



CITY COUNCIL MEETING

December 12, 2023 at 6:00 PM

City Hall

AGENDA

CALL TO ORDER

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) November 14, 2023 City Council Meeting Minutes

DEPARTMENTAL REPORTS

- [2.](#) POLICE DEPARTMENT
- [3.](#) FIRE DEPARTMENT
- [4.](#) BUILDING OFFICIAL
5. PUBLIC WORKS
6. SPECIAL COMMITTEES
- [7.](#) CITY CLERK/TREASURER
8. CITY ATTORNEY
9. MAYOR

UNFINISHED BUSINESS

NEW BUSINESS

10. **APPROVAL OF APPOINTMENT OF ERICA LATTANZIO TO THE PLANNING COMMISSION**
- [11.](#) **RESOLUTION 2023-10: A RESOLUTION TO APPROVE THE 2024 BUDGET FOR THE CITY OF JOHNSON, ARKANSAS.**
- [12.](#) **RESOLUTION 2023-11: A RESOLUTION TO ADOPT THE 2023 WASHINGTON COUNTY HAZARD MITIGATION PLAN UPDATE FOR THE CITY OF JOHNSON, ARKANSAS.**

13. RESOLUTION 2023-12: A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE LOW BID SUBMITTED BY APAC-CENTRAL, INC. FOR THE SLAPE STREET ROADWAY IMPROVEMENTS PROJECT IN THE CITY OF JOHNSON, ARKANSAS.

14. ORDINANCE 2023-06: AN ORDINANCE TO AMEND ORDINANCE NO. 2009-01 IN ITS ENTIRETY IN ORDER TO ADOPT REGULATIONS FOR THE ESTABLISHMENT OF A FLOOD DAMAGE PREVENTION PROGRAM FOR THE CITY OF JOHNSON, ARKANSAS.

PUBLIC COMMENT

MOTION TO PAY BILLS

MOTION TO ADJOURN



CITY COUNCIL MEETING

**November 14, 2023 at 6:00 PM
City Hall**

MINUTES

CALL TO ORDER

Mayor Keeney called the meeting to order at 6:00 PM. Present were Council Member Dan Cross, Council Member Bob Fant, Council Member Sean Engle, Council Member Angela Perea and Council Member John Wright. Also present were City Clerk/Treasurer Jennifer Allen, Police Chief Chris Kelley, Fire Chief Chance Wright, Building Official Clay Wilson, and City Attorney Justin Eichmann. Council Member Katherine Hudson was absent.

APPROVAL OF AGENDA

Mayor Keeney asked for a motion to approve the agenda. Motion made by Council Member Perea, Seconded by Council Member Wright. Voting Yea: Council Member Cross, Council Member Fant, Council Member Perea, Council Member Wright, Council Member Engle.

APPROVAL OF MINUTES

1. OCTOBER 11, 2023 CITY COUNCIL MINUTES

Mayor Keeney asked for a motion to approve the minutes of the October 11, 2023 City Council Meeting. Motion made by Council Member Engle, Seconded by Council Member Cross. Voting Yea: Council Member Cross, Council Member Fant, Council Member Perea, Council Member Wright, Council Member Engle.

DEPARTMENTAL REPORTS

2. POLICE DEPARTMENT

Community Policing:

Patrols were conducted of residential and business areas daily .

JPD participated in the annual Trunk or Treat event at Worlds Underwater. Particularly good turn out!

Enforcement:

Based on community complaints, Officers enforced speed and distracted driving violations throughout the city.

JPD enforced Truck Route violations of prohibited truck traffic on Wilkerson St, Elmore St, and

Main Dr.

Focused on parking violations throughout the City. Increase in enforcement on Hackett St (Johnson Square).

Personnel update:

A probationary employee was let go in October.

Have several applicants being reviewed for further background investigation.

Two applicants have been provided with conditional offers of employment.

Currently advertising for two vacant Police Officer position. Utilizing Facebook, Instagram, Interview Now and Indeed for advertising.

Qualification/Training:

Continued defensive tactics training with our in-house instructor in October.

All Officers will qualify with their firearms in November.

Conducted Taser recertification with all officers in October.

3. FIRE DEPARTMENT

Community Events:

Attended Trunk or Treat

7 Station Tours with Special Needs Adults and Children

Employment update:

Fully Staffed

Fleet Update:

Ladder 1 Waiting for a quote from Anglin Diesel

Brush 1 – still looking for mechanic to fix.

Training:

Completed 215 hours of combined Training.

Misc:

AWIN Radio system is live and fully functional

4 FF taking CORE rescue class in December

4. BUILDING OFFICIAL

Building Permits: 3; Mechanical Permits: 5; Inspections: 32; Finals: 1 (porch)

Attended an ICC class on code changes for single- and two-family residents. Multiple meetings with developers and engineers. Did MS4 inspections, Held a TPR meeting for a large-scale development. Also attended yearly plumbing inspectors' class and trunk or treat.

Vehicle maintenance:

Police department: 1 oil change

Public works: Installed two class v trailer hitches, also new trailer connectors and 1 brake controller. Installed a new fan clutch in the white 1 ton. New ignition key and tumbler in the green 1 ton and ordered a new battery for a dump truck/spreader.

5. PUBLIC WORKS

Starting to get geared up for fall and winter - sucking up leaves from storm drains and clearing as many as they can. Patching roads all over town while they can before the weather turns.

6. SPECIAL COMMITTEES

7. CITY CLERK/TREASURER

State Turnback has been received, Sales Tax has not.

The November Property Tax bump totaled \$212,459.20 (\$191,408.38 General Fund; \$21,050.82 Street Fund). General Fund bump is the largest I have seen as a single distribution in my 23 years in office.

RFA income for quarter 4 was received \$14,963.94.

The final payment of \$13,487.29 for the Ferrera Fire Engine has been sent and it is paid off. 2024 Preliminary Budget will be discussed tonight.

8. CITY ATTORNEY

Continuing to work on various ongoing projects.

Imogen Steigler was introduced. She is a new attorney at Harrington-Miller and will be here for the December meeting.

Legislation coming in December include the Washington County Hazardous Mitigation Plan and FEMA floodplain maps.

Litigation for the Stipend repayment will be filed tomorrow.

9. MAYOR

A change order was presented for the Ashford Knolls drainage project. Diamond C hit an unknown gas line and the engineers had to do a cost-effective redesign. Mayor Keeney asked for approval of the change order which costs \$20,930.37. Motion made by Council Member Wright, Seconded by Council Member Fant. Voting Yea: Council Member Cross, Council Member Fant, Council Member Perea, Council Member Wright, Council Member Engle. There will be several items next month that need to be taken care of.

Two bids were received on Slape Street bid package. A resolution to award the project will be presented at the December meeting.

Trash service in the City is still under the same contract, but on the third name change. LRS is the current provider.

A Cultural Resources Survey is needed for the Greenway Lighting Grant, and it is being performed by Flat Earth Archeology.

Value Engineering is being done on the Wilkerson project; the City is working with a third party for possible additional funding to determine how much value engineering is required.

UNFINISHED BUSINESS**NEW BUSINESS**

10. PRELIMINARY 2024 BUDGETS

The preliminary budget numbers presented are determined from input from our department heads, past expenditures, knowledge of future financial commitments and projects the City is working on, and ongoing planning. Items of note are the many street projects the City has going, a new server required for the Police Department (a grant application has been

submitted), purchase of a brush truck for the Fire Department, a proposed 5% pay increase for our employees, and enhanced medical insurance. There was further discussion of the budget process. The final budget will be presented at the December meeting.

PUBLIC COMMENT

MOTION TO PAY BILLS

Mayor Keeney asked for a motion to pay the bills. Motion made by Council Member Cross, Seconded by Council Member Wright. Voting Yea: Council Member Cross, Council Member Fant, Council Member Perea, Council Member Wright, Council Member Engle.

MOTION TO ADJOURN

Mayor Keeney asked for a motion to adjourn. Motion made by Council Member Fant, Seconded by Council Member Cross. Voting Yea: Council Member Cross, Council Member Fant, Council Member Perea, Council Member Wright, Council Member Engle.

Meeting was adjourned at 6:37 PM.

Respectfully Submitted,

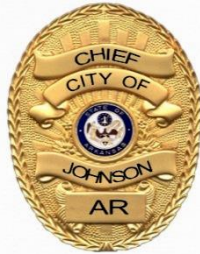
Jennifer Allen CMC, CAMC
City Clerk/Treasurer

Chris Keeney, Mayor

Johnson Police Department

Chief Chris Kelley

Item 2.



November 2023

Investigations update

Cases assigned for investigation this month:	5
Closed cases:	3
Open cases:	7

Calls for Service

Calls for service:	139
Incident reports completed:	54
Accident reports completed:	6
Arrests (includes Warrant Service)	37

Activity

Criminal Citations:	0
Directed/Extra patrols: (includes vacation checks)	523
Code violation citations:	3
Code violation warnings:	6
Parking- Warnings	28
Traffic- Warnings- Misc. Violations:	105
Traffic- Warnings- Speed:	28
Traffic- Speed citations:	23
Traffic- citations (Total):	79
DWI:	1

Washington County District Court Johnson Division

Warrants-Processed:	56
Warrants-Served:	34

Community Policing

- Patrols were conducted of residential and business areas on a daily basis.

Enforcement

- Based on community complaints, Officers enforced speed and distracted driving violations throughout the city.
- JPD enforced Truck Route violations of prohibited truck traffic on Wilkerson St, Elmore St, and Main Dr.
- Focused on parking violations throughout the City. Increase in enforcement on Hackett St (Johnson Square).

Miscellaneous

- Compiled the JPD preliminary budget for FY 2024 and provided it to the Mayor and Clerk/Treasurer.

Personnel update

- Hired an officer for one of the open police positions.
- Have several applicants being reviewed for further background investigation.
- Currently advertising for one vacant Police Officer position.
- Utilizing Facebook, Instagram, Interview Now and Indeed for advertising.

Qualification/Training

- Continued defensive tactics training with our in-house instructor in November.
- All Officers qualified with their firearms in November.
- All Officers received 7 hours of Domestic Violence training through the Criminal Justice Institute.



Johnson Fire Department

5810 S. Cardwell Rd. Fayetteville AR, 72704 ph. 479-442-0112

November 2023

Community Events:

- 5 Station Tours

Employment update:

- Fully Staffed

Fleet Update:

- Ladder 1 – Waiting on a slot to repair.
- Brush 1 –

Company Level:

A- Shift	Completed	Completed
B- Shift	Completed	Completed
C- Shift	Completed	Completed

Training:

- Completed 325 hours of combined Training.
- Doug Magby and Adam Silvas to attend Core Rescue hosted by Farmington Fire

Misc:

Completed Front Lobby Remodel

Completed Tool Area Remodel

1 Structure Fire Automatic Aid W/ Tontitown

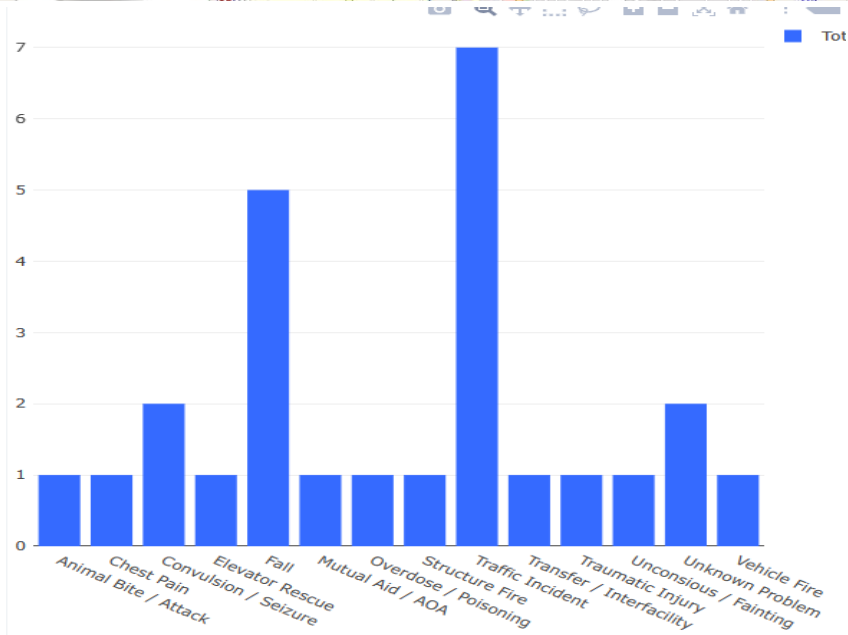
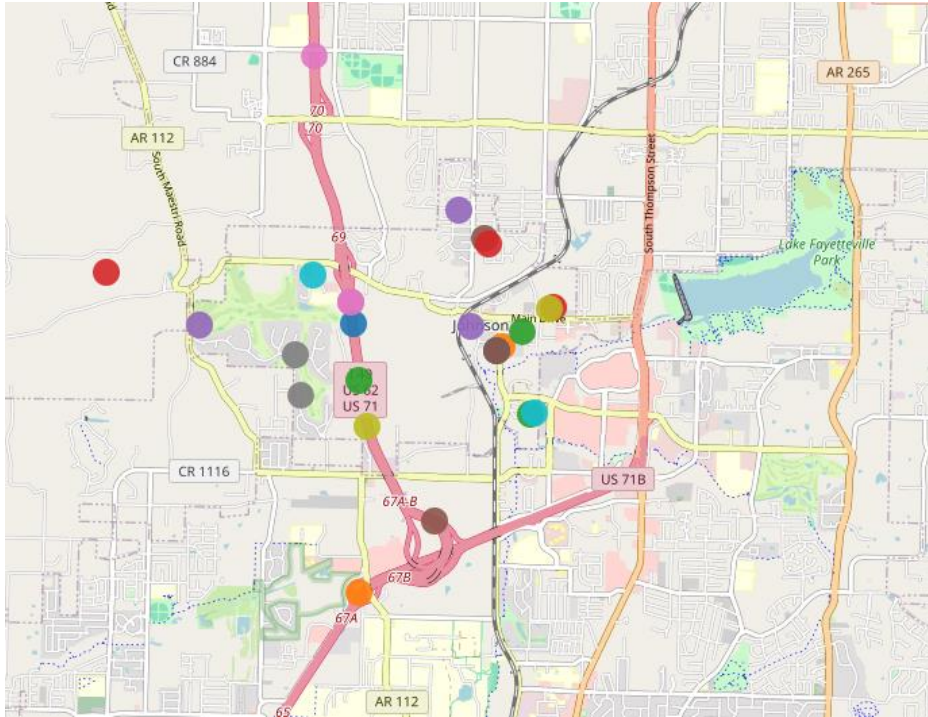


Johnson Fire Department

5810 S. Cardwell Rd. Fayetteville AR, 72704 ph. 479-442-0112

Calls For Service November

Total Calls: 26



Building Official Report

December 4, 2023

Building Permits: 1

Mechanical Permits: 17

Inspections: 37

Finals: 2 (1 commercial and 1 pool)

Multiple meetings with developers and engineers, Ms4 inspections and held a TPR meeting.

Vehicle maintenance:

Police department: 1 oil change and radar antenna

Fire department:

Public works: new battery in dodge truck and ordered off road diesel.

Clay Wilson

Building Official

General Fund Monthly Financial Statement

	Current Period Nov 2023 Nov 2023 Actual	Year-To-Date Jan 2023 Nov 2023 Actual	Annual Budget Jan 2023 Dec 2023	Annual Budget Jan 2023 Dec 2023 Variance
Revenue & Expenditures				
Revenue				
Tax Receipts				
Franchise Taxes	5,403.18	321,359.96	325,000.00	3,640.04
Property Taxes	191,408.38	579,459.62	450,000.00	(129,459.62)
Sales Tax - City	108,369.68	1,226,450.70	800,000.00	(426,450.70)
Sales Tax - County	79,129.31	860,016.97	790,000.00	(70,016.97)
Turnback - State	3,698.63	51,173.50	52,000.00	826.50
Fines and Forfeitures				
Animal Impound Fees	20.00	205.00	1.00	(204.00)
Court Costs - Act 1256	3,488.95	38,378.45	35,000.00	(3,378.45)
Fines	10,414.00	79,341.52	75,000.00	(4,341.52)
PD Forfeitures	0.00	0.00	1.00	1.00
Restitution	200.00	2,300.00	1.00	(2,299.00)
WA County Booking Fee	1,625.25	11,840.15	1.00	(11,839.15)
Warrant Service Charge	745.00	4,000.10	5,000.00	999.90
Fees & Permits				
5% state construction surcharg	117.45	953.24	1,500.00	546.76
Building Permits	1,298.00	50,462.00	50,000.00	(462.00)
Business Licenses	18.75	21,687.50	7,000.00	(14,687.50)
Demolition Permit	0.00	0.00	1.00	1.00
Engineering Fees	0.00	0.00	1.00	1.00
Flood Hazard Permit	0.00	0.00	1.00	1.00
Grading Permit	0.00	0.00	1.00	1.00
Mechanical Permits	797.00	7,699.25	10,000.00	2,300.75
Sign Permits	38.00	1,083.41	500.00	(583.41)
Submittal Fees	200.00	4,250.00	7,500.00	3,250.00
Government Receipts				
FEMA Reimbursement	0.00	0.00	1.00	1.00
Park Match Grant	0.00	225,000.00	225,000.00	0.00
PD E-Crash Grant	0.00	11,228.27	1.00	(11,227.27)
Other Revenue				
City Donations	0.00	0.00	1.00	1.00
Community Events	0.00	1,081.00	0.00	(1,081.00)
Copy Charges	20.00	330.00	200.00	(130.00)
Credit Card Service Fee	6.81	451.80	200.00	(251.80)
Fire Dept Donation	0.00	6,250.00	1.00	(6,249.00)
Ins Settlement	0.00	4,350.91	1.00	(4,349.91)
Interest Earned	12,360.78	90,634.88	2,000.00	(88,634.88)
MDA Donations/Pass The Boot	0.00	0.00	1.00	1.00
Misc Income - General	6.00	5,204.27	2,000.00	(3,204.27)
Misc Income - Sales	0.00	500.00	1.00	(499.00)
Park Donation	0.00	0.00	1.00	1.00

General Fund Monthly Financial Statement

Police Dept Donation	0.00	6,250.00	1.00	(6,249.00)
Reimburse FD/PP Payroll ARPA	0.00	741,627.73	0.00	(741,627.73)
Reimbursement for PD Security	0.00	1,655.50	1.00	(1,654.50)
Rent - Post Office	0.00	6,300.00	4,200.00	(2,100.00)
Repay PD Stipend	0.00	0.00	1.00	1.00
RFA Fire Revnue	14,963.94	59,963.94	60,000.00	36.06
Street Cut Bond/Boring Permit	0.00	450.00	1.00	(449.00)
Surplus Carryover	0.00	0.00	2,000,000.00	2,000,000.00
Trash Bags	216.00	1,527.00	2,000.00	473.00
Revenue	\$434,545.11	\$4,423,466.67	\$4,904,120.00	\$480,653.33
Gross Profit	\$434,545.11	\$4,423,466.67	\$4,904,120.00	\$0.00

Expenses

Police Department Expense

Animal Control/Impound Fees	0.00	2,054.91	2,000.00	(54.91)
CID Expenses	2,323.94	4,546.29	3,000.00	(1,546.29)
Computer Server System	0.00	0.00	4,000.00	4,000.00
Gross Wages Police	37,980.36	409,626.43	596,365.00	186,738.57
Gross Wages- Security Reimbur	0.00	1,505.00	1.00	(1,504.00)
IT Expenses	510.00	4,317.50	3,500.00	(817.50)
Kennel Upkeep/Food	0.00	22.30	50.00	27.70
Law Enforcement Stipend Grant	0.00	0.00	1.00	1.00
Licenses (PD)	0.00	3,985.50	3,900.00	(85.50)
PD Building	388.29	388.29	0.00	(388.29)
PD Cell Phone	134.36	1,830.62	2,700.00	869.38
PD Equip less \$500	0.00	2,253.08	2,010.00	(243.08)
PD Equip less \$500 - vehicle	0.00	701.30	2,500.00	1,798.70
PD Equip over \$500	596.59	7,606.32	6,500.00	(1,106.32)
PD Equip over \$500 - Vehicle	0.00	1,769.40	4,000.00	2,230.60
PD Fuel	4,319.80	47,247.14	55,000.00	7,752.86
PD General Expenses < \$500	75.78	2,108.52	2,000.00	(108.52)
PD Maintenance for equip	0.00	2,142.91	2,000.00	(142.91)
PD MDT Communications	320.08	2,965.93	6,200.00	3,234.07
PD Membership Dues	0.00	590.00	500.00	(90.00)
PD New Hire Expense	94.48	7,310.38	8,100.00	789.62
PD Office Expense	45.67	7,016.24	7,000.00	(16.24)
PD Records Management	323.30	8,914.18	6,000.00	(2,914.18)
PD Safety Equip	0.00	2,785.14	2,100.00	(685.14)
PD Training	2,998.00	5,848.00	4,800.00	(1,048.00)
PD Travel Expense	0.00	1,585.90	2,000.00	414.10
PD Uniforms Expense	1,854.90	6,609.97	5,000.00	(1,609.97)
PD Vehicle Insurance	0.00	0.00	5,500.00	5,500.00
PD Vehicle Maintenance	0.00	15,309.17	20,000.00	4,690.83
Police Dept Donation	5,472.04	5,472.04	6,250.00	777.96
Police Overtime Wages	611.34	8,302.73	10,000.00	1,697.27
Purchase New PD Unit	0.00	4,606.42	0.00	(4,606.42)
Repay Law Enforcement	0.00	0.00	1.00	1.00

General Fund
Monthly Financial Statement

Item 7.

Tower Rental	0.00	3,828.85	3,650.00	(178.85)
WA County Booking Fees	1,625.25	11,840.15	1.00	(11,839.15)
WA County Jail Fee	0.00	2,935.69	2,936.00	0.31
Administrative Expense				
5% State Construction	0.00	800.18	1,500.00	699.82
Admin Bldg & Equip Maint	1,045.49	10,523.70	15,000.00	4,476.30
Admin Cell Phone	66.94	869.29	0.00	(869.29)
Admin Expense	34.90	492.82	750.00	257.18
Admin Fuel	0.00	0.00	6,000.00	6,000.00
Building Official Expenses	25.00	569.33	2,500.00	1,930.67
Capital Outlay (over \$500)	0.00	0.00	25,000.00	25,000.00
City Donation Expense	0.00	0.00	1.00	1.00
Credit Card Service Fee	24.59	509.23	350.00	(159.23)
Gross Wages - City	18,340.36	210,914.19	321,465.00	110,550.81
Municipal Code	0.00	8,150.66	10,000.00	1,849.34
Office Expenses - Admin	340.98	19,790.30	25,000.00	5,209.70
Overtime Wages- City	0.00	6.28	250.00	243.72
Performance Bond Return	0.00	0.00	1.00	1.00
Petty Cash Expense	0.00	0.00	100.00	100.00
Purchase Admin Vehicle	0.00	0.00	36,500.00	36,500.00
Trash Bags	0.00	0.00	1,500.00	1,500.00
Travel Expenses	0.00	2,531.72	2,000.00	(531.72)
Unemployment Fee	0.00	9,190.00	5,000.00	(4,190.00)
Fire Department Expense				
Act 833 Expense	0.00	963.05	0.00	(963.05)
Emergency Communication	82.46	907.06	1,500.00	592.94
FD Equip less \$500	0.00	2,318.83	2,000.00	(318.83)
FD Equip over \$500	0.00	0.00	3,000.00	3,000.00
FD Equipment Maintenance	0.00	1,274.11	5,000.00	3,725.89
FD Equipment Testing	0.00	1,873.85	6,250.00	4,376.15
FD Fuel	460.12	6,243.33	10,000.00	3,756.67
FD Medical Supplies	0.00	398.00	1,000.00	602.00
FD Memberships	0.00	455.00	500.00	45.00
FD New Hire	0.00	65.65	4,000.00	3,934.35
FD Office Expense	450.20	3,745.03	5,200.00	1,454.97
FD Personnel Safety Gear	0.00	3,751.20	14,000.00	10,248.80
FD Records Mgmt System	71.30	3,562.34	3,500.00	(62.34)
FD Run Pay	0.00	0.00	500.00	500.00
FD Safety Equip	0.00	0.00	1,500.00	1,500.00
FD Station Maintenance	1,561.43	36,694.83	8,000.00	(28,694.83)
FD Station Supplies	0.00	1,608.85	2,500.00	891.15
FD Training	0.00	2,336.59	3,000.00	663.41
FD Travel Expenses	272.00	2,784.97	5,000.00	2,215.03
FD Uniforms	0.00	1,100.64	1,500.00	399.36
FD Utilites	986.92	11,445.13	10,000.00	(1,445.13)
FD Vehicle Equip less \$500	0.00	32.46	2,000.00	1,967.54

General Fund
Monthly Financial Statement

Item 7.

FD Vehicle Equip over \$500	0.00	693.05	4,000.00	3,306.95
FD Vehicle Insurance	0.00	0.00	14,302.00	14,302.00
FD Vehicle Maintenance	518.49	3,210.14	3,500.00	289.86
FD WC Ins	0.00	1,354.00	1,500.00	146.00
Fire Department Donation	218.39	3,043.38	6,250.00	3,206.62
Fire Department Overtime	0.00	2,582.28	10,000.00	7,417.72
Fire Hydrant Rental	0.00	2,600.00	2,600.00	0.00
Fire Truck Payment	13,487.29	113,487.29	120,000.00	6,512.71
Gross Wages- Fire	39,061.71	444,947.85	471,345.00	26,397.15
Hazmat	0.00	1,371.42	1,300.00	(71.42)
Court Expense				
Court Automation	0.00	4.55	0.00	(4.55)
Court Clerk Training	416.45	854.84	1,300.00	445.16
Court Office Expense	1,374.42	10,069.58	10,000.00	(69.58)
Court Office Overtime	0.00	0.00	250.00	250.00
Gross Wages Court Office	9,215.80	98,589.86	121,410.00	22,820.14
Gross Wages Dist. Judge	0.00	3,751.26	3,752.00	0.74
Benefits Expense				
City Match - 401 K Plan	1,469.04	20,281.08	19,717.00	(564.08)
City Retirement Plan	2,547.64	29,437.30	32,861.00	3,423.70
LOPFI Funding	0.00	60,000.00	251,000.00	191,000.00
Medical Insurance	14,192.22	148,260.18	190,000.00	41,739.82
Medicare - Employers	1,528.85	17,735.97	21,903.00	4,167.03
One Time Pay Increase	0.00	0.00	7,200.00	7,200.00
Social Security - Employers	6,537.49	73,111.81	19,567.00	(53,544.81)
Transportation Allowance	369.24	4,246.26	4,800.00	553.74
Workers Comp Insurance	0.00	16,385.00	23,000.00	6,615.00
General Expense				
Election Fee	0.00	2,990.25	1.00	(2,989.25)
Infrastructure	0.00	4,396.25	1.00	(4,395.25)
Insurance - Property	0.00	12,179.42	4,200.00	(7,979.42)
Misc Expenses	0.00	360.00	500.00	140.00
Public Safety Radios	0.00	74,951.22	74,955.00	3.78
Purchase ROW/UE	0.00	215,904.31	250,000.00	34,095.69
Utilities Expense	2,397.52	29,053.76	30,000.00	946.24
Weather Station	0.00	1,750.00	0.00	(1,750.00)
Professional Services Expense				
Clear Creek Sampling & Analysis	410.00	1,640.00	1,000.00	(640.00)
Code & Zoning Revisions	0.00	0.00	20,000.00	20,000.00
Engineering for 56th Street	0.00	0.00	1.00	1.00
Engineering/Infrastructure	2,575.00	2,575.00	30,000.00	27,425.00
Engineering/Main & Wilkerson	0.00	1,956.32	1.00	(1,955.32)
Engineering/Mapping	0.00	0.00	1,000.00	1,000.00
Engineering/Storm Water Mgmt	1,185.00	3,922.50	1,000.00	(2,922.50)
Engineering/Submitted Plan	675.00	19,775.40	50,000.00	30,224.60
Legal Fees	1,802.36	33,919.75	50,000.00	16,080.25

General Fund Monthly Financial Statement

Planning and Zoning	112.50	6,261.71	5,000.00	(1,261.71)
Special Attorney Fees	0.00	0.00	1.00	1.00
Dues and Membership Expense				
Emer Medical Serv	9,371.75	37,487.00	37,487.00	0.00
Membership Dues	0.00	18,985.11	19,000.00	14.89
Solid Waste District Contribut	0.00	1,804.52	2,200.00	395.48
Park Expense				
Main Drive Park	305.00	1,177,837.89	500,000.00	(677,837.89)
Park Expense	249.32	10,235.93	2,500.00	(7,735.93)
Park Expense - Restroom	0.00	580.60	750.00	169.40
Parks & Rec Expense	0.00	0.00	1.00	1.00
Repair / Maintenance Expense				
Trail System Expenses	0.00	23,601.25	90,000.00	66,398.75
Advertising & Promotion Expense				
Advertising	100.00	3,733.65	7,500.00	3,766.35
Community Events	351.73	1,211.39	0.00	(1,211.39)
Public Relations	169.34	4,768.04	5,000.00	231.96
Other Expense				
Transfer for Street Projects	0.00	250,000.00	250,000.00	0.00
Expenses	\$194,078.42	\$3,931,833.29	\$4,096,087.00	\$164,253.71
Revenue Less Expenditures	\$240,466.69	\$491,633.38	\$808,033.00	\$0.00
Other Expenses				
Extraordinary Expense				
Demolition of Structures	0.00	0.00	9,600.00	9,600.00
Facility Repair - Storm Damage	0.00	0.00	1.00	1.00
Fire Engine Repair - Damage	0.00	264,400.00	266,500.00	2,100.00
PD Unit Repair - Storm Damage	0.00	4,350.91	1.00	(4,349.91)
Settlement/Lawsuit	0.00	7,500.00	0.00	(7,500.00)
Storm Damage Clean Up	0.00	0.00	1.00	1.00
Other Expenses	\$0.00	\$276,250.91	\$276,103.00	(\$147.91)
Net Change in Fund Balance	\$240,466.69	\$215,382.47	\$531,930.00	\$0.00
Fund Balances				
Beginning Fund Balance	3,958,295.65	3,983,294.87	0.00	0.00
Net Change in Fund Balance	240,466.69	215,382.47	531,930.00	0.00
Ending Fund Balance	4,198,762.34	4,198,762.34	0.00	0.00

Street Fund Monthly Financial Statement

	Current Period	Year-to-Date	Annual Budget	Annual Budget
	Nov 2023	Jan 2023	Jan 2023	Jan 2023
	Nov 2023	Nov 2023	Dec 2023	Dec 2023
	Actual	Actual		Variance
Revenue & Expenditures				
Revenue				
Tax Receipts				
Property Taxes - Street	21,050.82	63,663.15	50,000.00	(13,663.15)
Turnback - State - Street	24,118.82	279,519.52	250,000.00	(29,519.52)
Fines and Forfeitures				
Restitution	0.00	0.00	1.00	1.00
Other Revenue				
Interest Earned	151.04	1,269.41	400.00	(869.41)
Misc Income - General	0.00	0.00	1.00	1.00
Surplus Carryover	0.00	0.00	150,000.00	150,000.00
Trans from Gen Street Projects	0.00	250,000.00	250,000.00	0.00
Workers Comp Reimbursement	0.00	5,857.14	1.00	(5,856.14)
Revenue	\$45,320.68	\$600,309.22	\$700,403.00	\$100,093.78
Gross Profit	\$45,320.68	\$600,309.22	\$700,403.00	\$0.00
Expenses				
Labor Expense				
Gross Wages - Street	11,132.80	126,863.56	144,730.00	17,866.44
Street Wages Overtime	0.00	1,814.37	1,000.00	(814.37)
Benefits Expense				
City Match - 401 K Plan	190.56	2,222.11	6,681.00	4,458.89
City Retirement Plan	856.48	9,956.32	11,134.00	1,177.68
Medical Insurance	2,796.44	30,760.84	46,423.00	15,662.16
Medicare - Employers	160.54	1,856.08	2,099.00	242.92
One Time Pay Increase	0.00	0.00	1,500.00	1,500.00
Social Security - Employers	686.40	7,935.84	8,973.00	1,037.16
Uniforms - Street	0.00	181.04	500.00	318.96
General Expense				
Bridge Inspection	0.00	365.85	800.00	434.15
Electric - Street Lights	2,856.79	30,678.17	26,000.00	(4,678.17)
Fuel - Street Vehicles	1,019.42	10,258.14	10,000.00	(258.14)
Infrastructure	0.00	0.00	1.00	1.00
Misc Expenses	0.00	0.00	100.00	100.00
Signal Maintenance	1,895.15	9,711.25	6,000.00	(3,711.25)
Stop Lights Electric	220.00	220.00	0.00	(220.00)
Street Cell Phone	99.80	1,092.71	1,100.00	7.29
Street Equipment	0.00	18,020.09	25,000.00	6,979.91
Street Projects	0.00	176,749.24	250,000.00	73,250.76
Street Shop Misc	306.60	2,664.63	2,500.00	(164.63)
Street Shop Utilities	103.08	103.08	1.00	(102.08)
Street Signs	103.76	559.30	2,500.00	1,940.70
Vehicle Insurance - Street	0.00	23.92	4,500.00	4,476.08
Repair / Maintenance Expense				

Street Fund Monthly Financial Statement

Bridge Repairs	0.00	0.00	10,000.00	10,000.00
Equipment Maintenance	222.01	21,574.09	10,000.00	(11,574.09)
Street Repairs & Maint	2,304.51	66,752.03	100,000.00	33,247.97
Street Vehicle Maintenance	1,684.52	4,959.49	5,000.00	40.51
Trail System Expenses	0.00	0.00	12,000.00	12,000.00
Winter Chat	0.00	3,532.93	5,000.00	1,467.07
Expenses	\$26,638.86	\$528,855.08	\$693,542.00	\$164,686.92
Revenue Less Expenditures	\$18,681.82	\$71,454.14	\$6,861.00	\$0.00
Net Change in Fund Balance	\$18,681.82	\$71,454.14	\$6,861.00	\$0.00

Fund Balances

Beginning Fund Balance	223,322.55	170,550.23	0.00	0.00
Net Change in Fund Balance	18,681.82	71,454.14	6,861.00	0.00
Ending Fund Balance	242,004.37	242,004.37	0.00	0.00

RESOLUTION 2023-10

CITY OF JOHNSON, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION TO APPROVE THE 2024 BUDGET FOR THE CITY OF JOHNSON, ARKANSAS.

WHEREAS, it has come to the attention of the City Council that it is necessary to review and approve a budget for 2024 for the City of Johnson; and

WHEREAS, the City Council has reviewed and discussed the proposed 2023 budget, attached hereto as Exhibit “A”; and

WHEREAS, after thorough consideration, the City Council believes that it is in the best interest and benefit to the community to approve the proposed 2024 budget for the City of Johnson.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Johnson as follows:

Section 1. The 2024 budget attached hereto as Exhibit "A", is hereby adopted by the City Council of the City of Johnson.

PASSED AND APPROVED this _____ day of December 2023.

APPROVED:

Chris Keeney, Mayor

ATTEST:

Jennifer Allen, City Clerk-Treasurer
(SEAL)

Exhibit A

General Fund 2024 Budget

Item 11.

Annual Budget
Jan 2024
Dec 2024

Revenue & Expenditures

Revenue

Tax Receipts

Franchise Taxes	325,000.00
Property Taxes	500,000.00
Sales Tax - City	900,000.00
Sales Tax - County	800,000.00
Turnback - State	52,000.00

Fines and Forfeitures

Animal Impound Fees	1.00
Court Costs - Act 1256	35,000.00
Fines	75,000.00
Restitution	1.00
WA County Booking Fee	1.00
Warrant Service Charge	3,200.00

Fees & Permits

5% state construction surcharg	1.00
Building Permits	50,000.00
Business Licenses	20,000.00
Demolition Permit	1.00
Engineering Fees	1.00
Flood Hazard Permit	1.00
Grading Permit	1.00
Mechanical Permits	7,000.00
Sign Permits	500.00
Submittal Fees	7,500.00

Other Revenue

Act 833 Reimbursement	1.00
City Donations	1.00
Community Events	1,000.00
Copy Charges	300.00
Credit Card Service Fee	450.00
Fire Dept Donation	1.00
Interest Earned	100,000.00
Misc Income - General	5,200.00
Misc Income - Sales	1.00
Police Dept Donation	1.00
Reimbursement for PD Security	1.00
Repay PD Stipend	5,000.00
RFA Fire Revnue	60,000.00
Street Cut Bond/Boring Permit	1.00
Surplus Carryover	1,400,000.00
Trash Bags	1,300.00

Revenue	<u>\$4,348,465.00</u>
Gross Profit	<u>\$4,348,465.00</u>

Expenses

Police Department Expense

Animal Control/Impound Fees	2,000.00
CID Expenses	4,000.00
Computer Server System	30,000.00
Gross Wages Police	610,089.00

General Fund
2024 Budget

	Annual Budget
	Jan 2024
	Dec 2024
Gross Wages- Security Reimbur	1.00
IT Expenses	7,207.00
Kennel Upkeep/Food	50.00
Licenses (PD)	5,000.00
PD Cell Phone	1,800.00
PD Equip less \$500	2,500.00
PD Equip less \$500 - vehicle	1,800.00
PD Equip over \$500	8,700.00
PD Equip over \$500 - Vehicle	4,700.00
PD Fuel	62,000.00
PD General Expenses < \$500	2,000.00
PD Maintenance for equip	4,750.00
PD MDT Communications	5,000.00
PD Membership Dues	600.00
PD New Hire Expense	8,800.00
PD Office Expense	8,000.00
PD Records Management System	8,760.00
PD Safety Equip	2,100.00
PD Station Maintenance	7,500.00
PD Training	5,000.00
PD Travel Expense	2,000.00
PD Uniforms Expense	5,000.00
PD Vehicle Insurance	13,000.00
PD Vehicle Maintenance	20,000.00
Police Dept Donation	1.00
Police Overtime Wages	10,000.00
Purchase New PD Unit	67,500.00
Tower Rental	3,830.00
WA County Booking Fees	1.00
WA County Jail Fee	2,936.00
Administrative Expense	
5% State Construction Surcharge	1.00
Admin Bldg & Equip Maint	15,000.00
Admin Cell Phone	975.00
Admin Expense	750.00
Admin Fuel	6,000.00
Building Official Expenses	2,500.00
Capital Outlay (over \$500)	25,000.00
City Donation Expense	1.00
Credit Card Service Fee	500.00
Gross Wages - City	333,964.00
Municipal Code	10,000.00
Office Expenses - Admin	30,000.00
Overtime Wages- City	250.00
Performance Bond Return	1.00
Petty Cash Expense	100.00
Purchase Admin Vehicle	36,500.00
Trash Bags	1,500.00
Travel Expenses	2,000.00
Unemployment Fee	5,000.00
Fire Department Expense	
Act 833 Expense	1.00
Emergency Communication	1,500.00

**General Fund
2024 Budget**

	Annual Budget
	Jan 2024
	Dec 2024
FD Cell Phone	1,020.00
FD Equip less \$500	2,500.00
FD Equip over \$500	3,000.00
FD Equipment Maintenance	5,000.00
FD Equipment Testing	6,250.00
FD Fuel	10,000.00
FD Medical Supplies	1,000.00
FD Memberships	500.00
FD New Hire	4,000.00
FD Office Expense	5,200.00
FD Personnel Safety Gear	14,000.00
FD Records Mgmt System	5,000.00
FD Safety Equip	1,500.00
FD Station Maintenance	8,000.00
FD Station Supplies	2,500.00
FD Training	2,500.00
FD Travel Expenses	5,000.00
FD Uniforms	2,500.00
FD Utilites	12,500.00
FD Vehicle Equip less \$500	1,000.00
FD Vehicle Equip over \$500	4,000.00
FD Vehicle Insurance	15,000.00
FD Vehicle Maintenance	3,500.00
FD Vehicle Purchase	80,000.00
FD WC Ins	1,500.00
Fire Department Donation	1.00
Fire Department Overtime	10,000.00
Fire Hydrant Rental	2,600.00
Gross Wages- Fire	542,593.00
Hazmat	1,375.00
Court Expense	
Court Automation	10.00
Court Clerk Training	1,000.00
Court Office Expense	10,000.00
Gross Wages Court Office	127,483.00
Gross Wages Dist. Judge	3,752.00
Benefits Expense	
City Match - 401 K Plan	21,994.00
City Retirement Plan	36,656.00
LOPFI Funding	204,508.00
Medical Insurance	224,675.00
Medicare - Employers	23,405.00
One Time Pay Increase	8,000.00
Social Security - Employers	100,450.00
Transportation Allowance	4,800.00
Workers Comp Insurance	30,000.00
General Expense	
Election Fee	1.00
Infrastructure	1.00
Insurance - Property	12,250.00
Misc Expenses	500.00
Utilities Expense	30,000.00
Weather Station	1,750.00

**General Fund
2024 Budget**

**Annual Budget
Jan 2024
Dec 2024**

Professional Services Expense

Clear Creek Sampling & Analysis	1,640.00
Engineering/Infrastructure	30,000.00
Engineering/Main & Wilkerson	50,000.00
Engineering/Mapping	1.00
Engineering/Storm Water Mgmt	3,585.00
Engineering/Submitted Plan Rev	25,000.00
Legal Fees	50,000.00
Planning and Zoning	8,000.00
Special Attorney Fees	1.00

Dues and Membership Expense

Emer Medical Serv	38,320.00
Membership Dues	25,000.00
Solid Waste District Contribut	2,200.00

Park Expense

Park Expense	40,000.00
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Repair / Maintenance Expense

Trail System Expenses	90,000.00
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Advertising & Promotion Expense

Advertising	5,000.00
Community Events	1,000.00
Public Relations	5,000.00

Other Expense

Transfer for Street Projects	750,000.00
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Expenses \$4,107,689.00

Revenue Less Expenditures \$240,776.00

Net Change in Fund Balance \$240,776.00

Fund Balances

Beginning Fund Balance	0.00
Net Change in Fund Balance	240,776.00
Ending Fund Balance	0.00

2024 Salaries Final

Department:		Name				approved by B&F 11/28/23
ADMINISTRATION						
					2024	
					Rate/hour	5%
	City Council		\$3,000.00	annual		\$18,000.00
	Planning Commission		\$50.00	per meeting *		\$5,250.00
	Chris Keeney, Mayor					\$90,000.00
	Transportation Allowance for Mayor					\$4,800.00
	Jennifer Allen, City Clerk/Treasurer				\$26.96	\$68,250.00
	Clay Wilson, Building Official/Maint				\$17.59	\$56,076.80
	Michelle Horne, Admin Assitant				\$25.18	\$36,587.20
	Korab Vranovci	PT				\$55,000.00
	Total Administration Pay					\$333,964.00
	City Paid Social Security 6.2%				\$20,705.77	
	City Paid Medicare 1.45%				\$4,842.48	
	City Paid Medical Insurance				\$44,584.68	
	City Retirement 10%				\$25,571.40	
	City 6% Match 401K *				\$15,342.84	
	Total Administration Benefits				\$111,047.17	
	Administration Total				\$445,011.17	
COURT					2024	5%
					Rate/hour	
	Krista McGaugh, Court Clerk				\$22.91	\$47,652.80
	Suzy Walker				\$22.63	\$47,070.40
	Kimberly Quicksall				\$15.75	\$32,760.00
	Total Court Pay					\$127,483.20
	City Paid Social Security 6.2%				\$7,903.96	
	City Paid Medicare 1.45%				\$1,848.51	
	City Paid Medical Insurance				\$21,403.08	
	City Retirement 10%				\$11,084.32	
	City 6% Match 401K				\$6,650.59	
	Total Court Benefits				\$48,890.46	
	Court Total				\$176,373.66	

2024 Salaries Final

POLICE DEPARTMENT	2024 Step Plan		Uniform 2184		Uniform 104		2024 Annual	
	Rate/hour		reg hours		holiday hrs		Annual	
Chief Chris Kelley	\$27.09		\$59,164.56		\$2,817.36		\$76,700.00	
Patrol Sergeant Shane Brewer	\$27.26		\$59,535.84		\$2,835.04		\$61,981.92	
Patrol Sergeant Chris Marshall	\$26.31		\$57,461.04		\$2,736.24		\$62,370.88	
Detective Sergeant Robert Jones	\$23.57		\$51,476.88		\$2,451.28		\$60,197.28	
Patrolman Kerry Headrick	\$24.10		\$52,634.40		\$2,506.40		\$53,928.16	
Patrolman Curtis Harris	\$22.26		\$48,615.84		\$2,315.04		\$55,140.80	
Patrolman Nathan Keenan	\$23.82		\$52,022.88		\$2,477.28		\$50,930.88	
Patrolman Andy Lowe	\$23.32		\$50,930.88		\$2,425.28		\$54,500.16	
Patrolman Ian Zupan	\$20.14		\$43,985.76		\$2,094.56		\$53,356.16	
Patrolman	\$16.78						\$46,080.32	
Code Enforcement Gina Tharp							\$34,902.40	
Total Police Pay							\$610,088.96	
City Paid Social Security 6.2%							\$37,825.52	
City Paid Medicare 1.45%							\$8,846.29	
City Paid Medical Insurance							\$88,242.60	
Police LOPFI Retirement							\$100,796.35	
Total Police Benefits							\$235,710.76	
Police Department Total							\$845,799.72	

2024 Salaries Final

FIRE DEPARTMENT	Full Time:	48/96 Schedule		FLSA hrs	Uniform holiday hrs	5% FT 2024 Annual
		2660 reg hours	252			
Rate/hour		2024				
Chief Chance Wright		\$23.58	\$51,498.72	\$2,452.32	\$65,750.00	
Capt. Jon Brown (M-F 2184 hrs)		\$16.00	\$42,560.00	\$1,664.00	\$53,951.04	
Capt. Tyler Zoll		\$17.06	\$45,379.60	\$6,448.68	\$50,714.26	
Capt. Jake Wooden		\$16.96	\$45,113.60	\$1,763.84	\$53,602.52	
FF Jordan White		\$14.70	\$39,102.00	\$1,528.80	\$46,187.40	
FF Jordan Womack		\$14.18	\$37,718.80	\$1,474.72	\$44,553.56	
FF Adam Silvas		\$14.18	\$37,718.80	\$1,474.72	\$44,553.56	
P/T FF				\$14.00 \$40,664 x 3	\$121,992.00	
Total Fire Pay					\$8,000.00	\$542,592.66
Benefits:						
City Paid Social Security 6.2%					\$33,640.74	
City Paid Medicare 1.45%					\$7,867.59	
City Paid Medical Insurance					\$70,444.20	
Fire LOPFI Retirement					\$103,711.24	
Total Fire Benefits					\$215,663.78	
FIRE DEPARTMENT TOTAL						
General Fund Benefits:						
City Paid Social Security 6.2%		\$100,075.99				
City Paid Medicare 1.45%		\$23,404.87				
City Paid Medical Insurance LOPFI		\$224,674.56				
City Retirement 10%		\$204,507.59				
City 6% Match 401K		\$36,655.72				
		\$21,993.43				
TOTAL GENERAL FUND BENEFITS		\$611,312.16				
TOTAL GENERAL FUND BENEFITS						

**Street Fund
2024 Budget**

**Annual Budget
Jan 2024
Dec 2024**

Revenue & Expenditures

Revenue

Tax Receipts

Property Taxes - Street	65,000.00
Turnback - State - Street	300,000.00

Fines and Forfeitures

Restitution	1.00
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Other Revenue

Interest Earned	1,000.00
Misc Income - General	10.00
Surplus Carryover	205,000.00
Trans from Gen Street Projects	750,000.00
Workers Comp Reimbursement	1.00

Revenue	\$1,321,012.00
Gross Profit	\$1,321,012.00

Expenses

Labor Expense

Gross Wages - Street	204,128.00
Street Wages Overtime	1,000.00

Benefits Expense

City Match - 401 K Plan	4,141.00
City Retirement Plan	13,613.00
Medical Insurance	37,450.00
Medicare - Employers	2,960.00
One Time Pay Increase	1,500.00
Social Security - Employers	12,655.00
Uniforms - Street	500.00

General Expense

Bridge Inspection	800.00
Electric - Street Lights	32,000.00
Fuel - Street Vehicles	12,000.00
Infrastructure	100,000.00
Misc Expenses	100.00
Signal Maintenance	10,000.00
Stop Lights Electric	4,000.00
Street Bldg Maintenance	2,500.00
Street Cell Phone	1,100.00
Street Equipment	140,300.00
Street Projects	250,000.00
Street Shop Misc	2,500.00
Street Shop Utilities	1,800.00
Street Signs	2,500.00
Vehicle Insurance - Street	4,500.00

Repair / Maintenance Expense

Bridge Repairs	10,000.00
Equipment Maintenance	20,000.00
Street Repairs & Maint	100,000.00
Street Vehicle Maintenance	5,000.00
Trail System Expenses	90,000.00
Winter Chat	5,000.00

Expenses	\$1,072,047.00
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Street Fund 2024 Budget

Annual Budget
Jan 2024
Dec 2024

Revenue Less Expenditures	\$248,965.00
Net Change in Fund Balance	\$248,965.00

Fund Balances

Beginning Fund Balance	0.00
Net Change in Fund Balance	248,965.00
Ending Fund Balance	0.00

2024 Salaries Final

PUBLIC WORKS (Street Fund)	2024 Rate/hour	5% Annual	approved by B&F 11/28/23	
			Rate/hour	Annual
Public Works Supervisor		\$50,000.00		
Kenny Mathes	\$20.84	\$43,347.20		
Daniel Eldridge	\$17.90	\$37,232.00		
Terry Franks	\$18.51	\$38,500.80		
Cody Wood	\$16.85	\$35,048.00		
Total Salaries		\$204,128.00		
City Paid Social Security 6.2%		\$12,655.94		
City Paid Medicare 1.45%		\$2,959.86		
City Paid Medical Insurance		\$37,450.32		
City Retirement 10%		\$13,612.80		
City 6% Match 401K *		\$4,140.86		
Total Public Works Benefits		\$70,819.77		
Public Works Total		\$274,947.77		

Act 1256
2024 Budget

Annual Budget
Jan 2024
Dec 2024

Revenue & Expenditures

Revenue

Fines and Forfeitures

Court Costs - Act 1256 50,000.00

Revenue **\$50,000.00**

Gross Profit **\$50,000.00**

Expenses

Other Expense

Court Cost - General Fund 41,867.00

Court Costs - Dept. of Fin 1.00

Court Costs - LOPFI (Johnson) 6,256.00

Court Costs - WA County 1,876.00

Expenses **\$50,000.00**

Fund Balances

Beginning Fund Balance 0.00

Net Change in Fund Balance 0.00

Ending Fund Balance 0.00

Court Automation Fund 2024 Budget

Annual Budget
Jan 2024
Dec 2024

Revenue & Expenditures

Revenue

Fines and Forfeitures

Court Auto Fee 8,000.00

Other Revenue

Surplus Carryover 1,500.00

Revenue	\$9,500.00
Gross Profit	\$9,500.00

Expenses

Court Expense

Court Automation 9,000.00

Expenses	\$9,000.00
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Revenue Less Expenditures	\$500.00
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Net Change in Fund Balance	\$500.00
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Fund Balances

Beginning Fund Balance 0.00

Net Change in Fund Balance 500.00

Ending Fund Balance 0.00

LOPFI
2024 Budget

Annual Budget
Jan 2024
Dec 2024

Revenue & Expenditures

Revenue

Fines and Forfeitures

Court Costs - Act 1256 6,300.00

Other Revenue

Interest Earned 275.00

LOPFI FUNDING 150,000.00

Surplus Carryover 100,000.00

Trans Employee Contribution 25,000.00

Revenue	\$281,575.00
Gross Profit	\$281,575.00

Expenses

Benefits Expense

Fire Retirement Expense 95,000.00

Police Retirement Expense 101,000.00

Expenses	\$196,000.00
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Revenue Less Expenditures	\$85,575.00
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Net Change in Fund Balance	\$85,575.00
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Fund Balances

Beginning Fund Balance 0.00

Net Change in Fund Balance 85,575.00

Ending Fund Balance 0.00

Park A&P Fund
2024 Budget

Annual Budget
Jan 2024
Dec 2024

Revenue & Expenditures

Revenue

Tax Receipts

Park A&P Income	145,000.00
Park A&P Late Pmt Penalty	1.00

Other Revenue

Interest Earned	900.00
Park Vending Machine	1,000.00
Surplus Carryover	215,000.00

Revenue	\$361,901.00
Gross Profit	\$361,901.00

Expenses

Park Expense

Park Expense	350,000.00
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Expenses	\$350,000.00
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Revenue Less Expenditures	\$11,901.00
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Net Change in Fund Balance	\$11,901.00
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Fund Balances

Beginning Fund Balance	0.00
Net Change in Fund Balance	11,901.00
Ending Fund Balance	0.00

RESOLUTION 2023-11

CITY OF JOHNSON, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION TO ADOPT THE 2023 WASHINGTON COUNTY HAZARD MITIGATION PLAN UPDATE FOR THE CITY OF JOHNSON, ARKANSAS.

WHEREAS, the City Council of the City of Johnson recognizes the threat that natural hazards pose to people and property within its jurisdiction; and

WHEREAS, the City of Johnson has prepared a multi-hazard mitigation plan, hereby known as the 2023 Washington County Hazard Mitigation Plan update in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS, the 2023 Washington County Hazard Mitigation Plan update identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in its jurisdiction from the impacts of future hazards and disasters; and

WHEREAS, adoption by the City of Johnson demonstrates its commitment to hazard mitigation and achieving the goals outlined in the 2023 Washington County Hazard Mitigation Plan update; and

WHEREAS, the City Council has determined that it is in the best interest and benefit of the community to adopt the 2023 Washington County Hazard Mitigation Plan update for the City of Johnson.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Johnson, Arkansas:

Section 1. The City of Johnson hereby adopts the 2023 Washington County Hazard Mitigation Plan update. While content related to the City of Johnson may require revisions to meet the plan approval requirements, changes occurring after adoption will not require the City of Johnson to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.

PASSED AND APPROVED this ____ day of December 2023.

APPROVED:

Chris Keeney, Mayor

ATTEST:

Jennifer Allen, City Clerk-Treasurer
(SEAL)

RESOLUTION 2023-12

CITY OF JOHNSON, WASHINGTON COUNTY, ARKANSAS

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE LOW BID SUBMITTED BY APAC-CENTRAL, INC. FOR THE SLAPE STREET ROADWAY IMPROVEMENTS PROJECT IN THE CITY OF JOHNSON, ARKANSAS.

WHEREAS, as required by law, the City of Johnson has sought out contractors for the above-described project; and

WHEREAS, the low bid proposal in the amount of \$158,858.00, attached hereto as Exhibit “A”, was submitted by APAC-Central, Inc., and the engineer for the project has recommended that this bid be accepted; and

WHEREAS, the City Council has determined that the contractor is experienced and qualified to perform the scope of work included in the project; and

WHEREAS, the City Council finds it to be in the best interest and benefit of the community to authorize the Mayor to accept the low bid submitted by APAC-Central, Inc. in the amount of \$158,858.00, attached hereto as Exhibit “A”, for the Slape Street Roadway Improvements Project, and to authorize the Mayor to negotiate and execute a contract with APAC-Central, Inc. for the same.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Johnson, Arkansas:

Section 1. The City Council hereby authorizes the Mayor to accept the low bid submitted by APAC-Central, Inc. in the amount of \$158,858.00, attached hereto as Exhibit “A”, for the Slape Street Roadway Improvements Project in the City of Johnson, and the Mayor is hereby authorized to negotiate and execute a contract with APAC-Central, Inc. for the same.

Section 2. The Mayor and his designee are hereby authorized to take all such action as necessary in connection therewith.

PASSED AND APPROVED this ___ day of December 2023.

APPROVED:

Chris Keeney, Mayor

ATTEST:

Jennifer Allen, City Clerk-Treasurer
(SEAL)



Signature: _____
 Robert Bullis, P.E. 19929
 Wednesday, November 8, 2023

Slope St. Roadway
 Improvements
 City of Johnson,
 Arkansas
 MCE Project # 23-2154

ITEM NUMBER	DESCRIPTION - (Schedule A)	UNIT	QUANTITY	APAC - Central, Inc.		Tomlinson Asphalt Co., Inc.	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Act 291, 1993 Trench and Excavation Safety Systems (Bulkhead Shoring, etc.)	LS	1	\$2,500.00	\$2,500.00	\$500.00	\$500.00
2	Remove and Dispose of Concrete Pavement (Allowance)	SY	500	\$27.00	\$13,500.00	\$44.00	\$22,000.00
3	Unclassified Excavation (Allowance)	CY	334	\$38.00	\$12,692.00	\$82.00	\$27,388.00
4	Select Fill (Allowance)	CY	334	\$46.00	\$15,364.00	\$52.00	\$17,368.00
5	Class 7 Aggregate Base Course (Allowance)	TON	312	\$59.00	\$18,408.00	\$52.00	\$16,224.00
6	Portland Cement Concrete Base (6") (Allowance)	SY	300	\$106.00	\$31,800.00	\$105.00	\$31,500.00
7	Tack Coat	GAL	85	\$4.00	\$340.00	\$15.00	\$1,275.00
8	ACHM Surface Course	TON	214	\$161.00	\$34,454.00	\$160.00	\$34,240.00
9	Mobilization	LS	1	\$9,500.00	\$9,500.00	\$7,000.00	\$7,000.00
10	Traffic Control and Maintenance	LS	1	\$9,800.00	\$9,800.00	\$5,000.00	\$5,000.00
11	Erosion Control	LS	1	\$5,000.00	\$5,000.00	\$500.00	\$500.00
12	Roadway Construction Control	LS	1	\$5,500.00	\$5,500.00	\$1,000.00	\$1,000.00
Total Amount Bid Schedule A				\$158,858.00		\$163,995.00	

ORDINANCE 2023-06

CITY OF JOHNSON, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO AMEND ORDINANCE NO. 2009-01 IN ITS ENTIRETY IN ORDER TO ADOPT REGULATIONS FOR THE ESTABLISHMENT OF A FLOOD DAMAGE PREVENTION PROGRAM FOR THE CITY OF JOHNSON, ARKANSAS.

WHEREAS, the Legislature of the State of Arkansas has in Ark. Code Ann. § 14-268-101 et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses; and

WHEREAS, Ordinance No. 2009-01 was duly adopted by the Johnson City Council; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Johnson in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Washington County, Arkansas and Incorporated Areas," dated January 25, 2024, with an effective Flood Insurance Rate Map (FIRM) dated January 25, 2024; and

WHEREAS, these Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, these periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately floodproofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events; and

WHEREAS, the City Council has determined that it is in the best interest and benefit of the community to amend Ordinance No. 2009-01 in its entirety in order to adopt regulations for the establishment of the Flood Damage Prevention Program, attached hereto as Exhibit "A", for the City of Johnson.

NOW, THEREFORE, BE IT ENACTED, by the City Council of the City of Johnson, Arkansas:

Section 1. The City of Johnson adopts "The Flood Insurance Study (FIS) for Washington County, Arkansas and Incorporated Areas," dated January 24, 2024, with an effective Flood Insurance Rate Map (FIRM) dated January 25, 2024.

Section 2. STATEMENT OF PURPOSE The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any

floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

- A. Protect human life and health;
- B. Protect natural floodplains against unwise development;
- C. Eliminate adverse impacts of necessary floodplain development;
- D. Minimize expenditure of public monies on flood control projects;
- E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions due to flooding events;
- G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;
- H. Minimize future flood blight areas to help maintain a stable tax base; and
- I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area.

Section 3. LANDS TO WHICH THIS ORDINANCE APPLIES The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Johnson.

Section 4. METHODS OF REDUCING FLOOD LOSSES This ordinance uses the following methods to accomplish the stated purpose:

- A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;
- B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;
- C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;
- D. This ordinance controls floodplain development (structural development,

placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;

- E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands.

Section 5. FLOOD DAMAGE PREVENTION CODE ADOPTED BY REFERENCE. The City has published notice as required by law to adopt the Flood Damage Prevention Code as a technical code by reference. The City has had and shall continue to have three copies of the Flood Damage Prevention Code on file in the office of the City Clerk for inspection and copying by the public. Therefore, the "Flood Damage Prevention Code for the City of Johnson, Arkansas," dated January 25, 2024, attached hereto as Exhibit "A", is adopted by reference. The code shall include:

ARTICLE 1 DEFINITIONS

ARTICLE 2 ADMINISTRATION

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 6. ABROGATION AND GREATER RESTRICTIONS This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies.

Section 7. INTERPRETATION In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under State statutes.

Section 8. WARNING AND DISCLAIMER OF LIABILITY The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance.

Section 9. COMPLIANCE Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations.

Section 10. PENALTY FOR NON-COMPLIANCE Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction. The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to:

- A. Issue cease and desist orders on non-compliant floodplain development projects;
- B. Issue citations for non-compliance;
- C. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
- D. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.
 - (1) It shall be a misdemeanor to violate or fail to comply with any provision of this ordinance.
 - (2) A violation of this ordinance shall be penalized as set forth in Chapter 1.32: General Penalty of the Johnson Municipal Code.

Section 11. SEVERABILITY If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this ordinance.

Section 12. REPEALER Any ordinance in conflict herewith or in conflict with the Code hereby adopted is hereby repealed.

Section 13. EFFECTIVE DATE This ordinance shall be in full force and effect from and after January 25, 2024.

PASSED AND APPROVED this ____ day of December 2023.

APPROVED:

Chris Keeney, Mayor

ATTEST:

Jennifer Allen, City Clerk-Treasurer
(SEAL)

FLOOD DAMAGE PREVENTION CODE FOR THE CITY OF JOHNSON, ARKANSAS JANUARY 25, 2024

ARTICLE 1 DEFINITIONS

Unless specifically defined below, words or phrases used in this Code have their common usage meaning to give the most reasonable application to this Code.

Additional definitions for floodplain management terms can be found at Part §59.1 of 44 CFR.

44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) Parts 59-75 contain Federal regulations upon which local floodplain managements are based

44 CFR § 65.12 – contains the section of the Federal regulations which involves revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

“100-year flood” is any flood with a 1% chance of occurring in any given year. The term is misleading, because of its statistical derivation. A “100-year flood” may occur many times in any given 100-year period, or it may not occur at all in 100 years.

“500-year flood” is any flood with a 0.2% chance of occurring in any given year. As with the 100-year flood, this term is also misleading, because of its statistical derivation. A “500-year flood” may occur many times in any given 500-year period, or it may not occur at all in 500 years.

“Accessory Structures” are structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

“Adverse impact” means any negative or harmful effect.

“AE or A1-30 Risk Zones” are special flood hazard areas where detailed studies have determined base flood elevations. AE has replaced A1-30 in newer flood maps.

“AH Risk Zones” are special flood hazard areas characterized by shallow flooding with ponding effects (where floodwaters accumulate in depressions and linger until absorbed or evaporated).

“AO Risk Zones” are special flood hazard areas characterized by shallow flooding with sheet flow (where floodwaters flow in a broad, shallow sheet rather than through a narrow channel).

“A Risk Zones” are special flood hazard areas without detailed studies, where base flood elevations have not been determined.

“Appeal Board” means a person or persons specifically designated to render decisions on variance applications and floodplain management complaints.

“Automatic” entry and exit of floodwaters means that the water must be able to enter and exit with no intervening action from a person.

“Base flood” is the flood profile used as the basis for the NFIP regulations. The Federal government has selected the 1% chance flood as the base flood.

“Basement” is any enclosed area that is below grade on all sides.

“BFE” is the acronym for Base Flood Elevation.

“Buoyancy” is the upward force exerted by water. Buoyancy can cause underground tanks to float free and can lift structures off foundations.

“Certificates of Compliance” are formal documents issued by floodplain administrators certifying that completed projects comply with the requirements of the local Code.

“CFR” is the acronym for the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. The Federal regulations pertaining to the national Flood Insurance Program are found in title 44, Emergency Management and Assistance.

“Clearing” is the act of cutting timber or shrubs from an area

“Commercial business park” is typically an area of offices or light industrial usage, although retail, service, or industrial usage is sometimes included in supporting roles. For example, a commercial business park of office complexes may also include restaurants which service these offices.

“Concrete deadman anchors” are heavy steel rods embedded in buried sections of concrete, used to secure items in place under tension.

“Covenant” is a clause in a contract that requires one party to do, or refrain from doing, certain things. A covenant frequently appears as a restriction that a lender imposes on a borrower.

“Crawlspace” is a type of structural foundation where the space beneath the lowest floor is typically not deep enough to allow a person to stand and not all four walls are below grade.

“Critical Facilities” include: Governmental facilities that are considered essential for the delivery of critical services and crisis management (such as data and communication centers and key governmental complexes); facilities that are essential for the health and welfare of the whole population (such as hospitals, prisons, police and fire stations, emergency operations centers, evacuation shelters and schools); mass transportation facilities (such as airports, bus terminals, train terminals); lifeline utility systems (including potable water, wastewater, oil, natural gas, electric power and communications systems); high potential loss facilities (such as nuclear power plants or military installations); hazardous material facilities (such as industrial facilities housing or manufacturing or disposing of corrosives, explosives, flammable materials, radioactive materials and toxins.

“D Zones” areas in which the flood hazard has not been determined, but may be possible

“Deed restriction” refers to a clause in a deed that limits the future uses of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions, for example, they may limit the density of buildings, dictate the types of structures that can be erected, prevent buildings from being used for specific purposes or even from being used at all.

“Development” means any man-made change to improved or unimproved real estate. It includes, but not limited to, construction, reconstruction, or placement of a building, or any addition or substantial improvements to a building. “Development” also includes the installation of a manufactured home on a site, preparing a site for a manufactured home, or installing/parking a travel trailer. The installation of utilities, construction of roads, bridges, culverts or similar projects are also “developments.” Construction or erection of levees, dams, walls, or fences; drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface are “developments.” Storage of materials including the placement of gas and liquid storage tanks are “developments,” as are channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. “Development” will normally not include maintenance of existing drainage ditches, gardening, plowing, planting, harvesting of crops, or similar practices that do not involve filling, grading, or construction of levees.

“Development Permit” refers to the permit required for placing a “development” in the floodplain.

“Easements” are rights or permissions held by one person to make specific, limited use of land owned by another person.

“Elevation Certificate” refers to FEMA form 81-31, which for the purposes of this Code must be properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

“Erosion” is the process of soil removal by moving water.

“Existing Structure” means, for floodplain management purposes, a structure which is in place before any reconstruction, rehabilitation, addition, or other improvement takes place.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an Existing Manufactured Home Park or Subdivision” - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Federal Emergency Management Agency”, or FEMA, is the Federal agency responsible for administering the National Flood Insurance Program.

“FEMA” is the acronym for the Federal Emergency Management Agency.

“Fill” refers to the placement of natural sand, dirt, soil, rock, concrete, cement, brick or similar material at a specified location to bring the ground surface up to a desired elevation.

“FIRM” is the acronym for Flood Insurance Rate Map.

“Flood Fringe” refers to the portion of the 100-year floodplain which is outside the floodway (See definition of floodway below.)

“Flood Insurance Rate Map” (or “FIRM”) refers to the official flood map of a community on which FEMA has categorized Special Flood Hazard Areas into risk premium zones.

flood maps

“Flood Insurance Study” (or “FIS”) is the official report provided by FEMA. It contains flood profiles, floodway tables, engineering methods, and other descriptive and technical data.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“Flooding events” are general or temporary conditions of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source.

“Floodplain” refers to any land area susceptible to inundation by floodwaters from any source. For the purposes of this Code, floodplain refers to the land area susceptible to being inundated by the base flood.

“Floodplain Administrator” refers to the community official designated in the local Flood Damage Prevention Code as responsible for the Code’s administration.

“Floodplain Development Permit” is a permit issued by the local Floodplain Administrator and is required before beginning any development in an area designated as a Special Flood Hazard Area on the community’s FIRM.

“Floodproofing” is a combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate the risk of flood damage.

“Floodproofing Certificate” refers to FEMA form 81-65, which for the purposes of this Code must be properly completed by a Professional Engineer or Architect licensed to practice in the State of Arkansas.

“Floodway” or “Regulatory Floodway” refers to a stream channel and the land to either side of the stream channel that must remain undeveloped and open in order to allow floodwaters to pass without increasing the base flood elevation more than a designated height. For the purposes of this Code, the height is one foot (1 ft.). Severe restrictions or prohibitions are imposed on development within the floodway.

“Flow-through openings” are openings specifically designed to allow floodwaters to flow into and out of enclosed spaces, minimizing the danger of foundation or wall collapse from lateral hydrostatic pressure.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

“Grade” means the surface of the ground.

“Grading” means to smooth the surface of the ground, typically with heavy construction equipment.

“Highest Adjacent Grade” (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historical Structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

“Hydrodynamic forces” are the forces and stresses associated with moving water, including impacts from objects carried in the water.

“Hydrostatic flood forces” are the forces and stresses associated with standing floodwaters.

“Lacustrine Flooding” is flooding associated with a lake.

“Lateral forces” are the horizontal hydrostatic forces associated with standing water. Water exerts an equal force in all directions, and as little as three feet of standing water can generate sufficient lateral force to collapse a foundation or wall.

“Lowest floor” refers to the lowest floor of the lowest enclosed area (including Basement). For a typical **slab-on-grade construction**, the lowest floor is the top of the first floor of the structure. For a typical **basement foundation construction**, the elevation of the lowest floor is the top of the basement floor. For a typical **crawlspace foundation construction**, the elevation of the lowest floor is the top of the first floor of the structure. For a typical **split-level construction**, the elevation of the lowest floor is the top of the first living area floor. For a **manufactured home installation**, the elevation of the lowest floor will be the bottom of the lowest I-Beam. The **garage floor** and **crawlspaces** are not the lowest floor as long as there are no living areas in the garage and it is used solely for storage, parking vehicle and entry to the structure, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance regulations.

“Manufacture Homes” or Structures means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land subdivided into two or more manufactured home lots for rent or sale.

“Mean Sea Level” (MSL) means, for the purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s FIRM are referenced.

“Mixed Use Structures” are structures with both a business and a residential component, but where the area used for business is less than 50% of the total floor area of the structure.

“New Construction” means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“No Adverse Impact principle” is a principle of restricting or prohibiting land development that does harm or “adversely affects” someone else’s property or land.

“Nonresidential Structures” are structures used only for commercial or public purposes, such as businesses, schools, churches, etc...

“No-Rise Certificates” are formal certifications signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase in flood levels within the community during the occurrence of a base flood event.

“Piers” are columns of masonry or other structural material (commonly cement blocks stacked up to support a manufactured home), usually rectangular, used to support other structural members. For the purpose of this ordinance, piers must be permanent in nature.

“Pilings” are steel tubes driven to rock or a suitable soil bearing layer and connected to the foundation of a structure.

“Ponding” is a flooding effect where floodwaters accumulate in shallow depressions and linger until absorbed or evaporated.

“Recreational vehicles” means a vehicle which is:

- (i) built on a single chassis;
- (ii) 400 square feet or less when measured at the largest horizontal projections;
- (iii) designed to be self-propelled or permanently towable by a light duty truck; and
- (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Risk Zones” categorize special flood hazard areas into groupings by the specific risk of flooding. Zones A, AE or A1-30, AO, and AH are Special Flood Hazard Areas. See “X Risk Zones” in this section.

“Riverine flooding” is flooding associated with a river or stream channel.

“RV” is the acronym for recreational vehicle.

“Screw augers” are any type of anchor that twists into the soil, typically to a depth of 4 feet or more. They are not suitable for securing manufactured homes against floodwaters because saturated grounds often soften and fail to hold the anchor in place.

“Section 404 Wetlands Permit” is a permit required under Section 404 of the Clean Water Act for the discharge of dredged and fill material into any surface water of the United States. The US Army Corps of Engineers issues Section 404 permits.

“SFHA” is the acronym for Special Flood Hazard Area.

“Shallow flooding” means a depth of less than 3 feet.

“Slab anchors” are anchors where the hook of the anchor is wrapped around a horizontal rebar in the slab before the concrete is poured.

“Special flood hazard areas” are geographical areas identified on FEMA flood maps as being at-risk for flooding. The maps further categorize these areas into various flood risk zones A, AE or A1-30, AH, and AO.

“Start of Construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“State Coordinating Agency” is the agency that acts as a liaison between FEMA and a community for the purposes of floodplain management. The Arkansas Natural Resources Commission is the State Coordinating Agency for Arkansas.

“Stream channels” are depressed natural pathways through which water of any quantity routinely flows.

“Structural development” is a development that includes the placement or construction of a structure.

“Structure” means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial damage” is damage of any origin where the cost to restore a structure to its original undamaged state would equal or exceed 50% of the market value of the structure before any damage occurred. In determining whether substantial damage has occurred, estimators must use standard contractor and materials costs. There are no exceptions for homeowners who make their own repairs or for discounted or free raw materials.

“Substantial improvement” is any reconstruction, remodeling, addition or improvement to a structure with a cost equaling or exceeding 50% of the market value of the structure before any improvement. Improvements to correct identified violations of local health, sanitary or safety

Codes are not substantial improvements, regardless of the cost, as long as they are the minimum improvement necessary to bring the structure up to Code. Alterations to historical structures are also exempted, as long as the improvement does not affect the structure's official status of "historical structure."

"Uses vulnerable to floods" are simply any land or structural uses that may be negatively affected by a flood.

"Variance" is a formal, written permission from the Appeals Board to construct or develop in a way that is inconsistent with the requirements of this Code. The variance only deals with this Code – the Appeals Board has no authority to waive any other governmental requirement, and has no say in the cost of flood insurance.

"Violation" - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Code is presumed to be in violation until such time as that documentation is provided.

"Watercourse alteration" refers to any change that occurs within the banks of a watercourse.

"Water Surface Elevation" - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"X Risk Zones" are a special group of insurance risk zones. One type, shown as non-shaded areas on FEMA issued flood maps, indicates a zone where flooding is not expected to occur. The second type, shown as shaded areas of FEMA flood maps, indicates a flood hazard area that is expected to be affected by the 500-year flood, but not by the 100-year base flood.

ARTICLE 2 ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Mayor or his/her designee, is hereby appointed the Floodplain Administrator.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

It is the duty and responsibility of the Floodplain Administrator or his designee to:

- (1) **Obtain accreditation each year** as required by A.C.A. §14-268-106 through the State Coordinating Agency, which is the **Arkansas Natural Resources Commission**.
- (2) **Administer and implement the provisions of this Code** and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) as they pertain to floodplain management
- (3) **Review applications for Floodplain Development Permits** to:
 - a) Evaluate proposed projects for reasonable safety from flooding;
 - b) Evaluate proposed projects for conformance with No Adverse Impact principles;
 - c) Ensure that all other permits necessary (including Section 404 Wetlands Permits as required by the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) for proposed projects are obtained from the appropriate government agency prior to issuing a Floodplain Development Permit; and
 - d) Ensure that proposed projects conform to the applicable provisions of this Code.
- (4) **Approve or deny applications for Floodplain Development Permits** on the basis of:
 - a) The proposed development's compliance or non-compliance with the provisions of this Code;
 - b) The expected flood elevation, flood water velocity, flood duration, rate of rise and sediment transport of the floodwaters expected at the proposed development site;
 - c) The proposed development's potential to adversely impact life and property by changing flooding patterns, changing erosion rates, or being swept onto other lands by flood waters;

- d) The proposed development's susceptibility to flood damage;
 - e) The proposed development's compatibility with existing and planned community development;
 - f) The proposed development's accessibility by ordinary and emergency vehicles during flooding events;
 - g) The anticipated costs of providing governmental services to the proposed development during and after flooding events, including maintenance and repair of streets, bridges, facilities and public utilities such as sewer, gas, electrical and water systems;
 - h) The proposed development's functionally dependent use;
 - i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed development; and
 - j) The relationship of the proposed use to the comprehensive plan for that area.
- (5) **Interpret the exact location of the boundaries of Special Flood Hazard Areas** whenever a mapped boundary appears to be different from actual field conditions. (The sole purpose of this interpretation is to determinate the applicability of the provisions of this Code to the proposed project.)
- (6) **Notify adjacent communities** and the State Coordinating Agency, which is the Arkansas Natural Resources Commission, a minimum of 60 days **prior to any alteration or relocation of a watercourse**, and submit evidence of all such notifications to FEMA.
- (7) **Ensure that the flood carrying capacity** within an altered or relocated portion of a watercourse is not diminished, and that the alteration or relocation does not adversely impact any other lands.
- (8) **Obtain, review and reasonably utilize**, whenever the current Flood Insurance Study or current Flood Insurance Rate Map does not provide **base flood elevation data, any base flood elevation data and floodway data** available from any Federal, State or other source. The Floodplain Administrator may obtain such data by requiring the applicant to submit it in conjunction with a Floodplain Development Permit application. (The sole use of this data is the administration of the provisions of this Code.)
- (9) **Inspect floodplain developments as necessary** to ensure construction is in accordance with the application data that formed the basis for the decision to issue the Floodplain Development Permit.
- (10) **Issue Certificates of Compliance.**

- (11) **Maintain all records and documents pertaining to this Code for public inspection.**

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit is required for all structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations or any other development **in a Special Flood Hazard Area to ensure conformance with the provisions of this Code.**

SECTION D. PERMIT PROCEDURES

- (1) **Application** for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.
- (2) The **documentation** required with each Application for a Floodplain Development Permit, and the specific provisions of this Code applicable to the proposed development, are dependant upon the type of development proposed and the Risk Zone of the proposed development site. Article 3, Section A contains standards for all developments in all Risk Zones. Article 3, Section B contains standards for specific development types in specific Risk Zones.
- (3) The decision of the Floodplain Administrator to **approve or deny** issuance of a Floodplain Development Permit is **subject to appeal** to the designated Appeal Board. Within the City of Tonittown, Arkansas the designated Appeal Board is the Board of Zoning Adjustment.

SECTION E. PROCEDURES FOR VARIANCE FROM THE REQUIRMENTS OF THIS CODE

- (1) Applicants must submit petitions for variances directly to the Appeal Board (Section F).
- (2) Variances may only be issued:
 - a) if showing a good and sufficient cause;
 - b) granting of the variance will not result in any adverse impact upon other lands;
 - c) if granting of the variance will not result in any additional threats to public safety;
 - d) if granting of the variance will not result in extraordinary public expense;
 - e) if granting of the variance does not create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances;
 - f) if granting of the variance will not result in increased flood heights or an increase in expected flood velocities;
 - g) if the requested variance is the minimum necessary, considering the flood hazards, to afford the necessary relief; and
 - h) upon determination that the requested variance is necessary to avoid an extraordinary hardship to the applicant.
- (3) Variances may not be issued for developments inside a regulatory floodway unless
 - a) all requirements of 44 CFR §65.12 are first met; or
 - b) the following requirements are met:
 1. a No-Rise Certificate signed and sealed by a Professional Engineer licensed to practice in the State of Arkansas is submitted to document that no increase in the base flood elevation would result from granting a variance for the proposed development;
 2. protective measures are employed to minimize damages during flooding events; and
 3. the variance does not result in any adverse impact to other lands.
- (4) Examples of developments for which variance petitions may be appropriate include but are not limited to

- a) the new construction of, or substantial improvement to, a structure on a lot of 1/2 acre or less in size that is surrounded by contiguous lots with existing structures constructed below the base flood elevation;
- b) for the reconstruction, rehabilitation or restoration of an historical structure, provided that:
 - 1. the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure; and
 - 2. the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) the new construction of, substantial improvement to, or other development necessary to conduct a functionally dependent use, provided that:
 - 1. the criteria outlined in Article 2, Section E, (3) and (4) and Article 2, Section F are met, and
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTION F. APPEAL BOARD

- (1) Within the City of Johnson, Arkansas the Board of Zoning Adjustment is the designated Appeal Board.
- (2) The Appeal Board will consider an appeal only with allegations of an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Code.
- (3) Upon consideration of the factors noted in Article 2, Sections E and F, and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
- (4) Appeal Board decisions are binding only upon the requirements of this Code, and have no bearing on the decision of any lending institution to require the purchase of flood insurance or on the rate determination of such insurance.

- (5) Any time the Appeal Board issues a variance, it must provide the applicant with a formal written warning of an increased risk of flood damage due to removal of restrictions designed to lessen such risks. The notice must also warn of a corresponding increase in the cost of flood insurance, since the cost of such insurance will be commensurate with the increased risk.
- (6) Aggrieved parties may appeal any decision of the Appeal Board to a court of competent jurisdiction.

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

The following standards apply to all developments in Special Flood Hazard Areas, regardless of the type of proposed development or the Risk Zone of the proposed site.

1. **All new construction or substantial improvements** shall be **designed (or modified) and adequately anchored** to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. **All new construction or substantial improvements** shall be constructed by methods and practices that **minimize flood damage**;
3. **All new construction or substantial improvements** shall be constructed **with materials resistant to flood damage**;
4. All **critical facilities** constructed or substantially improved in Special Flood Hazard Areas (SFHA) must be constructed or modified to **exceed 500-year flood protection standards** or located outside the SFHA.
5. **The placement or construction of all new structures must be in full compliance with the provisions of this Code**
6. For the purposes of this Code, all **mixed-use structures** are **subject to the more stringent requirements of residential structures**.
7. **A substantial improvement or substantial damage** to an existing structure **triggers a requirement to bring the entire structure into full compliance** with the provisions of this Code. The existing structure, as well as any reconstruction, rehabilitation, addition, or other improvement, must meet the standards of new construction in this Code.
8. **Any improvement to an existing structure that is less than a substantial improvement requires the improvement, but not the existing structure, to be in full compliance with the provisions of this Code.**

9. **All manufactured homes** to be placed within a Special Flood Hazard Area on a community's FIRM shall be **installed using methods and practices which minimize flood damage**. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Screw augers or expanding anchors will not satisfy the requirement of this provision.
10. The design or location of **electrical, heating, ventilation, plumbing, and air conditioning equipment for new structures**, or for any improvements to an existing structure, must prevent water from entering or accumulating within the components during base flood events.
11. The design of **all new and replacement water supply systems** must minimize or eliminate infiltration of floodwaters into the system during base flood events.
12. The design of **all new and replacement sanitary sewage** systems must minimize or eliminate infiltration of floodwaters into the system during flooding events, and must prevent sewage discharge from the systems into floodwaters.
13. The placement of **on-site waste disposal systems** must avoid impairment to, or contamination from, the disposal system during base flood events.
14. **Construction of basement foundations in any Special Flood Hazard Area is prohibited.**
15. New construction and substantial improvements, with **fully enclosed areas (such as garages and crawlspaces)** below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than 1 foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
16. The placement of **recreational vehicles (RV)** in Special Flood Hazard Areas must either

- (a) be temporary, as demonstrated by the RV being fully licensed, being on wheels or a jacking system, attached to the site only by quick disconnect type utilities and security devices, having no permanently attached additions, and being immobile for no more than 180 consecutive days; or else
- (b) meet all provisions of this Code applicable to manufactured home structures.
17. All proposals for the development of a **residential subdivision, commercial business park or manufactured home park/subdivision** must have **public utilities and facilities such as sewer, gas, electrical and water systems** located and constructed to minimize or eliminate flood damage.
18. All proposals for the development of a **residential subdivision, commercial business park or a manufactured home park/subdivision** must include an adequate **drainage plan** to reduce exposure to flood hazards.
19. All proposals for the development of a **commercial business park or a manufactured home park/subdivision** must include an adequate **evacuation plan** for the escape of citizens from affected nonresidential structures during flooding events.

SECTION B. RISK ZONE SPECIFIC STANDARDS

In addition to the General Standards, the following standards apply to specific development types in specific Risk Zones. Risk Zones listed in this Code that do not appear on the current FIRM are not applicable.

(1) In AE or A1-30 Risk Zones: Special Flood Hazard Areas with base floods determined

- a) **For Residential Structures in Zone AE or A1-30:**
1. For all new residential structures, the top surface of the lowest floor must have an elevation 2 feet or more above the published BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
 2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.

3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

b) For Nonresidential Structures in Zone AE or A1-30:

1. All new commercial, industrial or other nonresidential structures must either:
 - a. have the lowest floor (including basement) elevated 2 feet or more above the base flood level or
 - b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below an elevation of 3 feet above base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

c) **For Manufactured Homes in Zone AE or A1-30:**

1. All manufactured homes that are placed or substantially improved on sites:
 - a. outside of a manufactured home park or subdivision,
 - b. in a new manufactured home park or subdivision,
 - c. in an expansion to an existing manufactured home park or subdivision, or
 - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
 - a. the lowest floor of the manufactured home is 2 feet or more above the base flood elevation, or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

d) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted **within Zones A1-30 and AE** on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(2) Floodways
High risk areas of stream channel and adjacent floodplain

- a) **Developments** in regulatory floodways are **prohibited, unless**
1. A **No-Rise Certificate**, signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, **is submitted** to demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels within the community during the occurrence of a base flood event; **or**
 2. **All requirements of 44 CFR §65.12 are first met.**
- b) **No Manufactured Home may be placed in a regulatory floodway**, regardless of elevation height, anchoring methods, or No-Rise Certification.
-

(3) In AH or AO Risk Zones:
Special Flood Hazard Areas of shallow flooding

- a) **For Residential Structures in Zones AH or AO:**
1. All new residential structures must be constructed with the top surface of the lowest floor elevated 2 feet or more above the published BFE, or 2 feet or more above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
 2. For all substantial improvements or substantial damage to existing residential structures the entire structure becomes subject to the requirements of a new residential structure.
 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure

b) For Nonresidential Structures in Zones AH or AO:

1. All new commercial, industrial or other nonresidential structure must either:
 - a. have the top surface of the lowest floor elevated 2 feet or more above the published BFE, or 2 feet or more above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, with documentation on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas; or
 - b. be floodproofed such that the structure, together with attendant utility and sanitary facilities be designed so that below 3 feet or more above the published BFE in Zone AH, or 3 feet or more above the base specified flood depth in an AO Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

c) For Manufactured Homes in Zones AH or AO:

1. All manufactured homes that are placed or substantially improved on sites:
 - a. outside of a manufactured home park or subdivision,
 - b. in a new manufactured home park or subdivision,
 - c. in an expansion to an existing manufactured home park or subdivision, or
 - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet or more above the published BFE, or 2 feet or more above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph 1. of this section be elevated so that either:
 - a. the lowest floor of the manufactured home meets the elevation standard of paragraph 1., or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

- d) **Where FEMA has not established a regulatory floodway in Zone in Zones AH or AO**, no Floodplain Development Permit may be issued unless a detailed engineering analysis is submitted along with the application that demonstrates the increase in base floodwater elevation due to the proposed development and all cumulative developments since the publication of the current FIRM will be less than 1 foot.
- e) **Require adequate drainage paths** around structures on slopes, to guide flood waters around and away from proposed structures.

(4) In “A” Risk Zones:
Special Flood Hazard Areas with no base flood elevations determined

- a) **In Zone A, The applicant or the applicant’s agent must determine a base flood elevation prior to construction. The BFE will be based on a source or method approved by the local Floodplain Administrator.**
- b) **For Residential Structures in Zone A:**
 - 1. For all new residential structures, the top surface of the lowest floor must have an elevation 2 feet or more above the BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
 - 2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
 - 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.
- c) **For Nonresidential Structures in Zone A:**
 - 1. All new commercial, industrial or other nonresidential structures must either:
 - a. have the lowest floor (including basement) elevated 2 feet or more above the base flood level or

- b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below an elevation of 3 feet above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
- 2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
 - 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.
- d) For Manufactured Homes in Zone A:**
- 1. All manufactured homes that are placed or substantially improved on sites:
 - a. outside of a manufactured home park or subdivision,
 - b. in a new manufactured home park or subdivision,
 - c. in an expansion to an existing manufactured home park or subdivision, or
 - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
 - a. the lowest floor of the manufactured home is 2 feet or more above the base flood elevation, or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
 4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.
- e) **Base flood elevation data and a regulatory floodway**, utilizing accepted engineering practices, shall be generated for subdivision proposals and other proposed development including the placement of **manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser**, if not otherwise provided.