGDALE, ARKANSAS FROM THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDS - (LOST REVENUE FOR POLICE, FIRE, AND OTHER PUBLIC SAFETY)

Council Member Jeff Watson presented a Resolution to authorize the provision of government services for citizens of Springdale, Arkansas from the American Rescue Plan Act (ARPA) Funds.

The City of Springdale, Arkansas desires to use a portion (\$4,525,857) of the \$9,194,245.00 American Rescue Plan Act (ARPA) funds designated as lost revenue for the provision of police, fire, and other public safety services to provide these essential services to the citizens of the City of Springdale.

RESOLUTION NO. ____

A RESOLUTION TO AUTHORIZE THE PROVISION OF GOVERNMENT SERVICES FOR THE CITIZENS OF SPRINGDALE, ARKANSAS FROM THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

WHEREAS, the City of Springdale, Arkansas has been directly affected by the COVID- 19 global pandemic;

WHEREAS, the City of Springdale, Arkansas has experienced a reduction in revenues as a result of the COVID-19 global pandemic;

WHEREAS, the City of Springdale, Arkansas continued to provide essential services to its residents throughout the COVID-19 pandemic;

WHEREAS, the City of Springdale, Arkansas will continue to provide essential services to its residents; and

WHEREAS, the City of Springdale, Arkansas desires to use a portion of the \$9,194,245.00 American Rescue Plan Act (ARPA) funds designated as lost revenue for the provision of police, fire, and other public safety services to provide these essential services to the citizens of the City of Springdale.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS authorizes the obligation of \$4,525,857 to the provision of government services for the citizens of Springdale, Arkansas for the provision of police, fire, and other public safety services to provide these essential services to the citizens of the City of Springdale in accordance with eligible use of funds as defined by ARPA.

PASSED AND APPROVED this ____ day of June, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

Council Member Flores moved the Resolution be adopted. Council Member Williams made the second.

The vote:

Yes: Harriman, Powell, Williams, Watson, Overton, Lawson, Flores

No: None

The Resolution was numbered 54-22.

RESOLUTION NO. 55-22 – TO AUTHORIZE THE PROVISION OF GOVERNMENT SERVICES FOR CITIZENS OF SPRINGDALE, ARKANSAS, FROM THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

Council Member Jeff Watson presented a Resolution to authorize the provision of government services for citizens of Springdale, Arkansas, from the American Rescue Plan Act (ARPA) Funds.

The City of Springdale, Arkansas desires to use a portion (\$607,600.00) of the \$9,194,245.00 American Rescue Plan Act (ARPA) funds designated as lost revenue to modernize and protect the critical information technology infrastructure that provides essential services to the citizens of the City of Springdale.

RESOLUTION NO. ____

A RESOLUTION TO AUTHORIZE THE PROVISION OF GOVERNMENT SERVICES FOR THE CITIZENS OF SPRINGDALE, ARKANSAS FROM THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

WHEREAS, the City of Springdale, Arkansas has been directly affected by the COVID- 19 global pandemic;

WHEREAS, the City of Springdale, Arkansas has experienced a reduction in revenues as a result of the COVID-19 global pandemic;

WHEREAS, the City of Springdale, Arkansas continued to provide essential services to its residents throughout the COVID-19 pandemic;

WHEREAS, the City of Springdale, Arkansas will continue to provide essential services to its residents; and

WHEREAS, the City of Springdale, Arkansas desires to use a portion of the \$9,194,245.00 American Rescue Plan Act (ARPA) funds designated as lost revenue to modernize and protect the critical information technology infrastructure that provides essential services to the citizens of the City of Springdale.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS authorizes the obligation of \$607,600.00 to the provision of government services for the citizens of Springdale, Arkansas to modernize and protect the critical information technology infrastructure that provides essential services to the citizens of the City of Springdale in accordance with eligible use of funds as defined by ARPA.

PASSED AND APPROVED this ____ day of June, 2022.

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 Lawson made the second.

The vote:

Yes: Harriman, Powell, Williams, Watson, Overton, Lawson, Flores

No: None

The Resolution was numbered 55-22.

RESOLUTION NO. 56-22 – TO AUTHORIZE A SUBAWARD TO UPSKILL NWA AND NORTHWEST TECHNICAL INSTITUTE FROM THE CITY OF SPRINGDALE'S AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO HELP A JOB TRAINING AND WORKFORCE DEVELOPMENT PROGRAM

Council Member Jeff Watson presented a Resolution to authorize a subaward to Upskill NWA and Northwest Technical Institute from the City of Springdale's American Rescue Plan Act (ARPA) funds to help a job training and workforce development program.

\$2,590,000 will be awarded to Excellerate Foundation DBA Upskill NWA & Northwest Technical Institute for the purpose of the establishing and operating a workforce development and job placement program for the citizens of Springdale, Arkansas in accordance with eligible use of funds as defined by ARPA. This Resolution is intended to supersede and replace Resolution No. 8-22 passed on February 8, 2022.

RESOLUTION NO. ____

A RESOLUTION TO AUTHORIZE A SUBAWARD TO UPSKILL NWA & NORTHWEST TECHNICAL INSTITUTE FROM THE CITY OF SPRINGDALE’S AMERICAN RESCUE PLAN ACT (ARPA) FUNDS TO HELP FUND A JOB TRAINING AND WORKFORCE DEVELOPMENT PROGRAM

WHEREAS, the City of Springdale, Arkansas has been directly affected by the COVID- 19 global pandemic;

WHEREAS, the COVID-19 pandemic has highlighted a need for a trained labor force for essential industries;

WHEREAS, citizens of the City of Springdale, Arkansas need job training and other assistance to move to jobs that provide better opportunities for economic advancement;

WHEREAS, Excellerate Foundation DBA Upskill NWA in Partnership with Northwest Technical Institute is launching a program to provide critical job training and placement services;

WHEREAS, the City of Springdale, Arkansas desires to use a portion of the American Rescue Plan Act (ARPA) funds awarded to the City;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that \$2,590,000 be awarded to Excellerate Foundation DBA Upskill NWA & Northwest Technical Institute for the purpose of the establishing and operating a workforce development and job placement program for the citizens of Springdale, Arkansas in accordance with eligible use of funds as defined by ARPA; and the Mayor and City Clerk are hereby authorized to execute a Grant Award Agreement for the same, and this Resolution is intended to supersede and replace Resolution No. 8-22 passed on February 8, 2022

PASSED AND APPROVED this ____day of June, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

Yes: Williams, Watson, Overton, Lawson, Flores, Harriman, Powell

No: None

The Resolution was numbered 56-22.

RESOLUTION NO. 57-22 – EXPRESSING THE WILLINGNESS OF THE CITY OF SPRINGDALE TO APPLY FOR STBGP-A FUNDING FOR CONSTRUCTION OF DON TYSON PARKWAY FROM GENE GEORGE BOULEVARD TO HIGHWAY 112

Council Member Jeff Watson presented a Resolution expressing the willingness of the City of Springdale to apply for STBGP-A funding for construction of Don Tyson Parkway from Gene George Boulevard to Highway 112.

Of the estimated construction cost of \$9,050,000.00, the City intends to submit an application requesting 80% STBGP-A funding (\$7,240,000.00) and provide the required match of 20% (\$1,810,000.00).

RESOLUTION NO. ____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF SPRINGDALE TO APPLY FOR STBGP-A FUNDING FOR CONSTRUCTION OF DON TYSON PARKWAY FROM GENE GEORGE BOULEVARD TO HIGHWAY 112

WHEREAS, the Don Tyson Parkway project from Gene George Boulevard to Highway 112 has been designed; and

WHEREAS, All easements and right-of-way are currently be acquired for the construction of this street; and

WHEREAS, due to the regional significance of the project, STBGP-A funding may be available; and

WHEREAS, of the estimated construction cost of \$9,050,000.00, the City intends to submit an application requesting 80% STBGP-A funding (\$7,240,000.00) and provide the required match of 20% (\$1,810,000.00):

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

Section 1. The city of Springdale is committed to the Don Tyson Parkway extension project and recognizes its regional significance.

Section 2. The required matching funds are committed in an amount not to exceed \$1,810,000.00

PASSED AND APPROVED this ____ day of June, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Watson, Overton, Lawson, Flores, Harriman, Powell, Williams

No: None

The Resolution was numbered 57-22.

RESOLUTION NO. 58-22 – EXPRESSING THE WILLINGNESS OF THE CITY OF SPRINGDALE TO APPLY FOR STATE GRANT FUNDING FOR THE REMODELING OF THE PLAYGROUND AT MURPHY PARK

Council Member Mike Lawson presented a Resolution expressing the willingness of the City of Springdale to apply for state grant funding for the remodeling of the playground at Murphy Park. The grant will be for around \$400,000. It will be a 50/50 match if approved.

RESOLUTION NO. ____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF SPRINGDALE TO APPLY FOR STATE GRANT FUNDING FOR THE REMODELING OF THE PLAYGROUND AT MURPHY PARK

WHEREAS, the City of Springdale, Arkansas seeks to improve the recreation facilities at Murphy Park and wishes to seek grant funding assistance; and

WHEREAS, in order to obtain the funds necessary to improve the site for such a recreation area, it is necessary to obtain an Outdoor Recreation Matching Grant from the

Arkansas Department of Parks, Heritage and Tourism; and

WHEREAS, the plans for the remodel of the recreation area at Murphy Park have been prepared and the price therefore has been established; and

WHEREAS, this governing body understands the grantee and grantor will enter into a binding agreement which obligates both parties to policies and procedures contained within the Outdoor Recreation Matching Grant Application Guide, including, but not limited to, the following; the park area defined by the project boundary map, submitted with the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds and; all future overhead utility lines within the project boundary must be placed underground and; the project area must remain open and available for use by the public at all reasonable times of the day and year; facilities can be reserved for special events, league play, etc. but cannot be reserved, leased or assigned for exclusive use, and; the project area must be kept clean, maintained, and operated in a safe and healthful manner.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the City of Springdale is hereby authorized to make application to the Arkansas Department of Parks, Heritage and Tourism for assistance to remodel the recreation area at Murphy Park.

PASSED AND APPROVED this ____ day of June, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Overton, Lawson, Flores, Harriman, Powell, Williams, Watson

No: None

The Resolution was numbered 58-22.

RESOLUTION NO. 59-22 – AMENDING THE 2022 BUDGET OF THE SPRINGDALE POLICE DEPARTMENT AND APPROVING THE RECLASSIFICATION OF 911 EMERGENCY DISPATCH PERSONNEL

Council Member Amelia Williams presented a Resolution amending the 2022 Budget of the Springdale Police Department and approving the reclassification of 911 Emergency Dispatch Personnel.

The Springdale Police Department has recently experienced high turnover in 911 Emergency Dispatch personnel, including losing at least four (4) such personnel to other agencies in 2022 alone.

The City of Springdale consulted with a professional management consultant to determine appropriate job classifications for 911 Emergency Dispatch personnel, in order to attract and retain qualified individuals for these positions.

The Police Department wishes to implement the reclassification of 911 Emergency Dispatch personnel immediately, and therefore is requesting an amendment to the 2022 Springdale Police Department budget in an amount necessary to fund the reclassification of these employees, said amount not to exceed amount \$77,476.00.

RESOLUTION NO. ____

A RESOLUTION AMENDING THE 2022 BUDGET OF THE SPRINGDALE POLICE DEPARTMENT AND APPROVING THE RECLASSIFICATION OF 911 EMERGENCY DISPATCH PERSONNEL.

WHEREAS, the City Council of the City of Springdale, Arkansas, recognizes the importance of 911 Emergency Dispatch personnel, and it is therefore imperative that compensation for these positions be such as will attract and retain qualified individuals in these positions;

WHEREAS, the Springdale Police Department has recently experienced high turnover in 911 Emergency Dispatch personnel, including losing at least four (4) such personnel to other agencies in 2022 alone;

WHEREAS, the City of Springdale consulted with a professional management consultant to determine appropriate job classifications for 911 Emergency Dispatch personnel, in order to attract and retain qualified individuals for these positions;

WHEREAS, it has been determined that the appropriate job classifications for 911 Emergency Dispatch personnel need to be changed by more than one (1) grade, which requires approval by the Finance/Personnel Committee of the City of Springdale, pursuant to Section 4.17 of the City of Springdale Personnel and Procedures Manual; and

WHEREAS, the Police Department wishes to implement the reclassification of 911 Emergency Dispatch personnel immediately, and therefore is requesting an amendment to the 2022 Springdale Police Department budget in an amount necessary to fund the reclassification of these employees, said amount not to exceed amount \$77,476.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the reclassification of 911 Emergency Dispatch personnel at the Springdale Police Department as determined by the Johanson management consultant group is hereby approved, and the 2022 budget of the Springdale Police Department is hereby amended in an amount not to exceed \$77,476.00 to allow the immediate implementation of the reclassification of these positions.

PASSED AND APPROVED this ____ day of June, 2022.

