

MINUTES OF THE REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY,
ARKANSAS, HELD MAY 19, 2009

The Board of Directors of the City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building May 19, 2009.

The meeting was called to order by Mayor Allen.

Attendance Roll Call:

Wasson, Smiley, Fuller, Turner, Nation, Wiles, Long – Present.

Mayor David Allen, City Administrator David Cameron, City Clerk Peggy Woody, City Attorney Jay Williams, Police Chief Joe Garrett – Present.

Opening prayer was led by Long.

Mayor Allen led the Pledge of Allegiance.

A copy of the May 05, 2009, minutes of the regular meeting had previously been given to each Director. A motion was made by Long and seconded by Smiley that the minutes of the May 05, 2009, meeting be approved. Mayor Allen called for a voice vote on the motion, and it was approved unanimously.

The next agenda item was the open hearing for citizens present. Marla Scott, 6425 Clay of Springdale, addressed the Board on behalf of the 3rd Annual NWA Emergency Preparedness Fair. This free fair will be held September 12, 2009, in Bentonville.

The next agenda item was Ordinance No. 09-07. A motion was made by Wasson and seconded by Turner to place Ordinance No. 09-07, Rezone Development Permit 2200 Block Pickwick Terrace R-2 to C-2/Gray, on its third reading suspending the rules and reading title only. A motion was made by Fuller and seconded by Wiles to amend Ordinance No. 09-07 to rezone to C-1A instead of C-2. Jay Williams recommended this be remanded back to the Planning Commission for reconsideration to C-1A. David Williams, Community Development Director, stated he felt this could be done by either a motion to change the zoning or remand back to the Planning Commission. This is a less restrictive zoning change. Turner stated why he could not support the amendment. Ron Homeyer, Civil Engineering, addressed the Board. Gary Gray, 1040 West Twin Springs Ct, requested this be rezoned to C-2 not C-1A. Simeon Hinsey, 2235 Pickwick, stated concerns with the City doing something to hurt his property value, and asked for clarification of C-1A versus C-2 zoning. David Williams clarified what can go in a C-1A zone and a C-2 zone, and the limitations with the lot size. David Williams clarified the buffer requirements between residential and commercial.

Roll Call: (Amendment)

Smiley, Fuller, Wiles – Aye.

Wasson, Turner, Nation, Long – Nay.

Three Ayes. Four Nays. Motion Failed.

Roll Call:

Smiley, Turner, Nation, Long, Wasson – Aye.

Fuller, Wiles – Nay.

Five Ayes. Two Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING SECTION 102-21 OF
THE SILOAM SPRINGS MUNICIPAL CODE (CITY
ZONING MAP); REZONING FROM R-2 TO C-2 THE
PROPERTY DESCRIBED AS THE 2200 BLOCK OF
PICKWICK TERRACE.

was read for its third reading.

A motion was made by Nation and seconded by Wasson to adopt Ordinance No. 09-07, Rezone Development Permit 2200 Block Pickwick Terrace R-2 to C-2/Gray.

Roll Call:

Turner, Nation, Long, Wasson, Smiley – Aye.

Fuller, Wiles – Nay.

Five Ayes. Two Nays. Motion Carried.

The next agenda item was Ordinance No. 09-11. A motion was made by Smiley and seconded by Nation to place Ordinance No. 09-11, Adopt Arkansas Fire Prevention Code, on its third reading suspending the rules and reading title only.

Roll Call:

Turner, Nation, Wiles, Long, Wasson, Smiley, Fuller – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING SECTIONS 38-41
AND 38-42 OF THE SILOAM SPRINGS MUNICIPAL
CODE; RECONCILING LANGUAGE WITH THE
MOST RECENT VERSION OF THE ARKANSAS
FIRE PREVENTION CODE; DELETING
OBSOLETE REQUIREMENTS AND INCREASING
MAXIMUM PENALTIES FOR VIOLATIONS.

was read for its third reading.

A motion was made by Smiley and seconded by Fuller to adopt Ordinance No. 09-11, Adopt Arkansas Fire Prevention Code.

Roll Call:

Nation, Wiles, Long, Wasson, Smiley, Fuller, Turner – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 09-12. A motion was made by Wasson and seconded by Fuller to place Ordinance No. 09-12, Amend Code with Respect to Signs Above the Right-of-Way, on its third reading suspending the rules and reading title only.

Roll Call:

Wiles, Long, Wasson, Smiley, Fuller, Turner, Nation – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING SECTION 81-28 OF
THE SILOAM SPRINGS CODE WITH RESPECT TO
SIGNS ABOVE THE RIGHT-OF-WAY

was read for its third reading.

A motion was made by Nation and seconded by Wasson to adopt Ordinance No. 09-12, Amend Code with Respect to Signs Above the Right-of-Way.

Roll Call:

Long, Wasson, Smiley, Fuller, Turner, Nation, Wiles – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 09-13. A motion was made by Smiley and seconded by Nation to place Ordinance No. 09-13, Amend Code with Respect to Carnivals, etc., on its third reading suspending the rules and reading title only.

Roll Call:

Wasson, Smiley, Fuller, Turner, Nation, Wiles, Long – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING SECTION 70-4 OF
THE SILOAM SPRINGS CODE WITH RESPECT TO
CARNIVALS, MECHANICAL RIDES, TENT
SHOW, DOLL RACKS AND STANDS.

was read for its third reading.

A motion was made by Wasson and seconded by Fuller to adopt Ordinance No. 09-13, Amend Code with Respect to Carnivals, etc.

Roll Call:

Smiley, Fuller, Turner, Nation, Wiles, Long, Wasson – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 09-14. A motion was made by Smiley and seconded by Turner to place Ordinance No. 09-14, Amend Code with Respect to Allowable Street Names, on its third reading suspending the rules and reading title only.

Roll Call:

Fuller, Turner, Nation, Wiles, Long, Wasson, Smiley – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING SECTION 18-354 OF
THE SILOAM SPRINGS CODE WITH RESPECT TO
ALLOWABLE STREET NAME SUFFIXES,
REQUIRING DIRECTIONAL PREFIXES, AND
PROVIDING FOR MEMORIAL OR PERSONAL
RECOGNITION NAMING AT THE DISCRETION
OF THE BOARD OF DIRECTORS.

was read for its third reading.

A motion was made by Nation and seconded by Fuller to adopt Ordinance No. 09-14, Amend Code with Respect to Allowable Street Names.

Roll Call:

Turner, Nation, Wiles, Long, Wasson, Smiley, Fuller – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

The next agenda item was Ordinance No. 09-16. A motion was made by Smiley and seconded by Long to place Ordinance No. 09-16, Approve Annexation/1555 Villa View Dr/Johnson, on its first reading suspending the rules and reading title only. A motion was made by Wiles and seconded by Nation to table Ordinance No. 09-16 to the second meeting in June. Long asked what the financial problem was with this annexation. Cameron stated the concern is the cost to the City which is \$7,500 per residence. Long went on the record stating he has always felt that if somebody wanted to table something, that he was willing to do it, and he is going to vote yes for the table, but is not indicating

with that yes vote that he wants to do this to charge back to the citizens for this. Carla Wasson, attorney, was representing the applicant, and stated this is costing them money with a delay. The motion and second to table were withdrawn.

Roll Call:

Nation, Wiles, Long, Smiley, Fuller, Turner – Aye.

No Nay.

Wasson – Abstained.

Six Ayes. No Nays. One Abstained. Motion Carried.

An ordinance entitled:

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN
TERRITORY TO THE CITY OF SILOAM SPRINGS, ARKANSAS, AND
MAKING SAME A PART OF THE CITY OF SILOAM SPRINGS,
ARKANSAS, AND ASSIGNING SAME TO WARDS.

was read for its first reading.

The next agenda item was Ordinance No. 09-17. A motion was made by Fuller and seconded by Wasson to place Ordinance No. 09-17, Amend Code for Solid Waste Rates, on its first reading suspending the rules and reading title only. Cameron asked to consider all three readings and declare an emergency. Turner asked about Sec. 82-41 (e) and (f) charges. Randy Atkinson, Solid Waste/Street Director, addressed questions. After further discussion, Cameron stated they would bring back for consideration the cost per bag (Sec. 82-41 (e) & (f)) at a later date. The motion and second were changed to place Ordinance No. 09-17 on all three readings.

Roll Call:

Wiles, Long, Wasson, Smiley, Fuller, Turner, Nation – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

An ordinance entitled:

AN ORDINANCE AMENDING CERTAIN RATES AND
CHARGES FOR SOLID WASTE TRANSPORTATION AND
DISPOSAL; AMENDING SEC.82-41 (“RATES”) OF THE
MUNICIPAL CODE AND DECLARING AN EMERGENCY.

was read for its first, second and third readings.

A motion was made by Wiles and seconded by Nation to approve the emergency clause for Ordinance No. 09-17, Amend Code for Solid Waste Rates.

Roll Call:

Long, Wasson, Smiley, Fuller, Turner, Nation, Wiles – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

A motion was made by Nation and seconded by Turner to adopt Ordinance No. 09-17, Amend Code for Solid Waste Rates.

Roll Call:

Wasson, Smiley, Fuller, Turner, Nation, Wiles, Long – Aye.

No Nay.

Seven Ayes. No Nays. Motion Carried.

Mayor Allen called the meeting into a five minute recess. Mayor Allen called the meeting back to order.

The next agenda item was Resolution No. 23-09. A motion was made by Wiles and seconded by Long to adopt Resolution No. 23-09, Approve Lease Renewal/Triple Crown Batting/Honeycutt.

Roll Call:

Smiley, Fuller, Turner, Nation, Wiles, Long, Wasson – Aye.
No Nay.
Seven Ayes. No Nays. Motion Carried.

The next agenda item was Resolution No. 24-09. A motion was made by Nation and seconded by Fuller to adopt Resolution No. 24-09, Authorize Partnership for Installation of Water Line, Fire Hydrants and Related Infrastructure Improvements/John Brown University Campus Expansion. Randy Atkinson, Solid Waste/Street Director, answered Nation's question regarding staffing for all City projects by stating we have enough personnel to handle these projects. Fuller, Turner, Nation, Wiles, Long, Wasson, Smiley – Aye.
No Nay.
Seven Ayes. No Nays. Motion Carried.

The next agenda item was Review of Bids. A motion was made by Wasson and seconded by Nation to approve the bid for meters and collection equipment to HD Supply in the amount of \$128,933.70 with 2% discount plus tax.
Roll Call:
Turner, Nation, Wiles, Long, Wasson, Smiley, Fuller – Aye.
No Nay.
Seven Ayes. No Nays. Motion Carried.

The next agenda item was Review of Bids. A motion was made by Nation and seconded by Wasson to approve the bid for two 2500kva pad-mount transformers to Arkansas Electric Supply in the amount of \$58,758.00 plus tax.
Roll Call:
Nation, Wiles, Long, Wasson, Smiley, Fuller, Turner – Aye.
No Nay.
Seven Ayes. No Nays. Motion Carried.

The next agenda item was the Administrator's Report:

Cameron stated in October the Board approved the proportionate share agreement for the District Judge's salary. Cameron made notice that the City's contribution is going to go up by \$772.00 beginning July 15, 2009. We are working on a drainage project behind Evans' Body Shop and that is a development that has stopped. There is a drainage issue in that area, and we are working with the engineer and the developer. About \$19,700.00 worth of drainage work needs to be done in this area. We are going to complete it at some time, and then place a lien against the property before they can issue a C of O on that property or sell those homes to recover our costs.

The next agenda item was the Open Hearing for Directors:

Mayor Allen has about the agreement for the District Judge's salary as to why Bentonville was not on this agreement. The Board noted other cities in our county that are not on this list. Mayor Allen will address this question when he meets on the 28th to sign the agreement. Mayor Allen asked about the KCS repair work and whether it was completed. Randy Atkinson, Solid Waste/Street Director, stated it was completed Monday. Allen noted the railroad crossing on Lincoln was rough. Atkinson stated they have not contact KCS about this yet, but will bring this up and ask for repairs.

Turner stated he would also like to know why certain cities in our district are not on this District Judge's salary agreement.

Fuller asked about the pond at Patriot Park and it causing mosquitoes. Randy Atkinson stated they are not done working on this pond. Once the work is complete, there will be no water in the detention pond.

There being no other business to come before this Board, a motion was made by Long and seconded by Nation that this meeting be adjourned. A voice vote was called for on the motion, and it was approved unanimously.

APPROVED:

David E. Allen, Mayor

(SEAL)

ATTEST:

Peggy Woody, City Clerk, MMC