



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

CITY COUNCIL AGENDA
October 14, 2024

A regular meeting of the Farmington City Council will be held on
Monday, October 14, 2024, 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 Penn
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 –September 9, 2024, City Council Meeting
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
10. Items to be removed from City of Farmington Inventory –

UNFINISHED BUSINESS

11. Ord. No. 2024-06 An ordinance amending Ord. No. 2023-09 regarding the 2021 Arkansas Fire Prevention Code, providing for an emergency clause, and for other purposes.

12. Ord. No. 2024-07 an ordinance rezoning property at 9 Locust Street, Parcel 760-00851-000 from C-2, Highway Commercial to R-O, Residential Office as requested by Jill Storlie.

13. Ord. No. 2024-08 an ordinance rezoning 175 W. Vine, from R-2, Residential Single Family to R-O, Residential Office, as requested by Pedal Pops/Mike Thompson.

14. Ord. No. 2024-09 an ordinance to appeal of Planning Commission denial for Silo Trails Development for rezoning of property located at 275 E. Old Farmington Road, from R-1 to PUD.

NEW BUSINESS

15. Ord. No. 2024-10 an ordinance levying a tax on the real and personal property within the City of Farmington, Arkansas, for the year 2024, fixing the rate thereof at 4.5 MILS and certifying the same to the County Clerk of Washington County, Arkansas.

16. Ord. No. 2024-11 an ordinance to repeal and replace ordinance no. 3.3 of 2024, which prohibited portable basketball goals, for the City of Farmington.

17. Ord. No. 2024-12 an ordinance ordering the razing (demolition) and removal of certain structure(s) within the City of Farmington, Arkansas, located at 11520 Club House Parkway; to declare an emergency and for other purposes.

18. Ord. No. 2024-13 an ordinance rezoning property at 229 N. Broyles Street, from A-1, agriculture, to MF-2, Residential Multi-Family as requested by MRS Enterprises.

MINUTES



Mayor Ernie Penn

City Attorney Jay Moore

City Clerk Kelly Penn

City Council Member Sherry Mathews
Ward 1 Position 1

Council Member Keith Lipford
Ward 2 Position 1

Council Member Brenda Cunningham
Ward 3 Position 1

Council Member Diane Bryant
Ward 4 Position 1

Council Member Hunter Carnahan
Ward 1 Position 2

Council Member Linda Bell
Ward 2 Position 2

Council Member Bobby Morgan
Ward 3 Position 2

Council Member Kara Gardenhire
Ward 4 Position 2

A meeting of the Farmington City Council was held on September 9th, 2024, at 6:00 p.m. in the Council Chambers at Farmington City Hall, located at 354 West Main Street, Farmington Arkansas. Vice Mayor Morgan called the meeting to order.

PRESENT: Council Members Diane Bryant, Keith Lipford, Brenda Cunningham, Hunter Carnahan Linda Bell, Bobby Morgan, Kara Gardenhire, City Attorney Jay Moore, City Business Manager Melissa McCarville, Administrative Assistant LeAnn Tolleson, Staff, Press and Audience Members. Mayor Penn and City Clerk Penn were not in attendance.

Pledge of Allegiance

Council Member Mathews arrived at 6:03 pm.

Comments from Citizens – All comments will be taken under advisement with no action taken.

Approval of the August 12th, 2024, City Council Minutes

On the motion of Council Member Bryant and a second by Council Member Cunningham and by the consent of all Council Members present after a roll call vote, the minutes were approved as presented by a vote of 8-0.

Financial Reports

Vice Mayor Morgan presented the financial reports to the City Council. The monthly city sales tax increased by 1.058%. The monthly state/county sales tax increased by 1.039%.

Entertain a motion to read all Ordinances and Resolutions by title only.

On the motion of Council Member Lipford and a second by Council Member Bryant and by the consent of all Council Members present after a roll call vote, the motion to read all Ordinances and Resolutions by title was approved 8-0.

Proclamations, Special Announcements, Committee/Commission Appointments –

Fire Chief Hellard announced 4 firefighters were awarded the Narcan Life Saving Award presented by the University of Arkansas Criminal Justice Department for their actions during a call. Those firefighters were Logan Hattabaugh, Tyler Miller, Will Watts, Pete Oxford and Chance Wright.

Committee Reports – There were no committee reports included in the agenda packet.

Items to be removed from the City of Farmington Inventory – Police Department -Police Chief Hubbard

On the motion of Council Member Carnahan a second by Council Member Bryant and by the consent of all Council Members present after a roll call vote, the motion to remove from inventory and destroy four Whelan Lightbars. serial number 10604, city tag 982, serial number 31586 city tag 535, serial number 36475 city tag 540 and serial number C0321006 city tag 564 was approved 8-0.

Old Business

Ordinance No. 2024-06 An ordinance amending Ord. No 2023-09 regarding the 2021 Arkansas Fire Prevention Code, providing for an emergency clause and for other purposes.

After a brief presentation from Fire Chief Hellard, a motion was made by Council Member Bell and a second by Council Member Carnahan to suspend the rules reading ordinance No 2024-06 in full and place ordinance on its second reading for a vote. After a roll call vote it was approved 8-0. A motion was made by Council Member Carnahan and seconded by Council Member Lipford to approve the emergency clause for Ordinance No. 2024-06; after a roll vote, the Emergency Clause was approved 8-0. City Attorney Moore read Ordinance No. 2024-06 by title only.

New Business

Presentation and Acknowledgment of the 2023 Legislative Audit

City Business Manager McCarville presented the 2023 Legislative Audit. All city council members should have received a copy of the 2023 City of Farmington Arkansas Regulatory Basis Financial Statement and Other Reports from Legislative Joint Audit Committee in the mail at their home addresses. The audit was released August 14th, 2024, and will be presented and accepted by the Legislative Joint Auditing Committee September 14th, 2024. As evidenced by the letter on page six in your audit report the city of Farmington had no financial or accounting issues, however it did reference an issue with fraud at Arvest Bank on September 14th, 2023. Arvest Bank was at fault and funds were reimbursed to the City of Farmington September 15th, 2023. On the motion of Council Member Carnahan and a second by Council Member Cunningham, and by the consent of all council members after a roll call vote, the motion to acknowledge the presentation of the 2023 Legislative Audit Report was approved as presented by a vote of 8-0.

Ordinance No. 2024-07 An Ordinance rezoning property at 9 Locust Street, Parcel 760-00851-0002 from C-2, Highway Commercial to R-O, Residential Office as requested by Jill Storlie.

Council Member Cunningham made a motion to pass Ordinance No. 2024-07, with a second by Council Member Carnahan, after a roll call vote it passed 8-0. City Business Manager asked if they wanted to pass it tonight.

Council Member Bell made a motion to place Ordinance No 2024-07 to suspend the rule reading in full of Ordinance No. 2024-07, it was seconded by Council Member Cunningham, after a roll call vote the motion passed 8/0. A motion was made by Council Member Lipford and seconded by Council Member Gardenhire to pass Ordinance No. 2024-07 with an Emergency Clause and after a roll vote the Emergency Clause was approved 8-0. City Attorney Moore read Ordinance No. 2024-07 by title only.

Ordinance No. 2024-08 An ordinance rezoning 175 W. Vine, from R-2, Residential Single Family to R-O, Residential Office, as requested by Pedal Pops/Mike Thompson.

Council Member Lipford made a motion, with a second by Council Member Bryant to suspend the rule requiring the reading of an ordinance in full on three different dates be suspended and for Ordinance No. 2024-08 to be read one time by title only and by the consent of all Council Members present after a roll call vote, the motion was approved 8-0. A motion was made by Council Member Lipford and seconded by Council Member Gardenhire to pass Ordinance No. 2024-08 with an Emergency Clause and after a roll vote the Emergency Clause was approved 8-0. City Attorney Moore read Ordinance No. 2024-08 by title only.

Ordinance No. 2024-09 An ordinance to appeal of Planning Commission denial for Silo Trails Development for rezoning of property located at 275 E. Old Farmington Road, from R-1 to PUD.

Council Member Carnahan made a motion to overrule the planning commission for Ordinance No 2024-09, with a second by Council Member Bryant,, after a roll call vote, the motion failed by a vote 7-1, with Council Member Carnahan voting yes. City Attorney Moore advised that Vice Mayor Morgan should abstain, the vote should reflect 6-1.

There being no further business to come before the council, a motion to adjourn the meeting was made by Council Member Lipford and seconded by Council Member Mathews was approved after a roll call vote 8-0, The meeting adjourned at 7:38 until the next regularly scheduled meeting to be held Monday, October 14th, 2024, in the City Council Chambers at City Hall, located at 354 West Main Street, Farmington, Arkansas.

Vice Mayor Bobby Morgan _____

Kelly Penn, City Clerk _____

Financial



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

TO: Farmington City Council
Kelly Penn, City Clerk

FROM: Mayor Ernie Penn

A handwritten signature in blue ink, appearing to read "Ernie Penn", is written over the printed name.

RE: Summary of City Financial Report September 2024

- 2024 City Sales Tax – **Increased by 1.051% in September**, compared to September of 2023.
- 2024 State/County Sales Tax – **Increased by 1.046% in September**, compared to September of 2023.
- 2024 City Sales Tax - **Year to date has increased by 9.23%** compared to 2023.
- 2024 State/County Sales Tax—**Year to date has increased by 1.02%** compared to 2023.
- 2007 Sewer Bond (\$4,500,000), Loan Balance \$1,359,180, Bond Payoff Date 10/15/2029.
- 2017 Sales and Use Bonds (5,090,000), Loan Balance \$3,900,000, Bond payoff date 10/1/2037.
- **Deposits:** We have deposits on file totaling \$11,681,890 based on statement balances as of 9-30-2024.

MONTH	CITY SALES TAX		CITY SALES TAX		STATE SALES TAX		STATE SALES TAX		
	2023		2024		2023		2024		
JANUARY	\$	242,456.22	\$	337,292.85	\$	161,325.27	\$	171,687.96	
FEBRUARY	\$	255,597.22	\$	310,466.86	\$	173,305.34	\$	178,249.76	
MARCH	\$	250,049.60	\$	252,525.24	\$	152,848.29	\$	147,819.38	
APRIL	\$	237,837.34	\$	246,451.53	\$	151,045.48	\$	156,626.25	
MAY	\$	265,490.13	\$	270,601.00	\$	169,444.78	\$	172,760.93	
JUNE	\$	247,566.55	\$	268,610.36	\$	164,302.08	\$	167,622.46	
JULY	\$	274,668.74	\$	272,671.05	\$	170,478.78	\$	169,833.39	
AUGUST	\$	262,356.09	\$	277,447.79	\$	167,246.47	\$	173,797.40	
SEPTEMBER	\$	270,583.71	\$	284,298.71	\$	162,408.64	\$	169,883.98	
OCTOBER	\$	271,784.82			\$	168,562.45			
NOVEMBER	\$	265,400.30			\$	166,606.52			
DECEMBER	\$	258,003.23			\$	163,849.87			
Monthly Comparison - September 2023/September 2024			\$	13,715.00			\$	7,475.34	
YTD comparison				Increase/Decrease for 2024 over 2023 YTD - City Sales Tax	\$	213,759.79	Increase for 2024 over 2023 YTD - State Sales Tax	\$	35,876.38
Total Actual 2024 Income vs 2024 Budgeted Income		County Wide Sales Tax	City Sales Tax		Total Sales Tax Increase YTD 2024				
Budget 2024		\$1,900,000.00	\$3,000,000.00		Increase YTD 2024		\$	249,636.17	
Actual 2024 (thru September)		\$ 1,508,281.51	\$ 2,520,365.39						

GENERAL FUND
Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2024
	Jan 2024	Jan 2024	Dec 2024
	Sep 2024	Dec 2024	Percent of
	Actual		Budget
Revenue & Expenditures			
GENERAL REVENUES			
Revenue			
ACCIDENT REPORT REVENUES	1,172.10	1,500.00	78.14%
ACT 833	25,858.16	25,000.00	103.43%
ALCOHOL SALES TAX	6,117.68	5,000.00	122.35%
ANIMAL CONTROL REVENUES	1,977.00	2,000.00	98.85%
BUILDING INSPECTION FEES	231,116.91	252,898.36	91.39%
BUSINESS LICENSES	3,340.60	6,000.00	55.68%
CITY COURT FINES	127,023.28	120,000.00	105.85%
CITY SALES TAX REVENUES	2,690,500.83	3,000,000.00	89.68%
COUNTY TURNBACK	573,159.32	660,000.00	86.84%
DEVELOPMENT FEES	23,451.00	20,000.00	117.26%
Donations	2,500.00	0.00	0.00%
FRANCHISE FEES	392,740.85	500,000.00	78.55%
GARAGE SALE PERMITS	1,105.70	2,000.00	55.29%
GRANTS	57,677.18	0.00	0.00%
INTEREST REVENUES	256,453.82	200,000.00	128.23%
MISCELLANEOUS REVENUES	167,906.89	0.00	0.00%
Off Duty Police Reimbursement	4,408.75	6,000.00	73.48%
PARK RENTAL	8,459.28	5,000.00	169.19%
PAYMENT IN LIEU OF IMPROVEMENT	72,900.00	0.00	0.00%
SALES TAX - OTHER	1,338,397.53	1,900,000.00	70.44%
SPORTS COMPLEX FEES	57,289.27	35,000.00	163.68%
SRO REIMBURSEMENT REVENUES	85,177.18	100,000.00	85.18%
STATE TURNBACK	89,472.42	100,000.00	89.47%
Revenue	\$6,218,205.75	\$6,940,398.36	

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GENERAL FUND
Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2024
	Jan 2024	Jan 2024	Dec 2024
	Sep 2024	Dec 2024	Percent of
	Actual		Budget
Revenue			
Highway 170 Grant Revenue	1,893,630.10	0.00	0.00%
Revenue	\$1,893,630.10	\$0.00	

Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2024
	Jan 2024	Jan 2024	Dec 2024
	Sep 2024	Dec 2024	Percent of
	Actual		Budget
ADMINISTRATIVE DEPT			
Expenses			
ADDITIONAL SERVICES EXPENSE	156,800.51	190,000.00	82.53%
ADVERTISING EXPENSE	7,184.07	6,000.00	119.73%
BANK CHARGE	3,583.19	0.00	0.00%
Bank Charges	0.00	6,000.00	0.00%
BUILDING MAINT & CLEANING	44,404.03	45,000.00	98.68%
HWY 170 IMPROVEMENTS	3,368,268.68	0.00	0.00%
ELECTION EXPENSES	0.00	5,000.00	0.00%
ENGINEERING FEES	100,771.96	170,000.00	59.28%
GRANT EXPENSE	9,610.00	0.00	0.00%
INSURANCES EXPENSE	40,161.23	90,000.00	44.62%
LEGAL FEES	0.00	10,000.00	0.00%
MATERIALS & SUPPLIES EXPENSE	20,977.37	30,000.00	69.92%
MISCELLANEOUS EXPENSE	1,492.45	2,000.00	74.62%
NEW EQUIPMENT PURCHASE	11,328.18	20,000.00	56.64%
PAYROLL EXP - CITY ATTRNY	60,542.84	70,000.00	86.49%
PAYROLL EXP - ELECTED OFFICIAL	107,525.64	132,000.00	81.46%
PAYROLL EXP - REGULAR	222,730.28	291,871.45	76.31%
PLANNING COMMISSION	14,735.50	22,000.00	66.98%
POSTAGE EXPENSE	1,607.16	2,000.00	80.36%
PROFESSIONAL SERVICES	38,973.80	25,000.00	155.90%
REPAIR & MAINT - BUILDING	768.14	0.00	0.00%
REPAIR & MAINT - OFFICE EQUIP	5,474.77	6,000.00	91.25%
TECHNICAL SUPPORT	83,282.87	65,000.00	128.13%
TELECOMMUNICATION EXPENSES	70.23	10,000.00	0.70%
TRANS TO FIRST SECURITY (HWY 170)	1,000,000.00	0.00	0.00%
TRAVEL, TRAINING & MEETINGS	15,610.37	20,000.00	78.05%
UTILITIES EXPENSES	80,193.14	90,000.00	89.10%
TRANSFER TO STREET FUND	731,980.24	0.00	
Expenses	\$6,128,076.65	\$1,307,871.45	

GENERAL FUND
Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2024
	Jan 2024	Jan 2024	Dec 2024
	Sep 2024	Dec 2024	Percent of
	Actual		Budget
ANIMAL CONTROL DEPT			
Expenses			
FUEL EXPENSES	1,838.06	2,200.00	83.55%
MATERIALS & SUPPLIES EXPENSE	966.95	1,100.00	87.90%
PAYROLL EXP - REGULAR	58,279.59	75,819.75	76.87%
PROFESSIONAL SERVICES	6,700.00	15,000.00	44.67%
REPAIR & MAINT - AUTOMOBILES	693.41	1,500.00	46.23%
REPAIR & MAINT - EQUIPMENT	0.00	500.00	0.00%
TRAVEL, TRAINING & MEETINGS	0.00	500.00	0.00%
UNIFORMS/GEAR EXPENSE	112.56	500.00	22.51%
Expenses	\$68,590.57	\$97,119.75	

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GENERAL FUND
Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2024
	Jan 2024	Jan 2024	Dec 2024
	Sep 2024	Dec 2024	Percent of
	Actual		Budget
BUILDING PERMIT DEPT			
Expenses			
FUEL EXPENSES	3,808.55	6,000.00	63.48%
PAYROLL EXP - REGULAR	132,030.46	183,836.46	71.82%
REPAIR & MAINT - AUTOMOBILES	364.74	2,000.00	18.24%
TRAVEL, TRAINING & MEETINGS	4,183.37	5,000.00	83.67%
UNIFORMS/GEAR EXPENSE	420.03	1,000.00	42.00%
Expenses	\$140,807.15	\$197,836.46	

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GENERAL FUND
Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2024
	Jan 2024	Jan 2024	Dec 2024
	Sep 2024	Dec 2024	Percent of
	Actual		Budget
FIRE DEPT			
Expenses			
ADVERTISING EXPENSE	0.00	2,000.00	0.00%
BUILDING MAINT & CLEANING	5,904.00	0.00	0.00%
CAPITAL IMPROVEMENT	135,175.09	0.00	0.00%
FUEL EXPENSES	12,722.65	18,000.00	70.68%
HAZMAT EXPENSES	2,881.92	3,400.00	84.76%
MATERIALS & SUPPLIES EXPENSE	10,302.95	31,119.00	33.11%
MISCELLANEOUS EXPENSE	0.00	500.00	0.00%
NEW EQUIPMENT PURCHASE	74,522.88	127,000.00	58.68%
PAYROLL EXP - REGULAR	850,280.72	1,084,953.49	78.37%
PROFESSIONAL SERVICES	6,986.84	7,500.00	93.16%
REPAIR & MAINT - BUILDING	12,907.90	15,000.00	86.05%
REPAIR & MAINT - EQUIPMENT	6,408.87	12,150.00	52.75%
REPAIR & MAINT - TRUCK	13,364.81	20,000.00	66.82%
TRAVEL, TRAINING & MEETINGS	11,147.60	18,000.00	61.93%
UNIFORMS/GEAR EXPENSE	29,618.94	31,000.00	95.54%
Expenses	\$1,172,225.17	\$1,370,622.49	

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GENERAL FUND
Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2024
	Jan 2024	Jan 2024	Dec 2024
	Sep 2024	Dec 2024	Percent of
	Actual		Budget
LAW ENFORCE - COURT			
Expenses			
MATERIALS & SUPPLIES EXPENSE	1,469.48	3,000.00	48.98%
MISCELLANEOUS EXPENSE	0.00	400.00	0.00%
NEW EQUIPMENT PURCHASE	0.00	9,600.00	0.00%
PAYROLL EXP - REGULAR	67,642.84	100,053.41	67.61%
POSTAGE EXPENSE	17.12	1,800.00	0.95%
SPECIAL COURT COSTS	0.00	8,500.00	0.00%
TRAVEL, TRAINING & MEETINGS	460.50	5,000.00	9.21%
Expenses	\$69,589.94	\$128,353.41	

GENERAL FUND
Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2024
	Jan 2024	Jan 2024	Dec 2024
	Sep 2024	Dec 2024	Percent of
	Actual		Budget
LAW ENFORCE - POLICE			
Expenses			
ADVERTISING EXPENSE	0.00	100.00	0.00%
BREATHALYZER EXPENSES	493.80	700.00	70.54%
DRUG TASK FORCE	1,500.00	2,000.00	75.00%
FUEL EXPENSES	56,753.93	81,000.00	70.07%
MATERIALS & SUPPLIES EXPENSE	67,216.80	150,000.00	44.81%
MISCELLANEOUS EXPENSE	0.00	500.00	0.00%
NEW EQUIPMENT PURCHASE	398,778.30	320,000.00	124.62%
Off Duty Police Pay	10,604.82	15,000.00	70.70%
PAYROLL EXP - REGULAR	1,384,471.76	1,853,967.49	74.68%
PAYROLL EXP - SRO	108,119.13	180,466.90	59.91%
PROFESSIONAL SERVICES	340.24	0.00	0.00%
REPAIR & MAINT - AUTOMOBILES	27,785.93	35,000.00	79.39%
REPAIR & MAINT - EQUIPMENT	1,826.84	3,000.00	60.89%
TRAVEL, TRAINING & MEETINGS	8,446.87	15,000.00	56.31%
UNIFORMS/GEAR EXPENSE	15,167.03	25,000.00	60.67%
Expenses	\$2,081,505.45	\$2,681,734.39	

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GENERAL FUND
Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2024
	Jan 2024	Jan 2024	Dec 2024
	Sep 2024	Dec 2024	Percent of
	Actual		Budget
LIBRARY			
Expenses			
LIBRARY TRANSFER	65,000.00	65,000.00	100.00%
Expenses	\$65,000.00	\$65,000.00	

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GENERAL FUND
Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2024
	Jan 2024	Jan 2024	Dec 2024
	Sep 2024	Dec 2024	Percent of
	Actual		Budget
PARKS DEPT			
Expenses			
CAPITAL IMPROVEMENT	146,677.82	700,000.00	20.95%
ENGINEERING FEES	58,130.00	30,000.00	193.77%
MATERIALS & SUPPLIES EXPENSE	5,951.06	10,000.00	59.51%
NEW EQUIPMENT PURCHASE	0.00	20,000.00	0.00%
PAYROLL EXP - REGULAR	207,116.19	214,460.41	96.58%
PROFESSIONAL SERVICES	41,300.00	3,000.00	1,376.67%
REPAIR & MAINT - EQUIPMENT	2,309.48	6,000.00	38.49%
SPORTS PARK MATERIALS	15,766.85	25,000.00	63.07%
SPORTS PARK NEW EQUIP	16,672.35	10,000.00	166.72%
SPORTS PARK PROF SERV	49,621.86	45,000.00	110.27%
SPORTS PARK REPAIR/MAINT	5,434.54	3,000.00	181.15%
SPORTS PARK UTILITIES	15,268.18	15,000.00	101.79%
TRAVEL, TRAINING & MEETINGS	1,084.50	0.00	0.00%
UNIFORMS/GEAR EXPENSE	640.29	1,400.00	45.74%
UTILITIES EXPENSES	8,314.52	8,000.00	103.93%
Expenses	\$574,287.64	\$1,090,860.41	

LIBRARY FUND
Statement of Revenue and Expenditures

	Current Period Jan 2024 Sep 2024 Actual	Annual Budget Jan 2024 Dec 2024	Jan 2024 Dec 2024 Percent of Budget
Revenue & Expenditures			
Revenue			
Donations	3,130.00	0.00	0.00%
FINES/LOST ITEMS	3,474.59	3,600.00	96.52%
INTEREST REVENUES	1,894.18	0.00	0.00%
MISCELLANEOUS REVENUES	892.98	0.00	0.00%
TRANS FROM GENERAL FUND	65,000.00	65,000.00	100.00%
TRANSFER INCOME	75,000.00	0.00	0.00%
WASHINGTON CO LIBRARY REVENUES	217,656.00	284,205.00	76.58%
Revenue	\$367,047.75	\$352,805.00	
Expenses			
ADVERTISING EXPENSE		2,000.00	0.00%
BOOKS AND MEDIA	32,984.22	40,500.00	81.44%
BUILDING MAINT & CLEANING	5,383.24	13,000.00	41.41%
MATERIALS & SUPPLIES EXPENSE	15,737.77	19,505.00	80.69%
MISCELLANEOUS EXPENSE		500.00	0.00%
NEW EQUIPMENT PURCHASE	12,521.62	3,000.00	417.39%
PAYROLL EXP - REGULAR	183,413.49	246,000.00	74.56%
POSTAGE EXPENSE		300.00	0.00%
PROGRAMS EXPENSE	3,050.00	6,000.00	50.83%
REPAIR & MAINT - BUILDING	4,455.36	0.00	0.00%
TECHNICAL SUPPORT	11,300.52	15,000.00	75.34%
TRANS TO MONEY MARKET	75,000.00	0.00	0.00%
TRAVEL, TRAINING & MEETINGS	1,024.76	2,000.00	51.24%
UTILITIES EXPENSES	3,587.86	5,000.00	71.76%
Expenses	\$348,458.84	\$352,805.00	

STREET FUND
Statement of Revenue and Expenditures

	Year-To-Date Jan 2024 Sep 2024 Actual	Annual Budget Jan 2024 Dec 2024	Jan 2024 Dec 2024 Percent of Budget
Revenue & Expenditures			
Revenue			
GRANTS	54,989.20	0.00	0.00%
INTEREST REVENUES	5,808.55	5,000.00	116.17%
MISCELLANEOUS REVENUES	13,319.34	100.00	13,319.34%
STREET COUNTY TURNBACK	62,333.61	75,000.00	83.11%
STREET STATE TURNBACK	479,064.73	550,000.00	87.10%
TRANSFER INCOME	731,980.24	731,980.24	100.00%
Revenue	\$1,347,495.67	\$1,362,080.24	
Expenses			
ADVERTISING EXPENSE	0.00	1,000.00	0.00%
ENGINEERING FEES	148,909.36	30,000.00	496.36%
FUEL EXPENSES	9,879.53	12,500.00	79.04%
MATERIALS & SUPPLIES EXPENSE	11,455.55	20,000.00	57.28%
MISCELLANEOUS EXPENSE	0.00	500.00	0.00%
NEW EQUIPMENT PURCHASE	134,291.76	150,000.00	89.53%
PAYROLL EXP - REGULAR	201,203.90	260,980.24	77.10%
PROFESSIONAL SERVICES	16,317.06	2,000.00	815.85%
REPAIR & MAINT - BUILDING	125.00	2,000.00	6.25%
REPAIR & MAINT - EQUIPMENT	3,890.37	10,000.00	38.90%
STREET LIGHTS	61,380.38	150,400.00	40.81%
STREET/ROAD REPAIRS	535,429.83	700,000.00	76.49%
TRAVEL, TRAINING & MEETINGS	0.00	500.00	0.00%
UNIFORMS/GEAR EXPENSE	750.70	2,200.00	34.12%
UTILITIES EXPENSES	13,058.21	20,000.00	65.29%
Expenses	\$1,136,691.65	\$1,362,080.24	

Agenda Item 11



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

MEMO

To: Mayor Penn, City Council Members, City Attorney Jay Moore
From: Kelly Penn, City Clerk *KSP*
Re: Unfinished Business Items for October City Council Meeting
Date: October 8, 2024

Unfinished Business Agenda Items

In your October City Council Agenda packet, you will have all 4 ordinances from the September City Council meeting under unfinished business. There was a procedural step missed for all 4 of the items that we need to correct. We are not changing the decision that you made, we are correcting the procedure to be legally compliant, your vote will remain the same as your vote in September.

Feel free to reach out if you have any questions.

Thanks,

A handwritten signature in blue ink that reads 'Kelly Penn'.

Kelly Penn
City Clerk

ORDINANCE NO. 2024-06

AN ORDINANCE AMENDING ORDINANCE 2023-09 REGARDING THE 2021 ARKANSAS FIRE PREVENTION CODE, PROVIDING FOR AN EMERGENCY CLAUSE, AND FOR OTHER PURPOSES

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

Section 1: Ordinance 2023-9 of the City of Farmington Code of Ordinances is amended, and the following language shall be added and adopted, and Municode Corporation is hereby instructed to make said additions:

Section R313 of the 2021 Residential Building Code is now adopted for the purpose of requiring automatic fire sprinklers in all residential dwellings meeting the qualifications of townhouses or duplexes.

Section 2: REPEAL OF CONFLICTING PROVISIONS. Any and all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 3: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or unlawful, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4: EMERGENCY CLAUSE. Whereas it is of the utmost urgency that the city of Farmington, Arkansas, have an up-to-date fire code to protect the property and lives of the citizens of our city; therefore, an Emergency is hereby declared to exist and this ordinance being necessary for the immediate protection of the public peace, health and safety shall take effect immediately on its passage and approval.

PASSED AND APPROVED this 14th day of October 2024.

APPROVED:

By: _____
Ernie Penn, Mayor

ATTEST:

By: _____
Kelly Penn, City Clerk

Agenda Item 12

ORDINANCE NO. 2024-07

**AN ORDINANCE REZONING PROPERTY AT 9 LOCUST STREET,
PARCEL 760-00851-000 FROM C-2, HIGHWAY COMMERCIAL, TO R-O,
RESIDENTIAL OFFICE AS REQUESTED BY JILL STORLIE**

WHEREAS, the City of Farmington, Arkansas amended its official zoning and zoning map by Ordinance 2015-06 on September 14, 2015, which was filed for record in the Office of the Circuit Clerk and Ex-Officio Recorder for Washington County, Arkansas in File 2015- 00034769; and

WHEREAS, certain real property owned by Jill Storlie is zoned C-2, Highway Commercial; and

WHEREAS, after a public hearing on August 26, 2024, the Farmington Planning Commission voted during a regular scheduled meeting to rezone the real property owned by Jill Storlie from C-2, Highway Commercial to R-O, Residential Office.

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

SECTION 1. That the zone classification of the following described property is hereby changed as follows:

From C-2, Highway Commercial, to R-O, Residential Office for the real property described in Exhibit "A" which is attached hereto and made a part hereof.

SECTION 2. That the official zoning map of the City of Farmington, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

SECTION 3. EMERGENCY CLAUSE: That the City Council of the City of Farmington, Arkansas further determines that this ordinance is necessary to adequately promote the of the inhabitants of the City; therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED, APPROVED AND IN EFFECT this 14th day of October 2024.

APPROVED:

By: _____
Ernie Penn, Mayor

ATTEST:

Kelly Penn, City Clerk

Agenda Item 13

ORDINANCE NO. 2024-08

AN ORDINANCE REZONING 175 W. VINE, FROM R-2 RESIDENTIAL SINGLE FAMILY TO R-O RESIDENTIAL OFFICE, AS REQUESTED BY PEDAL POPS/MIKE THOMPSON.

WHEREAS, the City of Farmington, Arkansas amended its official zoning and zoning map by Ordinance 2011-02 on March 14, 2011, which was filed for record in the Office of the Circuit Clerk and Ex-Officio Recorder for Washington County, Arkansas in File 2011-00017652; and

WHEREAS, certain properties belonging to Pedal Pops/Mike Thompson are zoned R-2, Residential Single Family; and

WHEREAS, after a public hearing on April 25, 2022, the Farmington Planning Commission voted during a regular meeting to rezone the properties from R-2 to R-O.

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

SECTION 1. That the zone classification of the following properties as described in Exhibit A, attached, is hereby changed as follows:

From R-2, Residential Single Family to R-O, Residential Office for the real properties as shown in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the official zoning map of the City of Farmington, Arkansas, is hereby amended to reflect the zoning change provided in section 1 above.

Section 3. Emergency Clause. That the City Council of the City of Farmington, Arkansas further determines that it is necessary to enact this ordinance without delay; therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED, APPROVED AND IN EFFECT this 14th day of October 2024.

APPROVED:

By: _____
Ernie Penn, Mayor

ATTEST:

Kelly Penn, City Clerk

Agenda Item 14

ORDINANCE NO. 2024-09

AN ORDINANCE TO APPEAL OF PLANNING COMMISSION DENIAL FOR SILO TRAILS DEVELOPMENT FOR REZONING OF PROPERTY LOCATED AT 275 E. OLD FARMINGTON ROAD, FROM R-1 TO PUD.

WHEREAS, the City of Farmington, Arkansas amended its official zoning and zoning map by Ordinance 2011-02 on March 14, 2011, which was filed for record in the Office of the Circuit Clerk and Ex-Officio Recorder for Washington County, Arkansas in File 2011-00017652; and

WHEREAS, after a public hearing on August 26, 2024, the Farmington Planning Commission voted to deny the rezoning of the property by a 6-1 vote; therefore, the appeal process has now been implemented.

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

SECTION 1. The Farmington City Council met and has reviewed documents and listened to the appeal of said zoning request, and the zone classification of the property located at 275 E. Old Farmington Road, more particularly described in Exhibit "A", is hereby changed as follows:

From R-1, Residential Single-Family District to PUD, Planned Unit Development as shown in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That the official zoning map of the City of Farmington, Arkansas, is hereby amended to reflect the zoning change provided in section 1 above.

Section 3. Emergency Clause. That the City Council of the City of Farmington, Arkansas further determines that it is necessary to enact this ordinance without delay; therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED, APPROVED AND IN EFFECT this 14th day of October 2024.

APPROVED:

By: _____
Ernie Penn, Mayor

ATTEST:

Kelly Penn, City Clerk

Agenda Item 15

ORDINANCE NO. 2024-10

AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FARMINGTON, ARKANSAS, FOR THE YEAR 2024 FIXING THE RATE THEREOF AT 4.5 MILS AND CERTIFYING THE SAME TO THE COUNTY CLERK OF WASHINGTON COUNTY, ARKANSAS.

WHEREAS, it is necessary to collect taxes on both real and personal property in order to provide service to the citizens of the City of Farmington, and the State law of the City of Farmington is allowed to do so:

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

Section 1: That a tax is hereby levied on the real and personal property within the City of Farmington, Arkansas for the year 2024, to be collected in 2025, for the following purposes at the following rates:

REAL AND PERSONAL PROPERTY

<u>Purpose</u>	<u>Levy</u>
General Fund	4.5 Mils

Section 2: That the real and personal property tax so levied and the rate provided therefore are hereby certified to the Clerk of Washington County, Arkansas, to be placed in the tax book by the County Clerk and collected in the same manner that the county and school district taxes are collected.

Section 3: That the City Clerk is authorized and directed to file certified copies of the Ordinance in the Office of the County Recorder, County Clerk, County Assessor and the County Tax Collector for Washington County, Arkansas.

Section 4: Repealing Clause. All other Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 5: Severability Clause. In the event any portion of the 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.

Section 6: Emergency Clause. That the City Council of the City of Farmington, Arkansas, further determines that this Ordinance is necessary to adequately and properly protect the inhabitants of the City; therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 14th day of October 2024.

APPROVED:

Ernie Penn, Mayor

ATTEST:

Kelly Penn, City Clerk

26-26-404 Computation and Certification Form (Cities Form)

Base Year Millage Rollback Computation and Certification Form

COUNTY: Washington

TAXING UNIT: Farmington

DATE: 9/23/2024

1. Compute the following to discover total of reassessed property:
 - a. Total base year assessments 188,619,798
 - b. Less newly discovered, new construction properties 16,541,711
 - c. Equals total reassessed properties 172,078,087
2. Compute the following to find the zero-increase millage adjustment:
 - a. Base-year taxes certified for collection \$ 753,536.72
 - b. Divided by reassessed properties 172,078,087
 - c. Equals zero-increase millage 0.00438
3. Compute the following to find the percentage of newly discovered property:
 - a. Newly discovered, new construction properties 16,541,711
 - b. Divided by total assessed properties 188,619,798
 - c. Equals percent newly discovered 8.7700%
4. Millage adjustment option:
 - a. Maximum increase option 10.0%
 - b. Minus newly discovered property percentage 8.7700%
 - c. Allowable optional millage increase 1.2300%
5. To compute millage adjustment option if applicable:
 - a. Rolled back zero-base millage 0.00438
 - b. Times allowed optional millage increase percent 1.012
 - c. Equals indicated overall millage of 0.004434
6. Each tax source or levy shall be adjusted by applying the following computed multipliers and adjusting to the next highest one-tenth (1/10) mill:
 - a. Overall millage from 5.c above or 2c 0.004434
 - b. Divided by previous millage prior to base year 0.0046
 - c. Equals multiplier 0.9640

7. Compute each tax source or levied millage in the following table:

Tax Source	Previous Millage	x	Multiplier	=	Adjusted Millage /	Rounded Millage
<u>General</u>	<u>0.00460</u>	x	<u>0.9640</u>	=	<u>0.004434</u>	<u>0.0045</u>
<u>Other</u>	<u>-</u>	x	<u>0.9640</u>	=	<u>-</u>	<u>-</u>
<u>Other</u>	<u>-</u>	x	<u>0.9640</u>	=	<u>-</u>	<u>-</u>
<u>Other</u>	<u>-</u>	x	<u>0.9640</u>	=	<u>-</u>	<u>-</u>
<u>Other</u>	<u>-</u>	x	<u>0.9640</u>	=	<u>-</u>	<u>-</u>
Total of Millage =					0.0045	

Please review

CERTIFICATION SIGNATURES _____

Agenda Item 16

ORDINANCE NO. 2024-11

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 3.3 of 2004, WHICH PROHIBITED PORTABLE BASKETBALL GOALS, FOR THE CITY OF FARMINGTON.

WHEREAS, Farmington City Council passed Ordinance 3.3 of 2004, on April 12, 2004, prohibiting the use of portable basketball goals in certain areas of the City of Farmington.

WHEREAS, after several city council work sessions, a public hearing was held on October 14, 2024, and after public discussion, the Farmington City Council adopted regulations to repeal Ordinance 3.3 of 2004 and replace said ordinance with the following new rules and regulations.

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

Section 1: That Ordinance 3.3 of 2004, is hereby repealed in its entirety and replaced, as follows:

- (a) Any person obstructing or causing to be obstructed any right-of-way by placing or causing to be placed thereon, any building, structure, erection, fence, wagon or other vehicle or any animal or any wood, lumber, earth, stones, bricks, boxes, barrels or any other thing of whatsoever name calculated to obstruct the easy and free passage of persons traveling or walking on such right-of-way or by persons assembling or congregating obstruct or impede the free and easy passage of persons along the same, shall be deemed guilty of an offense against this section and upon the conviction thereof, shall be punished by a fine of not less than \$25.00 nor more than \$100.00 for a first offense; and not less than \$50.00 nor more than \$500.00 for any additional offense;
- (b) This article shall not apply in cases when such rights-of-way are necessarily obstructed by reason of making or erecting any improvement or building, and the necessary obstruction incident to the loading or unloading of freight.
- (c) Notwithstanding sections (a) and (b) above, citizens are permitted to place one (1) sports related goal/equipment on the public right-of way immediately in front of the person's property. Said goal/equipment shall be allowed for a period not to exceed 6 continuous hours, at which time, must be removed and placed back in the homeowner's yard or driveway. At no time shall the goal/equipment remain in the right-of-way without

being used by the homeowner. Furthermore, said goal shall be immediately moved by the homeowner if it interferes with the work of a utility service provider of any kind. Should the homeowner fail to immediately move the equipment they shall be subject to the penalty provisions in section (a) listed above.

Section 2: Emergency Clause. That the City Council of the City of Farmington, Arkansas, determines that this ordinance is necessary for the safe and prosperous operation of the City; therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from its passage and approval.

PASSED AND APPROVED this 14th day of October 2024.

APPROVED:

By: _____
Ernie Penn, Mayor

ATTESTED:

BY: _____
Kelly Penn, City Clerk

Agenda Item 17

ORDINANCE 2024 - 12

AN ORDINANCE ORDERING THE RAZING (DEMOLITION) AND REMOVAL OF CERTAIN STRUCTURE(S) WITHIN THE CITY OF FARMINGTON, ARKANSAS, LOCATED AT 11520 CLUB HOUSE PARKWAY; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, Joseph and Jennifer Stewart and Kenneth and Melissa Lipsmeyer as owners/incorporators of Valley View Golf, LLC, are the lawful owners of certain real property situated in Farmington, Washington County, Arkansas, more particularly described as follows:

Commonly known as 11520 Clubhouse Parkway, Farmington, Washington County, Arkansas;

Tax Parcel No. 760-02896-000, RPID 109587

WHEREAS, the structure on the property is unfit for human uses as a result of a abandonment and dilapidation, and is dangerous to human life as it constitutes a hazard to safety or health by reason of inadequate maintenance, obsolescence, or abandonment, and further is unsightly, and is considered an unsafe and unsightly structure in violation of Farmington City Ordinances (Title 11, Chapter 11.04, § 11.04.04);

WHEREAS, the owner has been notified by the City of Farmington prior to the consideration of this ordinance, that the structure on the property is in violation of various ordinances of the City of Farmington;

WHEREAS, pursuant to Title 11, Chapter 11.04 of the Ordinances of the City of Farmington, the owner was given time to previously purchase a building permit and to commence repairs on the property, or to demolish and remove the building from the property;

WHEREAS, the owner has failed, neglected, or refused to comply with the notice to repair, rehabilitate or to demolish and remove the building, and as such, the matter of removing the building may be referred to the City Council pursuant to Chapter 11.04, § 115.4 of the Ordinances of the City of Farmington;

WHEREAS, under Ark. Code Ann. § 14-56-203 and pursuant to Title 11, Chapter 11.04 of the Farmington City Ordinances, if repair or removal is not done within the required time, the structure is to be razed (demolished) and/or removed;

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

Section 1. That the structure located at 11520 Clubhouse Parkway, Farmington, Arkansas, including the pool area, is dilapidated, unsightly, and unsafe; and it is in the best interests of the City of Farmington to proceed with the removal of this dilapidated, unsightly, and unsafe structure.

Section 2. That the owner is hereby ordered to raze (demolish) and remove the dilapidated, unsightly and unsafe structure and fill the pool located on the aforesaid property; and, is further ordered to abate the unsightly conditions on the property. Said work shall be commenced within ten (10) days and shall be completed within thirty (30) days from the passage of this ordinance. The manner of razing (demolishing) and removing said structure shall be to dismantle by hand or bulldoze and then dispose of all debris, completely cleaning up the property to alleviate any unsightly conditions, in a manner consistent with the Farmington City Ordinances, and all other state laws and regulations pertaining to the demolition or removal of residential structures.

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

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

PASSED AND APPROVED this 14th day of October 2024.

ERNIE PENN, MAYOR

ATTEST:

KELLY PENN, CITY CLERK

APPROVED AS TO FORM:

JAY MOORE, CITY ATTORNEY

Agenda Item 18

ORDINANCE NO. 2024-13

**AN ORDINANCE REZONING PROPERTY AT 229 N. BROYLES STREET,
FROM A-1, AGRICULTURE, TO MF-2, RESIDENTIAL MULTI-FAMILY
AS REQUESTED BY MRS ENTERPRISES**

WHEREAS, the City of Farmington, Arkansas amended its official zoning and zoning map by Ordinance 2015-06 on September 14, 2015, which was filed for record in the Office of the Circuit Clerk and Ex-Officio Recorder for Washington County, Arkansas in File 2015- 00034769; and

WHEREAS, certain real property owned by MRS Enterprises is zoned A-1, Agriculture; and

WHEREAS, after a public hearing on September 23, 2024, the Farmington Planning Commission voted during a regular scheduled meeting to rezone the real property owned by MRS Enterprises from A-1, Agriculture to MF-2, Residential Multi-Family.

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

SECTION 1. That the zone classification of the following described property is hereby changed as follows:

A-1, Agriculture to MF-2, Residential Multi-Family for the real property described in Exhibit "A" which is attached hereto and made a part hereof.

SECTION 2. That the official zoning map of the City of Farmington, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

SECTION 3. EMERGENCY CLAUSE: That the City Council of the City of Farmington, Arkansas further determines that this ordinance is necessary to adequately promote the of the inhabitants of the City; therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED, APPROVED AND IN EFFECT this 14th day of October 2024.

APPROVED:

By: _____
Ernie Penn, Mayor

ATTEST:

Kelly Penn, City Clerk

EXHIBIT

A

PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF FARMINGTON, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 23, SAID POINT BEING IN NORTH BROYLES STREET; THENCE ALONG SAID NORTH BROYLES STREET, N02°19'10"E A DISTANCE OF 378.00 FEET TO THE **POINT OF BEGINNING**; THENCE LEAVING SAID NORTH BROYLES STREET, N87°47'43"W A DISTANCE OF 189.56 FEET TO A FOUND 1/2 INCH REBAR; THENCE S02°10'54"W A DISTANCE OF 149.81 FEET TO A FOUND 3/8 INCH REBAR; THENCE N87°43'47"W A DISTANCE OF 290.00 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE N02°20'13"E A DISTANCE OF 72.00 FEET TO A SET 1/2 INCH REBAR WITH CAP "PS 1559"; THENCE N87°43'47"W A DISTANCE OF 88.92 FEET TO A FOUND 1/2 INCH REBAR; THENCE N02°14'21"E A DISTANCE OF 227.85 FEET TO A FOUND IRON PIN WITH CAP "PS 1532"; THENCE S87°44'50"E A DISTANCE OF 568.42 FEET TO A POINT IN SAID NORTH BROYLES STREET; THENCE ALONG SAID NORTH BROYLES STREET, S02°19'10"W A DISTANCE OF 150.00 FEET TO THE **POINT OF BEGINNING**, CONTAINING 3.11 ACRES (135,638 SQUARE FEET), MORE OR LESS, AND SUBJECT TO THE RIGHT-OF-WAY OF NORTH BROYLES STREET ON THE EAST SIDE THEREOF AND ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND FACT.

City of Farmington Application for Rezoning

Please fill out this form completely, supply all necessary information to support your request. Your application will not be placed on the agenda for Planning Commission until all information is furnished.

Applicant: MRS Enterprises, LLC Day Phone: (479) 409-2300
Address: PO Box 397 Farmington, AR 72730 Fax: _____
Representative: Engineering Services, Inc. Day Phone: (479) 751-8733
Address: P.O. Box 282, Springdale, AR 72765 Fax: (479) 751-8746
Property Owner: MRS Enterprises, LLC Day Phone: (479) 409-2300
Address: PO Box 397 Farmington, AR 72730 Fax: _____
Indicate where correspondence should be sent (circle one): Applicant **Representative** Owner

Describe Proposed Property In Detail (Attach additional pages if necessary)

Property Description

Site Address -- 229 N Broyles Street

Current Zoning -- A-1 Proposed Zoning -- MF-2

Attach legal description and site plan (a scaled drawing of the property to be rezoned showing accurate lot lines, surrounding zoning, adjacent owners and a north arrow is required.)

Type of zoning requested and reason for request:

The request is to rezone this property from A-1 to MF-2 to allow a multi-family development on this property.

Responsibilities of the Applicant:

1. The applicant shall be responsible for providing the name and address of all adjacent property owners. The notice to all adjacent property owners must be sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit (see attached), that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the City of Farmington has accepted the application and the date of the public hearing has been confirmed. The required Affidavit and supporting exhibits (mailing receipts, list of property owners of record and copy

of notice) shall be filed with the City of Farmington no later than seven (7) days prior to the meeting date. A sample notice is attached.

- 2. Pay a \$25.00 application fee
- 3. Provide a copy of the deed of the property.
- 4. Written authorization from the property owner if someone other than the owner will be representing the request.
- 5. Publish the following notice of public hearing in a newspaper serving the City (*Northwest Times, the Morning News, Arkansas Democrat-Gazette or The Farmington Post*). **THE NOTICE MUST APPEAR IN THE PAPER A MINIMUM OF 15 DAYS BEFORE THE PUBLIC HEARING DATE.**

NOTICE OF PUBLIC HEARING

A petition to rezone the property as described below has been filed with the City of Farmington on the _____ day of _____, 2023 _____.

PLACE LEGAL DESCRIPTION OF PROPERTY HERE

A public hearing to consider this request to rezone the above described property from _____ to _____ will be held on the _____ day of _____, 2023 _____, at 6:00 p.m. at Farmington City Hall, 354 West Main, Farmington, Arkansas. All interested persons are invited to attend.

A copy of the proof of publication from the newspaper must be provided to the City 10 days before the meeting.

The City will post a sign on the property at a location visible to the public, notifying the public of the intent to rezone the property.

Applicant/Representative: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incomplete, incorrect or false information is grounds for invalidation of the application. I understand that the City of Farmington may not approve my application or may set conditions on approval.

Applicant Signature Date 08/26/2024

Property Owner/Authorized Agent: I certify under penalty of perjury that I am the owner of the property that is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his behalf.)

Owner/Agent Signature Date 08/26/2024

AGENT AUTHORIZATION

I (We), MRS Enterprises, LLC, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s), Engineering Services, Inc., to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City of Farmington considering this application and to act in all respects as our agent in matters pertaining to the attached application.



Property Owner - Signature



Property Owner - Print

Property Owner - Signature

Property Owner - Print

E. ALBERTA STREET

N. BROYLES STREET

E. WILSON STREET

PARCEL 760-0153-000
SOUTHWESTERN ELECTRIC POWER CO
C/O AMERICAN ELECTRIC POWER
COMMUNITY OF CHRY
ZONED A-1

PARCEL 760-0153-000
WILLIAM WRIGHT & PAUL H. WRIGHT
FOR CANTON DRIVE
WASHINGTON AR 72390
ZONED A-1

PARCEL 760-0153-000
THOMPSON STEVEN LARK
250 N. BROYLES ST.
FARMINGTON AR 72701
ZONED A-1

PARCEL 760-0153-000
MARTIN DAVID W
40522 AR 72755
ZONED A-1

PARCEL 760-0153-000
REDDING, BERRY & MARGARET
ANNE LITTLE ROCK AR 72118
ZONED A-1

PARCEL 760-0153-000
JAMARQUE ROBE N M JAMAR
30 E WILSON ST
FARMINGTON AR 72701
ZONED A-1

PARCEL 760-0153-000
LLOYD W WYNN JAMES RD
FARMINGTON AR 72701
ZONED A-1

PARCEL 760-0153-000
SHARPE, OSBORN JAMES
FARMINGTON AR 72701
ZONED A-1

PARCEL 760-0153-000
FARMINGTON AR 72701
ZONED A-1

PARCEL 760-0153-000
FARMINGTON AR 72701
ZONED A-1

3.11 ACRES (TRACT 1)
CURRENT ZONING: A-1
PROPOSED ZONING: MF-2

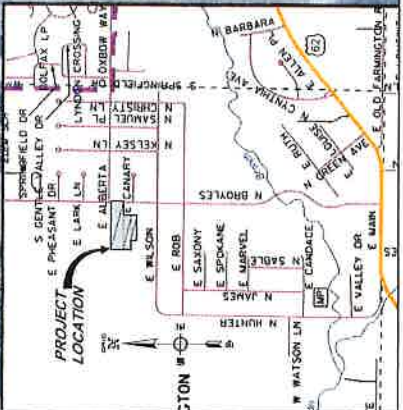


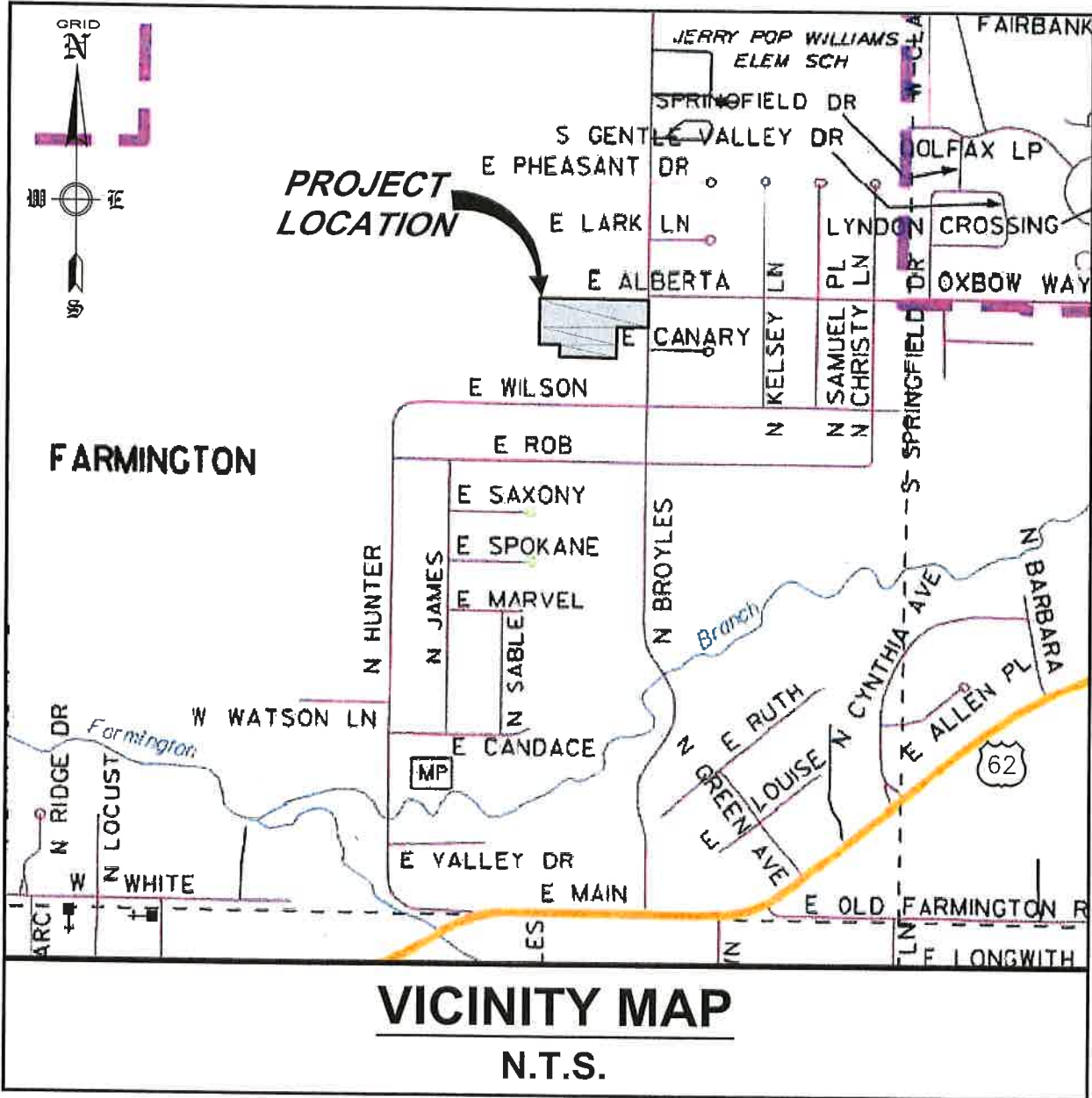
SCALE: 1"=60'

REZONING EXHIBIT

MRS Enterprises, LLC
229 N Broyles Street / Parcel 760-01354-001
Farmington, Washington County, Arkansas
DWS: Z: Engineers' 00-Engineer Projects 129334-Broyles
DATE: August 26, 2024
SCALE 1" = 60'
ENGINEERING SERVICES, INC.
1207 S. OLD MISSOURI ROAD
SPRINGDALE, ARKANSAS
ENGINEERING SERVICES INC.

VICINITY MAP





Type: REAL ESTATE
Kind: WARRANTY DEED
Recorded: 2/15/2024 2:06:55 PM
Fee Amt: \$25.00 Page 1 of 3
Washington County, AR
Kyle Sylvester Circuit Clerk

File# 2024-00003611

This Instrument prepared by:
D. Joel Kurtz
Attorney at Law
Williams Law Firm
100 W Main, Gentry, AR 72734
(479) 736-8800

WARRANTY DEED

(CORPORATE ENTITY)

KNOW ALL MEN BY THESE PRESENTS:

That **McDonald Building Group, LLC**, an Arkansas Limited Liability Company ("Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **MRS Enterprises LLC**, an Arkansas Limited Liability Company ("Grantee"), and unto its successors and assigns forever, the following described lands situated in the County of Washington, State of Arkansas:

A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N00°04'E 378 FEET FROM THE SOUTHEAST CORNER OF SAID 40 ACRE TRACT AND RUNNING THENCE N00°04'E 150 FEET; THENCE WEST 568.42 FEET; THENCE S00°04'W 228 FEET; THENCE EAST 88.92 FEET; THENCE S00°04'W 72 FEET; THENCE EAST 290 FEET; THENCE N00°04'E 150 FEET; THENCE EAST 189.5 FEET TO THE POINT OF BEGINNING.

[Legal description provided by Realty Title & Closing Services, LLC.]

Subject to any restrictions, conditions, covenants, rights of way, and easements now of record.
Subject to all prior mineral reservations and oil and gas leases.

To have and to hold the same unto the said Grantee and unto its successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

And Grantor hereby covenants with said Grantee that it will forever warrant and defend the title to the said lands against all claims whatsoever.

SIGNATURE AND ACKNOWLEDGMENT PAGE FOLLOWS.

IN WITNESS WHEREOF, the name of Grantor is hereunto affixed by its undersigned officer as of this 12 day of Feb, 2024.

McDonald Building Group, LLC

By: Damon M. McDonald
Damon M. McDonald, Member

Please see the attached Real Property Transfer Tax Affidavit of Compliance for proof of tax paid and the required documentary stamps or documentary symbol.

STATE OF ARKANSAS)
) ss. ACKNOWLEDGMENT
COUNTY OF WASHINGTON)

On this day personally before me, a Notary Public, duly commissioned, qualified and acting, within and for this County and State, appeared the within named Damon M. McDonald, Member of McDonald Building Group, LLC, an Arkansas Limited Liability Company, to me personally well known (or satisfactorily proven to be such person), who stated that he was duly authorized to execute the foregoing instrument for and in the name and on behalf of said Limited Liability Company, and further stated and acknowledged that pursuant to said authority, he had so signed, executed and delivered the foregoing Deed for the consideration, uses, and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 12 day of Feb, 2024.

[Signature]
Notary Public

My commission expires: _____

JENNIFER STEWART
NOTARY PUBLIC, ARKANSAS
WASHINGTON COUNTY
Commission #12378169
My Commission Expires 08/19/2030

Mail Tax Statement to:
MKS Enterprises, LLC
PO BOX 397
Farmingington, AR 72730

RTC 23-82167T



STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid



File Number: 2315287-144

Grantee: MRS ENTERPRISES LLC
Mailing Address: PO BOX 397
FARMINGTON AR 727300397

Grantor: MCDONALD BUILDING GROUP, LLC
Mailing Address: 671 OXFORD BEND RD
FAYETTEVILLE AR 727033886

Property Purchase Price: \$360,000.00
Tax Amount: \$1,188.00
County: WASHINGTON
Date Issued: 02/15/2024
Stamp ID: 73381888

Washington County, AR
I certify this instrument was filed on
2/15/2024 2:06:55 PM
and recorded in REAL ESTATE

File# 2024-00003611
Kyla Sulvester - Circuit Clerk

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): MRS Enterprises LLC
Grantee or Agent Name (signature): WACO Title as Agent Date: 2/15/2024
Address: _____
City/State/Zip: _____