



City of Farmington
354 West Main Street
P.O. Box 150
Farmington, Arkansas 72730
479-267-3865
479-267-3805 fax

CITY COUNCIL AGENDA
January 10, 2011

A regular meeting of the Farmington City Council will be held on
Monday, January 10, 2011 at 6:00 p.m.
City Hall
354 W. Main Street, Farmington, Arkansas.

1. Call to Order – Mayor Ernie Penn
2. Roll Call – City Clerk Kelly Thomas
3. Pledge of Allegiance
4. Comments from Citizens – the Council will hear brief comments at this time from citizens. No action will be taken. All comments will be taken under advisement.
5. Approval of the minutes –December 13, 2010 minutes
6. Financial Reports.
7. Entertain a motion to read all ordinances and resolutions by title only.
8. Proclamations, special announcements, committee/commission appointments.
9. Committee Reports
 - a. Street Committee
 - b. City Beautification Committee
 - c. Economic Development Committee
 - d. Park & Recreation Committee
 - e. Finance Committee
 - f. Sewer Committee

NEW BUSINESS

10. Request approval to remove 4 Dell Computers from Library inventory. Inventory tag numbers 0045, 0316, 0317, & 0318.
11. Request approval of bid for Phase II of the Sports Complex.
12. Agreement between City of Farmington and Engineering Design Associates, PA to provide services for Storm Water Compliance.
13. Ordinance 2011-01 Amend the 2010 Municipal Budget
14. Ordinance 2011-02 Amend Zoning Regulations & Zoning Map

INFORMATIONAL ITEMS:

- A. City Business Manager Report
- B. Fire Department Report
- C. Police Department Report
- D. Building/Public Works Report
- E. Library Report
- F. Planning Commission Minutes

Minutes of the Regular Farmington City Council Meeting on December 13, 2010

The regular meeting of the Farmington City Council scheduled for Monday, December 14, 2010 was called to order at 6:00 p.m. by Mayor Ernie Penn. City Clerk Kelly Thomas called the roll and the following Alderman answered to their names: Patsy Pike, Pam Delaney, Janie Steele, Brenda Cunningham, Gail True, Bobby Morgan and Terry Yopp, a quorum was declared (7). Alderman Lipford arrived at 6:06, also present were City Attorney Tennant and City Business Manager McCarville. After Mayor Penn led the pledge of allegiance, he then opened the public comment portion of the meeting for citizens. There were no speakers.

Approval of the minutes for November 8 ,2010 - On the motion of Alderman Yopp and seconded by Alderwoman Delaney and by the consent of all members present, the minutes were approved, accepted and filed as prepared by the City Clerk (7).

Financial Reports – City Clerk Thomas informed the council they would be receiving their 2010 Statements of Financial Interest in the mail and they need to be back in city hall by December 31, 2010.

Entertain a motion to read all Ordinances and Resolutions by title only – On the motion of Alderwoman Delaney and seconded by Alderwoman Steele and by the consent of all members present (7), it was approved to read all Ordinances and Resolutions by title only at this meeting.

Proclamations, Special Announcements, Committee/Commission Appointments
Mayor Penn announced the new elected officials will be sworn in at 5:30 p.m. January 10th, 2011 before the January City Council Meeting.

Committee Reports

Street Committee – Alderman Morgan informed the council that city staff met with residents of Archie Watkins Road regarding what type of improvements needs to be made.

City Beautification Committee – None

Economic Development Committee - None

Park & Recreation Committee – Geoff Bates advised the council that the sports complex project was running on schedule, with bidding to begin on the second phase later this month. Mayor Penn announced the city had been awarded a matching grant by the Arkansas Dept of Parks and Tourism Outdoor Recreation in the amount of \$109,897.00

Finance Committee – None

Sewer Committee – Steve Davis updated the council on a possible change order for some unexpected pipe repairs.

New Business

Fayetteville and Farmington Sewer Contract Amendment

A change order in the Sewer contract was requested, going from \$550,000.00 to \$580,145.21. A motion was made by Alderwoman Delaney and seconded by Alderman Yopp to approve the request. It was approved by all members present (8).

Request to destroy 2005 records.

A motion was made by Alderwoman Delaney and seconded by Alderman Lipford to authorize the request to destroy 2005 records. It was approved by all members present (8). Alderwoman Pike will witness the records destruction.

Request removal of 4 Dell Computers from inventory (Dell SX280 -2 each, Dell SX270 & Dell Dimension 2400)

A motion was made by Alderwoman Pike and seconded by Alderman Yopp to remove of the 4 Dell Computers from inventory (Dell SX280 -2 each, Dell SX270 & Dell Dimension 2400). It was approved by all members present (8).

Resolution 2010-11 Establish the Salary of the Mayor of the City Of Farmington

A motion was made by Alderman Pike and Seconded by Alderwoman Pike to establish the salary of the Mayor to \$1200.00 per month. It was approved by all members present (8). City Attorney read Resolution 2010-11.

Ordinance 2010-12 Amend Ordinance No.2008-29 to Provide for Compensation for the Office of City Attorney of the City of Farmington.

A motion made by Alderman Yopp and seconded by Alderman Morgan to suspend the rule requiring the reading of Ordinance 2010-12 in full on 3 different dates be suspended and that Ordinance # 2010-12 is to be read by title only one time. The motion was approved by all members present. (8)

City Attorney Tennant read the Ordinance by title only. Mayor Penn then asked, "Shall the Ordinance Pass?" It was approved by all members present. (8)

A motion was made by Alderman Yopp and seconded by Alderwoman Steele to pass Ordinance # 2010-12 with the emergency clause, it was approved by all members present (8).

Mayor Penn acknowledged this would be Alderwoman True & Alderwoman Delaney's last council meeting. He thanked Alderwoman True and Alderwoman Delaney for their years of service on the council and presented them with Plaques and Keys to the City.

There being no further business to come before the Council, and on the motion of Alderman Lipford and Seconded by Alderwoman Steele, and by the consent of all members present, the meeting adjourned at 6:45 p.m., until the next regularly scheduled meeting to be held on Monday, January 10, 2011 at six o'clock p.m. in the City Council Chambers in City Hall, located at 354 West Main Street, Farmington, Arkansas.

Approved;

Mayor Ernie Penn

City Clerk Kelly Thomas



City of Farmington
354 West Main Street
P.O. Box 150
Farmington, Arkansas 72730
479-267-3865
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December 29, 2010

The following records were destroyed (shredded by Shred It of Northwest Arkansas) according to Arkansas State Statue 14-59-114.

2005

Invoices
Cancelled Checks
Bank Statements
Arrest Records
Other records

The records were destroyed this 29th day of December 2010.

Melissa McCarville, City Business Manager

Brenda Coleman, City Adm. Asst.

JC Harp, Public Works

Brenda Cunningham, Alderwoman

GENERAL FUND
Balance Sheet
12/31/10

	Book Value Dec 2010 Actual	Book Value Dec 2009 Actual
Assets		
Current Assets		
Cash		
CATASTROPHIC MONEY MARKET	87,855.91	53,070.93
CITY OF FARM - PARK FUND	76,681.64	25,816.13
FARMINGTON SENIOR CENTER BL	15.25	105.00
FIRE TRUCK RESERVE MONEY MA		11,815.96
GEN. C.D.(COL.FIRE LOAN)	187,439.56	185,484.29
GENERAL FUND CHECKING ACCT	173,570.36	45,701.11
GENERAL FUND MONEY MARKET	1,760,329.68	1,597,451.06
Total Current Assets	\$2,285,892.40	\$1,919,444.48
Total Assets	\$2,285,892.40	\$1,919,444.48
Fund Balance		
Suplus Carryover		
CY SURPLUS (DEFICIT)	366,506.06	6,172.37
FUND BALANCE	1,919,386.34	1,913,272.11
Total Fund Balance	\$2,285,892.40	\$1,919,444.48
Total Liabilities and Equity	\$2,285,892.40	\$1,919,444.48

Statement of Revenue and Expenditures

	Year-To-Date		Year-To-Date		Year-To-Date		Annual Budget	
	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010
	Actual	Budget	Variance	Variance	Dec 2010	Dec 2010	Variance	Variance
Revenue & Expenditures								
GENERAL REVENUES								
Revenue								
ACCIDENT REPORT REVENUES	1,080.00	1,000.00	80.00		1,000.00		80.00	
ANIMAL CONTROL REVENUES	2,583.00	2,500.00	83.00		2,500.00		83.00	
BUILDING INSPECTION FEES	25,189.28	12,000.00	13,189.28		12,000.00		13,189.28	
BUSINESS LICENSES	5,350.00	5,000.00	350.00		5,000.00		350.00	
CITY COURT FINES	90,573.92	100,000.00	(9,426.08)		100,000.00		(9,426.08)	
CITY SALES TAX REVENUES	289,054.38	270,000.00	19,054.38		270,000.00		19,054.38	
COUNTY TURNBACK	396,888.92	230,000.00	166,888.92		230,000.00		166,888.92	
DEVELOPMENT FEES	4,250.00	1,000.00	3,250.00		1,000.00		3,250.00	
FRANCHISE FEES	305,775.89	208,577.00	97,198.89		208,577.00		97,198.89	
GARAGE SALE PERMITS	4,330.00	3,000.00	1,330.00		3,000.00		1,330.00	
GRANTS	157,893.00	0.00	157,893.00		0.00		157,893.00	
INTEREST REVENUES	5,046.63	9,000.00	(3,953.37)		9,000.00		(3,953.37)	
MISCELLANEOUS REVENUES	233,971.10	1,200.00	232,771.10		1,200.00		232,771.10	
NEW PARK DONATIONS	1,044.74	0.00	1,044.74		0.00		1,044.74	
PARK RENTAL/DONATIONS	1,080.00	1,200.00	(120.00)		1,200.00		(120.00)	
SALES TAX - OTHER	654,642.86	660,000.00	(5,357.14)		660,000.00		(5,357.14)	
SRO REIMBURSEMENT REVENUES	22,803.15	26,648.00	(3,844.85)		26,648.00		(3,844.85)	
STATE TURNBACK	80,570.80	70,000.00	10,570.80		70,000.00		10,570.80	
Revenue	\$2,282,127.67	\$1,601,125.00	\$681,002.67		\$1,601,125.00		\$681,002.67	
Revenue Less Expenditures	\$2,282,127.67	\$1,601,125.00	\$681,002.67		\$1,601,125.00		\$681,002.67	
Net Change in Fund Balance	\$2,282,127.67	\$1,601,125.00	\$681,002.67		\$1,601,125.00		\$681,002.67	

GENERAL FUND

Statement of Revenue and Expenditures

	Year-To-Date		Year-To-Date		Year-To-Date		Annual Budget	
	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010
	Actual	Budget	Variance	Variance	Dec 2010	Dec 2010	Variance	Variance
ADMINISTRATIVE DEPT								
Expenses								
ADDITIONAL SERVICES EXPENSE	75,645.46	70,000.00	5,645.46		70,000.00		5,645.46	
ADVERTISING EXPENSE	2,430.58	1,500.00	930.58		1,500.00		930.58	
Baseball Construction Expense	200.00	0.00	200.00		0.00		200.00	
BUILDING MAINT & CLEANING	33,935.77	25,000.00	8,935.77		25,000.00		8,935.77	
CAPITAL IMPROVEMENT	19,819.75	0.00	19,819.75		0.00		19,819.75	
ELECTION EXPENSES	4,644.39	3,000.00	1,644.39		3,000.00		1,644.39	
INSURANCES EXPENSE	19,538.78	20,000.00	(461.22)		20,000.00		(461.22)	
LEGAL FEES	18,992.01	20,000.00	(1,007.99)		20,000.00		(1,007.99)	
MATERIALS & SUPPLIES EXPENSE	9,840.46	21,000.00	(11,159.54)		21,000.00		(11,159.54)	
MISCELLANEOUS EXPENSE	12,637.41	2,000.00	10,637.41		2,000.00		10,637.41	
NEW EQUIPMENT PURCHASE	25,747.91	10,000.00	15,747.91		10,000.00		15,747.91	
OZARK REGIONAL TRANSIT EXPE	5,000.00	5,000.00	0.00		5,000.00		0.00	
PAYROLL EXP - CITY ATTRNY	15,854.52	16,608.00	(753.48)		16,608.00		(753.48)	
PAYROLL EXP - ELECTED OFFICIA	38,760.68	48,000.00	(9,239.32)		48,000.00		(9,239.32)	
PAYROLL EXP - REGULAR	179,653.79	178,500.00	1,153.79		178,500.00		1,153.79	
PLANNING COMMISSION	7,652.12	12,000.00	(4,347.88)		12,000.00		(4,347.88)	
POSTAGE EXPENSE	2,293.44	3,000.00	(706.56)		3,000.00		(706.56)	
PROFESSIONAL SERVICES	2,366.16	25,000.00	(22,633.84)		25,000.00		(22,633.84)	
REMODEL SENIOR BUILDING	155,589.75	0.00	155,589.75		0.00		155,589.75	
REPAIR & MAINT - OFFICE EQUIP	1,334.29	5,000.00	(3,665.71)		5,000.00		(3,665.71)	
TECHNICAL SUPPORT	3,849.60	5,000.00	(1,150.40)		5,000.00		(1,150.40)	
TRAVEL, TRAINING & MEETINGS	15,433.35	10,000.00	5,433.35		10,000.00		5,433.35	
UTILITIES EXPENSES	28,445.13	40,000.00	(11,554.87)		40,000.00		(11,554.87)	
Expenses	\$679,665.35	\$520,608.00	\$159,057.35		\$520,608.00		\$159,057.35	
Revenue Less Expenditures	(\$679,665.35)	(\$520,608.00)			(\$520,608.00)		(\$520,608.00)	
Net Change in Fund Balance	(\$679,665.35)	(\$520,608.00)			(\$520,608.00)		(\$520,608.00)	

GENERAL FUND

Statement of Revenue and Expenditures

	Year-To-Date		Year-To-Date		Year-To-Date		Annual Budget	
	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010
	Actual	Budget	Variance	Variance	Dec 2010	Dec 2010	Variance	Variance
ANIMAL CONTROL DEPT								
Expenses								
FUEL EXPENSES	1,660.93	1,850.00	(189.07)	(189.07)	1,850.00	1,850.00	(189.07)	(189.07)
MATERIALS & SUPPLIES EXPENSE	1,679.21	1,500.00	179.21	179.21	1,500.00	1,500.00	179.21	179.21
NEW EQUIPMENT PURCHASE	0.00	1,500.00	(1,500.00)	(1,500.00)	1,500.00	1,500.00	(1,500.00)	(1,500.00)
PAYROLL EXP - REGULAR	41,402.27	35,891.00	5,511.27	5,511.27	35,891.00	35,891.00	5,511.27	5,511.27
PROFESSIONAL SERVICES	11,847.75	16,100.00	(4,252.25)	(4,252.25)	16,100.00	16,100.00	(4,252.25)	(4,252.25)
REPAIR & MAINT - EQUIPMENT	79.93	500.00	(420.07)	(420.07)	500.00	500.00	(420.07)	(420.07)
TELECOMMUNICATION EXPENSES	959.58	1,000.00	(40.42)	(40.42)	1,000.00	1,000.00	(40.42)	(40.42)
TRAVEL, TRAINING & MEETINGS	600.00	800.00	(200.00)	(200.00)	800.00	800.00	(200.00)	(200.00)
UNIFORMS/GEAR EXPENSE	405.98	500.00	(94.02)	(94.02)	500.00	500.00	(94.02)	(94.02)
Expenses	\$58,635.65	\$59,641.00	(\$1,005.35)	(\$1,005.35)	\$59,641.00	\$59,641.00	(1,005.35)	(1,005.35)
Revenue Less Expenditures	(\$58,635.65)	(\$59,641.00)			(\$59,641.00)	(\$59,641.00)		
Net Change in Fund Balance	(\$58,635.65)	(\$59,641.00)				(\$59,641.00)		

GENERAL FUND
Statement of Revenue and Expenditures

	Year-To-Date		Year-To-Date		Year-To-Date		Annual Budget	
	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010
	Actual	Budget	Variance	Variance	Dec 2010	Dec 2010	Variance	Variance
BUILDING PERMIT DEPT								
Expenses								
FUEL EXPENSES	1,662.92	2,500.00	(837.08)		2,500.00		(837.08)	
MATERIALS & SUPPLIES EXPENSE	0.00	500.00	(500.00)		500.00		(500.00)	
MISCELLANEOUS EXPENSE	1,471.80	0.00	1,471.80		0.00		1,471.80	
PAYROLL EXP - REGULAR	34,739.34	37,920.00	(3,180.66)		37,920.00		(3,180.66)	
REPAIR & MAINT - EQUIPMENT	88.22	500.00	(411.78)		500.00		(411.78)	
TELECOMMUNICATION EXPENSES	962.78	1,400.00	(437.22)		1,400.00		(437.22)	
TRAVEL, TRAINING & MEETINGS	691.82	1,095.00	(403.18)		1,095.00		(403.18)	
UNIFORMS/GEAR EXPENSE	418.77	500.00	(81.23)		500.00		(81.23)	
Expenses	\$40,035.65	\$44,415.00	(\$4,379.35)		\$44,415.00		(4,379.35)	
Revenue Less Expenditures	(\$40,035.65)	(\$44,415.00)	(\$4,379.35)		(\$44,415.00)		(\$4,379.35)	
Net Change in Fund Balance	(\$40,035.65)	(\$44,415.00)	(\$4,379.35)		(\$44,415.00)		(\$4,379.35)	

GENERAL FUND Statement of Revenue and Expenditures

	Year-To-Date		Year-To-Date		Year-To-Date		Annual Budget	
	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010
	Actual	Budget	Variance	Variance			Variance	Variance
FIRE DEPT								
Expenses								
FIRE TRUCK LOAN PAYMENT	62,023.03	0.00	62,023.03		0.00		62,023.03	
FUEL EXPENSES	6,522.83	5,000.00	1,522.83		5,000.00		1,522.83	
HAZMAT EXPENSES	1,369.90	1,400.00	(30.10)		1,400.00		(30.10)	
MATERIALS & SUPPLIES EXPENSE	2,438.11	6,000.00	(3,561.89)		6,000.00		(3,561.89)	
MISCELLANEOUS EXPENSE	7.25	500.00	(492.75)		500.00		(492.75)	
NEW EQUIPMENT PURCHASE	145,793.00	28,422.00	117,371.00		28,422.00		117,371.00	
PAYROLL EXP - REGULAR	148,896.57	136,957.00	11,939.57		136,957.00		11,939.57	
REPAIR & MAINT - EQUIPMENT	1,627.04	3,000.00	(1,372.96)		3,000.00		(1,372.96)	
REPAIR & MAINT - TRUCK	4,728.09	1,500.00	3,228.09		1,500.00		3,228.09	
TELECOMMUNICATION EXPENSES	2,445.18	4,000.00	(1,554.82)		4,000.00		(1,554.82)	
TRAVEL, TRAINING & MEETINGS	339.00	2,000.00	(1,661.00)		2,000.00		(1,661.00)	
UNIFORMS/GEAR EXPENSE	4,112.42	6,000.00	(1,887.58)		6,000.00		(1,887.58)	
Expenses	\$380,302.42	\$194,779.00	\$185,523.42		\$194,779.00		185,523.42	
Revenue Less Expenditures	(\$380,302.42)	(\$194,779.00)	(\$194,779.00)		(\$194,779.00)		(\$194,779.00)	
Net Change in Fund Balance	(\$380,302.42)	(\$194,779.00)	(\$194,779.00)		(\$194,779.00)		(\$194,779.00)	

GENERAL FUND
Statement of Revenue and Expenditures

	Year-To-Date		Year-To-Date		Year-To-Date		Annual Budget	
	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010
	Actual	Budget	Variance	Variance	Jan 2010	Dec 2010	Jan 2010	Dec 2010
LAW ENFORCE - COURT								
Expenses								
BOOKING FEES	1,920.00	2,000.00	(80.00)		2,000.00		2,000.00	(80.00)
MATERIALS & SUPPLIES EXPENSE	3,112.20	1,000.00	2,112.20		1,000.00		1,000.00	2,112.20
MISCELLANEOUS EXPENSE	0.00	587.00	(587.00)		587.00		587.00	(587.00)
PAYROLL EXP - REGULAR	70,096.78	75,220.00	(5,123.22)		75,220.00		75,220.00	(5,123.22)
PRINTING EXPENSE	120.11	400.00	(279.89)		400.00		400.00	(279.89)
SPECIAL COURT COSTS	145.00	1,000.00	(855.00)		1,000.00		1,000.00	(855.00)
Expenses	\$75,394.09	\$80,207.00	(\$4,812.91)		\$80,207.00		\$80,207.00	(4,812.91)
Revenue Less Expenditures	(\$75,394.09)	(\$80,207.00)					(\$80,207.00)	
Net Change in Fund Balance	(\$75,394.09)	(\$80,207.00)					(\$80,207.00)	

GENERAL FUND Statement of Revenue and Expenditures

	Year-To-Date		Year-To-Date		Year-To-Date		Annual Budget	
	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010
	Actual	Budget	Variance	Variance	Jan 2010	Dec 2010	Jan 2010	Variance
LAW ENFORCE - POLICE								
Expenses								
BREATHALYZER EXPENSES	623.70	1,000.00	(376.30)		1,000.00			(376.30)
FUEL EXPENSES	23,467.20	35,000.00	(11,532.80)		35,000.00			(11,532.80)
MATERIALS & SUPPLIES EXPENSE	28,281.34	22,300.00	5,981.34		22,300.00			5,981.34
MISCELLANEOUS EXPENSE	712.25	1,000.00	(287.75)		1,000.00			(287.75)
NEW EQUIPMENT PURCHASE	27,751.03	25,500.00	2,251.03		25,500.00			2,251.03
PAYROLL EXP - REGULAR	465,554.84	445,000.00	20,554.84		445,000.00			20,554.84
PAYROLL EXP - SRO	49,031.18	49,750.00	(718.82)		49,750.00			(718.82)
REPAIR & MAINT - AUTOMOBILES	14,359.42	10,000.00	4,359.42		10,000.00			4,359.42
REPAIR & MAINT - EQUIPMENT	700.85	2,000.00	(1,299.15)		2,000.00			(1,299.15)
TELECOMMUNICATION EXPENSES	2,202.71	3,000.00	(797.29)		3,000.00			(797.29)
TRAVEL, TRAINING & MEETINGS	3,292.09	3,000.00	292.09		3,000.00			292.09
UNIFORMS/GEAR EXPENSE	2,671.90	5,360.00	(2,688.10)		5,360.00			(2,688.10)
Expenses	\$618,648.51	\$602,910.00	\$15,738.51		\$602,910.00			15,738.51
Revenue Less Expenditures	(\$618,648.51)	(\$602,910.00)			(\$602,910.00)			(\$602,910.00)
Net Change in Fund Balance	(\$618,648.51)	(\$602,910.00)			(\$602,910.00)			(\$602,910.00)

**GENERAL FUND
Statement of Revenue and Expenditures**

	Year-To-Date		Year-To-Date		Year-To-Date		Annual Budget	
	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010
LIBRARY								
Expenses								
LIBRARY TRANSFER	17,960.00		17,960.00	0.00	17,960.00	0.00	17,960.00	0.00
Expenses	\$17,960.00		\$17,960.00	\$0.00	\$17,960.00	\$0.00	\$17,960.00	0.00
Revenue Less Expenditures	(\$17,960.00)		(\$17,960.00)		(\$17,960.00)		(\$17,960.00)	
Net Change in Fund Balance	(\$17,960.00)		(\$17,960.00)		(\$17,960.00)		(\$17,960.00)	

GENERAL FUND
Statement of Revenue and Expenditures

	Year-To-Date		Year-To-Date		Year-To-Date		Annual Budget	
	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010
	Actual	Budget	Variance	Variance	Dec 2010	Dec 2010	Variance	Variance
PARKS DEPT								
Expenses								
CAPITAL IMPROVEMENT	8,853.74	29,700.00	(20,846.26)	(20,846.26)	29,700.00	29,700.00	(20,846.26)	(20,846.26)
FUEL EXPENSES	844.57	1,500.00	(655.43)	(655.43)	1,500.00	1,500.00	(655.43)	(655.43)
MATERIALS & SUPPLIES EXPENSE	1,445.12	4,120.00	(2,674.88)	(2,674.88)	4,120.00	4,120.00	(2,674.88)	(2,674.88)
MISCELLANEOUS EXPENSE	664.14	2,000.00	(1,335.86)	(1,335.86)	2,000.00	2,000.00	(1,335.86)	(1,335.86)
PAYROLL EXP - REGULAR	41,131.47	38,685.00	2,446.47	2,446.47	38,685.00	38,685.00	2,446.47	2,446.47
PROFESSIONAL SERVICES	23,000.00	1,000.00	22,000.00	22,000.00	1,000.00	1,000.00	22,000.00	22,000.00
REPAIR & MAINT - EQUIPMENT	1,533.62	1,800.00	(266.38)	(266.38)	1,800.00	1,800.00	(266.38)	(266.38)
UTILITIES EXPENSES	2,275.77	1,800.00	475.77	475.77	1,800.00	1,800.00	475.77	475.77
Expenses	\$79,748.43	\$80,605.00	(\$856.57)	(\$856.57)	\$80,605.00	\$80,605.00	(\$856.57)	(\$856.57)
Revenue Less Expenditures	(\$79,748.43)	(\$80,605.00)					(\$80,605.00)	(\$80,605.00)
Net Change in Fund Balance	(\$79,748.43)	(\$80,605.00)					(\$80,605.00)	(\$80,605.00)

GENERAL FUND

Statement of Revenue and Expenditures

	Year-To-Date		Year-To-Date		Annual Budget	
	Jan 2010	Dec 2010	Jan 2010	Dec 2010	Jan 2010	Dec 2010
	Actual	Budget	Variance	Variance		
TRANSFERS BETWEEN FUNDS						
Revenue						
STREET CITY SALES TAX	96,351.43	0.00	96,351.43	0.00	96,351.43	96,351.43
STREET COUNTY TURNBACK	43,609.70	0.00	43,609.70	0.00	43,609.70	43,609.70
STREET STATE TURNBACK	243,028.52	0.00	243,028.52	0.00	243,028.52	243,028.52
TRANSFER INCOME	34,710.35	0.00	34,710.35	0.00	34,710.35	34,710.35
Revenue	\$417,700.00	\$0.00	\$417,700.00	\$0.00	\$0.00	417,700.00
Expenses						
STREET CITY SALE TAX	96,351.43	0.00	96,351.43	0.00	96,351.43	96,351.43
STREET COUNTY TURNBACK	43,609.70	0.00	43,609.70	0.00	43,609.70	43,609.70
STREET STATE TURNBACK	243,028.52	0.00	243,028.52	0.00	243,028.52	243,028.52
Expenses	\$382,989.65	\$0.00	\$382,989.65	\$0.00	\$0.00	382,989.65
Revenue Less Expenditures	\$34,710.35	\$0.00	\$34,710.35	\$0.00	\$0.00	\$0.00
Net Change in Fund Balance	\$34,710.35	\$0.00	\$34,710.35	\$0.00	\$0.00	\$0.00

GENERAL FUND
SALES TAX REPORT
01/01/10 to 12/31/10

	Jan 2010	Jan 2009
	Dec 2010	Dec 2009
	Actual	Actual
Revenue		
CITY SALES TAX REVENUES	289,054.38	284,231.13
SALES TAX - OTHER	654,642.86	656,417.39
STREET CITY SALES TAX	96,351.43	94,743.70
Total Revenue	\$1,040,048.67	\$1,035,392.22
Total Net Income (Loss) From Operations	\$1,040,048.67	\$1,035,392.22
Total Net Income (Loss)	\$1,040,048.67	\$1,035,392.22

GENERAL FUND
General Ledger
05/01/09 to 12/31/10

Transaction Date	Transaction Number	Name / Description	Debits	Credits
NEW PARK DONATIONS				
05/12/09	016298	ERNEST L PENN		1,000.00
05/14/09	016301	ROY AND BETTY HUMMELL		1,000.00
07/23/09	016347	CHAMBER OF COMMERCE		1,000.00
08/08/09	016367	LADY CARDINALS		2,104.30
11/17/09	016437	MEMORIAL FOR C.D. PIKE		125.00
11/17/09	016438	MEMORIAL FOR C.D. PIKE		50.00
11/18/09	016439	MEMORIAL FOR C.D. PIKE		25.00
11/20/09	016440	WALTON FAMILY FOUNDATION INC		20,000.00
11/23/09	016441	MEMORIAL FOR C.D. PIKE		25.00
11/24/09	016442	MEMORIAL FOR C.D. PIKE		75.00
12/08/09	016455	MEMORIAL FOR C.D. PIKE		250.00
12/13/09	016460	MEMORY OF C.D. PIKE		160.00
01/03/10	016481	MEMORIAL FOR ROLAND DAVIS		30.00
01/05/10	016483	MEMORIAL FOR ROLAND DAVIS		25.00
01/06/10	016484	MEMORIAL FOR ROLAND DAVIS		25.00
01/10/10	016487	MEMORIAL FOR ROLAND DAVIS		50.00
01/11/10	016488	MEMORIAL FOR ROLAND DAVIS		15.00
01/17/10	016489	MEMORIAL FOR ROLAND DAVIS		140.00
03/09/10	016539	BRENDA CUNNINGHAM		75.00
03/09/10	016538	PATSY PIKE		75.00
03/09/10	016537	PAM DELANEY		75.00
03/09/10	016536	JANIE R STEELE		75.00
03/09/10	016535	BOBBY/BETTY MORGAN AND FAMILY		75.00
05/11/10	016588	SUMMER BALL PROGRAM		384.74
Net Activity for: NEW PARK DONATIONS				\$26,859.04
Ending Balance				\$26,859.04

Report Options

Period: 05/01/09 to 12/31/10
Account: NEW PARK DONATIONS
Fund: GENERAL FUND
Display Notation: No

STREET FUND
Balance Sheet
12/31/10

	Book Value Dec 2010 Actual	Book Value Dec 2009 Actual
Assets		
Current Assets		
Cash		
STREET FUND CHECKING ACCT	125,039.80	180,170.73
STREET FUND MONEY MARKET	257,303.11	506,479.81
Total Current Assets	\$382,342.91	\$686,650.54
Total Assets	\$382,342.91	\$686,650.54
Fund Balance		
Suplus Carryover		
CY SURPLUS (DEFICIT)	(304,307.63)	18,964.07
FUND BALANCE	686,650.54	667,686.47
Total Fund Balance	\$382,342.91	\$686,650.54
Total Liabilities and Equity	\$382,342.91	\$686,650.54

STREET FUND

Statement of Revenue and Expenditures

	Year-To-Date	Year-To-Date	Year-To-Date	Annual Budget	Annual Budget
	Jan 2010 Dec 2010 Actual	Jan 2010 Dec 2010 Budget	Jan 2010 Dec 2010 Variance	Jan 2010 Dec 2010	Jan 2010 Dec 2010 Variance
Revenue & Expenditures					
Revenue					
INTEREST REVENUES	937.37	2,700.00	(1,762.63)	2,700.00	(1,762.63)
MISCELLANEOUS REVENUES	11,365.55	100.00	11,265.55	100.00	11,265.55
STREET CITY SALES TAX	96,352.03	80,500.00	15,852.03	80,500.00	15,852.03
STREET COUNTY TURNBACK	63,417.19	25,000.00	38,417.19	25,000.00	38,417.19
STREET STATE TURNBACK	223,221.03	217,650.00	5,571.03	217,650.00	5,571.03
Revenue	\$395,293.17	\$325,950.00	\$69,343.17	\$325,950.00	69,343.17
Expenses					
FUEL EXPENSES	8,194.98	6,100.00	2,094.98	6,100.00	2,094.98
INSURANCES EXPENSE	2,719.54	2,300.00	419.54	2,300.00	419.54
MATERIALS & SUPPLIES EXPENSE	9,931.11	15,000.00	(5,068.89)	15,000.00	(5,068.89)
MISCELLANEOUS EXPENSE		1,000.00	(1,000.00)	1,000.00	(1,000.00)
NEW EQUIPMENT PURCHASE	19,693.45	30,000.00	(10,306.55)	30,000.00	(10,306.55)
PAYROLL EXP - REGULAR	144,503.93	132,750.00	11,753.93	132,750.00	11,753.93
PROFESSIONAL SERVICES	60,280.40	10,000.00	50,280.40	10,000.00	50,280.40
REPAIR & MAINT - EQUIPMENT	7,762.63	5,000.00	2,762.63	5,000.00	2,762.63
STREET LIGHTS	35,152.96	35,000.00	152.96	35,000.00	152.96
STREET/ROAD REPAIRS	403,058.85	79,000.00	324,058.85	79,000.00	324,058.85
TELECOMMUNICATION EXPENSES	1,969.00	2,000.00	(31.00)	2,000.00	(31.00)
TRAVEL, TRAINING & MEETINGS	40.00	1,000.00	(960.00)	1,000.00	(960.00)
UNIFORMS/GEAR EXPENSE	1,425.63	1,800.00	(374.37)	1,800.00	(374.37)
UTILITIES EXPENSES	4,868.32	5,000.00	(131.68)	5,000.00	(131.68)
Expenses	\$699,600.80	\$325,950.00	\$373,650.80	\$325,950.00	373,650.80
Revenue Less Expenditures	(\$304,307.63)	\$0.00		\$0.00	
Net Change in Fund Balance	(\$304,307.63)	\$0.00		\$0.00	

Fund Balances

Beginning Fund Balance	686,650.54		
Net Change in Fund Balance	(304,307.63)	0.00	0.00
Ending Fund Balance	382,342.91		

Report Options

Fund: STREET FUND
 Period: 12/01/10 to 12/31/10
 Detail Level: Level 1 Accounts
 Display Account Categories: No
 Display Subtotals: No
 Revenue Reporting Method: Actual - Budget
 Expense Reporting Method: Actual - Budget

LIBRARY FUND
Balance Sheet
12/31/10

	Book Value Dec 2010 Actual	Book Value Dec 2009 Actual
Assets		
Current Assets		
Cash		
LIBRARY CHECKING ACCT	21,846.68	14,423.42
LIBRARY MONEY MARKET	30,175.47	30,137.30
Total Current Assets	\$52,022.15	\$44,560.72
Total Assets	\$52,022.15	\$44,560.72
Fund Balance		
Suplus Carryover		
CY SURPLUS (DEFICIT)	7,461.43	1,165.27
FUND BALANCE	44,560.72	43,395.45
Total Fund Balance	\$52,022.15	\$44,560.72
Total Liabilities and Equity	\$52,022.15	\$44,560.72

LIBRARY FUND

Statement of Revenue and Expenditures

	Year-To-Date Jan 2010 Dec 2010 Actual	Year-To-Date Jan 2010 Dec 2010 Budget	Year-To-Date Jan 2010 Dec 2010 Variance	Annual Budget Jan 2010 Dec 2010	Annual Budget Jan 2010 Dec 2010 Variance
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Revenue & Expenditures

Revenue

FINES/LOST ITEMS	3,900.37	3,000.00	(900.37)	3,000.00	(900.37)
GRANTS	955.00		(955.00)		(955.00)
INTEREST REVENUES	54.36	250.00	195.64	250.00	195.64
MISCELLANEOUS REVENUES	1,350.00		(1,350.00)		(1,350.00)
TRANS FROM GENERAL FUND	17,960.00	17,960.00	0.00	17,960.00	0.00
WASHINGTON CO LIBRARY REVE	121,876.44	120,248.00	(1,628.44)	120,248.00	(1,628.44)
Revenue	\$146,096.17	\$141,458.00	(\$4,638.17)	\$141,458.00	(4,638.17)

Expenses

BOOKS AND MEDIA	33,460.60	35,000.00	(1,539.40)	35,000.00	(1,539.40)
INSURANCES EXPENSE	700.00	1,000.00	(300.00)	1,000.00	(300.00)
LIBRARY RESERVE		48.00	(48.00)	48.00	(48.00)
MATERIALS & SUPPLIES EXPENSE	5,076.54	5,000.00	76.54	5,000.00	76.54
MISCELLANEOUS EXPENSE	1,350.00	500.00	850.00	500.00	850.00
NEW EQUIPMENT PURCHASE	3,433.44	2,000.00	1,433.44	2,000.00	1,433.44
PAYROLL EXP - REGULAR	83,673.67	84,860.00	(1,186.33)	84,860.00	(1,186.33)
POSTAGE EXPENSE	452.93	500.00	(47.07)	500.00	(47.07)
PROGRAMS EXPENSE	263.28	1,000.00	(736.72)	1,000.00	(736.72)
REPAIR & MAINT - BUILDING	1,204.67	500.00	704.67	500.00	704.67
REPAIR & MAINT - EQUIPMENT	481.11	50.00	431.11	50.00	431.11
TECHNICAL SUPPORT	1,557.00	3,000.00	(1,443.00)	3,000.00	(1,443.00)
TRAVEL, TRAINING & MEETINGS	460.10	500.00	(39.90)	500.00	(39.90)
UTILITIES EXPENSES	6,521.40	7,500.00	(978.60)	7,500.00	(978.60)
Expenses	\$138,634.74	\$141,458.00	(\$2,823.26)	\$141,458.00	(2,823.26)
Revenue Less Expenditures	\$7,461.43	\$0.00		\$0.00	
Net Change in Fund Balance	\$7,461.43	\$0.00		\$0.00	

Fund Balances

Beginning Fund Balance	44,560.72			
Net Change in Fund Balance	7,461.43	0.00		0.00
Ending Fund Balance	52,022.15			

Report Options

Fund: LIBRARY FUND
 Period: 12/01/10 to 12/31/10
 Detail Level: Level 1 Accounts
 Display Account Categories: No
 Display Subtotals: No
 Revenue Reporting Method: Budget - Actual
 Expense Reporting Method: Actual - Budget



City of Farmington
354 West Main Street
P.O. Box 150
Farmington, Arkansas 72730
479-267-3865
479-267-3805 fax

MEMO

To: Farmington City Council
Ernie Penn, Mayor
Kelly Thomas, City Clerk
From: Audra Bell, Librarian
Re: Removal from inventory
Date: 07/01/2010

Recommendation

Please remove the following Dell computers from the library's inventory. The City of Farmington inventory numbers are: 0045, 0316, 0317, 0318.

Background

We have owned these computers for almost 5 years.

Discussion

The CPU units are repairable but not in warranty. The cost of repair is comparable to buying a new computer. I would like to discard these computers and buy new desktops.

Budget Impact

New desktop computers will be purchased with budgeted new equipment funds as available throughout 2011.

Bates & Associates, Inc.

Civil Engineering & Surveying

91 W. Colt Square Dr. Suite 3 / Fayetteville, AR 72703
PH: 479-442-9350 * FAX: 479-521-9350

January 4, 2011

City Council
City of Farmington
354 W. Main St.
Farmington, AR 72730

RE: Farmington Sports Complex

Dear Council Members,


We have reviewed the bids for Phase II of the Sports Complex. Phase II includes placing class 7 base in the parking area, installing curb & gutter, constructing the two street turn arounds, constructing all the interior sidewalks, and constructing the slabs for the dugouts and bleachers

The low bidder is J. Johnson Construction Company out of Rogers. They are also the contractor for Phase I and we are very pleased with their work. We would like to recommend to the council that they contract with J. Johnson Construction to perform the work on phase II.

If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely

Bates & Associates, Inc.


Geoffrey H. Bates, P.E.
President of Engineering

Bates & Associates, Inc.

Civil Engineering & Surveying

91 W. Colt Square Dr. Suite 3 / Fayetteville, AR 72703
PH: 479-442-9350 * FAX: 479-521-9350

January 4, 2011

City Council
City of Farmington
354 W. Main St.
Farmington, AR 72730

RE: Farmington Sports Complex

Dear Council Members,

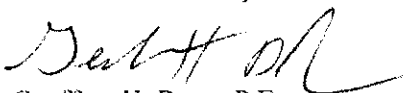
Bates and Associates has been providing construction management services for the City of Farmington for the construction of the Sports Complex. However, we have never had our fee approved by City Council. We are proposing to provide construction management for the project for a fee of 1.5% of the construction cost or approximately \$30,000.

We feel we can save the City of Farmington tens of thousands of dollars by Bates and Associates managing the project. This is due to the low percentage we are charging for construction management, and the ability to control markups or change orders from subcontractors, controlling the phasing of construction and controlling how the project is being constructed.

If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely

Bates & Associates, Inc.


Geoffrey H. Bates, P.E.
President of Engineering



354 W. Main Street
P.O. Box 150
Farmington, AR 72730
479-267-3865
479-267-3805 (fax)

Memo

To: Farmington City Council
Ernie Penn, Mayor
Kelly Thomas, City Clerk
From: Melissa McCarville
Re: Request approval of Contract from EDA
Date: January 5, 2011

Recommendation

Staff recommends approval of this contract.

Background

For several years the City of Farmington has been an MS4 (municipal separate storm sewer system.) As such we are required to follow the federal regulation from EPA and State law handed down from ADEQ with regard to handling storm water. This is what is commonly referred to as an unfunded mandate.

Discussion

Essentially what this amounts to is an onerous reporting process that has become more and more complicated over the years. In 2010, we renewed our stormwater permit and this added additional requirements that are more technical in nature than I feel comfortable handling without some professional assistance. EDA is providing this same service for several other cities in the area and I feel confident they can assist us as well.

Budget Impact

This contract is for a lump sum of \$20,000. This is a budgeted item. The greater cost would be incurred if we were to be audited and were not following the regulations as written.

**AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of January 1, 2011 (Effective Date), between **CITY OF FARMINGTON** (Owner) and **ENGINEERING DESIGN ASSOCIATES, PA** (Engineer). Engineer agrees to provide the services described below to Owner for **MS4 Stormwater Compliance (EDA Project # 1520)**. Description of Engineer's services are described below:

I. PROJECT DESCRIPTION:

Background Information:

The ADEQ is the state agency authorized by the EPA to issue National Pollutant Discharge Elimination System (NPDES) permits. The General Permit, requiring compliance with storm water regulations, had established August 1, 2009 as the effective date for affected entities to be covered under Arkansas' General Permit for MS4's.

The General Permit requires the development, implementation, and evaluation of a storm water management plan, phased over a 5-year period, that addresses six minimum control measures identified in the Phase II Storm Water Regulations.

The City of Farmington entered into an agreement with the Northwest Arkansas Regional Planning Commission to participate, along with 12 other cities in Northwest Arkansas, to jointly meet the requirements of the new U.S. Environmental Protection Agency's Phase II Storm Water Regulations. The group of Cities is also referred to as an "MS4" "small urbanized area municipal separate storm sewer system".

On November 23, 2009, the City of Farmington renewed a Notice of Intent for Dischargers of Storm Water Runoff Associated with Regulated Small Municipal Separate Storm Sewer Systems, Authorized under NPDES General Permit ARR040000.

The public education, involvement / participation and employee training part of the six control measures is being completed by the University of Arkansas Cooperative Extension Service. The remaining control measures are the responsibility of the City of Farmington. This proposal covers the part of the requirements that is not being completed by the U of A.

II. SCOPE OF SERVICES:

More specifically the services to be provided shall meet the following guidelines:

SECTION 1: ANNUAL REPORTING AND SWMP:

EDA will revise the City's current Stormwater Management Plan (SWMP) as required per the latest ADEQ

comments and resubmit by the established deadline.

EDA will submit Annual Reports on the dates required by ADEQ that will contain the following information:

A. Minimum Control Measure #3 - Illicit Discharge Detection and Elimination:

In general, EDA will inventory and continually update the City's storm sewer maps including all inlets, pipes and outfalls (20% per year). EDA will also help the City develop and implement a program to detect and address non-storm water discharges, including illegal dumping.

The annual report shall contain the following:

- 1) Number of outfalls dry-weather screened.
- 2) Number of dry-weather flows identified.
- 3) Number of illicit discharges identified.
- 4) Number of illicit discharges eliminated.
- 5) Schedule for elimination of illicit connections.
- 6) Summary of storm sewer systems mapping updates.

EDA will perform dry-weather screening of all outfalls on an annual basis to detect any illicit discharges. We will endeavor to identify and locate the source of the discharge (any formal water testing will be billed to the City as an out-of-pocket expense). Notification and enforcement action will be by City personnel. EDA will also review and help the City update any existing ordinances and develop a list of non-illicit discharges.

B. Minimum Control Measure #4 - Construction Site Storm Water Runoff Control:

In general, EDA will aid the City in the development of procedures to reduce pollutants in stormwater runoff from construction activities.

The annual report shall contain the following:

- 1) Number of applicable sites in the MS4 jurisdiction.
- 2) Number of pre-construction site plan reviews performed.
- 3) Number and frequency of site inspections (inspections not included in contract)
- 4) Number of violation letters issued.
- 5) Number of enforcement actions taken.
- 6) Number of complaints received and number followed up.

EDA will review plans and SWPPP's for all new projects that are submitted to the City that propose land disturbance activities of one acre or more. Review will be for compliance with erosion and sediment control requirements only. All plans reviewed will be tracked as per ADEQ requirements.

EDA will also review and help the City update any existing ordinances to ensure compliance with current stormwater regulations.

Aid the City in coming up with a process for public complaint and help develop an enforcement procedure. Notifications and enforcement action will be by City personnel.

C. Minimum Control Measure #5 - Post-Construction Storm Water Management in New Developments and Redevelopment:

In general, EDA will aid the City in the development of procedures for addressing stormwater runoff in new developments and redevelopment projects that disturb greater than or equal to one acre, or are part of a larger

project.

The annual report shall contain the following:

- 1) Number of applicable sites in the jurisdiction requiring post-construction controls.
- 2) Number of pre-construction site plan reviews performed.
- 3) Number of inspections performed to ensure as-built per requirements. (inspections not included in contract)
- 4) Compliance rates with MS4 requirements.
- 5) Number of long-term operation and maintenance (O & M) plans developed and agreements in place

ADEQ recommends MS4s to evaluate their existing codes and planning procedures to encourage Low Impact Development (LID) practices. EDA will review and help the City update any existing ordinances to encourage these types of BMPs.

Aid the City in coming up with an enforcement procedure. Notifications and enforcement action will be by City personnel.

EDA will help review any long-term maintenance agreements proposed by developers.

D. Minimum Control Measure #6 – Pollution Prevention / Good Housekeeping for Municipal Operations:

In general, EDA will aid the City in the development of operation and maintenance procedures for reducing pollutant runoff from municipal operations. The training component of this Control Measure will be handled by the U. of A.

The annual report shall contain the following:

- 1) Summary of employee training program(s) implemented with the employees that attended.
- 2) Summary of activities and procedures implemented for the operation and maintenance program

EDA will compile a list of all facilities currently owned by the City and determine if the facility falls under the ADEQ Industrial Permitting requirements or under activities described under 40 CFR 122.26(b)(14). Any facility not covered under a separate Industrial Permit must either obtain a permit or develop a SWPPP, depending upon the type of facility.

Site inspections of non-Industrial permit facilities will be performed by EDA on an annual basis. All inspections will be tracked and reports will be generated and available for ADEQ inspection at any time. (not in contract)



III. CLIENT TO PROVIDE THE FOLLOWING:

- A. Client to provide digital copies of most current Annual Report and Storm Water Management Plan.
- B. Copy of current ordinances related to stormwater.
- C. List of City-owned properties.
- D. Operation and procedures for municipal facilities.

IV. SERVICES NOT INCLUDED IN THE SCOPE OF THIS PROPOSAL:

- A. All large format drawings will be invoiced at a cost of \$5.00 per original B & W plot, \$10.00 for original color plots and \$2.00 per B & W copy.
- B. Small format copies (8 1/2 x 11) will be invoiced at a cost of \$0.05 ea.
- C. Stormwater quality testing.
- D. Attendance at meeting including but not limited to: technical review, planning commission, and/or city council meetings.
- E. Unscheduled site inspections requested by City personnel based on public complaints, etc.
- F. Individual SWPPP's required for City-owner facilities.
- G. Time involved with ADEQ audits.
- H. Construction site inspections
- I. Post-construction site inspections
- J. Develop operations and procedures for municipal facilities and operations.

Any additional services may be provided by Engineer if authorized by client, on a time and material basis.

V. CHANGES IN SCOPE OF SERVICES:

- A. Any service deleted from this proposal by the Client will become the responsibility of the Client.

VI. METHOD OF PAYMENT:

- A. These services will be invoiced on an hourly basis and billed monthly.

VII. APPROVAL SIGNATURE AND AUTHORIZATION TO PROCEED:

This proposal is valid for 30 days from 1-1-2011. Only after a signed copy of this proposal is received by EDA, will the project be scheduled and work started.

VIII. SCHEDULE OF CONDITIONS

ENGINEERING DESIGN ASSOCIATES, P.A. (EDA) services shall be performed in a manner consistent with that level of care and skill ordinarily exercised by other professional consultants performing comparable service under comparable circumstances at the time services are performed under this agreement. No other representations to the Client are expressed or implied, and no warranty or guarantee not expressly stated herein is included or intended in this agreement.

Client shall have the right to use any and all materials arising from EDA's effort on the project (the "Materials") only for purposes expressly contemplated in this agreement. The Client agrees to indemnify and defend any suite or claim, (including attorney's fees) resulting from any use of the Materials not expressly authorized by this agreement.

Finance charges may be assessed on all balances over thirty (30) days at a monthly interest rate of 0.83% (annual percentage rate 10%).

Pursuant to Arkansas Statutes, any and all controversies, differences, disagreements or disputes of any nature or character, that arises between the parties relating to services herein and has not been remedied to the satisfaction of the aggrieved party shall be resolved by final and binding arbitration under the Arbitration Rules of the American Arbitration Association by providing written notice of demand for arbitration to the other party. Such written notice shall specifically state the nature and character of said dispute, and shall be brought no later than one year following termination or completion of this agreement. Any dispute, disagreement, difference or

dispute that is not made the subject of a written demand of arbitration shall be deemed waived. Said written demand should also contain the names and addresses of at least three proposed (3) arbitrators. Within thirty (30) days after a demand for such arbitration has been made, the other party shall either agree to one of the proposed arbitrators from the list of names submitted, or propose an alternative arbitrator and shall notify the other party of the name and address of the alternative arbitrator. If the party receiving the demand for arbitration does not select, in writing, one of the arbitrators from the list of names submitted within the time so designated or propose an alternative arbitrator, then the party making demand for arbitration shall choose the arbitrator from the list of names previously submitted. Should the party receiving the demand for arbitration contest the entire list of names submitted and propose an alternative arbitrator, then the party making demand for arbitration shall have ten (10) days to either agree in writing to the proposed arbitrator, or notify the other party that they do not agree. In the event that the parties cannot agree on an arbitrator, each party shall choose one (1) arbitrator, and the two (2) arbitrators so chosen shall, within thirty (30) days jointly appoint a neutral, impartial arbitrator, who may not be on the list of names previously submitted. The impartial arbitrator shall hold hearings upon the issue, make such investigations as he or she shall deem necessary to a proper decision and render his or her decision in writing, which shall be final and conclusively binding upon the parties and enforceable in court as a final judgment or decree. With the exception as stated above for the enforcement of liens, no action, suit or proceeding shall be filed in any State, Federal or local court with respect to any claim or controversy of either party, except to enforce any arbitration decision rendered pursuant to the provisions hereof. In all cases, the parties shall jointly share in the cost of the arbitrator.

Client shall not assign or transfer this agreement to a third party without the written consent of EDA.

All provisions under the heading "Schedule of Conditions" shall survive termination or completion of this agreement.

Owner and Engineer further agree as follows:

1.01 Basic Agreement

A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement, and Owner shall pay Engineer for such Services as set forth in Paragraph 9.01.

2.01 Payment Procedures

A. Preparation of Invoices. Engineer will prepare a monthly invoice in accordance with Engineer's standard invoicing practices and submit the invoice to Owner.

B. Payment of Invoices. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer's invoice, the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, without liability, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Payments will be credited first to interest and then to principal.

3.01 Additional Services

A. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above.

B. Owner shall pay Engineer for such additional services as follows:

1. For additional services of Engineer's employees engaged directly on the Project an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any.

4.01 Termination

A. The obligation to provide further services under this Agreement may be terminated:

1. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party.

2. By Engineer upon seven days written notice if the Engineer's services for the Project are delayed or suspended for more than 90 days for reasons beyond Engineer's control.

Engineer shall have no liability to Owner on account of such termination. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under paragraph 4.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its failure and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

B. The terminating party under paragraphs 4.01.A.1 or 4.01.A.2 may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to demobilize personnel and equipment from the Project site, to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

5.01 Controlling Law

A. This Agreement is to be governed by the law of the state in which the Project is located.

6.01 Successors, Assigns, and Beneficiaries

A. Owner and Engineer each is hereby bound and the partners, successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by paragraph 6.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.

B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

7.01 General Considerations

A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Engineer and its consultants may use or rely upon the design services of others, including, but not limited to, contractors,

manufacturers, and suppliers.

B. Engineer shall not at any time supervise, direct, or have control over any contractor's work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, for safety precautions and programs incident to a contractor's work progress, nor for any failure of any contractor to comply with laws and regulations applicable to contractor's work.

C. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor.

D. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any contractor's agents or employees or any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any of construction work; or for any decision made on interpretations or clarifications of the construction contract given by Owner without consultation and advice of Engineer.

E. The general conditions for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction Contract" as prepared by the Engineers Joint Contract Documents Committee (No. C-700, 2002 Edition).

F. All design documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed.

G. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.

H. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste, and radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (i) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (ii) warrants that the Site is in full compliance with applicable Laws and Regulations.

8.01 Total Agreement

A. This Agreement (consisting of pages 1 to 9 inclusive together with any expressly incorporated appendix), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

9.01 Payment (Lump Sum Basis)

Using the procedures set forth in paragraph 2.01, Owner shall pay Engineer as follows:

A Lump Sum amount (Not to Exceed).....\$ 20,000.00

The term of this agreement is from Jan 1, 2011 through Dec. 31, 2011; total billable hours and expenses for the 2011 calendar year shall not exceed \$20,000.00 for services described in II. "Scope of Services". Additional services and costs described in IV. "Services Not Included in the Scope of this Proposal" shall be billed separately at the hourly rates described below:

HOURLY RATES FOR ENGINEERING DESIGN ASSOCIATES AS OF JANUARY 1, 2010:

Principal - Civil Engineer	\$110
Principal - Landscape Architect	\$100
Engineer - V	\$100
Engineer - IV	\$90
Engineer - IIIB	\$80
Engineer - IIIA	\$75
Engineer - II	\$65
Engineer - I	\$55
Civil Designer - V	\$80
Civil Designer - IV	\$70
Civil Designer - III	\$60
Landscape Architect - V	\$80
Landscape Architect - IV	\$70
Landscape Architect - III	\$60
Construction Observer	\$60
Professional Land Surveyor	\$90
Survey Party Chief	\$70
Survey - IV	\$65
Survey - III	\$55
Survey - II	\$45
Survey - I	\$35
Clerical	\$30

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER:

ENGINEER:

Melissa McCarville – City Manager

Steve A. Hesse
Steve A. Hesse – President

Title: _____

AR License No. 8527

Date Signed _____

Date Signed 1-5-2011

EDA

ENGINEERING DESIGN ASSOCIATES, P.A.
Engineers - Landscape Architects - Engineering Surveying
134 West Emma Avenue
Springdale, AR 72764
PH. (479) 756-1266 FAX (479) 756-2129

ORDINANCE NO. 2011-01

AN ORDINANCE TO RECONCILE VARIOUS EXPENDITURES AND REVENUES IN THE 2010 FARMINGTON MUNICIPAL BUDGET BY AMENDING THE 2010 MUNICIPAL BUDGET ORDINANCE, REPEALING CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

WHEREAS, it is necessary to amend the budget to reflect actual revenues and expenditures at year end;

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

Section 1: That Section 2 of the 2010 budget adopted by Ordinance 2009-12 should be and is hereby amended as follows:

That separate budgets reflecting projected revenue and expenditures for each department in the year 2010, as well as actual revenue and expenditures for each department are described in Exhibit "A", which is attached hereto and incorporated by reference.

Section 2: Repealing Clause. All ordinances or parts of ordinances conflicting with this ordinance are hereby rescinded.

Section 3: Severability Clause. In the event any portion of this ordinance is declared to be inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Section 4: Emergency Clause. It is necessary for the efficient operation of municipal government that the 2010 budget ordinance be amended to reflect both projected and actual revenues and expenditures; therefore, an emergency is declared

to exist and this ordinance shall take effect from and after its passage and approval.

PASSED AND APPROVED this 10th day of January, 2011.

APPROVED:

By: _____
Ernie Penn Mayor

ATTEST:

By: _____
Kelly Thomas, City Clerk

Exhibit "A"

BUDGET AMENDMENT 2010

DEPARTMENT	BUDGET 2010	AMENDED 2010	DIFFERENCE
ADMINISTRATIVE	\$ 520,608.00	\$ 945,644.13	425,036.13
POLICE DEPT	\$ 602,910.00	\$ 631,800.00	28,890.00
FIRE DEPT	\$ 194,779.00	\$ 383,948.03	189,169.03
COURT	\$ 80,207.00	\$ 74,500.00	-5,707.00
ANIMAL CONTROL	\$ 59,641.00	\$ 62,325.00	2,684.00
BUILDING INSPECTION	\$ 44,415.00	\$ 40,325.00	-4,090.00
PARKS DEPT	\$ 80,605.00	\$ 84,950.00	4,345.00
LIBRARY	\$ 17,960.00	\$ 17,960.00	0.00
TOTAL GENERAL FUND	\$ 1,601,125.00	\$ 2,241,452.16	640,327.16
STREET BUDGET	\$ 325,900.00	\$ 692,050.00	366,150.00
GRAND TOTAL	\$ 1,927,025.00	\$ 2,933,502.16	1,006,477.16
OTHER FUNDS			
BASEBALL CONSTRUCTION		295605.07	\$ 295,605.07
LOPFI	\$ 1,400.00	\$ -	\$ 1,400.00
COURT AUTOMATIOION	\$ 4,000.00	\$ 5,100.00	\$ (1,100.00)
SEWER CONST.	\$ -	\$ 3,304.00	\$ 4,466.51
LIBRARY	\$ 141,458.00	\$ 144,541.44	\$ (3,083.44)
ACT 833	\$ 14,500.00	\$ 92,107.96	\$ (77,607.96)
DEBT SERVICE	\$ -	\$ 515,727.18	\$ (515,727.18)
BANK OF OZARK DEBT	\$ -	\$ 718,723.02	\$ (718,723.02)
BANK OF OZARK SEWER	\$ 300,000.00	\$ 17,268.56	\$ 282,731.44
REVOLVING LOAN	\$ 1,100,000.00	\$ 800,000.00	\$ 300,000.00

SUBTOTAL BLD INSP.	\$	39,104.42	\$	44,415.00	\$	(5,310.58)	\$	40,325.00
FIRE DEPARTMENT								
FIRE TRUCK PAY	\$	62,023.03			\$	62,023.03	\$	62,023.03
FUEL	\$	5,975.15	\$	5,000.00	\$	975.15	\$	6,500.00
HAZMAT EXP	\$	1,369.90	\$	1,400.00	\$	(30.10)	\$	1,400.00
MATERIALS/SUPPLIES	\$	2,438.11	\$	6,000.00	\$	(3,561.89)	\$	3,000.00
MISCELLANEOUS	\$	7.25	\$	500.00	\$	(492.75)	\$	25.00
NEW EQUIPMENT	\$	145,793.00	\$	28,422.00	\$	117,371.00	\$	147,500.00
PAYROLL	\$	140,714.87	\$	136,957.00	\$	3,757.87	\$	149,000.00
REPAIR/MAINT EQUIP	\$	1,627.04	\$	3,000.00	\$	(1,372.96)	\$	2,000.00
REPAIR/MAINT TRUCK	\$	4,728.09	\$	1,500.00	\$	3,228.09	\$	5,000.00
TELECOMMUNICATION	\$	2,205.73	\$	4,000.00	\$	(1,794.27)	\$	2,500.00
TRAVEL	\$	339.00	\$	2,000.00	\$	(1,661.00)	\$	500.00
UNIFORMS	\$	4,112.42	\$	6,000.00	\$	(1,887.58)	\$	4,500.00
SUB TOTAL FIRE	\$	371,333.59	\$	194,779.00	\$	114,531.56	\$	383,948.03
ADMINISTRATIVE								
ADDITIONAL SERVICE	\$	74,935.46	\$	70,000.00	\$	4,935.46	\$	80,000.00
ADVERTISING EXP	\$	2,430.58	\$	1,500.00	\$	930.58	\$	2,900.00
BLDG/MAINT	\$	31,529.18	\$	25,000.00	\$	6,529.18	\$	33,000.00
CAPITAL IMPROV	\$	19,819.75	\$	-	\$	19,819.75	\$	19,819.75
ELECTION EXP	\$	1,101.70	\$	3,000.00	\$	(1,898.30)	\$	3,000.00
GENERAL SAVINGS	\$	240,134.63			\$	240,134.63	\$	240,134.63
INSURANCE	\$	7,628.78	\$	20,000.00	\$	(12,371.22)	\$	20,000.00
LEGAL EXPENSE	\$	15,245.67	\$	20,000.00	\$	(4,754.33)	\$	20,000.00
MATERIALS/SUPPLIES	\$	9,485.49	\$	21,000.00	\$	(11,514.51)	\$	11,000.00
MISC EXP	\$	12,637.41	\$	2,000.00	\$	10,637.41	\$	13,500.00
NEW EQUIP	\$	23,917.43	\$	10,000.00	\$	13,917.43	\$	25,000.00
OZARK REGIONAL	\$	5,000.00	\$	5,000.00	\$	-	\$	5,000.00
PAYROLL CITY ATT	\$	13,212.10	\$	16,608.00	\$	(3,395.90)	\$	16,000.00
PAYROLL ELECTED	\$	35,487.02	\$	48,000.00	\$	(12,512.98)	\$	39,000.00
PAYROLL REGULAR	\$	165,288.38	\$	178,500.00	\$	(13,211.62)	\$	181,500.00
PLANNING COMM	\$	7,652.12	\$	12,000.00	\$	(4,347.88)	\$	9,000.00
POSTAGE	\$	2,286.78	\$	3,000.00	\$	(713.22)	\$	2,500.00
PROF. SERVICE	\$	2,366.16	\$	25,000.00	\$	(22,633.84)	\$	7,000.00
REMODEL SENIOR	\$	155,589.75			\$	155,589.75	\$	155,589.75
REPAIR/MAINT OFF	\$	1,230.65	\$	5,000.00	\$	(3,769.35)	\$	1,700.00
TECHNICAL SUPP	\$	2,647.10	\$	5,000.00	\$	(2,352.90)	\$	5,000.00
TRAVEL/TRAINING	\$	11,873.73	\$	10,000.00	\$	1,873.73	\$	17,000.00
UTILITIES	\$	26,148.50	\$	40,000.00	\$	(13,851.50)	\$	38,000.00
					\$	-		
					\$	-		
SUB TOTAL ADMIN.	\$	867,648.37	\$	520,608.00	\$	347,040.37	\$	945,644.13
COURT								
BOOKING FEES	\$	1,740.00	\$	2,000.00	\$	(260.00)	\$	2,100.00
MATERIALS/SUPPLIES	\$	416.20	\$	1,000.00	\$	(583.80)	\$	750.00
MISC	\$	-	\$	587.00	\$	(587.00)	\$	-
NEW EQUIPMENT	\$	-			\$	-	\$	-
PAYROLL	\$	68,655.46	\$	75,220.00	\$	(6,564.54)	\$	71,000.00

PRINTING	\$ 120.11	\$ 400.00	\$ (279.89)	\$ 200.00
STRICTLY COURT COST	\$ 145.00	\$ 1,000.00	\$ (855.00)	\$ 450.00
			\$ -	
SUB TOTAL COURT	\$ 71,076.77	\$ 80,207.00	\$ (9,130.23)	\$ 74,500.00
POLICE				
BREATHAYLZER	\$ 590.83	\$ 1,000.00	\$ (409.17)	\$ 600.00
FUEL	\$ 21,370.36	\$ 35,000.00	\$ (13,629.64)	\$ 27,500.00
MATERIALS/SUPPLIES	\$ 28,153.99	\$ 22,300.00	\$ 5,853.99	\$ 30,000.00
MISC	\$ 712.25	\$ 1,000.00	\$ (287.75)	\$ 850.00
NEW EQUIPMENT	\$ 27,751.03	\$ 25,500.00	\$ 2,251.03	\$ 28,500.00
PAYROLL REGULAR	\$ 429,814.32	\$ 445,000.00	\$ (15,185.68)	\$ 470,000.00
PAYROLL SRO	\$ 45,359.67	\$ 49,750.00	\$ (4,390.33)	\$ 50,000.00
REPAIR/MAINT AUTO	\$ 11,994.93	\$ 10,000.00	\$ 1,994.93	\$ 14,500.00
REPAIR/MAINT EQUIP	\$ 700.85	\$ 2,000.00	\$ (1,299.15)	\$ 1,200.00
TELECOMMUNICATION	\$ 1,940.49	\$ 3,000.00	\$ (1,059.51)	\$ 2,200.00
TRAVEL	\$ 3,292.09	\$ 3,000.00	\$ 292.09	\$ 3,450.00
UNIFORMS	\$ 2,671.90	\$ 5,360.00	\$ (2,688.10)	\$ 3,000.00
SUB TOTAL POLICE	\$ 574,352.71	\$ 602,910.00	\$ (28,557.29)	\$ 631,800.00
LIBRARY EXP	\$ 17,960.00	\$ 19,000.00	\$ (1,040.00)	\$ 17,960.00
		\$ -		
SUB TOTAL LIBRARY	\$ 17,960.00	\$ 19,000.00	\$ (1,040.00)	\$ 17,960.00
PARKS				
CAPITAL IMPROV	\$ 8,853.74	\$ 29,700.00	\$ (20,846.26)	\$ 10,000.00
FUEL	\$ 844.57	\$ 1,500.00	\$ (655.43)	\$ 1,000.00
MATERIALS/SUPPLIES	\$ 1,445.12	\$ 4,120.00	\$ (2,674.88)	\$ 2,000.00
MISC	\$ 664.14	\$ 2,000.00	\$ (1,335.86)	\$ 750.00
PAYROLL	\$ 38,511.35	\$ 38,685.00	\$ (173.65)	\$ 42,000.00
PROFESSIONAL SER	\$ 23,000.00	\$ 1,000.00	\$ 22,000.00	\$ 25,000.00
REPAIR/MAINT EQUIP	\$ 1,533.62	\$ 1,800.00	\$ (266.38)	\$ 1,800.00
UTILITIES	\$ 2,058.39	\$ 1,800.00	\$ 258.39	\$ 2,400.00
SUB TOTAL PARKS	\$ 76,910.93	\$ 80,605.00	\$ (3,694.07)	\$ 84,950.00
GRAND TOTALS	\$ 2,073,211.59	\$ 1,602,165.00	\$ 471,046.59	\$ 2,241,452.16

STREET DEPT BUDGET WORK SHEET

ITEM	INCOME ACTUAL	BUDGET 2010	AMOUNT LEFT 2010 BUDGET	AMEND 2010
INCOME				
SAVINGS				\$ 304,750.00
INTEREST	\$ 892.98	\$ 2,700.00	\$ (1,807.02)	\$ 2,000.00
MISC INCOME	\$ 11,365.55	\$ 100.00	\$ 11,265.55	\$ 11,300.00
CITY SALE TAX	\$ 89,441.26	\$ 80,500.00	\$ 8,941.26	\$ 92,000.00
COUNTY TURNBACK	\$ 61,086.39	\$ 25,000.00	\$ 36,086.39	\$ 61,000.00
STATE TURNBACK	\$ 204,187.96	\$ 217,650.00	\$ (13,462.04)	\$ 221,000.00
			\$ -	
			\$ -	
TOTAL	\$ 366,974.14	\$ 325,950.00	\$ 41,024.14	\$ 692,050.00
EXPENSES				
	EXPENSE			
FUEL	\$ 7,725.18	\$ 6,100.00	\$ 1,625.18	\$ 8,200.00
INSURANCE	\$ 600.00	\$ 2,300.00	\$ (1,700.00)	\$ 2,300.00
MATERIALS & SUPP	\$ 9,672.62	\$ 15,000.00	\$ (5,327.38)	\$ 11,000.00
MISC EXPENSE	\$ -	\$ 1,000.00	\$ (1,000.00)	\$ -
NEW EQUIPMENT	\$ 19,693.45	\$ 30,000.00	\$ (10,306.55)	\$ 20,000.00
PAYROLL & BENEFITS	\$ 131,359.65	\$ 132,750.00	\$ (1,390.35)	\$ 146,100.00
PROFESSIONAL SER	\$ 45,798.32	\$ 10,000.00	\$ 35,798.32	\$ 51,000.00
REPAIR EQUIP	\$ 7,762.63	\$ 5,000.00	\$ 2,762.63	\$ 8,500.00
SAVINGS	\$ -		\$ -	
STREET LIGHTS	\$ 32,178.78	\$ 35,000.00	\$ (2,821.22)	\$ 36,000.00
STREET ROAD REPAIR	\$ 338,668.27	\$ 79,000.00	\$ -	\$ 400,000.00
TELECOMMUNICATION	\$ 1,775.70	\$ 2,000.00	\$ (224.30)	\$ 2,000.00
TRAVEL/TRAINING	\$ 40.00	\$ 1,000.00	\$ (960.00)	\$ 150.00
UNIFORMS	\$ 1,425.63	\$ 1,800.00	\$ (374.37)	\$ 1,600.00
UTILITIES	\$ 4,602.08	\$ 5,000.00	\$ (397.92)	\$ 5,200.00
			\$ -	
			\$ -	
TOTAL	\$ 601,302.31	\$ 325,950.00	\$ 275,352.31	\$ 692,050.00

LIBRARY				
ITEM	INCOME	BUDGET	AMOUNT LEFT	AMEND
	ACTUAL	2010	2010	2010
INCOME				
CHECKING CARRY		\$ -		
GRANTS	\$ 955.00		\$ 955.00	\$ 955.00
FINES	\$ 3,658.87	\$ 3,000.00	\$ 658.87	\$ 3,700.00
INTEREST	\$ 49.40	\$ 250.00	\$ (200.60)	\$ 50.00
MISCELLANEOUS		\$ -	\$ -	
GENERAL FUND	\$ 17,960.00	\$ 17,960.00	\$ -	\$ 17,960.00
WASH CO. LIBRARY	\$ 121,876.44	\$ 120,248.00	\$ 1,628.44	\$ 121,876.44
			\$ -	
			\$ -	
TOTAL	\$ 144,499.71	\$ 141,458.00	\$ 3,041.71	\$ 144,541.44
EXPENSES	EXPENSE			
BOOKS AND MEDIA	\$ 30,733.52	\$ 35,000.00	\$ (4,266.48)	\$ 36,000.00
INSURANCE	\$ 700.00	\$ 1,000.00	\$ (300.00)	\$ 700.00
LIBRARY SAVINGS		\$ 48.00	\$ (48.00)	\$ -
MATERIALS AND SUPP	\$ 5,076.54	\$ 5,000.00		\$ 5,200.00
MISCELLANEOUS		\$ 500.00	\$ -	\$ -
NEW EQUIPMENT	\$ 3,433.44	\$ 2,000.00	\$ 1,433.44	\$ 4,000.00
PAYROLL & BENEFITS	\$ 83,102.60	\$ 84,860.00	\$ (1,757.40)	\$ 85,391.44
POSTAGE	\$ 452.93	\$ 500.00	\$ (47.07)	\$ 500.00
PROGRAMS	\$ 263.28	\$ 1,000.00	\$ (736.72)	\$ 300.00
REPAIR/MAINT BLDG	\$ 1,204.67	\$ 500.00	\$ 704.67	\$ 1,250.00
REPAIR/MAINT EQUIP	\$ 481.11	\$ 50.00	\$ 431.11	\$ 500.00
TECH SUPPORT	\$ 1,557.00	\$ 3,000.00	\$ (1,443.00)	\$ 2,200.00
TRAVEL	\$ 460.10	\$ 500.00	\$ (39.90)	\$ 500.00
UTILITIES	\$ 5,946.57	\$ 7,500.00	\$ (1,553.43)	\$ 8,000.00
TOTAL	\$ 133,411.76	\$ 141,458.00	\$ (8,046.24)	\$ 144,541.44

LOPFI BUDGET WORKSHEET

ITEM	INCOME	BUDGET	AMOUNT LEFT	AMEND
		2010	2010	2010
ACT 1256	\$ 3,387.18	\$ 3,258.36	\$ 128.82	\$ 3,387.18
INTEREST			\$ -	
CARRYOVER				
TOTAL	\$ 3,387.18	\$ 3,258.36	\$ 128.82	\$ 3,387.18
	EXPENSE			
FIRE RETIREMENT			\$ -	
POLICE RETIREMENT		\$ 1,400.00	\$ (1,400.00)	\$ -
SCHOOL RESOURCE			\$ -	
MISC EXPENSE			\$ -	
			\$ -	
TOTAL	\$ -	\$ 1,400.00	\$ (1,400.00)	\$ -

SEWER CONSTRUCTION

ITEM	INCOME	BUDGET	AMOUNT LEFT	AMMENDED
	ACTUAL	2010	2010	2010
INCOME				
INTEREST	\$ 44.09	\$ -	\$ -	\$ 44.09
CARRY OVER				
TOTAL	\$ 44.09	\$ -	\$ -	\$ 44.09
EXPENSES	EXPENSE	BUDGET 2010	AMOUNT LEFT	AMENDED
SEWER CONST. EXP	\$ 3,304.00			\$ 3,304.00
TOTAL		\$ -	\$ -	\$ 3,304.00

COURT AUTOMATION FUND

ITEM	INCOME ACTUAL	BUDGET 2010	AMOUNT LEFT 2010	AMENDED 2010
INCOME				
INSTALLMENT FEE	\$ 5,100.00	\$ 4,000.00	\$ 1,100.00	\$ 5,100.00
INTEREST				
CARRY OVER			\$ -	
			\$ -	
TOTAL	\$ 5,100.00	\$ 4,000.00	\$ 1,100.00	\$ 5,100.00
EXPENSES	EXPENSE			
Materials/Supplies	\$ 5,100.00	\$ 4,000.00	\$ 1,100.00	\$ 5,100.00
New Equip			\$ -	
Total		\$ 4,000.00	\$ (4,000.00)	\$ 5,100.00

ACT 833

ITEM	INCOME	BUDGET	AMOUNT LEFT	AMENDED
	ACTUAL	2010	2010	2010
INTEREST			\$ -	
STATE FUNDS	\$ 13,913.62	\$ 14,500.00	\$ (586.38)	\$ 13,913.62
TOTAL		\$ 14,500.00	\$ (14,500.00)	\$ 13,913.62
EXPENSES	EXPENSE	BUDGET 2010	AMOUNT LEFT	
			BUDGET 2010	
TRANS TO GENERAL				
MISCELLANEOUS	\$ 92,107.96			\$ 92,107.96
TOTAL				\$ 92,107.96

BANK OF OZARK SEWER CONSTRUCTION

ITEM	INCOME	BUDGET	AMOUNT LEFT	AMEND
	ACTUAL	2010	2010	2010
INCOME				
			\$ -	
SEWER CONSTRUCTION			\$ -	
		\$ -	\$ -	\$ 839.42
			\$ -	
			\$ -	
TOTAL	\$ -	\$ -	\$ -	\$ 839.42
EXPENSES	EXPENSE			
CONSULTING FEES				
EASEMENT EXPENSE				
SEWER CONSTRUCTION		\$ 17,268.56	\$ 17,268.56	\$ 17,268.56
			\$ -	
			\$ -	
			\$ -	
			\$ -	
			\$ -	
TOTAL	\$ -	\$ 17,268.56		\$ 17,268.56

BANK OF OZARK SEWER DEBT SERVICE

ITEM	INCOME	BUDGET	AMOUNT LEFT	AMEND
	ACTUAL	2010	2010	2010
INCOME				
1995 CITY SALES TAX			\$ -	\$ 359,361.51
2005 CITY SALES TAX			\$ -	\$ 359,361.51
INTEREST			\$ -	\$ -
INVESTMENT TRANS			\$ -	\$ -
CARRY OVER				\$ -
TOTAL	\$ -	\$ -	\$ -	\$ 718,723.02
EXPENSES	EXPENSE			
BANK CHARGE			\$ -	
BOND PAYMENT			\$ -	\$ 359,361.51
SALES TAX RETURN			\$ -	\$ 359,361.51
MISC EXPENSE			\$ -	\$ -
			\$ -	
			\$ -	
TOTAL	\$ -	\$ -	\$ -	\$ 718,723.02

DEBT SERVICE ACCOUNT

ITEM	INCOME	BUDGET	AMOUNT LEFT	AMEND
	ACTUAL	2010	2010	2010
INCOME				
INTEREST			\$ -	
SEWER SURCHARGE			\$ -	\$ 228,675.59
TOTAL	\$ -	\$ -	\$ -	
EXPENSES	EXPENSE			
BOND INTEREST				
BOND PAYMENT				\$ 505,634.59
COLLECTION FEE				\$ 10,092.59
SERVICE FEE				
			\$ -	
TOTAL	\$ -	\$ -	\$ -	\$ 515,727.18

BASEBALL CONSTRUCTION				
ITEM	INCOME	BUDGET	AMOUNT LEFT	AMEND
	ACTUAL	2010	2010	2010
LOAN REVENUE		\$ 1,100,000.00	\$ (1,100,000.00)	\$ 1,550,198.00
			\$ -	
			\$ -	
	\$ -	\$ 1,100,000.00	\$ (1,100,000.00)	\$ 1,550,198.00
EXPENSES	EXPENSE			
ADMINSTRATION				
BASEBALL CONST		\$ 1,100,000.00	\$ (1,100,000.00)	\$ 295,605.07
			\$ -	
TOTAL	\$ -	\$ 1,100,000.00	\$ 1,100,000.00	\$ 295,605.07

REVOLVING LOAN FUND				
ITEM	INCOME	BUDGET	AMOUNT LEFT	AMEND
	ACTUAL	2010	2010	2010
LOAN REVENUE		\$ 1,100,000.00	\$ (1,100,000.00)	\$ 800,000.00
FAYETTEVILLE SHARE			\$ -	
			\$ -	
	\$ -	\$ 1,100,000.00	\$ (1,100,000.00)	\$ 800,000.00
EXPENSES	EXPENSE			
ADMINISTRATION				
EASEMENT				
SEWER CONST		\$ 1,100,000.00	\$ (1,100,000.00)	\$ 800,000.00
			\$ -	
TOTAL	\$ -	\$ 1,100,000.00	\$ 1,100,000.00	\$ 800,000.00

MONTH	CITY SALES TAX	CITY SALES TAX	STATE SALES TAX	STATE SALES TAX
	2009	2010	2009	2010
JANUARY	\$ 25,446.78	\$ 28,586.60	\$ 52,542.99	\$ 52,637.87
FEBRUARY	\$ 34,258.60	\$ 33,854.28	\$ 62,261.89	\$ 59,329.81
MARCH	\$ 26,801.95	\$ 28,707.31	\$ 49,986.99	\$ 50,475.77
APRIL	\$ 30,327.11	\$ 27,091.93	\$ 53,139.24	\$ 50,886.52
MAY	\$ 35,831.43	\$ 38,217.94	\$ 56,581.78	\$ 55,932.83
JUNE	\$ 31,508.81	\$ 34,083.07	\$ 53,492.75	\$ 52,696.01
JULY	\$ 30,887.08	\$ 33,037.96	\$ 56,013.83	\$ 54,316.47
AUGUST	\$ 34,139.15	\$ 33,470.28	\$ 55,567.45	\$ 55,736.00
SEPTEMBER	\$ 33,870.05	\$ 32,244.23	\$ 55,436.64	\$ 51,853.87
OCTOBER	\$ 33,269.55	\$ 34,731.42	\$ 55,554.97	\$ 60,603.83
NOVEMBER	\$ 32,818.93	\$ 33,740.13	\$ 54,341.54	\$ 55,617.80
DECEMBER	\$ 29,815.39	\$ 27,640.66	\$ 51,497.32	\$ 54,556.08
TOTALS	\$ 380,983.83	\$ 387,415.81	\$ 656,417.39	\$ 654,642.86
DIFFERENCE	UP	\$ 6,431.98	DOWN	\$ 1,774.50
		NET UP	\$ 4,657.48	

ORDINANCE NO. 2011-2

AN ORDINANCE TO AMEND ORDINANCE NO. 7.1 TO PROVIDE ZONING REGULATIONS FOR THE CITY OF FARMINGTON

WHEREAS, the City Council of the City of Farmington, pursuant to authority granted by the Arkansas General Assembly in Title 14, Chapter 56, Subchapter 4 of the Arkansas Code of 1987 Annotated, as amended, adopted zoning regulations to provide for orderly growth and development of Farmington; for protection of the character and stability of residential and commercial properties, and for other purposes; and

WHEREAS, the Farmington Planning Commission has worked diligently to amend the existing ordinance and provide additional residential estate zoning districts to accommodate single-family developments while preserving a rural environment; and

WHEREAS, a public hearing was held on July 26, 2010 and after public meetings and work sessions, a public hearing was held on December 27, 2010, at which time the Farmington Planning Commission adopted the new zoning regulations for the city council's consideration.

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

Section 1: That the zoning regulations should be and are hereby adopted as presented. The regulations consist of the text, which is attached hereto and made a part herein, as well as the zoning district boundary map, which is on file in the Office of the Farmington City Clerk.

Section 2: Repealing Clause. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3: Severability Clause. In the event any part of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid

shall be affected thereby and all other provisions hereof shall remain in full force and effect.

PASSED AND APPROVED this 10th day of January, 2011.

APPROVED:

By: _____
Ernie Penn, Mayor

ATTEST:

By: _____
Kelly Thomas, City Clerk

TITLE 14

Zoning

Sections:

14.04.01	Title
14.04.02	Authority
14.04.03	Purpose
14.04.04	Jurisdiction
14.04.05	Nature and Application

Sec. 14.04.01 Title. This article shall constitute the zoning regulations of the City of Farmington. It may be cited as the “zoning ordinance” or the “zoning code,” and consists of the text, which follows, as well the zoning district boundary map, entitled “Official Zoning Map of the City of Farmington, Arkansas,” which is on file in the Office of the City Clerk.

Sec. 14.04.02 Authority. These regulations are adopted pursuant to authority granted by the Arkansas General Assembly in Title 14, Chapter 56, Subchapter 4 of the Arkansas Code of 1987 Annotated, as amended.

Sec. 14.04.03 Purpose. The zoning regulations set forth herein are enacted to aid in the implementation of the land use portion of the *City of Farmington Comprehensive Land Use Plan*, and to promote, in accordance with present and future needs, the safety, order, convenience, prosperity, and general welfare of the citizens of Farmington. The regulations are intended to provide for orderly growth and development; for protection of the character and stability of residential, commercial and industrial properties; for efficiency and economy in the process of development for the appropriate and best use of land; for the use and occupancy of buildings; for healthful and convenient distribution of population; for good civic design and arrangement; and for adequate public utilities and facilities.

Sec. 14.04.04 Jurisdiction. The provisions of these regulations shall apply to all land, buildings and structures within the corporate limits of Farmington as they are now or may hereafter exist.

Sec. 14.04.05 Nature and Application.

(a) For the purposes stated above, the city has been divided into zoning districts in which the regulations contained herein will govern lot coverage; the height, area, location, and size of buildings; and the uses of land, buildings, and structures. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, order, convenience, prosperity, and general welfare. Whenever these requirements are at variance with the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing the higher standards, shall govern; provided however, that the City of Farmington shall not be responsible for enforcing deed restrictions or restrictive covenants.

(b) No land shall be used or occupied, no structure shall be erected, moved, converted, altered, enlarged, used or occupied, and no use shall be operated, unless it is in conformity with the regulations herein prescribed for the district in which such structure or land is located. This provision shall not be construed to affect any lawful uses of land or structures that exist, or for which a lawfully issued permit has been issued, at the effective date of these regulations.

(c) No proposed plat of any new subdivision of land shall hereafter be considered for approval unless the lots within such plat equal or exceed the minimum size and area requirements specified in the applicable zoning district in which the land is located.

(d) Dedication to public use of land shall not be a condition for any zoning or conditional use approval.

(e) All structures constructed or occupied in conformance with these regulations shall also conform to all other codes and regulations of the city.

(f) The provisions of these regulations are severable. If any section, paragraph, sentence, or clause shall be declared invalid, the remainder of the regulations shall not be affected.

Chapter 14.08

Rules of Construction and Definitions

Sections:

- | | |
|-----------------|--------------------------------------|
| 14.08.01 | Rules of Construction |
| 14.08.02 | Definitions of Terms and Uses |

Sec. 14.08.01 Rules of Construction. For the purpose of these regulations, the following rules of construction shall apply:

- (a) Words, phrases, and terms defined herein shall be given the defined meaning.
- (b) Words, phrases, and terms not defined herein but in the building code of the city shall be construed as defined in such code.
- (c) Words, phrases, and terms neither defined herein nor in the building code, shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
- (d) In case of any difference of meaning or implication between the text and any heading, table or figure, the text shall control.
- (e) The particular shall control the general.

(f) The word “shall” is always mandatory and not discretionary. The word “may” is permissive and not mandatory.

(g) Words used in the present tense include the future tense, and words used in the future tense include the present tense.

(h) Words used in the singular include the plural, and words used in the plural include the singular.

(i) The words “building” and “structure” are synonymous, and include any part thereof.

(j) The word “person” includes individuals, firms, corporations, associations and any other similar entities.

(k) The words “lot,” “parcel,” “site,” “tract,” or other unit of ownership are synonymous and may be used interchangeably.

(l) The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.

(m) All public officials, bodies, and agencies to which reference is made are those of the City of Farmington, unless otherwise indicated.

(n) Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, ordinance, statute, regulation, or document, unless otherwise expressly stated.

(o) Whenever a provision appears requiring the head of a department or another officer or employee to perform an act or duty, that provision shall be construed as authorizing the department head or officer or employee to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

(p) Unless the context clearly suggests the contrary, the conjunction “and” indicates that all connected items, conditions, provisions or events shall apply, and the conjunction “or” indicates that one or more of the connected items, conditions, provisions or events shall apply.

Sec. 14.08.02 Definitions of Terms and Uses. This section contains definitions of general terms used throughout the text. It also contains definitions for the uses identified in the text. The use definitions are intended to be mutually exclusive, which means that uses that are specifically defined shall not also be considered a part of a more general definition of that use. The use “retail/service,” for example, does not include the more specific use “convenience store.”

Accessory buildings and uses: A subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is one that is customarily incidental, appropriate and subordinate to the principal use of land and buildings. Accessory buildings and uses are located on the same lot and in the same zoning district as the principal use.

Adult entertainment: Any adult cabaret, adult theater, adult bookstore, adult massage establishment, model studio, or sexual encounter or meditation center which depicts or describes matters or activities relating to specified sexual activities or specified anatomical areas.

Agriculture, crop: The use of any land for the purpose of growing plants, crops, trees and other agricultural or forestry products.

Agriculture, animal: The use of any land for the purpose of raising livestock.

Agriculture, product sales: The retail sale of agricultural products produced on the same site.

Area: The amount of land surface in a lot or parcel of land.

Basic industry: The first operation or operations that transform a material from its raw state to a form suitable for fabrication.

Building: Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property and forming a construction that is safe and stable.

Building height: The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extension above the roof line.

Building lines: The lines that are parallel to the front, side, or rear lot lines of a lot at a distance equal to the minimum setback requirements, and beyond which the vertical wall of a building or structure shall not be located closer to said lot lines.

Cemetery: Land used, or intended to be used, for burial of the dead, whether human or animal, including a mausoleum, columbarium or cinerarium.

Certificate of occupancy: Permission to occupy a building and/or property.

Church: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, including day cares, is maintained and controlled by a religious body organized to sustain public worship.

Club or lodge: An association of persons for the promotion of some nonprofit common purpose,

such as charity, literature, science, politics, fellowship, etc., meeting periodically, and limited to members.

Comprehensive plan: The City of Farmington Comprehensive Land Use Plan.

Construction sales and service: An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, and construction and trade contractor storage yards.

Convenience store: An establishment, not exceeding three thousand five hundred (3,500) square feet of gross floor area, serving a limited market area, and engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use, and which may specifically include a car wash as an accessory use.

Country club: A chartered, nonprofit membership club catering primarily to its membership, providing one or more of the following social and recreational activities: golf, tennis, swimming, riding, or outdoor recreation. Such clubs typically include dining facilities, clubhouses, locker rooms, and pro shops.

Day care, general (day care center): A commercial establishment where adult day care services are provided, or where child day care services are provided for more than ten (10) children; with both such services to be provided pursuant to state laws and fire codes, and in accordance with, and licensed by appropriate state agencies.

Day care, limited (child care family home): A home where day care services are provided to a maximum of ten (10) children, with a maximum of two (2) adults in attendance. It shall be limited to one (1) license per home. The operator shall reside in the structure, and the facility must conform to all codes and regulations, both state and local, applicable thereto, with the most restrictive regulations prevailing. The babysitting of not more than four (4) children shall not be subject to provisions of these regulations.

Detached structure: A structure having no party or common wall with another structure except an accessory structure.

Development: The act of changing the state of a tract of land after its function has been purposefully changed by man; including, but not limited to, structures on the land and alterations to the land.

Development or site plan: A dimensioned presentation of the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, and other similar and pertinent features.

District, zoning: Any portion or section of the city within which uniform zoning regulations apply.

Drive-in establishments: A facility where services or products are delivered to persons in vehicles by means of a drive-up window or carhop.

Dwelling: A building or portion thereof which is designed or used as living quarters for one or more families; but not including motels, boardinghouses, tourist homes, convalescent homes, travel trailers, mobile homes, or manufactured housing.

Dwelling, attached: A dwelling that is joined to another dwelling at one (1) or more sides by a wall or walls.

Dwelling, detached: A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, multi-family: A dwelling designed for or occupied by three (3) or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels, or motels.

Dwelling, single-family: A dwelling designed for or occupied by one family only, and being on a permanent foundation.

Dwelling, two-family (duplex): A dwelling designed for or occupied by not more than two (2) families living independently of each other.

Dwelling unit: A room or group of rooms located within a dwelling and forming a single habitable unit with facilities for living, sanitation, sleeping, and cooking.

Family: One or more persons related by blood, marriage or adoption, or a group of not more than three (3) unrelated persons living together and subsisting in common as a single, non-profit housekeeping unit utilizing only one kitchen. A family may include domestic servants employed by said family.

Farm: A parcel of land used for the growing or raising of agricultural products including related structures thereon.

Floodplain regulations: Provisions of the City of Farmington Flood Damage Prevention Code.

Floor area: The sum of the gross horizontal areas of all of the floors of a principal building or buildings, excluding garages and covered parking areas, measured from the exterior faces of exterior walls, or from the centerline of walls separating two (2) buildings.

Frontage: That edge of a lot bordering a street.

Golf course: A facility providing private or public golf recreation services and support facilities, excluding miniature golf facilities.

Government services: Buildings or facilities owned or operated by government entities and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

Greenhouse or nursery: An establishment primarily engaged in the raising and retail sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.

Hobby Kennel: Any kennel where dogs or cats are kept for organized shows, breeding, for exhibition, or for the enjoyment of the household.

Home occupation: Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, which is conducted entirely within the main building, and which meets all other applicable standards and use limitations as described herein.

Hotel or motel: An establishment where overnight accommodations are supplied for transient guests. Typical accessory uses include dining, swimming, and meeting facilities.

Kennel: A facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding, or training dogs or cats, or both. A kennel, for the purposes of this chapter, does not include the ownership of dogs that are for the purpose of hunting, exhibiting in field trials or for guarding the homeowner's property. Occasional sale of puppies or kittens, by the owner, lessee or other occupant of such property shall not make the property a kennel for the purposes of this chapter.

Lot: Land occupied or intended for occupancy by a use permitted in these regulations, including one main building together with its accessory building, and the open spaces and parking spaces required herein, and having its principal frontage upon a street.

Lot, area: The total horizontal area of a lot lying within the lot lines.

Lot, corner: A lot abutting two (2) or more streets at their intersection.

Lot, double frontage: A lot that is an interior lot extending from one street to another and abutting a street on two (2) ends.

Lot, interior: Any lot which is not a corner lot.

Lot lines: The boundary lines of a lot.

Lot line, front: In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.

Lot line, rear: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot line, side: Any lot line other than a front or rear lot line as defined herein.

Lot of record: A lot that is a part of a subdivision, the plat of which has been recorded in the office of the Washington County Circuit Clerk.

Lot width: The width of a lot measured at the front building setback line.

Manufactured housing unit: A detached single-family housing unit fabricated in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Act.

Manufactured housing park: A tract of land in one ownership that is used or intended to be used by two (2) or more manufactured housing units, and which has public sanitary sewer facilities or step sewer system, public water, electricity, and other utilities available.

Manufacturing, general: An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding "basic industry."

Manufacturing, limited: An establishment primarily engaged in the on-site production of goods by hand manufacturing which generally involves only the use of hand tools or other equipment not exceeding two (2) horsepower, which may include assembly and packaging, as well as incidental, direct sales to consumers of those goods produced on-site.

Medical service: An establishment providing therapeutic, preventative, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other licensed practitioners, as well as the provision of medical testing and analysis services.

Mobile home: A transportable, factory-built housing unit, fabricated prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Standards Code.

Nonconforming structure: A structure, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which does not comply with the setback, height, or other development standards applicable in the district in which the structure is located.

Nonconforming use: Any structure or land lawfully occupied by a use at the time these regulations, or any amendment thereto, became effective, which does not conform to the use or area regulations of the district within which it is located.

Office, general: An establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

Owner: The property owner of record, according to the office of the Washington County Circuit Clerk.

Parks and recreation: A park, playground, open space, or facility, open to the general public and reserved for active or passive recreational activities.

Person: The term "person" shall mean and include any individual, firm, corporation, association, or partnership.

Pet Shop: A facility operated commercially and principally for the purpose of selling animals, which in the hands of their immediate owners, will be pets.

Recreation and entertainment, indoor: An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, pool halls and video game arcades.

Recreation and entertainment, outdoor: An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, and miniature golf courses.

Research service: An establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

Restaurant, drive-in: An establishment where the principal business is the sale of food and non-alcoholic beverages in a ready-to-consume state, and where the design or principal method of operation is that of a fast-food or drive-in-style restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in an automobile.

Restaurant, general: An establishment, other than "fast-food restaurant," where the principal business is the sale of food and beverages in a ready-to-consume state, where there is no service to a customer in an automobile, and where the design or principal method of operation consists of one or more of the following: (1) a sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which the food and beverage items are

consumed; or (2) a cafeteria or cafeteria-type operation where food and beverages generally are served in non-disposable containers and consumed within the restaurant.

Retail/service: The sale or rental of commonly used goods and merchandise for personal or household use or the provision of services to consumers, excluding those retail and service uses classified more specifically herein. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, electronics repair, shoe repair, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, laundromats, dry cleaners, cosmetics, books, antiques, or automotive parts and accessories.

Running at large: The term "running at large" shall mean off the premises of the owner and not under the control of the owner or a member of his or her immediate family.

Service station: An establishment primarily engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, or the minor adjustment or minor repair of motor vehicles.

Use: Any functional, social, or technological activity, which is imposed or applied to land or to structures on the land.

Vehicle and equipment sales: An establishment engaged in the retail sale or rental, from the premises, of motorized vehicles, along with incidental service or maintenance. Typical uses include automobile and truck sales, automobile rental, boat sales, and motorcycle sales.

Vehicle repair, general: An establishment primarily engaged in painting of, or bodywork to, motor vehicles or heavy equipment. Typical uses include paint and body shops.

Vehicle repair, limited: An establishment primarily engaged in automotive repair other than paint and body shops.

Veterinary care, general: A use providing animal care, veterinary services or boarding.

Veterinary care, limited: A use providing small animal (household pet) boarding or veterinary services, with no outside runs.

Warehouse, residential storage (mini-warehouse): An enclosed storage facility containing independent, separate units or cubicles that are intended to be leased to persons exclusively for dead storage of their household goods or personal property. The active utilization of any storage space or cubicle within such a storage area for a retail or wholesale business operation is expressly prohibited.

Yard: An open space on the same lot with a building, unobstructed from the ground upward, and

measured as the minimum horizontal distance between the lot line and the main building.

Yard, front: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street right-of-way line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear: A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot line in the rear of the main building or any projection other than steps, unenclosed porches, or entranceways.

Yard, side: A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

Chapter 14.12

Nonconforming Structures and Uses

Sections:

14.12.01	Continuance of Use
14.12.02	Discontinuance of Use
14.12.03	Change of Use
14.12.04	Repairs and Alterations
14.12.05	Damage and Destruction
14.12.06	District Changes

Sec. 14.12.01 Continuance of Use.

(a) Any lawfully established use of a structure or land, on the effective date of these regulations or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.

(b) Any legal nonconforming structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.

(c) Any structure for which a building permit has been lawfully granted prior to the effective date of these regulations, or of amendments hereto, may be completed in accordance with the approved plans. Such building shall thereafter be deemed a lawfully established building.

Sec. 14.12.02 Discontinuance of Use.

(a) Whenever any part of a structure or land occupied by a nonconforming use is changed to, or replaced by, a use conforming to the provisions of these regulations, such premises shall not thereafter be used or occupied by a nonconforming use, even though the structure may have been originally designed and constructed for the prior nonconforming use.

(b) Whenever a nonconforming use of a structure or part thereof, has been discontinued or abandoned for a period of one (1) year or more, such use shall not be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.

Sec. 14.12.03 Change of Use.

(a) The nonconforming use of any structure or portion thereof, may be occupied by a similar or less intense nonconforming use as may be determined by the zoning official, subject to appeal to the board of the Farmington Planning Commission. No building in which a nonconforming use has been changed to a more restricted use shall again be devoted to a less restricted use.

(b) A nonconforming use of land without substantial buildings or structures may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of these regulations. If such nonconforming use or portion thereof is discontinued for a period of one (1) year, or changed, any future use of such land or change of use shall be in conformity with the provisions of the district in which such land is located.

Sec. 14.12.04 Repairs and Alterations.

(a) Normal maintenance of a nonconforming structure or of a conforming structure containing a nonconforming use is permitted.

(b) Alterations may be made when required by law, or when such alterations will actually result in eliminating the nonconformity.

(c) No structure occupied, or partially occupied, by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

Sec. 14.12.05 Damage and Destruction. If a nonconforming structure or a structure containing a nonconforming use is damaged or destroyed by natural disaster, fire, or other casualty, the structure may be repaired or reconstructed and used for the same purpose as it was before the occurrence; provided such repair or reconstruction is commenced within eighteen (18) months of the date of such damage or destruction and completed. Failure to exercise this option within the time specified, shall be considered a voluntary abandonment and the structure may be rebuilt and used thereafter only for a conforming use, and in compliance with provisions of the district in which it is located.

Sec. 14.12.06 District Changes. Whenever the boundaries of a zoning district are changed, so as to transfer an area from one district to another, the foregoing provisions shall also apply to any newly created nonconforming uses therein.

Chapter 14.16

Establishment of Zoning Districts and Boundaries

Sections:

- 14.16.01 Zoning Districts Established**
- 14.16.02 Zoning District Boundary Map**
- 14.16.03 Interpretation of District Boundaries**
- 14.16.04 Classification of Annexed Lands**
- 14.16.05 Vacation of Public Rights-of-Ways**

Sec. 14.16.01 Zoning Districts Established. The following zoning districts, which may be referred to by their abbreviations, are hereby established:

- A-1 Agriculture
- RE-1 Residential Estate
- RE-2 Residential Estate
- R-1 Residential Single-Family
- R-2 Residential Single-Family
- MF-1 Multi-Family Residential
- MF-2 Multi-Family Residential
- MHP Mobile Home Park
- R-O Residential Office
- C-1 General Commercial
- C-2 Highway Commercial
- I Industrial

Sec. 14.16.02 Zoning District Boundary Map. The location and boundaries of the zoning districts established herein are defined as shown on a map entitled "Official Zoning Map of the City of Farmington, Arkansas," which is on file in the office of the City Clerk. This map, together with all explanatory data thereon, is hereby adopted by reference, and declared to be a part of these regulations. The official zoning map shall be certified as such by signature of the Mayor, attested by the City Clerk.

If, in accordance with the provisions of these regulations, changes are made in district boundaries or other data portrayed on the official zoning map, such changes shall be made on said map within thirty (30) days after the amendment has been approved by the City Council.

No changes of any nature shall be made on the official zoning map or information shown thereon, except in conformity with the procedures set forth in these regulations. Any

unauthorized change of whatever kind by any person or persons shall be considered a violation of these regulations, and punishable pursuant to misdemeanor provisions contained herein.

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map located in the office of the Farmington City Business Manager shall be the final authority as to the current zoning status of property in the city.

Sec. 14.16.03 Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts shown on the official zoning map, the zoning official shall employ the following rules in interpretations thereof. Decisions of the zoning official are subject to appeal to the Farmington Planning Commission.

(a) Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow such centerlines.

(b) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(c) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(d) Boundaries indicated as following waterways shall be construed to be following the center of the stream.

(e) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(f) Boundaries indicated as parallel to, or extensions of features mentioned in the preceding rules, shall be so construed.

Sec. 14.16.04 Classification of Annexed Lands. All lands annexed into the city shall initially be assigned an A-1 zoning district classification. Consideration of a more appropriate classification may subsequently be considered.

Sec. 14.16.05 Vacation of Public Rights-of-Ways. Whenever any street, alley, or other public way is vacated or abandoned by action of the city council pursuant to law, the zoning district classification of the property to which the vacated portions of land accrue, shall become the classification of the vacated land.

Chapter 14.20

District Regulations

Sections:

14.20.01	Agriculture and Residential Districts
14.20.02	Commercial Districts
14.20.03	Industrial Districts
14.20.04	Commercial and Industrial Uses Permitted

Sec. 14.20.01 Agriculture and Residential Districts.

(a) General Description. In addition to the agriculture district, which is considered to be a very low density single-family district, and acts to serve as a holding zone for subsequent higher density consideration, there are nine (9) residential districts designed to meet present and future housing needs; to protect the character of, and property values in, residential areas; to encourage an environment conducive to quality family life; and to provide choice in density, as well as in type of housing. Five (5) of the districts are for single-family uses, and are intended to be defined and protected from the encroachment of uses not performing a function necessary to the low and medium density residential environment. One (1) of the districts is intended for single-family mobile home use, two (2) exist for multi-family residential uses, and one (1) combines both residential and office uses. More specific descriptions, permitted uses and conditional uses in the residential districts are as follows.

Uses permitted in the residential districts are set forth in the following descriptions of the districts. Only one (1) single-family dwelling unit per lot shall be permitted in A-1, RE-1, RE-2, R-1, R-2, R-O, and MF-1.

Conditional uses in the residential districts are set forth in the following descriptions of the districts.

(1) A-1 Agriculture District. The purpose of this district is to provide for a very low density single family district, while helping to preserve existing agricultural resources, and to guide the conversion of these lands to higher density residential development by application of the zoning standards set forth in this ordinance.

Permitted uses include single-family dwellings, churches and cemeteries; field and truck crops, orchards, vineyards, greenhouses, nurseries, landscape gardening; pasture land, livestock and kennels; essential governmental facilities and services, utility facilities such as electric regulating stations or pressure control stations and uses customarily accessory to permitted uses.

(2) RE-1 Residential Estate District. The purpose of this district is to accommodate

single-family residential development on low density, large estate type lots to provide and preserve a rural environment.

Permitted uses include single-family dwelling and accessory building, agriculture, private stable and/or corral, cemetery, golf course (excluding miniature), parks, and essential government facilities.

Conditional uses include churches and schools, educational facilities: public or private; private parks, public utility and child care family home.

(3) RE-2 Residential Estate District. The purpose of this district is to accommodate single-family residential development on low density, large estate type lots. This zone is intended to help preserve rural/estate character and provide for rural amenities with the primary residential nature of the zone.

Permitted uses include single-family dwelling and accessory building; or agriculture, cemetery, golf course (excluding miniature), private stable and/or corral, parks, and essential governmental facilities.

Conditional uses include churches and schools, educational facilities; public or private, private parks, public utility and child care family home.

(4) R-1 Single-Family Residential. The purpose of this district is to accommodate single-family residential uses on residential lots of at least 10,000 square feet.

Permitted uses include single-family detached dwellings and essential governmental facilities and services.

Conditional uses include utility facilities such as electric regulating stations or pressure control stations and child care family home.

(5) R-2 Single-Family Residential. This district is intended to principally provide single-family residential use on moderately sized, medium-density lots of at least 7,500 square feet.

Permitted uses include single-family detached dwelling and essential governmental facilities and services.

Conditional uses include utility facilities such as electric regulating stations or pressure control stations and uses customarily accessory to appeal uses or child care family home.

(6.) R-O Residential-Office District. The purpose of the Residential-Office District to is to provide areas within the city for the placement of offices or offices and residential in combination; to recognize existing offices and in some cases encourage their expansion and to provide a transition use from residential to commercial.

Permitted uses include business and professional offices, business and professional services; art and teaching studios, barber and beauty shops, single-family in combination with any of the above uses, duplexes, multi-family, veterinary clinic with no overnight accommodations, governmental offices, essential governmental facilities and services and uses customarily accessory to permitted uses.

Conditional uses may include child care family home and utility facilities such as electric regulating stations or pressure control stations.

Occupation permitted in residential structures utilized for residential purposes in the residential and agricultural districts. An occupation may be carried on in a residential structure in the R-O and A-1 Districts only when:

- (A) Does not require the use of more than fifteen (15) percent of the living area.
- (B) Does not require the use of an accessory building or yard space or any activity outside the main structure not normally associated with the residential uses.
- (C) Does not have a sign in excess of four square feet in area to denote the business, occupation or profession, and such sign must be attached to the structure.
- (D) Does not involve the outside display of goods and services.
- (E) The person operating the home occupation must be the person residing in the residential structure.
- (F) The person requesting a home occupation shall submit a request for the proposed use to the Planning Commission for approval.

(7) MF-1 Single and Multi-family Residential. This district is characterized by single and multi-family residential development on medium-density lots of at least 7,500 square feet. As with other residential zones, this district also serves as a buffer in providing for a graduation in intensity from higher to lower density residential development.

Permitted uses include single-family detached dwelling, multi-family units, and essential governmental facilities and services.

Conditional uses include churches and schools, and utility facilities such as electric regulating stations or pressure control stations.

(8) MF-2 Multi-Family Residential. The purpose of this district is to provide for high density residential development for attached living complexes. A minimum of 6,000 square feet of land is required for each dwelling unit. Municipal utility services must be available to be zoned in this classification.

Permitted uses include multi-family units and essential governmental facilities and services.

Conditional uses include utility facilities such as electric regulating stations.

(9) MHP Mobile Home Park District. The purpose of the Mobile Home Park District is to provide areas within the city for the placement of mobile homes; to recognize existing mobile home parks and to allow for their expansions or the establishment of new facilities; and to provide a variety of housing types for all income levels.

Permitted uses shall include mobile homes, laundry facilities (for the mobile home park only), special recreation facilities, essential government facilities and services and uses customarily accessory to permitted uses.

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Zoning Districts:	A-1	RE-1	RE-2
Single Family Minimum land area:	2 acres	2 acres	1 acre
Minimum Land Area per dwelling unit:	2 acres	2 acres	1 acre
Front Setback:	35	50	25
Side Setback:	15	15	10
Rear Setback:	30	50	20
Lot Frontage:	200 feet	200 feet	75 feet
Duplex	NP	NP	NP
Triplex	NP	NP	NP
4 Plex and Larger	NP	NP	NP
Churches and Schools Minimum land area:	3 acres	3 acres	3 acres
Front Setback:	50	50	30
Side Setback:	30	30	25
Rear Setback:	50	50	25
Lot Frontage:	200 feet	200 feet	100 feet
All other Uses Minimum land area:	5 acres	5 acres	5 acres
Front Setback:	30*	30	25
Side Setback:	30*	30	25
Rear Setback:	30*	30	25
Lot Frontage:		200 feet	100 feet
NP=Not Permitted			

*all structures involved in agriculture uses shall provide a 50 ft. front side and rear yard.

Zoning Districts:	R-1	R-2	R-O
Single Family Minimum land area:	10,000	7,500	7,500
Minimum Land Area per dwelling unit:	10,000	7,500	7,500
Front Setback:	25	25	50
Side Setback:	10	10	20
Rear Setback:	20	20	30
Lot Frontage:	75 feet	75 feet	100 feet
Duplex	NP	NP	NP
Triplex	NP	NP	NP
4plex and Larger	NP	NP	NP
Churches and Schools Minimum land area:	43,560 ft.	43,560 ft.	NP
Front Setback:	30	30	
Side Setback:	25	25	
Rear Setback:	25	25	
Lot Frontage:	100	100	
All other Uses Minimum land area:	43,560 ft.	43,560 ft.	43,560 ft.
Front Setback:	25	25	25
Side Setback:	25	25	25
Rear Setback:	25	25	25
Lot Frontage:	100 feet	100 feet	100 feet
NP=Not Permitted			

Zoning Districts:	MF-1	MF-2	MHP-1
Single Family Minimum land area:	7,500 ft.	NP	43,560 Min. land area Sq. Ft.
Minimum Land Area per dwelling unit:	7,500 ft.		4,000
Front Setback:	25		25
Side Setback:	10		25
Rear Setback:	20		25
Lot Frontage:	75 feet		100
Duplex Minimum land area:	12,000 ft.	12,000 ft.	NP
Minimum Land Area per dwelling unit:	6,000 ft.	6,000 ft.	
Front Setback:	25	25	
Side Setback:	10	10	
Rear Setback:	10	20	
Lot Frontage:	75	75	
Triplex Minimum land area:	NP	18,000 ft.	NP
Minimum Land Area per dwelling unit:		6,000 ft.	
Front Setback:		30	
Side Setback:		15	
Rear Setback:		20	
Lot Frontage:		100	
4 Plex and Larger Minimum land area:	NP	24,000 ft	NP
Minimum Land Area per dwelling unit:		6,000 ft	
Front Setback:		30	
Side Setback:		25	
Rear Setback:		20	
Lot Frontage		100	
Churches and Schools Minimum land area:	NP	43,560 ft.	NP
Front Setback:		30	
Side Setback:		25	
Rear Setback:		25	
Lot Frontage:		100	

NP=Not permitted

**MISCELLANEOUS PROVISIONS
RESIDENTIAL DISTRICTS**

(a) Minimum Dimension Requirements

(1) When an existing lot is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining area is at least seventy-five percent (75%) of the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.

(2) Minimum lot size requirements shall not be interpreted as prohibiting the construction of a single-family residential dwelling unit on a lot that was legally platted and recorded before the adoption of these regulations. For lots that are rendered nonconforming, the necessity of obtaining a variance from such created nonconformity shall not be required as a condition of issuance of a building permit, provided all setback and other requirements can be met.

(3) When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose, and the remaining setback is at least seventy-five percent (75%) of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements.

(b) Maximum Lot Coverage

(1) The maximum lot coverage (all buildings) shall not exceed forty percent (40%) in R-1, R-2, MF-1, and MF-2 zones.

(2) The maximum lot coverage for the R-O zone is sixty percent (60%) of the lot or parcel.

(c) Height Limitations

(1) The maximum height for all structures is thirty-five (35) feet in R-1, R-2, MF-1, and MF-2 zones. The maximum height for all structures is 20 feet in MHP zones.

(2) The maximum height for all structures is forty (40) feet in the R-O zone.

(d) Off-street parking

(1) Parking requirements for R-1 and R-2 zones are as follows:

2 per each single-family dwelling;

1 per each 10 seats in a church auditorium or sanctuary;

1 per each 1,000 square feet of school floor area; and
1 per each 500 square feet of floor area in all other areas.

(2) Parking requirements for MF-1 and MF-2 zones are as follows:

2 per each single-family dwelling in MF-1;
4 per each duplex;
6 per each triplex;
8 per each fourplex;
2 per each dwelling unit in any structure larger than a fourplex;
1 per each 10 seats in a church auditorium or sanctuary;
1 per 100 square feet of school floor area; and
1 per each 500 square feet of floor area in all other uses.

(3) Parking requirements for MHP zones are 2 per each mobile home space.

(4) Parking requirements for R-O zones are as follows:

2 per each dwelling unit;
2 per each dwelling unit plus 1 per each 300 square feet of office or business space in combination; and
1 per each 500 square feet of floor area in all other uses.

Sec. 14.20.02. Commercial Districts.

(a) General description. Commercial districts are principally intended for the provision of services and the conduct of business and retail trade essential to support residents within the city and the surrounding area. Two (2) such districts are established herein to provide for the diversity of uses and appropriate locations required for the range of goods and services needed in Farmington.

Uses permitted and conditional uses in the commercial districts are set forth in the following descriptions

(1) C-1 General Commercial . The purpose of this zoning district is to provide areas within the city for the conduct of commerce and the provision of personal services; to group retail activities for the convenience of the consumer, to reduce energy costs, to take maximum advantages of public facilities and services and to reduce the impact on surrounding property; and to recognize and encourage the continuance of certain existing commercial groupings.

Permitted uses may include all uses listed in the R-O District except residential uses, restaurants, all retail and service uses; trade and repair services, cultural and recreation facilities, veterinary with inside holding pens, hotel and motel facilities and public and

private uses customarily accessory to permitted uses.

Minimum Area Requirements:

Minimum Land. Sq. Ft .	Front Yard Feet	Side Yard Feet	Rear Yard Feet .
N/A	50	25	20

Lot coverage: No more than 60% of the lot or parcel may be covered by structures.

Height requirements: The maximum height shall be 40 feet.

Off-street parking requirements:

- 1 per each 200 sq. feet of floor area for eating places and retail establishments
- 1 per each room for hotel and motels;
- 1 per each 500 sq. feet of floor area for all other uses.

(2) C-2 Highway Commercial. The purpose of the Highway Commercial District is to provide areas adjacent to highways within the city for the conduct of commerce and the provision of personal services; to groups retail activities for the convenience of the consumer, to reduce energy costs, to take maximum advantage of public facilities and services and to reduce the impact on surrounding property, and to recognize and encourage the continuance of certain existing commercial groupings.

Permitted uses may include all uses listed in the R-O District, except residential, and C-1 District, including but not limited to, Advertising agency, Antique shop without refinishing, Architects supplies, Artists studio, Artists supplies, Arts & crafts shop, Barber or beauty shop, Bicycle shop, Book & stationery store, Camera shop, China shop, Clothing store, convenience food store dispensing fuel, cosmetic sales, costume rental, Curtain sales, Dental supplies, Detective service, Drafting service, Drive-in establishments, Drugstore or pharmacy, Dry-cleaning, Laundromats, Fire station, Florist shop, Food specialties store, Handicraft, ceramics, sculpture of similar artwork, Health food store, Health studio or spa, Hearing aid, Interior decorating, Key shop, Leather goods & luggage, Library, Art gallery, Medical appliance fittings & sales, Medical supplies and services, News & magazine store, Offices, Optical shop, Optical supplies, Park, Parkway, Pet Shops, Photocopying, Photography studio, Picture framing, Playfield & playground, Police substation, Pressure control station, Real estate office, Shoe repair, Shoe store, Sidewalk, Tobacco or Candy store, all utility facilities, Watch repair.

Conditional uses may include: Amusement commercial indoor, Auditorium, Auto parts,

Bait shop, Bakery or confectionery, Bindery, Broadcast studio, Bus station, Carnival or circus, Carpeting, Car wash, Catalog sales, Catering service, Church, Country club, Custom sewing, Cutlery engraving, Child care, Employment agency, Janitorial, Jewelry store or repair, Music instrument, Nursing & convalescent homes, Office furnishings, Paint & wallpaper store, Parking, Pawn shop, Pet store, Radio station, Reading rooms, Record & tape shop, Restaurant, Rug cleaning or repair, Scientific instruments sales, Second hand store, Sign painting, sporting goods, Tailor, Taxidermist, Ticket office, Toy store, Travel agency, Vacuum cleaner sales & service, Video and Window cleaning.

Minimum Area Requirements:

Minimum Land Sq. Ft.	Minimum Land Area Sq. Ft./D.U.	Front Yard Feet	Side Yard Feet	Rear Yard Feet	Lot Frontage Feet	Corner Lot Feet
N/A	N/A	50*	25	20	50	35

*** The specific properties most affected by the Highway 62 project and described in Exhibit "A," which is attached hereto and incorporated by reference, will be allowed a Front Yard Setback of 35 feet.**

**** Street side setbacks and side setbacks adjacent to residential zones will be 15 feet.**

The replacement of buildings and structures in the C-2 Highway Commercial Zone that are substantially destroyed by fire, acts of God or demolished by the property owners shall meet all setback requirements established herein. For purposes of this section, buildings and structures are substantially destroyed if fifty percent (50%) of the building or structure would require reconstruction, as determined by the Farmington Building Inspector.

Lot coverage: No more than 60% of the lot or parcel may be covered by structures.

Height requirements: The maximum height shall be 40 feet.

Off-street parking requirements:

- 1 per each room plus 1 per each employee for hotel and motels;
- 1 per 200 sq. feet of floor area for offices;
- 1 per 300 sq. feet of floor area for commercial;
- 1 per 4 seating capacity for restaurants;
- 1 per 400 sq. feet of floor area for services uses;
- 1 per each 500 sq. feet of floor area for all other uses.

Sec. 14.20.03. I Light Industrial District. The Light Industrial zoning district is intended to provide for the development of light to medium intensity industrial uses and their related facilities. Certain commercial and other complementary uses may be permitted. Appropriate standards for the district are designed to assure compatibility with other similar

uses and to minimize any conflicts with non-industrial uses located in close proximity to industrial uses. Suitable uses in this district include such limited manufacturing as does not create a nuisance for residential and commercial neighbors. Adequate and suitable transportation facilities are a necessity to this district.

Permitted uses may include warehousing and wholesale, limited and general manufacturing, packaging, assembling and fabrication of prepared materials, storage, trade and repair services, sale and service of transportation equipment and heavy machinery, building material establishments, contract construction, construction sales and service, essential governmental and utility facilities and services and uses customarily accessory to permitted uses.

Minimum Area Requirements:

Minimum Land. Sq. Ft .	Front Yard Feet	Side Yard Feet	Rear Yard Feet	Lot Frontage Feet
N/A	50	25	25	50

Chapter 14.21

Animals and Livestock

Sections:

- 14.21.01 Animals and Livestock Permitted**
- 14.21.02 Setback Requirements**
- 14.21.03 Nuisance Animals**
- 14.21.04 Prohibited Animals**
- 14.21.05 Farmington City Ordinance**
- 14.21.06 Exceptions and Exemptions**

14.21.01 Animals and Livestock Permitted. To preserve the rural environment and character of the A-1 Agriculture, RE-1 Residential Estate, and RE-2 Residential Estate Districts, livestock shall be permitted within the city limits of Farmington, but not in excess and beyond the following limitations and exceptions as follows:

- (1) One (1) large animal, such as a horse, mule, cow, llama, or pig per one acre of land in each lot or parcel.
- (2) One (1) small animal such as a goat, sheep, or emu per one-half (1/2) acre of land in each lot or parcel.
- (3) Ten (10) fowl or rabbits for each lot or parcel in the A-1 Agriculture District.

(4) Five (5) fowl or rabbits for each lot or parcel in the RE-1 or RE-2 Districts.

(5) Hobby Kennels are permitted in A-1, RE-1, and RE-2 Districts. Kennels are permitted in A-1 Districts but are prohibited in RE-1 and RE-2 Districts.

14.21.02 Setback Requirements. To help safeguard and prevent animals from becoming nuisances and to protect citizens from potential harm in the newly formed residential estate districts, the following setback requirements must be met in order to own or harbor livestock.

(1) The primary dwelling for large animals in the A-1, RE-1 and RE-2 Districts must be at least 100 feet from any neighbor's home.

(2) The primary dwelling for small animals in the A-1, RE-1 and RE-2 Districts must be at least 50 feet from any neighbor's home.

(3) The primary dwelling for fowl, and rabbits in the A-1, RE-1, and RE-2 Districts must be at least 100 feet from any neighbor's home.

(4) Fencing for any livestock must be constructed in such a manner that animals may not reach legs, necks, wings, or any other body part onto a neighbor's property, or to any shrubs or plants growing onto a neighbor's property.

(5) Fencing shall be constructed in such a manner as to secure livestock and shall be maintained in good condition at all times.

(6) Concentrated feed operations for confined livestock shall not be permitted in any zoning district.

(7) Manure shall not be allowed to accumulate to a point in which it creates an objectionable odor that is disturbing to any person within a reasonable proximity to the premises.

14.21.03 Nuisance animals. While preserving the rural environment and character of the A-1 Agriculture, RE-1 Residential Estate and RE-2 Residential Estate Districts, it is vitally important for owners to exercise control of animals. No owner shall fail to exercise proper care and control of his or her animals to prevent them from becoming a public nuisance. Any animal doing any of the following shall constitute a public nuisance.

(1) Running at large in violation of Title 6 of the Farmington City Ordinance.

(2) Permitting, either willfully or through failure to exercise due care and control, any animal to bark, yelp, whine, screech, howl, bray, or make other oral noises in a habitual, unreasonable, continued, or unprovoked manner that can be heard beyond the boundary of the owner's property and disturbs the peace and quiet of any person or persons.

14.21.04 Prohibited animals.

(1) No person shall harbor, maintain or control a wild, vicious or undomesticated animal within the City of Farmington as prescribed in Title 6, Farmington City ordinance.

(2) Farmington City Ordinance. All persons in all zoning districts shall be required to comply with the Animal Control Regulations prescribed by Title 6 of the Farmington City Ordinances.

14.21.06 Exceptions and Exemptions. All persons who have stables or kennels or numbers of animals in excess of what is prescribed herein that are not in compliance at the effective date of this ordinance shall be permitted to continue as a legal nonconforming use and may be continued, until and except as provided in Chapter 14, Section 12 of the zoning ordinance.

Chapter 14.32

Special Conditions Applicable to Certain Uses

Sections:

- 14.32.01 General**
- 14.32.02 Adult Entertainment**
- 14.32.03 Manufactured Housing Parks**
- 14.32.04 Manufactured Housing Units**

Sec. 14.32.01 General. Uses permitted, or those permitted subject to conditional use approval, shall be subject to the requirements of the district provisions as supplemented or modified by this chapter.

Sec. 14.32.02 Adult Entertainment. All sexually oriented businesses shall be limited to the C-2 Highway Commercial District and shall comply with Title 7, Chapter 7 of the Farmington City Ordinance.

Sec. 14.32.03 Manufactured Housing Parks. Manufacturing housing units, as defined herein and in accordance with state and federal law, are not mobile homes, as defined in Chapter 14, Section 4. A manufactured housing park is not a Mobile Home Park District as described in Chapter 14, Section 20 of the zoning ordinance. Manufacturing housing parks are permitted uses in the A-1 Agricultural Districts and are therefore not a separate residential district. The following minimum standards apply to manufactured housing parks:

(a) Setbacks. Each manufactured housing unit space shall be set back at least thirty feet (30') from all street right-of-ways, and at least twenty feet (20') from all other lot lines.

(b) Minimum Lot Size and Space Size. Manufactured housing parks shall contain at least

four thousand three hundred fifty (4,350) square feet of gross site area for each manufactured housing unit space within the park. Each individual manufactured housing unit space shall be at least three thousand (3,000) square feet in area, but shall not occupy more than fifty percent (50%) of the lot area.

(c) Separation of Units. Each manufactured housing unit and accessory structure shall be separated by at least twenty feet (20') of horizontal distance from all other manufactured housing units and accessory structures.

(d) Parking. At least two paved parking spaces, one hundred eighty (180) square feet in area in each space, shall be provided as a part of each manufactured housing unit space. To provide for guests, one additional paved parking space, at least one hundred eighty (180) square feet in area, shall be provided for each ten (10) manufactured housing unit spaces. These guest parking spaces shall be centrally located within the park.

(e) Driveways.

(1) Length and Design. Internal driveways or courts designed to have one end permanently closed, shall be no more than four hundred feet (400') long unless approved by the planning commission. A turn-around having an outside roadway diameter of at least eighty feet (80') shall be provided at the closed end of any driveway.

(2) Paving. All internal driveways shall be paved with asphalt. The minimum requirements are six inches (6") of compacted SB2 gravel with three inches (3") of asphalt surface on firm subgrade. Property owners shall be responsible for maintaining paving on all internal driveways.

(3) Width. Drives shall have a minimum paved width of twenty-six feet (26'). One-way drives are specifically prohibited.

(f) Signs. One detached, indirectly illuminated sign, not exceeding twenty (20) square feet in area, may be erected at the main entrance to the manufactured housing park.

(g) Fire Protection. Fire lines and fire hydrants shall be shown on the site plan, and shall be provided in accordance with recommendations of the fire chief. No manufactured housing unit space shall be more than two hundred fifty feet (250') from a fire hydrant.

(h) Water and Wastewater Service. Each manufactured housing unit shall be connected to a public sanitary sewer or a step sewer system and a public water supply system.

(i) Underground Utilities. All light, gas, water, telephone and cable television distribution and service lines to each individual manufactured housing unit shall be placed underground and conform to all state and local codes and regulations.

(j) Inspections. It shall be the duty of the building inspector to make an annual inspection of

each approved manufactured housing park, and present to the park owner and unit owner, a written list of existing violations, should there be any.

(k) Resident Managers. In manufactured housing parks containing thirty (30) or more units, a manager must reside within the park area.

Sec. 14.32.04 Manufactured Housing Units. Manufactured housing units shall be considered permitted uses in the A-1 zone, which are single-family districts, and in manufactured housing parks. All manufactured homes shall be installed in accordance with the recommended installation procedures of the manufacturer, and the standards established by the International Building Code, as adopted by the State of Arkansas, as well as those established by the Arkansas Manufactured Home Commission.

Chapter 14.35

Re-zoning and Development Regulations

Sections:

- 14.35.01 Re-zoning**
- 14.35.02 Large Scale Development**
- 14.35.03 Lot Splits**
- 14.35.04 Conditions for uses on appeal**

Sec. 14.35.01 Re-zoning. The following rules and regulations for re-zoning are as follows:

(a) Fees. The applicants for change in zoning shall pay (in addition to all required advertising costs) to the City Clerk a filing fee of \$25.00 to cover such costs as may be incurred in connection with such application. Such fee is to be deposited in the General Fund of the city of Farmington. The filing fee shall be waived for six (6) months following the effective date of this zoning ordinance.

(b) Petition process.

(1) The zoning regulations, when amended, shall be amended in conformance with the requirements of Title 14 , Chapter 56, Subchapter 4 of Arkansas Code of 1987 Annotated, as amended, as required for the initial adoption of this ordinance.

(2) The Planning Commission shall establish the procedure for processing requests for revision in the zoning regulations.

(3) No application for change of zoning for a given property may be resubmitted within twelve (12) months from the date of action by the Planning Commission or City Council, whichever is later, unless the Planning Commission or City

Council finds that a substantial reason exists for waiving this limitation.

(4)

(A) All applicants submitting requests for rezoning or amendments to zoning ordinances before the Planning Commission shall provide written notice of the time and place of the public hearing to the owners of all real property adjacent to the subject property. The notice shall include the name and address of the applicant, location of the subject property, and the time and place of the public hearing. Notices shall be sent to the owners of all real property adjacent to the subject property by certified mail, return receipt requested, to the last known address shown on the most recent tax records at the Washington County Tax collector's office.

(B) That prior to the public hearing, applicants must submit a verified affidavit attesting to the delivery of the notice to owners of all real property adjacent to the subject property, a copy of the notice that was delivered to each property owner, and copies of receipts evidencing pre-paid postage for each notice. The affidavit and supporting documents referred to herein must be submitted seven (7) days prior to the public hearing.

(C) The Farmington City Business Manager shall post a notice of the public hearing on the subject property adjacent to the nearest city street or state highway. The notice shall be posted a minimum of seven (7) days prior to the public hearing, shall be clearly visible from the public thoroughfare, and shall contain the name and address of the applicant, location of the subject property, and the time and place of the public hearing. If the Planning Commission denies the proposed amendment, the petitioner may appeal such denial to the City Council, provided that the petitioner states specifically in writing to the City Clerk what he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days from the date of the Planning Commission action.

Sec. 14.35.02 Large scale development.

- (a) A large scale development plan shall be required for all industrial and commercial developments, multi-family and residential developments without regard to lot size; all site improvements to real property zoned commercial and industrial; and additions to existing structures on real property zoned commercial and industrial, when the improvements or additions to existing structures exceed 25% of the remaining real property.
- (b) A large scale development plan shall be submitted to the Planning Commission for their approval and shall include the following:
 - (1) A map drawn to scale showing the size and shape of the property

on which the development is proposed;

(2) The location, size and arrangement of existing buildings, signs, improvements, water courses or bodies, and any other features that will remain after the development is completed;

(3) The location and size of all proposed buildings, parking and loading areas, the type of surfacing proposed for such areas, streets, driveways, curb cuts, landscaping and any other facilities proposed;

(4) A correct legal description;

(5) The location and names of all abutting or intersecting streets;

(6) The location of all proposed public facilities;

(7) Sufficient right-of-way dedication to comply with the Master Street Plan; and

(8) Sufficient easements to meet utility and drainage requirements.

- (c) The Planning Commission shall approve, approve with conditions or disapprove within thirty (30) days of receipt of all large scale developments submitted. Grounds for disapproval may be failure to comply with any of the above requirements.

A large scale development plan approved with conditions or disapproved may be appealed to the City Council. An appeal must be submitted in writing to the City Clerk within fifteen (15) days of the Planning Commission's decision and shall state the reasons for appeal.

(d)

(1) All applicants submitting preliminary plats of Large Scale Developments before the Planning Commission shall provide written notice of the time and place of the regular or special meeting to the owners of all real property adjacent to the project. The notice shall include the name and address of the applicant, location of the project, and the time and place of the scheduled meeting. Notices shall be sent by certified mail, return receipt requested, to the last known address shown on the most recent tax records at the Washington County Tax Collector's office.

(2) That prior to the regular or special meeting of the Planning Commission, applicants must submit a verified affidavit attesting to the delivery of the notice to all owners of real property adjacent to the project, a copy of the

notice to each property owner, and copies of receipts evidencing pre-paid postage for each notice. The affidavit and supporting documents referred to herein must be submitted seven (7) days prior to the regular or special meeting of the Planning Commission.

(3) The notice and verification provisions contained herein shall be required for all industrial and commercial developments, multi-family and residential developments without regard to lot size; all site improvements to real property zoned commercial and industrial; and additions to existing structures on real property zoned commercial and industrial, when the improvements or additions to existing structures exceed 25% of the remaining real property.

- (e) The owner or developer shall submit sufficient plans and specification for all improvements required by the Planning Commission and shall install at his expense said improvements.
- (f) Fees. Large scale developments shall be subject to the following review fees. Said fees are to be paid when the Plan is submitted for placement on the agenda of the Planning Commission.

(1) That prior to submitting a preliminary plat of a large scale development for single or multi-family subdivisions to the Farmington Planning Commission, owners and/or developers shall complete an application provided by the City Business Manager, provide all documents requested, and remit a non-refundable review fee of Two Thousand Dollars (\$2000.00). In the event engineering review fees and costs incurred by the city of Farmington exceed Two Thousand Dollars (\$2000.00), owners and/or developers of subdivisions shall reimburse the city of Farmington for all additional expenses before the final plat is submitted to the Farmington Planning Commission. In the event a final plat is submitted but not approved, and additional engineering review is required, owners and/or developers shall remit payment for all additional engineering review fees and costs incurred by the city of Farmington prior to the plat being resubmitted to the Farmington Planning Commission for final plat approval. If additional fees are incurred after final plat approval, signature of Planning Commission officials on the final plat shall be withheld until the city has been reimbursed for all engineering fees related to the project.

(2) That for all other large scale developments, owners and/or developers shall complete an application provided by the City Business Manager, provide all documents requested, and remit a non-refundable review fee of Five Hundred Dollars (\$500.00), the owners and/or developers shall reimburse the city of Farmington for all additional expenses incurred prior to review by the Farmington Planning Commission. In the event the Farmington Planning Commission requires modifications to the large scale development and additional engineering fees and costs are incurred, the owners and/or developers shall

reimburse the City of Farmington before the large scale development is resubmitted to the Farmington Planning Commission.

Sec. 14.35.03 Lot splits

- (a) Delegation of authority The Farmington Planning Commission delegates the authority for approving or disapproving lot splits to the City Business Manager or to any city official designated by the Mayor. The City Business Manager, or other city official, as the case may be, shall either approve or disapprove the proposed lot split within thirty (30) days of application. If approved, and after all conditions have been met, the City Business Manager shall execute a written approval of the lot split and furnish a certified copy to the applicant, which shall be submitted to the Washington County Planning Office. If the lot split is not approved, the City Business Manager shall, in writing, state the reason for the disapproval. The applicant may appeal the decision of the City Business Manager to the Farmington Planning Commission.

- (b) Lot size The minimum lot size of tracts within the incorporated boundaries of the city of Farmington shall be governed by the lot size specified by the zoning classification of the subject property. Individual lots or parcels within the incorporated boundaries of the city of Farmington and lots or parcels within one (1) mile of the unincorporated boundaries surrounding the city of Farmington that require a septic system shall be constructed and installed in compliance with Arkansas law, Arkansas State Health Department regulations and Washington County Health Department regulations.

- (c) Metes and bounds Applicants shall not be permitted to submit metes and bounds descriptions of tracts, parcels or lots on lot split applications.

- (d) Administrative provisions for division of land
 - (1) Real property that has not been divided within ten (10) years prior to the application required herein shall be entitled to a division of not more than four (4) lots, subject to the requirements of (B) and (C) above.

 - (2) The division of land into four (4) parcels, all of which must be a minimum of five (5) acres when the tract or parcel being divided was derived from a previous lot split within ten (10) years from the date of application.

 - (3) The division of land and adjustment of boundary lines for sale or exchange of tracts between adjoining land owners where the sale or exchange of land does not create additional lots.

 - (4) Division of land into an unspecified number of tracts, with each

tract consisting of at least forty (40) acres, more or less, in size.

(5) Division of land as required by a court order.

(6) Division of land to be used for cemetery purposes and division of and to create burial plots in a cemetery.

(7) Division of land acquired by public acquisition for the widening or opening of streets and/or easements.

(8) Division of land required for the transfer of an interest for mortgages, liens or deeds of trust provided the division is not the result of a seller-financed transaction.

(9) Division of land and conveyance necessary to correct errors in prior conveyances.

(10) Division of land in the C-2 Highway Commercial Zone that meet the minimum are requirements of all applicable zoning ordinances.

(e) Additional requirements. Administrative division of land in Section D, 1 through 10 above is subject to the following requirements:

(1) Completion of application for a lot split and providing all necessary documents required with the application and a survey of the tract and the proposed division of land.

(2) Parcels of land not fronting a public road or directly connected to a public road must have a sixty (60) foot easement for ingress, egress and utilities. The easement can be a shared easement.

(3) Parcels fronting a public road must have at least seventy-five (75) feet of frontage if they are less than one (1) acre in size and at least one hundred (100) feet of frontage if they are less than five (5) acres in size and at least one hundred sixty-five (165) feet of frontage if the parcels are five (5) acres or greater in size.

Sec. 14.35.04 Conditions for uses on appeal

The Planning Commission shall hear and decide each request for conditional uses in each zoning district. The Planning Commission shall hold a public meeting on each request and may authorize the conditional use after all of the following requirements have been met.

(1) A written application has been filed with the city and the \$50.00 permit

application fee or renewal application fee has been paid.

- (2) The applicant has provided proof that each adjacent property owner has been notified by return receipt mail or personal contact. If personal contact, a signed affidavit by the owner must be submitted.
- (3) Are public services and utilities available and adequate:
- (4) Is fire protection adequate?
- (5) Is the proposed use compatible with the surrounding area and the planned use for the area?
- (6) Is screening and egress safe and convenient?
- (7) Are off-street parking and loading areas adequate?
- (8) Will refuse and service areas not cause adverse affects on adjacent property?
- (9) Will off-street parking and loading areas not cause adverse effects on adjacent property?
- (10) Will signs be in compliance with the city's sign ordinance?

Renewal of use on appeal permits: Use on Appeal Permits issued by the city will be valid for one calendar year and will expire one year from the date the permit is issued. The person or business holding a Use on Appeal Permit is required to re-apply annually to have their Use On Appeal Permit reinstated. When presenting the written application for the Use On Appeal Permit, a renewal application fee of \$50.00 will also be required with each application. Any applications submitted without the requisite fee will not be accepted. All applications and fees should be delivered to Farmington City Hall. All Renewal applications must be submitted no later than 45 days before the expiration date in order to process the paperwork in a timely manner and avoid disruption of business at the location.

Chapter 14.38

14.38.01 Administration and enforcement

14.38.01: Board of Adjustment

- (a) Designation, organization, meetings of the Board
 1. The Board of Adjustment, hereinafter referred to as "The Board," shall

consist of the members of the Planning Commission.

2. The Board shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedures, and keep a public record of all findings and decisions.
3. Each session of the Board shall be a public meeting with public notice of said meeting and business to be carried out and published in a newspaper of general circulation in the city at least one time seven days prior to the meeting.

(b) Appeals from the decision of Enforcement Officer: The Board may hear appeals from the decision of the Enforcement Officer in respect to the enforcement and application of these regulations and may affirm or reverse, in whole or part, such decisions of the Enforcement Officer.

(c) Variances: The Board may hear request for variances from the literal provisions of the zoning ordinances in instance where strict enforcement of the zoning ordinances would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intend of the provisions of the zoning ordinance. The Board shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

(d) Fees: the appellant to the Board of Adjustment shall pay (in addition to all required advertising costs) to the City Clerk a filing fee of \$25.00 to cover such other costs as may be incurred in connection with such appeal. Such fee is to be deposited in the General Fund of the city of Farmington.

(e) Appeals from the decision of Board: The decision of the Board in respect to appeals from the decision of the Enforcement Officer and to request for variances shall be subject to appeal only to a court of record having jurisdiction.

14.38.02: Compliance required

(a) Enforcement:

- (1) The provisions of this ordinance shall be administered by an Enforcement Officer designated by the City Council.
- (2) No structure shall be erected, moved, added to or structurally altered, without a building permit. All applications for buildings permits shall provide such information as is necessary to determine conformance with these regulations.

- (b) Penalty for a violation: Violation of the provisions of this zoning ordinance or failure to comply with any of its requirements (including violations or conditions and safeguards established in connection with grants or variance or special exceptions) shall constitute a misdemeanor. Any person who violates this zoning ordinance or fails to comply with any of its requirements shall upon conviction thereon be subject to a fine not to exceed Five Hundred Dollars (\$500.00) for any one specified offense or violation, or double that sum for each repetition of such offense or violation. If the prohibited action is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof shall not exceed Two Hundred and Fifty Dollars (\$250.00) for each day that the same may be unlawfully continued.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, engineer, agent or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

CHAPTER 14.40

FLOOD DAMAGE PREVENTION

Sections:

- | | |
|-----------------|--|
| 14.40.01 | Flood Damage Prevention Code adopted by reference |
| 14.40.02 | Fine |
| 14.40.03 | Amendments |

14.40.01 Flood Damage Prevention Code Adopted by reference A Flood Damage Prevention Regulatory Code, which is attached hereto as Exhibit A, is hereby adopted for the City of Farmington, such Flood Damage Prevention Regulatory Code having been authorized by the legislature of the state of Arkansas in A.C.A. 14-268-101 through 14-268-105. A copy of the referenced regulatory code shall be filed in the office of the Business Manager of the city of Farmington and shall be available for inspection and copying by any person during normal office hours. The code shall include the following articles:

- | | |
|------------|---------------------------------------|
| Article 1: | Findings of fact, purpose and methods |
| Article 2: | Definitions |
| Article 3: | General provisions |
| Article 4: | Administration |

Article 5: Provisions for flood hazard reduction

14.40.02 Fine. Any person or corporation who violates any measure adopted under this code shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than the maximum amount allowed by ordinance for each offense. Each day during which such violation exists is a separate offense.

14.40.03 Amendments. Article 3, Section B, should be and is hereby amended as follows: The areas of special flood hazard identified by the Federal Emergency Management Agency on its Flood Insurance Rate Map (FIRM), Community Number 050215, dated December 20, 2000, or in a Flood Hazard Study by the Army Corps of Engineers dated February 1996 for Goose Creek, Farmington Branch, Spring Mountain Creek, and South Fork Farmington Branch, and any revisions thereto are hereby adopted by reference and declared to be a part of this code

Article ____, Section D, should be and is hereby amended to provide for penalties for non-compliance with the Flood Damage Prevention Regulatory Code.

Chapter 14.42

Validity and Repeal

Sections:

- | | |
|-----------------|-----------------|
| 14.42.01 | Validity |
| 14.42.02 | Repeal |

Sec. 14.42.01 Validity. These zoning regulations and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, or paragraph, section or subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of these zoning regulations shall not be affected thereby.

The city council hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

Sec. 14.42.02 Repeal. All ordinances, codes, or regulations, or parts of ordinances, codes, or regulations, in conflict with these zoning regulations, or inconsistent with provisions of these regulations are hereby repealed to the extent necessary to give these zoning regulations full force and effect upon their adoption by the city council.



354 W. Main Street
P.O. Box 150
Farmington, AR 72730
479-267-3865
479-267-3805 (fax)

City Business Manager Report January 2011 City Council Meeting

- As you all are aware we had some severe weather on the 31st of December. So you are able to explain it to your constituents Code Red designates polygons where severe weather is most likely to strike. It does not call all numbers in the system when the National Weather Service indicates a severe weather warning. This is why some people received a call and some did not. If you would be interested in having a representative of Code Red come to a meeting in the future let me know and I will arrange it. Keep encouraging people to sign up.
- An updated personnel policy is attached to this report. Please review it and let me know if you have questions. The two biggest changes have to do with adding wording to include part-time employees and the additional health insurance benefits for retirees that we passed in an ordinance a few months ago. We also made changes so that our policy would conform to what the Arkansas Municipal League suggests. I would like to have it on the agenda next month and ask for approval.
- Census figures should be available mid-February.
- All of our computers are being upgraded to Windows 7 and the 2010 version of Office products. If you receive something in an email that you cannot open it may be because of these upgrades. Let us know if you have any issues like this. Also, we are still working through some software issues, please be patient with us as we make these adjustments. Big thank you to Billie for patiently wading through all this for the City, she has done a tremendous job and we all really appreciate it!
- Welcome to our new members, please let me know if there is any information you need or anything we can provide to make your job as council member easier. Call with any questions or concerns.



**City of Farmington
Fire Department
372 West Main Street
P.O. Box 627
Farmington, Arkansas 72730
479-267-3338 fax 479-267-3302**

December 2010 Council report for Mayor and City Council

The month of December was a particular busy month for the fire department with over 72 calls for service. We had several house fires and several more chimney or flue fires, and a lot of medical calls, it seems like on the holidays we always have a lot of calls. We had several calls on Christmas Eve and Christmas day, and on New Year eve we had a tornado in Cincinnati that we responded to for about 7 hours. The response from our department was great, we sent about 12 firefighters to the scene and several of us covered our station and we used our fire station as a staging area for more firemen coming from other departments. I sent out groups of firefighters as they were needed to the scene, and kept the rest at the station ready to deploy when called for. I am extremely proud of my fire fighters and they represented Farmington very well. There is still a lot of devastation at Cincinnati and there are ongoing efforts to help in that rebuilding effort

Thank you for your support

Mark Cunningham
Fire Chief

Journal from 12/1/2010 at 07:00 to 12/31/2011 at 20:00.

00:00 ***** Wednesday, December 01, 2010 *****
18:30 Special Meeting:
18:30 Annual Farmington Fire Dept. Christmas Dinner. (01 Administrator)
00:00 ***** Tuesday, December 14, 2010 *****
19:00 Weekly Meeting / Training:
19:00 1) Reviewed Fire Dispatch Procedures
19:00 2) Reviewed and Critiqued recent Structure fires
19:00 3) Maintenance work on E-1 (01 Administrator)
00:00 ***** Tuesday, December 21, 2010 *****
19:00 Weekly Meeting / Training:
19:00 2 hours of Pump Operations training. (01 Administrator)
00:00 ***** Tuesday, December 28, 2010 *****
19:00 Weekly Meeting / Training:
19:00 1.5 hour review of Chimney Fire Tactics. (01 Administrator)

Situation Type Summary

Dec 2010 FFD Run Reports

Prepared 1/1/2011

Situation Type	Dollar Loss	# of Incid's
111 Building fire	61,000	7
114 Chimney or flue fire, confined to chimne	1,500	3
131 Passenger vehicle fire	3,000	2
142 Brush, or brush and grass mixture fire		1
143 Grass fire		6
311 Medical assist, assist EMS crew		35
322 Vehicle accident with injuries		3
352 Extrication of victim(s) from vehicle		1
412 Gas leak (natural gas or LPG)		1
520 Water problem, other		1
611 Dispatched & canceled en route		9
651 Smoke scare, odor of smoke		1
740 Unintentional transmission of alarm, oth		1
800 Severe weather or natural disaster, othe		1
Total for all incidents	65,500	72

Farmington Police Dept.

Offenses for Month 12/2009 and 12/2010

1/4/2011 3:15:51 PM

	<u>2009</u>	<u>2010</u>
ASSAULT - 3RD DEGREE / CREATES APPREHENSION OF IMMINENT INJURY		
5-13-207	-	1
BATTERY - 3RD DEGREE / PURPOSE OF CAUSING INJURY, CAUSES INJURY		
5-13-203A(1)	-	3
BREAKING OR ENTERING / VENDING MACHINE, PRODUCT DISPENSER		
5-39-202A(3)	1	-
Breaking or Entering/Vehicle		
5-39-202	4	1
BURGLARY, RESIDENTIAL		
5-39-201A(1)	1	1
CARELESS DRIVING		
27-51-104	2	2
CRIMINAL MISCHIEF - 1ST DEGREE / PROPERTY OF ANOTHER W/VALUE OF \$500 OR LESS		
5-38-203A(1)	1	-
CRIMINAL MISCHIEF - 1ST DEGREE / PROPERTY OF ANOTHER W/VALUE OF \$500 OR MORE		
5-38-203C	1	-
CRIMINAL MISCHIEF - 2ND DEGREE / PURPOSELY TAMPERS		
5-38-204A(2)	1	-
CRIMINAL MISCHIEF - 2ND DEGREE / RECKLESSLY DESTROYS		
5-38-204A(1)	1	-
DOMESTIC BATTERING - 3RD DEGREE / PURPOSE OF CAUSING INJURY, CAUSES INJURY		
5-26-305A(2)	4	1
DRIVING ON SUSPENDED LICENSE		
27-16-303	-	1
DWI (UNLAWFUL ACT)		
5-65-103A	4	2
DWI - OPERATION OF VEHICLE DURING DWI LICENSE SUSPENSION OR REVOCATION		
5-65-105	2	1
ENDANGERING THE WELFARE OF A MINOR - 2ND DEGREE / RISK OF SERIOUS HARM		
5-27-204	2	-
ENDANGERING THE WELFARE OF MINOR - 3RD DEGREE		
5-27-207	-	1
Excess Speed		
27-51-201	-	1
FAILURE TO APPEAR		
5-54-120	7	8
FAILURE TO PAY FINES & COSTS		
5-4-203	8	9
Failure to Register/No Vehicle License		

	<u>2009</u>	<u>2010</u>
27-14-903	1	-
FORGERY		
5-37-201	1	-
FRAUD - FINANCIAL IDENTITY		
5-37-227	1	-
FRAUDULENT USE OF A CREDIT CARD / CARD OR ACCOUNT NUMBER ARE FORGED		
5-37-207A(3)	-	1
FRAUDULENT USE OF A CREDIT CARD / CARD OR ACCOUNT NUMBER IS STOLEN		
5-37-207A(1)	-	1
HARASSING COMMUNICATIONS / TELEPHONE REPEATEDLY, OR CAUSE TO RING REPEATED		
5-71-209A(2)	2	-
HARASSING COMMUNICATIONS / TELEPHONE, TELEGRAPH, MAIL, OR ANY WRITTEN FORM		
5-71-209A(1)	1	-
HARASSMENT / CONDUCT THAT REPEATEDLY CAUSES ALARM OR SERIOUS ANNOYS ANOTHER		
5-71-208A(5)	1	-
Headlamp Out		
27-36-207	1	-
Kidnapping - FALSE IMPRISONMENT - 2ND DEGREE / INTERFERES WITH ANOTHER PERSONS LIBERTY		
5-11-104A	-	1
Leaving Scene of Accident/Property Damage		
27-53-102	1	-
POSSESSING INSTRUMENTS OF CRIME		
5-73-102	1	1
POSSESSION OF A CONTROLLED SUBSTANCE		
5-64-401	1	-
POSSESSION OF A CONTROLLED SUBSTANCE INTO DETENTION FACILITY		
5-64-401(f)	1	-
PUBLIC INTOXICATION - DRINKING IN PUBLIC		
5-71-212	2	1
Run Stop Sign		
27-51-601	-	1
Safety Equipment - Motorized		
27-20-104	1	-
THEFT GREATER THAN \$ 2,500.FROM VEHICLE		
5-36-103B(1)	1	-
THEFT GREATER THAN \$ 500 AND LESS THAN \$2,500 ALL OTHERS		
5-36-103B(2)	-	1
THEFT GREATER THAN \$ 500 AND LESS THAN \$2,500 FROM VEHICLE		
5-36-103B(2)	1	-
THEFT LESS THAN \$ 500 ALL OTHERS		
5-36-103B(5)	1	3
THEFT LESS THAN \$ 500 FROM BUILDING		
5-36-103B(5)	2	-
THEFT LESS THAN \$ 500 FROM VEHICLE		
5-36-103B(5)	3	1

	<u>2009</u>	<u>2010</u>
THEFT OF PROPERTY - LOST, MISLAID, DELIVERED BY MISTAKE		
5-36-105	1	-
THEFT OF PROPERTY / ALL OTHER		
5-36-103A(1)	1	1
THEFT OF PROPERTY / ALL OTHER		
5-36-103	-	1
Violation City Business License		
2007-13	-	1
Totals:	64	46

Farmington Police Dept.

Tickets Issued by Officer and Month for 2010

1/3/2011 2:23:28 PM

Officer	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Belew, Justin	61	88	71	64	81	62	94	69	112	113	115	83	1013
Bertorello, James	73	78	41	73	67	65	59	58	74	61	66	57	772
Bowen, Jerry	26	0	0	0	0	0	0	0	0	0	0	0	26
Hubbard, Brian	1	9	0	0	4	12	1	3	1	0	0	1	32
Kimball, Geoffrey	92	49	99	104	56	66	37	53	31	48	35	40	710
Luond, Clint	30	59	17	57	58	31	38	49	21	13	31	29	433
Parrish, Chad	3	0	0	0	0	10	0	0	1	0	0	1	15
Pleimann, Christopher	0	0	0	0	3	2	2	0	2	0	2	0	11
Thompson, Michael	1	1	4	0	9	16	4	2	0	2	0	3	42
Wilbanks, Mike	27	16	8	25	37	21	27	24	16	9	6	2	218
Totals:	314	300	240	323	315	285	262	258	258	246	255	216	3272

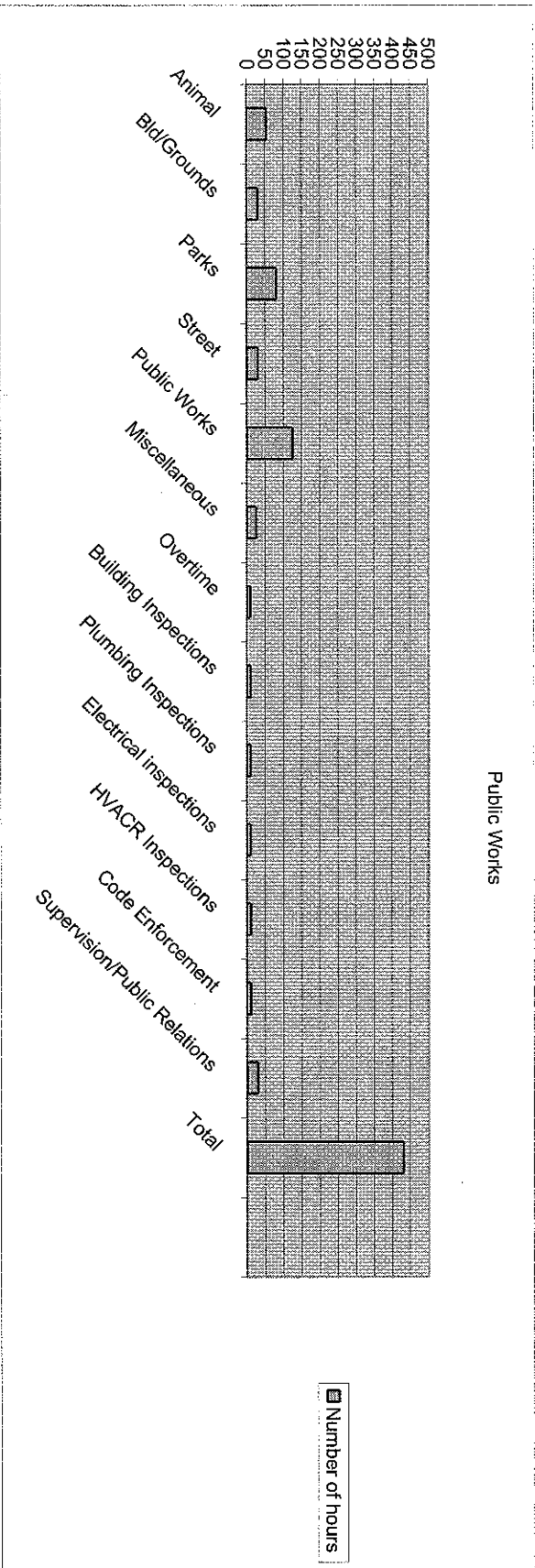
2010	January	February	March	April	May	June	July	August	September	October	November	December	Total
Hubbard	1				1		3				1		6
Thompson	1	1	1	2	6	2		2	2	4	1	4	26
Pleinmann					1						1		2
Bowen													0
Luond	1	1		1	1		2	2	2	1		2	13
Kimball	1	1	3	2	1					1			9
Bertorcello	2	1		6	1	1	2	5	1	3	2		24
Belew					1			1		2	4	3	11
Parrish			2	2	1	1	1	1	3	1	3		15
Wilbanks		1		1			1	2	2	2	1		10
Total	6	5	6	14	13	4	9	13	10	14	13	9	116

Farmington Police Department Monthly Accident Report Totals

	<u>2010</u>		<u>2011</u>		<u>2012</u>		<u>2013</u>		<u>2014</u>	
January	6	Subtotal	0	Subtotal	0	Subtotal	0	Subtotal	0	Subtotal
February	5	11	0	0	0	0	0	0	0	0
March	6	17	0	0	0	0	0	0	0	0
April	14	31	0	0	0	0	0	0	0	0
May	13	44	0	0	0	0	0	0	0	0
June	4	48	0	0	0	0	0	0	0	0
July	9	57	0	0	0	0	0	0	0	0
August	13	70	0	0	0	0	0	0	0	0
September	10	80	0	0	0	0	0	0	0	0
October	14	94	0	0	0	0	0	0	0	0
November	13	107	0	0	0	0	0	0	0	0
December	9	116	0	0	0	0	0	0	0	0
Yearly Total	116		0		0		0		0	

Public Works Monthly Report For December 2010 By Man Hours

	Number of hours
Annual	30
Bld/Grounds	100
Parks	120
Street	105
Public Works	395
Miscellaneous	10
Overtime	0
Building Inspections	20
Plumbing Inspections	20
Electrical inspections	20
HVACR Inspections	20
Code Enforcement	15
Supervision/Public Relations	40
Total	895



**PLANNING COMMISSION MINUTES OF
NOVEMBER 22, 2010**

1. Roll Call

Present:

Sean Schader
Matt Hutcherson
Toni Bahn
Gerry Harris
Judy Horne
Bobby Wilson

Absent:

Josh Clary
Robert Mann

2. Approval of minutes October 25, 2010

Minutes approved with all commissioners present voting yes.

3. Comments from Citizens: NONE

4. PUBLIC HEARING:

A. CONDITIONAL USE-DAYCARE

Property Owned by: Rebecca Keeton

Property Location: 23 Ash

Presented by: Rebecca Keeton

Request approved with all commissioners present voting yes.

5. Discussion of final draft of zoning classifications and zoning map for Farmington.

Map was displayed for viewing. Commissions made comments and asked questions in regards to draft that had been emailed to them from Steve Tennant.

6. Discussion of December meeting date for work session and monthly meeting.

There will be no Work Session in December.

December 27th, 2010, meeting at 6:00 pm for final hearing before submission to City Council.

Motion to adjourn:

1st Wilson 2nd Schader. Approved.

Secretary of Planning Commission

Chairman of Planning Commission