

- The next Committee Meeting is TBD. It will be 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 24th, 2021**

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
4. Recognition of a Quorum.
5. Comments from Citizens
The Council will hear brief comments from citizens present at the meeting during this period on issues not on the Agenda. No action will be taken tonight. All comments will be taken under advisement.
6. Approval of Minutes – August 10th, 2021: **Minutes located at the back of Agenda. Pgs. 40-50**
7. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item number(s) 9, 10A-10B, 12A-12B, and 13. Motion must be approved by two-thirds (2/3) of the council members.*
8. Brief Presentation on upcoming 9/11 Remembrance Event. Presented by Jannie Layne, President of Bo's Blessings. Information included in Agenda Packet. **Pgs. 4-5**

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

An Ordinance ordering the razing (demolition) and removal of a certain residential structure within the City of Springdale, Arkansas, located at 1205 Crutcher Street; to declare an emergency and for other purposes. Forwarded from Committee with recommendation for approval. Presented by Ernest Cate, City Attorney. Pgs. 6-15

10. Ordinance Committee by Chairman Mike Overton

A. **An Ordinance** amending Chapter 78, Article II, of the Code of Ordinances of the City of Springdale, Arkansas; declaring an emergency; and for other purposes. Forwarded from Committee with recommendation for approval. Pgs. 16-17

B. **An Ordinance** amending Section 46-51 of the Code of Ordinances of the City of Springdale, Arkansas; declaring an emergency; and for other purposes. Forwarded from Committee with recommendation for approval. Pgs. 18-20

11. Airport Commission Recommendations presented by Wyman Morgan, Director of Administration & Finance

A Resolution waiving competitive bidding and authorizing the execution of a contract. Pg. 21

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

A. **An Ordinance** amending Ordinance NO. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning lands located at 316 and 324 N. West End Street from Neighborhood Commercial District (C-1) to Low/Medium Density Multi-Family Residential District (MF-4) and declaring an emergency. Pgs. 22-25

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 1790 East Highway 264 from Agricultural District (A-1) to General Commercial District (C-2) and declaring an emergency. Pgs. 26-28

C. **A Resolution** approving a Conditional Use for Dandy Oil Company at 702 North Thompson as set forth in Ordinance No. 4030. Pgs. 29-30

D. **A Resolution** approving a Conditional Use for Nebillie, Inc. (The Peaks) at 1252 Cooper Drive as set forth in Ordinance No. 4030. Pgs. 31-32

E. **A Resolution** approving a Waiver of Street Improvements, Drainage, Curbs, Gutters and Sidewalks as set forth in Ordinance No. 3725 to Howard Anderson and Butterfield Coach Road to County Road 92 in connection with PP21-07, a preliminary plat for Whispering Springs. Pgs. 33-35

13. **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. Presented by Ernest Cate, City Attorney. Pgs. 36-39
14. Brief discussion regarding date for next Committee Meeting. Monday, September 6th is Labor Day and City offices will be closed.
15. Comments from Council Members.
16. Comments from City Attorney.
17. Comments from Mayor.
18. Adjournment.

1st Annual 9/11 Flag of Honor Across America Memorials

Saturday, September 11, 2021

The Arkansas Department of Veterans Affairs, EngageAR, Senator John Boozman's Congressional Office, Bo's Blessings and the City of Springdale are partnering to recognize September 11, 2021, the 20th Anniversary of that tragic day.

Washington County and Bo's Blessings were invited to participate, in the "100 Official Sites in America". Each state and tribe is considered part of the 100 Official Sites in America. Some states will have greater presence and participation than other. Springdale is just one of many cities across the United States that will be participating.

Bo's Blessings accepted the invitation to participate. We are working in partnership with Mayor Doug Sprouse and the Springdale Senior Center to host a memorial event for 9/11.

EngageAR is the State Service Commission overseeing AmeriCorps and federally charged with leading 9/11 Day of National Service and Remembrance. Global Youth Justice, Inc. is the National Partner and Federal Grantee leading 9/11 Day of Service Activities in America, and the Department of Veterans Affairs serves Arkansas Veterans, and their eligible dependents, through advocacy and education to access federal and state benefits, high-quality long-term nursing care, and burial honors.

There were 2,983 women, men and children who perished in the World Trade Center, the Pentagon, United flights 175 and 93, and American flights 11 and 77. 50 plus of the 2,983 lives lost were 2,977 lives lost on September 11th, 2001, and 6 lives lost on February 26, 1993.

Please join us on this the 20th anniversary of 9/11. The Federal Holiday “9/11 Day of National Service”.

Beginning on September 10th, Bo’s Blessings in partnership with local businesses will host a activity of service by packing and delivering gift/food boxes to all police and fire department locations in Springdale.

Packing party will be on 9/10 at Hope Distributors, Backus Ave. starting at 10 a.m.

On 9/11, in partnership with the City of Springdale, Bo’s Blessings and volunteers from local Springdale businesses will place 2,983 flags at the intersection of Emma and Hwy. 71 starting at 7:40 a.m.

At 9:30 a.m. an Honor and Remembrance Flag of Honor Ceremony will begin at the Springdale Senior Center.

In conclusion, the ceremony is open to the public and will be held outside.

Volunteers will be needed to remove the flags on 9/12 at 2:00 p.m.

ORDINANCE NO. _____

**AN ORDINANCE ORDERING THE RAZING (DEMOLITION)
AND REMOVAL OF A CERTAIN RESIDENTIAL
STRUCTURE WITHIN THE CITY OF SPRINGDALE,
ARKANSAS, LOCATED AT 1205 CRUTCHER STREET;
TO DECLARE AN EMERGENCY AND FOR OTHER
PURPOSES.**

WHEREAS, Dorothy Laird is the owner of certain real property situated in Springdale, Washington County, Arkansas, more particularly described as follows:

Beginning at the Southwest Corner of the North Half (N1/2) of the South Half (S1/2) to the Northwest Quarter (N1/4) of the Southeast Quarter (S1/4) of Section One (1) in Township Seventeen (17) North; Range 30 (30) West for a beginning corner and running thence North 63 feet; thence East 174 feet; thence South 63 feet; then West 174 feet to the point of beginning.

More commonly known as 1205 Crutcher Street, Springdale, Washington County, Arkansas, Tax Parcel No. 815-28757-000

WHEREAS, the structure on the property is unfit for human habitation, constitutes a fire hazard, otherwise is dangerous to human life, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of Springdale City Ordinances (§22-32 and §91-37, *et seq.*);

WHEREAS, the owner has been notified by the City of Springdale prior to the consideration of this ordinance, that the structure on the property is in violation of various ordinances of the City of Springdale, as well as the Property Maintenance Code of the City of Springdale;

WHEREAS, pursuant to Chapter 22-32 of the Ordinances of the City of Springdale, the owner was given thirty (30) days to purchase a building permit and to commence repairs on the property, or to demolish and remove the building from the property;

WHEREAS, the owner has failed, neglected, or refused to comply with the notice to repair, rehabilitate or to demolish and remove the building, and as such, the matter of removing the building may be referred to the City Council pursuant to Chapter 22 and Chapter 91 of the Ordinances of the City of Springdale;

WHEREAS, under Ark. Code Ann. §14-56-203 and pursuant to Chapter 22 and Chapter 91 of the Springdale Code of Ordinances, if repair or removal is not done within the required time, the structure is to be razed (demolished) and/or removed;

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

Section 1. That the structure located at 1205 Crutcher Street, Springdale, Washington County, Arkansas, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Springdale to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

Section 2. That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris,

completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Property Maintenance Code, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

Section 3. If the aforesaid work is not commenced within ten (10) days or completed within thirty (30) days, the Mayor, or the Mayor's authorized representative, is hereby directed to cause the aforesaid structure to be razed (demolished) and removed and the unsafe, unsanitary and unsightly conditions abated; and, the City of Springdale shall have a lien upon the aforesaid described real property for the cost of razing (demolishing) and removing said structure and abating said aforementioned conditions, said costs to be determined at a hearing before the City Council.

Section 4. EMERGENCY CLAUSE: The City Council hereby determines that the aforesaid unsafe structure constitutes a continuing detriment to the public safety and welfare and is therefore a nuisance, and determines that unless the provisions of this ordinance are put into effect immediately, the public health, safety and welfare of the citizens of Springdale will be adversely affected. Therefore, an emergency is hereby declared to exist and this ordinance begin necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2021.

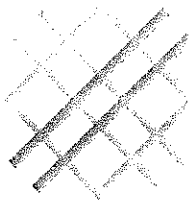
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney



SPRINGDALE

WHERE MAKING IT HAPPEN

May 25, 2021

Dorothy Laird
1205 Crutcher St.
Springdale, AR. 72764

347-1183

RE: 1205 Crutcher ST., Springdale Ar.

To Whom It May Concern:

The Code of Ordinances for the City of Springdale provides that:

buildings or structures which are unsafe, unsanitary or not provided with adequate egress; or which are substandard, constitute a fire hazard or are otherwise dangerous to human life; or which, in relation to existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are severally...., unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition...

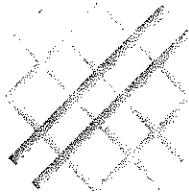
Please be advised that the referenced property has been deemed an "unsafe building." We have posted notice on the property that the property is unsafe and unfit for human habitation. As such, you are required within thirty (30) days of receipt of this letter, to purchase a building permit and to begin repairs/improvements within ten (10) days of that, or to obtain a demolition permit and demolish/remove the unsafe structure within the same time frame.

Should you fail to comply with this notice to repair or remove such unsafe building, we shall ask that this matter be referred to the city council. If the city council deems the structure unsafe and that it is in the best interest of the city to proceed with the removal of the unsafe structure, it will enact an ordinance ordering you to raze and remove the unsafe structure. If you fail to do so, the City is authorized by law to raze and remove the unsafe structure and charge the costs of such removal as a lien in the property.

I wanted to make you aware of the seriousness of this situation. If you should have any questions, please feel free to contact me.

Tom Evers
Chief Building Inspector

Mike Chamlee Chief Building Official



SPRINGDALE

WHERE MAKING IT HAPPEN

May 25, 2021

Dorothy Laird
1205 Crutcher ST.
Springdale, AR. 72764

RE: 1205 Crutcher St., Springdale, AR.

Dear Property Owner,

The Buildings Department exists to confirm adherence to minimum construction standards, codes, and local ordinances. We also serve the community by responding to complaints from citizens regarding potentially unsafe and unsanitary conditions.

The city of Springdale has an ordinance in place to address properties that are in need of repair or dilapidated to the point they need to be removed. This property does in fact meet the requirements that lead our office to start the Raze and Removal process. I have included a list of items that would need to be addressed of you wish to avoid demolition.

1. This home is "Red Tagged" and will remain so until it is deemed safe or the entire structure has been razed and removed.
2. The home needs a 3" address on the structure that is contrasting in color and visible from the road.
3. Fascia is rotten in several places and needs to be replaced.
4. Fascia at back of house is missing and needs to be replaced.
5. Scape & prep new and existing Fascia for paint, then paint with exterior paint.
6. T111 siding is rotten in several places and needs to be replaced.
7. Siding is falling off and needs to be repaired or replaced.
8. Trim and windows is missing and needs to be replaced.
9. Replace all broken windows around house.
10. Windows for bedrooms are to be operable and meet egress requirements.
11. Reduce the amount of items in bedrooms as the egress is blocked.
12. All operable windows are to have screens installed.
13. All screens are to be in good shape free from tears or holes.
14. The front door needs to be replaced with approved exterior door with proper threshold.
15. The front door is required to have a poured landing at the exterior that is the width of the door and 36" out.

16. The house sets low and the front door area is prone to get wet, our office would recommend that the entire area poured with concrete.
17. Install proper hardware to new front door.
18. Deadbolt locks are not allowed and must be completely removed.
19. The side door needs to be replaced with an approved exterior door with proper threshold.
20. The side door is required to have a poured landing at the exterior that is the width of the door and 36" out.
21. Install proper hardware to this new side door.
22. Repair holes in walls and ceilings.
23. Replace missing, damaged or broken interior doors.
24. Walls in the back porch are open to the studs.
25. Walls are not insulated and are not sheet rocked.
26. Bathroom door is required to have a lock for privacy.
27. Ceiling is coming down in several locations throughout the home.
28. OSB installed on kitchen walls and ceiling should be replaced with a proper product.
29. Attic space is to be separated from living space with 1/2" sheet rock.
30. Did not locate an attic access during my inspection.
31. Yard needs to be graded so that water runs away from the structure; 2% is the code requirement.
32. Rock work and front porch entry is coming apart, properly repair or completely remove.
33. Sweeco electric says the property has active service since.
34. The conditions on the inside of the home warrant that the entire home would need to be rewired to current code.
35. Exterior light fixture at front door is hanging by wires and needs to be replaced.
36. Romax is not allowed to be exposed without protection.
37. Kitchen counter tops are to be served with two 20 amp circuits, only located one plug that is not GFCI protected.
38. All exterior doors should have an exterior light.
39. All exterior doors should have an exterior plug.
40. All interior light fixtures are to have their required globes installed.
41. All interior switches and plugs should have cover plates.
42. The wiring for the washer and dryer are exposed and subject to damage.
43. Our office recommends that all existing homes that are serviced by gas or have an attached garage install CO/smoke alarms in all hallways.
44. Unsure of gas service at this time.
45. All homes are required to be served by a permanently installed thermostatically control heating unit capable of supplying 68 degree heat.
46. Double wall vent is falling over and needs to be reworked or replaced.
47. Gas stove in living room is source of heat.
48. Remove all combustibles from the top of gas stove and away from double wall vent.
49. If central A/C is not provided then all windows are required to have screens.
50. Back porch is not heated and the washer is located in this room.

51. Dryer cap was missing and needs to be replaced.
52. Water company has removed the meter at my request do to sewer line broke.
53. Raw sewage needs to be properly cleaned up.
54. Washing machine was discharging into the backyard.
55. Homeowner pulled a permit in 2015 to repair put never called for inspection.
56. A plumber will need to pull a permit and repair or replace the sewer line.
57. Bathroom sink was not draining at previous inspections.
58. All homes are required to be served by a water heater.
59. Water heater is to have a T&P that terminates within 6" of the ground outside of the structure.
60. Water heater is to have a drain pan and a 3/4" drain line to the exterior of the house.
61. Provide a receipt of current pest control service.
62. All work would have to be performed by licensed contractors and permits pulled.
63. This is not a complete list of items that may need to be repaired; this has been a long term project and our office has not had access to the interior is some time.
64. If you have any questions please feel free to contact our office.

Respectfully,



Tom Evers
Chief Building Inspector
Master Code Professional
479-750-8154

7019 2970 0000 7258 2177

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☐ Adult Signature Restricted Delivery	\$
Postage	

Postmark
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Dorothy Laird
 1205 Crutcher ST.
 Springdale, AR. 72764

SENDER: COMPLETE THIS SECTION

- Complete items 1, 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 ST.
 Springdale, AR. 72764



9590 9402 5688 9346 5747 20

2. Article Number (Transfer from service label)

49 2970 0000 7258 2177

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Dorothy Laird

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

JUN 03 2021

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

USPS

3. Service Type

- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express® |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail™ |
| ☒ Certified Mail® | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☒ Return Receipt for Merchandise |
| ☐ Collect on Delivery | ☐ Signature Confirmation™ |
| ☐ Collect on Delivery Restricted Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Insured Mail | |
| ☐ Insured Mail Restricted Delivery (over \$500) | |

Domestic Return Receipt

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
rrenauro@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

Giselle Gonzalez
Case Coordinator/Victim Advocate
ggonzalez@springdalear.gov

Steve Helms
Investigator
shelms@springdalear.gov

Lynda Belvedersi
Administrative Legal Assistant
lbelvedresi@springdalear.gov

Jacque Roth
File/Discovery Clerk
jroth@springdalear.gov

July 7, 2021

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

Dorothy Laird 5219
1205 Crutcher
Springdale, AR 72764

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Federal National Mortgage Association 5226
14225 Dallas Parkway, Suite 1000
Dallas, TX 75254-2916

Mortgage Electronic Registered Systems, Inc.
c/o the Corporation Company, Registered Agent
124 W. Capitol, Suite 1400
Little Rock, AR 72201

RE: Property located at 1205 Crutcher, Springdale, Washington County, Arkansas,
Tax Parcel No. 815-28757-000

Dear Homeowner/Lien Holder:

The Chief Building Inspector for the City of Springdale, Arkansas, has posted notice at 1205 Crutcher and has mailed notice in writing to you, via certified mail, that a structure located on property owned by you at 1205 Crutcher, Springdale, Arkansas, was unsafe and could not be occupied until the property had been repaired. Furthermore, the owner was instructed to obtain a demolition or repair permit within thirty (30) days and to begin work within ten (10) days of obtaining the permit.

As of this date, you have taken no efforts to demolish or repair the structure on this property. As such, please be advised that the City Council for the City of Springdale will be reviewing the

enclosed ordinance at a Committee Meeting that will take place at 5:30 p.m. on Monday, August 16 2021, in the multi-purpose room located on the second floor of the City Administration Building at 201 N. Spring Street, Springdale, Arkansas. Also, the enclosed ordinance will be placed on the Council Agenda to be considered on Tuesday, August 24, 2021. This meeting will take place in the Council chambers on the first floor of the City Administration Building. I strongly encourage you to attend these meetings.

Should the City adopt the enclosed ordinance, you will be given a final opportunity to repair or remove the structure. Should you not take advantage of this opportunity, the City of Springdale will have the right to raze and remove the structure, and then charge the costs of such as a lien against the property. The amount of any such lien would be determined by the City Council, and you would have the opportunity to be notified and be heard at this meeting. If you should have any questions, please let me know. I am also sending this letter to you via regular mail as well.

Sincerely,



Ernest B. Cate
City Attorney

enclosure

EC:LB

cc: Mike Chamlee, Chief Building Inspector
Tom Evers, Chief Building Inspector

SENDER: COMPLETE THIS SECTION

Complete items 1, 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.

Article Addressed to:

Dorothy Laird

1205 Crutcher Street

Springdale, AR 72764

9590 9402 4536 8278 7656 03

7019 2970 0000 7254 5219

Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

TV-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

☐ Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☒ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

S Form 3811, July 2015 PSN 7530-02-000-9053Domestic Return Receipt

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Complete items 1, 2, and 3.

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Article Addressed to:

Federal National Mortgage Assoc.

14225 Dallas Parkway, Suite 1000

Dallas, TX 75524-2916

9590 9402 4536 8278 7655 97

7019 2970 0000 7254 5226

Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Signature]

☒ Agent

☐ Addressee

B. Received by (Printed Name)

[Signature]

C. Date of Delivery

7/12

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

☐ Restricted Delivery

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☒ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

S Form 3811, July 2015 PSN 7530-02-000-9053Domestic Return Receipt

Page 15

That which is underlined is added.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 78, ARTICLE II,
OF THE CODE OF ORDINANCES OF THE CITY OF
SPRINGDALE, ARKANSAS; DECLARING AN
EMERGENCY; AND FOR OTHER PURPOSES.**

WHEREAS, Chapter 78 of the Code of Ordinances of the City of Springdale, Arkansas, contains the regulations pertaining to City parks, park properties, and trails in the City of Springdale, Arkansas;

WHEREAS, it is in the best interests of the citizens of the City of Springdale, Arkansas, and in the best interests of those who choose to utilize City parks, recreational facilities, and trails, that Chapter 78 be amended to include a prohibition on smoking tobacco products in City owned or operated parks, recreational facilities, game or practice fields, or in the grand stands thereof, or on any designated City trail;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Chapter 78 of the Code of Ordinances of the City of Springdale, Arkansas.

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

Section 1: Chapter 78, Article II, of the Code of Ordinances of the City of Springdale is hereby amended to add a new subsection, to be codified as Section 78-56, and to read as follows:

Sec. 78-56. Smoking and Use of Tobacco Products.

- (a) It shall be unlawful for any person to smoke or use tobacco products in any city owned or operated park or recreational facility, game or practice field, or in the grand stands thereof, or on any designated city trail.
- (b) Smoking and use of tobacco products includes a lighted pipe, cigar, or cigarette of any kind, including electronic cigarettes, vapor devices, or heated devices; or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind, including electronic cigarettes, vapor devices, or heated devices. It also includes the use of all smokeless tobacco products (including, but not limited to, chewing tobacco and snuff).
- (c) The city shall post signs in city owned or operated parks, trails, recreational facilities, and fields, at the discretion of the Director of Parks and Recreation, notifying the public that smoking and use of tobacco products is prohibited.
- (d) Any person who violates this subchapter shall be subject to the penalties set out in the general penalty provision of Section 1-9 of this Code.

Section 2: All other provisions of Chapter 78 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

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

PASSED AND APPROVED this _____ day of _____, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

That which is underlined is added and that which is stricken through is deleted.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 46-51 OF THE
CODE OF ORDINANCES OF THE CITY OF SPRINGDALE,
ARKANSAS; DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES.**

WHEREAS, Section 46-51 of the Code of Ordinances of the City of Springdale, Arkansas, contains the Fire Prevention Code for the City of Springdale, Arkansas;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to adopt the updated version of the various codes which comprise the Fire Prevention Code for the City of Springdale, Arkansas;

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

Section 1: There is adopted by reference by the city for the purposes of establishing rules and regulations for the protection of lives and property from fire or explosion, including permits and penalties, a certain document, three copies of which are on file in the office of the City Clerk of the City of Springdale, being marked and designated as the Arkansas Fire Prevention Code 2012 edition. This document includes: Volume I that amends the 2012 edition of the International Fire Code; Volume II that amends the 2012 edition of the International Building Code; and Volume III that amends the 2012 edition of the International Residential Code. Volume III is adopted including the provisions of Section R313 requiring automatic residential fire sprinkler systems in townhouses and two-family dwellings and exceptions thereto; specifically to include International Residential Code Sections R313.1 and R313.2 only as it applies to two-family dwellings.

Section 2: All other provisions of Chapter 46 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended by this ordinance shall remain in full force and effect.

Section 3: Emergency Clause: It is hereby declared that an emergency exists and that this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, become effective 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. 21-_____

**AN ORDINANCE AMENDING SECTION 20-141 OF THE ROGERS CITY CODE
REGARDING THE ARKANSAS FIRE PREVENTION CODE; PROVIDING FOR THE
EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

WHEREAS, the language in the Rogers City Code providing for the adoption of the Arkansas Fire Prevention Code needs to be amended to improve safety for citizens in the city; and

WHEREAS, it is beneficial to the citizens of the City of Rogers that the Rogers City Code is amended to provide protection from the threat of fire in all multi-family structures.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: That Section 20-141 of the Code of Ordinances, City of Rogers, Arkansas is hereby amended to read as follows: see Exhibit "A", attached hereto and incorporated by reference as if set out word for word herein.

Section 2: That the need to amend said City Code sections is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 3: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

C, GREG HINES,
Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Tom Jenkins, Fire Chief
Prepared by:

EXHIBIT "A"

Sec. 20-141 – Adopted

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published code known as the International Fire Code, 2012 Edition, complete with appendices B, C, D, E, F, G, H, I, and J, including any accumulative supplements and amendments as and when adopted and approved by the State of Arkansas, three copies of which are on file in the office of the Rogers Clerk-Treasurer. The above referenced International Fire Code 2012 Edition, and all of its supplements and amendments, is hereby adopted as the 2013 Arkansas Fire Prevention Code for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storing, handling and use of hazardous substances, materials and devices, and conditions hazardous to life or property in the occupancy of buildings and premises in the City of Rogers; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2012 edition, published by the International Code Council, on file in the office of the clerk-treasurer are hereby referred to, adopted and made a part hereof as if fully set out in this division. Furthermore, the 2012 International Residential Code, Section R313 is adopted for the purposes of requiring automatic fire sprinkler systems in all residential dwellings meeting the classification of townhouses and duplexes.

RESOLUTION NO. _____

**A RESOLUTION WAIVING COMPETITIVE BIDDING
AND AUTHORIZING THE EXECUTION OF A
CONTRACT**

WHEREAS, the Airport Commission requested funding up to \$700,000 for the construction of a hangar, and

WHEREAS, an advertisement for bids did not produce any proposals to construct the hangar, and

WHEREAS, through negotiation a proposed contract was received from Oelke Construction to construct the hangar for \$719,488, and

WHEREAS, the Airport Commission has agreed to pay the excess of \$19,488 above the amount approved by the City Council and requested that the City Council waive competitive bidding and approve this contract, and

WHEREAS, A.C.A. § 14-58-303 (b)(2)(B) states "The governing body by resolution may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical".

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that competitive bidding is hereby waived for the construction of this hangar and the Mayor is authorized to execute a contract with Oelke Construction in the amount of \$719,488 for the hangar construction.

PASSED AND APPROVED this 24th day of August, 2021.

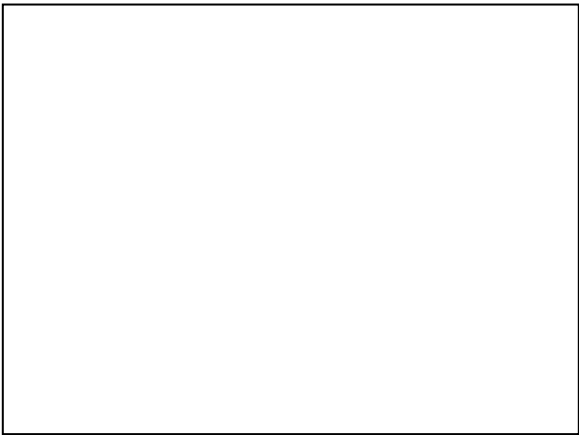
Doug Sprouse, Mayor

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 NEIGHBORHOOD COMMERCIAL DISTRICT (C-1) TO LOW/MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-4) AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of August 3, 2021 for hearing the matter of a petition of West Huntsville, LLC, requesting that the following described tract of real estate to be zoned from Neighborhood Commercial District (C-1) to Low/Medium Density Multi-family Residential District.

Layman's Description: 316 and 324 N. West End Street

Legal Description: PARCEL #815-29936-000:

A PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S00°49'08"W 33.11' AND N89°28T 0"W 25.56' FROM THE NORTHEAST CORNER OF SAID TWENTY ACRE TRACT AND RUNNING THENCE S00°00'28"E 88.00', THENCE N89°28T0"W 144.00', THENCE N00°00'28"W 88.00', THENCE S89°28T 0"E 144.00' TO THE POINT OF BEGINNING. CONTAINING 0.29 ACRES MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAY OF WEST HUNTSVILLE AVENUE ON THE NORTH SIDE OF HEREIN DESCRIBED TRACT AND TO NORTH WEST END ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

PARCEL #815-29910-000:

A PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 18 NORTH,

RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S00°49'08"W 33.11', N89°28'00"W 25.56', AND S00°00'28"W 88.00' FROM THE NORTHEAST CORNER OF SAID TWENTY ACRE TRACT AND RUNNING THENCE S00°00'28"E 75.00', THENCE N89°28'00"W 196.45' TO A FOUND REBAR, THENCE S80°40'57"W 22.85' TO A FOUND REBAR WITH CAP, THENCE N00°00'28"W 76.91', THENCE S89°28'00"E 75.00', THENCE N00°00'28"E 2.00', THENCE S89°28'10"E 144.00' TO THE POINT OF BEGINNING. CONTAINING 0.37 ACRES MORE OR LESS. SUBJECT TO THE RIGHT-OF-WAY OF NORTH WEST END ON THE EAST SIDE OF

HEREIN DESCRIBED TRACT AND TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

AND WHEREAS, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Neighborhood Commercial (C-1) to Low/Medium Density Multi-family Residential District (MF-4) for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

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

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

From Neighborhood Commercial (C-1) to Low/Medium Density Multi-family Residential District (MF-4).

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2021

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

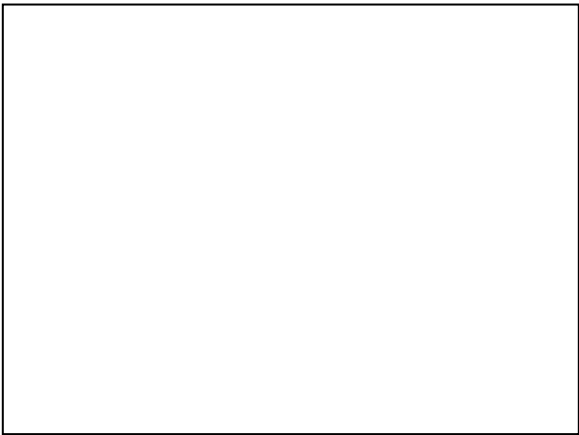
Ernest Cate, City Attorney



0 25 50 100 150 200
Feet
For Location Reference Only

FILE NO. R21-45
APPLICANT: Brittney Barker & Clay Morton
REQUEST: Rezoning from C-1 to MF-4

PLANNING COMMISSION MEETING
August 3, 2021



ORDINANCE NO. _____

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

WHEREAS, the Planning Commission of the City of Springdale, Arkansas, Benton County, gave notice required by law and set a hearing date of August 3, 2021 for hearing the matter of a petition of John W. Hendricks Properties, LLC, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to General Commercial District (C-2).

Layman's Description: 1790 East Highway 264

Legal Description: AS SURVEYED DESCRIPTION OF TRACT 1A

A PART OF THE S 1/2, OF THE SW 1/4 OF THE SE 1/4, SECTION 18, TOWNSHIP 18 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE SW 1/4 OF THE SE 1/4, SAID SECTION 18, SAID POINT BEING A FOUND RAILROAD SPIKE; THENCE ALONG THE EAST LINE OF SAID SW 1/4, OF THE SE 1/4, S02°35'57"W 658.78 FEET TO A POINT; THENCE LEAVING SAID EAST LINE, AND ALONG THE NORTH LINE OF SAID S 1/2, OF THE SW 1/4, N87°54'30"W 520.01 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A SET IRON PIN WITH CAP, "PLS 1156"; THENCE LEAVING SAID NORTH LINE, S02°35'46"W 659.16 FEET TO TO SOUTH LINE OF SAID SW1/4, OF THE SE1/4, SAID POINT BEING IN THE CENTER OF ARKANSAS STATE HIGHWAY NO. 264; THENCE ALONG SAID SOUTH LINE AND ARKANSAS STATE HIGHWAY NO. 264, N88°10'21"W 373.01 FEET TO A SET PK NAIL; THENCE LEAVING SAID SOUTH LINE AND ARKANSAS STATE HIGHWAY NO. 264,

N02°35'53"E 420.89 FEET TO A SET IRON PIN; THENCE N87°24'08"W 210.34 FEET TO A SET IRON PIN; THENCE FOLLOWING THE WEST LINE N01°31'40"E 237.27 FEET TO THE NORTH LINE OF SAID S1/2, OF THE SW1/4, OF THE SE1/4, SAID POINT BEING A FOUND IRON PIN WITH UNREADABLE CAP; THENCE ALONG SAID NORTH LINE, S88°01'04"E 446.23 FEET TO A FOUND 5/8 INCH REBAR; THENCE CONTINUING ALONG SAID NORTH LINE, S87°54'30"E 141.53 FEET TO THE POINT OF BEGINNING, CONTAINING 6.19 ACRES, MORE OR LESS. AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

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

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

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

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

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2021

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

Page 28

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
DANDY OIL COMPANY AT 702 NORTH THOMPSON AS
SET FORTH IN ORDINANCE NO. 4030**

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

WHEREAS, the Planning Commission held a public hearing on August 3, 2021, on a request by Dandy Oil Company for a Tandem Lot Split.

WHEREAS, following the public hearing the Planning Commission by a vote of seven (7) Yes and zero (0) No recommends that a Conditional Use be granted to with the following conditions: There will be no employees at this location.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to with the following conditions: There will be no employees at this location.

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. C21-06
APPLICANT: Dandy Oil Company, Inc
REQUEST: Conditional Use - Tandem Lot in C-2 zoning

PLANNING COMMISSION MEETING
 August 3, 2021

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL USE FOR
NEBILLIE, INC. (THE PEAKS) AT 1252 COOPER DRIVE
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 August 3, 2021, on a request by Nebillie, Inc. (The Peaks) for a Tandem Lot Split.

WHEREAS, following the public hearing the Planning Commission by a vote of eight (8) Yes and zero (0) No recommends that a Conditional Use be granted to with the following conditions: No conditions set.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to with the following conditions: No conditions set.

PASSED AND APPROVED THIS _____ DAY OF _____, 2021.

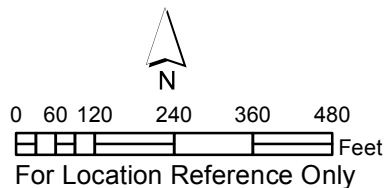
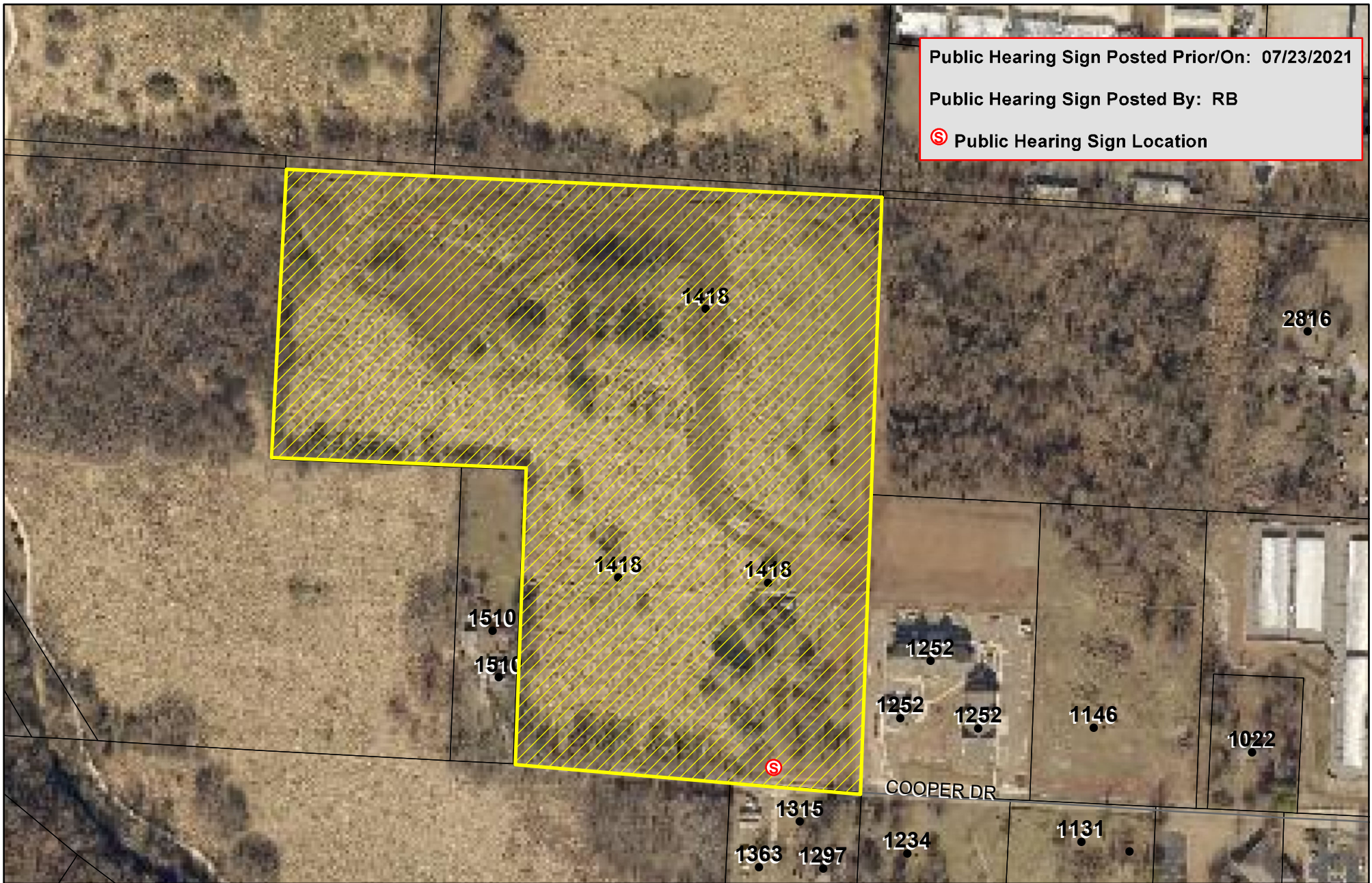
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



FILE NO. C21-18
APPLICANT: Nebillie, Inc (The Peaks)
REQUEST: Conditional Use - Tandem Lot Split
in Multi-Family (MF-24) zone

PLANNING COMMISSION MEETING
August 3, 2021

RESOLUTION NO. _____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO HOWARD ANDERSON AND BUTTERFIELD COACH ROAD TO COUNTY ROAD 92 IN CONNECTION WITH PP21-07, A PRELIMINARY PLAT FOR WHISPERING SPRINGS

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 Howard Anderson and Butterfield Coach Roads to County Road 92 in connection with PP21-07 a Preliminary Plat for Whispering Springs and the Planning Commission recommends approval of the waiver request with the following conditions: Howard Anderson Road fully designed to Master Street Plan standards for a local street, and construction of two lanes at a minimum width of 27' with all drainage improvements built to accommodate full build out of curb, gutter and sidewalk before the final plat can be approved.

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 Howard Anderson and Butterfield Coach Roads to County Road 92 including improvements related thereto, drainage, curbs, gutters and sidewalks in connection with PP21-07 a Preliminary Plat with the following conditions: Howard Anderson Road fully designed to Master Street Plan standards for a local street, and construction of two lanes at a minimum width of 27' with all drainage improvements built to accommodate full build out of curb, gutter and sidewalk before the final plat can be approved.

Option 2: Denies a waiver of street improvements to Howard Anderson and Butterfield Coach Roads to County Road 92 including improvements related thereto, drainage, curbs and gutters sidewalks in connection with PP21-07 a Preliminary Plat.

Option 3: Approves payment in lieu of improvements to Howard Anderson and Butterfield Coach Roads to County Road 92 in connection with PP21-07 a Preliminary Plat with an 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 Howard Anderson and Butterfield Coach Roads to County Road 92 including improvements related thereto, drainage, curbs, gutters, and sidewalks to be built in connection with PP21-07 a Preliminary Plat

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

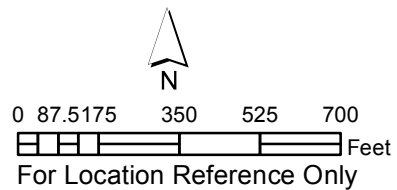
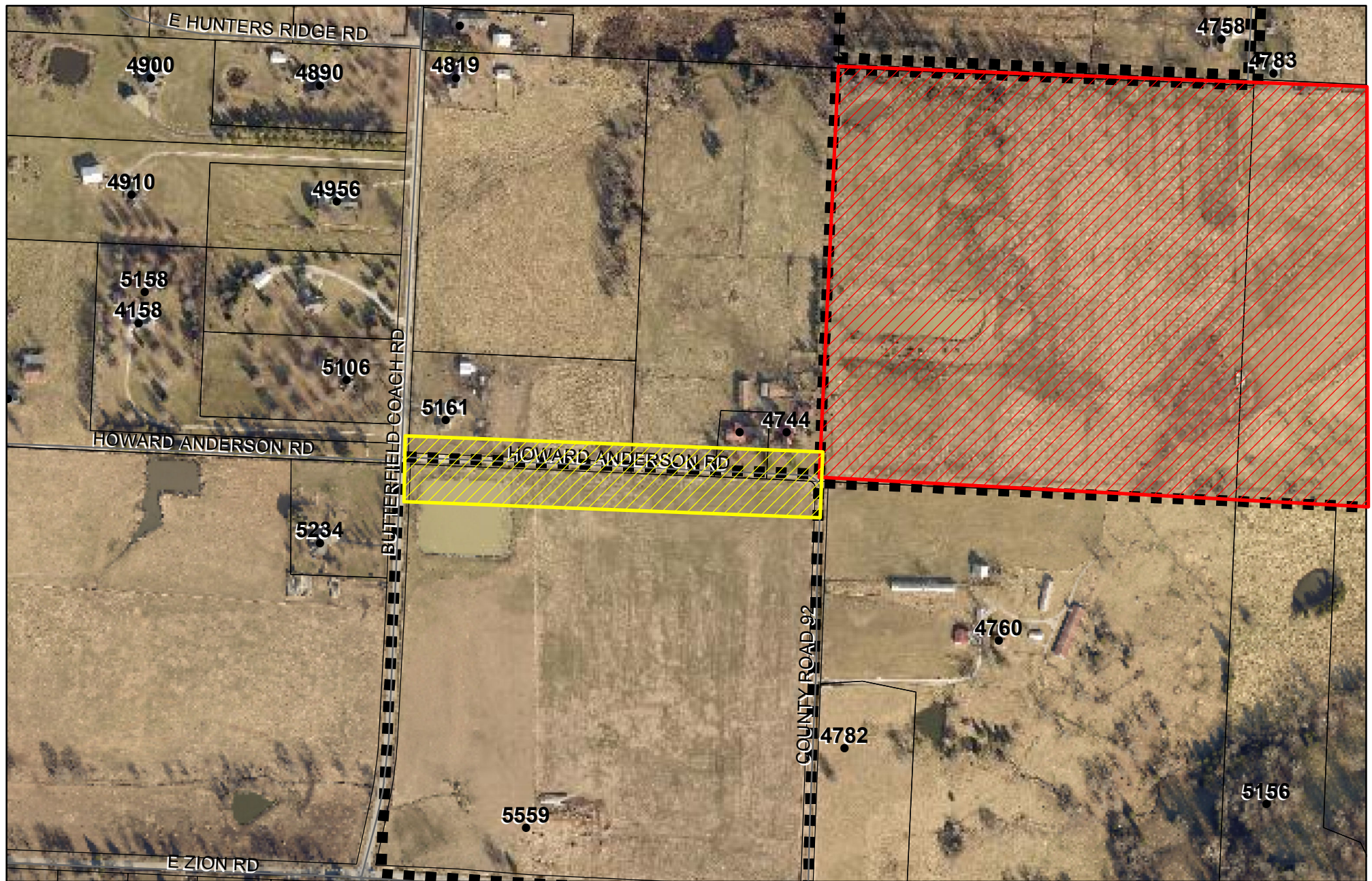
Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney



FILE NO. W21-12
APPLICANT: ESI
REQUEST: Waiver of street improvements to
Howard Anderson Rd from Butterfield Coach Rd
to County Rd 92

PLANNING COMMISSION MEETING
 August 3, 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:	Gonzalez Family Revocable Trust
LEGAL DESCRIPTION:	Lots 61 and 63 in Hidden Hills Subdivision, Phase 1, in the City of Springdale, as per plat in Plat Book 23a at page 11 among the records in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County Arkansas
LAYMAN'S DESCRIPTION:	1274 Tolleson Loop
PARCEL NO.:	815-28671-000

PROPERTY OWNER:	Charles Heck
LEGAL DESCRIPTION:	Lot 15, Block "B", Elmdale Terrace Subdivision, Springdale, Washington County, Arkansas, as per said plat of said subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas
LAYMAN'S DESCRIPTION:	700 Hinshaw
PARCEL NO.:	815-21636-000

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:

\$292.56 clean-up costs and \$22.16 administrative costs – 815-28671-000
\$381.16 clean-up cost and \$29.10 administrative cost-815-21636-000

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:

\$314.72, plus 10% for collection – 1274 Tolleson Loop (Parcel No.815-28671-000)
\$410.26 plus 10% for collection- 700 Hinshaw (Parcel No. 815-21636-000)

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

USPS TRACKING #



9590 9402 4536 8278 7655 66

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

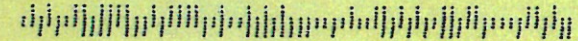
United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•



OFFICE OF THE
CITY ATTORNEY
201 NORTH SPRING STREET
SPRINGDALE, ARKANSAS 72764

200 Bair



SENDER: COMPLETE THIS SECTION

- Complete items 1, 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.

Nationstar Mortgage, LLC
Reg. Agent: Corporation Service Co.
300 Spring Bldg., Suite 900
300 S. Spring Street
Little Rock, AR 72201



9590 9402 4536 8278 7655 66

2. Article Number (Transfer from service label)

7019 2970 0000 7254 5264

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

JUL 20 2021

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

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING#

9590 9402 4536 8278 7655 80

United States
Postal Service

First-Class Mail
Postage & Fee
USPS
Permit No. G

• Sender: Please print your name, address, and ZIP+4® in this box•

OFFICE OF THE
CITY ATTORNEY
201 NORTH SPRING STREET
SPRINGDALE, ARKANSAS 72764

1274 Tolleson Loop

SENDER: COMPLETE THIS SECTION

- Complete items 1, 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:

Gonzalez Family Revocable Trust
299 Fredonia St.
Springdale, AR 72762

9590 9402 4536 8278 7655 80

2. Article Number (Transfer from service label)

7019 2970 0000 7254 5233

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Corvid - M*

B. Received by (Printed Name)
Mr. P. P. P.

C. Date of Delivery
7/10

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature	☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery	☐ Registered Mail™
☒ Certified Mail®	☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery	☒ Return Receipt for Merchandise
☐ Collect on Delivery	☐ Signature Confirmation™
☐ Collect on Delivery Restricted Delivery	☐ Signature Confirmation Restricted Delivery
☐ Insured Mail	
☐ Insured Mail Restricted Delivery	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

The City Council of the City of Springdale met in regular session on Tuesday, August 10, 2021, 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 (Absent)
Jeff Watson	Ward 3
Mike Overton	Ward 2
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:

Mike Irwin	Fire Chief
Lester Coger	Police Captain
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
Chad Wolf	Parks & Recreation Director
Colby Fulfer	Chief of Staff

APPROVAL OF MINUTES

Council Member Harriman moved the minutes of the July 27, 2021 City Council meeting be approved as presented. Council Member Fougerousse 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 Lawson made the second.

The vote:

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

No: None

RESOLUTION NO. 96-21 – APPROVING THE APPOINTMENT OF DONALD VINSON TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF SPRINGDALE

Mayor Doug Sprouse presented a Resolution approving the appointment of Donald Vinson to the Board of Commissioners of the Housing Authority of the City of Springdale.

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 ____ day of August, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 96-21.

RESOLUTION NO. 97-21 – 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 OF SPRINGDALE

Council Member presented 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 of Springdale.

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."

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 August, 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:

CONTRACTOR:

CITY OF SPRINGDALE, ARKANSAS

**WASTE MANAGEMENT OF
ARKANSAS, INC.**

By: _____

By: _____

Its: _____

Its: _____

Date: _____ Date: _____

Council Member Harriman moved the Resolution be adopted. Council Member Fougrousse made the second.

The vote:

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

No: None

The Resolution was numbered 97-21.

RESOLUTION NO. 98-21 – 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

Council Member Mike Lawson presented 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.

Council Member Overton asked that the estimated price of the improvements (\$10,000,000) be added into the Resolution.

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 of \$10,000,000.00 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 August, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

Council Member Watson moved the Resolution be adopted with the amendment.
Council Member Harriman made the second.

The vote:

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

No: None

The Resolution was numbered 98-21.

RESOLUTION NO. 99-21 – 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

Council Member Mike Lawson presented 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.

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 August, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 99-21.

RESOLUTION NO. 100-21 – AUTHORIZING THE EXECUTION OF A PURCHASE CONTRACT FOR FIRE DEPARTMENT CUSTOM PUMPER

Council Member Brian Powell presented a Resolution authorizing the execution of a purchase contract with EVS Apparatus for a Fire Department custom pumper engine and related equipment

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 ____ day of August, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 100-21.

ORDINANCE NO. 5634 – AMENDING ARTICLE 2, SECTION 10 OF THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS; AND DECLARING AN EMERGENCY

Council Member Mike Overton presented an Ordinance amending Article 2, Section 10 of the Zoning Ordinance of the City of Springdale, Arkansas; and declaring an emergency.

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.

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.

A public hearing was held before the Springdale Planning Commission on August 3, 2021.

Article 2, Section 10(e) and (f) of the Zoning Ordinance of the City of Springdale, Arkansas, is 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.~~

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

Council Member Flores expressed his concern because the body that writes the ordinances is the same body that reviews the appeals.

Planning Director Patsy Christie said they have had very few appeals.

Council Member Overton feels like every property owner should have the right to appeal to an elected body before they have to hire an attorney and go to court.

After considerable discussion, the vote was taken:

Yes: Powell, Watson, Overton, Lawson, Fougrousse

No: Flores, Harriman

The Ordinance was numbered 5634.

ORDINANCE NO. 5635 - REZONING .41 ACRES OWNED BY HY-CREST HOLDINGS, LLC, CHAD MUNROE, LOCATED AT 105 E. ROBINSON AVENUE, FROM C-2 TO C-5; AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance rezoning .41 acres owned by Hy-Crest Holdings LLC, Chad Munroe, located at 105 E. Robinson Avenue, from C-2 to C-5; and declaring an emergency.

A public hearing was held at the July 6, 2021 Planning Commission meeting.

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

The vote:

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

No: None

The Ordinance was numbered 5635.

RESOLUTION NO. 101-21 – APPROVING A CONDITIONAL USE FOR HY-CREST HOLDINGS, LLC, AT 105 E. ROBINSON AVENUE AS SET FORTH IN ORDINANCE NO. 4030

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Hy-Crest Holdings, LLC, for a Use Unit 25 (Limited Manufacturing) in a C-5 zone at 105 E. Robinson Avenue as set forth in Ordinance No. 4030.

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 August, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

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

No: None

The Resolution was numbered 101-21.

ORDINANCE NO. 5636 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 1205 CRUTCHER, SPRINGDALE, ARKANSAS

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

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

The vote:

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

No: None

The Ordinance was numbered 5636.

ADJOURNMENT

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

After a voice vote of all ayes and no nays, the meeting adjourned at 6:45 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer