

- The next Committee Meeting date will be discussed during tonight's' meeting.
- Committee agendas will be available on the Friday before this meeting.

**SPRINGDALE CITY COUNCIL
REGULAR MEETING
TIERED TRAINING ROOM
2ND FLOOR OF NEW CRIMINAL JUSTICE BUILDING
Tuesday, January 25th, 2022**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Kevin Flores

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. **Quarterly Economic Development report**. Presented by Scott Edmondson, VP of Economic Development for the Springdale Chamber of Commerce.

7. Approval of Minutes – January 11, 2022: **Minutes located at the back of Agenda. Pg. 24-29**

8. 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) **10A-10C.** Motion must be approved by two-thirds (2/3) of the council members).*

9. Recognition of Retiring Police Chief Mike Peters- Presented by Mayor Doug Sprouse.

10. 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 1308 Stultz Road from Agricultural District (A-1) to Low/Medium Density Single Family Residential District (SF-2) and declaring an emergency. **Pgs. 1-3**

- B. **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 697 Highway 265 from General Commercial District (C-2) to Large Product Retail Sales District (C-6) and declaring an emergency. Pgs. 4-6
- C. **An Ordinance** accepting a new addition to the City of Springdale, Arkansas to be known as Spyglass Estates Subdivision, a subdivision to the City of Springdale, Arkansas, and declaring an emergency. Pgs. 7-9
- D. **A Resolution** approving a Waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance NO. 3725 to Mustafa and Kimberly Obeidat in connection with 1820 Graham Road a Single Family Dwelling. Pgs. 10-11

11. Finance Committee by Chairman Jeff Watson

- A. **A Resolution** authorizing the City Attorney to settle a Condemnation Lawsuit wherein Miguel Garcia is defendant (Project NO. 18BPS12, Tract F26). Forwarded from Committee with recommendation for approval. Pgs. 12-17
- B. **A Resolution** approving the purchase of Police vehicles and equipment with American Rescue Plan Act (ARPA) funds. ****Will be presented if Resolution is available to us by DRS.***

12. **A Resolution** authorizing the City of Springdale's participation in the Hazard Mitigation Plan of Benton County, Arkansas. Presented by Ernest Cate, City Attorney. Pgs. 18-23

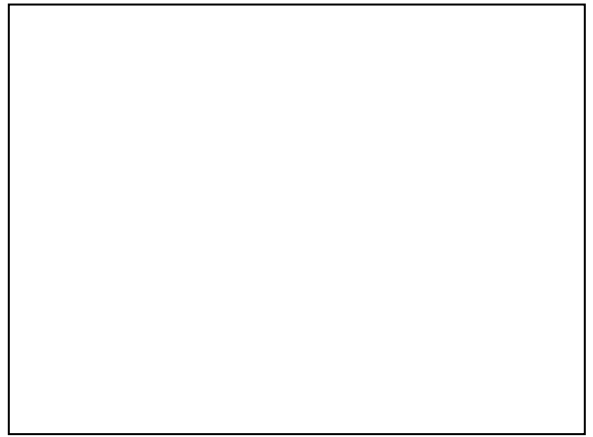
13. **A Discussion** on date for next Committee Meeting.

14. Comments from Council Members.

15. Comments from City Attorney.

16. Comments from Mayor

17. Adjournment.



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 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 December 7, 2021 for hearing the matter of a petition of Dianne Davis 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) .

Layman's Description: 1308 Stultz Road

Legal Description: BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 30 WEST, SPRINGDALE ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A SET MAG-NAIL BEING THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, THENCE N86°17'04"W 147.43' TO A SET MAG-NAIL; THENCE N03°40'46"E 168.48' TO A SET 5/8" CAPPED REBAR TAGGED "AR PLS 1659 AR PLS 1826"; THENCE S86°17'04"E 185.10' TO A SET 5/8" CAPPED REBAR TAGGED "AR PLS 1659 AR PLS 1826"; THENCE S03°08'38"W 168.49' TO A SET MAG-NAIL; THENCE N86°17'04"W 39.24' TO THE POINT OF BEGINNING, CONTAINING 0.719 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAYS 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) 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) .

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 _____, 2021

Doug Sprouse, Mayor

ATTEST:

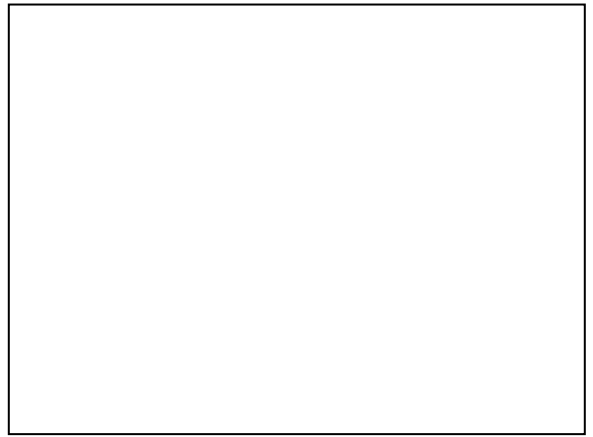
Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



Page 3



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 LARGE PRODUCT RETAIL SALES DISTRICT (C-6) 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 January 4, 2022 for hearing the matter of a petition of Commercial Computer Services, Inc., Gene Housley, requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to Large Product Retail Sales District (C-6).

Layman's Description: 697 Highway 265

Legal Description: LOTS SEVEN (7) AND EIGHT (8), BASSETT PLACE NORTH, PHASE I, A SUBDIVISION TO BENTON COUNTY, ARKANSAS, AS PER THE PLAT OF SAID SUBDIVISION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from General Commercial District (C-2) to Large Product Retail Sales District (C-6) 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 Large Product Retail Sales District (C-6) .

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.

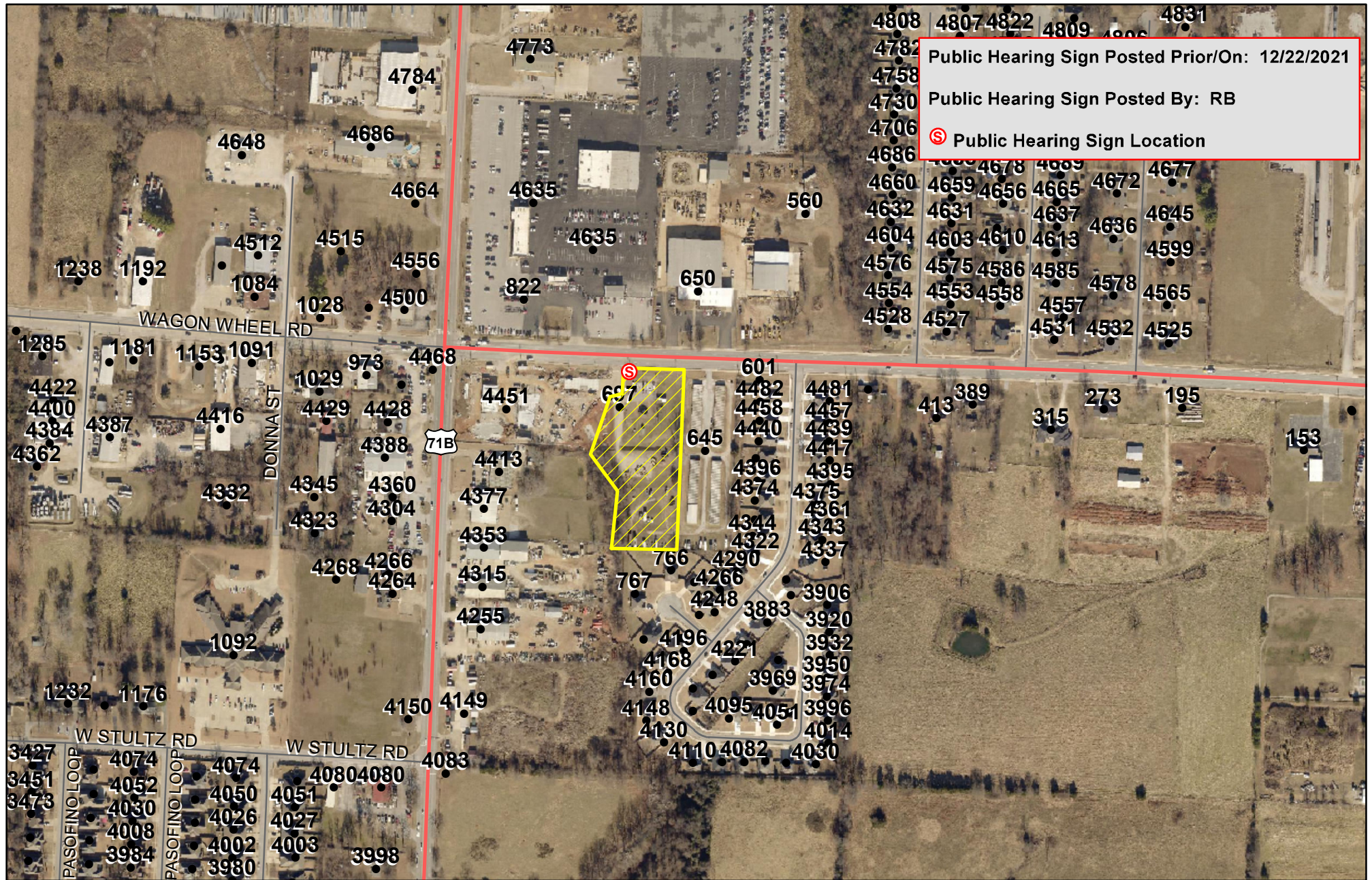
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

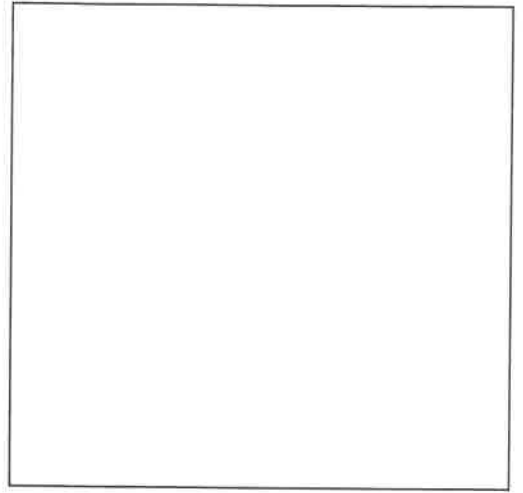
Ernest Cate, City Attorney



0 87.5175 350 525 700
 Feet
 For Location Reference Only

FILE NO. R22-01
APPLICANT: Gene Housley (Commercial Computer Services)
REQUEST: Rezoning from a C-2 to a C-6

PLANNING COMMISSION MEETING
 January 4, 2022



ORDINANCE NO. _____

AN ORDINANCE ACCEPTING A NEW ADDITION TO THE CITY OF SPRINGDALE, ARKANSAS TO BE KNOWN AS SPYGLASS ESTATES SUBDIVISION, A SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

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

A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A SET IRON PIN ON THE WESTERLY RIGHT-OF-WAY OF SOUTH TURNER STREET WHICH IS N87°27'15"W 29.26' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY OF SOUTH TURNER STREET N87°27'15"W 388.25' TO A FOUND IRON PIN ON THE EASTERLY RIGHT-OF-WAY OF SPYGLASS DRIVE, THENCE WITH SAID RIGHT-OF-WAY N02°31'42"E 312.69' TO A SET IRON PIN, THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY OF SPYGLASS DRIVE S89°41'01"E 384.34' TO A SET IRON PIN ON THE WESTERLY RIGHT-OF-WAY OF SOUTH TURNER STREET, THENCE WITH SAID RIGHT-OF-WAY S01°54'00"W 186.47' TO A SET IRON PIN, THENCE CONTINUING WITH SAID RIGHT-OF-WAY S01°39'26"W 141.20' TO THE POINT OF BEGINNING. CONTAINING 2.84 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND WHEREAS, said Planning Commission has approved the plat as presented by petitioner, and has approved the dedication of streets, rights-of-way and utility easements as shown upon said plat and join with the said petitioner in petitioning the City Council to accept said Spyglass Estates Subdivision, to the City of Springdale, Arkansas.

AND WHEREAS, a hearing was held upon the acceptance of said plat by the City Planning Commission and that there appeared no protestants to the acceptance and dedication:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS, that the Spyglass Estates Subdivision, as shown on the plat approved by the City Planning Commission, a copy of which is attached to this ordinance and made a part hereof as through 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 the use and benefit of the public the dedications contained therein.

EMERGENCY CLAUSE: It is hereby declared that an emergency exists in that the owner of property will be deprived of the full use and enjoyment of their property and will not be able to complete the sale of their property within thirty days and therefore an emergency exists.

The ordinance passed this _____ day of _____, 2021.

CITY OF SPRINGDALE.
SPRINGDALE, ARKANSAS

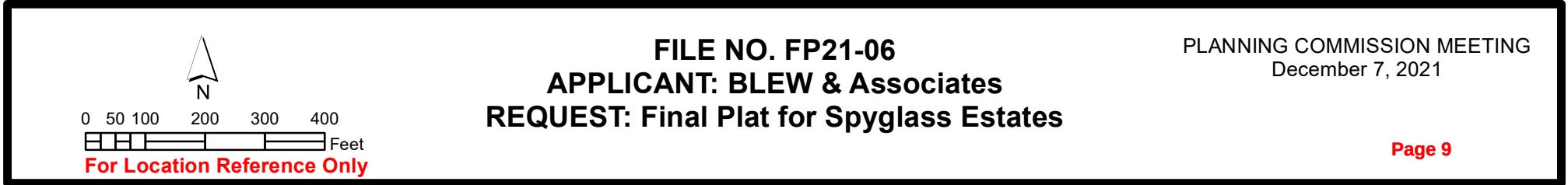
BY: _____
DOUG SPROUSE - MAYOR

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 MUSTAFA & KIMBERLY OBEIDAT IN CONNECTION WITH 1820 GRAHAM ROAD A SINGLE FAMILY DWELLING

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

WHEREAS, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, sidewalks in connection with 1820 Graham Road a Single Family Dwelling for Mustafa and Kimberly Obeidat and the Planning Commission recommends denial 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 Graham Road including drainage improvements related thereto, sidewalks in connection with 1820 Graham Road, a single family dwelling for Mustafa & Kimberly Obeidat.

Option 2: Denies a waiver of street improvements to Graham Road including drainage improvements related thereto, sidewalks in connection with 1820 Graham Road, a single family dwelling for Mustafa & Kimberly Obeidat.

Option 3: Approves payment in lieu of improvements to Graham Road in connection with 1820 Graham Road, a single family dwelling for Mustafa & Kimberly Obeidat 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 Graham Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with 1820 Graham Road, a single family dwelling for Mustafa & Kimberly Obeidat.

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

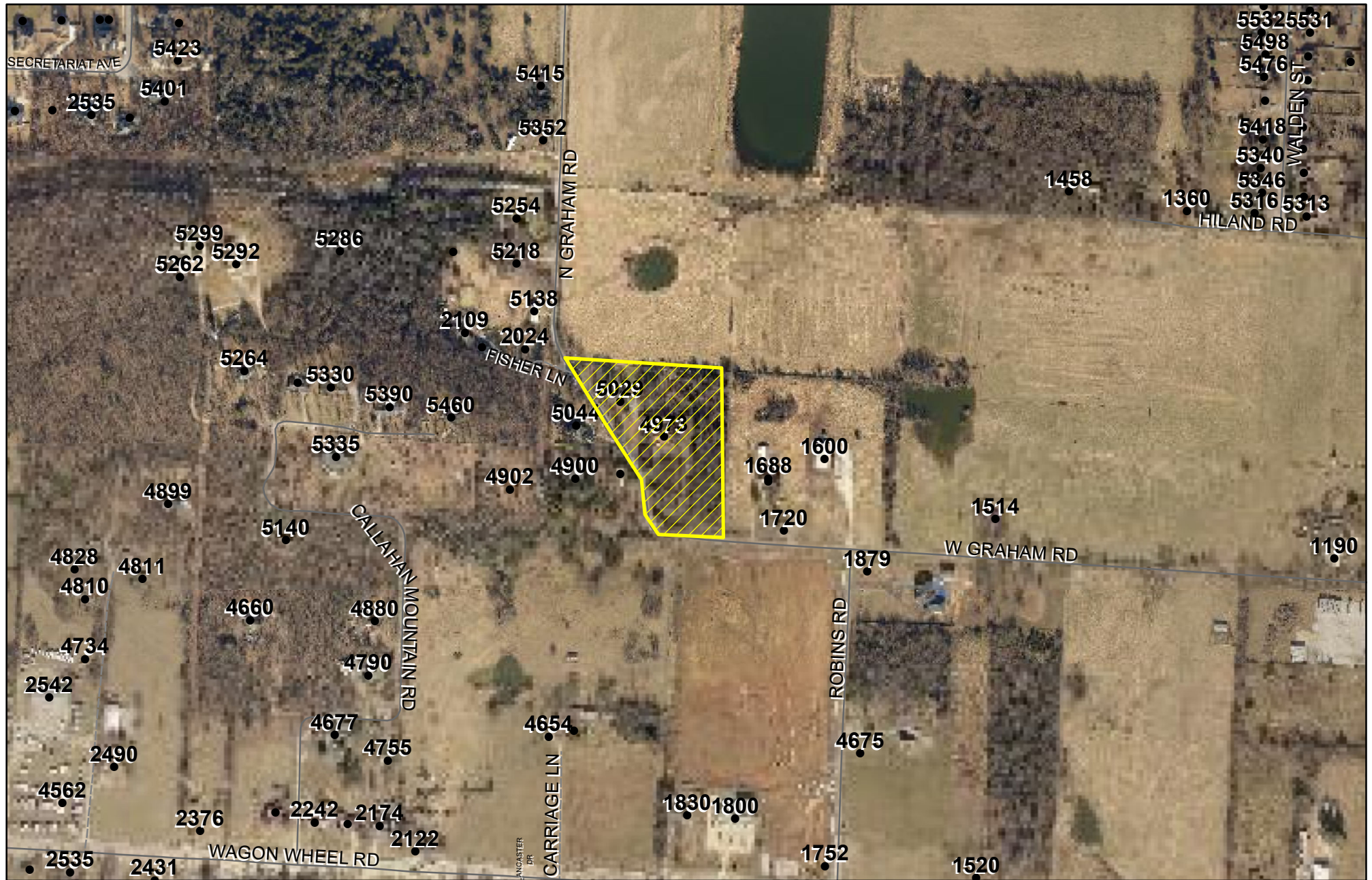
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 105 210 420 630 840
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 For Location Reference Only

FILE NO. W21-20
APPLICANT: Mustafa & Kimberly Obeidat
REQUEST: Waiver of sidewalk requirements

PLANNING COMMISSION MEETING
 January 4, 2022

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN
MIGUEL GARCIA IS DEFENDANT (PROJECT NO.
18BPS12, TRACT F26).**

WHEREAS, the City of Springdale has filed a lawsuit against Miguel Garcia to condemn property for the Har-Ber Avenue Extension Project (48th St. to Gutensohn St.)(Project No. 18BPS12, Tract F26);

WHEREAS, the City of Springdale deposited the sum of \$115,000.00 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 \$133,000.00 to acquire the lands needed for the project, said amount being based on an appraisal conducted on behalf of the property owner;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$18,000.00 to acquire the property needed from the property owner, 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 Miguel Garcia condemnation lawsuit for the total sum of \$133,000.00, with the additional \$18,000.00 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. Miguel Garcia, Carolyn Garcia (Deceased), and Arvest Bank (Washington Co. 72CV 20-2397)

Property Address: 201 N. 40th St. Springdale

Project: #18BPS12

SETTLEMENT OFFER

The following information is provided for settlement purposes only.

Background:

This case is virtually identical to the Kilpatrick and Correa cases that involved complete homesite takings of a nearby property for the same project. The city took a 1,320-sf home and 0.57 acres owned by Miguel Garcia. Mr. Garcia and his wife, Carolyn, bought the home in 1998. Carolyn passed away prior to the taking by the city.

At the time of the taking, there were very few residences listed for sale. This remains the state of the local market at the present time. The homes that were for sale would sell within days or hours of listing and often sold at above the seller's asking price and more than appraised value.

Unlike most eminent domain projects that result in the taking of a primary residence, this project does not qualify for any relocation assistance. Due to the hardship imposed on homeowners like Mr. Garcia in cases like this, all federal, and many state, projects require the condemning authority to provide the homeowner with relocation assistance. This requirement recognizes that a homeowner suffers financial damages from moving costs and the forced purchase of a replacement home within a short period of time. Displaced homeowners have no choice but to purchase a home that happens to be currently on the market, and they have little time to negotiate. Mr. Garcia did not have the opportunity to take advantage of the rising market by offering his

home for sale. If not for the forced taking of his home, he would have been able to sell his property at above appraised value.

Appraisals:

The Reed & Associates appraisers determined that the property was well-suited for future commercial development. They appraised the property at \$115,000.00. It is important to note that their appraisal was completed on May 21, 2020, before the taking and before the unprecedented appreciation in local real estate values had reached its highest levels. The exposure times of the comparable sales used, which occurred years prior to taking, were much longer than those seen in the current market.

Mark Risk was retained to prepare an appraisal report. 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 continues to instruct classes in appraisal courses at the University of Arkansas where he has taught since 1981. 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 both a cost approach and a market value approach to determine the value of the property. His reconciled valuation determined the just compensation to be **\$130,000.00**.

Homeowners' Testimony:

Mr. Garcia looked at many similar properties in his efforts to relocate. His experience in the real estate market provides him with ample support to value their property. He could not find a home with land that was similar in size to his at any price close to the \$115,000.00 in compensation paid by the city. He paid \$165,000 for a 1,080-sf house on a 0.14-acre lot for a

replacement home. He will testify, based on genuine market conditions and his personal experiences, that their property was worth more than **\$170,000** at the time of taking.

Potential Trial Outcome:

This is an unusual case in which a jury is likely to give substantial weight to the testimony of the landowners. Both appraisals were backward-looking, meaning they were based on historical data of prior sales. Those sales did not reflect the actual market conditions that faced the Mr. Garcia. It is foreseeable that the jury will award the Mr. Garcia more than \$130,000.00. In recent cases we have seen that juries are willing to consider an award higher than that offered by the landowners' appraiser, and this case will give the jury strong support for doing so. A judgment in that amount would result in an additional payment of \$55,000 plus pre-judgment interest and "the costs occasioned by the assessment" (under Ark. Code Ann. §18-15-303(c)) which would be at least \$3,000.00 but could be more as determined by the Court. The total judgment would be more than **\$63,000.00**.

If the jury is not persuaded by Mr. Garcia's testimony, it is more likely to award damages at the valuation provided by Mr. Risk than that offered to date by the city. A judgment of the full assessed damages provided by Mr. Risk of \$130,000.00 would result in an additional payment of \$15,000.00 plus pre-judgment interest and the cost of the appraisal. The total additional compensation owed would be around **\$23,000.00**.

For settlement purposes only, my clients have authorized me to accept settlement of their damages, including severance damages, pre-judgment interest, and the costs of assessment at \$133,000.00. The city has previously tendered \$115,000.00 of the \$133,000.00. The total additional compensation for settlement would be **\$18,000.00**.

Appraisal Report

**City of Springdale vs Miguel A. Garcia & Carolyn E. Garcia (Deceased)
Washington County Circuit Court: Case #72CV-20-2397
201 N. 40th St., Springdale, AR 72762
March 6, 2021**

Presented To:

**Steve Lisle
Lisle Rutledge, P.A.
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 # 21-0016

Transmittal Letter



Date: August 9, 2021

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

Re: *City of Springdale, Arkansas vs. Miguel A. Garcia & Carolyn E. Garcia (Deceased)*
Washington County Circuit No. 72CV-20-2397

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 proposed acquisition of the subject 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 as of the effective date of the appraisal.

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 November 20, 2020** and subject to referenced assumptions and conditions – is as follows:

One Hundred Thirty Thousand Dollars
\$130,000

Respectfully submitted,

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

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE CITY OF
SPRINGDALE'S PARTICIPATION IN THE HAZARD
MITIGATION PLAN OF BENTON COUNTY,
ARKANSAS.**

WHEREAS, the participating jurisdictions of Benton County have worked together to develop a strategy known as the Benton County Hazard Mitigation Plan to improve disaster resistance in the planning area;

WHEREAS, the Federal Disaster Mitigation Act of 2000 (DMA2000), pursuant to 44 CFR Part 201, and the Federal Emergency Management Agency (FEMA) require communities to adopt an approved hazard mitigation plan in order to be eligible to receive pre-disaster and post-disaster federal funding for mitigation purposes;

WHEREAS, the City of Springdale has participated in the hazard mitigation plan by the formation of a Mitigation Planning Committee (MPC); and

WHEREAS, the MPC recommends the formal adoption of the Benton County Hazard Mitigation Plan by each participating jurisdiction by the passage of a Resolution.

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

Section 1: The City hereby approves and adopts the hazard mitigation plan in its entirety with projects as adopted by the MPC; and agrees to be governed by the HMP attached hereto and incorporated herein.

Section 2: The City authorizes the appropriate participating officials to pursue funding opportunities for implementation of proposals designated therein; and will upon receipt of such funding or other necessary resources, seek to implement the actions contained in the plan.

Section 3: The City will continue to cooperate and participate in the hazard mitigation planning process, holding regular meetings, including reporting of progress

as required by FEMA, the State of Arkansas, Division of Emergency Management (ADEM), and the MPC.

PASSED AND APPROVED this ____ day of _____, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

Ernest B. Cate, CITY ATTORNEY



FEMA

January 4, 2022

Lacye Blake, State Hazard Mitigation Officer
Arkansas Department of Public Safety
Division of Emergency Management
Bldg. 90501
Camp Joseph T. Robinson
North Little Rock, AR 72199-9600

RE: Approvable Pending Adoption of the Benton County, Arkansas Multi-Jurisdiction
Hazard Mitigation Plan

Dear Mrs. Blake:

This office has concluded its review of the referenced plan, in conformance with the Final Rule on Mitigation Planning (44 CFR § 201.6). Formal approval of this plan is contingent upon the adoption by the participants on Enclosure A, as well as the receipt of the final draft of the plan containing all plan components.

Adopting resolutions must be submitted to this agency for review and approval no later than one year from the date of this letter. Failure to submit these resolutions in a timely manner could lead to a required update of the plan prior to FEMA approval.

Once this final requirement has been met, a letter of official approval will be generated. The Local Hazard Mitigation Planning Tool, with the reviewer's comments has been enclosed to further assist the jurisdictions in complying with planning requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald C. Wanhanen".

Ronald C. Wanhanen
Chief, Risk Analysis Branch

Enclosures

Enclosure A

Attached is the list of participating local governments included in the January 4, 2022 review of the referenced Hazard Mitigation plan.

Community Name

- | |
|-------------------------------|
| 1) Avoca town |
| 2) Bella Vista city |
| 3) Benton County |
| 4) Bentonville city |
| 5) Bentonville Public Schools |
| 6) Cave Springs city |
| 7) Centerton city |
| 8) Decatur city |
| 9) Decatur School District |
| 10) Elm Springs city |
| 11) Garfield town |
| 12) Gateway town |
| 13) Gentry city |
| 14) Gentry Public Schools |
| 15) Gravette city |
| 16) Gravette School District |
| 17) Highfill town |
| 18) Little Flock city |
| 19) Lowell city |
| 20) Pea Ridge city |
| 21) Pea Ridge School District |
| 22) Rogers city |
| 23) Rogers Public Schools |
| 24) Siloam Springs city |
| 25) Siloam Springs Schools |
| 26) Springdale city |
| 27) Springtown town |
| 28) Sulphur Springs city |

Adoption Submittal (Final)

Following the issuance this of Approvable Pending Adoption letter, all participants are provided one year to adopt the plan and submit it through the State to FEMA. For multi-jurisdictional plans, multiple adoptions should be submitted as a complete package as outlined below.

The State must submit the plan files via:

Floodmaps File eXchange (FFX): <https://www.floodmaps.fema.gov/ffx/>

Risk Management Directorate (RMD) SharePoint:

<https://rmd.msc.fema.gov/Regions/VI/Mitigation%20Planning/Forms/AllItems.aspx>

Note: You will be requested to register if you have not already done so.

All plans containing Protected Critical Infrastructure Information (PCII) must be submitted through the Floodmaps File Exchange (FFX) to ensure secure file submissions.

1. Final draft of the plan in MS Word or pdf format containing:
 - a. The final plan formatted as a single document.
 - b. Documentation demonstrating adoption by the participating jurisdictions seeking approval. (i.e. copies of signed resolutions, official meeting minutes, etc....) Note: Adoption resolutions can be separate files. Additional adoptions are not required to provide a copy of the plan.
 - c. Remove strikethroughs, highlights and all Track Changes must be accepted in the final plan.
2. Send an email addressed to r6-mtd-planning@fema.dhs.gov as notification that the electronic file has been submitted. Please DO NOT send plans to the email inbox as it has very strict size limitations which will lock the inbox and not allow additional emails to be received. The email must include the following information:
 - a. Include the follow when applicable: (Note: A submittal letter is no longer required.)
 - i. Subject line [Approval Review for Name of Plan, State]
 - ii. FEMA funding source, grant or disaster number, and project number (when applicable)
 - iii. list of adopting jurisdictions
 - iv. Plan File name (file name must include date submitted)
3. Submittals which do not conform to the above requirements will be returned to the State for resubmission



JAMI COOK
SECRETARY

STATE OF ARKANSAS
GOVERNOR ASA HUTCHINSON
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF EMERGENCY MANAGEMENT



A.J. GARY
DIRECTOR

January 4, 2022

The Honorable Barry Moehring
Benton County Judge
215 E. Central Ave
Bentonville, AR 72712

Re: FEMA-4441-DR-AR, Project # 0008
Benton County Hazard Mitigation Plan Update

Dear Judge Moehring:

Congratulations! The Benton County Multi Jurisdiction Hazard Mitigation Plan has reached Approvable Pending Adoption (APA) status with FEMA. Everyone associated with this endeavor should be commended for their efforts.

Please comply with the following requirements to ensure final approval status:

1. Adoption resolutions from all participating jurisdictions must be submitted to FEMA no later than 90 days from the date of this letter.
2. Send one, clean (no highlighting), electronic copy of the plan with the resolutions to ADEM.

By receiving APA status, Benton County, and participating jurisdictions, will achieve eligibility for mitigation grants once the plan has been adopted by each participating jurisdiction, and approved by FEMA. Should you have any questions, please contact me at (501) 683-6700.

Sincerely,

Lacye Blake
State Hazard Mitigation Officer

cc: Robert McGowen, OEM
Tony Gertz, Two Rivers Planning

SPRINGDALE CITY COUNCIL
JANUARY 11, 2022

The City Council of the City of Springdale met in regular session on Tuesday, January 11, 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 (Absent)
Mike Overton	Ward 2 (Absent)
Mike Lawson	Ward 4
Kevin Flores	Ward 2
Randall Harriman	Ward 1
Mark Fougerousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Blake Holte	Fire Chief
Mike Peters	Police Chief
Wyman Morgan	Director of Financial Servs.
Patsy Christie	Planning & Comm. Dev. Director
Ryan Carr	Asst. Engineering Director
Colby Fulfer	Chief of Staff

APPROVAL OF MINUTES

Council Member Williams moved the minutes of the December 14, 2021 City Council meeting be approved as presented. Council Member Harriman made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Harriman 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 Williams made the second.

The vote:

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

No: None

RESOLUTION NO. 1-22 – APPROVING AN APPOINTMENT OF MARK CLOUD AND REAPPOINTMENT OF JAMES DAVID TO THE SPRINGDALE PLANNING COMMISSION

Mayor Doug Sprouse presented a Resolution approving the appointment of Mark Cloud and reappointment of James David to the Springdale Planning Commission.

Appreciation was expressed to Kevin Parsley, who is stepping down from Planning Commission, for all the years he served.

RESOLUTION NO. ____

A RESOLUTION APPROVING AN APPOINTMENT AND REAPPOINTMENT TO THE SPRINGDALE PLANNING COMMISSION.

WHEREAS, Charles "Kevin" Parsley's term on the Springdale Planning Commission will expire January 31, 2022; and James R. David's term on the Springdale Planning Commission will expire January 31, 2022 and

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

WHEREAS, the Mayor has selected Mark Cloud to be appointed to Seat #2 of the Springdale Planning Commission; and the Mayor has selected to reappoint James R. David to Seat #1 in accordance with Section 90-26 of the Springdale Code of Ordinances; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS that Mark Cloud, is hereby appointed to Seat #2 on the Springdale Planning Commission for a (4) four-year term expiring on January 31, 2026, and that James R. David is hereby reappointed to Seat #1 on the Springdale Planning Commission for a (4) four-year term expiring on January 31, 2026

PASSED AND APPROVED this ____ day of January, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 1-22.

RESOLUTION NO. 2-22 – MAKING THE REAPPOINTMENT OF DON GIBSON TO THE PUBLIC FACILITIES BOARD OF THE CITY OF SPRINGDALE

Mayor Doug Sprouse presented a Resolution making the reappointment of Don Gibson to the Public Facilities Board of the City of Springdale.

RESOLUTION NO. ____

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

WHEREAS, the term of Don Gibson who currently holds Seat #5 on the Public Facilities Board will expire on January 31, 2022, and

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

WHEREAS, the Public Facilities Board has recommended the reappointment of Don Gibson to Seat #5, term expiring January 31, 2027, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor's reappointment of Don Gibson as a board member to Seat #5, with a term set to expire January 31, 2027 of the Public Facilities Board is hereby approved.

PASSED AND APPROVED this ____ day of January, 2022.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 2-22.

ORDINANCE NO. 5676 – ACCEPTING THE REPLAT OF LOTS 17 TROUGH 21, BLOCK 2, R.L. HAYES SUBDIVISION, TO THE CITY OF SPRINGDALE, ARKANSAS AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of Lots 17 through 21, Block 2, R.L. Hayes Subdivision, to the City of Springdale, Arkansas and declaring an emergency.

Planning Commission recommended approval at their meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5676.

ORDINANCE NO. 5677 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 1205 CRUTCHER STREET, SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located at 1205 Crutcher Street, Springdale, Arkansas, and declaring an emergency.

Dorothy Laird is the owner of the property.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5677.

ORDINANCE NO. 5678 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 105 PIERCE STREET, SPRINGDALE, ARKANSAS, AND DECLARING AN EMERGENCY

City Attorney Ernest Cate presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located at 105 Pierce Street, Springdale, Arkansas, and declaring an emergency.

Javier and Claudia Chavez are the owners of the property.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5678.

RESOLUTION NO. 3-22 – SETTING A HEARING DATE ON A PETITION TO ABANDON A PORTION OF A UTILITY EASEMENT AT 3403 CORSICA TERRACE IN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS

City Attorney Ernest Cate presented a Resolution setting a hearing date on a petition by Luis Miguel Leonardo Verde and Josseline Mariene Montes Trevino to abandon a portion of a utility easement in the City of Springdale, Washington County, Arkansas, at 3403 Corsica Terrace.

RESOLUTION NO. ____

A RESOLUTION SETTING A HEARING DATE ON A PETITION TO ABANDON A PORTION OF A UTILITY EASEMENT IN THE CITY OF SPRINGDALE, WASHINGTON COUNTY, ARKANSAS.

WHEREAS, Luis Miguel Leonardo Verde and Josseline Mariene Montes Trevino have petitioned for the abandonment of a portion of a utility easement on Lot 27, Renaissance East Subdivision, to the City of Springdale, Washington County, Arkansas, as shown on plat record in Book 23, at Page 29, records of Washington County, Arkansas, and being more particularly described as follows:

Commencing at an existing rebar marking the Southeast Corner of Lot 27. Thence along the South line of said Lot, North 87 degrees 27 minutes 08 seconds West, 30.00 feet to a point on a 30.00 foot Building Setback line. Thence leaving said South line and along said Building Setback line, North 02 degrees 39 minutes 38 seconds East, 34.30 feet to the Point of Beginning. Thence continue along said Building Setback line, North 02 degrees 39 minutes 38 seconds East, 28.01 feet. Thence leaving said Building Setback line, South 86 degrees 10 minutes 12 seconds East, 14.63 feet. Thence South 03 degrees 49 minutes 48 seconds West, 28.00 feet. Thence North 86 degrees 10 minutes 12 seconds West, 14.06 feet to the Point of Beginning, containing 401.62 square feet and subject to any easements of record.

Tax Parcel No.: 815-35688-000
Address: 3403 Corsica Terrace

WHEREAS, the City Council finds that a hearing date should be set on the request to abandon the portion of the utility easement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that February 8, 2022, at 6:00 p.m. is set as the date and time for the City Council to hear the petition; that the City Clerk shall give notice of the date and time of said hearing as required by law.

PASSED AND APPROVED this ____ day of January, 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 Powell made the second.

The vote:

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

No: None

The Resolution was numbered 3-22.

CITY COUNCIL COMMITTEE MEETING

The next council committee meeting will be held Tuesday, January 18, 2022 at 5:30 p.m. because the Martin Luther King holiday falls on Monday.

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 6:08 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer