



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

CITY COUNCIL AGENDA
June 8, 2020

A regular meeting of the Farmington City Council will be held on
Monday, June 8, 2020 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 –May 11, 2020 City Council 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. Community Development Committee
 - c. Park & Recreation Committee
10. Items to be removed from City of Farmington Inventory – NONE

NEW BUSINESS

11. Request approval to accept bid for land on Ecology Drive.
12. Request approval to accept bid for drainage improvements on Ash Street.
13. Ord. No. 2020-06 – An ordinance rezoning 104.98 acres ± on west side of North Hunter from A-1, agriculture district to R-1, residential single family, as requested by Pitts Dynasty Trust #3.

INFORMATIONAL ITEMS:

- A. City Business Manager Report
- B. Court Clerk Monthly Distribution Report
- C. Fire Department Report
- D. Police Department Report
- E. Building/Public Works Report
- F. Library Report
- G. Planning Commission minutes

Minutes

Minutes of the Regular Farmington City Council Meeting May 11th, 2020

Due to the Covid 19 pandemic, a state of emergency was declared by Arkansas Governor Asa Hutchinson, in order to comply to social distancing requirements this meeting was held virtually using the Zoom Meeting system. Mayor Penn, City Clerk Penn, City Business Manager McCarville, Police Chief Hubbard, Officer Bertorello, Code Enforcement Officer Brammall and Bill Hellard were physically at City Hall. We had no citizens come to city hall to attend the meeting. The regular meeting of the City Council scheduled for Monday, May 11th, 2020 was called to order at 6:00 pm by Mayor Ernie Penn. City Clerk Kelly Penn called the roll and the following Council Members answered to their names via Zoom : Sherry Mathews, Abby Spinks, Keith Lipford, Linda Bell, Brenda Cunningham, Bobby Morgan, Diane Bryant and Shelly Parsley. City Attorney Tennant attended via Zoom also. Mayor Penn led the Pledge of Allegiance.

Comments from Citizens – None.

Approval of the minutes for the April 13th, 2020 Regular City Council Meeting. On the motion of Council Member Morgan and a second by Council Member Mathews 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 – City Clerk Penn advised the council that this year's election was for all position 1 council member seats. The first day to get signatures was May 7th, 2020. The first day to file petitions will be July 29th at 12:00. The final day to file petitions will be August 8th at 12:00. In light of the Covid 19 virus, all those running for office will take their petitions directly to the Washington County Clerk's office for filing. Packets can be picked up curbside at city hall or can be emailed to citizens that are interested in running. Financials were presented by Mayor Penn and he advised that the city was still in a surplus for the 2020 year but he was anticipating a decline in revenue due to Covid 19 to be reflected in the financial report in June. Council Member Lipford asked what made up the \$17,830.26 entry in the General Fund Administrative Expenses line item. City Business Manager McCarville said she would get him the breakdown and email it to him after the meeting. Mayor Penn also mentioned the street department budget would look a little out of line because the city had not been reimbursed by the state for the right of way acquisitions for the Highway 170 project. The city had been in contact with the state and those departments are working from home so there is a slight delay as the state has to issue an actual check rather than an electronic transfer to the city.

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

Proclamations, Special Announcements, Committee/Commission Appointments. Committee

Mayor Penn recognized that this was Fire Chief Mark Cunningham's last council meeting, his retirement would be effective June 1st. He thanked the Chief for all his years of service to the city and that the city would have a retirement reception for him at a later date because of the Covid 19 restrictions. Mayor Penn said there were 24 applicants for the Fire Chief position and the committee made the decision to hire Bill Hellard, who comes with 22 years of fire and medical experience. Mayor Penn asked the council for a motion to confirm the hiring of Bill Hellard for the Fire Chief's position. On the motion of Council Member Lipford and a second by Council Member Morgan and by the consent of all Council Members present after a roll call vote, it was approved 8-0 to confirm the hire of Fire Chief Bill Hellard.

Committee Reports – All committee reports were included in the council packets.

Items to be removed from City of Farmington Inventory – NONE

Unfinished Business – NONE

New Business

Request approval of the School Resource Officer contract with Farmington School District.

Chief Hubbard advised the council this was the same contract they approved last year, there were no changes and asked for their approval. On the motion of Council Member Lipford and a second by Council Member Mathews and by the consent of all Council Members present after a roll call vote, the motion to approve the School Resource Office contract with Farmington Schools was approved 8-0.

Mayor Penn advised that for now the city is leaving the park status as is, following the guidelines set forth by the Governor and Municipal League. He wants to err on the side of caution right now. City Hall will reopen May 18th providing there are no changes by the Governor. Court will resume May 20th with masks required, hand sanitizing before entering the building and proper social distancing. Librarian Rachel Sawyer said they are installing metal work and water fountains in the library. There has been a delay on the shelving units until June 1st due to the Covid -19 issues. They are accepting book returns and are quarantining the books.

There being no further business to come before the council and on the motion of Council Member Morgan and seconded by Council Member Lipford and by the consent of all members present, the meeting adjourned at 6:29 pm until the next regularly scheduled meeting to be held Monday June 8th, 2020 in the City Council Chambers at City Hall, located at 354 West Main Street, Farmington, Arkansas.

Approved;

City Clerk Kelly Penn

Mayor Ernie Penn

Financial

MONTH	CITY SALES TAX	CITY SALES TAX		STATE SALES TAX	STATE SALES TAX
	2019	2020 (total)		2019	2020
JANUARY	\$ 117,555.12	\$ 130,377.70		\$ 102,295.43	\$ 109,715.61
FEBRUARY	\$ 133,162.65	\$ 148,481.02		\$ 113,136.70	\$ 122,277.31
MARCH	\$ 109,601.10	\$ 133,975.76		\$ 95,652.99	\$ 100,333.67
APRIL	\$ 101,993.38	\$ 131,834.17		\$ 92,093.45	\$ 103,587.92
MAY	\$ 130,596.39	\$ 152,891.65		\$ 106,122.97	\$ 110,933.27
JUNE	\$ 135,104.16			\$ 105,622.89	
JULY	\$ 135,385.77			\$ 108,198.98	
AUGUST	\$ 131,760.20			\$ 107,009.33	
SEPTEMBER	\$ 148,550.09			\$ 108,926.56	
OCTOBER	\$ 136,569.38			\$ 113,349.70	
NOVEMBER	\$ 142,519.91			\$ 110,322.29	
DECEMBER	\$ 129,221.39			\$ 107,415.14	
Monthly Comparison - April2019/April2020	\$	22,295.26	Increase (Decrease)	\$ 27,105.56	\$ 4,810.30
YTD comparison	Increase for 2020 over 2019 YTD - City Sales Tax		\$ 104,651.66	Increase for 2020 over 2019 YTD - State Sales Tax	\$ 51,575.76
	Total Sales Tax Increase YTD 2020		\$ 156,227.42		\$ 156,227.42

6/3/2020

GENERAL FUND

8:12 AM

Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2020
	Jan 2020	Jan 2020	Dec 2020
	May 2020	Dec 2020	Percent of
	Actual		Budget
Revenue & Expenditures			
GENERAL REVENUES			
Revenue			
ACCIDENT REPORT REVENUES	670.00	1,500.00	44.67%
ACT 833	0.00	20,000.00	0.00%
ALCOHOL SALES TAX	1,224.75	3,500.00	34.99%
ANIMAL CONTROL REVENUES	680.00	2,500.00	27.20%
BUILDING INSPECTION FEES	70,668.00	100,000.00	70.67%
BUSINESS LICENSES	5,225.00	6,000.00	87.08%
CITY COURT FINES	49,448.99	120,000.00	41.21%
CITY SALES TAX REVENUES	697,560.30	1,350,000.00	51.67%
COUNTY TURNBACK	267,727.21	475,000.00	56.36%
DEVELOPMENT FEES	18,055.04	10,000.00	180.55%
FRANCHISE FEES	191,225.98	375,000.00	50.99%
GARAGE SALE PERMITS	70.00	3,000.00	2.33%
INTEREST REVENUES	21,748.51	45,000.00	48.33%
MISCELLANEOUS REVENUES	23,677.53	0.00	0.00%
Off Duty Police Reimbursement	0.00	4,000.00	0.00%
PARK RENTAL	875.00	3,500.00	25.00%
SALES TAX - OTHER	546,847.78	1,200,000.00	45.57%
SPORTS COMPLEX FEES	31,725.00	40,000.00	79.31%
SRO REIMBURSEMENT REVENUES	23,891.72	100,000.00	23.89%
STATE TURNBACK	36,837.45	95,000.00	38.78%
TRANSFER INCOME	0.00	650,000.00	0.00%
Revenue	\$1,988,158.26	\$4,604,000.00	

6/3/2020

GENERAL FUND

8:46 AM

Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2020
	Jan 2020	Jan 2020	Dec 2020
	May 2020	Dec 2020	Percent of
	Actual		Budget
ADMINISTRATIVE DEPT			
Expenses			
ADDITIONAL SERVICES EXPENSE	77,623.47	180,000.00	43.12%
ADVERTISING EXPENSE	3,066.36	6,000.00	51.11%
BUILDING MAINT & CLEANING	7,531.45	30,000.00	25.10%
CREDIT CARD FEE EXPENSE	1,128.44	5,000.00	22.57%
ELECTION EXPENSES	0.00	5,000.00	0.00%
ENGINEERING FEES	67,893.19	80,000.00	84.87%
INSURANCES EXPENSE	0.00	50,000.00	0.00%
LEGAL FEES	0.00	10,000.00	0.00%
MATERIALS & SUPPLIES EXPENSE	5,304.92	17,000.00	31.21%
MISCELLANEOUS EXPENSE	17,830.26	2,000.00	891.51%
NEW EQUIPMENT PURCHASE	8,596.81	10,000.00	85.97%
PAYROLL EXP - CITY ATTRNY	27,179.00	60,000.00	45.30%
PAYROLL EXP - ELECTED OFFICIAL	56,117.10	125,000.00	44.89%
PAYROLL EXP - REGULAR	92,797.40	245,000.00	37.88%
PLANNING COMMISSION	6,731.00	20,000.00	33.66%
POSTAGE EXPENSE	4.20	1,500.00	0.28%
PROFESSIONAL SERVICES	6,201.87	10,000.00	62.02%
REPAIR & MAINT - BUILDING	87.80	2,000.00	4.39%
REPAIR & MAINT - OFFICE EQUIP	1,445.82	2,500.00	57.83%
RETURNED CHECK	25.00	0.00	0.00%
TECHNICAL SUPPORT	18,074.75	40,000.00	45.19%
TELECOMMUNICATION EXPENSES	1,815.41	4,000.00	45.39%
TRAVEL, TRAINING & MEETINGS	6,299.16	20,000.00	31.50%
UTILITIES EXPENSES	29,527.25	65,000.00	45.43%
Expenses	\$435,280.66	\$990,000.00	

6/3/2020

GENERAL FUND

8:12 AM

Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2020
	Jan 2020	Jan 2020	Dec 2020
	May 2020	Dec 2020	Percent of
	Actual		Budget
ANIMAL CONTROL DEPT			
Expenses			
FUEL EXPENSES	360.66	2,000.00	18.03%
MATERIALS & SUPPLIES EXPENSE	15.26	1,100.00	1.39%
PAYROLL EXP - REGULAR	21,631.25	59,600.00	36.29%
PROFESSIONAL SERVICES	2,019.00	15,000.00	13.46%
REPAIR & MAINT - AUTOMOBILES	126.09	1,500.00	8.41%
REPAIR & MAINT - EQUIPMENT	0.00	500.00	0.00%
REPAIR & MAINT - TRUCK	32.91	0.00	0.00%
TRAVEL, TRAINING & MEETINGS	0.00	500.00	0.00%
UNIFORMS/GEAR EXPENSE	0.00	500.00	0.00%
Expenses	\$24,185.17	\$80,700.00	

6/3/2020

GENERAL FUND

8:12 AM

Statement of Revenue and Expenditures

	<u>Year-To-Date</u>	<u>Annual Budget</u>	<u>Jan 2020</u>
	<u>Jan 2020</u>	<u>Jan 2020</u>	<u>Dec 2020</u>
	<u>May 2020</u>	<u>Dec 2020</u>	<u>Percent of</u>
	<u>Actual</u>		<u>Budget</u>
BUILDING PERMIT DEPT			
Expenses			
FUEL EXPENSES	807.50	2,500.00	32.30%
PAYROLL EXP - REGULAR	32,695.75	92,200.00	35.46%
REPAIR & MAINT - AUTOMOBILES	330.33	1,000.00	33.03%
TRAVEL, TRAINING & MEETINGS	453.84	3,000.00	15.13%
UNIFORMS/GEAR EXPENSE	0.00	1,000.00	0.00%
Expenses	\$34,287.42	\$99,700.00	

6/3/2020

GENERAL FUND

8:12 AM

Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2020
	Jan 2020	Jan 2020	Dec 2020
	May 2020	Dec 2020	Percent of
	Actual		Budget
FIRE DEPT			
Expenses			
ADVERTISING EXPENSE	565.00	1,000.00	56.50%
FUEL EXPENSES	2,321.20	7,000.00	33.16%
HAZMAT EXPENSES	2,270.12	2,400.00	94.59%
MATERIALS & SUPPLIES EXPENSE	4,764.06	8,500.00	56.05%
MISCELLANEOUS EXPENSE	0.00	500.00	0.00%
NEW EQUIPMENT PURCHASE	0.00	6,500.00	0.00%
PAYROLL EXP - REGULAR	235,320.15	538,400.00	43.71%
REPAIR & MAINT - BUILDING	147.17	400.00	36.79%
REPAIR & MAINT - EQUIPMENT	650.95	5,000.00	13.02%
REPAIR & MAINT - TRUCK	4,050.27	10,000.00	40.50%
TRAVEL, TRAINING & MEETINGS	2,874.40	10,000.00	28.74%
UNIFORMS/GEAR EXPENSE	13,364.01	17,500.00	76.37%
Expenses	\$266,327.33	\$607,200.00	

6/3/2020

GENERAL FUND

8:12 AM

Statement of Revenue and Expenditures

	Year-to-Date	Annual Budget	Jan 2020
	Jan 2020	Jan 2020	Dec 2020
	May 2020	Dec 2020	Percent of
	Actual		Budget
LAW ENFORCE - COURT			
Expenses			
MATERIALS & SUPPLIES EXPENSE	630.32	3,000.00	21.01%
MISCELLANEOUS EXPENSE	0.00	400.00	0.00%
NEW EQUIPMENT PURCHASE	0.00	3,000.00	0.00%
PAYROLL EXP - REGULAR	28,621.11	77,900.00	36.74%
POSTAGE EXPENSE	45.03	1,800.00	2.50%
PROSECUTING ATTORNEY	7,500.00	18,000.00	41.67%
REPAIR & MAINT - OFFICE EQUIP	57.60	0.00	0.00%
SPECIAL COURT COSTS	0.00	6,000.00	0.00%
TRAVEL, TRAINING & MEETINGS	300.00	6,000.00	5.00%
Expenses	\$37,154.06	\$116,100.00	

6/3/2020

GENERAL FUND

8:12 AM

Statement of Revenue and Expenditures

	Year-To-Date	Annual Budget	Jan 2020
	Jan 2020	Jan 2020	Dec 2020
	May 2020	Dec 2020	Percent of
	Actual		Budget
LAW ENFORCE - POLICE			
Expenses			
ADVERTISING EXPENSE	90.00	100.00	90.00%
BREATHALYZER EXPENSES	242.90	700.00	34.70%
CAPITAL IMPROVEMENT	32,878.33	500,000.00	6.58%
DRUG TASK FORCE	1,500.00	2,000.00	75.00%
FUEL EXPENSES	12,938.68	48,000.00	26.96%
MATERIALS & SUPPLIES EXPENSE	11,370.41	50,000.00	22.74%
MISCELLANEOUS EXPENSE	0.00	500.00	0.00%
NEW EQUIPMENT PURCHASE	0.00	56,000.00	0.00%
Off Duty Police Pay	0.00	4,000.00	0.00%
PAYROLL EXP - REGULAR	411,389.94	1,187,800.00	34.63%
PAYROLL EXP - SRO	47,486.60	148,963.00	31.88%
REPAIR & MAINT - AUTOMOBILES	12,166.22	25,000.00	48.66%
REPAIR & MAINT - EQUIPMENT	0.00	3,000.00	0.00%
TRAVEL, TRAINING & MEETINGS	868.36	10,000.00	8.68%
UNIFORMS/GEAR EXPENSE	5,731.10	12,000.00	47.76%
Expenses	\$536,662.54	\$2,048,063.00	

6/3/2020

GENERAL FUND

8:12 AM

Statement of Revenue and Expenditures

	Year-to-Date	Annual Budget	Jan 2020
	Jan 2020	Jan 2020	Dec 2020
	May 2020	Dec 2020	Percent of
	Actual		Budget
LIBRARY			
Expenses			
CAPITAL IMPROVEMENT	150,000.00	150,000.00	100.00%
LIBRARY TRANSFER	55,000.00	55,000.00	100.00%
Expenses	\$205,000.00	\$205,000.00	

6/3/2020

GENERAL FUND

8:12 AM

Statement of Revenue and Expenditures

	Year-to-Date	Annual Budget	Jan 2020
	Jan 2020	Jan 2020	Dec 2020
	May 2020	Dec 2020	Percent of
	Actual		Budget
PARKS DEPT			
Revenue			
PARK RENTAL	(450.00)	0.00	0.00%
Revenue	(\$450.00)	\$0.00	
Gross Profit	(\$450.00)	\$0.00	
Expenses			
CAPITAL IMPROVEMENT	27,000.00	0.00	0.00%
FUEL EXPENSES	585.09	3,500.00	16.72%
MATERIALS & SUPPLIES EXPENSE	1,538.90	10,000.00	15.39%
NEW EQUIPMENT PURCHASE	0.00	10,000.00	0.00%
PAYROLL EXP - REGULAR	80,754.40	183,300.00	44.06%
PROFESSIONAL SERVICES	12,304.10	2,500.00	492.16%
REPAIR & MAINT - EQUIPMENT	754.24	3,000.00	25.14%
SPORTS PARK FUEL	114.94	1,500.00	7.66%
SPORTS PARK MATERIALS	3,752.94	22,000.00	17.06%
SPORTS PARK NEW EQUIP	0.00	10,000.00	0.00%
SPORTS PARK PROF SERV	18,965.77	45,000.00	42.15%
SPORTS PARK REPAIR/MAINT	194.12	2,500.00	7.76%
SPORTS PARK UTILITIES	3,889.38	12,000.00	32.41%
UNIFORMS/GEAR EXPENSE	0.00	1,000.00	0.00%
UTILITIES EXPENSES	2,283.18	5,000.00	45.66%
Expenses	\$152,137.06	\$311,300.00	

STREET FUND
Statement of Revenue and Expenditures

	Year-To-Date Jan 2020 May 2020 Actual	Annual Budget Jan 2020 Dec 2020	Jan 2020 Dec 2020 Percent of Budget
Revenue & Expenditures			
Revenue			
GRANTS	247,800.00	0.00	0.00%
INTEREST REVENUES	186.05	1,000.00	18.61%
MISCELLANEOUS REVENUES	0.00	100.00	0.00%
STREET COUNTY TURNBACK	28,483.97	40,000.00	71.21%
STREET STATE TURNBACK	189,764.84	406,945.75	46.63%
TRANSFER INCOME	0.00	200,000.00	0.00%
Revenue	\$466,234.86	\$648,045.75	
Expenses			
ADDITIONAL SERVICES EXPENSE	4,800.00	0.00	0.00%
ADVERTISING EXPENSE	354.68	1,000.00	35.47%
BUILDING MAINT & CLEANING	1,333.46	0.00	0.00%
ENGINEERING FEES	1,740.00	30,000.00	5.80%
FUEL EXPENSES	1,852.22	8,000.00	23.15%
MATERIALS & SUPPLIES EXPENSE	6,638.72	12,000.00	55.32%
MISCELLANEOUS EXPENSE	482.30	500.00	96.46%
NEW EQUIPMENT PURCHASE	0.00	25,000.00	0.00%
PAYROLL EXP - REGULAR	71,225.00	199,445.75	35.71%
PROFESSIONAL SERVICES	102,200.00	1,000.00	10,220.00%
REPAIR & MAINT - BUILDING	65.85	0.00	0.00%
REPAIR & MAINT - EQUIPMENT	2,946.15	10,000.00	29.46%
STREET LIGHTS	84,727.87	150,400.00	56.34%
STREET/ROAD REPAIRS	9,988.00	200,000.00	4.99%
TRAVEL, TRAINING & MEETINGS	0.00	500.00	0.00%
UNIFORMS/GEAR EXPENSE	0.00	2,200.00	0.00%
UTILITIES EXPENSES	6,249.73	8,000.00	78.12%
Expenses	\$294,603.98	\$648,045.75	

LIBRARY FUND
Statement of Revenue and Expenditures

	Current Period Jan 2020 May 2020 Actual	Annual Budget Jan 2020 Dec 2020	Jan 2020 Dec 2020 Percent of Budget
Revenue & Expenditures			
Revenue			
Donations	57,620.00	0.00	0.00%
FINES/LOST ITEMS	1,312.48	4,000.00	32.81%
INTEREST REVENUES	220.95	0.00	0.00%
MISCELLANEOUS REVENUES	245.73	0.00	0.00%
TRANS FROM GENERAL FUND		55,000.00	0.00%
TRANS FROM GENERAL FUND	205,000.00	0.00	0.00%
WASHINGTON CO LIBRARY	84,930.00	184,231.00	46.10%
Revenue	\$349,329.16	\$243,231.00	
Expenses			
ADVERTISING EXPENSE	256.06	1,000.00	25.61%
BOOKS AND MEDIA	11,045.26	32,000.00	34.52%
BUILDING MAINT & CLEANING	825.55	0.00	0.00%
CAPITAL IMPROVEMENT	428,498.81	0.00	0.00%
MATERIALS & SUPPLIES EXPENSE	5,294.52	10,931.00	48.44%
MISCELLANEOUS EXPENSE	25.00	500.00	5.00%
NEW EQUIPMENT PURCHASE	2,170.49	3,000.00	72.35%
PAYROLL EXP - REGULAR	65,744.58	175,000.00	37.57%
POSTAGE EXPENSE	62.75	300.00	20.92%
PROGRAMS EXPENSE		4,000.00	0.00%
REPAIR & MAINT - BUILDING		4,500.00	0.00%
TECHNICAL SUPPORT	5,452.97	8,500.00	64.15%
TRAVEL, TRAINING & MEETINGS	258.00	1,000.00	25.80%
UTILITIES EXPENSES	901.23	2,500.00	36.05%
Expenses	\$520,535.22	\$243,231.00	

Agenda Item 11



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 Penn, City Clerk

From: Mayor Ernie L Penn

Re: Sale of Lots and Land on Ecology Drive in the Farmington Creek Subdivision, AKA Ecology Park

Date: June 8, 2020

Recommendation

City staff recommends accepting the high bid of \$85,000 from PAS Leasing (Paul Schmidt). This is a cash offer with the only contingency of rezoning the property to MF-2. Estimated closing in July, 2020.
(See Attached Contract)

Background

The Council approved selling this property and we advertised for Bids in the local paper. The bid expiration date was 5-18-2020. The City received 2 bids, One from PAS Leasing in the amount of \$85,000 and a second bid from Eagle Holdings LLC (Keith Marrs) in the amount of \$77,000.

Discussion

The buyer is planning on building some additional multi-family property in this location and investing between 3 Million to 4 Million. The buyer has purchased 5 duplexes and 2- 4 plexes in this neighborhood over the past 2 years and has completely remodeled all of the units. Rick Bramall our City inspector has inspected all of the units and can attest to quality of the remodel. This neighborhood consists of 4 sf homes (3 rentals) 2- 4plexes, and 8 rental duplexes. The planning commission will have to approve the rezoning request and it will require Council approval also. The sale of this property will alleviate the city having to maintain this property and be a cost savings to the City. While we may be able to use these monies for items in the future, I would recommend we put the funds in the general fund to cover any shortfall in sales tax revenues.

Budget Impact

Income to our City of \$85,000 minus the closing costs for the title transfer.

Opened @ 4:00 am
May 18, 2020
Proton

OFFER TO PURCHASE REAL ESTATE

RECEIVED

DATE: MAY 18, 2020

MAY 18 2020

CITY OF FARMINGTON

ADDRESS OF PROPERTY & LEGAL DESCRIPTION:

LOTS 12, 13, 14, 15, 16, 19, 20, & 21 FARMINGTON CREEK SUBDIVISION;
FARMINGTON, ARKANSAS IN WASHINGTON COUNTY, 3.88 ACRES MOL

&

ALSO, PART OF NW 22-16-31 FARMINGTON OUTLOTS PARCEL
#760-01318-000 , 0.37 ACRES MOL

NAME OF BUYER:

PAS LEASING, LLC

Address:

PO BOX 1287; BENTONVILLE ARKANSAS 72712

NAME OF SELLER: CITY OF FARMINGTON

Buyer hereby offers to purchase from the Seller the Property identified above and
Buyer(s) offer is made upon the following terms:

TOTAL PURCHASE PRICE: \$85,000.00

ESCROW AMOUNT: \$5,000

BALANCE DUE AT CLOSING: \$80,000.00

PROPOSED CLOSING DATE: JULY 15th, 2020

CLOSING COMPANY AND ESCROW AGENT FOR BUYERS:

CITY TITLE located at 5431 West Pinnacle Pointe Drive #105; Rogers, Arkansas
72758.

Upon closing, Buyer(s) shall take title to the Property as owners in fee simple of
the property via warranty deed.

Sellers agree to provide any information and/or disclose anything regarding the property that would prevent Buyer(s) from building on this property.

Buyers shall have the right to perform due diligence and inspect the property at buyer's expense prior to closing.

Buyer and Seller agree this offer is contingent upon the property being rezoned Multifamily 2.

Seller shall provide buyers with any surveys, if any, for this property.

ADDITIONAL TERMS:

Seller(s) shall have until 5:00 PM on MAY 20th, 2020 to accept this Offer, unless it is sooner withdrawn. Acceptance shall not be effective until a copy of this document is signed by the Sellers and received by Buyer(s). If this offer is not accepted by the date set forth above, the offer shall lapse and be of no further effect.

The parties agree that this document is an Offer to Purchase. If this Offer to Purchase is acceptable to the Seller(s), the Seller(s) shall sign and return a copy of this form, thereby acknowledging acceptance of the terms set forth in this Offer. Upon the Seller(s) acceptance of this Offer (thereby creating a binding Agreement), the buyers shall deposit \$5,000.00 with buyers escrow agent listed above.

The parties agree that if the Title Insurance Policy discloses any matter which materially and adversely affects title to the Property, or if title to the Property is not marketable (the foregoing referred to as "Title Defect"), Seller(s) shall have a reasonable time, not to exceed 30 days after written notice from Buyer(s), within which to cure or remove any such Title Defect. In the event Seller(s) is unable to cure or remove the Title Defect within the 30-day period, Seller(s) shall immediately give notice of Seller(s) inability to Buyer(s), and thereafter, Buyer(s) shall have 10 days after receipt of such notice within which to make its election either: (i) to accept title to the Property subject to such Title Defects; or (ii) to withdraw from this transaction and terminate this Agreement. If so terminated,

the Down Payment / Earnest Money Deposit shall immediately be returned to the Buyer(s).

Real estate taxes and assessments, both general and special, along with insurance, rents and utility charges (as may be applicable) shall be conclusively prorated between the parties as of the Closing Date, such that all such amounts attributable to periods ending on or before the Closing Date are allocated to Seller(s), and all such amounts attributable to periods ending after the Closing Date are allocated to Buyer(s).

There will be no real estate broker used with this transaction. The Seller(s) agree that full possession of property available to Buyer(s) upon closing of the transaction.

Time is of the essence.

This Offer is Submitted by:



PAUL A. SCHMIDT, JR., MANAGING MEMBER
PAS LEASING, LLC

5-18-2020

DATE

This Offer is Accepted by:



MAYOR ERNIE PENN
CITY OF FARMINGTON, ARKANSAS

5-19-2020

DATE

Preview Message



Proceed to the [inbox](#) to check your quarantined mail or change your filtering preferences.

Subject: Re: Bids
Date: 05/18/2020 07:37 PM
From: paul@rentpbs.com
Recipient: erniepenn@cityoffarmington-ar.gov
Size: 9323 bytes
Cause: The message was quarantined as Spam by rules-spam.

[Show Headers](#)

[Show Images](#)

Mayor Penn,

It was a pleasure talking with you and Rick. Thank you for taking the time to talk with regarding my bid. I was glad to hear we had the highest bid. Please execute my offer and acceptance and scan and email a copy to me for my records. Also, I will bring you the cashier's check for \$5,000.00 tomorrow. Would you like me to make that payable to the City of Farmington?

I look forward to working with the City of Farmington on this project and anticipate we will be spending between \$3,500,000.00 to \$4,000,000.00 on this project. You have made a prudent decision for the City of Farmington by generating money in this sale, saving money on maintenance on a park that had zero traffic and increasing the tax base for the City of Farmington.

I will be meeting with my engineers and architects and start putting potential plans together that I can present to the City of Farmington.

Please let me know if you have any questions for me and let me know if you need me to do anything else at this time.

Thanks,
Paul

- Submit a copy of this message for review of its classification.
- Add paul@rentpbs.com to your 'Friends' list.
- Add rentpbs.com to your 'Friends' list.

[Release](#) [Logout](#)

Agenda Item 12



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 Penn, City Clerk
From: Melissa McCarville, Floyd Shelley
Re: Request approval a contract for drainage improvements on Ash Street
Date: June 2, 2020

Recommendation

City staff will review bids with the design engineer and offer a recommendation prior to the City Council meeting. If you have questions about the project please contact Floyd.

Background

This project was considered some time ago; and engineering was completed recently. An engineer's estimate is attached.

Discussion

This was considered in our 2020 budget discussions. We are asking for your consideration so that the contractor we choose will be able to work in dry weather and complete the project before winter. This neighborhood has been very cooperative with the City; cleaning out ditches as debris collects. They are very appreciative that the City is considering this project.

Budget Impact

The bid information will be provided after the bids are opened on Monday. As soon as we have the bid tab we will forward it to you.

Engineer's preliminary cost estimate

Project: Ash Street Culvert Replacement

Date: 6/2/2020

Quantity	Unit	Item	Unit Cost	Extension
1	LS	Remove and dispose of existing reinforced concrete	\$10,000.00	\$10,000.00
29	SY	Sawcut and remove existing asphalt pavement	\$24.00	\$696.00
1	LS	Excavation to lower roadway – UNCLASSIFIED. E	\$13.00	\$13.00
108	LF	Furnish and install 18" RCP culverts, including trench	\$65.00	\$7,020.00
274	SY	Furnish and install 6" thick roadway pavement, in	\$82.00	\$22,468.00
71	SY	Furnish and install 4" thick slope protection paver	\$79.00	\$5,609.00
246	LF	Furnish and install 4" white traffic striping for road	\$1.00	\$246.00
246	LF	Furnish and install 4" yellow traffic striping for do	\$1.00	\$246.00
10	TON	Remove existing unsuitable subgrade where direct	\$65.00	\$650.00
1	LS	Erosion control, including seeding	\$6,000.00	\$6,000.00
1	LS	Trench safety	\$5,000.00	\$5,000.00
Subtotal				\$57,948.00
Contingency (15%)				\$8,692.20
Construction subtotal				\$66,640.20

Cost estimates are based on Engineer's experience and are for budgeting purposes only. Plymouth Engineering cannot and does not guarantee contractors' pricing.



Agenda Item 13

ORDINANCE NO. 2020-06

AN ORDINANCE REZONING 104.98 ACRES ± ON WEST SIDE OF NORTH HUNTER FROM A-1, AGRICULTURE DISTRICT TO R-1, RESIDENTIAL SINGLE FAMILY, AS REQUESTED BY PITTS DYNASTY TRUST #3.

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 Pitts Dynasty Trust #3 are zoned A-1, Agriculture District; and

WHEREAS, after a public hearing on May 26, 2020, the Farmington Planning Commission voted during a regular meeting to rezone the properties from A-1 to R-1.

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 properties is hereby changed as follows:

From A-1, Agriculture District to R-1, Residential Single Family 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 8th day of June, 2020.

APPROVED:

By: _____
Ernie Penn, Mayor

ATTEST:

Kelly Penn, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION REZONING A-1 TO R-1:

Part of the SW1/4 and part of the NW1/4 all in Section 23, T16N, R31W in Washington County, Arkansas and being more particularly described as follows; Commencing at the NE Corner of Said SW1/4 of Section 23, thence N87°33'18"W 780.01 feet to the POINT OF BEGINNING, thence S02°09'17"W 1,922.32 feet, thence S87°29'49"E 200.00 feet, thence S02°09'17"W 320.55 feet, thence S75°12'02"W 63.31 feet, thence N28°25'17"W 68.20 feet, thence N83°49'56"W 54.76 feet, thence N78°01'21"W 52.62 feet, thence N49°22'27"W 104.06 feet, thence N45°19'47"W 45.70 feet, thence N28°15'06"W 165.39 feet, thence N82°43'28"W 210.52 feet, thence N75°46'10"W 210.90 feet, thence N23°35'43"W 54.50 feet, thence N73°50'43"W 169.00 feet, thence S71°09'17"W 148.50 feet, thence N63°50'43"W 287.10 feet, thence N73°20'43"W 162.40 feet, thence N47°50'43"W 184.80 feet, thence S42°09'17"W 37.60 feet, thence N64°20'43"W 368.32 feet, thence N02°21'14"E 1,465.65 feet, thence N02°20'55"E 883.47 feet, thence S87°35'37"E 1,319.46 feet, thence S02°27'30"W 881.71 feet, thence S87°32'57"E 542.96 feet to the POINT OF BEGINNING, Containing 104.98 acres, more or less, subject to easements and right of ways of record.

Informational Items



354 W. Main Street
P.O. Box 150
Farmington, AR 72730
479-267-3865
479-267-3805 (fax)
City Business Manager Report
June 8, 2020
City Council Meeting

- Dustin Long celebrates 5 years with the City this month. Thank him and all our front line workers for their service. We employ many heroes.
- Our audit is underway. The auditors are not in our building so we are scanning and emailing to them as they request information. This is very time consuming. If you are requesting something from me at this time, please be patient as I am trying to respond to the auditor's requests as quickly as possible.
- We received information from the Washington County Animal Shelter (attached). Looks as though they will not be resuming regular operations any time soon. Please let your constituents know that we cannot house animals and unless it is an emergency we will not pick them up and then only if the animal is injured and we can take it to a vet. If you have questions about this please let me know.
- We opened City Hall to the public on May 18th; we are asking the public to wear masks. We will offer our future meetings though Zoom, but also in person if people want to attend. We will only allow people in the audience that wear masks and maintain social distancing.
- We are not opening the ball park at this time and we have decided to refund all registration money for the City league. This process will take time, it's not something that we have ever done before and it will require writing many hundreds of checks. We will reevaluate mid-July. We have also not opened up the play structures or basketball courts at Creekside Park. We are listening to the Governor's direction and are opting to err on the side of caution. If you have questions about this please let me know.
- At this point, our revenues have not been negatively affected by the pandemic. Next month will be a critical indicator. General Fund numbers are in your packet. Court revenue is slightly behind \$97,203.50 in 2019 at the end of April and \$82,503.67 at the end of April 2020.

"In times of adversity and change, we really discover who we are and what we are made of."
~Howard Schultz



801 West Clydesdale Fayetteville, AR. 72701

Thursday, May, 28th 2020

We wanted to reach back out concerning the sheltering services provided by the Animal Shelter. Our goal is to keep you as up to date as possible during these uncertain times. Select Washington County locations re-opened on Monday, May 18, 2020. Although the shelter is working to offer certain services we are not at this time offering sheltering services for dogs and cats to County citizens and contracted cities. Due to COVID-19 we lost over 50% of our workforce when the State and County Inmate Labor programs were halted. Once this labor fully returns we will transition to offering a full line of services. We appreciate your patience during this time. As the shelter transitions back to full operations face coverings and health screenings will be required for any animal control officer or city represented delivering animals to the shelter. The shelter lobby will remain closed and patrons will be helped, for the foreseeable future, by appointment only. Same safety precautions and health screening will be required of patrons entering the shelter by appointment.

Kind Regards,

Angela Ledgerwood
Director
Washington County Animal Shelter
(479) 695-3450- Phone



2020 FARMINGTON DISTRICT COURT MONTHLY DISTRIBUTION WORKSHEET MONTH OF MAY

ADMIN OF JUSTICE FUND	Check #1	Dept. of Finance and Administration	Total for Check #1	\$915.40	Ch 2126
	Check #2	General Fund	Total for Check #2	\$1,814.85	Ch 2127
	Check #3	Washington County Treasurer (Act 1256)	Total for Check #3	\$1,532.75	Ch 2128
Total Checks Admin of Justice					\$4,263.00

COURT COST & FINE	Check #4	Administration of Justice Fund			
		CCCR- Court Cost-Criminal		\$1,493.00	
		CCCRO-CourtCost Criminal Ordinance		\$25.00	
		CCDWI-Court Cost DWI		\$345.00	
		CCTR- Court Cost-Traffic		\$1,940.00	
		CCTRO- Court Cost-Traffic Ordinance		\$400.00	
		CCFTPI - Court Cost Insurance		\$60.00	
		Total for Check #		Chk# 3612	\$4,263.00
	Check #5	General Fund			
		FINE- Fines Collected		\$8,570.00	
		WF - Warrant Fee		\$217.00	
		FTPFL-FTP+60 Days Fines-Local		\$615.00	
		NLIFL-No Liability Ins. Fines		\$750.00	
		FTPIPL- Failure to present Ins Proof 20% Local		\$10.00	
	Total for Check		Chk# 3613	\$10,162.00	
Check #6	Court Automation Fund				
	CFEE-Local Court Automation		\$1,377.50		
	Total for Check #		Chk# 3614	\$1,377.50	
Check #7	Department of Finance & Administration				
	CFEES - State Court Automation Fee		\$1,362.50		
	DCSAF - Drug Crime Special Assess Fee		\$200.00		
	OPF - Overweight Penalty Fee		\$135.00		
	NIFS - New Installment Fee - State		\$2,625.00		
	Total for Check #		Chk# 3615	\$4,322.50	
Check #8	Arkansas State Treasury				
	FTPIPFS - Arkansas First Responder Fund 80%		\$40.00		
	Total for Check #		Chk# 3616	\$40.00	
Check #9	Washington County Treasurer				
	JBAF - Jail Booking and Admin Fee		\$35.00		
	CJF - County Jail Fee		\$1,240.00		
	Total for Check #		Chk# 3617	\$1,275.00	

Monthly Total \$21,440.00

Year To Date \$103,943.67

6/01/2020

Ernie Penn, Mayor Date

Kim Bentley, Chief Court Clerk Date

Graham Nations, District Judge Date



Fire Department

William Hellard
Fire Chief

June 2020 Monthly Report for Mayor and City Council

- **Call Statistics: 54 calls for service**

Fire: 7	Medical: 35	MVC: 7	Service: 5		
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- **Community Interactions:**
 - Interaction with public has been limited due to COVID-19
 - We are seeking input on ways to increase interaction with the community.
 - Future plans include:
 - Hands only CPR training
 - Public fire extinguisher training
 - Stop the Bleed Training
 - Increased interactions with schools
 - Safety workshops for small businesses
- **Anniversaries:**
 - Deputy Chief Willie Watts - 26 years
- **Training:**
 - Training has been limited to online meetings and training of the on duty crews due to COVID-19.
- **Information:**
 - We are beginning a comprehensive review process of the department. This will include equipment, protective gear, and training needs. This will allow us to set priorities for improvement.
 - We are researching new reporting software to allow us to accurately capture data and help to drive future decisions based on statistical need.

Farmington Police Dept.

Offenses for Month 5/2019 and 5/2020

6/1/2020 10:51:20 AM

	<u>2019</u>	<u>2020</u>
ASSAULT - 3RD DEGREE / CREATES APPREHENSION OF IMMINENT INJURY		
1-13-207	0	1
ASSAULT ON FAMILY OR HOUSEHOLD MEMBER - 3RD DEGREE / APPREHENSION OF IMMINE		
5-34-308	1	1
BATTERY - 2ND DEGREE / INJURE POLICE, FIRE, CODE ENFORCE, CORRECTIONAL IN LINE OF DUTY		
6-13-307A(4)A	0	1
BATTERY - 2ND DEGREE / INJURES PERSONS OVER 60 YOA AND 12 YOA AND YOUNGER		
6-11-307A(4)C	1	0
BREAKING OR ENTERING / BUILDING OR STRUCTURE		
5-36-302A(1)	1	0
Breaking or Entering/Vehicle		
5-36-302	2	3
BREATHING, INHALING, OR DRINKING CERTAIN INTOXICATING COMPOUNDS		
5-60-116	1	0
BURGLARY, RESIDENTIAL		
5-39-301A(1)	0	2
COMMUNICATING A FALSE ALARM / PHYSICAL INJURY (fear)		
5-71-110A(2)	2	0
CONTEMPT		
16-18-106	2	0
CRIMINAL IMPERSONATION / 2ND DEGREE / ASSUMES FALSE IDENTITY		
5-57-208(1)	2	0
CRIMINAL MISCHIEF - 1ST DEGREE PROPERTY OF ANOTHER VALUE \$500 OR LESS		
5-38-203A(1)	1	1
CRIMINAL MISCHIEF - 1ST DEGREE / PROPERTY OF ANOTHER VALUE \$500 OR MORE		
5-38-203C	1	1
CRIMINAL MISCHIEF - 2ND DEGREE / PURPOSELY TAMPERS		
5-38-204(a)(1)	0	1
CRIMINAL MISCHIEF - 2ND DEGREE / RECKLESSLY DESTROYS		
5-38-204(b)(1)	2	0
CRIMINAL SOLICITATION - CLASS A FELONY (GROUP B OFFENSES)		
5-3-301(2)	0	1
CRIMINAL TRESPASS IN OR ON A VEHICLE OR STRUCTURE / PREMISES		
5-39-303A	1	1
DISORDERLY CONDUCT		
1-71-207	3	1
DISORDERLY CONDUCT / DISRUPTS OR DISTURBS A LAWFUL ASSEMBLY		
11-57-207A(4)	0	1
DISORDERLY CONDUCT / FIGHTING OR VIOLENT, THREATENING, OR TUMULTUOUS BEHAV		

	<u>2019</u>	<u>2020</u>
17-247A(2)	2	0
DOMESTIC BATTERING - 2ND DEGREE / PHYSICAL INJURY		
17-247A	1	0
DOMESTIC BATTERING - 3RD DEGREE / PURPOSE OF CAUSING INJURY, CAUSES INJURY		
17-247A(3)	1	2
DRIVING ON SUSPENDED LICENSE		
17-247A	5	5
DWI (UNLAWFUL ACT)		
17-247A	2	0
ENDANGERING THE WELFARE OF MINOR - 3RD DEGREE		
17-247A(1)	0	1
Expired Tags		
17-247A	0	2
FAILURE TO APPEAR		
17-247A	18	16
FAILURE TO PAY FINES & COSTS		
17-247A	22	9
Failure to Pay Registration/No Vehicle License		
17-247A	1	1
Failure to Yield		
17-247A	0	1
Fictitious Tags		
17-247A	0	1
Following Too Close		
17-247A	0	1
FORGERY		
17-247A	3	0
FRAUDULENT USE OF A CREDIT CARD / CARD OR ACCOUNT NUMBER ARE FORGED		
17-247A(3)	1	0
FRAUDULENT USE OF A CREDIT CARD / CARD OR ACCOUNT NUMBER IS STOLEN		
17-247A(1)	0	3
FURNISHING PROHIBITED ARTICLES		
17-247A	1	0
HARASSMENT / CONDUCT THAT REPEATEDLY CAUSES ALARM OR SERIOUS ANNOYS ANOTHER		
17-247A(5)	0	4
HINDERING APPREHENSION OR PROSECUTION / HARBOR OR CONCEALS		
17-247A(2)	1	0
INATTENTIVE DRIVING		
17-247A	1	0
Kidnapping - FALSE IMPRISONMENT - 1ST DEGREE / RISK OF SERIOUS INJURY		
17-247A	0	1
Leaving Scene of Accident/Property Damage		
17-247A	1	2
Left of Center		
17-247A	1	0

	<u>2019</u>	<u>2020</u>
LOST AND FOUND		
1001	0	1
MISSING PERSON		
102504	0	1
No Proof Insurance		
17-22-104	2	0
No Seat Belt		
17-25-782	0	1
No Tag Light		
17-24-335(1)(1)(B)	1	1
OBSTRUCTING GOVERNMENTAL OPERATIONS / OBSTRUCTS, IMPAIRS, HINDERS, THE PER		
104-102A(2)	0	1
OBSTRUCTING GOVERNMENTAL OPERATIONS / REFUSES TO PROVIDE INFORMATION FOR A		
104-102A(2)	0	1
POSSESSING INSTRUMENTS OF CRIME		
1-73-101	0	3
POSSESSION OF A CONTROLLED SUBSTANCE - MARIJUANA		
1-44-401	2	1
Possession of Drug Paraphernalia		
1-68-1822(1)(A)(i)	2	1
POSSESSION OF DRUG PARAPHERNALIA		
1104-443	7	10
POSSESSION OF DRUG PARAPHERNALIA - FELONY		
1-64-403	2	4
POSSESSION OF DRUG PARAPHERNALIA - MISDEMEANOR		
1-64-403(N)(1)	0	3
POSSESSION OF METH OR COCAINE GT 2GM BUT LT 10GM		
1104-4100(1)(B)	0	1
POSSESSION OF METH OR COCAINE LT 2GM		
1104-4100(1)(A)	6	6
POSSESSION OF METH OR COCAINE PURPOSE TO DELIVER GT 2GM BUT LT 10GM		
1104-4100(2)	0	1
POSSESSION OF METH OR COCAINE PURPOSE TO DELIVER LT 2GM		
1-64-4200(1)	0	1
POSSESSION OF SCH I OR II LT 2GM		
1104-4100(2)(A)	0	1
POSSESSION OF SCH III WITH PURPOSE TO DELIVER		
1104-420	0	1
POSSESSION OF SCH IV OR V WITH PURPOSE TO DELIVER		
1-64-432	0	1
POSSESSION OF SCH VI LT 4OZ		
1-64-4100(2)	1	3
POSSESSION WITH INTENT TO MANUFACTURE - UNLAWFUL DISTRIBUTION		
1-64-1102	0	1
PUBLIC INTOXICATION / DRINKING IN PUBLIC		

	<u>2019</u>	<u>2020</u>
1-21-312	1	2
RAPE		
1-22-303	1	0
RAPE OF MINOR BY FAMILY OR GUARDIAN		
11-14-1033(4)	1	0
RESISTING ARREST - REFUSAL TO SUBMIT TO ARREST / ACTIVE OR PASSIVE REFUSAL		
1-24-1027(4)	1	0
RESISTING ARREST - REFUSAL TO SUBMIT TO ARREST / USES FORCE		
1-24-1027(1)	0	1
RUNAWAY		
1007	1	0
TAMPER WITH PHYSICAL EVIDENCE- OBSTRUCT PROSECUTION /DEFENSE FELONY		
1-21-11(4)(2)	1	0
TERRORISTIC THREATENING		
1-22-201	0	1
TERRORISTIC THREATENING - 2ND DEGREE/THREATENS PROPERTY DAMAGE		
1112-2018	1	0
TERRORISTIC THREATENING/2nd Degree		
1-11-101(2)(7)	1	0
THEFT \$1,000 OR LESS - ALL OTHERS		
1-24-103(5)(4)(6)	0	2
THEFT \$1,000 OR LESS - FROM BUILDING		
1-24-103(5)(4)(A)	2	0
THEFT \$1,000 OR LESS - FROM VEHICLE		
1-24-103(5)(4)(A)	1	2
THEFT BY RECEIVING		
1-24-100	2	2
THEFT BY RECEIVING LESS THAN \$5,000 BUT GREATER THAN \$1000		
1-24-100(2)	0	1
THEFT LESS THAN \$1,000 (BREAKING OR ENTERING / BUILDING OR STRUCTURE)		
1-24-100(5)(4)(A)	0	1
THEFT OF A FIREARM VALUED AT LESS THAN \$2,500		
1-24-100(5)(4)(B)	2	0
THEFT OF PROPERTY - LOST, MISLAID, DELIVERED BY MISTAKE		
1-24-102	0	1
THEFT OF SERVICES \$5,000 OR LESS BUT GREATER THAN \$1,000		
1-24-100(5)(3)	0	1
UNATTENDED DEATH/NATURAL CAUSES		
1007H	0	1
VIOLATION OF A PROTECTION ORDER- MISDEMEANOR		
1-21-13(1)(f)	0	1
VIOLATION OF IMPLIED CONSENT		
1-23-203	2	0
Totals:	121	124

MAY	Citation	Paper Entry	Warning	Warrant	Total
Bates - Howard	42	0	20	2	64
Bertorello - James	2	0	3	2	7
Bocchino - Justin	7	0	11	0	18
Brotherton - James	0	2	0	0	2
Collins - John	11	0	22	0	33
Crutchfield - Dylan	16	0	5	0	21
Long - Dustin	4	0	5	0	9
Mahone - Taron	60	0	4	0	64
Stine - Jacob	15	0	10	0	25
Talley - Taylor	7	0	5	1	13
<u>Totals</u>	<u>164</u>	<u>2</u>	<u>85</u>	<u>5</u>	<u>256</u>
<u>Averages</u>	<u>16.4</u>	<u>0.2</u>	<u>8.5</u>	<u>0.5</u>	<u>25.6</u>

Permit Report

05/01/2020 - 05/31/2020

Permit #	Permit Date	Site Address	Permit Type	Type of Work	Description of Work	Contractor	Total Fees
3234	5/28/2020	73 N Hunter	Mechanical	Repair	HVAC changrout	Larkin Mechanical	\$40.00
3233	5/28/2020	11451 Club House Parkway	Electric	New	Electric for new house	Epic Mechanical	\$40.00
3232	5/28/2020	11451 Club House Parkway	Mechanical	New	HVAC for new house	Epic Mechanical	\$40.00
3231	5/26/2020	11014 Hwy 170	Electric	New	Electric for new pool	Burl Smith Electric	\$20.00
3230	5/22/2020	328 Otoe	Electric	New	Electric for new house	CM Electric	\$40.00
3229	5/21/2020	273 Wedgeview	Mechanical	Repair	HVAC changrout	Smith Services	\$50.00
3228	5/21/2020	447 Payton Place	Building	New	New House	Cox Development LLC	\$1,132.00
3227	5/21/2020	455 Payton Place	Building	New	New House	Cox Development LLC	\$1,102.00
3225	5/21/2020	461 Payton Place	Building	New	New House	Cox Development LLC	\$1,162.00
3224	5/21/2020	475 Windgate	Building	New	New House	Cox Development LLC	\$1,132.00
3223	5/21/2020	469 Windgate	Building	New	New House	Cox Development LLC	\$1,195.00
3222	5/21/2020	474 Tacoma	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00

3221	5/21/2020	367 Tacoma	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3220	5/21/2020	488 Tacoma	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3219	5/21/2020	445 Otoe	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3218	5/21/2020	427 Otoe	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3217	5/21/2020	421 Otoe	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3216	5/21/2020	424 Tacoma	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3215	5/21/2020	430 Tacoma	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3214	5/21/2020	436 Tacoma	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3213	5/21/2020	442 Tacoma	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3212	5/21/2020	454 Tacoma	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3211	5/21/2020	460 Tacoma	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3210	5/21/2020	466 Tacoma	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3209	5/21/2020	480 Tacoma	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3208	5/21/2020	328 Otoe	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3207	5/20/2020	10931 Blue Sky	Electric	New	Electric for pool	Hill Electric	\$20.00
3206	5/19/2020	246 Wolfdale	Plumbing/Gas	Repair	Repair gas line	Town and Country Plumbing	\$20.00
3205	5/18/2020	41 Ozark Trail	Mechanical	New	HVAC for new house	Homeowner	\$45.00
3204	5/18/2020	328 Otoe	Building	New	New House	Mr. Bis	\$1,009.00

3203	5/18/2020	12369 Clyde Carnes	Storage Building	New	Post frame shop	Homeowner	\$130.00
3202	5/15/2020	463 Otoe	Building	New	New House	Trademark Custom Homes	\$964.00
3201	5/15/2020	477 Otoe	Building	New	New House	Trademark Custom Homes	\$970.00
3200	5/14/2020	481 Windgate	Electric	New	Electric for new house	A & L Electric	\$45.00
3199	5/14/2020	441 Payton Place	Electric	New	Electric for new house	A & L Electric	\$45.00
3196	5/12/2020	271 E Main	Electric	New	Service for shaved ice stand	Morgan Downum electric	\$20.00
3195	5/11/2020	189 Ruth	Mechanical	Repair	HVAC changeout	Paschal Heat and Air	\$65.00
3194	5/11/2020	303 Kinniburgh	Electric	New	Electric for new house	Electro Craft	\$40.00
3193	5/11/2020	188 W Main suite 5	Electric	Repair	Permit for cancelled electrical permit	MC Electric	\$20.00
3192	5/11/2020	570 Greylag	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3191	5/11/2020	564 Greylag	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3190	5/11/2020	330 Taverner Crossing	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3189	5/11/2020	523 Greylag	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3188	5/11/2020	537 Greylag	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3187	5/11/2020	543 Greylag	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00

3185	5/11/2020	529 Greylag	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3184	5/11/2020	551 Greylag	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3183	5/11/2020	557 Greylag	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3182	5/11/2020	565 Greylag	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3181	5/11/2020	571 Greylag	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3180	5/11/2020	579 Greylag	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3179	5/11/2020	314 Canada	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3178	5/11/2020	308 Canada	Plumbing/Gas	New	Plumbing for new house	Brad's Plumbing	\$50.00
3177	5/11/2020	418 Waterfalls	Electric	New	Electric for pool	Buzz Electrical	\$20.00
3176	5/8/2020	46 Hawkins	Storage Building	New	New shop	Schrock Developments LLC	\$300.00
3175	5/8/2020	272 Old Farmington Rd	Demo	Demolition	Demolish old 3 story house	Coyle Enterprises	\$50.00
3174	5/8/2020	315 Kinniburgh	Mechanical	New	HVAC for new house	Air Control	\$40.00
3173	5/6/2020	11749 Giles	Mechanical	Repair	HVAC changout	Paschal Heat and Air	\$40.00
3172	5/5/2020	570 Greylag	Building	New	New House	Riggins Construction	\$874.00
3171	5/5/2020	564 Greylag	Building	New	New House	Riggins Construction	\$874.00
3170	5/5/2020	523 Greylag	Building	New	New House	Riggins Construction	\$1,054.00
3169	5/5/2020	579 Greylag	Building	New	New House	Riggins Construction	\$946.00

3168	5/5/2020	468 Otoe	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3167	5/5/2020	444 Otoe	Mechanical	New	HVAC for new house	Comfort Heat and Air	\$40.00
3166	5/5/2020	155 Rob	Pool	New	New pool	Homeowner	\$45.00
3165	5/4/2020	354 Main	Mechanical	Repair	HVAC change out 6 RTUs	Paschal Heat and Air	\$0.00
3164	5/4/2020	260 Greenfield	Mechanical	Repair	HVAC changrout	Paschal Heat and Air	\$45.00
3163	5/4/2020	113 Cynthia	Electric	Repair	Update residential panel	Buzz Electrical	\$20.00
							\$15,044.00

Total Records: 68

6/2/2020

Library

Circulation and Patron Services

2020	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Total Circulation	4,265	4,152	1,471	5	177							
YTD Circulation	4,265	8,417	9,888	9,893	10,070							
Holds Satisfied	617	546	328	2	67							
YTD Hold Satisfied	617	1,163	1,491	1,493	1,560							
PAC Logins	526	540	409	130	205							
YTD PAC Logins	526	1,066	1,475	1,605	1,810							
New Cardholders	23	32	11	2*	2							
YTD New Cardholders	23	55	66	68	70							
eMedia Circulation				33**	122							
YTD eMedia Circulation				33	155							

*began making eLibrary cards using on-line form

**added downloadable media platform hoopla (ebooks, audiobooks, music albums, TV & movies)

2019	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Total Circulation	4,101	3,528	4,783	4,047	4,015	5,343	5,458	4,826	4,881	5,071	4,283	4,257
YTD Circulation	4,101	7,629	12,412	16,459	20,474	25,817	31,275	36,101	40,982	46,053	50,336	54,593
Holds Satisfied	845	760	774	792	795	678	777	800	713	718	448	562
YTD Hold Satisfied	845	1,605	2,379	3,171	3,966	4,644	5,421	6,221	6,934	7,652	8,100	8,662
PAC Logins	766	729	742	704	878	842	749	834	662	584	469	545
YTD PAC Logins	766	1,495	2,237	2,941	3,819	4,661	5,410	6,244	6,906	7,490	7,959	8,504
New Cardholders	46	31	23	33	37	66	39	40	38	21	16	11
YTD New Cardholders	46	77	100	133	170	236	275	315	353	374	390	401

Library

Computer Use

2020	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Early Literacy Station Users	126	196	31	0	0							
YTD Early Literacy Station Users	126	322	322	322	322							
Users	229	233	105	0	0							
YTD Users	229	462	567	567	567							
Device Checkout	0	0	0	0	0							
YTD Device Checkout	0	0	0	0	0							
2019	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Early Literacy Station Users	121	111	126	118	151	163	166	172	139	135	106	112
YTD Early Literacy Station Users	121	232	358	476	627	790	956	1,128	1,267	1,402	1,508	1,620
Users	309	295	306	229	243	254	246	288	221	270	223	214
YTD Users	309	604	910	1,139	1,382	1,636	1,882	2,170	2,391	2,661	2,884	3,098
Device Checkout	0	1	6	4	0	0	0	0	0	1	0	0
YTD Device Checkout	0	1	7	11	11	11	11	11	11	12	12	12

Library

Miscellaneous Services

	2020	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Color Print Services	43	39	145	0	0	0							
YTD Color Print Services	43	82	227	227	227	0							
Copy/Print Services	1,563	2,085	1,015	0	0	0							
YTD Copy/Print Services	1,563	3,648	4,663	4,663	4,663	4,663							
Fax Services	63	61	54	0	0	0							
YTD Fax Services	63	124	178	178	178	178							
Notary Services	6	4	0	0	0	0							
YTD Notary Services	6	10	10	10	10	10							
Reference Transactions	547	533	220	149	127	127							
YTD Reference Transactions	547	1,080	1,300	1,449	1,576	1,576							
Scanning Services	140	246	384	0	0	0							
YTD Scanning Services	140	386	770	770	770	770							
Staff Supervised Volunteer Hours	29	39	1	0	0	0							
YTD Staff Supervised Volunteer Hours	29	68	69	69	69	69							
Test Proctor	0	0	0	0	0	0							
YTD Test Proctor	0	0	0	0	0	0							
2019		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Color Print Services	21	14	6	43	28	16	137	145	155	167	264	314	
YTD Color Print Services	21	35	41	84	112	128	137	145	155	167	264	314	
Copy/Print Services	2,080	2,093	2,744	1,846	1,470	1,509	1,299	1,341	1,744	1,464	1,381	1,203	
YTD Copy/Print Services	2,080	4,173	6,917	8,763	10,233	11,742	13,041	14,382	16,126	17,590	18,971	20,174	
Fax Services	44	56	89	49	69	82	88	138	99	67	47	85	
YTD Fax Services	44	100	189	238	307	389	477	615	714	781	828	913	
Notary Services	8	18	8	5	4	12	6	2	7	8	6	6	
YTD Notary Services	8	26	34	39	43	55	61	63	70	78	84	90	
Reference Transactions	367	257	234	229	298	216	145	297	414	376	267	301	
YTD Reference Transactions	367	624	858	1,087	1,385	1,601	1,746	2,043	2,457	2,833	3,100	3,401	
Scanning Services	35	35	12	18	58	14	16	25	22	47	41	58	
YTD Scanning Services	35	70	82	100	158	172	188	213	235	282	323	381	
Staff Supervised Volunteer Hours	13	23	37	28	27	41	61	40	38	23	24	21	
YTD Staff Supervised Volunteer Hours	13	36	73	101	128	169	230	270	308	331	355	376	
Test Proctor	0	0	1	4	5	1	3	2	0	1	0	0	
YTD Test Proctor	0	0	1	5	10	11	14	16	16	17	17	17	

Library

Programs and Meetings

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2020												
Book Club												
Community Story Time	77	88	40									
Craft Kit Pickup												
Kids Book Club/Tween STEM Club		12	6									
Kindergarten Story Time		42										
LEGO® Club		0	3									
Little Maker's/Coding for Kids												
Meeting Room Use	5	17	4									
Monthly Family Movie Showing												
Nonfiction Book Club		4	5									
Story Time Daycare Outreach												
Technology Instruction Session	8	3	2									
Theater Performance by YAG		22										
Total Monthly Program Attendance	85	171	65		144							
Number of Juvenile Programs	4	8	4		2							
Number of Young Adult Programs			0									
Number of Adult Programs		1	2									
Number of Non-library Meeting Room Events	1	3	1									

Library

Virtual Programs

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2020												
Little Cardinal's Story Time			14	23	25							
Nonfiction Book Club				3								
Total Monthly Program Attendance			14	26	25							
Number of Juvenile Programs			2	4	4							
Number of Young Adult Programs			0	0								
Number of Adult Programs			0	1								

Library

Daily Visitors

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2020												
Visits	2,407	2,234	828	0	0							
YTD Visits	2,407	4,641	5,469	5,469	5,469							
2019												
Visits	2,439	2,534	2,732	2,312	n/a	n/a	2,737	2,445	2,365	2,745	1,904	2,463
YTD Visits	2,439	4,973	7,705	10,017	10,017	10,017	12,754	15,199	17,564	20,309	22,213	24,676

Planning Commission Minutes
April 6, 2020 6 PM

1. **ROLL CALL** – Meeting which was held using Zoom on-line service due to Corona Virus pandemic, was called to order by Chairman Robert Mann. A quorum was present.

PRESENT

Robert Mann, Chair
Howard Carter
Jay Moore
Chad Ball
Toni Lindsey
Gerry Harris
Judy Horne
Bobby Wilson

ABSENT

City Employees Present: Mayor Ernie Penn;
Melissa McCarville, City Business Manager; Rick
Bramall, City Building Inspector; Steve Tennant,
City Attorney; Chris Brackett, City Engineer

2. **Approval of Minutes:** February 24, 2020 Minutes were approved as written.
3. **Comments from Citizens:** There were no comments from citizens.

Public Hearings:

4A. Rezoning request from RE-1 to RE-2 - property owned by Bleaux and Samantha Barnes located at 12266 N. Hwy 170 as presented by Bates & Associates, Inc.:

Geoff Bates was present to discuss the request. Mr. Bates stated these are single family homes. No public comments were made.

Upon roll call, the motion was passed unanimously.

4B. Rezoning from R-1 to PUD - property owned by Hampton Holdings, LLC located west of Broyles St. & south of South 54th Street, parcel #760-02400-200 presented by Morrison Shipley:

Patrick Foy of Morrison Shipley was present to discuss the request. The request is for a PUD to allow mixed housing with single-family on the north portion and a mixture of duplexes and townhomes on the south.

Mayor Ernie Penn stated that the property was a perfect location for a PUD.

Jay Moore said people at the school are concerned about the increased number of children due to this development. It was noted that this matter should not be a consideration of the Planning Commission.

Chad Ball was concerned about the greatly increased population density proposed by the development plans. He also agreed regarding increased number of children in Williams Elementary. He felt the current zoning of R-1 was the appropriate zone.

Gerry Harris was concerned that a one-car garage will not be enough, and Bobby Wilson also expressed the same concern. Gerry asked also if the administration at Williams expressed concerns to the City. Mr. Foy said the school had been contacted as required, but there had been no actual contact with

school people. He noted that they will build sidewalk on west side of Broyles according to City standards requirements.

Regarding parking, Mr. Foy said the one-car garage residences would have room on the driveway for 2 cars to park.

Gerry Harris asked if they plan to allow parking on the streets, but it was noted that the Fire Department can put up “No Parking” signs and the Police Department can give citations for street parking.

Judy Horne had concerns with the developer’s statement in the sample POA agreement that townhomes and most other residences will be leased out by the company with few private ownership homes.

Mr. Foy stated that the townhomes and duplexes are intended for lease but the single family homes are meant to be sold. But, in further discussion he said some duplexes might be sold for private ownership. He stated that the bylaws of the POA agreement would allow them control over keeping the area clean.

Judy Horne had concerns about the greatly increased traffic count and suggested that a traffic light should be located at the intersection of Broyles and 54th due to the large number of homes being built throughout this area.

Judy further noted that the proposed retention pond can’t be included in park land dedication, as the ordinance states, and as Chris Brackett has noted. She suggested that a solution might be to allow them to pay a fee into the City’s park fund in lieu of that amount of land.

Jay addressed the question of Williams School administration concerns. He had talked to Principal Gardenhire of the school. She expressed a concern with the growth of the school district and having so many residents within that close proximity. However, this was her own opinion and not necessarily that of the Farmington School Administration.

Chris Brackett read his memo (of which Patrick Foy was aware) as follows:

“The Planned Unit District for the Cedar Crest Subdivision has been reviewed and it is our opinion that the Planning Commission’s approval should be conditional on the following comments.

The fire hydrant locations shown on the plat and the utility plans must be reviewed and approved by the Fire Department.

1. The water and sewer improvements must be reviewed and approved by the City of Fayetteville Engineering Department and the Arkansas Department of Health prior to any further construction activities.
2. The street that is constructed thru park land dedication is required for the street connection of the subdivision so this street will be required to have a 50’ right-of-way. This right-of-way should be taken out of the calculation for the park land.
3. The Planning Commission will have to make a determination on the park land conveyance for this subdivision. The condition will vary dependent that determination.
 - a. If the park land is accepted, the park land must be deeded over to the City prior to any building permits being issued on this property. If the required 2.96 acres is not deeded, the excess must be paid with payment in lieu of park land conveyance.
 - b. If the park land is no accepted, the payment in lieu of park land conveyance will be required for this subdivision. This fee will be \$600 per single family unit and \$300 per multifamily unit (\$80,800).

4. A completed Grading Permit Application and fee must be submitted prior to final approval of the plans. A preconstruction conference will be required prior to any mass grading on the site. The owner, their engineering consultant, and their contractor responsible for the best management practices will be required to attend this conference.
5. After a final review set of plans and drainage report has been approved by Olsson, the applicant should submit to the City two (2) sets of full size plans and three (3) sets of half size plans, and two (2) copies of the final drainage report that have been sealed by the engineer of record for final approval and distribution.”

Regarding item #2 (50’ right of way through the park area) Mr. Foy said he had understood in Plat Review that they would not have to provide that width right of way. Mr. Brackett said 50’ width is needed for street connection.

Commissioners seemed in general agreement that a one-car garage was not sufficient in today’s world. City Attorney Steve Tennant said a PUD allows the Planning Commission to require whatever they think best, so two car garages can be required. It was also discovered in discussion that for townhomes, two will have a one-car garage and 10 townhomes will not have any garage.

Mr. Foy said the price of the unit has to cover the expense of the garage and it will be higher if it is a two-car garage.

Chad Ball felt that the location which is on the outskirts of Farmington meant that people would go to Fayetteville to shop, thus potentially hurting revenue for our town. Further, he was concerned about 222 units going in near the school, the retention pond issue, and the garage size.

Toni Lindsey requested square footage and number of multi-family and townhome units.

Dwelling Unit	Lot Area (sq. ft)	Dwelling Unit (sq. ft)
Duplex	8,275	4,137
Townhome	11,088	1,848

Gerry Harris noted that the information provided shows a discrepancy in some data. Mr. Foy said there would be 8.77 units per acre.

Judy Horne suggested the developer pull this from the agenda until Planning Commission concerns could be properly addressed. The developer’s name was requested and it is Robbie Bader. Mr. Foy asked to table the issue until later in the meeting after he contacted the owner. This was agreed to.

At this point in the meeting, the Commission moved on to item 4.D. (See below.)

When the Commission returned to the Cedar Crest agenda item later in the meeting the representative for Hampton Holdings, Robbie Bader, was available on Zoom. Chairman Mann informally polled commissioners regarding 2-car or 1-car garage. Most preferred 2-car.

Gerry Harris asked about the townhouses with no garage; the answer was that a similar development in Rogers and Bentonville were built like that. Mr. Bader assured their intention is to design an up-scale, engaging community with walking trails, swimming pool, and areas for social interaction. Also he said they strictly enforce the POA standards and requirements and the rental rates are of a level that a trashy looking neighborhood will not occur.

Upon roll call, Robert Mann called the question to approve the Rezone and Preliminary Plat subject to the change to 2-car garage instead of one, pay a fee into City's Park Fund in lieu of retention pond land, and Chris Brackett's memo requirements. The motion passed 5-2 with Howard Carter and Chad Ball voting "No".

4C. Preliminary Plat for property owned by Hampton Holdings, LLC located off Broyles St. parcel #760-02400-200 as presented by Morrison Shipley:

With a PUD proposal both the rezoning and the Preliminary Plat approval are rolled into one item for consideration. With the 5-2 approval in 4B., this also included approval of the Preliminary Plat.

Chairman Mann noted that in the future, the manner in which PUD items are shown on the agenda and are considered needs to be improved.

4D. Variance - from required number of parking spaces for property owned by Cedar Mountain Properties, LLC located on Southwinds Dr., Parcel #760-01601-000 - presented by Bates & Associates, Inc.:

Geoff Bates of Bates Engineering and Brad Smith of Cedar Mountain Properties were present to discuss the zoning request to reduce parking spaces from 109 to 93 or 16 fewer parking spaces than the requirement. If they have to add 16 spaces, they would have to reduce building size and more paving would contribute to the "heat-island" effect created by large areas of paved surfaces.

Mayor Penn referred to his memo to commissioners in which he explained that "intended use" dictates number of parking spaces. Intended use is unknown at this time, but Chris Brackett has had to take the highest-traffic use when calculating number of spaces. The Mayor felt that there would be no problem with 16 fewer spaces. Further, he stated that this would be a much higher class and attractive Commercial Office project than surrounding properties. In addition, he said he knows the builder and the owner and the property will be a first class project.

Mayor Penn said if you calculate spaces based on 50% offices and 50% commercial use, then the developer's request is suitable.

Chad Ball wanted assurance that there would be a connection to the parking lot just north of this property which might be used for overflow parking. Mr. Smith has not received the property owner's permission yet.

Public comment:

Lynn Kutter asked if parking will be allowed on Southwinds Drive in front of the development and the answer is NO.

Steve Tennant pointed out that the building will probably not be all retail/commercial because many retailers would need more space than this building will offer.

Chairman Mann called for question and upon roll call, the motion passed unanimously.

4E. Large Scale Development- property owned by Cedar Mountain Properties, LLC located on Southwinds Dr. Parcel #760-01601-000 as presented by Bates & Associates, Inc.:

Geoff Bates was present to discuss the request. In Chris Brackett's March 3 memo, there were deficiencies with drainage and permitting along with parking issues and these have been corrected. The drainage is set up to flow down to the creek rather than a detention pond. Chris Brackett read his memo as follows:

"The Large Scale Development Plan for the Bristol Commons LSD has been reviewed and we cannot recommend that the Planning Commission approve the current plan based on this plan does not meet the minimum parking requirements in the Zoning Ordinance.

This plan shows 21,880 square feet of commercial building that would require 110 spaces at 1 space per 200 square feet. The plan currently shows 93 spaces. A variance of this requirement would have to be approved the Planning Commission or the building would have to be reduced to no more than 18,600 square feet.

If the Planning Commission grants the variance of the parking requirements or if the developer agrees to reduce the building size, the approval of the Large Scale Development should be conditional on the following comments.


1. All connections to the water and sanitary sewer systems must be approved by the City of Fayetteville.
2. A Flood Plain Development Permit will be required for this project prior to construction plan approval.
3. A completed Grading Permit Application and fee must be submitted prior to final acceptance of the plans. A preconstruction conference will be required prior to any mass grading on the site. The owner, their engineering consultant, and their contractor responsible for the best management practices will be required to attend this conference.
4. After a final review set of plans and drainage report has been accepted by Olsson, the applicant should submit to City two (2) sets of full size plans and three (3) set of half size plans, and two (2) copies of the final drainage report that have been sealed by the engineer for final approval and distribution."

Project engineer Bates was familiar with the City Engineer's report and had no issues with it.

Public Comments: None

Chairman Mann called for question and upon roll call, the motion, subject to the City Engineer's memo passed unanimously.

5. Adjournment: Having no further business, Commissioners were thanked for their patience in participating in the City's historic first on-line meeting, and the Planning Commission meeting was adjourned.



Judy Horne Secretary



Robert Mann Chair

Planning Commission Minutes

April 27, 2020 6 PM

1. **ROLL CALL** – Meeting which was held using Zoom on-line service due to Corona Virus pandemic, was called to order by Chairman Robert Mann. A quorum was present. It was announced that this will be Toni Lindsey’s last meeting because she is moving to another city.

PRESENT

Robert Mann, Chair
Howard Carter
Jay Moore
Chad Ball
Toni Lindsey
Gerry Harris
Judy Horne
Bobby Wilson

ABSENT

City Employees Present: Mayor Ernie Penn;
Melissa McCarville, City Business Manager; Rick
Bramall, City Building Inspector; Steve Tennant,
City Attorney; Chris Brackett, City Engineer

2. **Approval of Minutes:** April 20, 2020 Minutes were amended to correct a typo on p. 3 changing the word “sad” to “said”. Minutes were approved as corrected.

3. **Comments from Citizens:** There were no comments from citizens.

Public Hearings:

4A. Conditional Use for Sale of Fireworks: Meramec Specialty Company; property at 380 W. Main Street, owned by Farmington Commercial, LLC, presented by Julie Stewart.

Julie Stewart, 4368 W. Pecan, Fayetteville, AR was on-line to answer any questions. There was no public comment and no questions from Commissioners.

City Attorney Steve Tennant noted that they said they would sell only through July 5 but the Conditional Use would allow them to sell until July 7. Mrs. Stewart said they were aware of this option, but probably would close after July 5.

Upon roll call, the motion was passed unanimously to grant Conditional Use to Meramec Specialty Co.

4B. Conditional Use for Sale of Fireworks: Hale Fireworks; property at 120 N Holland & owned by Rausch Coleman, presented by Chase Hale, 4606 SW Skyline, Bentonville, AR.

Steve Tennant reminded set up and selling dates, but Mr. Hale said they usually allow the operator to close up at their discretion, and often before July 7 date. There was no public comment and no questions from Commissioners.

Upon roll call, the motion was passed unanimously to grant Conditional Use to Hale Fireworks.

4C. Variance – waive lot split regulations for property owned by Eagle Holdings; 27.39 acres on Clyde Carnes and Jim Brooks Road (Parcel #760-03131-00; presented by Keith Marrs

Keith Marrs, 14075 Bethel Blacktop Road explained to Commissioners that under City regulations, the lot split for these 27.39 acres could only be into 4 parcels and he was requesting to split into 6 very large parcels. The smallest lot would be 3 acres.

There was no public comment and no Commissioner comments.

Steve Tennant asked about the perc tests and Keith Marrs said that has been done.

Chairman Mann called for question and Commissioners voted unanimously to allow the requested lot split of 6 parcels.

4D. Preliminary Plat – Summerfield Subdivision, owned by Pitts Dynasty Trust #3 for property located on West side of North Hunter Street; presented by Charles Zardin of Jorgensen & Associates

Mayor Ernie Penn said he had met with the engineers to discuss several City requests for improvements. It was negotiated that the developer would make the street, sidewalk, curb and gutter, improvements for Watson Street, Wilson Street from Hunter to Broyles Ave., and the west side of Hunter. Also, additional drainage would be provided to improve the flooding problem for Watson Street area. This is detailed below in City Engineer Chris Brackett's Memo to the Commission.

"The Preliminary Plat for the Summerfield Subdivision Phase I has been reviewed and it is our opinion that the Planning Commission's approval should be conditional on the following comments.

1. The Developer and City Staff have come to an agreement for the required offsite improvements for this development. This agreement is only binding if the Planning Commission agrees to the offsite improvements as follows.
 - a. Watson Street will be brought to city standards including curb and gutter, storm drainage and sidewalks.
 - b. The west side of Hunter Street will be brought to city standards including curb and gutter, storm drainage and sidewalk. These improvements will be installed adjacent to the development and extended to the south to the creek.
 - c. Wilson Street will be brought to city standards including curb and gutter, storm drainage and sidewalk. The sidewalk will only be required on the north side. These improvements will be installed from Hunter Street to Broyles Street.
 - d. Any additional right-of-way and/or easements required for the above-mentioned improvements shall be at the expense of the City. The developer will prepare the documents.
 - e. These will be the only offsite improvements required for this phase and the future phases of this development.
 - f. The City (Planning Commission) agrees to waive the payment in lieu of park land dedication.
2. The fire hydrant locations shown on the plat and the utility plans must be reviewed and approved by the Fire Department.
3. The water and sewer improvements must be reviewed and approved by the City of Fayetteville Engineering Department and the Arkansas Department of Health prior to any further construction activities.
4. A completed Grading Permit Application and fee must be submitted prior to final approval of the plans. A preconstruction conference will be required prior to any mass grading on the site. The

owner, their engineering consultant, and their contractor responsible for the best management practices will be required to attend this conference.

5. After a final review set of plans and drainage report has been approved by Olsson, the applicant should submit to the City two (2) sets of full size plans and three (30 sets of half size plans, and two (2) copies of the final drainage report that have been sealed by the engineer of record for final approval and distribution.”

Charles Zardin, 124 W. Sunbridge, Fayetteville, AR, said they agreed to Mr. Brackett’s recommendations and requirements. He said Phase I will have 117 lots. They will start by building just a few houses and expand as market required. The entire development area is zoned R-1.

Regarding waiving payment in lieu of a park, Chris Brackett noted that Creekside Park is just east of this proposed development and also the City does not have the financial ability to cost-share on the needed street improvements on Watson, Wilson and North Hunter, thus the trade-off.

In discussion with Commissioners, Mr. Zardin said they have agreed to pave the west half of North Hunter and to include sidewalk and curb and gutter and drainage all the way south to the creek. They are not required to improve the east half of Hunter since they don’t own those properties. The City would have to do that. On west side, the sidewalk will be at the very edge of the right of way.

There was concern about taking some of residents’ front yards on the west side, but Chris Brackett said it would not be much wider and would be improved in appearance and function.

Chad Ball requested that another requirement that a crosswalk on Hunter Street by the Creekside Park entrance will be provided by the developer.

Judy Horne noted the traffic problem this development (which eventually will have 429 homes not just 117) and often there are 2 to 3 cars at homes will create. It is currently almost impossible to get onto Broyles from Wilson or Rob Street in early morning and when Williams’ school day ends. This large development will multiply the access problem onto Broyles and she wondered if a traffic light at Wilson or Rob could be added. Also, there have been two traffic accidents at the other outlet at the very dangerous intersection of Hunter and Main Street near Briar Rose and Steve Tennant’s office. So that is not an easy way out either.

Gerry Harris agreed that the traffic situation is very worrisome when trying to get onto Main Street or Broyles from this area. She wanted to know how and when the dangerous Hunter/Main Street intersection could be fixed.

Mayor Penn explained that at the present time, the City has a major project on the 170 widening and improvement and could not take on another major project at this time (which the Hunter/Main Street project would be.)

Judy Horne pointed out that the subdivision design had areas that were not good, including small lots immediately adjacent to existing homes on Watson that could have been flip-flopped with large lots put there. Also she was very concerned about the health and safety of another area where about 8 homes would have a street in front and another street directly behind them. People in the end houses would be surrounded by streets on three sides. She felt this was totally inappropriate and requested that the Commission take a long, careful look at the zoning ordinance and see if some of these types of encroachments could be prevented in future developments.

It was noted that we cannot legislate that change and their Plat does follow the City Ordinance.

Public Comment:

Sherry Matthews, 65 North Hunter, had concerns about the current lack of maintenance of some of the land adjacent to her property. She said it is allowed to become very overgrown and then she has snakes in her yard in addition to the unsightly appearance. It is only mowed about twice a year.

Melissa McCarville said a small piece is zoned A-1 but the remainder is R-1.

Charles Zardin said that they own that land in question and it will be part of a large detention pond so that area could possibly be maintained as part of the detention pond. In answer to Chad Ball’s question, he said there is a narrow access off of Hunter into the pond area for maintenance. Judy Horne referred Mr. Zardin to the detention pond requirements in the Landscaping Ordinance.

Sherry Matthews also asked that if at all possible, a very large old tree in that area be maintained and not cut down. Also, with regard to the Highway 62/ Hunter intersection near Briar Rose, she said she never goes that way because you simply can’t turn left onto Main Street.

Chairman Mann called for question to approve the Preliminary Plat, contingent upon Chris Brackett’s Memo dated April 27, 2020 and with the understanding that developer would add a crosswalk on Hunter Street into the west entrance into Creekside Park. Upon roll call vote, there were 6 “Yes” votes and Judy Horne voted “No.” Preliminary Plat was approved.

5. Discussion of Concept Plat; Tim Sorey, President/Owner; Sand Creek Engineers, Bentonville
Tim Sorey, 1610 NW 12th Street, Bentonville, AR was present to discuss the request to put 15 one-acre estate-type homes on a 17 acre tract located east of Jim Brooks Road and on the north side of Clyde Carnes Road. Entry would be on Clyde Carnes. This property is adjacent to property owned by Riggins developers and near Keith Marrs’ property approved at this meeting.

In meetings with City, cross connections into other adjacent areas was mentioned. There were concerns with emergency access for the first responders having to respond in that area. However, Mr. Sorey said cross-connection to other streets would diminish the uniqueness of this large-lot subdivision and he requested Commissioners’ view on this.

Bobby Wilson asked about the #1 priority of fire trucks or other emergency vehicles getting into the subdivision. Mr. Sorey said the 30’ streets and the radius of the cul-de-sac would provide needed access. The street length north-to-south is a quarter mile.

Mr. Sorey said when the perc testing is completed, this could affect the layout of houses slightly but they will be maintaining the spacious lot size and homes. Also, there will be a small detention pond at the front of the property on Clyde Carnes.

All Commissioners favored the idea of the layout of large lots and homes.

Toni Lindsey was thanked for her years of service on the Planning Commission.

5. Adjournment: Having no further business, the second on-line Planning Commission meeting was adjourned.



Judy Horne - Secretary



Robert Mann - Chair