

- The next Committee Meeting will be held on Monday, August 16th, 2021 at 5:30p.m held in the Tiered Training Room, located on the 2nd floor of the new Criminal Justice Facility at 201 Spring Street, Springdale, Arkansas.
- 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, August 10th, 2021**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – Mike Overton

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
4. Recognition of a Quorum.
5. Comments from Citizens
6. 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.
7. Approval of Minutes – July 27th, 2021: **Minutes located at the back of Agenda. Pgs. 90-103**
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) 13, 14A., and 15. Motion must be approved by two-thirds (2/3) of the council members*.
9. Appointments and Reappointments

A Resolution approving an appointment to the Board of Commissioners of the Housing Authority of the City of Springdale, Arkansas. **Pgs. 1-2**

10. Health, Sanitation, and Property Maintenance Committee by Chairman Amelia Williams

A Resolution approving a 6th Amendment to a Sanitation Service Contract with Sunray Services, Inc. (now Waste Management of Arkansas, Inc.), and authorizing the Mayor to execute the Amendment on behalf of the City. Forwarded from Committee without recommendation for approval. Pgs. 3-5

11. Parks and Recreation Committee by Chairman Mike Lawson

A. **A Resolution** expressing the willingness of the City of Springdale to provide matching funds and accept Federal Aid from the Land And Water Conservation Fund (LWCF) State And Local Assistance Program and Outdoor Recreation Legacy Partnership (ORLP) Program for Luther George Park. Forwarded from Committee with recommendation for approval. Presented by Jill Dabbs, Executive Director of Downtown Springdale Alliance (presentation included in Packet). Pgs. 6-74

B. **A Resolution** expressing the willingness of the City of Springdale, Arkansas, to provide matching funds and accept funds from the Outdoor Recreation Matching Grant from the Arkansas Department of Parks, Heritage and Tourism for the Springdale Greenway Market project. Forwarded from Committee with recommendation for approval. Presented by Jill Dabbs, Executive Director of Downtown Springdale Alliance. Pg. 75

12. Police and Fire Committee by Chairman Brian Powell

A Resolution authorizing the execution of a purchase contract for Fire Department custom pumper. Forwarded from Committee with recommendation for approval. Pgs. 76-77

13. Ordinance Committee by Chairman Mike Overton

An Ordinance amending Article 2, Section 10 of the Zoning Ordinance of the City of Springdale, Arkansas, declaring an emergency; and for other purposes. Pgs. 78-79

14. 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 lands located at 105 E. Robinson Avenue from General Commercial District (C-2) to Thoroughfare Commercial District (C-5) and declaring an emergency. Pgs. 80-82

B. **A Resolution** approving a Conditional Use for Hy-Crest Holdings, LLC at 105 E. Robinson Avenue as set forth in Ordinance NO. 4030. Pgs. 83-84

15. **An Ordinance** authorizing the City Clerk to file a Clean-Up Lien for removal of overgrown brush and debris on property located within the City of Springdale, Arkansas, and declaring an emergency. Pgs. 85-89

16. Comments from Council Members.

17. Comments from City Attorney.

18. Comments from Mayor.

19. Adjournment.

RESOLUTION NO._____

**A RESOLUTION APPROVING AN
APPOINTMENT TO THE BOARD OF
COMMISSIONERS OF THE HOUSING
AUTHORITY OF THE CITY OF SPRINGDALE**

WHEREAS, the board position of Angela Jatko on the Housing Authority Commission was vacated in June 2021, and

WHEREAS, the Board members of the Housing Authority of the City of Springdale, Arkansas, serve a term of five years; and

WHEREAS, the Board of Commissioners has conducted a search for a qualified citizen to serve on this board, and

WHEREAS, the Board of Commissioners of the Housing Authority, under authority of Arkansas Code 14-169-208, passed and approved Resolution No. 749-21 on July 28th, 2021, appointing Donald R. Vinson, subject to the approval of the City Council, to fill the open position beginning October 28th, 2020, and said term expiring on July 27th, 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the appointment of Donald R. Vinson to the Board of Commissioners of the Housing Authority is hereby approved to fill the open position, term beginning July 28th, 2021, and said term expiring July 27th, 2026.

PASSED AND APPROVED this 10th day of August, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



SPRINGDALE HOUSING AUTHORITY



P.O. Box 2085
5 Applegate Drive
Springdale, Ar. 72765
Phone: 479-751-0560
Fax: 479-756-8059
TTY/ TDD 800-285-1131 or 711

RESOLUTION NO. 749-21

A RESOLUTION APPOINTING COMMISSIONER TO THE BOARD FOR THE HOUSING AUTHORITY OF THE CITY OF SPRINGDALE ARKANSAS

WHEREAS, The Board members of the Housing Authority of the City of Springdale, Arkansas serve a term of 5 years, and

WHEREAS, The Board of Commissioners for the Housing Authority of the City of Springdale have considered qualified candidates to fill a vacancy, and

BE IT RESOLVED by the Commissioners of the Housing Authority of the City of Springdale, Arkansas that Donald R. Vinson is hereby appointed and recommended to serve on the Board of Commissioners to complete the term beginning July 28, 2021 and ending July 27, 2026.

PASSED AND APPROVED THIS 28th DAY OF July 2021.

THE HOUSING AUTHORITY OF THE
CITY OF SPRINGDALE, ARKANSAS



Derek Gibson, Chairman

ATTEST:



Mary James, Secretary / Treasurer

RESOLUTION NO. _____

**A RESOLUTION APPROVING A 6th AMENDMENT TO A
SANITATION SERVICE CONTRACT WITH SUNRAY
SERVICES, INC. (now WASTE MANAGEMENT OF
ARKANSAS, INC.), AND AUTHORIZING THE MAYOR TO
EXECUTE THE AMENDMENT ON BEHALF OF THE
CITY.**

WHEREAS, on December 12, 1995, the City Council of the City of Springdale, Arkansas, passed Ordinance No. 2442 authorizing a sanitation service contract with Sunray Services, Inc., for the provision of collection, recycling, composting, transfer, and disposal of solid waste ("the Contract");

WHEREAS, the Contract was amended by Resolution No. 54-07 on March 13, 2007, by Ordinance No. 4395 on February 9, 2010, by Ordinance No. 4813 on August 26, 2014, by Ordinance No. 4916 on May 26, 2015, and by Ordinance No. 5252 on February 13, 2018;

WHEREAS, the City Council desires to ensure that citizens of the City of Springdale, Arkansas, continue to have the proper collection, composting, transfer, and disposal of yard waste at a reasonable and fair price;

WHEREAS, the City of Springdale, Arkansas, wishes to amend the Contract to provide that the residential yard waste (green bags) program will be replaced with a residential yard waste (stickers) program;

WHEREAS, this 6th amendment to the sanitation service contract does not extend the 2023 expiration date of the present contract; and,

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

Section 1: The Mayor is hereby authorized to execute the attached 6th amendment to the sanitation service contract with Waste Management of Arkansas, Inc., subject to the terms and conditions contained in said amended agreement.

Section 2: All other terms and conditions set out in the Contract, as amended by Resolution No. 54-07, by Ordinance No. 4395, by Ordinance No. 4813, by Ordinance No. 4916, and by Ordinance No. 5252, not affected by the attached "Sixth Amendment to Sanitation Service Contract", all of which are incorporated herein by reference, shall continue during the term of the Contract.

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

SIXTH AMENDMENT TO SANITATION SERVICE CONTRACT

This Sixth Amendment to Sanitation Service Contract (hereafter "Amendment") is entered into and takes effect on this ____ day of _____, 2021, by and between the City of Springdale, Arkansas (the "City") and Waste Management of Arkansas, Inc. (the "Contractor").

RECITALS

WHEREAS, pursuant to Ordinance No. 2442 and Ordinance No. 2811, the City is a party to a Sanitation Services Contract dated December 12, 1995 with Sunray Services, Inc. for the purposes of collection, recycling, transfer and disposal of primarily residential solid waste for the City, as amended by Resolution dated March 13, 2007, and by Ordinances dated February 9, 2010, August 26, 2014, May 26, 2015, and February 13, 2018 (the "Contract");

WHEREAS, as a matter of Arkansas law due to a statutory merger in 1998, Waste Management of Arkansas, Inc., the Contractor, is the successor-in-interest to Sunray Services, Inc.;

WHEREAS, the parties hereto are interested in replacing the Yard Waste Bags (Green Bags) with Yard Waste Stickers, making the collection of residential yard waste more affordable to the citizens of the City of Springdale;

NOW, THEREFORE, in consideration of the above Recitals and Terms and Conditions below, all of which constitute good and valuable consideration, the said Contract is amended as follows:

TERMS AND CONDITIONS

1. The City and Contractor agree to restate the terms of Paragraph 3(b) of the Contract, as it specifically pertains to Yard Waste Bags, as follows:

Contractor will provide Yard Waste Stickers for all citizens as part of the residential curbside yard waste collection program. Citizens wishing to utilize this program will be required to purchase a minimum of five (5) Yard Waste Stickers at a price of \$0.95 per Yard Waste Sticker with no sales tax required. Customers will be allowed to utilize Yard Waste Bags (Green Bags) until such time as the inventory has been depleted.

2. Nothing herein shall be deemed to amend or modify the Contract or the prior Amendments as provided by Resolution dated March 13, 2007, and by Ordinances dated February 9, 2010, August 26, 2014, May 26, 2015, and February 13, 2018, except as expressly set forth herein. In the event of a conflict between the terms of the Contract and this Amendment, the terms of this Amendment shall control.

IN WITNESS WHEREOF, this Amendment has been executed as of the date first set forth above.

CITY:

CIT OF SPRINGDALE, ARKANSAS

CONTRACTOR:

WASTE MANAGEMENT OF ARKANSAS, INC.

By: _____

Its: _____

Date: _____

By: _____

Its: _____

Date: _____

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF SPRINGDALE TO PROVIDE MATCHING
FUNDS AND ACCEPT FEDERAL AID FROM THE LAND
AND WATER CONSERVATION FUND (LWCF) STATE
AND LOCAL ASSISTANCE PROGRAM AND OUTDOOR
RECREATION LEGACY PARTNERSHIP (ORLP)
PROGRAM FOR LUTHER GEORGE PARK**

WHEREAS, The City of Springdale, Arkansas seeks to improve the recreation facilities at Luther George Park in downtown Springdale and wishes to seek grant funding assistance;

WHEREAS, in order to obtain the funds necessary to develop and/or improve Luther George Park, it is necessary to obtain a grant from the Land and Water Conservation Fund (LWCF) State and Local Assistance Program and Outdoor Recreation Legacy Partnership from the National Parks Services;

WHEREAS, the plans for the improvements to Luther George Park have been prepared and the estimated price therefore has been established;

WHEREAS, the Springdale City Council is well aware and apprised of the above-mentioned project, and will provide the local portion of the development cost of the entire project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS THAT the Mayor is hereby authorized to make application to the Arkansas Department of Parks, Heritage and Tourism for assistance to develop Luther George Park.

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney



2009



2009

Greenway connection announced through Springdale



2011

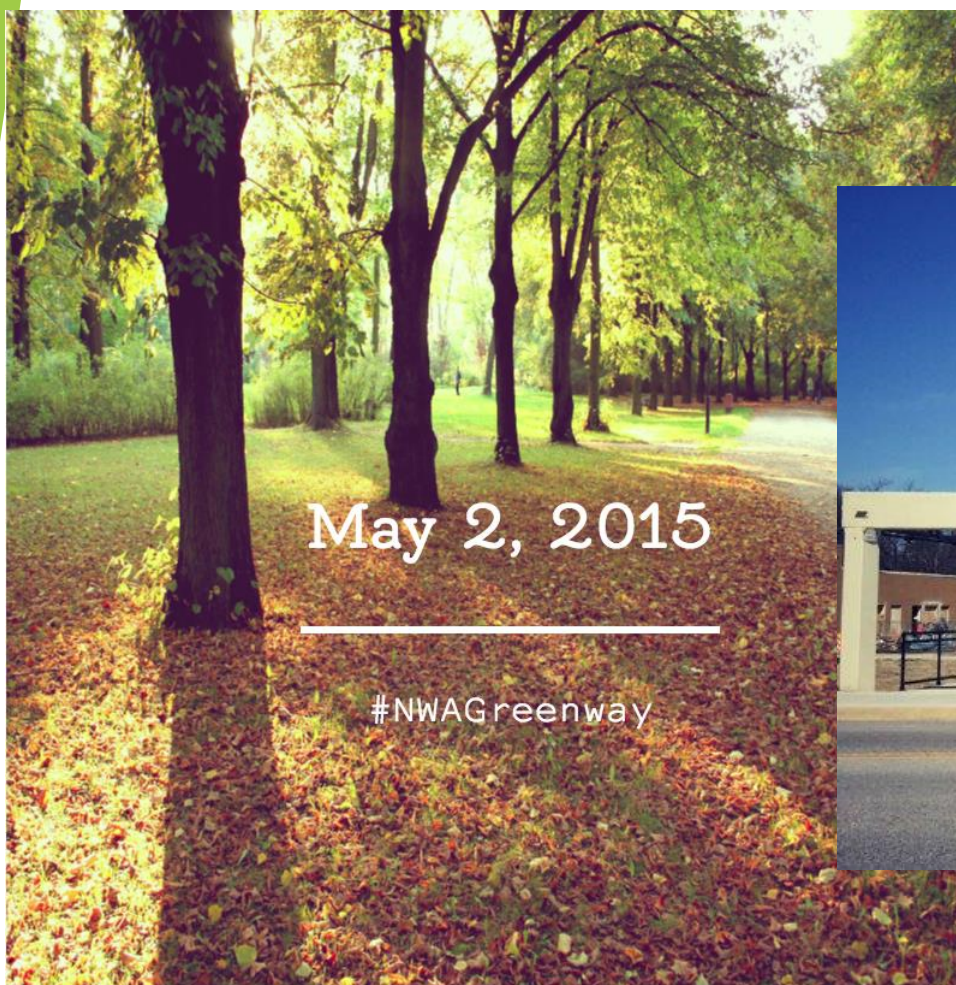
The Mayor created a Downtown task force

BUSINESS MATTERS

Interest in downtown development proves
Springdale's not that bad

by Chris Bahn | July 27, 2014 at 2:19 a.m.





Greenway Grand Opening

www.nwatrails.org



@NWAGreenway



Northwest Arkansas Trails



Join us in downtown
Springdale to celebrate the
completion of the
Razorback Regional
Greenway!

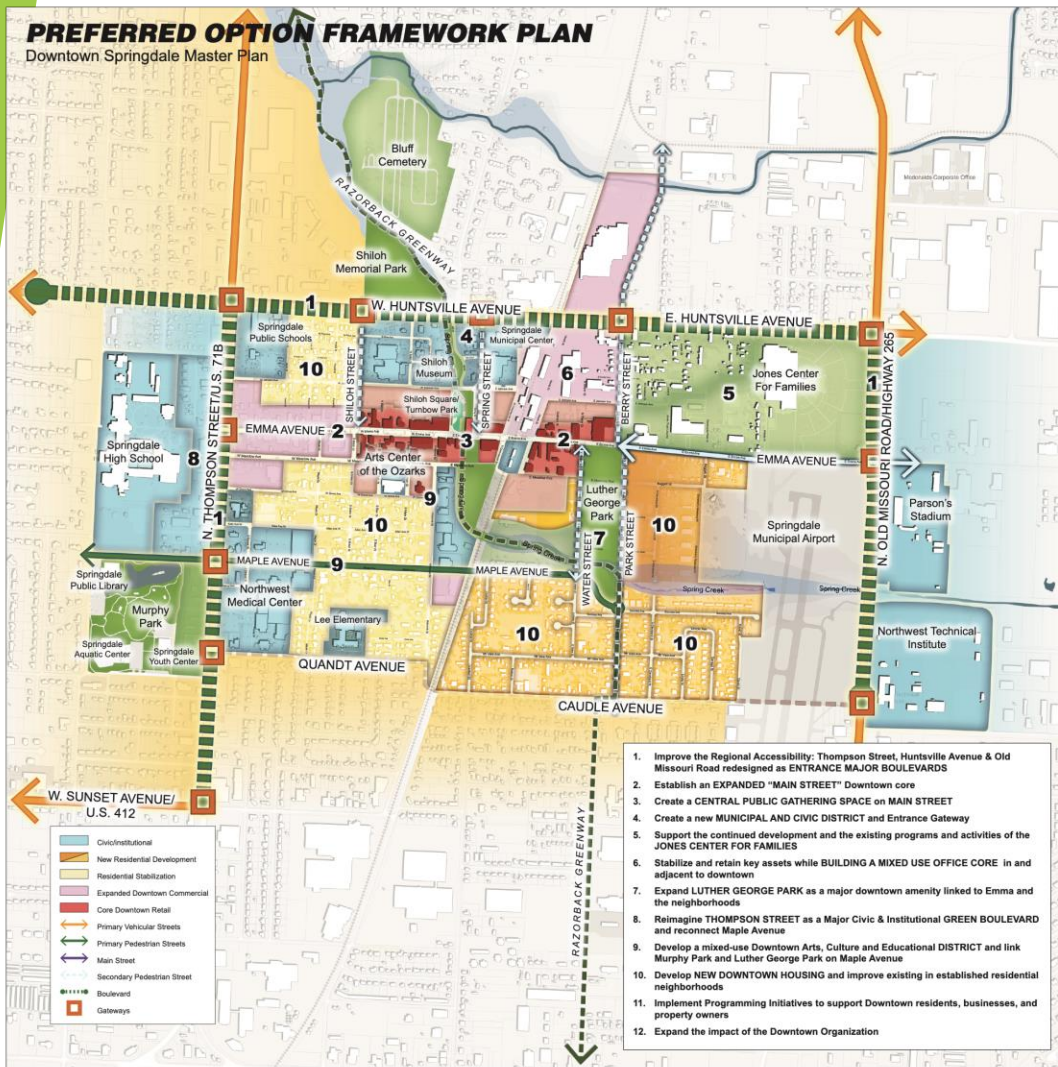
2015 Greenway Grand Opening



Tyson

2015

Tyson gives 1 million to Downtown Springdale Alliance



2015

The Downtown Master Plan is Created

Private Investments began 2016





2017

Walter Turnbow Park Opens



2017

**Tyson reinvests, rebuilds, and brings employees
back Downtown**

WALTON FAMILY
FOUNDATION



2017

Façade Grants Received

Construction Begins





101 S. Shiloh Street





Coming Soon Bridal Shop





Cellar Door



Cellar Door



Della Deville's Vintage Boutique





Earthplan Design











Farmer's Insurance



Farmer's Insurance



809 East Emma



809 East Emma









Teen Action Support Center



Teen Action Support Center

The Avenue



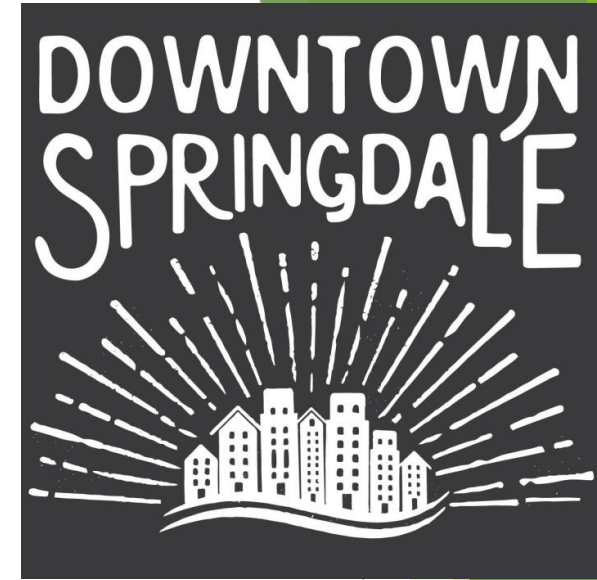
The Avenue



Numerous other property improvements followed the Façade Grants



160,000 in Façade Grants
16 Properties
16 Façade Improvements
1.9 million in building permits
Momentum for millions more in development



WALTON FAMILY
FOUNDATION



What is Happening Now?



2021

Opportunity Zone Projects



Maple Market now Open



Maple Market now Open



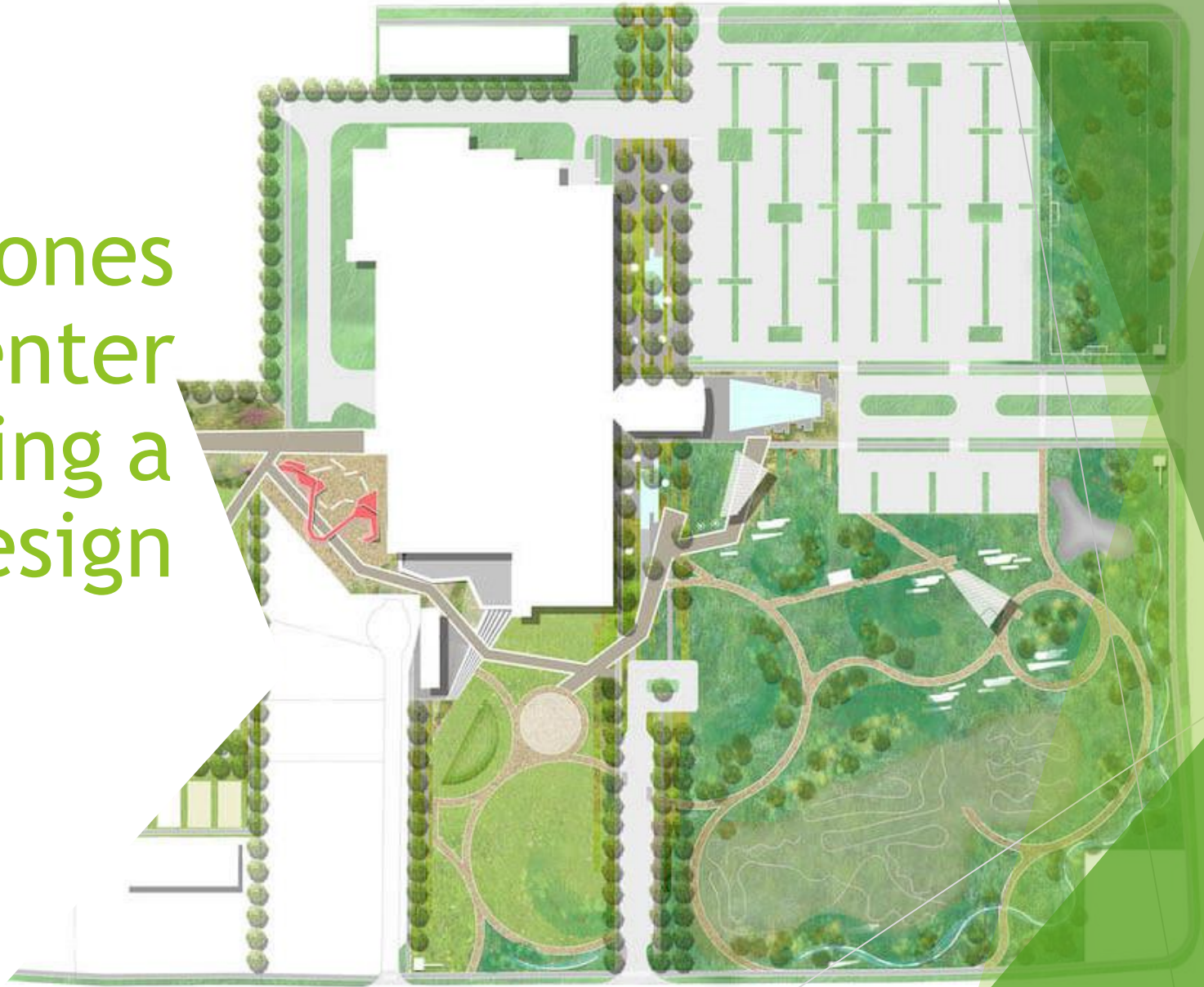
Famous Hardware Art Installations



Factory Obscura Coming August 13

Househardware
presented by the Tyson F

The Jones Center undergoing a redesign

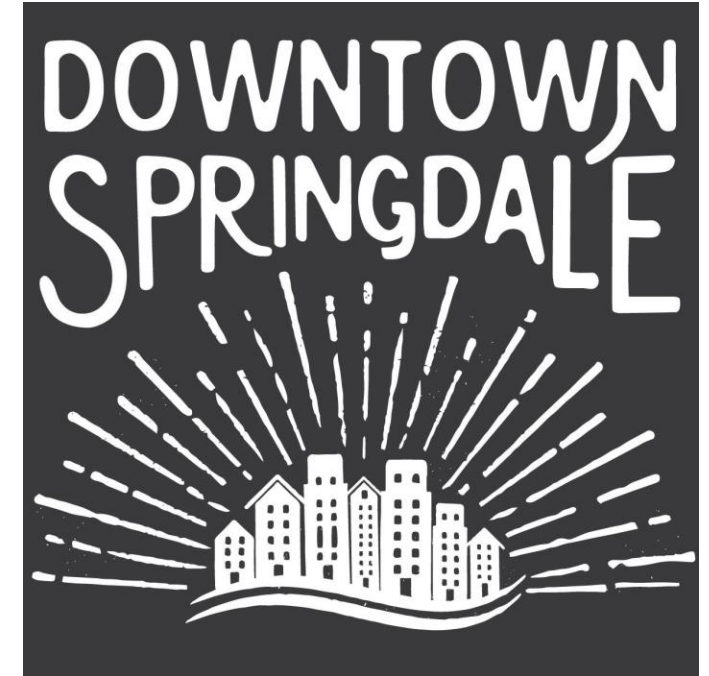


Greenway Realignment



Looking North from Meadow to Emma





Murals 2021





By Octavio
Logo





By Mary Beth Breshears





► By Erin Ashcraft





Turning the Corner by Jason Jones



Roxy Erickson



Hand in Hand by Nick Hammonds



By Carol Counce

Outdoor Dining District





Street Dinner 2021



First female awarded
CMA Musician of the
Year 2019 & 2020
Springdale native
Jenee Fleenor



Hometown Celebration was great!

- ▶ Big Thanks to the City of Springdale
- ▶ CACHE
- ▶ Springdale Parks
- ▶ Tyson Family Foundation
- ▶ Chamber
- ▶ Apollo
- ▶ Springdale School District

Natural State Criterium Series Springdale

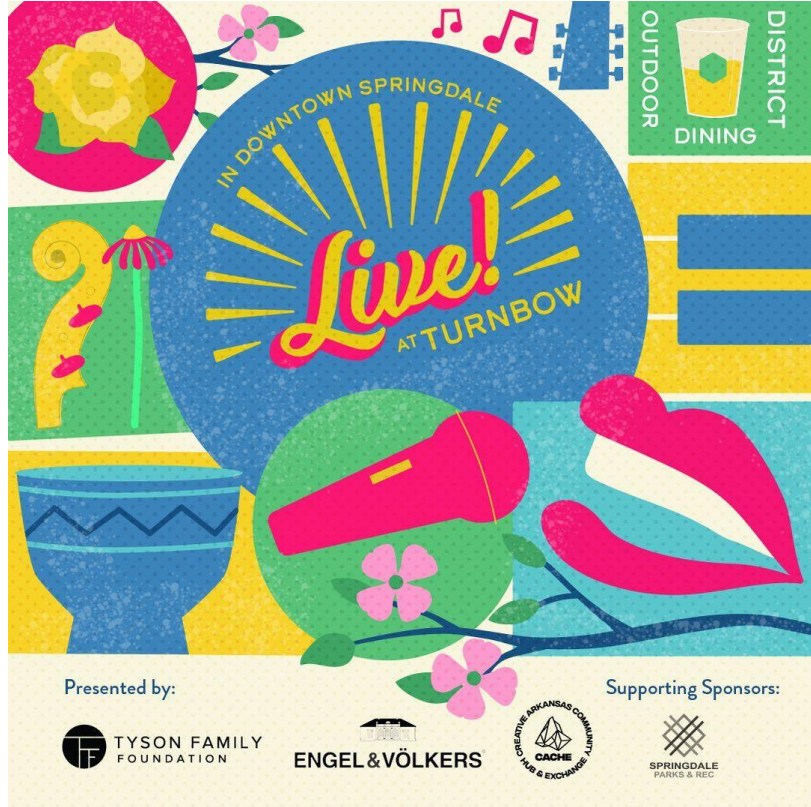
- Presenting Sponsor Tyson Foods
- Aug 11 & 18



Stroll the Atolls



- Presenting Sponsor Tyson Foods
- Aug 11 & 18



Live @Turnbow

- ▶ Last Thursday in August
- ▶ Last Thursday in September
- ▶ Every Thursday in October

Ozarktober

- ▶ Fall Bon Fire at Parson's Stadium
- ▶ Brews n Tunes
- ▶ Downtown Halloween Festival
- ▶ ART/Music
- ▶ Live @ Turnbow





Christmas on the Creek

- ▶ Cycling Santas
- ▶ Downtown Shopping
- ▶ Caroling
- ▶ Hot Cocoa Crawl
- ▶ ART
- ▶ Live Music
- ▶ Tree Lighting Ceremony
- ▶ Parade of Trees

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF SPRINGDALE TO PROVIDE MATCHING
FUNDS AND ACCEPT FUNDS FROM THE OUTDOOR
RECREATION MATCHING GRANT FROM THE
ARKANSAS DEPARTMENT OF PARKS, HERITAGE AND
TOURISM FOR THE SPRINGDALE GREENWAY
MARKET PROJECT**

WHEREAS, the City of Springdale, Arkansas seeks to improve recreation facilities and wishes to seek grant funding assistance related to the same;

WHEREAS, in order to obtain the funds necessary to develop and/or improve the development of the Springdale Greenway Market recreation facility, it is necessary to obtain an Outdoor Recreation Matching Grant from the Arkansas Department of Parks, Heritage and Tourism;

WHEREAS, the plans for the Springdale Greenway Market have been prepared and the price therefore has been established;

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.

WHEREAS, the Springdale City Council is well aware and apprised of the above-mentioned project, and will provide the local portion of the development cost of the entire project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS THAT the Mayor is hereby authorized to make application to the Arkansas Department of Parks, Heritage and Tourism for assistance for the Springdale Greenway Market Project.

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION
OF A PURCHASE CONTRACT
FOR FIRE DEPARTMENT CUSTOM PUMPER**

WHEREAS, the 2021 budget included funds for the purchase of a pumper engine, and

WHEREAS, the engine is being purchased through the H-GAC Cooperative Purchasing Program and competitive bidding is not required, and

WHEREAS, the purchase contract includes a prepay discount of \$22,688 (3.5% of purchase price), and

WHEREAS, delivery time is estimated to be 13.5 months.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute the necessary contract for the purchase of a pumper engine and related equipment from EVS Apparatus for \$629,900.00 inclusive of the prepay discount that is also approved.

PASSED AND APPROVED this 10th day of August, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

PROPOSAL FOR FURNISHING FIRE APPARATUS

July 29, 2021

City of Springdale, AR Fire Department

The undersigned is prepared to manufacture for you, upon an order being placed by you, for final acceptance by Emergency Vehicle Specialists, at its home office in Memphis, Tennessee, the apparatus and equipment herein named and for the following prices:

1 Pierce PUC Enforcer Custom Pumper With 750 Gallons of Water	\$ 635,658.00
100% Performance Bond	1,595.00
Prepay Discount if check is with contract	(22,688.00)
Hose included per proposal dated 7-29-21	15,335.00
Total due with contract	Total \$ 629,900.00

Said apparatus and equipment are to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war, or intentional conflict, failures to obtain chassis, materials, or other causes beyond our control not preventing, within about 13.5 months after receipt of this order and the acceptance thereof at our office at Memphis, Tennessee, and to be delivered to you at Springdale AR Fire Department.

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are interlined prior to the acceptance by the company of the order to purchase, and provided such alterations do not materially affect the cost of the construction of the apparatus.

The proposal for fire apparatus conforms with all Federal Department of Transportation (DOT) rules and regulations in effect at the time of bid, and with all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus as published at the time of bid, except as modified by customer specifications. Any increased costs incurred by first party because of future changes in or additions to said DOT or NFPA standards will be passed along to the customers as an addition to the price set forth above.

Unless accepted within 20 days from date, the right is reserved to withdraw this proposition.

Emergency Vehicle Specialists, Inc.

By:


AUTHORIZED SALES REPRESENTATIVE
Scott Jones



ORDINANCE NO. _____

**AN ORDINANCE AMENDING ARTICLE 2, SECTION 10
OF THE ZONING ORDINANCE OF THE CITY OF
SPRINGDALE, ARKANSAS, DECLARING AN
EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, Article 2, Section 10 of the Zoning Ordinance of the City of Springdale, Arkansas, contains the regulations and procedures associated with variance procedures through the Board of Zoning Adjustment;

WHEREAS, Article 2, Section 10 of the Zoning Ordinance of the City of Springdale, Arkansas, is in need of revision to implement the provisions of Act 930 of 2021, which amended Ark. Code Ann. §14-56-416, to allow decisions of the Board of Zoning Adjustment to be appealed to the Springdale City Council;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, that Article 2, Section 10 of the Zoning Ordinance of the City of Springdale, Arkansas, be amended;

WHEREAS, a public hearing was held before the Springdale Planning Commission on August 3, 2021, after notice was given of said hearing as required by law.

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

Section 1: Article 2, Section 10(e) and (f) of the Zoning Ordinance of the City of Springdale, Arkansas, are hereby amended to read as follows:

- e. *Appeals by petition to the city council.* Any persons or person, or any board, taxpayer, department, or board of the city aggrieved by any decision of the board of adjustment may seek a review by a court of record of such decision, in the manner provided by the laws of the state of the decision by appealing to the city council, provided that the petitioner states specifically in writing to the city clerk why the petitioner considers the board of zoning adjustment's findings and decisions to be in error. Such appeal shall be filed with the city clerk within fifteen (15) days from the date of the board of zoning adjustment's action along with an affidavit stating that adjacent property owners have been notified of the appeal to the city council. The appeal will be placed on the city council agenda no later than the second meeting following the filing of the appeal. The petitioner shall be present at the meeting for the matter to be considered. If the petitioner is unable to attend, written authorization from the petitioner authorizing representation must be presented to the council for the matter to be considered. The city council may overturn the board of zoning adjustment's decision only by majority vote of all the members. No variance request which was denied shall be resubmitted within twelve (12) months from the date of final disapproval unless there is evidence submitted to the planning commission which justifies reconsideration.
- f. *Duties of planning and community development director, board of adjustment, city council and courts on matters on appeal.* It is the intent of this chapter that all questions of interpretation and enforcement shall be first present to the planning and community development director, and that such questions shall be presented to the board only on appeal from the decision of the planning and community development director,

and that recourse from the decision of the board shall be to the city council as provided herein. ~~courts as provided by state law. It is further the intent of this chapter that the duties of the city council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. This procedure of deciding such question shall be as stated in this article and this chapter.~~

Section 2: All other provisions of Article 2, Section 10 of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

Section 3: Emergency Clause. 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.

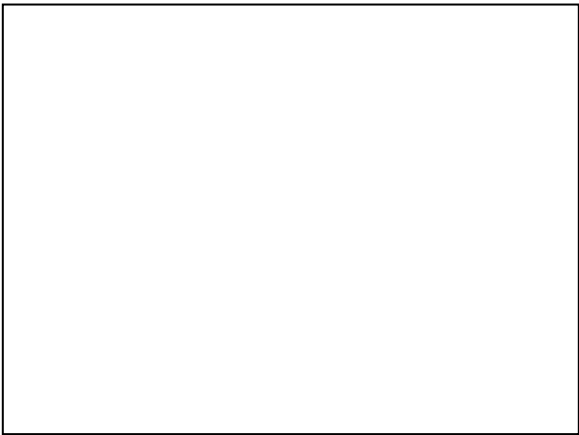
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest 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 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 July 6, 2021 for hearing the matter of a petition of Hy-Crest Holdings, LLC, Chad Munroe, requesting that the following described tract of real estate to be zoned from General Commercial District (C-2) to Thoroughfare Commercial District (C-5).

Layman's Description: 105 East Robinson Avenue

Legal Description: A PART OF THE WEST HALF OF NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHWEST CORNER OF SAID TWENTY ACRE TRACT AND RUNNING THENCE S02°41'42"W 219.84', THENCE S87°40'48"E 256.67' TO THE POINT OF BEGINNING, THENCE N02°41'42"E 175.26', THENCE S87°40'45"E 103.00', THENCE S02°41'42"W 175.26', THENCE N87°40'48"W 103.00' TO THE POINT OF BEGINNING. CONTAINING 0.41 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 General Commercial District (C-2) 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 General Commercial District (C-2) 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 _____, 2021

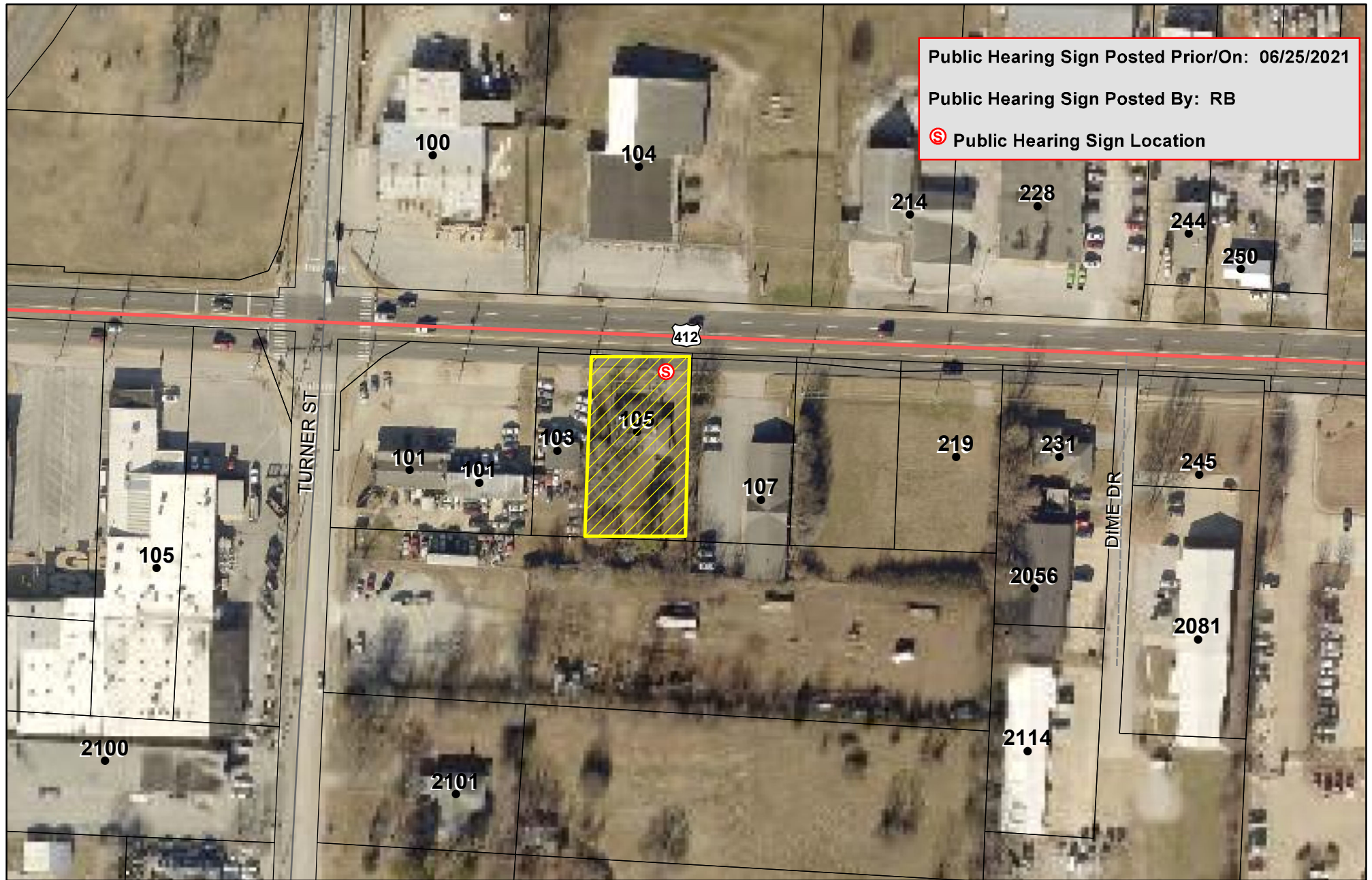
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



0 25 50 100 150 200
Feet
For Location Reference Only

FILE NO. R21-40
APPLICANT: Hy-Crest Holdings, LLC
REQUEST: Rezoning from General Commercial (C-2)
to Thoroughfare Commercial (C-5)

PLANNING COMMISSION MEETING
July 6, 2021

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
HY-CREST HOLDINGS, LLC AT 105 E. ROBINSON
AVENUE AS SET FORTH IN ORDINANCE NO. 4030**

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

WHEREAS, the Planning Commission held a public hearing on July 6, 2021, on a request by Hy-Crest Holdings, LLC for a Use Unit 25 (Limited Manufacturing) in a Thoroughfare Commercial District (C-5)

WHEREAS, following the public hearing the Planning Commission by a vote of six (6) yes and zero (0) no's recommends that a Conditional Use be granted to Hy-Crest Holdings, LLC with the following conditions: subject to receiving proper permits from the Alcohol, Tobacco and Firearms agency.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Hy-Crest Holdings, LLC with the following conditions: subject to receiving proper permits from the Alcohol, Tobacco and Firearms agency.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

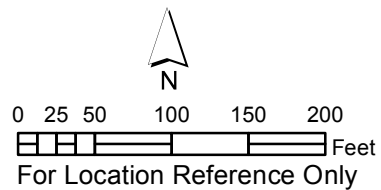
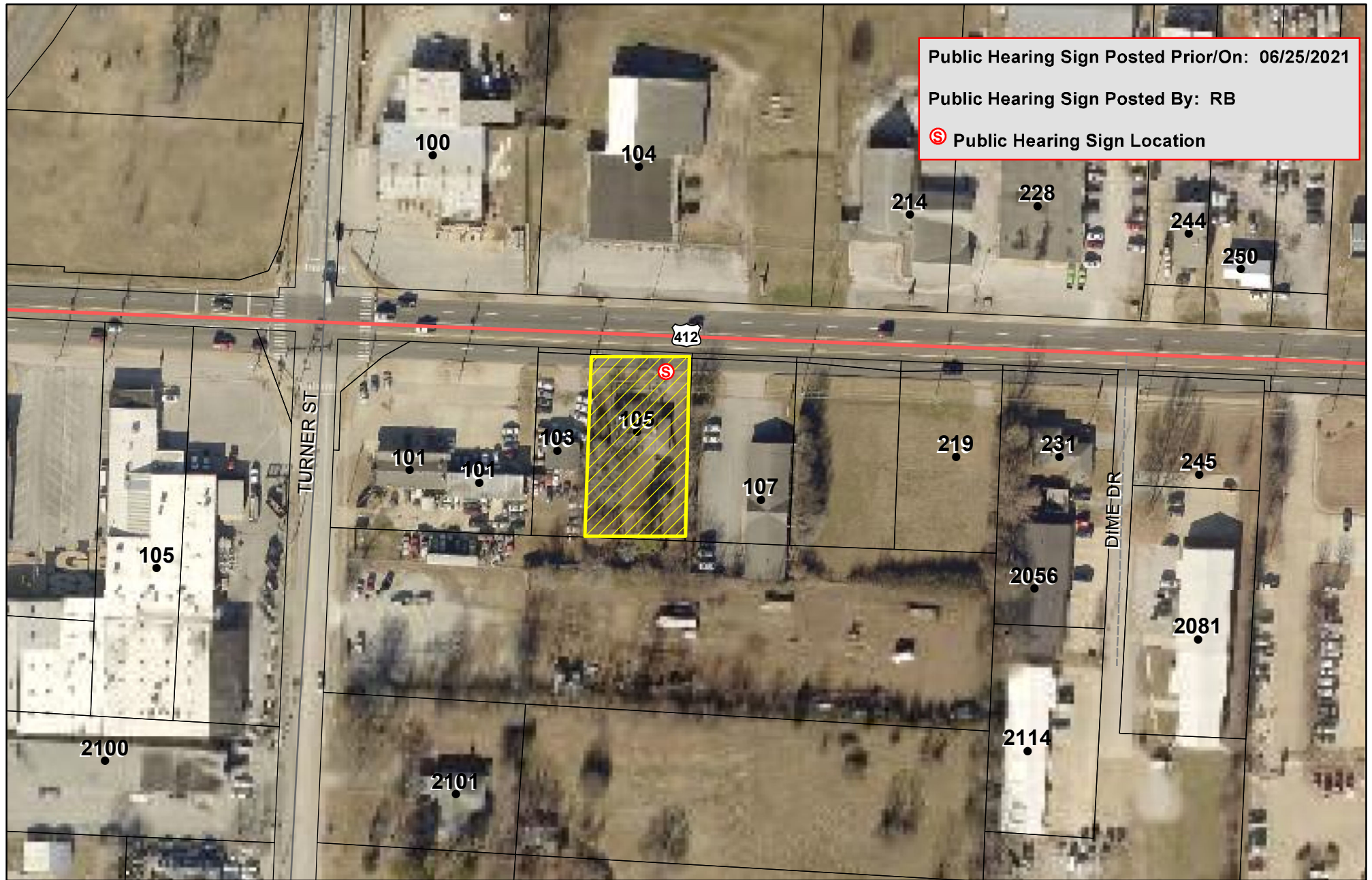
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



FILE NO. C21-17
APPLICANT: Hy-Crest Holdings, LLC
REQUEST: Conditional Use - Use Unit 25
(Limited Manufacturing) in a C-5 District

PLANNING COMMISSION MEETING
July 6, 2021

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED WITHIN THE CITY OF SPRINGDALE, ARKANSAS AND DECLARING AN EMERGENCY

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

PROPERTY OWNER:	Dorothy Laird
LEGAL DESCRIPTION:	Beginning at the Southwest Corner of the North Half (N1/2) of the South Half (S1/2) of the Northwest Quarter (N1/4) of the Southeast Quarter (S1/4) of Section One (1) in Township Seventeen (17) North; Range 30 west For a beginning corner and running thence North 63 feet; thence East 174 fee; thence South 63 feet; then West 174 feet to the beginning.
LAYMAN'S DESCRIPTION:	1205 Crutcher
PARCEL NO.:	815-28757-000

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

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

\$ clean-up costs \$1,191.14 and administrative costs \$29.10 – 1205 Crutcher (815-28757-000)

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

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

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

\$1,220.24, plus 10% for collection – 1205 Crutcher (Parcel No.815-28757-000)

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

PASSED AND APPROVED this ____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

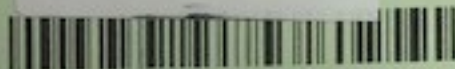
Ernest B. Cate, CITY ATTORNEY

SENDER: COMPLETE THIS SECTION

- Complete items 4, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dorothy Laird
1205 Crutcher Street
Springdale, AR 72764



9590 9402 4536 8278 7656 27

2. Article Number (Transfer from service label)

7019 2970 0000 7257 3922

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *JSV-03*☐ Agent☐ Addressee

B. Received by (Printed Name)

C-19

C. Date of Delivery

7-9

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Mail

Mail Restricted Delivery

00

Ernest B. Cate
City Attorney
ecate@springdalear.gov

Taylor Samples
Senior Deputy City Attorney
tsamples@springdalear.gov

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

Ryan Renauro
Deputy City Attorney
renauro@springdalear.gov



SPRINGDALE™
WE'RE MAKING IT HAPPEN

OFFICE OF CITY ATTORNEY

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

Glenn Gonzalez
Case Coordinator/Neighborhood Advocate
ggonzalez@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Lynda Belvedere
Administrative Legal Assistant
lbelvedere@springdalear.gov

Jacque Roth
File/Discovery Clerk
jroth@springdalear.gov

July 6, 2021

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

Dorothy Laird 3922
1205 Crutcher
Springdale, AR 72764

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Federal National Mortgage Association 3930
14225 Dallas Parkway, Suite 1000
Dallas, TX 75524-2916

Mortgage Electronic Registration Systems, Inc.
C/O The Corporation Company, Registered Agent
124 W. Capitol, Suite 1400
Little Rock, AR 72201

RE: Notice of clean-up lien on property located at 1205 Crutcher, Springdale,
Washington County, Arkansas, Tax Parcel No. 815-28757-000

Dear Property Owner/Lienholder:

On March 15, and March 31, 2021, notice was posted on property located at 1205 Crutcher, Springdale, Arkansas that the property was in violation of Springdale City Ordinance 42-77 and 42-78, and needed to be remedied within seven (7) days. On March 15, 2021, notice was mailed to you that the City intended to seek a clean-up lien on this property, pursuant to Ark. Code Ann. §14-54-903, if the violations were not remedied. This notice also stated it applied to any violations which may be found to exist on this property for the next 12 months. The owner received this notice on May 26, 2020.

No action was taken by you to clean up the property within seven (7) business days. As a result, the City of Springdale took action to remedy the violations on the property, as is allowed by Ark. Code Ann. §14-54-903, on or about April 2, 2021. Notice of clean up was mailed to you on April 2, 21, 2021 in the amount of \$587.75.

In the interim, the City of Springdale had to clean this property again on May 2, 2021. The City expended the sum of \$603.39 to clean this property. I have enclosed copies of both invoices evidencing this cost. Also, in accordance with Ark. Code Ann. §14-54-903(c)(4), administrative fees may be added to the total costs incurred by the City of Springdale, which will include certified mailing fee in the amount of \$7.05 per letter and a filing fee in the amount of \$15.00 to the Washington County Circuit Court.

This is to notify you that in the event this total amount of \$1,205.24 is not paid to the City of Springdale on or before August 10, 2021, a hearing will be held before the Springdale City Council pursuant to Ark. Code Ann. §14-54-903 to determine the amount of the clean-up lien to which the City is entitled for cleaning up the property. The hearing will be held Tuesday, August 10, 2021, at 6:00 p.m. in the City Council Chambers at the City Administration Building, 201 Spring Street, Springdale, Arkansas. You will be entitled to present evidence at this hearing concerning the amount of the lien the City of Springdale is claiming.

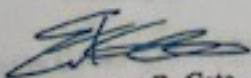
If you desire not to contest this amount, and desire not to have a hearing on the matter, please remit the total sum of \$1,205.24 which includes \$1,191.14 for cleaning up the property and \$14.10 for certified mailings to the City of Springdale by the date listed above. If you fail to pay this amount before the hearing, then an additional \$15.00 will be added for costs of filing the ordinance with the Circuit Clerk's Office. Payment may be made directly to the City Clerk's Office or to the City Attorney's Office. If payment is made to the City Clerk's Office, please provide me with a copy of any payment you make so that I will be aware of it.

If you desire to contest the amount sought above, you will need to contact Neighborhood Services Division at (479) 756-7712 for an appointment.

This letter is also being mailed by regular mail to Dorothy Laird at the address above. Delivery of that letter by the U.S. Postal Service shall warrant service should the certified letter be returned.

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

Sincerely,



Ernest B. Cate
Springdale City Attorney

Enclosure
EC:lb

The City Council of the City of Springdale met in regular session on Tuesday, July 27, 2021, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
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 Fougrousse	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Jim Vaughan	Assistant Fire Chief
Mike Peters	Police Chief
Wyman Morgan	Director of Financial Services
Patsy Christie	Planning & Comm. Dev. Director
Brad Baldwin	Public Works & Eng. Director
Ron Findley	Community Engagement Director
Mike Chamlee	Chief Building Official

CITIZEN COMMENTS

A couple of citizens were present to discuss the process of notifying adjacent property owners for rezonings/preliminary plats.

REPORT ON ECONOMIC DEVELOPMENT

Scott Edmondson, Director of Business Development with the Springdale Chamber of Commerce, gave a 2nd Quarter 2021 report on economic development in the City of Springdale. (Report on file in City Clerk's Office)

APPROVAL OF MINUTES

Council Member Overton moved the minutes of the July 13, 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: Overton, Lawson, Flores, Harriman, Fougrousse, Powell, Williams, Watson

No: None

RESOLUTION NO. 89-21 – MAKING APPOINTMENTS AND A REAPPOINTMENT TO THE PUBLIC VEHICLE COMMISSION OF THE CITY OF SPRINGDALE

Mayor Doug Sprouse presented a Resolution making appointments and a reappointment to the Public Vehicle Commission of the City of Springdale.

RESOLUTION NO. ____

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

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

WHEREAS, the Mayor has recommended the appointments of Mark Fougrousse and Kevin Flores to this Commission, and the reappointment of Amelia Williams to this Commission, and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that Mark Fougrousse and Kevin Flores are hereby appointed to the Public Vehicle Commission, and that Amelia Williams is hereby reappointed to the Public Vehicle Commission, with their terms set to expire on December 31, 2021.

PASSED AND APPROVED this ____ day of July, 2021.

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

No: None

The Resolution was numbered 89-21.

ORDINANCE NO. 5623 – AUTHORIZING A STEWARDSHIP FEE PAYMENT TO THE NORTHWEST ARKANSAS LAND TRUST IN CONNECTION WITH THE GRANT OF A CONSERVATION EASEMENT ON PROPERTY OWNED BY THE CITY OF SPRINGDALE, TO WIAVE COMPETITIVE BIDDING AND DECLARING AN EMERGENCY

Council Member Jeff Watson presented an Ordinance authorizing a stewardship fee payment in the amount of \$25,600.00 to the Northwest Arkansas Land Trust in

connection with the grant of a conservation easement on property owned by the City of Springdale; to waive competitive bidding and declaring an emergency. This land is near JB Hunt Park and has Rabbit Foot Lodge on it.

On June 22, 2021, the City Council passed Resolution No. 80-21, which authorized the Mayor and City Clerk to execute a Grant of Conservation Easement and Declaration of Covenants document granting a conservation easement, pursuant to the Arkansas Conservation Easement Act (Ark. Code Ann. §15-20-401, *et seq.*), to the Northwest Arkansas Land Trust on property owned by the City of Springdale known as Parcel No. 815-29767-200 and Parcel No. 815-29767-211, Washington County, Arkansas; and Parcel No. 21-00172-010 Benton County, Arkansas.

The Conservation Easement is necessary in preserving and maintaining the aforementioned Property consistent with the intents and purposes of the Arkansas Conservation Easement Act. The balance of the one-time stewardship fee associated with the creation, research, development, filing, and implementation of the Grant of Conservation Easement and Declaration of Covenants document is \$25,600.00.

Because the Northwest Arkansas Land Trust is actively involved in promoting, preserving, and enhancing the Property pursuant to the Arkansas Conservation Easement Act, they are in a unique position to provide these services to the City of Springdale, and therefore, the requirement of competitive bidding should be waived as it is not deemed feasible or practical in this case.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5623.

RESOLUTION NO. 90-21 – AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN GARY CAWOOD AND DORIS CAWOOD ARE DEFENDANTS

City Attorney Ernest Cate presented a Resolution authorizing the City Attorney to settle a condemnation lawsuit wherein Gary Cawood and Doris Cawood are defendants.

The City of Springdale filed a lawsuit against Gary Cawood and Doris Cawood to condemn easements across property owned by the Cawoods for the 40th Street Extension (Falcon Road to Spring Creek Bridge, Project 18BPS4, Tract 5 and Tract 42). \$16,100.00 was deposited into the Registry of the Court as estimated just compensation for the easements across the property.

The property owner has extended a counter-offer that the City pay the sum of \$23,600.00 to acquire the lands needed for the project, said amount being consistent with compensation paid for other easements for the Project. The City Attorney and the Mayor's

Office recommend that the City Council approve the additional sum of \$7,500.00 to acquire the property needed from the Cawoods, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE A CONDEMNATION LAWSUIT WHEREIN GARY CAWOOD AND DORIS CAWOOD ARE DEFENDANTS.

WHEREAS, the City of Springdale has filed a lawsuit against Gary Cawood and Doris Cawood to condemn easements across property owned by the Cawoods for the 40th Street Extension (Falcon Road to Spring Creek Bridge, Project 18BPS4, Tract 5 and Tract 42);

WHEREAS, the City of Springdale deposited the sum of \$16,100.00 into the Registry of the Court as estimated just compensation for the easements across the property;

WHEREAS, the property owner has extended a counter-offer that the City pay the sum of \$23,600.00 to acquire the lands needed for the project, said amount being consistent with compensation paid for other easements for the Project;

WHEREAS, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$7,500.00 to acquire the property needed from the Cawoods, 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 Cawood condemnation lawsuit for the total sum of \$23,600.00, with the additional \$7,500.00 to be paid from the 2018 Street Bond Fund.

PASSED AND APPROVED this ____ day of July, 2021.

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 Lawson made the second.

The vote:

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

No: None

The Resolution was numbered 90-21.

RESOLUTION NO. 91-21 – AUTHORIZING PAYMENT OF AN INVOICE TO
MOTOROLA SOLUTIONS FOR THE INSTALLATION OF A NEW RADIO SYSTEM
FOR THE POLICE AND FIRE DEPARTMENTS

Council Member Brian Powell presented a Resolution authorizing payment of an invoice to Motorola Solutions for the installation of a new radio system for the Police and Fire Departments.

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING PAYMENT OF AN INVOICE

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

WHEREAS, the City of Springdale has contracted with Motorola Solutions to install a new radio system for the Police and Fire departments, and

WHEREAS, The City has received an invoice in the amount of \$1,248,186.91 per the contract, and

WHEREAS, \$835,005.75 will be paid from the CIP/General Fund Reserve and \$413,181.16 will be paid from the Fire Bond Construction.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to pay Motorola Solutions \$1,248,186.91

PASSED AND APPROVED this ____ day of July, 2021.

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 Lawson made the second.

The vote:

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

No: None

The Resolution was numbered 91-21.

ORDINANCE NO. 5624 – REZONING 3.019 ACRES OWNED BY CHAD REED
LOCATED AT 570 WEST COUNTY LINE ROAD, FROM MF-12 TO C-2; AND
DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 3.019 acres owned by Chad Reed located at 570 West County Line Road, from MF-12 to C-2; and declaring an emergency.

Planning Commission recommended approval at their April 6, 2021 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5624.

ORDINANCE NO. 5625 – AMENDING ORDINANCE NO. 5578, TO CORRECT A SCRIVENER'S ERROR REZONING 52.74 ACRES OWNED BY OLD MO EAST LLC, LOCATED AT 1609 OLD MISSOURI ROAD

Planning Director Patsy Christie presented an Ordinance amending Ordinance No. 5578, to correct a scrivener's error rezoning 52.74 acres owned by Old Mo East LLC located at 1609 Old Missouri Road, from I-1 to I-2; and declaring an emergency.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5625.

ORDINANCE NO. 5626 – REZONING .90 ACRES OWNED BY LIVING SAVIOR LUTHERAN CHURCH LOCATED AT 1600 BUTTERFIELD COACH ROAD, FROM A-1 TO P-1; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning .90 acres owned by Living Savior Lutheran Church located at 1600 Butterfield Coach Road, from A-1 to P-1; and declaring an emergency.

Planning Commission recommended approval at their July 6, 2021 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5626.

ORDINANCE NO. 5627 – REZONING 12.67 ACRES OWNED BY MOTAH, LLC, AND KRIS KEYTON LOCATED AT 5141 WATKINS AVENUE, FROM O-1 TO C-5; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 12.67 acres owned by Motah, LLC and Kris Keyton located at 5141 Watkins Avenue, from O-1 to C-5; and declaring an emergency.

Planning Commission recommended approval at their July 6, 2021 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5627.

ORDINANCE NO. 5628 – REZONING 4.9 ACRES OWNED BY CADENCE CROSSING LLC LOCATED NEAR THE INTERSECTION OF WEST GIBBS ROAD AND HAR-BER AVENUE, FROM PUD TO PLANNED UNIT DEVELOPMENT REVISED (PUD); AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an amendment to an Ordinance rezoning 4.9 acres owned by Cadence Crossing LLC located near the intersection of West Gibbs Road and Har-Ber Avenue; and declaring an emergency. This is an amendment to the PUD that was approved April 13, 2021. Since some changes were made, an amendment is required to the PUD Ordinance. The only revisions being made is the detention pond is going away and they will be tying into the storm water system to the subdivision to the south and some of the parking will be moved from the west side of the property closer to the east side of the property.

Planning Commission recommended approval at their July 6, 2021 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5628.

ORDINANCE NO. 5629 – REZONING LOT 6, FINAL PLAT OF HALL CROSSING, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF I-49 AND ELM SPRINGS ROAD, FROM C-5 TO C-2; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning Lot 6, Final Plat of Hall Crossing, located at the northwest corner of the intersection of I-49 and Elm Springs Road, from C-5 to C-2; and declaring an emergency.

Planning Commission recommended approval at their July 6, 2021 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5629.

ORDINANCE NO. 5630 – REZONING LOT 61, PARKER'S PLACE SUBDIVISION, PHASE II, LOCATED ON THE EAST SIDE OF GENE GEORGE BLVD, 400' SOUTH OF ELM SPRINGS ROAD, FROM SF-2 TO MF-12; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning Lot 61, Parker's Place Subdivision, Phase II, located on the east side of Gene George Blvd, 400' south of Elm Springs Road, from SF-2 to MF-12; and declaring an emergency.

Planning Commission recommended approval at their July 6, 2021 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5630.

ORDINANCE NO. 5631 – REZONING 4.30 ACRES OWNED BY THANG VAN NYUGEN AND XUAN THI HUYNH LOCATED ON THE WEST SIDE OF OAK GROVE ROAD, 400' SOUTH OF ELM SPRINGS ROAD, FROM C-2 TO MF-12; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 4.30 acres owned by Thang Van Nyugen and Zuan Thi Huynh located on the west side of Oak Grove Road, 400' south of Elm Springs Road, from C-2 to MF-12; and declaring an emergency.

Planning Commission recommended approval at their July 6, 2021 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5631.

ORDINANCE NO. 5632 – REZONING LOTS 4 AND 5 OF DIESEL DOWNS
ADDITION OWNED BY WOBBE LANE LLC LOCATED AT 4142 NORTH 45TH
STREET, FROM C-6 TO C-5; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning Lots 4 and 5 of Diesel Downs Addition owned by Wobbe Lane LLC located at 4142 North 45th Street, from C-6 to C-5; and declaring an emergency.

Planning Commission recommended approval at their July 6, 2021 meeting.

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

The vote:

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

No: None

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

The vote:

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

No: None

The Ordinance was numbered 5632.

ORDINANCE NO. 5633 – REZONING 18.90 ACRES OWNED BY PARSON'S
FAMILY TRUST LOCATED AT THE NORTH END OF THELMA STREET AND
NORTH PLEASANT STREET, EAST OF LARKSPUR STREET, FROM SF-2 TO SF-3
AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning 18.90 acres owned by Parson's Family Trust located at the north end of Thelma Street and North Pleasant Street, east of Larkspur Street, from SF-2 to SF-3; and declaring an emergency.

Planning Commission recommended approval at their July 6, 2021 meeting.

Adjacent property owners were present to speak against the rezoning and the procedures used for notifying adjacent property owners.

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

The vote:

Yes: Lawson, Flores, Harriman, Williams, Watson

No: Overton, Fougrousse, Powell

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

The vote:

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

No: None

The Ordinance was numbered 5633.

RESOLUTION NO. 92-21 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO J. TODD SETSER AND LAURA SETSER IN CONNECTION WITH 308 EAST LAKEVIEW DRIVE, A SINGLE FAMILY DWELLING

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to J. Todd Setser and Laura Setser in connection with 308 East Lakeview Drive, a single family dwelling.

Council Member Lawson moved the Resolution be adopted with Option 1. Council Member Overton made the second.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO J. TODD SETSER AND LAURA SETSER IN CONNECTION WITH 308 EAST LAKEVIEW DRIVE 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 308 East Lakeview Drive, a single family dwelling for J. Todd Setser and Laura Setser 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 308 East Lakeview Drive including drainage improvements related thereto, sidewalks in connection with 308 East Lakeview Drive, a single family dwelling for J. Todd Setser and Laura Setser.

PASSED AND APPROVED THIS ____ DAY OF JULY, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote:

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

No: None

The Resolution was numbered 92-21.

RESOLUTION NO. 93-21 – APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO WILL PETERS IN CONNECTION WITH PARCEL 21-00273-352

Planning Director Patsy Christie presented a Resolution approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Will Peters in connection with Parcel 21-00273-352. The property is located on the west side of Robbins Road.

Council Member Lawson moved the Resolution be adopted with Option 1. Council Member Overton made the second.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO WILL PETERS IN CONNECTION WITH PARCEL 21-00273-352

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 Parcel 21-00273-352 for Will Peters 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 the west side of Robbins Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with Parcel 21-00273-352 for Will Peters.

PASSED AND APPROVED THIS ____ DAY OF JULY, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote:

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

No: Harriman

The Resolution was numbered 93-21.

RESOLUTION NO. 94-21 – AUTHORIZING PAYMENT OF AN INVOICE FOR
PROJECT NO. 18BPC1

Wyman Morgan presented a Resolution authorizing payment of an invoice to Milestone Construction for Project No. 18BPC1 Springdale Municipal Campus.

RESOLUTION NO. ____

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

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

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

WHEREAS, The City has received an invoice for \$1,362,986.41 for construction expenses for June 2021.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor and City Clerk are hereby authorized to pay Milestone Construction Company, LLC \$1,362,986.41 from the 2018 Bond Construction Fund.

PASSED AND APPROVED this ____ day of July, 2021.

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 Overton made the second.

The vote:

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

No: None

The Resolution was numbered 94-21.

RESOLUTION NO. 95-21 – GRANTING APROVAL FOR THE MAYOR'S ACTIONS
REGARDING A GRANT FROM THE FEDERAL AVIATION ADMINISTRATION

Wyman Morgan presented a Resolution granting approval for the Mayor's actions regarding a grant from the Federal Aviation Administration.

RESOLUTION NO. ____

**A RESOLUTION GRANTING APPROVAL FOR THE MAYOR'S
ACTIONS REGARDING A GRANT FROM THE FEDERAL
AVIATION ADMINISTRATION**

WHEREAS, the Springdale Municipal Airport Commission has determined there is a need to extend the east side taxiway to the north at an expected cost of \$3,000,000; and

WHEREAS, it is the intent of the City of Springdale to submit an application for 100% funding through the Federal Aviation Administration; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to sign a grant application through the Federal Aviation Administration, and if a grant offer is made, the Mayor is authorized to accept the grant and execute all documents related thereto.

PASSED AND APPROVED this ____day of July, 2021.

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 Lawson made the second.

The vote:

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

No: None

The Resolution was numbered 95-21.

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 7:30 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer