

Next scheduled Committee Meeting will be held in the Multi-Purpose Room, 201 Spring Street, Springdale, Arkansas

- The next Committee meeting October 14, 2019
- Committee agendas will be available on Friday, October 11.

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, October 8th, 2019

- 5:55 p.m. Pre Meeting Activities
- Pledge of Allegiance
Invocation – Mayor Sprouse
- 6:00 p.m. **OFFICIAL AGENDA**
1. *Large Print* agendas are available.
 2. Call to Order – Mayor Doug Sprouse
 3. Roll Call – Denise Pearce, City Clerk
Recognition of a Quorum.
 4. Comments from Citizens
The Council will hear brief comments from citizens during this period on issues not on the Agenda. No action will be taken tonight. All comments will be taken under advisement.
 5. Approval of Minutes – September 24th, 2019 Pg. 2 - 16
 6. **2018 Bond Projects** Report and Update.
 - A. **Police Radio System and Fire Department Project** by Chief Mike Irwin
 - B. **Street Department** by Brad Baldwin
 - C. **Animal Shelter** by Courtney Kremer
 - D. **Parks and Recreation** by Chad Wolf
 - E. **Criminal Justice Building** by Wyman Morgan
 7. Comments from Department Heads.
 8. Comments from Council Members.
 9. Comments from City Attorney.
 10. Comments from Mayor.
 11. Adjournment.

SPRINGDALE CITY COUNCIL
SEPTEMBER 24, 2019

The City Council of the City of Springdale met in regular session on Tuesday, September 24, 2019, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Amelia Williams	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Colby Fulfer	Ward 1
Mike Lawson	Ward 4
Rick Evans	Ward 2
Brian Powell	Ward 1
Kathy Jaycox	Ward 4 (Absent)
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Mike Irwin	Fire Chief
Mike Peters	Police Chief
Wyman Morgan	Director of Financial Services
Patsy Christie	Planning & Comm. Dev. Director
Brad Baldwin	Eng. & Public Works Director
Ron Findley	Neighborhood Services Director
Ashley Earhart	Public Relations Director

APPROVAL OF MINUTES

Council Member Evans moved the minutes of the September 10, 2019 City Council meeting be approved as presented. Council Member Powell made the second.

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

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Evans made the motion to read all Ordinances and Resolutions by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Council Member Powell made the second.

The vote:

Yes: Evans, Powell, Williams, Watson, Overton, Fulfer, Lawson

No: None

ORDINANCE NO. 5418 – REZONING PROPERTY OWNED BY FRANKIE MARIE BARKER REVOCABLE TRUST, LOCATED AT 2587 E. EMMA AVENUE, FROM A-1 TO SF-2

Planning Director Patsy Christie presented an Ordinance rezoning property owned by Frankie Marie Barker Revocable Trust, located at 2587 E. Emma Avenue, from A-1 to SF-2; declaring an emergency and for other purposes.

Planning Commission recommended approval at their September 3, 2019 meeting.

SPRINGDALE CITY COUNCIL
SEPTEMBER 24, 2019

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

The vote:

Yes: Powell, Williams, Watson, Overton, Fulfer, Lawson, Evans

No: None

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

The vote:

Yes: Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell

No: None

The Ordinance was numbered 5418.

ORDINANCE NO. 5419 – REZONING .24 ACRES OWNED BY CANODE MANAGEMENT LLC LOCATED WEST AND EAST OF TWIN OAKS DRIVE, FROM A-1 TO C-2

Planning Director Patsy Christie presented an Ordinance rezoning .24 acres owned by Canode Management LLC located west and east of Twin Oaks Drive, from A-1 to C-2; declaring an emergency and for other purposes.

Planning Commission recommended approval at their September 3, 2019 meeting.

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

The vote:

Yes: Watson, Overton, Fulfer, Lawson, Evans, Powell, Williams

No: None

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

The vote:

Yes: Overton, Fulfer, Lawson, Evans, Powell, Williams, Watson

No: None

The Ordinance was numbered 5419.

ORDINANCE NO. 5420 – REZONING PROPERTY OWNED BY ELMDALE BAPTIST CHURCH LOCATED AT 1705 AND 1707 ROSS AVENUE AND 1706 HUNTSVILLE AVENUE, FROM SF-2 TO P-1

Planning Director Patsy Christie presented an Ordinance rezoning property owned by Elmdale Baptist Church located at 1705 and 1707 Ross Avenue and 1706 Huntsville Avenue, from SF-2 to P-1; declaring an emergency and for other purposes.

Planning Commission recommended approval at their September 3, 2019 meeting.

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

The vote:

Yes: Fulfer, Lawson, Evans, Powell, Williams, Watson, Overton

No: None

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

The vote:

Yes: Lawson, Evans, Powell, Williams, Watson, Overton, Fulfer

No: None

The Ordinance was numbered 5420.

ORDINANCE NO. 5421 – REZONING PROPERTY OWNED BY KEITH A. HUNTER
LOCATED AT 881 OAK GROVE ROAD, FROM SF-2 TO P-1

Planning Director Patsy Christie presented an Ordinance rezoning property owned by Keith A. Hunter located at 881 Oak Grove Road, from SF-2 to P-1; declaring an emergency and for other purposes.

Planning Commission recommended approval at their September 3, 2019 meeting.

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

The vote:

Yes: Evans, Powell, Williams, Watson, Overton, Fulfer, Lawson

No: None

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

The vote:

Yes: Powell, Williams, Watson, Overton, Fulfer, Lawson, Evans

No: None

The Ordinance was numbered 5421.

RESOLUTION NO. 92-19 – APPROVING A CONDITIONAL USE APPEAL BY
INDIAN DHABA NWA, LLC FOR A USE UNIT 44 (MOBILE VENDING UNIT) AT
205 EAST JOHNSON AVENUE

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Indian Dhaba NWA, LLC, for a Use Unit 44 (Mobile Vending Unit) to be located at 205 East Johnson Avenue.

RESOLUTION NO. _____

**A RESOLUTION APPROVING A CONDITIONAL
USE AT 205 EAST JOHNSON 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 September 3, 2019 on a request by Indian Dhaba NWA, LLC for a conditional use for a Use Unit 44 (Mobile Vending) in a Neighborhood Center Type 1 at 205 East Johnson Avenue; and

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) no recommends that a conditional use be granted to Indian Dhaba NWA, LLC for a Use Unit 44 (Mobile Vending) in a Neighborhood Center Type 1 at 205 East Johnson Avenue with the following conditions:

1. **May not operate between the hours of 10:00 p.m. & 7:00 a.m.**
2. **If a health certificate is required, display the health certificate in a manner visible to customers**
3. **No obstruction of pedestrian or motor vehicle traffic flow**
4. **No obstruction of traffic signals or regulatory signs**
5. **No vending upon a public way**
6. **No sound device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation**
7. **Sites to remain clean and free of paper or refuse of any kind generated from the operation of the business with all trash or debris accumulating with twenty (20) feet of any vending stand to be collected and deposited into a trash container.**

Addresses the vision set forth in the adopted Downtown Springdale Master Plan
And the Form Based Code by:

1. **Capitalize on public investment in existing infrastructure**
2. **Ensure complementary relationship with surrounding neighborhoods**

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, that the City Council hereby grants a conditional use to Indian Dhaba NWA, Inc. for a Use Unit 44 (Mobile Vending) in a Neighborhood Center Type 1 at 205 East Johnson Avenue with the following conditions:

1. **May not operate between the hours of 10:00 p.m. & 7:00 a.m.**
2. **If a health certificate is required, display the health certificate in a manner visible to customers**
3. **No obstruction of pedestrian or motor vehicle traffic flow**
4. **No obstruction of traffic signals or regulatory signs**
5. **No vending upon a public way**
6. **No sound device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation**
7. **Sites to remain clean and free of paper or refuse of any kind generated from the operation of the business with all trash or debris accumulating with twenty (20) feet of any vending stand to be collected and deposited into a trash container.**

Addresses the vision set forth in the adopted Downtown Springdale Master Plan
And the Form Based Code by:

1. **Capitalize on public investment in existing infrastructure**
2. **Ensure complementary relationship with surrounding neighborhoods**

PASSED AND APPROVED THIS ____ DAY OF SEPTEMBER, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

Yes: Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell

No: None

The Resolution was numbered 92-19.

RESOLUTION NO. 93-19 – APPROVING A CONDITIONAL USE APPEAL BY FOR
A TANDEM LOT SPLIT AT 2587 E. EMMA AVENUE

Planning Director Patsy Christie presented a Resolution approving a conditional use appeal by Frankie Marie Barker Revocable Trust for a Tandem Lot Split at 2587 E. Emma Avenue.

RESOLUTION NO. ____

**A RESOLUTION APPROVING A CONDITIONAL USE AT 2587
EAST EMMA 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 September 3, 2019 on a request by Frankie Marie Barker Revocable Trust for a conditional use for a Tandem Lot Split in an Low/Medium Density Single Family residential District (SF-2); and

WHEREAS, following the public hearing the Planning Commission by a vote of nine (9) yes and zero (0) no recommends that a conditional use be granted to the Frankie Marie Barker Revocable Trust for a Tandem Lot Split in a Low/Medium Density Single Family Residential District (SF-2) at 2587 East Emma Avenue with the following conditions: There were no conditions made.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF SPRINGDALE**, that the City Council hereby grants a conditional use to

Frankie Marie Barker Revocable Trust for a Tandem Lot Split in a Low/Medium Density Single Family Residential District (SF-2) at 2587 East Emma Avenue with the following conditions: There were no conditions made.

PASSED AND APPROVED THIS ____ DAY OF SEPTEMBER, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

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

The vote:

Yes: Watson, Overton, Fulfer, Lawson, Evans, Powell, Williams

No: None

The Resolution was numbered 93-19.

RESOLUTION NO. 94-19 – APPROVING A WAIVER REQUEST BY DA VINCI CONSTRUCTION FOR SIDEWALK ALONG HIGHWAY 112 IN CONNECTION WITH 8327 LA SCALA, A SINGLE FAMILY DWELLING

Planning Director Patsy Christie presented a Resolution approving a waiver request by Da Vinci Construction for sidewalk along Highway 112 in connection with 8327 La Scala, a single family dwelling.

Council Member Evans moved the Resolution be adopted with Option 1. Council Member Powell made the second.

RESOLUTION NO. ____

A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO DA VINCI CONSTRUCTION, INC. IN CONNECTION WITH 8327 LA SCALA 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 Da Vinci Construction, Inc. including drainage improvements related thereto, sidewalks in connection with 8327 La Scala a single family dwelling for Da Vinci Construction, Inc. 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 8327 La Scala including drainage improvements related thereto, sidewalks in connection with 8327 La Scala a single family dwelling for Da Vinci Construction, Inc.

PASSED AND APPROVED THIS ____ DAY OF SEPTEMBER, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest Cate, City Attorney

The vote:

Yes: Overton, Fulfer, Lawson, Evans, Powell, Williams, Watson

No: None

The Resolution was numbered 94-19.

RESOLUTION NO. 95-19 – TO LEVY BENTON COUNTY AD VALOREM TAXES
OF THE CITY OF SPRINGDALE, ARKANSAS

Council Member Jeff Watson presented a Resolution to levy Benton County Ad Valorem Taxes of the City of Springdale, Arkansas.

RESOLUTION NO. ____

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

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

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

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

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

SECTION 1: That the following levies be approved for collection in the year 2020 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Benton County.

The 2019 property tax levy to be collected by the Benton County Tax Collector are as follows:

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

PASSED AND APPROVED this ____ day of September, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Watson, Overton, Fulfer, Lawson, Evans, Powell, Williams

No: None

The Resolution was numbered 95-19.

RESOLUTION NO. 96 -19 – TO LEVY WASHINGTON COUNTY AD VALOEM TAXES OF THE CITY OF SPRINGDALE, ARKANSAS

Council Member Jeff Watson presented a Resolution to levy Washington County Ad Valorem Taxes of the City of Springdale, Arkansas.

RESOLUTION NO. ____

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

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

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

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

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

SECTION 1: That the following levies be approved for collection in the year 2020 and that copies of this Resolution be sent to the County Clerk and Tax Collector of Washington County.

The 2019 property tax levy to be collected by the Washington County Tax Collector are as follows:

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

SECTION 2: The 2019 voluntary taxes to be collected by the Washington County Tax Collector are as follows:

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

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

PASSED AND APPROVED this ____ day of September, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Lawson, Evans, Powell, Williams, Watson, Overton, Fulfer

No: None

The Resolution was numbered 96-19.

RESOLUTION NO. 97-19 – AUTHORIZING THE EXECUTION OF AN ARCHITECT CONTRACT FOR FIRE DEPARTMENT TRAINING FACILITY, PROJECT NO. 18BPF6

Council Member Amelia Williams presented a Resolution authorizing the execution of an architect contract with Crafton Tull for the design of a Fire Department Training Facility, Project No. 18BPF7.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN
ARCHITECT CONTRACT FOR FIRE DEPARTMENT TRAINING
FACILITY, PROJECT NO. 18BPF7**

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

WHEREAS, Crafton Tull has been recommended by the Mayor to serve as architect for the design of a Fire Department Training Facility, and

WHEREAS, Crafton Tull has agreed to furnish architectural services for a fee of 6.0% of total construction cost.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is hereby authorized to execute a contract with Crafton Tull for architectural services to be provided relating to design of a training facility for the Fire Department.

PASSED AND APPROVED this ____ day of September, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Evans, Powell, Williams, Watson, Overton, Fulfer, Lawson

No: None

The Resolution was numbered 97-19.

ORDINANCE NO. 5422 – AUTHORIZING THE CITY CLERK TO FILE A CLEAN-UP LIEN FOR THE REMOVAL OF OVERGROWN BRUSH AND DEBRIS ON PROPERTY LOCATED AT 2901 ROWEN PLACE LOCATED WITHIN THE CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS

Council Member Brian Powell presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on property located at 2901 Rowen Place located within the City of Springdale, Benton County, Arkansas.

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

The vote:

Yes: Powell, Williams, Watson, Overton, Fulfer, Lawson, Evans

No: None

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

The vote:

Yes: Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell

No: None

The Ordinance was numbered 5422.

ORDINANCE NO. 5423 – 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

Council Member Brian Powell presented an Ordinance authorizing the City Clerk to file a clean-up lien for the removal of overgrown brush and debris on the following properties located within the City of Springdale.

1500 Carlton St. (Parcel No. 815-20570-000) – Owner: Floyd L. Berry

403 S. Cleveland St. (Parcel No.815-28483-000) – Owners: Stephen Dale Wiley and James Randall Ball

1810 Wheatland (Parcel No.815-32561-000) - Owner: Park Avenue Properties, LLC

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

The vote:

Yes: Watson, Overton, Fulfer, Lawson, Evans, Powell, Williams

No: None

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

The vote:

Yes: Overton, Fulfer, Lawson, Evans, Powell, Williams, Watson

No: None

The Ordinance was numbered 5423.

RESOLUTION NO. 98-19 – AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A DEVELOPMENT AGREEMENT

Council Member Rick Evans presented a Resolution authorizing the execution of an amendment to a development agreement with Northwest Arkansas Community College Foundation (NWACC).

NWACC currently has a development agreement with the City of Springdale to widen a portion of Watkins Avenue and the scope of the project has changed.

RESOLUTION NO. ____

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN
AMENDMENT TO A DEVELOPMENT AGREEMENT**

WHEREAS, Northwest Arkansas Community College Foundation (NWACC) currently has a development agreement with the City Of Springdale to widen a portion of Watkins Avenue, and

WHEREAS, the scope of the project was changed, as indicated on the attached amendment no. 2, and

WHEREAS, DECCO Contractors-Paving Inc. performed the additional work at a cost of \$34,322.57;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that the Mayor is authorized to execute amendment No. 2 with NWACC for \$34,322.57.

PASSED AND APPROVED this ____ day of September, 2019.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

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

The vote:

Yes: Fulfer, Lawson, Evans, Powell, Williams, Watson, Overton

No: None

The Resolution was numbered 98-19.

**RESOLUTION NO. 99-19 – AUTHORIZING THE MAYOR AND CITY CLERK TO
ENTER INTO A DONATION AGREEMENT WITH ATM LEASEBACK FOR
PROPERTY OWNED BY BANK OF AMERICA, NATIONAL ASSOCIATION**

City Attorney Ernest Cate presented a Resolution authorizing the Mayor and City Clerk to enter into a donation agreement with ATM Leaseback for property owned by Bank of America, National Association.

The Bank of America is donating a building and land on East Meadow Street to the City of Springdale to assist in revitalization efforts in the downtown and implementation of the Downtown Master Plan to expand public space located along the Razorback Greenway between Walter Turnbow Park and Luther George Park. They are reserving an ATM Leaseback Agreement where they will relocate and maintain their ATM on this property.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A DONATION AGREEMENT WITH ATM LEASEBACK FOR PROPERTY OWNED BY BANK OF AMERICA, NATIONAL ASSOCIATION

WHEREAS, the City of Springdale is generally authorized by Arkansas law to accept donations of real and personal property for the benefit of its citizens; and

WHEREAS, Bank of America, National Association desires to donate to the City of Springdale certain lands located on East Meadow Street with the terms and conditions as described in the Donation Agreement with ATM Leaseback; and

WHEREAS, the donation as described above is being contributed to assist in revitalization efforts in the downtown and implementation of the Downtown Master Plan to expand public space located along the Razorback Greenway between Walter Turnbow Park and Luther George Park; and

WHEREAS, the City Council finds that it is appropriate to accept said donation upon the terms and conditions offered.

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

The Mayor and City Clerk are hereby authorized a enter into a Donation Agreement with ATM Leaseback set forth by Bank of America, National Association as outlined in the attached exhibit to expand public space located along the Razorback Greenway between Walter Turnbow Park and Luther George Park.

PASSED AND APPROVED this _____ day of September, 2019.

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 Evans made the second.

The vote:

Yes: Lawson, Evans, Powell, Williams, Watson, Overton, Fulfer

No: None

The Resolution was numbered 99-19.

RESOLUTION NO. 100-19 – AUTHORIZING THE GRANT OF A WATER/SEWER EASEMENT TO THE SPRINGDALE WATER AND SEWER COMMISSION ACROSS PROPERTY OWNED BY THE CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS (ACROSS SHAW FAMILY PARK)

Mayor Sprouse presented a Resolution authorizing the grant of a water/sewer easement to the Springdale Water and Sewer Easement to the Springdale Water and Sewer Commission across property owned by the City of Springdale, Benton County, Arkansas (across Shaw Family Park).

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE GRANT OF A WATER/SEWER EASEMENT TO THE SPRINGDALE WATER AND SEWER COMMISSION ACROSS PROPERTY OWNED BY THE CITY OF SPRINGDALE, BENTON COUNTY, ARKANSAS.

WHEREAS, the City of Springdale, Arkansas, owns property known as Parcel No. 21-00167-470 and Parcel No. 21-00167-545, Benton County, Arkansas ("the Property");

WHEREAS, the Springdale Water and Sewer Commission is in need of a water/sewer easements across the Property for water/sewer improvements, as shown on the attached Exhibit "A";

WHEREAS, the water/sewer easement is necessary for the construction and improvement of water/sewer facilities to enhance capacity in the area of the Property, and will be beneficial to future growth and development of the area; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS that the Mayor and City Clerk are hereby authorized to execute the attached easement document granting a water/sewer easement across the Property to the Springdale Water and Sewer Commission.

PASSED AND APPROVED this _____ day of SEPTEMBER, 2019.

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 Evans made the second.

The vote:

Yes: Evans, Powell, Williams, Watson, Overton, Fulfer, Lawson

No: None

The Resolution was numbered 100-19.

NEIGHBORHOOD SERVICES REPORT

Neighborhood Services Director Ron Findley reported as of this date, 2200 more properties have been addressed over last year's numbers.

COMMITTEE MEETING DATE

Council agreed to hold the next committee meeting on Monday, September 30th, at 5:30 p.m.

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 6:31 p.m.

Doug Sprouse, Mayor

Denise Pearce, City Clerk/Treasurer