Doug Sprouse, MAYOR

ATTEST:

Denise Pearce, CITY CLERK

APPROVED:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

Yes: Lawson, Flores, Harriman, Powell, Williams, Watson, Overton

No: None

The Resolution was numbered 59-22.

PROPOSED ORDINANCE CONFIRMING THE SECOND AMENDMENT TO THE INTER-MUNICIPAL SEWER AGREEMENT BETWEEN THE CITY OF SPRINGDALE, ARKANSAS, AND THE CITY OF LOWELL, ARKANSAS; DECLARING AN EMERGENCY

City Attorney Ernest Cate presented a proposed ordinance confirming the second amendment to the Inter-Municipal Sewer Agreement between the City of Springdale, Arkansas, and the City of Lowell, Arkansas; declaring an emergency.

Pursuant to Ark. Code Ann. §14-235-212, the City of Springdale, Arkansas, is authorized to contract with one (1) or more other political subdivisions in order to provide municipal sewer services to residents of that political subdivision. On October 11, 2005, the City Council for the City of Springdale, Arkansas, passed Ordinance No. 3769, authorizing and confirming an inter-municipal sewer agreement with the City of Lowell, Arkansas, to provide sanitary sewer service within the City of Lowell. On August 27, 2013, the City Council for the City of Springdale, Arkansas, passed Ordinance No. 4730, which confirmed an amendment to the intermunicipal sewer agreement with the City of Lowell.

The City of Lowell wants to again amend the terms and conditions of the agreement.

Springdale Water Department Engineer Rick Pulvirenti said the contract is to purchase certain capacity in an existing line that goes from Lowell to Springdale as well as participate in the construction of the rebuild of the Benton Farm Lift Station. They would pay their share for the upgrades in capacity.

After discussion, no action was taken by City Council on the proposed ordinance.

RESOLUTION NO. 60-22 – AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE CITY OF FAYETTEVILLE CONCERNING THE WATER TERRITORY BOUNDARY BETWEEN THE TWO CITIES

City Attorney Ernest Cate presented a Resolution authorizing the Mayor and City Clerk to enter into an agreement with the City of Fayetteville concerning the water territory boundary between the two cities.

The City of Springdale and the City of Fayetteville entered into a Memorandum of Understanding in 1967 with the Beaver Water District. An adjustment of territorial boundaries created by said Memorandum of Understanding is necessary from time to time so that each city can efficiently extend water service into areas where such service is currently not being provided. The Memorandum of Understanding contains provisions whereby the water service boundary between two member cities may be amended upon mutual consent of the affected cities. The water territory boundary between the City of Springdale and the City of Fayetteville was previously amended on October 24, 2006, by Resolution No. 201-06.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE CITY OF FAYETTEVILLE CONCERNING THE WATER TERRITORY BOUNDARY BETWEEN THE TWO CITIES.

WHEREAS, the City of Springdale and the City of Fayetteville entered into a Memorandum of Understanding in 1967 with the Beaver Water District;

WHEREAS, an adjustment of territorial boundaries created by said Memorandum of Understanding is necessary from time to time so that each city can efficiently extend water service into areas where such service is currently not being provided;

WHEREAS, the Memorandum of Understanding contains provisions whereby the water service boundary between two member cities may be amended upon mutual consent of the affected cities;

WHEREAS, the water territory boundary between the City of Springdale and the City of Fayetteville was previously amended on October 24, 2006, by Resolution No. 201-06; and

WHEREAS, the City of Springdale desires to cooperate with the City of Fayetteville to amend the current territorial boundary between the two cities by entering into an Agreement, a copy of which is attached hereto as Exhibit “A” and made a part hereof as though set out herein word for word.

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 enter into an agreement with the City of Fayetteville to adjust the territorial boundaries created by the 1967 Memorandum of Understanding, and amended by Resolution No. 201-06.

PASSED AND APPROVED this ____ day of June, 2022.

Doug Sprouse, MAYOR

ATTEST:

Denise Pearce, CITY CLERK

APPROVED:

Ernest B. Cate, CITY ATTORNEY

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

The vote:

Yes: Lawson, Flores, Harriman, Powell, Williams, Watson, Overton

No: None

The Resolution was numbered 60-22.

ORDINANCE NO. 5725 – VACATING A PORTION OF A DEDICATED PUBLIC STREET KNOWN AS PUTMAN STREET, PURSUANT TO ARK. CODE ANN. §14-301-301, ET SEQ; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

City Attorney Ernest Cate presented an Ordinance vacating a portion of a dedicated public street known as Putman Street, between Price and Huntsville Street, pursuant to Ark. Code Ann. §14-301-301, et seq; declaring an emergency and for other purposes.

Taldo Properties, LLC, and Brothers Rentals, LLC, are the petitioners.

There were no comments made at the Public Hearing held earlier in the meeting.

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

The vote:

Yes: Harriman, Powell, Williams, Watson, Overton, Lawson, Flores

No: None

Council Member Overton moved the Emergency Clause be adopted. Council Member Williams made the second.

The vote:

Yes: Powell, Williams, Watson, Overton, Lawson, Flores, Harriman

No: None

The Ordinance was numbered 5725.

ORDINANCE NO. 5726 – VACATING A PORTION OF A DEDICATED PUBLIC STREET KNOWN AS BLAIR STREET, PURSUANT TO ARK. CODE ANN. §14-301-301, ET SEQ; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

City Attorney Ernest Cate presented an Ordinance vacating a portion of a dedicated public street known as Blair Street, between Price and Huntsville Street, pursuant to Ark. Code Ann. §14-301-301, et seq; declaring an emergency and for other purposes.

First United Methodist Church of Springdale, Inc. is the petitioner.

There were no comments made at the Public Hearing held earlier in the meeting.

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

The vote:

Yes: Williams, Watson, Overton, Lawson, Flores, Harriman, Powell

No: None

Council Member Powell moved the Emergency Clause be adopted. Council Member Lawson made the second.

The vote:

Yes: Watson, Overton, Lawson, Flores, Harriman, Powell, Williams

No: None

The Ordinance was numbered 5726.

ORDINANCE NO. 5727 – AMENDING ARTICLE 4 AND ARTICLE 5 OF THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES (UNIT 53: TRANSITIONAL HOUSING)

City Attorney Ernest Cate presented an Ordinance amending Article 4 and Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas; declaring an emergency and for other purposes.

Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas, contains the various use units which are allowed in the various zoning districts in Springdale, Arkansas. There currently is no use unit for transitional housing.

A public hearing was held before the Springdale Planning Commission on June 7, 2022.

Article 5 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to add a new Use Unit, Use Unit 53, Transitional Housing, to read as follows:

Sec. 56. – Unit 53: Transitional Housing.

Transitional housing is an Arkansas Department of Corrections Division of Community Corrections licensed facility that provides housing for one or more offenders who have either been transferred or paroled from the Department of Correction by the Parole Board or placed on probation by a circuit or district court. An offender’s home or the residence of an offender’s family member shall not be considered a transitional housing facility for purposes of this use unit.

Article 4, Sections 3.4, 3.6, and 3.7 of the Zoning Ordinance of the City of Springdale, Arkansas, shall be amended to reflect that a Use Unit 53, Transitional Housing, is a conditional use in a C-2 (general commercial district), C-4 (planned commercial district), and C-5 (thoroughfare commercial district) zoning districts.

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

The vote:

Yes: Overton, Lawson, Flores, Harriman, Powell, Williams, Watson

No: None

Council Member Williams moved the Emergency Clause be adopted. Council Member Lawson made the second.

The vote:

Yes: Lawson, Flores, Harriman, Powell, Williams, Watson, Overton

No: None

The Ordinance was numbered 5727.

(Mark Fougousse entered the meeting at this time through Zoom)

ORDINANCE NO. 5728 – REZONING 9.17 ACRES OWNED BY SCOUT ENTERPRISES, LOCATED AT 8915 EAST BROWN ROAD, FROM A-1 TO PUD

At the May 24, 2022 City Council meeting, Larry McCredy, Attorney representing Scout Enterprises LLC, presented an appeal on the denial of a rezoning request on property located at 8915 East Brown Road, from A-1 to PUD (Planned Unit Development).

Scout owns a 10-acre tract of property and intends to create a small development of eight lots of varying sizes for single family homes. The lot sizes range from approximately one acre to 0.5 acre. The development would also contain common area of approximately two acres, or about 21 percent of the total development. The development will be called Hawksview Subdivision.

At that meeting, there was considerable discussion on drainage runoff, calculations of rain barrels, responsibilities of maintenance on rain barrels, sheet flow etc.

City Council voted to overturn Planning Commission's denial of the rezoning request and bring back the rezoning ordinance with the development plans to tonight's meeting.

Mr. McCredy presented updated versions of the Development Plan, Covenants and By-Laws for the Subdivision that were incorporated in the previous submission to the Planning Commission and included as part of the appeal. He requested these be considered for final approval. All other portions of the appeal document (preliminary plat, drainage summary, notices, etc.) remain the same. Also included is a document which summarizes the substantive modifications that were made.

Planning Director Patsy Christie presented the Development Plan for Hawksview Planned Unit Development; Declaration of Covenants of Assurance and Restrictions of Hawksview Planned Development to the City of Springdale, Arkansas and preliminary plat which are all made a part of the approved zoning amendment as follows:



Plymouth Engineering, PLLC
5714 Walden Street · Lowell, AR 72745
(479) 595-5934 · www.plymoutheng.com

Development Plan for
Hawksview Subdivision
Planned Unit Development
June 20, 2022

This Development Plan for Hawksview Subdivision is hereby submitted per City of Springdale requirements. Portions of this document have been copied from the covenants for Hawksview Subdivision, prepared by others.

The approved Final Development Plan shall be binding on all subsequent owners of the land until revised or repealed as set forth in Springdale’s Code of Ordinances, Chapter 130.

General Eligibility and Staging Requirements

1. Location: The PUD district covered in this application shall apply to 9.65 acres of land in extreme northwest Springdale identified by Benton County parcel numbers 21-00167-078 and 21-00167-100; located at 8915 East Brown Road. This property lies within the “Karst recharge area” as designated by the United States Fish and Wildlife Service (USFWS). This area is subject to stringent USFWS requirements and other environmental requirements. The area is designated as low-density residential on the City’s master land use plan.
2. Ownership: The property is owned by Scout Enterprises, LLC, who is also the rezoning applicant and the developer of the property. A copy of the warranty deed has been submitted with the rezoning application.
3. Project Size: The property in question is approximately 9.65 acres in size. The entire tract is proposed to be developed as part of this project.
4. Staging: All subdivision improvements, including but not limited to streets, water lines, lot pins, and common space, shall be constructed at one time as a single stage. No future stages of the subdivision are proposed. Once the subdivision improvements are installed and the final plat is approved by the City and recorded (all in accordance with existing ordinances,) construction of homes may begin. Homes shall be constructed on the eight lots at various times. It is the developer’s intent to construct homes on all eight lots within five years of the commencement of construction, but no definite timeframe for the construction of all eight homes can be established at this time, as the supply of suitable existing structures varies. In the initial construction, the only grading to be performed will be that needed to install the roadway and required utilities. Homesites will be graded as needed. In order to minimize impact on the environment, no mass grading is proposed. This philosophy is in keeping with the Northwest Arkansas Best Management Practices manual and will greatly reduce not only the amount of land disturbance but also the amount of soil exposed at any given

time; and is in keeping with the spirit of the Karst regulations as it will reduce water-borne sediments.

Existing homes represent a significant source of scarce and expensive building materials. Conventional demolition of existing homes not only wastes this resource, but uses up increasingly rare landfill space. A more environmentally-friendly solution is to re-use these resources wisely by moving existing homes onto new homesites, where the homes may be remodeled and updated to meet current styles and building codes. It is the developer's intent to locate existing wood-framed or steel-framed structures which cannot remain on their current sites, move these structures to this subdivision, and remodel them in accordance with all applicable state and local residential building codes. The interiors and exteriors of the homes will be remodeled to bring them up to date, and the homes will then be offered for sale or rent, at the discretion of the developer.

Environmentally friendly ("green") developments provide sustainable progress and growth for cities. Utilizing existing structures, maintaining natural drainage patterns, capturing and reusing roof runoff, and the use of water absorbing native plants are all incorporated into Hawksview subdivision.

It is the developer's intent to construct homes on all eight lots within five years of the commencement of construction, but no definite timeframe for the construction of all eight homes can be established at this time, as the supply of suitable existing structures varies. Furthermore, supply chain difficulties and delays caused by weather must be taken into account. As prospective structures are located and identified, permits must be obtained to move them to the site and to begin construction. Homes will be placed on new foundations and structural components will be brought up to the current codes; then plumbing, mechanical, and electrical systems will be brought up to the current codes and remodeling will begin. During the process, the exterior finishes of the homes will be remodeled or replaced as needed within nine months of the home's arrival on the site. (This applies to external building finishes only, and does not apply to items like fences, landscaping, etc.) The requirements of Springdale ordinance section 22-32 shall be met within the prescribed 90-day timeline, with any extensions that are granted in accordance with the ordinance. From the time of its arrival on the site, each home should be completely remodeled, inside and out, in approximately twelve months, barring circumstances beyond the developer's control.

The developer reserves the right to construct new homes in a conventional manner. The developer reserves the right to retain possession of all lots or to sell any or all of the lots prior to or after construction of a home on said lots, upon completion of the final plat, in accordance with applicable laws. Should any lot be sold with home construction or renovation underway, either new construction or move-in, all applicable timelines from city ordinances and/or this document and/or the Covenants shall be binding on the purchaser. In the event of a move-in, the dates in this document shall apply from the original move-in date, as if no transfer of property had

occurred.

The Owner intends to begin construction of the subdivision improvements as soon as all required approvals can be obtained. Construction of the homes on the lots cannot begin until the final plat is approved by the city and then recorded in accordance with applicable ordinances.

APPLICATION REVIEW PROCEDURES

5. Three phases:
 - a. A preapplication conference with planning and community development staff – The Owner and Staff have met several times over the past 2 and a half years to discuss this project. The Engineer and Staff met together on October 4, 2021 to discuss this project and another, unrelated, large-scale development. Another meeting was held on December 14, 2021 and involved the Owner, the Owner's engineer, the Owner's attorney, the City attorney, and members of the Planning staff. Other formal and informal meetings have been held between the Engineer and Planning Staff. On March 15, 2022, the Owner and her attorney, along with the Engineer, met with several members of the Planning Staff and four members of the Planning Commission to discuss this project.
 - b. A preliminary development plan has been submitted to the City in the form of a preliminary plat for the development. A number of other supporting documents, including restrictive covenants, construction drawings, and a preliminary drainage report have also been submitted. This PUD was heard by the Planning Commission on April 5, 2022, and by the City Council on May 24. The ordinance to rezone will be considered by the City Council on June 14, 2022.
 - c. The final development plan has yet to be developed, as rezoning has not yet been approved by the City Council.
 - d. The final development plan shall be approved prior to the issuance of any building permits within the PUD. The final development plan shall be recorded prior to the issuance of any building permits.
6. Civil Engineer: Plymouth Engineering, PLLC; 5714 Walden Street; Lowell, AR 72745; (479) 595-5934; david@plymoutheng.com

Surveyor: A Million Miracles Surveying, PLLC; 129 W. Boles Street, Suite A; Fayetteville, AR 72701; (479) 387-4361; eric@amms-llc.com
7. Size: The PUD will cover approximately 9.65 acres.

PARCEL 21-00167-100 DESCRIPTION:
A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 496.06 FEET TO A COMPUTED POINT; THENCE SOUTH 02°37'29" WEST A DISTANCE OF 443.54 FEET TO A COMPUTED POINT FOR THE POINT OF BEGINNING; THENCE SOUTH 87°14'46" EAST A DISTANCE OF 588.49 FEET TO A FOUND 5/8" IRON PIN; THENCE SOUTH 87°22'03" EAST A DISTANCE OF 49.86 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 87°04'33" EAST A DISTANCE OF 245.10 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'38" WEST A DISTANCE OF 452.04 FEET TO A FOUND 1/2" DISTURBED IRON PIN; THENCE NORTH 87°12'01" WEST A DISTANCE OF 883.68 FEET TO A FOUND 5/8" IRON PIN PLS 1181; THENCE NORTH 02°37'29" EAST A DISTANCE OF 451.96 FEET TO THE POINT OF BEGINNING, CONTAINING 9.17 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

PARCEL 21-00167-078 DESCRIPTION:

A PART OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 16, TOWNSHIP 18 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND MAG NAIL FOR THE NORTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 16; THENCE SOUTH 86°52'01" EAST A DISTANCE OF 1084.90 FEET; THENCE SOUTH 03°22'57" WEST A DISTANCE OF 19.54 FEET TO A FOUND 5/8" IRON PIN WITH CAP FOR THE POINT OF BEGINNING; THENCE SOUTH 86°48'54" EAST A DISTANCE OF 50.07 FEET TO A FOUND 1/2" IRON PIN; THENCE SOUTH 02°35'14" WEST A DISTANCE OF 419.63 FEET TO A FOUND 1/2" IRON PIN; THENCE NORTH 87°22'03" WEST A DISTANCE OF 49.86 FEET TO A FOUND 5/8" IRON PIN; THENCE NORTH 02°33'32" EAST A DISTANCE OF 420.11 FEET TO THE POINT OF BEGINNING, CONTAINING 0.48 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAYS, COVENANTS, AND RESTRICTIONS OF RECORD, IF ANY.

8. Project Name: Hawksview Subdivision PUD

9. Site Plan: A copy of the proposed preliminary plat is attached. As shown on the plat and detailed below, all lots will have minimum setbacks of 30 feet in the front, 8 feet on the sides, and 20 feet in the rear. No maximum setbacks are established. These setbacks are identical to that which would be found in an SF-1 zone. A single residential street will connect to East Brown Road through a 50-foot right-of-way corridor and will pass through the middle of the site, ending in a cul-de-sac. All lots will have access from this street and only from this street. The street within the bulk of the subdivision will have a paved surface 24 feet in width, with gravel shoulders 4 feet in width on each side, as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions. At the request of Springdale's Public Works Director, the street section north of the north line of lots 1 and 8 (extended) will have the shoulders covered in sod instead of gravel, to reduce transportation of gravel downstream in

extreme events. In a further effort to minimize runoff, gravel driveways and off-street parking will be used on each home. These features, along with other low impact development techniques, are incorporated in order to comply with Appendix A (“Planning”) of the NWA 2014 Stormwater BMP Manual which reads, in part: “Natural drainage patterns that consist of overland flow, swales, and depressions should be used to convey runoff through the site to avoid constructing an artificial drainage system,” and “Preserve the natural drainage patterns on-site as much as possible.” (A2.1, Drainage) The features also comply with Springdale’s Low Impact Development Design Guide which states “Therefore, the most important factor to consider in the application of LID to site design is the preservation of native vegetation and natural drainage features.”

Exact placement of the homes on individual lots cannot be determined at this time, in part due to the fact that existing homes are proposed for up-cycling as they become available; and neither their dimensions nor their exact floor area is known at this time.

A common area consisting of approximately two acres of open pasture with some shade trees is proposed along the southern boundary of the site, and is 100 feet in width. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities. This preliminary plat has not yet been considered by the Planning Commission.

The common area will be mowed and maintained by the POA. Grassed areas that are within the right-of-way and adjacent to residential lots that are part of Hawksview Subdivision shall be kept free from tall grass, weeds, debris and other growths, articles, and things by the Occupants of said lots, in accordance with Springdale Code of Ordinances Section 42-77(f). The right-of-way of Hawksview Drive where it is not adjacent to any lot of Hawksview subdivision, from Brown Road southward to the north lines of lots 1 and 8, extended, shall be kept free from tall grass, weeds, debris and other growths, articles and things by the POA.

10. Development Strategy: The Owner’s intent is to create eight lots of varying sizes for single family homes. Lots 1, 7, and 8 will be approximately one acre in size. Lot 2 will contain approximately 0.8 acres. Lots 3 through 5 will contain approximately 0.5 acre. Lot 6 will contain approximately 0.9 acres. Lot 9 will contain common area approximately two acres, or about 21 percent of the total development, and will be adjacent to lots 2 through 6, allowing direct access to the smaller lots. Lots will front on a two-lane public street. The street will be constructed without curbs or gutters, but have 4-foot gravel shoulders within the bulk of the subdivision as allowed under Springdale Code of Ordinances Section 112-4 in “estate” subdivisions. At the request of Springdale’s Public Works Director, the street section north of the north line of lots 1

and 8 (extended) will have the shoulders covered in sod instead of gravel, to reduce transportation of gravel downstream in extreme events. Gravel driveways and off-site parking are also proposed, along with the exclusion of concrete sidewalks which are typically required, all to reduce impervious area and concentration of runoff within the recharge zone of the Cave Springs cave. This will help comply with the Northwest Arkansas Best Management Practices, as developed cooperatively by area municipal governments in light of Karst features in the area which may provide pathways for surface water to pass underground quickly. Of particular interest in this area is the “Karst recharge zone” for the Cave Springs cave which was largely determined by the US Fish and Wildlife Service. It is thought that runoff in this area may pass quickly underground, without the benefit of normal infiltration, through losing streams and other Karst features and might thereby enter the Cave Springs cave. This cave is protected habitat for the Ozark Blind Cave Fish, which is listed as an endangered species, and it is thought that the cave environment is particularly susceptible to contamination. NWA’s BMPs call for preservation of existing drainage modes and avoidance of concentration of runoff wherever possible. This makes any conventional detention approach (even the LID devices, which collect runoff in a few locations and require an underdrain to daylight by Springdale’s rules) contrary to the BMPs. It becomes necessary to compare the benefits to be obtained by conventional detention methods and runoff-concentrating LID measures with the impact to the environment in light of USFWS policy and the NWA BMPs.

Mitigation of runoff is instead proposed by the use of runoff catchment devices commonly referred to as “rain barrels” on each structure. While not specifically approved by Springdale’s LID manual, these devices are recognized by the US Environmental Protection Agency as valid low-impact tools. Information and general design data for the proposed system has been submitted to and reviewed by Springdale’s Engineering Department. It is our understanding that the general concept has been considered appropriate for runoff mitigation by the Engineering Department. In addition, the Developer proposes to install water absorbing vegetation around the foundation of each permanent structure to further reduce runoff. The covenants require that the rain barrels and the vegetation be maintained in perpetuity by the Owner or Occupant, and that the vegetation may not be changed to another type. These measures will help reduce runoff, and will reduce the potential for Karst contamination well beyond what could be accomplished using conventional detention. In addition, the natural flow of runoff in a broad, dispersed pattern will have significantly less impact on surrounding land owners than a concentrated point discharge, where runoff from the entire site would be funneled onto one owner’s property.

11. District Requirements:
Hawksview Subdivision – Planned Unit Development #R22-07

PURPOSE.

Hawksview Subdivision Planned Unit Development #R22-07 is established to accommodate single-family residential and complementary land uses on larger lots. This zone specifically applies to a specific parcel on the fringe area of the city, lying within the Karst recharge zone of the Cave Springs cave.

USES PERMITTED.

Unit 1, city-wide public uses by right.
Unit 8, single-family dwellings.
Unit 29, home office.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.

Unit 2, city-wide uses by conditional use permit.
Unit 3, utility facilities.

ACCESSORY USES.

The following accessory structures and land uses shall be permitted only where clearly incidental to the permitted primary use, except as otherwise permitted herein:

- a. Accessory buildings, including private garages, storage facilities, gazeboes, pergolas, and children's playhouses as set forth in article 6, subsection 2.7 of Chapter 130 – Zoning Ordinance.
- b. Private greenhouses and horticultural collections.
- c. Porches, awnings, screen rooms, sun rooms, and pool enclosures.
- d. Flower and vegetable gardens.
- e. Swimming pools, tennis courts and similar recreation facilities shall be permitted on lots with an area exceeding 0.7 acre (1, 2, 6, 7, 8, and 9); but not on smaller lots (3, 4, or 5) due to site limitations.

With the exception of flower and vegetable gardens, none of the above accessory uses shall encroach on building setbacks, utility easements, or septic systems (including primary and alternate drainage field areas as shown on the plat or as determined by the Designated Representative for each individual lot, whichever restriction is greater.

All exterior walls of all Dwellings and accessory buildings erected on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl or metal siding. Dormers or gables may be covered with any of the materials, or with wood, or with vinyl siding. Cedar trim may be utilized on windows and corners, or in similar accent roles. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass on street facing elevations must be approved by the ARC.

On lots 3 through 5, the total area for all accessory buildings shall not exceed 2,000 square feet. On lots 1, 2, 6, 7, and 8 the total area for all accessory buildings, greenhouses, swimming pools, and similar recreational facilities shall not exceed 2,000 square feet; except that the lot owner may petition the Architectural Review Committee (ARC) for an additional area of up to 2,000 square feet (4,000 square feet total) which may be approved or denied at the sole discretion of the ARC.

SITE PLAN REVIEW.

When a conditional use is proposed in Hawksview Subdivision PUD, a site plan review shall be required. See article 2, section 13 of Chapter 130 – Zoning Ordinance for the procedure and requirements of a site plan review.

HEIGHT REGULATIONS.

No building hereafter erected or structurally altered shall exceed a height of two stories. Accessory structures shall not exceed sixteen (16) feet in height for permanent structures and shall not exceed ten (10) feet in height for portable structures.

AREA REGULATIONS.

Lot area. There shall be a lot area of not less 0.47 acre. In addition, there shall be a minimum lot width of not less than one hundred (100) feet on a public street at the front setback line.

Density. The proposed density of the revised development is 8 residential lots plus one, two-acre common area lot on 9.65 acres, or an average residential density of one residential lot per 1.21 acres.

Front setback. There shall be a front setback having a depth of not less than thirty (30) feet. In keeping with the definition of a corner lot, all sides adjacent to streets shall be required to have front setbacks of thirty (30) feet.

Side setback. There shall be a side setback on each side of the lot having a width of not less than eight (8) feet.

Rear setback. There shall be a rear setback having a depth of not less than twenty (20) feet.

OFF STREET PARKING.

Off-street parking shall be provided in accordance with Article 7 of Chapter 130 – Zoning Ordinance, except that neither residential driveways nor provided parking spaces shall be covered with an impervious surface. Driveways and off-street parking spaces shall be surfaced with crushed stone aggregate base and shall be regularly maintained by the occupant and/or landlord so that the surface is firm, stable, and usable; and must remain free of ruts, grass, weeds, and other vegetation. If otherwise surfaced, driveways and off-street parking spaces shall be covered with pervious

material as approved by the Architectural Review Committee. Nothing in this article shall supersede the applicable requirements of the Americans with Disabilities Act or the Fair Housing Act.

STREET CONSTRUCTION STANDARDS.

Consistent with the Northwest Arkansas Best Management Practices, and with special consideration of the Karst recharge zone, no concentration of runoff is proposed. Street sections shall not include curb and gutter, as is allowable under Springdale Code of Ordinances Section 112-4 in “estate” subdivisions. To reduce the amount of impervious area in the Karst recharge zone, sidewalks are not proposed for internal streets; and internal streets shall be twenty-four (24) feet in width unless noted otherwise as needed to provide access for fire suppression apparatus. A four (4) foot gravel shoulder shall be provided adjacent to internal streets. At the request of Springdale’s Public Works Director, the street section north of the north line of lots 1 and 8 (extended) will have the shoulders covered in sod instead of gravel, to reduce transportation of gravel downstream in extreme events. Roadside ditches shall not be provided, as sheet flow is to be maintained wherever possible.

12. Narrative: Scout Enterprises, LLC, the Owner and developer of the proposed Hawksview Subdivision, proposes to create a planned unit district within the City of Springdale in order to develop eight single-family homesites. The property is located at 8915 East Brown Road in extreme northwest Springdale, approximately 1,700 feet northwest of Sharp’s Quarry. This property lies within the Karst recharge area as designated by the US Fish and Wildlife Service to protect endangered species living within the Cave Springs cave. The recharge area is designated in order to place a special emphasis on surface water quality as it impacts losing streams and similar features which are thought to be tied to the cave’s ecosystem. As such, it is subject to special considerations which are not applicable to typical sites within the city.

The site consists of approximately 9.65 acres of open pasture which is currently zoned A-1, as is typical for properties annexed into Springdale. The city’s master land use plan currently shows this site as intended for low-density residential use, which is consistent with this application.

The intent of the development is to provide a neighborhood of single-family homes on lots varying in size from 0.48 to 1.05 acres. The smaller lots, particularly those containing less than one acre in area, will be adjacent to the proposed common space.

Existing homes represent a significant source of scarce and expensive building materials. Conventional demolition of existing homes not only wastes this resource, but uses up increasingly rare landfill space. A more environmentally-friendly solution is to use these resources wisely by moving existing homes onto new homesites, where the homes may be remodeled and updated to meet current styles and building codes. It is the developer’s intent to locate existing wood-framed and steel-framed structures which cannot remain on their current sites, move these structures to this subdivision,

and remodel them in accordance with all applicable state and local residential building codes. The interiors and exteriors of the homes will be remodeled to bring them up to date, and the homes will then be offered for sale or rent, at the discretion of the developer. Environmentally friendly (“green”) developments provide sustainable progress and growth for cities. Utilizing existing structures, maintaining natural drainage patterns, capturing and reusing roof runoff, and the use of water absorbing native plants are all incorporated into Hawksview subdivision.

It is the developer’s intent to construct homes on all eight lots within five years of the commencement of construction, but no definite timeframe for the construction of all eight homes can be established at this time, as the supply of suitable existing structures varies. Furthermore, supply chain difficulties and delays caused by weather must be taken into account. As prospective structures are located and identified, permits must be obtained to move them to the site and to begin construction. Homes will be placed on new foundations and structural components will be brought up to the current codes; then plumbing, mechanical, and electrical systems will be brought up to the current codes and remodeling will begin. During the process, the exterior finishes of the homes will be remodeled or replaced as needed within nine months of the home’s arrival on the site. (This applies to external building finishes only, and does not apply to items like fences, landscaping, etc.) The requirements of Springdale ordinance section 22-32 shall be met within the prescribed 90-day timeline, with any extensions that are granted in accordance with the ordinance. From the time of its arrival on the site, each home should be completely remodeled, inside and out, in approximately twelve months, barring circumstances beyond the developer’s control.

The developer reserves the right to construct new homes in a conventional manner. The developer reserves the right to retain possession of all lots or to sell any or all of the lots prior to or after construction of a home on said lots, upon completion of the final plat, in accordance with applicable laws. Should any lot be sold with home construction or renovation underway, either new construction or move-in, all applicable timelines from city ordinances and/or this document and/or the Covenants shall be binding on the purchaser. In the event of a move-in, the dates in this document shall apply from the original move-in date, as if no transfer of property had occurred.

The Owner intends to begin construction of the subdivision improvements as soon as all required approvals can be obtained. Construction of the homes on the lots cannot begin until the final plat is approved by the city and then recorded in accordance with applicable ordinances.

Setbacks will be consistent with those allowed in an SF-1 district, and will include 30-foot minimum front, 8-foot side, and 20-foot rear setbacks. No maximum setback is proposed. A number of site constraints exist which will not accommodate larger setbacks. These include a large area taken up by a water transmission line easement in

favor of Beaver Water District, and a significant area required to provide septic system drainage fields as required by the Arkansas Department of Health. After numerous discussions with the Planning and Engineering Departments over the past two and a half years, all parties agreed that a Planned Unit Development represented the best choice of zoning for all parties involved, including surrounding homeowners.

Minimum heated floor area for homes within this subdivision is 1,000 square feet. The maximum allowable heated floor area is 4,000 square feet per home. Homes are limited to a maximum of three bedrooms and two bathrooms due to the constraints of the proposed septic systems. Due to the inclusion of common area, the lots vary in size. Lots 1, 7, and 8 are just over one acre. Lot 2 is approximately 0.8 acre. Lots 3 through 5 are approximately one-half acre. Lot 6 is approximately 0.9 acre. Lots 2 through 6, the smaller lots, are immediately adjacent to the proposed common space.

Lot 9 comprises the common space of 2.0 acres, or approximately 21% of the gross land area of this development. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities.

As listed above, accessory buildings, private garages, storage facilities, gazebos, pergolas, and children's playhouses as set forth in article 6, subsection 2.7 of Chapter 130 – Zoning Ordinance would be allowed; along with private greenhouses and horticultural collections, porches, awnings, screen rooms, sun rooms, pool enclosures, and flower and vegetable gardens. Swimming pools, tennis courts and similar recreation facilities shall be permitted on lots with an area exceeding 0.7 acre (1, 2, 6, 7, 8, and 9); but not on smaller lots (3, 4, or 5) due to site limitations.

With the exception of flower and vegetable gardens, none of the above accessory uses shall encroach on building setbacks, utility easements, or septic systems (including primary and alternate drainage field areas as shown on the plat or as determined by the Designated Representative for each individual lot, whichever restriction is greater.

All exterior walls of all Dwellings and accessory buildings erected on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl or metal siding. Dormers or gables may be covered with any of the materials, or with wood, or with vinyl siding. Cedar trim may be utilized on windows and corners, or in similar accent roles. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass

on street facing elevations must be approved by the ARC.

On lots 3 through 5, the total area for all accessory buildings and greenhouses shall not exceed 2,000 square feet. On lots 1, 2, 6, 7, and 8 the total area for all accessory buildings, greenhouses, swimming pools, and similar recreational facilities shall not exceed 2,000 square feet; except that the lot owner may petition the Architectural Review Committee for an additional area of up to 2,000 square feet (up to 4,000 square feet total) which may be approved or denied at the sole discretion of the Architectural Review Committee.

Garages and carports conforming to the requirements listed above are optional, and are not mandatory. Off-street parking shall be provided in accordance with Article 7 of Chapter 130 – Zoning Ordinance, except that neither residential driveways nor provided parking spaces shall be covered with an impervious surface. Driveways and off-street parking spaces shall be surfaced with crushed stone aggregate base and shall be regularly maintained by the occupant and/or landlord so that the surface is firm, stable, and usable. If otherwise surfaced, driveways and off-street parking spaces shall be covered with pervious material as approved by the Architectural Review Committee. Nothing in this article shall supersede the applicable requirements of the Americans with Disabilities Act or the Fair Housing Act.

The primary use of the development is single-family residential. The following specific use units would be allowed within the development:

USES PERMITTED.

Unit 1, city-wide public uses by right.

Unit 8, single-family dwellings.

Unit 29, home office.

CONDITIONAL USES PERMISSIBLE ON APPEAL TO THE PLANNING COMMISSION.

Unit 2, city-wide uses by conditional use permit.

Unit 3, utility facilities.

All exterior walls of all Dwellings and accessory buildings erected on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl or metal siding. Dormers or gables may be covered with any of the materials, or with wood, or with vinyl siding. Cedar trim may be utilized on windows and corners, or in similar accent roles. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass on street facing elevations must be approved by the ARC.

All Lots shall be maintained, mowed, and kept free of noxious weeds whether they be improved or unimproved. Further, upon construction of a dwelling, the Owner shall

seed the entire Lot, provided, however, that this section shall not apply to Developer during construction and development of the Development. If Owner allows grass to grow such that it is more than eight (8") inches high, Developer or Association, shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge a seventy-five dollars (\$75.00) service charge for arranging the mowing in addition to the amount it costs Developer or Association to have it mowed. All lots must include design criteria sufficient to reduce runoff and adhere to Best Management Practices (BMPs) of the Karst Recharge Zone. Plans must be included in final submission review to the ARC.

This development is planned as a small residential subdivision, with single-family homes placed on lots varying in size from approximately one-half acre to approximately one acre. A common area consisting of approximately two acres of open pasture with some shade trees is proposed along the southern boundary of the site, and is 100 feet in width. Those lots that contain less than one acre in area will be adjacent to the common area. An outdoor grill and picnic table will be placed near the western end of the common area, where existing large trees will provide shade. The common area is covered by a water main easement in favor of Beaver Water District, and no permanent structures may be placed within the easement. The remainder of the site shall remain open space, and will provide space for soccer, football, horseshoes, footraces, family fun, picnics, and other similar recreational activities. No community swimming pool, clubhouse, or other common facility is proposed beyond that which is described. The lots vary in size from just under one-half acre to just over one acre, providing sufficient outdoor space and opportunities for private improvements. The development is intended to blend in with surrounding residential uses which, until recently, have been fairly rural in nature, while providing an opportunity to enjoy the setting for those who cannot afford to purchase and/or maintain large tracts of land.

The common area will be mowed and maintained by the POA. Grassed areas that are within the right-of-way and adjacent to residential lots that are part of Hawksview Subdivision shall be kept free from tall grass, weeds, debris and other growths, articles, and things by the Occupants of said lots, in accordance with Springdale Code of Ordinances Section 42-77(f). The right-of-way of Hawksview Drive where it is not adjacent to any lot of Hawksview subdivision, from Brown Road southward to the north lines of lots 1 and 8, extended, shall be kept free from tall grass, weeds, debris and other growths, articles and things by the POA.

The primary street is proposed to be constructed within a 43-foot right-of-way (the entrance street will be partially located within a 50-foot right-of-way), and will consist of a 24-foot wide asphalt section with 4-foot gravel shoulders as allowed under Springdale Code of Ordinances Section 112-4 in "estate" subdivisions in the bulk of the subdivision. At the request of Springdale's Public Works Director, the street section north of the north line of lots 1 and 8 (extended) will have the shoulders covered in sod instead of gravel, to reduce transportation of gravel downstream in extreme events. The roadway will be constructed in a manner which will minimize

concentration of runoff and maintain a sheet-mode of flow per NWA BMP guidelines, and in consideration of the Karst recharge area. The elimination of sidewalk within the development and the use of gravel residential driveways for the homes, is intended to reduce the amount of impervious area within the development for environmental purposes. The proposed street is to be dedicated to the City as a public street within the aforementioned dedicated street right-of-way. Access to the subdivision will be from East Brown Road as shown on the attached preliminary plat.

No vehicles may be parked overnight in the streets of the Development. No parking shall be allowed on the gravel or sod roadway shoulders at any time. Owners shall provide sufficient off-street parking to accommodate the vehicles used by their families and guests. Furthermore, no semi-trailer trucks or commercial vehicles with a rated capacity larger than two tons (4,000 lb) shall be allowed to park in the Development, either on the streets or on the Lots, provided, however, that this restriction shall not apply to Developer during construction and development of the Development. No vehicles may be parked in front yard at any time.

The proposed density of the revised development is 8 residential lots plus one, two-acre common area lot on 9.65 acres, or an average residential density of one residential lot per 1.21 acres.

Rezoning has not yet been approved by the City Council. Construction has not yet started, and cannot begin until all required permits are received.

The proposed development is in harmony with the surrounding uses and the master land use plan. It is not anticipated to cause adverse impact to the existing infrastructure in the area. By developing this property as a planned unit development, the neighbors may rest assured when it comes to what will be built on this property, and the manner in which it will be built.

END OF DOCUMENT

**DECLARATION OF COVENANTS OF ASSURANCE AND
RESTRICTIONS OF HAWKSVIEW PLANNED DEVELOPMENT
TO THE CITY OF SPRINGDALE, ARKANSAS**

KNOW ALL BY THESE PRESENTS:

That SCOUT ENTERPRISES, LLC, an Arkansas limited liability company, being the owner and developer (“Developer”) of the property referenced in Exhibit A, said property having been duly platted as Hawkview Planned Development (the “Development”), an Addition to the City of Springdale (the “City”), Benton County, Arkansas, said plat being recorded in the office of the Clerk and Ex-Officio recorder of Benton County, Arkansas, on [date], in Plat Book _____, Page _____, for the purpose of keeping said Development desirable, uniform and suitable in architectural design and use as herein specified, and to provide for the orderly development of the Development, does hereby make this Declaration of Covenants of Assurance and Restrictions (this “Declaration”) setting forth the following limitations, restrictions and uses of the property in the Development.

Developer does hereby state that this Declaration shall establish covenants running with the land for the period of hereinafter set forth, as provided by law, and shall be binding upon all purchasers and owners of the lots of the Development and upon such owners’ heirs, personal representatives, successors and assigns, and upon all persons claiming under them.

It shall be lawful for the Hawkview PD Property Owners’ Association (hereinafter referred to as the “Association” and more particularly defined herein) or for any other person or persons owning real property situated in the Development to initiate any proceedings at law or in equity against parties or persons violating or attempting to violate any of this Declaration. The invalidation of any one provision of this Declaration by a court order shall not invalidate any of the other provisions which shall remain in full force and effect.

ARTICLE I

Property Subject to this Declaration

1.1 Subject Property. The real property which is, and shall be held, transferred, sold, conveyed, and occupied subject to this Declaration, is located, and situated in Benton County, Arkansas, and which the Development is located on the following lands, to-wit:

SEE **EXHIBIT A** ATTACHED HERETO AND MADE A PART HEREOF.

ARTICLE II
Definitions

2.1 Definitions. The following words, when used in this Declaration or any amendments or supplements thereto (unless the context shall otherwise clearly indicate or prohibit), shall have the respective concepts and meanings set forth below:

- a. "Addition" or "Development" shall mean and refer to the property described in Exhibit A and as reflected on the plat set out on Exhibit B and any additions thereto.
- b. "ARC" shall mean and refer to the Architectural Review Committee as established herein.
- c. "Association" shall mean and refer to Hawksview PD Property Owners Association, an Arkansas unincorporated association, its successors, and assigns.
- d. "Board" or "Board of Directors" shall mean and refer to the Board of Directors of the Association elected in accordance with the provisions of the Association's governing documents.
- e. "Builder" shall mean a residential builder licensed under Arkansas law.
- f. "Common Property" shall mean and refer to any and all areas of land together with all improvements located thereon within the Development which are known, described or designated as such on any recorded development plat of the Development or intended for or devoted to the common use and enjoyment of the members of the Association including but not limited to all sidewalks, easements, and private drives. The Association shall hold such title to the Common Property as shall be consistent with the objectives envisioned herein and subject to the easement rights herein of the members to use and enjoy the Common Property. The Developer reserves the right to affect minor redesigns or reconfiguration of the Common Property.
- g. "Declaration" means this Declaration of Covenants of Assurance and Restrictions of Hawksview Planned Development to the City of Springdale, Arkansas.
- h. "Developer" shall mean and refer to Scout Enterprises, LLC, and its successors and assigns.
- i. "Dwelling(s)" shall mean and refer to a single-family residence constructed on a Lot in the Development that has been issued a certificate of occupancy by the City of Springdale.
- j. "Improvement" shall mean and include all Dwellings, buildings and roofed structures, parking areas, fences, walls, hedges, mass plantings, poles, towers, antennas, driveways, swimming pools, signs, changes in any exterior color or shape, glazing or re-

glazing of exterior windows with mirrored or reflective glass, and any other new exterior construction or exterior improvement which materially alters the appearance of any Lot and which may not be included in any of the foregoing.

k. "Lot" or "Lots" shall mean and refer to any plot or tract of land which is designated as a lot on the Plat which is attached hereto and labeled Exhibit B. No lot as set forth on Exhibit B may be further subdivided or split; provided however minor adjustments to lot lines or boundaries may be made from time to time to cure title problems or to resolve procedures created by encroachments so long as such adjustments are first approved by the Board and Developer if any lots are unsold and closed.

l. "Member(s)" or "member(s)" shall mean and refer to each owner of a Lot.

m. "Owner(s)" or "owner(s)" shall mean and refer to each and every person or business entity who or which is a record owner or subsequently becomes a record owner of a fee or undivided fee interest in any Lot subject to these covenants.

n. "Plat" shall refer to the Hawksview Planned Development Final Plat set out in Exhibit B attached hereto, as well as any amended plats or additional recorded plats of future approved phases of the Development.

o. "Property" means Hawksview Planned Development to the City of Springdale, Arkansas, as the same may be shown on the plat referenced hereinabove and recorded in Benton County, Arkansas.

ARTICLE III Rights Reserved for Developer

3.1 Association board membership. Until all Lots are sold by Developer to third parties, the Board shall consist solely of members appointed and determined by Developer and Developer reserves the right, in its sole discretion, to appoint and remove members of the Board for any reason. Once all Lots are sold, new members of the Board will be selected in accordance with the governing documents of the Association.

3.2 Amendments.

a. Developer reserves the right to amend or supplement this Declaration in any manner necessary:

i. to establish the validity and enforceability of this Declaration or to bring this Declaration into compliance with federal law, the laws of the State of Arkansas or any common law principle or judicial decision that may affect the validity and enforceability of this Declaration;

ii. to carry out the purposes of the Development established in this Declaration;

iii. to correct an error or omission, or to address and/or correct any matter required by any lending institution, public body or title insurance company;

iv. to facilitate the operation and management of the Development and the Association, or the sale of Lots.

b. In order to become effective, however, any amendment by the Developer must be approved by the City of Springdale, and shall become effective upon the recording of an instrument executed by the Developer in the real estate records of Benton County, Arkansas, setting forth the amendment.

ARTICLE IV Restrictions on Residential Lots

4.1 Fences. Fences shall be constructed of wood, metal, PVC, or other similarly approved materials. All privacy fences shall be constructed so that the framing shall be toward the inside of the Owner's Lot and shall be constructed at a height of six (6) feet to maintain uniformity. Any fence, once constructed, must be maintained by the property owner who had it constructed or their successor-in-interest. There shall be an access gate upon each of said approved fences for the purpose of allowing utility personnel and other public employee's access to the Lots in the performance of their respective public duties.

4.2 Nuisances. No noxious or offensive activities or nuisances shall be permitted on any Lot.

4.3 Animals. No animals shall be kept or maintained on any Lot except the usual household pets. All Owners shall comply with applicable laws, ordinances and regulations concerning animals.

4.4 Garbage and Refuse Disposal. No Owner shall accumulate on his or her Lot litter, refuse or garbage, except in approved receptacles. All Owners shall be required to have a mandatory trash pick-up as provided or required by the City of Springdale, Arkansas.

4.5 Limited Access. There shall be no access to any Lot on the perimeter except from designated streets or roads within the Development.

4.6 Communication Towers and Satellite Dishes. No communications mast, tower, or structure may be installed on any Lot, except that satellite dishes may be installed only on the rear roof of a dwelling and shall not exceed the height of the lowest roof ridge line of such dwelling.

4.7 Parking on the Streets. Owners shall provide sufficient off-street parking to accommodate the vehicles used by their families and guests. No vehicles may be parked in front yard at any time.

4.8 Structures other than Dwellings. No trailer, mobile home, tent, shack, or other unsightly building or structure, temporary or permanent, shall be erected or used on said lots.

However, it is permissible to have a storage building in the rear or side yard of a Dwelling provided that the plans are submitted to the Association's ARC for its approval. The restrictions contained in this section shall not apply to the Developer during construction and development of the Development.

4.9 Recreational Vehicles and Boats. Recreational and camping vehicles, trailers and boats may not be stored and parked on the Lots except behind the Dwelling . On lots with two front yards, recreational vehicles and boats shall be kept behind the dwelling as viewed from the front of the dwelling approved by the ARC.

4.10 Minimum and Maximum Square Footage. All Dwellings in the Development shall have a minimum of one thousand six hundred (1,000) square feet of heated area on the first floor, regardless of whether the dwelling is single story or two story. The minimum square footage requirement is exclusive of garages, porches, patios, and decks. Irrespective of other provisions regarding amendments of these covenants, the minimum square footage requirements cannot be amended except with the express approval of the Developer. No dwelling shall be larger than four thousand (4,000) square feet, exclusive of garages, porches. Each dwelling shall be a 3 bedroom and 2 bath design.

4.11 Restriction of Type of Dwelling. There shall be no Dwellings erected on any Lot other than a detached single-family dwelling.

4.12 Garages. Garages are not required. Developer reserves the right to review and approve garages that are both attached and unattached. No garage door opening shall be taller than twenty feet (20'). Nonattached garages must be reviewed and approved by the ARC.

4.13 Approval of Plans by ARC. All plans for improvements to be constructed on each Lot shall be first submitted for review and approval by the ARC. Approval by the ARC must be obtained in writing before construction of any improvement on any Lot begins and any variances to the improvement initially approved must be authorized in writing by the ARC. All improvements must meet all applicable city codes, ordinances and procedures. Developer is exempt from this requirement to obtain written approval from the ARC.

4.14 Exterior of Dwellings. All exterior walls of all Dwellings constructed or moved on the Lots shall be finished with brick, stone, faux stone veneer construction, or concrete composition siding (such as Hardie® siding), vinyl, wood or metal siding. Dormers or gables may be covered with any of the materials or vinyl siding. Soffits and fascia may be covered with steel, aluminum, PVC, or concrete composition materials. Roofs shall be covered with shingles using architectural composition or better. All street facing (front elevations for corner lots) windows may be true light or divided light. All replacement windows must be approved by the ARC. Any colored or decorative glass on street facing elevations must be approved by the ARC.

4.15 Lot Maintenance. All Lots shall be maintained, mowed, and kept free of noxious weeds whether they be improved or unimproved. Further, upon construction of a dwelling, the Owner shall seed the entire Lot, provided, however, that this section shall not apply to Developer during construction and development of the Development. If Owner allows grass to grow such that

it is more than eight (8") inches high, Developer or Association, shall have the right, but not the obligation, to have it mowed without giving notice to the Owner and shall charge a seventy-five dollars (\$75.00) service charge for arranging the mowing in addition to the amount it costs Developer or Association to have it mowed. All lots must include design criteria sufficient to reduce runoff and adhere to Best Management Practices (BMPs) of the Karst Recharge Zone.

4.16 Landscaping. Landscaping shall be installed in accordance with Best Management Practices for the karst. Proposed changes to the landscaping that shall affect or alter more than 10% of the lot must be reviewed by the ARC. Owner is responsible for the maintenance of all LID techniques used including but not limited to the maintenance of rain barrels, guttering, plants, and driveways. Plants that die must be replaced with similar plants. This is in keeping with the BMPs for the karst and LID techniques that are unique to this subdivision.

4.17 Platted easements. All Lots are subject to easements that are shown on the Plat, including, but not limited to, easements for fences and entry signs.

4.18 Covenants to Run with the Land. All covenants and restrictions set forth in this Declaration are to run with the land and shall be binding on all parties, their successors, heirs and assigns, for a period of thirty (30) years from the date this Declaration is recorded; provided, however, that any time after the date this Declaration is recorded, the covenants and restrictions may be amended at any time by the record owners of at least sixty percent (60%) of the votes entitled to be cast by owners of Lots. The Developer shall have four (4) votes per Lot which Developer owns. All other Lot owners shall have one (1) vote per Lot. Such amendments shall be made and executed by said record owners so as to be recorded with the registrar of deeds of Benton County, Arkansas.

Provided, further, that after the expiration of the thirty (30) year period set forth above and any time within six (6) months from said expiration, a majority of the Lots, through their record owners, may express their intention, in writing, so drafted and executed as to be recorded with the registrar of deeds in Benton County, Arkansas, that they no longer care for the covenants, and the same shall then be terminated. In the event that no action is taken within the prescribed time, this Declaration shall continue for additional periods of ten years, and for any such ten-year period, said covenants may be terminated in accordance with the terms for the original termination

4.19 Sex Offender Restriction. No person who is required to register as a sex offender pursuant to the Sex Offender Registration Act of 1997, Ark. Code Ann. 12-12-901, et seq., as amended from time to time or any other similar federal, state, or local law, regulation, or ordinance may rent, reside in, own or occupy any Lot or Dwelling in the development either permanently or temporarily.

4.20 Driveways. Access driveways and parking areas for vehicular use on a Lot shall have a base of compacted gravel, crushed stone, or other approved base material. Lot owners are responsible for the maintenance of driveways and yard maintenance around driveways.

4.21 Building Height. No Dwelling shall be erected, altered, or placed on a Lot which shall contain more than two (2) stories.

4.22 Conflicts. If any covenant or restriction in this Declaration conflicts with a provision of any planned unit development ordinance (the "PUD Ordinance"), the terms of the PUD Ordinance shall control.

ARTICLE V
Property Owners' Association

5.1 Association. The Association has been or will be formed as an unincorporated association. All Lot Owners must be members of the Association, and each shall automatically become a member of the Association upon the conveyance of a Lot to him or her. The Association shall be governed by By-Laws accepted and approved by the Association. All association memberships will pass with Lot ownership in the Development. All Lots will carry one (1) vote in the Association, except that the Developer shall have four (4) votes per Lot which Developer owns.

5.2 Creation of Lien: Each Owner of any Lot of the Development, by acceptance of a deed therefore, whether or not it shall be so expressed in any such deed, contract of purchase, or other conveyance, shall be deemed to covenant and agree to pay to the Association annual assessments or charges; and special assessments for capital improvements and other purposes. The annual and special assessments, together with such interest thereon and costs of collection thereof as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. In no event shall an annual or special assessment be applicable at any time to any Lot owned by the Developer and the Developer shall not be obligated to pay any annual or special assessment.

5.3 Purpose of Assessments. The assessments levied pursuant hereto by the Association shall be used for the purposes of acquisition, improvement and maintenance of the Common Properties, services and facilities devoted to this purpose and related to the use and enjoyment of the common properties, insurance thereon, and repair, replacement, and modifications thereto, and for the cost of labor, equipment, materials, management and supervision thereof. In addition, assessments may also be used for expenses related to the necessary and reasonable operation of the Association, including, but not limited to, collection of assessments and related costs and enforcement of the covenants and restrictions of the Development.

5.4 Basis and Maximum of Annual Assessments: The annual assessment for each lot shall be \$200.00. An Owner's first such assessment shall be prorated and paid to the Association at closing according to time of conveyance of a Lot to the Owner. The annual assessment may be increased, as hereinafter provided, by a majority vote of the votes entitled to be cast by the members of the Association for the next succeeding "assessment year" (beginning January 1) and at the end of each such period of one year for each succeeding period of one year. At no time shall the annual assessment per lot be increased more than twenty-five percent (25%) above the prior year's annual assessment. Said annual assessment shall be payable in advance on the 1st day of January each year. The Board of Directors may, after consideration of current maintenance costs and future needs of the Association, fix the actual assessment for any year at a lesser amount.

5.5 Special Assessments for Capital Improvements. In addition to the annual assessments authorized hereinabove, the Association may levy in any assessment year a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of a described capital improvement upon the common properties, including the necessary fixtures and personal property related thereto, provided that any such assessment shall have the assent of 2/3 of the votes entitled to be cast by members of the Association who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be mailed to all members at the last known address of each member at least fifteen (15) days in advance and shall set forth the purpose of the meeting.

5.6 Quorum for any Action Authorized Under This Article. The quorum of any action authorized by this Article, the presence at the meeting of members, or of proxies, entitled to cast fifty percent (50%) of all votes of the membership shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirement set forth in this Article.

5.7 Late Payment of Assessments. As hereinabove provided, each annual assessment shall be due and payable on the 1st day of January of each year. In the event of default as to any payment (annual or special), and if the default is not remedied within ninety (90) days, the Association shall have the option of taking such action as permitted by law or equity and by this Declaration and the By-laws of the Association. An additional late charge of ten percent (10%) shall be assessed on any payment which is more than ninety (90) days delinquent. Costs of collection of the assessment, including reasonable attorneys' fees therefor, shall also be assessed.

5.8 Duties of the Board of Directors. In addition to the other duties of the Board of Directors as may be set forth herein or in the By-laws of the Association, the said Board of Directors shall fix the date of any special assessment against each lot for any special assessment period at least thirty (30) days in advance of such special assessment, written notice of the special assessment shall thereupon be sent to every member subject thereto at the last known mailing address of such member.

5.9 Effect of Non-Payment of Assessment and the Lien Remedies of the Association. If the assessments (annual or special) are not paid on the date when due, then such assessment shall be come delinquent as provided in this Article and shall, together with such interest, late charges thereon and costs of collection thereof as herein provided, thereupon become a continuing lien on the lot which shall bind such lot in the hands of the then owner, its successors, heirs, devisees, personal representatives and assigns. If the assessment is not paid as provided herein, it shall bear interest from date of delinquency at the maximum rate of interest allowed by law, not to exceed ten percent (10%) per annum, and the Association may foreclose the lien against said lot, and there shall be added to the amount of such assessment the cost of attorney fees in connection with any court proceedings arising therefrom, together with all court costs, late charges and expenses incurred by the Association.

5.10 Subordination of the Lien or Mortgages: The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage or first deed of trust now or hereafter

placed upon the lots subject to assessment; provided however, that such subordination shall apply only to the assessments which have become due and payable prior to a sale or transfer of such lot pursuant to a Decree of Foreclosure, or any other proceeding in lieu of foreclosure. Such sale or transfer shall not relieve such lot from liability for any assessments thereafter becoming due, nor from the lien of any such subsequent assessment.

5.11 Suspension of Rights of Membership: Prior to the foreclosure of any lien upon any lot subject to this Declaration, the Board of Directors of the Association may elect to suspend all membership rights of any member or members of the Association who are delinquent in any payment due to the Association for more than thirty (30) days, with such suspension to continue for so long as any such delinquency exists. Further, the Board of Directors may suspend membership rights for a period not to exceed thirty (30) days for the infraction of any rules or regulations by the member, family of the member or guest of the member, relating to the use of any of the common properties. Suspension of membership rights shall be effective from the date that notice of suspension is mailed to the member via U.S. Certified mail, return receipt requested, postage prepaid, to the last known address of the said member.

5.12 Cancellation and Hearing. The said Board of Directors may elect to permanently cancel the membership and all membership rights of any member who is delinquent in any payment due to the Association for more than ninety (90) days or when such member, family of the member, or guest of the member are guilty of repeated or flagrant violation(s) after a hearing conducted by said Board of Directors, which notice of such hearing mailed to such member at least thirty (30) days in advance of said hearing date, and further provided that such member may appeal any such decision of said Board of Directors to the membership of the Association by such affected member calling a special meeting of the membership of the Association by notice mailed to each member at least ten (10) days in advance of the desired special meeting date, and said notice setting forth the time, date, place and purpose of said meeting. A majority vote of the votes entitled to be cast by the members of the Association attending such special meeting shall be necessary to override the decision of the Board of Directors, and all votes shall be by secret ballot. Notice shall be mailed by the member via U.S. Certified mail, postage prepaid, return receipt requested.

5.13 Powers and Duties. The affairs of the Association shall be conducted by its Board of Directors (sometimes referred to as the "Board"). The Board, for the benefit of the Association, the Development, and the Owners, may provide and may pay for, out of the assessment fund(s) provided above, any or all of the following:

- a. Care, preservation and maintenance of the Common Property and any property in the road right-of-way leading to the Property;
- b. Taxes, insurance, and (including, without limitation, electricity, gas, water, and sewer charges), if any, which pertain to the Common Property only;
- c. The services of any person or firm (including the Developer and any affiliates of the Developer) to manage the Association or any separate portion thereof, to the extent deemed advisable by the Board, and the services of such other personnel as the Board shall determine to be necessary or proper for the operation of the Association,

whether such personnel are employed directly by the Board or by a manager hired by the Board;

d. Legal and accounting services; and

e. Any other materials, supplies, equipment, labor, services, maintenance, repairs, structural alterations, taxes, or assessments which the Board is required to obtain or pay for pursuant to the terms of Declaration or which in its opinion shall be necessary or proper for the operation or protection of the Association and the Development or for the enforcement of this Declaration.

5.14 Other Powers. The Board shall have the following additional rights, powers, and duties:

a. To enter into contracts, maintain one or more bank accounts and, generally, to have all the powers necessary or incidental to the operation and management of the Association;

b. To make reasonable rules and regulations for the operation of the Common Property and, subject to the limitations herein, to amend this Declaration from time to time; and

c. To contract with any Owner (including, without limitation, the Developer) for performance, on behalf of the Association, of services which the Association is otherwise required to perform pursuant to the terms hereof, such contracts to be upon such terms and conditions and for such consideration as the Board may deem proper, advisable, and in the best interests of the Association.

5.15 Liability Limitations. Neither any member or Owner nor the directors and officers of the Association shall be personally liable for debts contracted for or otherwise incurred by the Association or for any torts committed by or on behalf of the Association or otherwise. The Developer and the Association and their respective directors, officers, agents, and employees, shall not be held liable for any incidental or consequential damages for failure to inspect any premises, improvements or portion thereof, or for failure to repair or maintain the same.

5.16 Reserve Funds.

a. The Board may establish reserve funds which may be maintained and accounted for separately from other funds maintained for annual operating expenses.

b. The Board shall establish and maintain a Legal Reserve Fund that shall be funded initially with \$2,500 from the Developer. Additional amounts may be deposited to the fund at the discretion of the Board.

ARTICLE VI
Architectural Review Committee

6.1 Designation of ARC. The ARC shall be comprised of at least two (2) and not more than five (5) members who shall be natural persons. Initially, the ARC shall consist of Cammie Scott, Tim Scott, Toni Fitzpatrick, or their assigns, who shall serve until their resignation. Should any of the initial ARC members resign, the non-resigning members shall appoint the successor. Upon the resignation of all the initial ARC members or after all Lots are sold by the Developer to third-parties, the Association may change the number and composition of the ARC in accordance with the Association's governing documents.

6.2 Function of the ARC. No dwelling, building, structure or other improvement shall be constructed or maintained upon any Lot and no alteration or repainting to the exterior of a dwelling, building, structure or other improvement shall be made and no landscaping performed unless complete plans, specifications, and site plans showing the exterior design, height, building material and color scheme, the location of the structure plotted horizontally and vertically, the location and size of driveways, the general plan of landscaping, fencing walls and windbreaks, sewage systems and the grading plan shall have been submitted in writing to and approved in writing by the ARC prior to the commencement of construction. Once the ARC has approved the plans and specifications, the ARC shall issue a permit to the Owner authorizing to commence the construction ("Permit"). A copy of the plans, specifications, and Lot plans as finally approved shall be deposited with the ARC. The ARC shall have the power to employ professional consultants to assist it in discharging its duties. The decisions of the ARC shall be final, conclusive, and binding upon the applicant. It is the responsibility of the owner to ensure they are following all codes, ordinances and guidelines set forth in the City of Springdale.

6.3 Content of Plans and Specifications. The plans and specifications to be submitted and approved shall include the following:

- a. A statement by the Owner and his architect, designer or other qualified person undertaking the design of the proposed improvements that such parties have visited the site and have reviewed and are familiar with the applicable provisions of this Declaration, including the following design guidelines.
- b. Floor plans for all floors indicating interior room dimensions and use, the location and size of exterior windows, doors and other openings, the location of mechanical and electrical systems, or any other conceptual plans for which a review is requested by the ARC.
- c. Exterior elevations providing the exterior views of all structures, fences, signs, and similar improvements. The elevations shall include a brief description of all exterior materials, colors, and finishes, including without limitation those of the walls, roofs, trim, chimneys, doors, and windows. Building elevations shall be provided for all sides of the dwelling.

d. A site plan drawn to scale indicating (i) Property lines, including streets, rights-of-way, easements, set back lines and all dimensions; (ii) Existing grade and location of proposed cut and/or fill, indicating approximate slope and height or depth of each (2' minimum interval); (iii) Proposed sewer system footprint; (iv) Drainage plans indicating drainage patterns away from building to swales, culverts and other drainage facilities; (v) location of contractor's temporary facility, outhouses and other temporary structures and items, to be used during construction; and (vi) Any temporary access to the site.

e. Specifications or color boards as necessary to describe the (i) exterior wall materials and colors; (ii) roof materials and colors; (iii) door materials and colors; (iv) chimney materials; (v) stained or colored pavement materials; (vi) fencing and screening material; and (vii) any other exterior site improvements. Color and material descriptions shall be keyed to the exterior elevations, differentiating between general wall colors, fascia, railing, structural elements, door, trim and accent colors, and other elements of the structure.

f. A fee in the amount of \$200.00 (checks are to be made payable to the Association) for costs or expenses the ARC may incur in reviewing, or having professionals review, the plans and specifications as submitted. Such fee shall be non-refundable. The ARC reserves the right to waive all of or a portion of this fee. The Developer is exempt from this fee requirement.

ARTICLE VII **Rights Involving Common Properties**

7.1 Members' Easement for Enjoyment. Subject to the provision of this article and related provisions set forth elsewhere herein, every member shall have a right of enjoyment in and to the Common Properties, subject to the rules and regulations governing such use as promulgated, from time to time, by the Association. Such right and easement shall be appurtenant to and shall pass with the conveyance of title to every lot.

7.2 Extent of Members' Rights of Enjoyment. The rights of easements of enjoyment created hereby shall be subject to the following:

a. The right of the Association to borrow money for the purpose of acquiring, constructing, improving, and maintaining the Common Properties and in aid thereof to mortgage said properties or execute a deed of trust or other instrument covering said properties. In the event of default upon any such mortgage, the lender shall have a right, after taking possession of such properties, to charge service or use charges, admission and other fees as a condition to continued enjoyment by the members, and if necessary to have other relief as permitted by law;

b. The right of the Association to take such steps as are reasonably necessary to protect the above-described properties against foreclosure;

- c. The right of the Association to suspend or permanently cancel the rights of any member and membership in the Association;
- d. The right of the Association to charge reasonable service or use charges, admission and other fees for the use, service and enjoyment of the common properties;
- e. The right of the Association to limit the number of members per lot who may be entitled to the benefit of the easement of enjoyment as to the common properties by reason of ownership of a lot;
- f. The right of individual members to have exclusive use of any of the common properties as from time to time as may be granted by the Board or its designate; and
- g. The right of the Association to pass and enforce rules and regulations related to use, control and maintenance of the common properties and the areas situate thereon.

ARTICLE VIII
Miscellaneous

8.1 Violations. If the parties hereto, or their heirs, successors or assigns or any other person shall violate or attempt to violate any of the covenants or restrictions herein while said covenants or restrictions are still in force, it shall be lawful for any person or persons owning any interest in any Lot or Lots in the Development, as well as the Association, to prosecute any violation or attempted violation of any such covenant or restriction, either to prevent the person from doing so or to recover damages or other penalties and costs, including reasonable attorney's fees for such violation.

8.2 Notices. Any notice required to be sent to any Owner under the provisions of this Declaration shall be deemed to have been properly sent when mailed, postpaid, to the last known address of the person who appears as Owner on the records of the Association at the time of such mailing.

8.3 Severance. If any provision of this Declaration or any section, clause, phrase, word or the application thereof in any circumstances is held to be invalid, the validity of the remainder of this Declaration and of the application of the remaining provision shall not be affected thereby.

8.4 Waiver. Failure of any of the parties, their heirs, successors or assigns, to exercise any of the options contained herein upon breach by the other party, its heirs, successors or assigns, subject to this Declaration, shall not constitute a waiver of that party's right to exercise such option upon future breach

IN WITNESS WHEREOF, Scout Enterprises, LLC, has caused this Declaration for Hawksview Planned Development, an Addition to the City of Springdale, Arkansas, to be duly executed by the undersigned in accordance with its governing documents.

IN WITNESS WHEREOF, the undersigned have set their hand and seal this ____ day of _____, 2022.

DEVELOPER:
SCOUT ENTERPRISES, LLC

By: _____
Cammie Scott, Manager

DRAFT

**BY-LAWS OF
HAWKSVIEW PD PROPERTY OWNERS ASSOCIATION**

**ARTICLE I
Registered Office**

Hawksview PD Property Owners Association (the “Association”), an unincorporated association in the state of Arkansas, may have other offices within the State of Arkansas as may be determined from time to time by its Board of Directors (the “Board”).

**ARTICLE II
Adoption of Declaration of Covenants and Restrictions as a Part of By-Laws**

2.1. Adoption by Reference. The Declaration of Covenants of Assurance and Restrictions for the Hawksview Planned Development (the “Declaration”) for the property therein as shown in File Numbers _____ of the Real Estate Records of Benton County, Arkansas, and amendments thereto or hereafter made, if any, are hereby adopted and incorporated as a part of these By-Laws by reference as fully as though same were set out herein word for word. Said Declaration was signed by all record owners of property in the Hawksview Planned Development. The definitions contained in the Declaration are incorporated herein by reference.

2.2. Declaration to Control. In the event any provisions contained in these By-Laws or any rule or regulation of the Association or any other action of the Association shall be in conflict with the Declaration, then the Declaration shall control.

**ARTICLE III
Association Membership and Meetings**

3.1. Membership Eligibility. Membership in the Association shall be as set forth in Article 5 of the Declaration and voting rights shall be in accordance with said Declaration.

3.2. Succession. The membership of each Lot Owner shall automatically terminate when said lot owner ceases to be a Lot Owner and upon the conveyance, transfer or other disposition of a lot, said Lot Owner’s membership in the Association shall automatically be transferred to the new lot owner.

3.3. Regular Meetings. The members shall annually hold a regular meeting, one of the purposes of which shall be to elect directors. The first regular annual meeting of members may be held, subject to the terms hereof, on any date, at the option of the Board, within one (1) year after the formation of the Association. Subsequent to the first meeting, there shall be a regular annual meeting of members held each year within thirty (30) days of the anniversary of the first regular annual meeting. All such meetings of members shall be held at such place in Benton County or Benton County, Arkansas, and at such time as is specified in the written notice of such meeting.

Subject to the terms of the Declaration, such notice shall be mailed to or otherwise delivered to all members at least ten (10) days and not more than sixty (60) days prior to the date of such meeting. Such notice shall also state the purpose of such meeting.

3.4. Special Meetings. Special meetings of the members may be called by the President or by a majority of the directors, or by fifty percent (50%) or more of the members. Special meetings shall be called by delivering written notice to all members not less than ten (10) days nor more than thirty (30) days prior to the date of said meeting, stating the date, time, place and purposes of the special meeting.

3.5. Delivery of Notice of Meetings. Notices of meetings shall be delivered by or at the direction of the Secretary of the Association and may be delivered either personally or by mail to a member at the address given to the Board by said member for such purpose, or to the member's lot, if no address for such purpose has been given to the Board. Upon request, any holder of the first mortgage shall be entitled to written notice of all meetings and shall be permitted to designate a representative to attend and observe any such meeting.

3.6. Waiver of Notice. Waiver of notice of meetings of the members shall be deemed the equivalent of proper notice. Any member may, in writing, waive notice of any meeting of the members, either before or after such meeting. Attendance at a meeting by a member, whether in person or by proxy, shall be deemed a waiver by such member of notice of the time, date and place thereof unless such member specifically objects to lack of proper notice at the time the meeting is called to order. Attendance at a special meeting shall also be deemed a waiver of notice of all business transacted thereat unless objection to lack of notice is raised before the business, of which proper notice was not given, is put to a vote.

3.7. Voting. Voting rights shall be as set forth in the Declaration unless membership rights of a member have been suspended or canceled as permitted by the provisions of said Declaration.

3.8. Voting List. A list of names and addresses of members entitled to vote shall be available to any member from the Secretary upon written request at any time within ten (10) days of any regular or special meeting.

3.9. Quorum. Subject to the terms of the Declaration, a quorum of members for any meeting shall be deemed present throughout such meeting if members represented in person or by proxy and holding more than one-half of the votes entitled to be cast at such meeting are present at the beginning of such meeting.

3.10. Adjournment. Any meeting of the members may be adjourned from time to time for periods not exceeding forty-eight (48) hours by vote of the members holding the majority of the votes represented at such meeting, regardless of whether a quorum is present. Any business which could be transacted properly at the original session of the meeting may be transacted at an adjourned session, and no additional notice of such adjourned session shall be required.

3.11. Proxy. Any member entitled to vote may do so by written proxy duly executed by the member setting forth the meeting at which the proxy is valid. To be valid, a proxy must be filed with the Secretary prior to the opening of the meeting for which it is to be used. Proxies

must be dated and may be revoked only by written notice delivered to the Association. Presence in person at the meeting for which a proxy is given or transfer of ownership of a lot shall automatically revoke the proxy.

3.12. Consents. Any action which may be taken by a vote of the members may also be taken by written consent signed by all members.

3.13. Rules of the Meeting. The Board may prescribe reasonable rules for the conduct of all meetings of the Board and members.

ARTICLE IV Board of Directors

4.1. Composition. The affairs of the Association shall be governed by the Board. The initial Board shall be comprised of Cammie Scott, Tim Scott, Toni Fitzpatrick, who shall serve until their resignation or until all of the lots owned by the Developer are sold to third-parties. If only any one of them resigns, the other two who are still serving may appoint another Director to serve. After all initial members are no longer on the Board, the Board shall be composed of at least three (3) but no more than five (5) persons and future directors shall be owners of lots in the Development, including an agent of the Developer should the Developer still own a lot or lots at the time of the election. The precise number of directors may be amended from time to time by resolution of the Board. Provided that should the Board elect to change the number of directors, such change shall be included in the notice of the annual meeting sent to the members of the Association.

4.2. Term of Office. All directors elected at any subsequent annual or special meeting shall serve for three (3) year terms and until their successors are qualified and elected; provided, however, upon expiration of the term of the initial Board of Directors the term of the directors shall be as follows:

One director for one (1) year
Two directors for two (2) years
Two directors for three (3) years

Upon election of the board they shall draw for their term. Thereafter, each director shall serve for three (3) years or until their successor is qualified and elected.

4.3. Removal of Directors. At any regular or special meeting of the Association duly called, any one or more of the directors may be removed with or without cause by a majority of votes entitled to be cast of the members of the Association and a successor may then and there be elected to fill the vacancy thus created. Any director whose removal has been proposed by the members shall be given at least ten (10) days' notice of the calling of the meeting and the purpose thereof and shall be given an opportunity to be heard at the meeting.

4.4. Vacancies. Vacancies in the Board caused by any reason, including the addition of a new director or directors shall, be filled by a vote of the majority of the remaining directors, even though less than a quorum, at any meeting of the board and the new directors shall serve for the remainder of the term of the director being replaced. Said director shall serve until a successor

shall be elected at the next annual meeting of the Association to fill the unexpired portion of the term.

4.5. Compensation. No director shall receive compensation for any service rendered to the Association. Any director may, however, be reimbursed for actual expenses incurred in the performance of duties as a director.

4.6. Nomination. Nomination for election to the Board shall be made by a nominating committee which shall consist of two (2) members appointed by the President to serve from the close of one annual meeting to the close of the succeeding annual meeting. Such appointment shall be announced at the annual meeting. The nominating committee may nominate, by position number, any number of qualified individuals, but no less than the number of directors to be elected. The nominations shall be made at least ten (10) days prior to the annual meeting. Any member of the Association in good standing may nominate, by position number, any qualified individual or individuals for the position of director by filing a written nomination with any duly elected officer of the Association at least ten (10) days prior to the annual meeting. A list of the nominees, by position number, shall be included in the notice of annual meeting. No nominations shall be allowed from the floor at the meeting. Failure to comply with the provisions hereof shall in no way invalidate the election of directors so nominated and elected at any annual meeting.

4.7. Elections. Directors to be elected by the members shall be elected, by position number, from among those nominated, by a majority of the votes entitled to be cast at the annual meeting, a quorum being present.

4.8. Regular Meetings. Regular meetings of the Board may be held at such time and place as shall be determined from time to time by the Board, but such meetings shall be held at least annually. The Board shall meet within ten (10) days after each annual meeting of the members.

4.9. Special Meetings. Special meetings of the Board may be called by the President on three days' notice to each director given by mail, in person or by telephone or other electronic means, which notice shall state the time, place and purpose of the meeting. Special meetings of the Board shall be called by the President, Secretary or Treasurer in like manner and on like notice on the written request of at least two (2) directors.

4.10. Quorum. A quorum of directors shall be deemed present throughout any Board meeting at which fifty percent (50%) or more of the directors are present at the beginning of such meeting.

4.11. Conduct of Meetings. The President shall preside over all meetings of the Board and the Secretary shall keep a minute book recording therein all resolutions adopted by the Board and a record of all transactions and proceedings occurring at such meetings.

4.12. Action Without a Meeting. Any action by the Board required or permitted to be taken at any meeting may be taken without a meeting if all of the directors consent in writing to such action. Such written consent or consents shall be filed with the minutes of the Board.

ARTICLE V
Powers and Duties of Directors

The Board shall exercise for the Association all powers, duties and authority vested therein by the Declaration or these By-Laws, except for such powers, duties and authority reserved thereby to the members of the Association. The Board shall have the following powers and duties

- (a) to elect and remove the officers of the Association as hereinafter provided;
- (b) to administer the affairs of the Association in accordance with any provisions in the Declaration;
- (c) to engage the service of an agent (hereinafter sometimes referred to as the "Managing Agent") to maintain, repair, replace, administer and operate the Common Areas and all other property and obligations of the Association as referred to in the Declaration or any part thereof for the members, upon such terms and for such compensation as the Board may approve, including a Managing Agent which is affiliated with one or more directors, or the Developer, or both; provided, that such managing agent shall not be engaged for periods of more than one (1) year without board approval;
- (d) to administer, maintain, manage and operate the Common Areas as long as owned by Developer or the Association and to formulate policies therefor;
- (e) to adopt rules and regulations, with written notice thereof to all members, governing the details of the administration, management, operation and use of the Common Areas, and to amend such rules and regulations from time to time;
- (f) to provide for the operation, care, upkeep, maintenance, repair, replacement and improvement of the Common Areas and payments therefor, as well as any other obligations or rights of the Association pursuant to the Declaration, including maintenance of the property adjacent to the road right-of-way north of the Subdivision leading to Brown Road, and to approve payment vouchers or to delegate such approval to the officers of the Association or the Managing Agent;
- (g) to have access to each lot from time to time as may be necessary for the maintenance, repair or replacement of the Common Areas therein or accessible therefrom, or for making emergency repairs therein necessary to prevent damage to the Common Areas;
- (h) to obtain adequate and appropriate kinds of insurance;
- (i) to engage or contract for the services of others, and to make purchases for the maintenance, repair, replacement administration, management and operation of the Common Areas as well as to discharge any obligation or right of the Association pursuant to the Declaration, and to delegate any such powers to a Managing Agent (and any employees or agents of a Managing Agent);
- (j) to appoint committees and to delegate to such committees the Board's authority to carry out certain duties of the Board;

- (k) to determine the fiscal year of the Association and to change said fiscal year from time to time as the Board deems advisable;
- (l) to estimate the amount of, prepare, adopt and distribute the budget for the Association not less frequently than annually, to provide the manner of assessing, levying on and collecting from the members their respective shares of the common expenses, and to levy fines and special assessments against one or more occupants in accordance with the Declaration;
- (m) to keep detailed, accurate records of the receipts and expenditures of the Association in discharging its obligations and rights;
- (n) to act in a representative capacity in relation to matters involving the Common Areas or more than one lot, on behalf of the lot owners, as their interests may appear;
- (o) to enforce by legal means the provisions of the Declaration and these By-Laws with respect to the Property;
- (p) to renew, extend or compromise indebtedness owed to or by the Association;
- (q) unless otherwise provided herein or in the Declaration, to comply with the instructions of a majority of the votes entitled to be cast of the members as expressed in a resolution duly adopted at any annual or special meeting of the Association; and,
- (r) in addition to, and in furtherance of, the powers referred to in these By-Laws, the Association shall (i) have and exercise all powers necessary or convenient to effect any or all of the purposes for which the Association is organized, and to do every other act not inconsistent with law which may be appropriate to promote and attain the purposes set forth in the Declaration and these By-Laws.

5.1. Nondelegation. Nothing in this Article or elsewhere in these By-Laws shall be considered to grant to the Board, the Association or to the officers of the Association any powers or duties which, by law, have been delegated to the members.

ARTICLE VI Officers and Their Duties

6.1. Designation. At each regular meeting of the Board immediately following the election of the Board by the members, the directors present at said meeting shall elect the following officers of the Association by a majority vote:

- (a) A President, who must be a director and who shall preside over the meetings of the Board and of the members, and who shall be the chief executive officer of the Association.
- (b) A Secretary, who shall keep the minutes of all meetings of the Board and of the members, and shall be designated as the officer to mail and receive all notices served by or upon the Board or the Association and execute amendments to the Declaration

and these By-Laws, and shall, in general, perform all the duties incident to the office of Secretary, and may be a representative of the Managing Agent;

- (c) A Treasurer, who shall be responsible for financial records and books of account and the manner in which such records and books are kept and reported; provided, however, that the duties of the Treasurer may be performed by an employee or independent contractor retained by the Board; and
- (d) such additional officers as the Board shall see fit to elect.

Any two (2) or more offices may be held by the same person, except offices of President and Secretary.

6.2. Powers. The respective officers shall have the general powers usually vested in such officers; provided that the Board may delegate any specific powers to any other officer or impose such limitations or restrictions upon the powers of any officer as the Board may see fit.

6.3. Term of Office. Each officer shall hold office for the term of one (1) year or until his successor shall have been appointed or elected and qualified. Officers may serve for more than one (1) term.

6.4. Vacancies. Vacancies in any office shall be filled by the Board by a majority vote at a special meeting of said Board. Any officer so elected by the Board to fill a vacancy shall hold office for a term equal to the unexpired term of the officer he succeeds.

6.5. Compensation. No officer shall receive compensation for any service rendered to the Association. Any officer may, however, be reimbursed for actual expenses incurred in the performance of duties as an officer.

6.6. Removal. Any officer elected by the Board may be removed from office, either with or without cause, by a majority vote of the Board.

ARTICLE VII Contractual Powers

No contract or other transaction between the Association and one or more of its directors or between the Association and any corporation, firm or association in which one or more of the directors are also directors, or are financially interested, is void or voidable because such director or directors are present at the meeting of the Board or a committee thereof which authorizes or approves the contract or transaction or because the vote or votes of such director or directors are counted toward such authorization or approval, if the circumstances specified in either of the following subparagraphs exist:

- (a) the fact of the common directorship or financial interest is disclosed or known to the Board or committee and noted in the minutes thereof, and the Board or committee authorizes, approves or ratifies the contract or transaction in good faith by a vote sufficient for the purpose, without counting the vote or votes of such director or directors; or

- (b) the contract or transaction is just and reasonable as to the Association at the time it is authorized or approved.

Such common or interested directors may be counted in determining the presence of a quorum at a meeting of the Board or a committee thereof which authorizes, approves or ratifies such a contract or transaction.

ARTICLE VIII
Indemnification

8.1. General. The Association shall indemnify and hold harmless each of its directors and officers, each member of any committee appointed pursuant to the By-Laws of the Association, the Board and the Developer against all contractual and other liabilities to others arising out of contracts made by, or other acts of, such directors, Board, officers, committee members or Developer, on behalf of the members, or arising out of their status as directors, Board, officers, committee members or Developer, unless any such contract or act shall have been made fraudulently or with gross negligence or criminal intent. It is intended that the foregoing indemnification shall include indemnification against all costs and expenses (including but not limited to counsel fees, amounts of judgments paid and amounts paid in settlement) reasonably incurred in connection with the defense or any claim, action, suit or proceeding, whether civil, criminal, administrative or other, in which any such director, officer, Board, committee member or Developer may be involved by virtue of such persons being or have been such director, officer, Board, committee member or Developer; provided, however, that such indemnity shall not be operative with respect to (a) any matter as to which such person shall have been finally adjudged in such action, suit or proceeding to be liable for gross negligence or fraud in the performance of his duties as such director, officer, Board, committee member or Developer, or (b) any matter settled or compromised, unless in the opinion of independent counsel selected by or in a manner determined by the Board, there is not reasonable ground for such persons being adjudged liable for gross negligence or fraud in the performance of his duties as such director, officer, Board, committee member or Developer.

8.2. Success on Merits. To the extent that the Board, Developer, a director, officer of the Association or member of any committee appointed pursuant to these By-Laws has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Paragraph 8.1 above, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith.

8.3. Expenses in Advance of Disposition. Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the Association in advance of the final disposition of such action, suit or proceeding as authorized in the specific case upon receipt of an undertaking by or on behalf of the director, officer, Board, committee member or Developer to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the Association as authorized in this Article.

8.4. Non-Exclusive Remedy. The indemnification provided by this Article VIII shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled

under any statute, agreement, vote of members of the Association or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office. Such right to indemnification shall continue as to a person or entity who has ceased to be Developer, a director, an officer of the Association or a member of such committee, and shall inure to the benefit of the heirs, executors, administrators, personal representatives, successors and assigns of such person or entity.

ARTICLE IX
Use Restrictions and Rule Making

9.1. Authority and Enforcement. The Property shall be used only for those uses and purposes set out in the Declaration. The Board shall have the authority to make and to enforce reasonable rules and regulations governing the conduct, use and enjoyment of lots and the Common Areas, provided that copies of such rules and regulations be furnished to all members. The Board shall have the power to impose reasonable fines which shall constitute a lien upon the lot and to suspend a member's right to vote or to use any of the Common Areas for violation of any duty imposed under the Declaration, these by-Laws or any rules and regulations duly adopted hereunder.

- (a) Procedure. The Board shall not impose a fine, suspend a member's right to vote or infringe upon any other rights of a member or other occupant for violation of rules unless and until the procedures reflected in the Declaration and the following supplemental procedures have been followed.
- (b) Demand. Written demand to cease and desist from an alleged violation shall be served upon the alleged violator specifying: (i) the alleged violation; (ii) the action required to abate the violation; and (iii) a time period, not less than ten (10) days, during which the violation may be abated without further sanction, if such violation is a continuing one or a statement that any further violation of the same rule may result in the imposition of sanction after notice and hearing, if the violation is not continuing.
- (c) Notice. Within twelve (12) months of such demand, if the violation continues past the period allowed in the demand for abatement without penalty, or if the same rule is subsequently violated, the Board shall serve the violator with written notice of a hearing to be held by the Board in session. The notice shall contain: (i) the nature of the alleged violation; (ii) the time and place of the hearing, which time shall be at least thirty (30) days in advance of the hearings; (iii) an invitation to attend the hearing and provide any statement, evidence and witnesses on his or her behalf; and (iv) the proposed sanction to be imposed.
- (d) Hearing. The hearing shall be held in executive session pursuant to this notice affording the member a reasonable opportunity to be heard. Prior to the effectiveness of any sanction hereunder, proof of notice and the invitation to be heard shall be placed in the minutes of the meeting. Such proof shall be deemed adequate if a copy of the notice together with a statement of the date and manner of delivery is entered by the officer or director who delivered such notice. The notice requirement shall be deemed

satisfied if a violator appears at the meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed.

ARTICLE X
Membership Dues

10.1. Dues. The dues and assessments shall be the amount as set forth in the Declaration or as changed from time to time as set forth in the Declaration.

ARTICLE XI
Amendments

11.1. Proviso. No amendment may be adopted which would eliminate, modify, prejudice, abridge or otherwise adversely affect any rights, benefits, privileges or priorities granted to any mortgagee without the prior written consent of said mortgagee(s). These by-laws may be amended by a vote of seventy five percent (75%) of all of the available votes voting for such amendment, with the members to have the votes as set forth in the Declaration.

ARTICLE XII
Miscellaneous

12.1. Notices. Unless otherwise provided in these By-Laws, all notices, demands, bills, statements or other communications under these By-Laws shall be in writing and shall be deemed to have been duly given if delivered personally or if sent by registered or certified mail, return receipt requested, first class postage prepaid:

- (a) If to a member, at the address which the member has designated in writing and filed with the Secretary, or if no such address has been designated, at the address of the lot of such member; or
- (b) If to the Association, the Board of the Managing Agent, at the principal office of the Association or the Managing Agent, if any, or at such other address as shall be designated by the notice in writing to the members pursuant to this paragraph.

12.2. Severability. The invalidity of any part of these By-Laws shall not impair or affect in any manner the validity, enforceability or effect of the balance of these By-Laws.

12.3. Captions. The captions herein are inserted only as a matter of convenience and for reference and if no way define, limit or describe the scope of these By-Laws or the intent of any provision thereof.

12.4. Gender and Grammar. The use of the masculine gender in these By-Laws shall be deemed to include the feminine gender, and the use of the singular shall be deemed to include the plural, whenever the context so requires.

12.5. Fiscal Year. The fiscal year shall be set by resolution of the Board.

12.6. Audit. An audit of the accounts of the Association shall be made annually as a common expense by a public accountant, and a copy of the report shall be furnished to each member who requests a copy in writing.

12.7. Mortgagees' Notice. A first mortgagee, upon written request, will be entitled to written notification from the Association of any default by an individual lot owner, who is the mortgagee's mortgagor, of any obligation arising from the Declaration not cured within thirty (30) days.

The foregoing By-Laws adopted by the President of Hawksview PD Property Owners Association on the _____ day of March, 2022 and approved by the Developer on the _____ day of March, 2022.

DEVELOPER:

SCOUT ENTERPRISES, LLC

By: _____
Cammie Scott, Manager

ASSOCIATION:

HAWKSVIEW PD PROPERTY OWNERS
ASSOCIATION

By: _____
Cammie Scott, President

After reading the title of the Ordinance, Council Member Harriman moved the Ordinance “Do Pass” with all amendments presented tonight. Council Member Williams made the second.

Jeff Wolf, 8899 E. Brown Road, spoke against the PUD. He will have to live with the consequences from what is approved tonight.

Todd Stevens, 706 Paradise Place and Heidi Franz, 8730 E. Brown Road, spoke on behalf of 23 neighbors. They gave a presentation on why they feel like this subdivision should be denied in this area.

Jim Sags, 8828 E. Brown Road, spoke against the PUD.

David Gilbert, Engineer for Scout Enterprises LLC, spoke.

The vote:

Yes: Fougrousse, Powell, Williams, Lawson, Flores, Harriman

No: Watson, Overton

Council Member Powell moved the Emergency Clause be adopted. Council Member Lawson made the second.

The vote:

Yes: Powell, Williams, Watson, Lawson, Flores, Harriman, Fougrousse

No: Overton

The Ordinance was numbered 5728.

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 8:20 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer