



CITY COUNCIL MEETING

April 09, 2024 at 6:00 PM

City Hall

AGENDA

CALL TO ORDER

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) MARCH 12, 2024 CITY COUNCIL MEETING MINUTES

DEPARTMENTAL REPORTS

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

UNFINISHED BUSINESS

NEW BUSINESS

- [10.](#) **ORDINANCE 2024-03: AN ORDINANCE ESTABLISHING THE ORGANIZATION, MANAGEMENT, AND RULES OF PROCEDURE FOR THE AFFAIRS OF THE CITY OF JOHNSON CITY COUNCIL, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**
- [11.](#) **ORDINANCE 2024-4: AN ORDINANCE TO ADOPT RULES REGULATIONS FOR THE OPERATION AND USE CITY PARKS AND RECREATIONAL FACILITIES AS WELL AS THE RAZORBACK GREENWAY TRAILS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

12. **ORDINANCE 2024-5: AN ORDINANCE TO REZONE APPROXIMATELY 48 ACRES OF REAL PROPERTY LOCATED AT 5419 ELMORE ST. WITHin the city limits of JOHNSON, ARKANSAS FROM RESIDENTIAL ESTATES (R-E) AND RESIDENTIAL 6 (R-6) TO PLANNED UNIT DEVELOPMENT (PUD).**

PUBLIC COMMENT

MOTION TO PAY BILLS

MOTION TO ADJOURN



CITY COUNCIL MEETING

March 12, 2024 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 Bob Fant, Council Member John Wright, Council Member Angela Perea, Council Member Sean Engle and Council Member Katherine Hudson. Also present were City Clerk/Treasurer Jennifer Allen, Police Chief Chris Kelley, Fire Chief Chance Wright, Building Official Clay Wilson, City Planner Korab Vranovci, and City Attorney Justin Eichmann. Council Member Dan Cross was absent.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

1. FEBRUARY 9, 2024 CITY COUNCIL MEETING MINUTES

Mayor Keeney asked for a motion to approve the minutes of the February 13, 2024 City Council Meeting. Motion made by Council Member Fant, Seconded by Council Member Perea. Voting Yea: Council Member Fant, Council Member Hudson, 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.

Enforcement:

Based on community complaints, Officers enforced speed and distracted driving violations throughout the city. Several citations were issued for violations at the City Park crosswalk. JPD enforced Truck Route violations of prohibited truck traffic on Wilkerson St, Elmore St, and Main Dr.

Personnel update:

1 new applicant has been hired and 1 applicant has been given a conditional offer of employment. Advertising for 1 vacant Police Officer position. Utilizing Facebook, Instagram, Interview Now and Indeed for advertising.

Current staffing: 9 Sworn/ 1 Civilian/ 1 Vacant Sworn positions.

Qualification/Training:

Court Security training is being developed to train new hires.

Firearms qualification scheduled for April.

2 Officers will attend Police Mountain Bike training in March.

1 Officer will attend Human Trafficking symposium in March.

Animal Control/Code Officer has been certified Level 1 and Level 2 animal control training with the National Animal Care and Control Association (NACA).

Chief Kelley asked for a position to be created for a Civilian Police Clerk. Washington County no longer wants to issue warrants for the small cities. Our Court Clerk was trained to do this through very intensive training. It has been determined that court personnel cannot do this job as it is a conflict of interest. Mayor Keeney said the base rate of \$15.50, we can afford the position and there is enough work to justify a full-time person. Local and national acic/ncic databases will need to be caught up. Mayor Keeney asked for a motion to approve the new position. Motion made by Council Member Fant, Seconded by Council Member Perea. Voting Yea: Council Member Fant, Council Member Hudson, Council Member Perea, Council Member Wright, Council Member Engle.

3. FIRE DEPARTMENT

Fleet Update:

Ladder 1 – Had meeting with Mechanic, Ladder 1 also has 2 bad cylinders. Unable to fix at fire station, will need to transport L1 to Roland, OK.

Brush 1 – Being built.

Training:

Completed 420 hours of combined Training.

Misc:

Central States Manufacturing Donation

Developing ALS Engine Protocol

Fire Inspector:

Attended Planning Commission, 4 Business inspections

FD received a donation from Central States Manufacturing donating all new siding for the fire station. Includes tear off and installation.

Currently working with Central EMS to upgrade the level of response the FD can give to the community. Looking for a way to work with CEMS to provide an ALS (Advance Life Support) service with the paramedics we currently have on staff. Under the CEMS umbrella, with state approval to use our paramedics as paramedics to start care before CEMS arrives on scene. No narcotics but start potentially lifesaving care sooner. Great service for our citizens. BLS (basic life support) is what we have now with our EMTs - ALS can be provided by paramedics. City Attorney Justin Eichmann does not see any comebacks. No insurance is needed as the City has tort immunity for negligence claims. Civil rights claims covered by ARML. No qualms about it

at all but will certainly be glad to look at it more deeply. Mayor Keeney asked Chief Wright to see what CEMS comes up with and get it to City Attorney Eichmann for review.

4. BUILDING OFFICIAL

Clay Wilson, Building Official:

Building Permits: 2 (commercial build out and new home); Mechanical Permits: 3;

Inspections: 28

Finals: 2 (1 remodel, 1 new home)

Multiple meetings with developers and engineers, posted pc signage, held a TPR meeting, HVAC board meeting by zoom, attended a pc work session, held a predevelopment meeting, attended my quarterly storm water meeting, and attended a 4-hour class on storm water management training by zoom.

Vehicle maintenance:

Police department:

3 oil changes installed the new engine and the GPS in 1501.

Public works: Ordered two new tires and rear brake pads for 04 GMC 1 ton.

Korab Vranovci, City Planner:

Worked on the amendments for Planned Unit Development Ordinance.

Attended a Tech Planning Review Meeting

Attended a Planning Commission Work Session

Attended a Predevelopment meeting with engineering company.

Collected zoning spatial data library from the Northwest Arkansas Regional Planning to start the city's GIS (geography information system) zoning map.

Digitized city's Master Street Plan GIS Map almost complete.

Attended the Urban Land Institute Young Leaders Group Networking event.

5. PUBLIC WORKS

The department is patching potholes and street cuts that were not repaired properly. Ashford Knolls drainage project was completed.

Mayor Keeney we accepted the bid on Slape Street for \$158,858. Since that time, McClelland Engineers went to do a pre-inspection before the project starts and discovered the concrete that was expected to be left in place has deteriorated beyond saving. APAC has recommended that it is completely removed, and it will cost an additional \$24,936 to complete the project bringing the total cost to \$183,794. Mayor Keeney asked for a motion to approve the cost increase. Motion made by Council Member Fant, Seconded by Council Member Perea. Voting Yea: Council Member Fant, Council Member Hudson, Council Member Perea, Council Member Wright, Council Member Engle. Scheduled start date of 3/18/24.

City was notified about deterioration on Ball Street; road is being undercut by the water draining under and washing away the old cement swales. Engineers are putting a plan together.

Mayor Keeney would like to add 5 sun sails to the park to provide some shade. Cost would be \$54,700 with contingency included. Funds would come out of the Park A&P account. Motion made by Council Member Engle, Seconded by Council Member Wright. Voting Yea: Council Member Fant, Council Member Hudson, Council Member Perea, Council Member Wright,

Council Member Engle. Can be modified in the future as needed.

6. SPECIAL COMMITTEES

Council Member Angela Perea said at the March Planning Commission meeting, a development group presented a request for a PUD rezoning. A lot of public input was given stemming from some misinformation prior to what was actually happening before it was explained that it was just a rezoning request. The HOA president of most of the people present said after the meeting that the Planning Commission is a great group of individuals with being diligent with what is best for the City and its constituents. Council Member Katherine Hudson said she is proud of how PC conducted themselves and the meeting.

7. CITY CLERK/TREASURER

State Turnback and Property Tax have been received, Sales Tax has not.

All businesses are up to date on their Park A&P tax payments. 2023 was closed out this week. \$468,000.00 was transferred to the Street Fund from the General Fund for Ashford Knolls and other upcoming Street projects. The Ashford Knolls project is complete and with the approved change order, cost \$129,671.92.

There are still a few outstanding 2023 Statements of Financial Interest. Please complete the form as soon as possible. This form is required by the State of AR Ethics Commission.

8. CITY ATTORNEY

Worked on planning and the ordinance before the Council. There have been some Code enforcement things that came up. Worked on park regulations back and forth with the Mayor.

9. MAYOR

Working on the grant process on the Greenway lighting project. Next step is to get it back to the State and hopefully let it out for bid as early as June.

Revised plans from Hawkins-Weir for Wilkerson and Main been sent with hope to have rebids to review second week of May.

Refreshing the website, has an app component. New info can be pushed out by all departments in the City. Hope to go live on April 19. Apptegy is the company setting up the website. Michelle Horne has most of the responsibility for the website from the City Admin perspective. FD, PD and Code Enforcement will all have responsibility for their own pages and information.

UNFINISHED BUSINESS

NEW BUSINESS

10. **ORDINANCE 2024-02: AN ORDINANCE TO AMEND CHAPTER 14.20: PLANNED UNIT DEVELOPMENT OF THE JOHNSON MUNICIPAL CODE IN ITS ENTIRETY; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

Mayor Keeney asked for a motion to read Ordinance 2024-02 by title only, waiving the second and third readings. Motion made by Council Member Perea, Seconded by Council Member Hudson. Voting Yea: Council Member Fant, Council Member Hudson, Council Member Perea, Council Member Wright, Council Member Engle. City Attorney Justin Eichmann read the ordinance by title only. Mayor Keeney asked for a motion to approve the reading. Motion made by Council Member Fant, Seconded by Council Member Perea. Voting Yea: Council Member Fant, Council Member Hudson, Council Member Perea, Council Member Wright, Council Member Engle. Mayor Keeney asked for a motion to read the emergency clause. Motion made by Council Member Hudson, Seconded by Council Member Wright. Voting Yea: Council Member Fant, Council Member Hudson, Council Member Perea, Council Member Wright, Council Member Engle. City Attorney Eichmann read the emergency clause. Mayor Keeney asked for a motion to approve this reading. Motion made by Council Member Wright, Seconded by Council Member Hudson. Voting Yea: Council Member Fant, Council Member Hudson, Council Member Perea, Council Member Wright, Council Member Engle

PUBLIC COMMENT

MOTION TO PAY BILLS

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

Meeting was adjourned at 7:01 PM.

Respectfully Submitted,

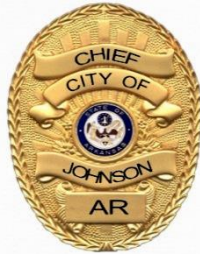
Jennifer Allen CMC, CAMC
City Clerk/Treasurer

Chris Keeney, Mayor

Johnson Police Department

Chief Chris Kelley

Item 2.



March 2024

Investigations update

Cases assigned for investigation this month:	5
Closed cases:	2
Open cases:	10

Calls for Service

Calls for service:	174
Incident reports completed:	69
Accident reports completed:	2
Arrests (includes Warrant Service)	51

Activity

Criminal Citations:	4
Directed/Extra patrols: (includes vacation checks)	342
Code violation citations:	7
Code violation warnings:	26
Parking- Warnings	3
Traffic- Warnings- Misc. Violations:	37
Traffic- Warnings- Speed:	11
Traffic- Speed citations:	8
Traffic- citations (Total):	29
DWI:	1

Washington County District Court Johnson Division

Warrants-Processed:	62
Warrants-Served:	47

Enforcement

- Based on community complaints, Officers enforced speed and distracted driving violations throughout the city. 7 citations were issued for violations at the City Park crosswalk (texting while driving and failure to yield to pedestrians in crosswalk).
- JPD enforced Truck Route violations of prohibited truck traffic on Wilkerson St, Elmore St, and Main Dr.

Events

- April 20: JPD will assist with traffic control for the Hogeye Marathon.
- April 25: JPD will staff a recruitment table at the Blue Knights Rio Grande Conference in Springdale.

Grants

- We have received all body camera equipment purchased through the DPS Public Safety Grant we were awarded for 2024. Implementation of the new equipment will begin as soon as the server is installed.
- We have ordered the new server and are awaiting installation. Projected installation by end of April.

Personnel update

- Current staffing: 10 Sworn/ 1 Civilian-Fully staffed.

Qualification/Training

- Court Security training is being developed to train new hires.
- Firearms qualification scheduled for April.
- 2 Officers completed Police Mountain Bike training in March and were certified by the International Police Mountain Bike Association (IPMBA).
- 1 Officer attended the “2024 Champions of Light Conference-Equipping Human Trafficking Stakeholder Training.
- 3 Officers will attend Glock Armorer training in July.
- 1 Officer will attend Remington 870 Armorer training in May.
- 1 Officer will attend AR 15 Armorer training in November.



Johnson Fire Department

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

March 2024

Community Events:

2 Station Tours

Employment update:

Fully Staffed

Fleet Update:

- Ladder 1 – Have a quote for repairs. Upwards of 30,000\$ including travel to Johnson. Getting quotes on what it would take for it to be fixed if we shipped it to Oklahoma
- Brush 1 – Being built. – Soft date of arrival is mid May

Company Level:

A- Shift		
B- Shift		
C- Shift		

Training:

- Completed 362 hours of combined Training.

Misc:

- Developing ALS Engine Protocol
Talked with Chiefs from CEMS, advised that they would be the umbrella for us operating at a higher level.

Fire Inspector:

- Buisness inspections

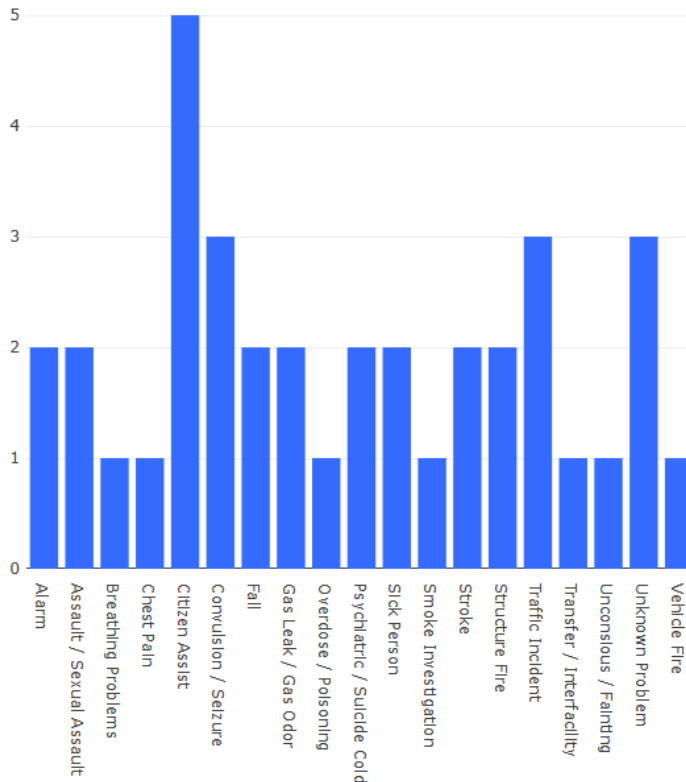
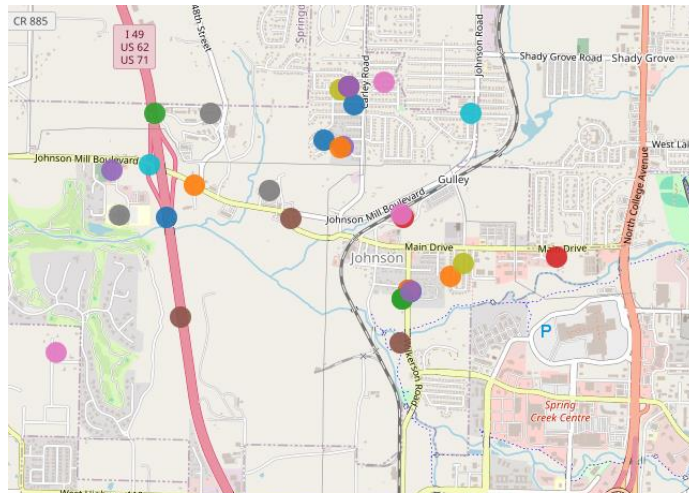


Johnson Fire Department

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

Calls For Service March 2024

Total Calls: 35



Building Official Report

April 1, 2024

Building Permits: 2 (porch and new home)

Mechanical Permits: 8

Inspections: 22

Finals: 3 (1 patio and 2 new homes)

I had multiple meetings with developers and engineers, held a TPR meeting, attended a pc work session, and attended my quarterly stormwater meeting.

Vehicle maintenance:

Police department:

2 oil changes.

Fire department:

Public works:

Ordered two tractor inner tubes and two-wheel bearings.

Clay Wilson

Building Official



TO: City Council
THRU: Korab Vranovci, City Planner
FROM: Korab Vranovci, City Planner
MEETING DATE: 04/09/2024
SUBJECT: **City Council Monthly Report**

REPORT

1. Started the draft for new zoning use amendments for the City Code.
2. Worked with applicant in new development submission.
3. Conducted meetings for the amendments of PUD Ordinance.
4. Attended a work session for the Warehouse district.
5. Attended a meeting with stakeholders to utilize design expertise to showcase street profile designs in our development.

Korab Vranovci

City Planner

Johnson City Hall
Planning Department
2904 Main Drive
Johnson, Arkansas
72704

Hi Mayor.

We met on-site today to take a look at the conditions after a weekend of no rain. Unfortunately, there is still groundwater pumping out of the ground. Our best guess is that there is a spring nearby and likely some water had made its way beneath the pavement prior to the waterline on the uphill end of Slape being repaired. That to say, we continue to need a solution.

The least expensive option that we can see is to stick with the solution that Ryan w/ APAC came up with. This would include additional excavation and the placement of 24" of a material we call '8" minus'. It is an unprocessed material, usually 10" or less in diameter. It will bridge the poor soil and will hold the groundwater. We would then place 4" of class 7 base so we have something to place the asphalt on. Final layer would be our original 4" of asphalt.

APAC would need an additional couple of weeks to perform the work and the additional costs would be \$31,560. This price includes additional excavation, 8" minus material, some driveway repair and replacement adjacent to the area we are excavating, and a rock check dam at the south end of the project.

I appreciate that this is more than we had originally anticipated spending on the project but the conditions beneath the pavement much worse than expected. You can see the void beneath the pavement, along with standing water in the attached photos. Our proposal here would be a fix to the issue, instead of a band-aide.

Please let me know your thoughts. I am more than happy to sit down with you and bring in Ryan to discuss this any further if you would like.

Thanks,



Leah Tomlinson
Project Manager/Associate
W: (479) 443.2377
C: (479) 530.5186
1580 E. Stearns Street
Fayetteville, AR 72703

General Fund Monthly Financial Statement

	Current Period Mar 2024 Mar 2024 Actual	Year-To-Date Jan 2024 Mar 2024 Actual	Annual Budget Jan 2024 Dec 2024	Annual Budget Jan 2024 Dec 2024 Variance
Revenue & Expenditures				
Revenue				
Tax Receipts				
Franchise Taxes	0.00	72,894.52	325,000.00	252,105.48
Property Taxes	1,085.07	33,271.18	500,000.00	466,728.82
Sales Tax - City	103,400.21	350,530.34	900,000.00	549,469.66
Sales Tax - County	70,342.85	236,867.80	800,000.00	563,132.20
Turnback - State	3,698.17	14,693.10	52,000.00	37,306.90
Fines and Forfeitures				
Animal Impound Fees	460.00	600.00	1.00	(599.00)
Court Costs - Act 1256	3,488.95	10,466.85	35,000.00	24,533.15
Fines	7,528.79	23,933.50	75,000.00	51,066.50
Restitution	80.00	460.00	1.00	(459.00)
WA County Booking Fee	1,678.00	4,992.00	1.00	(4,991.00)
Warrant Service Charge	465.25	1,045.50	3,200.00	2,154.50
Fees & Permits				
5% state construction surcharg	0.00	25.00	1.00	(24.00)
Building Permits	2,474.00	5,501.00	50,000.00	44,499.00
Business Licenses	2,300.00	19,968.00	20,000.00	32.00
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	355.00	1,085.00	7,000.00	5,915.00
Sign Permits	0.00	128.80	500.00	371.20
Submittal Fees	0.00	225.00	7,500.00	7,275.00
Government Receipts				
PD Grants	0.00	43,327.43	0.00	(43,327.43)
Other Revenue				
Act 833 Reimbursement	0.00	0.00	1.00	1.00
City Donations	0.00	0.00	1.00	1.00
Community Events	0.00	0.00	1,000.00	1,000.00
Copy Charges	20.00	100.00	300.00	200.00
Credit Card Service Fee	35.24	82.88	450.00	367.12
Fire Dept Donation	0.00	6,500.00	1.00	(6,499.00)
Interest Earned	11,856.01	36,937.81	100,000.00	63,062.19
Misc Income - General	119.00	2,227.00	5,200.00	2,973.00
Misc Income - Sales	0.00	1,000.00	1.00	(999.00)
Police Dept Donation	0.00	6,500.00	1.00	(6,499.00)
Reimbursement for PD Security	0.00	0.00	1.00	1.00
Repay PD Stipend	0.00	0.00	5,000.00	5,000.00
RFA Fire Revnue	0.00	15,000.00	60,000.00	45,000.00
Street Cut Bond/Boring Permit	50.00	50.00	1.00	(49.00)

General Fund
Monthly Financial Statement

Item 7.

Surplus Carryover	0.00	0.00	1,400,000.00	1,400,000.00
Trash Bags	250.00	440.00	1,300.00	860.00
Revenue	\$209,686.54	\$888,852.71	\$4,348,465.00	\$3,459,612.29
Gross Profit	\$209,686.54	\$888,852.71	\$4,348,465.00	\$0.00

Expenses**Police Department Expense**

Animal Control/Impound Fees	0.00	300.00	2,000.00	1,700.00
Cameras for PD	4,755.47	4,755.47	7,683.10	2,927.63
CID Expenses	0.00	212.60	4,000.00	3,787.40
Computer Server System	39,924.02	39,924.02	35,644.33	(4,279.69)
Gross Wages Police	40,931.37	128,288.09	610,089.00	481,800.91
Gross Wages- Security Reimbur	0.00	0.00	1.00	1.00
IT Expenses	145.00	2,321.25	7,207.00	4,885.75
Kennel Upkeep/Food	0.00	0.00	50.00	50.00
Licenses (PD)	0.00	0.00	5,000.00	5,000.00
PD Cell Phone	134.48	403.22	1,800.00	1,396.78
PD Equip less \$500	0.00	196.14	2,500.00	2,303.86
PD Equip less \$500 - vehicle	0.00	382.09	1,800.00	1,417.91
PD Equip over \$500	508.13	508.13	8,700.00	8,191.87
PD Equip over \$500 - Vehicle	0.00	0.00	4,700.00	4,700.00
PD Fuel	3,839.42	12,674.01	62,000.00	49,325.99
PD General Expenses < \$500	248.85	585.47	2,000.00	1,414.53
PD Maintenance for equip	0.00	4,003.69	4,750.00	746.31
PD MDT Communications	51.70	1,329.16	5,000.00	3,670.84
PD Membership Dues	0.00	340.00	600.00	260.00
PD New Hire Expense	544.54	2,339.37	8,800.00	6,460.63
PD Office Expense	48.24	1,654.07	8,000.00	6,345.93
PD Records Management	940.31	1,586.91	8,760.00	7,173.09
PD Safety Equip	0.00	204.43	2,100.00	1,895.57
PD Station Maintenance	0.00	52.60	7,500.00	7,447.40
PD Training	1,788.60	2,213.60	5,000.00	2,786.40
PD Travel Expense	0.00	270.00	2,000.00	1,730.00
PD Uniforms Expense	0.00	963.22	5,000.00	4,036.78
PD Vehicle Insurance	0.00	0.00	13,000.00	13,000.00
PD Vehicle Maintenance	1,345.98	10,743.39	20,000.00	9,256.61
Police Dept Donation	0.00	0.00	1.00	1.00
Police Overtime Wages	916.35	2,338.42	10,000.00	7,661.58
Purchase New PD Unit	0.00	0.00	67,500.00	67,500.00
Tower Rental	0.00	3,828.85	3,830.00	1.15
WA County Booking Fees	1,678.00	4,992.00	1.00	(4,991.00)
WA County Jail Fee	0.00	2,935.69	2,936.00	0.31

Administrative Expense

5% State Construction	0.00	23.75	1.00	(22.75)
Admin Bldg & Equip Maint	0.00	156.88	15,000.00	14,843.12
Admin Cell Phone	67.21	201.62	975.00	773.38
Admin Expense	34.90	589.73	750.00	160.27

General Fund
Monthly Financial Statement

Item 7.

Admin Fuel	0.00	0.00	6,000.00	6,000.00
Building Official Expenses	399.50	452.03	2,500.00	2,047.97
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
City Planner Expense	264.00	2,488.65	0.00	(2,488.65)
Credit Card Service Fee	8.82	71.46	500.00	428.54
Gross Wages - City	25,017.48	68,529.76	333,964.00	265,434.24
Municipal Code	0.00	7,540.00	10,000.00	2,460.00
Office Expenses - Admin	1,263.71	22,813.50	30,000.00	7,186.50
Overtime Wages- City	0.00	30.33	250.00	219.67
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	248.00	248.00	1,500.00	1,252.00
Travel Expenses	0.00	0.00	2,000.00	2,000.00
Unemployment Fee	0.00	0.00	5,000.00	5,000.00
Fire Department Expense				
Act 833 Expense	0.00	0.00	1.00	1.00
Emergency Communication	131.26	378.64	1,500.00	1,121.36
FD Cell Phone	0.00	0.00	1,020.00	1,020.00
FD Equip less \$500	0.00	0.00	2,500.00	2,500.00
FD Equip over \$500	0.00	0.00	3,000.00	3,000.00
FD Equipment Maintenance	0.00	573.59	5,000.00	4,426.41
FD Equipment Testing	0.00	980.06	6,250.00	5,269.94
FD Fuel	547.22	1,566.40	10,000.00	8,433.60
FD Medical Supplies	0.00	0.00	1,000.00	1,000.00
FD Memberships	125.00	125.00	500.00	375.00
FD New Hire	0.00	0.00	4,000.00	4,000.00
FD Office Expense	199.11	1,945.19	5,200.00	3,254.81
FD Personnel Safety Gear	0.00	0.00	14,000.00	14,000.00
FD Records Mgmt System	71.30	2,855.55	5,000.00	2,144.45
FD Safety Equip	0.00	362.35	1,500.00	1,137.65
FD Station Maintenance	128.67	1,317.75	8,000.00	6,682.25
FD Station Supplies	0.00	82.05	2,500.00	2,417.95
FD Training	20.00	45.00	2,500.00	2,455.00
FD Travel Expenses	511.43	511.43	5,000.00	4,488.57
FD Uniforms	658.50	751.30	2,500.00	1,748.70
FD Utilites	679.29	3,861.69	12,500.00	8,638.31
FD Vehicle Equip less \$500	0.00	3.87	1,000.00	996.13
FD Vehicle Equip over \$500	0.00	0.00	4,000.00	4,000.00
FD Vehicle Insurance	0.00	0.00	15,000.00	15,000.00
FD Vehicle Maintenance	53.27	226.62	3,500.00	3,273.38
FD Vehicle Purchase	0.00	0.00	80,000.00	80,000.00
FD WC Ins	0.00	0.00	1,500.00	1,500.00
Fire Department Donation	626.72	626.72	1.00	(625.72)
Fire Department Overtime	1,551.45	3,597.81	10,000.00	6,402.19

General Fund
Monthly Financial Statement

Item 7.

Fire Hydrant Rental	0.00	2,630.00	2,600.00	(30.00)
Gross Wages- Fire	45,943.35	132,566.18	542,593.00	410,026.82
Hazmat	0.00	1,371.42	1,375.00	3.58
Court Expense				
Court Automation	0.00	0.00	10.00	10.00
Court Clerk Training	0.00	0.00	1,000.00	1,000.00
Court Office Expense	467.14	3,202.74	10,000.00	6,797.26
Gross Wages Court Office	9,488.06	28,338.14	127,483.00	99,144.86
Gross Wages Dist. Judge	0.00	3,751.26	3,752.00	0.74
Benefits Expense				
City Match - 401 K Plan	5,026.20	8,114.90	21,994.00	13,879.10
City Retirement Plan	2,991.88	8,347.81	36,656.00	28,308.19
LOPFI Funding	0.00	0.00	204,508.00	204,508.00
Medical Insurance	16,719.47	48,283.66	224,675.00	176,391.34
Medicare - Employers	1,799.16	5,283.54	23,405.00	18,121.46
One Time Pay Increase	0.00	0.00	8,000.00	8,000.00
Social Security - Employers	7,692.96	22,591.83	100,450.00	77,858.17
Transportation Allowance	369.24	1,107.72	4,800.00	3,692.28
Workers Comp Insurance	0.00	18,847.00	30,000.00	11,153.00
General Expense				
Election Fee	0.00	0.00	1.00	1.00
Infrastructure	0.00	0.00	1.00	1.00
Insurance - Property	0.00	0.00	12,250.00	12,250.00
Misc Expenses	0.00	0.00	500.00	500.00
Purchase ROW/UE	0.00	663.00	0.00	(663.00)
Utilities Expense	1,701.15	7,392.00	30,000.00	22,608.00
Weather Station	0.00	0.00	1,750.00	1,750.00
Professional Services Expense				
Clear Creek Sampling & Analysis	445.00	445.00	1,640.00	1,195.00
Engineering/Grants	0.00	1,867.50	0.00	(1,867.50)
Engineering/Infrastructure	0.00	75.00	30,000.00	29,925.00
Engineering/Main & Wilkerson	12,355.00	14,137.50	50,000.00	35,862.50
Engineering/Mapping	0.00	0.00	1.00	1.00
Engineering/Storm Water Mgmt	0.00	1,007.75	3,585.00	2,577.25
Engineering/Submitted Plan	6,966.25	14,861.25	25,000.00	10,138.75
Legal Fees	4,581.06	13,505.26	50,000.00	36,494.74
Planning and Zoning	45.00	757.50	8,000.00	7,242.50
Solid Waste Study	0.00	0.00	10,000.00	10,000.00
Special Attorney Fees	0.00	0.00	1.00	1.00
Dues and Membership Expense				
Emer Medical Serv	0.00	9,580.00	38,320.00	28,740.00
Membership Dues	1,120.00	17,889.98	25,000.00	7,110.02
Solid Waste District Contribut	0.00	451.13	2,200.00	1,748.87
Park Expense				
Park Expense	403.90	1,078.02	40,000.00	38,921.98
Repair / Maintenance Expense				
Trail System Expenses	0.00	3,325.00	90,000.00	86,675.00

General Fund Monthly Financial Statement

Advertising & Promotion Expense				
Advertising	0.00	300.00	5,000.00	4,700.00
Community Events	0.00	0.00	1,000.00	1,000.00
Public Relations	0.00	0.00	5,000.00	5,000.00
Other Expense				
Transfer for Street Projects	0.00	468,000.00	750,000.00	282,000.00
Expenses	\$248,522.12	\$1,193,074.71	\$4,131,016.43	\$2,937,941.72
Revenue Less Expenditures	(\$38,835.58)	(\$304,222.00)	\$217,448.57	\$0.00
Net Change in Fund Balance	(\$38,835.58)	(\$304,222.00)	\$217,448.57	\$0.00

Fund Balances

Beginning Fund Balance	3,833,449.43	4,098,835.85	0.00	0.00
Net Change in Fund Balance	(38,835.58)	(304,222.00)	217,448.57	0.00
Ending Fund Balance	3,794,613.85	3,794,613.85	0.00	0.00

Street Fund Monthly Financial Statement

	Current Period Mar 2024 Mar 2024 Actual	Year-to-Date Jan 2024 Mar 2024 Actual	Annual Budget Jan 2024 Dec 2024	Annual Budget Jan 2024 Dec 2024 Variance
Revenue & Expenditures				
Revenue				
Tax Receipts				
Property Taxes - Street	119.17	3,658.04	65,000.00	61,341.96
Turnback - State - Street	22,723.45	74,582.57	300,000.00	225,417.43
Fines and Forfeitures				
Restitution	0.00	0.00	1.00	1.00
Other Revenue				
Interest Earned	286.15	524.57	1,000.00	475.43
Misc Income - General	0.00	0.00	10.00	10.00
Surplus Carryover	0.00	0.00	205,000.00	205,000.00
Trans from Gen Street Projects	0.00	468,000.00	750,000.00	282,000.00
Workers Comp Reimbursement	0.00	0.00	1.00	1.00
Revenue	\$23,128.77	\$546,765.18	\$1,321,012.00	\$774,246.82
Gross Profit	\$23,128.77	\$546,765.18	\$1,321,012.00	\$0.00
Expenses				
Labor Expense				
Gross Wages - Street	11,587.51	35,084.71	204,128.00	169,043.29
Street Wages Overtime	0.00	534.76	1,000.00	465.24
Benefits Expense				
City Match - 401 K Plan	277.93	819.24	4,141.00	3,321.76
City Retirement Plan	1,158.75	3,418.75	13,613.00	10,194.25
Medical Insurance	2,526.36	8,173.66	37,450.00	29,276.34
Medicare - Employers	167.10	513.76	2,960.00	2,446.24
One Time Pay Increase	0.00	0.00	1,500.00	1,500.00
Social Security - Employers	714.57	2,196.82	12,655.00	10,458.18
Uniforms - Street	0.00	0.00	500.00	500.00
General Expense				
Bridge Inspection	0.00	0.00	800.00	800.00
Electric - Street Lights	2,577.94	7,733.41	32,000.00	24,266.59
Fuel - Street Vehicles	573.45	1,936.13	12,000.00	10,063.87
Infrastructure	0.00	22,760.00	100,000.00	77,240.00
Misc Expenses	0.00	0.00	100.00	100.00
Signal Maintenance	0.00	824.30	10,000.00	9,175.70
Stop Lights Electric	208.24	702.97	4,000.00	3,297.03
Street Bldg Maintenance	0.00	0.00	2,500.00	2,500.00
Street Cell Phone	99.80	299.40	1,100.00	800.60
Street Equipment	0.00	81,617.59	140,300.00	58,682.41
Street Projects	0.00	0.00	250,000.00	250,000.00
Street Shop Misc	535.61	1,270.44	2,500.00	1,229.56
Street Shop Utilities	82.06	256.52	1,800.00	1,543.48
Street Signs	167.90	167.90	2,500.00	2,332.10
Vehicle Insurance - Street	0.00	0.00	4,500.00	4,500.00

Street Fund Monthly Financial Statement

Repair / Maintenance Expense				
Bridge Repairs	0.00	0.00	10,000.00	10,000.00
Equipment Maintenance	267.28	645.60	20,000.00	19,354.40
Street Repairs & Maint	0.00	136,020.67	100,000.00	(36,020.67)
Street Vehicle Maintenance	95.25	1,544.57	5,000.00	3,455.43
Trail System Expenses	0.00	0.00	90,000.00	90,000.00
Winter Chat	0.00	2,314.68	5,000.00	2,685.32
Expenses	\$21,039.75	\$308,835.88	\$1,072,047.00	\$763,211.12
Revenue Less Expenditures	\$2,089.02	\$237,929.30	\$248,965.00	\$0.00
Net Change in Fund Balance	\$2,089.02	\$237,929.30	\$248,965.00	\$0.00

Fund Balances

Beginning Fund Balance	467,889.39	232,049.11	0.00	0.00
Net Change in Fund Balance	2,089.02	237,929.30	248,965.00	0.00
Ending Fund Balance	469,978.41	469,978.41	0.00	0.00

ORDINANCE 2024-03

CITY OF JOHNSON, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE ESTABLISHING THE ORGANIZATION, MANAGEMENT, AND RULES OF PROCEDURE FOR THE AFFAIRS OF THE CITY OF JOHNSON CITY COUNCIL, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, Ark. Code Ann. § 14-43-501 provides for the elected City Council Members to assemble and organize the City Council; and

WHEREAS, the City Council of the City of Johnson finds it to be in the best interest of the citizens of the City of Johnson to adopt this ordinance in order to provide the rules of procedure for the affairs of the City of Johnson City Council, and for other purposes.

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

Section 1. Procedural Rules. In the absence of specific rules of procedure, as set out in this procedural ordinance, the rules of procedure for transacting business at regular and special sessions of the City Council shall be the "Procedural Rules for Municipal. Officials" published by the Arkansas Municipal League in 1987 and as amended, except the Clerk shall commence a roll call vote with a different member of the City Council on a rotating basis or by motion of a City Council Member, seconded and passed by a majority vote of the Council.

The officers of the City of Johnson, Arkansas, shall consist of one (1) Mayor with a term of four (4) years, one (1) City Clerk-Treasurer with a term of 4 years, and six (6) City Council Members representing three (3) wards of the city, two (2) City Council Members per ward who are elected at large. Each City Council Member must reside in the ward that they represent, and each shall have a term of four (4) years. All officers shall be qualified electors residing within the limits of the municipal corporation.

Section 2. City Council Administration. The Mayor shall preside at all meetings of the Council. The presiding officer may vote only as allowed by state law. The City Clerk-Treasurer shall serve as secretariat of the City Council. The Clerk-Treasurer shall perform all administrative and record-keeping duties of the Council in accordance with Arkansas Law. An electronic recording device shall be used to record the meeting for the Clerk-Treasurer's convenience and as required by law. The Clerk-Treasurer shall make a true and correct record of all proceedings and shall post and file all ordinances and resolutions as required by law.

In the absence of the Mayor and Clerk-Treasurer from any meeting of the Council, the Council shall have the power to appoint any one of their members to perform the duties of Mayor or any appropriate person to perform the duties of the Clerk-Treasurer for the purposes of conducting the meeting.

Section 3. Regular Meetings. The regular meeting of the Johnson City Council will be held on the second Tuesday of each month at 6:00 PM in the Johnson City Hall located at 2904 Main Drive, Johnson, Arkansas, unless otherwise announced. In the case of a change of date, time or location of the regular meeting, the date, time and location of the particular meeting(s) shall be announced at a regular City Council Meeting, announced on city social media sites or the city website or otherwise distributed and advertised in order to reasonably inform the public of the change of location. When a regular meeting of the Council falls on a recognized City holiday, the meeting shall be held the same time and place on the next day for which city government offices are open for business, or at such time and place as agreed to by the City Council with such notice to the public being provided as set forth herein.

The place of meeting may be changed for a particular meeting during the course thereof by a majority vote of the Council as required by law. The Council may, by a two-thirds vote of the membership, suspend or reschedule to other times any future regularly scheduled meeting or meetings. Council Members, the Mayor and the City Clerk-Treasurer shall attend all meetings of the City Council.

Section 4. Special Meetings.

- (a) The Mayor or three (3) or more City Council Members may call special meetings upon at least two (2) hours notice in the event of an emergency or exigent circumstance, but in such cases where there is no emergency or exigent circumstances, at least twenty-four (24) hours notice of the special meeting shall be provided. The notice of a special meeting shall specify the specific agenda for the special meeting as required by law as well as the date, time, and designated location of the special meeting. Only such business as was included in the special meeting notice may be considered at the special meeting.
- (b) Notice of a special meeting given at any regular or special meeting of the City Council shall constitute due notice to the City Council Members. The City Clerk-Treasurer, or designee, shall be responsible for giving a timely notice to absent members, as well as giving public notice, containing the information specified in section (a) of this section.
- (c) Notice of a special meeting of the City Council called by the Mayor at other than a meeting of the City Council shall be accomplished by the Mayor notifying the City Clerk-Treasurer, in writing, who shall then be responsible for notifying each City Council member individually, in writing or verbally, and give due public notice, containing information specified in subsection (a) of this section.
- (d) Notice of a special meeting of the City Council called by three (3) or more City Council Members shall be accomplished by one City Council Member of the group notifying the Mayor verbally or in writing. In addition to the information specified in subsection (a), the notice shall also include the name of each City Council Members making up the group calling the meeting. The Mayor shall notify the City Clerk-Treasurer verbally or in writing of the request for a special meeting. The

City Clerk-Treasurer, or designee, shall be responsible for notifying each Council member not in the majority calling the special meeting, in writing or verbally, and giving due public notice.

- (e) In order to provide city officials and the general public with the best opportunity to make arrangements to be present, if desired, it is the intent of this section that notice of a call for a special meeting shall be given as far in advance as possible consistent with the nature and immediacy of the purpose of the special meeting. The minimum of two (2) hours notice shall be used only under extreme and unusual circumstances. Whenever possible, notice of any special meeting shall be provided on the city social media sites and the city website.
- (f) All special meetings of the City Council or any of its committees shall be in conformance with the Arkansas Freedom of Information Act and all other state laws.

Section 5. Public Hearings, Meetings and/or Work Sessions:

- (a) The Mayor or two (2) members of the City Council, may call a Public Hearing, Meeting and/or work session upon at least twenty-four (24) hours notice. The notice of a public hearing shall specify the subject(s), date, time, and designated location of the public hearing or work session. Public hearings and/or work sessions shall be used for a means of information gathering or the hearing of evidence on a particular subject(s) or action(s) and no conclusions or votes mandating the City Council to act or take action will be taken or recognized by the City Council at such hearings, meetings or sessions. The public is invited to attend work sessions of the City Council, but time for public comment is not be provided. Whenever possible or necessary, an agenda shall be provided for each work session, but no minutes of any work session shall be taken.
- (b) Other than the administrative task of the formulation of the agenda, no conclusions or votes mandating the City Council to act or take action will be taken or recognized by the City Council at a work session meeting.
- (b) Notice of a public hearing and/or work session called by the Mayor at other than the Regular Meeting of the City Council shall be accomplished by the Mayor notifying the City Clerk-Treasurer in writing or verbally. The City Clerk-Treasurer, or designee, shall be responsible for notifying each City Council Member individually, in writing or verbally, and give due public notice, containing information specified in Section Four (4) herein.
- (c) Notice of a public hearing and/or work session of the City Council called by any Two (2) Council members shall be accomplished by one member of the calling group to notify the Mayor in writing or verbally. In addition to the information specified in subsection (a), the notice shall also include the name of each City Council Member making up the called hearing or meeting. The Mayor shall be

responsible for notifying the City Clerk-Treasurer and the City Clerk-Treasurer shall notify each City Council Member not in the calling group of the hearing, meeting or session, in writing or verbally, and giving due public notice as specified in Section Four (4) of this ordinance.

- (d) It is intent of this section that notice of a call for a Public Hearing, City Meeting and/or Work Session shall be given as far in advance as possible consistent with the nature and immediacy of the purpose of the hearing, meeting or session. The minimum of twenty-four (24) hours notice shall be given only under unusual circumstances.
- (e) All Public Hearings, City Meetings and/or Work Sessions called by the Mayor, City Council or any of its committees shall be in conformance with the Arkansas Freedom of information Act and all other state laws.

Section 6. Public Notification of Meeting or Committee Meetings. In addition to all other duties required by law, the City Clerk-Treasurer shall be responsible for giving public notification required by Arkansas Freedom of Information Act of regular and special meetings of the City Council and committees thereof. Committee Chairpersons shall strive to give the City Clerk-Treasurer forty-eight (48) hours notice, in writing, of meetings of their committees in order to give the Clerk-Treasurer time to notify all City Council Members, the Mayor and the public.

Section 7. Agenda. The Agenda for all Regular City Council Meetings shall be determined by the Mayor. Any City Council Member who wishes to have an item placed on the Agenda for the Regular City Council Meeting shall notify the Mayor and City Clerk-Treasurer in advance of deadline for the agenda of the Regular City Council Meeting. The Mayor shall decide the content and arrangement of the Agenda for each Regular City Council Meeting. The name of the sponsor of each agenda item may be indicated on the final Agenda. At the Regular City Council meeting, the agenda may be amended or rearranged by a majority vote of the City Council.

The agenda for the Regular City Council Meeting shall contain the following items:

- 1) Call to Order
- 2) Approval of the Regular City Council Agenda;
- 3) Presentation of the minutes of the prior Regular City Council Meeting;
- 4) Presentation of the Departmental Reports;
 - a. Police Department
 - b. Fire Department
 - c. Public Works
 - d. Building Official
 - e. Special Committees
 - f. City Clerk-Treasurer
 - g. City Attorney
 - h. Mayor
- 5) Old Business;
- 6) New Business;

- 7) Public Comment; and
- 8) Motion to Pay the Bills

The City Attorney shall assist in the preparation of the Agenda and shall prepare or approve all resolutions and ordinances contained in the Agenda as requested and required. The City Attorney shall submit all resolutions and ordinances, or indicate approval of any resolutions or ordinances not prepared by the City Attorney by noon on the Wednesday of the week prior to the Regular City Council Meeting. The Mayor and all Department Heads, or their designees, shall submit all reports and information required for the Agenda to the Clerk-Treasurer, or designee, prior to noon on the Wednesday of the week before the regular City Council Meeting. The Clerk-Treasurer shall submit, and transmit to the City Council, all financials required for the Agenda the week prior to the regular City Council Meeting. The Mayor or the Clerk-Treasurer, or designee, will see that the Agenda is distributed to the City Council members and other interested citizens or parties. A packet containing items that have been placed on the agenda shall be delivered electronically to the City Council members no later than 4:00 PM the Friday prior to the regular City Council Meeting. The Agenda and packet shall be prominently published to the city’s website and any other selected public places no later than 4:00 pm the Friday of the week prior to the regularly scheduled meeting.

Section 8. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid by a Court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the ordinance, and to such end the provisions of this ordinance are declared to be severable.

Section 9. Repeal. All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. Emergency. As pursuant to the Arkansas Law adopted by the Arkansas General Assembly and Amendments thereto, requires the City Council to meet at least monthly at a specified time and place, and whereas the City Council and/or Mayor may call a special meetings with a two (2) hour notification, and whereas certain notices must be given under certain circumstances by order of law, and whereas, the City Council and/or Mayor has the authority to require certain persons to attend the special and regular meetings of the City Council and to give, record and store certain information and records pertaining to the state, status and condition of the City, and whereas, certain committees ordained by the City shall function responsively and immediately for the benefit of the City.

PASSED AND APPROVED this _____ day of _____ 2024.

APPROVED:

Chris Keeney, Mayor

ATTEST:

Jennifer Allen, Clerk-Treasurer
(SEAL)

ORDINANCE 2024-4

CITY OF JOHNSON, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO ADOPT RULES REGULATIONS FOR THE OPERATION AND USE CITY PARKS AND RECREATIONAL FACILITIES AS WELL AS THE RAZORBACK GREENWAY TRAILS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City of Johnson owns and operates city parks and recreational facilities, as well as a system of trails commonly referred to as the Razorback Greenway; and

WHEREAS, the city parks and recreational facilities, as well as the Razorback Greenway and trails, are for the use and enjoyment of City of Johnson residents and visitors; and

WHEREAS, in order to provide for the safety of City of Johnson residents and visitors to the city parks and recreational facilities, as well as the Razorback Greenway and trails, and to allow for the use and enjoyment of these facilities by all persons, it is necessary to adopt rules and regulations for the operation and use of these facilities; and

WHEREAS, the City Council for the City of Johnson has carefully reviewed and considered these rules and regulations, and believes them to be necessary for the health, safety and welfare of City of Johnson residents and visitors using city parks and recreational facilities, as well as the Razorback Greenway and trails.

NOW THEREFORE, BE IT ENACTED, BY THE CITY COUNCIL FOR THE CITY OF JOHNSON, ARKANSAS:

Section 1. Regulations for the Razorback Greenway and Trails.

- (a) *Public access and use.* Residents and visitors shall have access to and use of the Razorback Greenway and trails during normal hours of operation as defined herein. The use of the trail system is limited to non-motorized users (or approved handicapped vehicles), including hiking, bicycling, in-line skating (where provided), running, jogging, and wheelchair use. The only motorized vehicles permitted to use the pathway are approved vehicles or apparatus for individual use by handicapped persons or persons with bona fides medical needs, those vehicles owned or permitted to be used by the city for emergency or maintenance purposes or e-bikes or scooters allowed under state and local laws or regulations.
- (b) *Hours of operation.* The Razorback Greenway will be operated as non-lighted (except where the city has installed and maintains trail lighting) linear park and recreation facility, and shall be open for public use for 24 hours a day, 365 days a year, except as specifically designated by the city. Any resident or visitor found to be using parts of the Razorback Greenway or trails which have been designated by the city as closed or temporarily closed shall be deemed in violation of these rules and regulations and subject to fines and/or prosecution.

- (c) *Definitions—Motorized vehicles.* Automobiles, motorcycles, scooters, mopeds, golf carts, all-terrain vehicles (ATV), utility terrain vehicles (UTV), go carts, or any other vehicle propelled by a gasoline or electric motor.
- (d) *Speed.* No person shall operate a bicycle or other vehicle on the Razorback Greenway or trails at a speed greater than 15 miles an hour or ~~than~~ what is reasonable and prudent under the conditions then existing.

Section 2. Rules and Regulations for City Park and Recreational Facilities.

- (a) Except for unusual emergencies or circumstances, city parks and recreational facilities are open for public use from dawn until dusk, 365 days a year unless the mayor or his/her designee reduces or extends these hours.
- (b) No unauthorized motorized vehicles or motorized or non-motorized bicycles, scooters skateboards, roller skates, roller blades, hoverboards and other similar devices shall be permitted within the boundaries of the city parks or recreational facilities at any time, except in parking areas where they are specifically approved. This prohibition shall not apply to vehicles or devices those owned, licensed or approved by the city for emergency services, maintenance or other purposes by the city. Approved vehicles or apparatus for individual use by handicapped persons or persons with bona fides medical needs shall be permitted.
- (c) Possession of firearms and weapons is prohibited within the boundaries of the city parks or recreational facilities.
- (d) Alcoholic beverages, smoking, vaping or the use of glass containers are not permitted in city parks or recreational facilities.
- (e) Defacement, destruction, removal or disturbance of property, buildings, structures, equipment, benches, tables, trees, plants or natural features of any part or portion of the city parks or recreational facilities is prohibited, including damage to signs.
- (f) It is unlawful to litter or dump trash or refuse ~~of~~ in or around the city park or recreational facilities area except in designated receptacles, or to throw, discharge or otherwise place or cause to be placed in the waters of any foundation, pond, lake, stream, storm sewer, tributary or other body of water in or adjacent to any park or recreational facilities any substance which will or may result in the pollution of said waters.
- (g) Overnight camping is prohibited in or around the city park or recreational facilities. See §12.08.01.
- (h) Fishing (catch and release) activities are allowed unless otherwise noted, but all state laws applicable to fishing shall apply. Hunting shall not be permitted, nor the harming or removal of any animal, reptile, bird, ~~reptile~~ or amphibian.

- (i) Solicitations, sales or vending are prohibited without express written permission of the mayor or his designee.
- (j) Disorderly conduct is prohibited.
- (k) Pets in any approved and posted areas of public parks or recreational facilities must be restrained on a leash unless otherwise posted. No pets are allowed in buildings unless required for bona fides medical needs. Owners must clean up after their pets. The City shall have the authority to prohibit pets from any area of city property.
- (l) Fires are restricted to proper containers, in limited areas. No ground fires are permitted without written permission of the mayor or his designee.
- (m) To the extent the city allows reservations of any park areas or amenities, such reservations may be subject to reasonable use fees established by the city.
- (n) Horses or any other livestock are prohibited on the grounds of any park within the city with the exception being sanctioned city events and/or with written permission from the mayor, who will insure that any use of horses or other livestock within a city park will not be dangerous to park patrons nor damaging to the city parks.
- (o) Anyone under the age of 12 years old in city parks or recreational facilities must be accompanied by an adult.
- (p) The use of playground or park equipment is at the sole risk of the user. Children playing on or about playground or park equipment must be supervised by an adult at all times.
- (q) No person shall enter into an area of a park, facility or trail that is posted by the city or other authority that the area is closed or closed to the public.

Section 3. Tournaments and Special Events

- (a) For the use of city parks or recreational facilities or the Razorback Greenway and trails for tournaments or special events, the Mayor shall establish fees to be charged to defray the costs of event setup, maintenance, trash pickup and removal, equipment use, water and electricity. The parks and recreational facilities and Razorback Greenway and trails shall remain open to the public with the exception to events that have been approved in advance by the Mayor.
- (b) The city may require sponsors of any tournament or event to pay a deposit. Upon conclusion of each tournament or event, the sponsor shall be responsible for returning each park, facility or trail to the same condition it was in prior.

Section 4. Violation of this ordinance shall constitute a violation of city code punishable as set forth in General Penalty of Johnson Municipal Code §1.32.01.

Section 5. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 6. Declaration of Emergency. It is hereby found and determined that this ordinance should be immediately revised in order to provide rules and regulations for the safe and enjoyable use of city parks and recreational facilities. Therefore, an emergency is declared to exist, and this act, being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor.

PASSED AND APPROVED this ____ day of _____ 2024.

APPROVED:

Chris Keeney, Mayor

ATTEST:

Jennifer Allen, City Clerk-Treasurer
(ATTEST)

ORDINANCE 2024-5

CITY OF JOHNSON, WASHINGTON COUNTY, ARKANSAS

AN ORDINANCE TO REZONE APPROXIMATELY 48 ACRES OF REAL PROPERTY LOCATED AT 5419 ELMORE ST. WITHIN THE CITY LIMITS OF JOHNSON, ARKANSAS FROM RESIDENTIAL ESTATES (R-E) AND RESIDENTIAL 6 (R-6) TO PLANNED UNIT DEVELOPMENT (PUD).

WHEREAS, a Rezoning Application was filed with the City of Johnson by DC Revocable Trust, by Jorgensen +Assoc. as the authorized representative, to request the City of Johnson to rezone approximately 48 acres of real property located within the city limits of Johnson at 5419 Elmore St., Parcel No. 785-18032-000, described in the attached Exhibit “A” from Residential Estates (R-E) and Residential 6 (R-6) to Planned Unit Development (PUD); and

WHEREAS, after due notice as required by law, the Johnson Planning Commission has, at the time and place mentioned in the notice, heard all persons desiring to be heard on the question and has ascertained that the rezoning requested should be approved and has recommended approval to the Johnson City Council; and

WHEREAS, the Johnson City Council has determined that the rezoning, along with the approved PUD plan, complies with the adopted plans of the City of Johnson which are in place to protect the health, safety and welfare of the citizens of the City of Johnson.

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

Section 1. The City of Johnson hereby changes the zone classification to the property described in the attached Exhibit “A” from Residential Estates (R-E) and Residential 6 (R-6) to Planned Unit Development (PUD) in accordance with the approved PUD plan for certain real property located within the Johnson city limits at the Northeast corner of Wilkerson Street and West Joyce Boulevard, and as attached hereto as Exhibit “B”.

Section 2. This ordinance shall have full force and effect from and after its passage. Any ordinance or parts thereof in conflict with this ordinance is hereby repealed and declared invalid.

Section 3. The provisions of this Ordinance are severable. Should, for any reason, any portion of this Ordinance be declared illegal or unconstitutional by a court decree or judgment, such ruling shall not affect the remainder of this Ordinance.

Section 4. The official zoning map of the City of Johnson, Arkansas is hereby amended to reflect the zoning change provided in Section 1 hereof.

PASSED and APPROVED, this ____ day of _____ 2024.

APPROVED:

CHRIS KEENEY, Mayor

ATTEST:

JENNIFER ALLEN, City Clerk-Treasurer

EXHIBIT "A"
PROPERTY DESCRIPTION

LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23 AND A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, ALL IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, AND RUNNING THENCE N87°26'18"W 160.40 FEET TO THE EASTERN RIGHT OF WAY OF ELMORE STREET, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 4 COURSES: N00°29'49"W 119.55 FEET; ALONG A CURVE TURNING TO THE LEFT, THROUGH AN ANGLE OF 18°30'56", HAVING A RADIUS OF 1087.64 FEET, AND WHOSE LONG CHORD BEARS N09°45'17"W 349.95 FEET; N19°00'45"W 425.24 FEET; ALONG A CURVE TURNING TO THE RIGHT, THROUGH AN ANGLE OF 09°24'14", HAVING A RADIUS OF 769.31 FEET, AND WHOSE LONG CHORD BEARS N14°14'58"W 126.13 FEET TO THE SOUTHERN RIGHT OF WAY OF THE SANTA FE PACIFIC RAILROAD RIGHT OF WAY, AND RUNNING ALONG SAID RIGHT OF WAY N61°44'03"E 667.53 FEET; THENCE LEAVING SAID RIGHT OF WAY S87°20'51"E 1177.36 FEET; THENCE S02°25'05"W 1317.68 FEET; THENCE N87°26'18"W 1319.61 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 47.09 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

THE ABOVE-DESCRIBED TRACT OR PARCEL BEING THE SAME AS THAT DESCRIBED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO.: 23-2240, BEARING AN EFFECTIVE DATE AND TIME OF MARCH 8, 2023, AT 7:00 AM.

EXHIBIT “B”

Planned Unit Development (PUD) The Berkshire @ Elmore Plan

The owner shall construct all public improvements, as deemed necessary and appropriate during the implementation phase of this PUD. This may include, but is not limited to, roadway extensions, turn lanes, raised medians, remote intersection improvements and traffic signalizations that are warranted, sidewalks, stormwater detention, etc., in accordance with any approved construction plans and documents, City Code, City-adopted design criteria and engineering standards manuals, any applicable City ordinances, and any relevant local, State and federal rules, regulations and laws. The Owner shall be responsible for the construction of on-site or off-site detention facilities deemed necessary to mitigate identifiable impacts because of this project. All roadways, turn lanes, medians, traffic signalizations, etc. within the confines of the project boundary will be private.

SECTION I - LAND USES

1.1 Permitted Uses

The project is intended to be a medium to high density development dependent upon market trends that will be developed in phases. Permitted uses for the PUD zoning district classifications, except as specifically modified herein, shall be permitted on the Property, in addition to the following uses:

- A. Single family for rent, multi-family residential dwellings, and mixed use, both garden-style and mid-rise apartments, not to exceed an aggregate total of 2,658 dwelling units or 56.45 du/acre.
- B. Home occupations, subject to the City Code.
- C. Overnight accommodation (Hotel/Motel) not to exceed 250 rooms.
- D. All permitted uses shall be conducted completely indoors unless otherwise expressly authorized. This provision does not apply to automated teller machines (or ATMs), outdoor seating and dining areas, public recreational open spaces, water features, public gathering areas and farmers’ markets as part of a public gathering area.
- E. Short term rental units that do not exceed 10 dwelling units per building.
- F. Independent Living, assisted living, nursing care, and active 55 and older facilities.
- G. General retail and restaurant.

1.2 Ancillary Uses

- A. Amenity buildings and/or spaces which serve as club, leasing, fitness, maintenance and administration for the multi-family and short-term rental facilities are allowed.

1.3 Conditional Uses

- A. Short-term rentals (STRs) shall be subject to the following:

1. No more than 10 individual rental units per building shall be permitted.

1.4 Prohibited Uses

The following uses shall be prohibited on the Property:

- A. Manufactured housing.
- B. Recreational Vehicle Park or Campground.
- C. Car washes, automated or self-service.
- D. Payday loan and check cashing establishments.
- E. Vape and tobacco stores.
- F. Head shops, hookah lounges.
- G. Vehicle, boat and trailer sales, repair, body work, rental, or storage.
- H. Animal kennels.
- I. Commercial self-storage or mini warehouses.
- J. Drive-in businesses.
- K. Single-story shopping malls and strip centers.
- L. Outdoor storage of any kind enclosed or unenclosed.
- M. Bed and Breakfast.
- N. Stand-alone fuel and/or service station.
- O. Detention facilities, Jails
- P. Uses that heavily rely on the use of caustic or toxic materials, generate excessive noise or vibrations outside of the building, involve the emission of noxious fumes or

odors, generates dust pollution, uses radioactive materials, or causes radio and electronic interference outside of a building.

SECTION II – DEVELOPMENT STANDARDS

2.1 Dimensional Standards

Unless exempted in accordance with §1.2 of this Plan, development on the Property shall adhere to the following minimum development standards:

- A. The minimum land area for the overall project area shall be 25 acres.
- B. The minimum building setback from Elmore Street shall be 20 feet.
- C. The minimum building setback along the east project boundary shall be 50 feet for buildings 3 stories or greater. 10 feet for 1 story ancillary structures, SFFR dwelling units one or 2 story, and/or trash enclosures.
- D. The minimum building setback along all other property lines shall be 50 feet.
- E. The maximum building height for single-use non-residential buildings and SFFR structures shall be two (2) stories.
- F. The maximum building height for any building within 100 feet of any property line shall be five (5) stories.
- G. The maximum building height for single-use, mid-rise multi-family residential buildings shall be seven (7) stories.
- H. Single-use, garden style multi-family residential buildings shall be three (3) stories in height.
- I. Maximum impervious coverage on the Property shall be 80%.
- J. Buildings within the PUD shall be situated in a manner that provides for shorter walking distances, safe and practical internal pedestrian linkages and direct pedestrian connectivity to outside sidewalks.

2.2 Supplemental Standards

- A. **Off-street Parking** – Unless modified below, off-street parking and circulation, (to include site access, pedestrian circulation, drive-thru queuing and loading/unloading,) shall adhere to the existing Zoning Ordinance standards/requirements. The following standards/requirements would modify the Zoning Ordinance and apply to this PUD.
- (a) **Hotel/Motel-1 per key**
 - (b) **Multi-family residential- 1.5 spaces per dwelling unit+1 per 250 gsf of amenity area.**
 - (c) **Active 55 and older Senior residential-1.5 spaces per dwelling unit+ 1 per 250 gsf of amenity area.**
 - (d) **Independent Living residential- 1 space per dwelling unit.**
 - (e) **Assisted Living/Nursing Care residential-.5 spaces per dwelling unit.**
 - (f) **Mixed Use Retail/Restaurant-1 per 250 gsf.**
 - (g) **Single family For Rent-1.5 per dwelling unit with parking allowed (and counted) along the curb at private streets.**

The following additional standards shall also apply:

1. No off- or on-loading of materials or goods shall be conducted in either the public street right-of-way, within a designated off-street parking and circulation area or within designated fire lanes.
2. The owner shall provide reciprocal access through the Property for the benefit of adjacent commercially zoned properties.
3. Vehicular reservoirs of at least ten feet (10') in depth shall be provided for parking spaces located near the end of a dead-end drive aisle.
4. Parking requirements may be adjusted for specific use upon the acceptance by the City of a completed parking analysis by a qualified and licensed engineer.
5. Direct pedestrian connectivity between Elmore Street and the Property shall be provided.
6. When private garages are provided with a minimum of 20-foot tandem space behind them both the garage space and the tandem space will count towards the required parking requirements.

- B. **Outdoor Audio and Lighting** – Unless exempted in accordance with §2.2, the following general outdoor audio and lighting standards shall apply:
1. All outdoor lighting on the Property shall be fully cut-off, shielded and oriented downward to minimize glare and light trespass onto adjacent roadways and properties.
 2. No up-lighting, laser lighting, searchlights, or flashing, oscillating or strobe lighting shall be permitted on the Property.
 3. Light poles for the illumination of off-street parking and circulation shall not exceed eighteen feet (18') in height above finished grade. Pedestrian light poles to illuminate walkways shall not exceed twelve feet (12') in height above finished grade.
 4. All site lighting shall utilize a light emitting diode (LED) light source.
 5. On-premises exterior lighting (signage) shall be inoperative between the hours of 10:00 P.M. and 7:00 A.M.
 6. No external audio speaker system shall be permitted to operate between the hours of 10:00 P.M. and 7:00 A. M.
 7. These provisions shall not apply to emergency lighting packs, emergency exit signage and security or fire alarms.
- C. **Walls and Fencing** – The following general wall and fence standards shall apply:
1. Perimeter walls and fences Along Elmore Street shall not exceed four feet (4') in height above finished grade and shall be perforated.
 2. Perimeter walls and fences on all other boundaries of the Property shall not exceed six feet (6') in height above finished grade and shall contain opaque or solid elements. Coping, if utilized, may not exceed six inches in profile above the maximum allowable height of a wall or fence. Solid walls and fences shall be constructed of durable, all-weather materials and shall contain architectural features, articulation, and texturing to add visual relief and breaks to the continual plane. Pilasters, if utilized, shall be placed at intervals not to exceed 25 feet in spacing.
 3. No wall or fence may encroach into the clear-sight triangle of the intersection of a driveway and a public roadway.

4. The following materials may not be used for fencing or screening: (a) chain-link fencing with plastic or vinyl slats or mesh fabric screening; (b) corrugated metal panels; (c) concertina or barbed wire; (d) non-conventional materials such as tires, wood pallets, tarp coverings, etc.; (e) uncoated chain-link fencing.
 5. Electric fencing shall be prohibited.
 6. Walls and fences shall be constructed so as to present the finished side outward towards an adjacent property or roadway.
 7. Dumpsters shall be set on a concrete pad that is enclosed by a minimum 6-foot-high (or 1 foot higher than the dumpster whichever is greater) opaque wall or fence constructed of either masonry or a suitable, durable material. The enclosure must include a gated, screened entrance and must not be visible from any vantage point along a public street right-of-way. The enclosure shall not be located within a building setback area or in a manner that conflicts with internal parking and circulation.
- D. **Signage** – All signage on the Property (e.g.: monument sign, wall sign, directional sign, etc.) shall adhere to Johnson Signage Ordinance as well as the following additional requirements:
1. Freestanding pylon and pole signs shall be prohibited.
 2. Monument signage shall not exceed the height and square feet as set forth in the City Code.
 3. On-premises signage shall be backlit or internally illuminated. Up-lighting shall not be permitted. Illuminated signage shall adhere to the operational times outlined in §2.2. B.
 4. Signage shall be set back at least ten feet (10') from the front property line and shall not encroach into the clear-sight triangle of the intersection of a driveway and a public roadway. Signage shall not be placed within a recorded utility easement.
 5. Wall signs utilizing channeled lettering instead of canister or cabinet signage are preferred.

6. On-premises freestanding signage shall not contain digital or electronic message centers that exceed fifty percent (50%) of the maximum allowable copy area. Message centers shall not exceed 250 nits in luminance during nighttime hours.

E. **Landscaping and Buffering** – The following general landscape and buffer standards shall apply:

1. Streetscape along Elmore Street and the Rail Road shall consist of: (a) a minimum 10-foot-wide landscape strip; (b) one (1) tree every thirty feet (30') of street frontage that is at least three inches (3") caliper in size and ten feet (10') in height at time of planting; (c) shrubs and hedges that are spaced no more than five feet (5') apart, as measured from center to center.
2. A minimum 50-foot-wide buffer strip shall be maintained along the east property boundary. The buffer shall contain a visual screen not to exceed six feet (6') in height that may consist of either a solid wall or fence, continuous natural vegetation, earthen berm, or any combination thereof. Supplemental landscaping shall consist of: (a) One (1) tree every thirty feet (30') that is at least three inches (3") caliper in size and ten feet (10') in height at time of planting; (b) Shrubs and hedges that are spaced no more than five feet (5') apart, as measured from center to center; (c) Vegetative plantings shall be placed along the outward side of any wall or fence along Elmore St.; (d) Landscaping must be installed in a manner that allows for regular maintenance that does not involve trespass onto an adjoining property; (e) The use of an earthen berm, solid wall or solid fence alone shall not meet the screening requirements of this Chapter. Existing saved trees shall count in this calculation.
3. Landscaping along all other property lines shall consist of: (a) a minimum 10-foot-wide buffer strip; (b) one (1) tree every thirty feet (30') that is at least two inches (2") caliper in size and eight feet (8') in height at time of planting; (c) shrubs and hedges that are spaced no more than five feet (5') apart, as measured from center to center.
4. At least one (1) tree for every ten (10) parking spaces shall be planted within the off-street parking area to provide shade. Internal landscape islands shall be at least 140 square feet in area, and landscaped parking row ends shall be at least 140 square feet in area.
5. Hedges, if used, shall be planted, and maintained to form a continuous and unbroken visual screen within one (1) year of planting.

6. If utilized, earthen berms may not exceed four feet (4') in height. Plantings may be placed either atop or along the outward slope of the berm.
 7. Inert materials and xeriscaping may be used in addition to the required landscaping, but in no case shall it constitute more than ten percent (10%) of the installed landscaping.
 8. Ground covers that include any plantings that reach no more than twelve inches (12") in height may be used in lieu of turf grass, but in no case shall its use constitute more than forty percent (40%) of the installed ground cover.
 9. Tree plantings shall consist of a minimum twenty-five percent (25%) Arkansas-native plants, per local code. All vegetative plantings shall be hardy, drought-tolerant, and native to this region. Schedule "1" provides a suggested plantings list for use within the Project Area.
 10. Invasive trees and plants, as identified by the U of A Extension Service, as well as allergy producing trees such as, but not limited to, Mulberry, Cypress, Elm, Ash, Cottonwoods and Poplars, shall be prohibited.
- F. **Open Space**– Various types of public open space shall be provided within a specified planning area in the form of a centralized park, square, piazza, green, plaza or amphitheater.
1. At least five percent (5%) of the gross acreage of the Property shall be set aside for public open space.
 2. Open spaces may include such features as pedestrian benches, reasonable pedestrian shading, public art, picnic tables (with or without barbecue pits), children's play equipment or playground, interactive or passive water features (e.g.: pool, spray ground, fountain, etc.), exercise areas and sports courts or fields.
 3. The property owner shall be responsible for the maintenance of all open spaces on the Property.
 4. Drainage features and detention facilities on the Property shall not be counted toward open space requirements, unless they are fully charged with water and

have the appearance and use as a maintained water feature, such as the existing water pond in the northeast corner of the property.

5. Segmented or pocket parks may be utilized, provided that such spaces are at least 1000 square feet in useable area, are within no more than 200 feet from the area to be serviced and shaded.
6. Trails shall count toward no more than 50% of the open space requirement for the PUD. Multi-use trails for bicyclists and pedestrians are preferred. Bike lanes and similar on-street facilities shall not count toward open space requirements.
7. Common indoor recreational facilities shall count toward no more than 30% of the open space requirement for this PUD. (i.e., Club amenity structures)

G. **Architectural Standards** – The following building and design standards shall apply for all development outside of the designated PUD:

1. Prominent building facades for non-residential buildings must include projected and recessed elements that provide architectural variety, to include, but not limited to, entryways, special functional areas, tower elements, rooflines, decorative treatments (e.g.: murals, trellises, etc.) and other features that will produce a quality building design.
2. All facades, both residential and non-residential, must be architecturally finished or detailed. Examples include, but are not limited to, brick, block, stone, Cementous siding, or stucco cladding, applied trim, contrasting trim details, two-tone color schemes, cornices, and decorative features such as quoin, murals and artwork, and similar design elements. Roofing for exposed slopes can be composition, metal, concrete, or clay style styles.
3. Offsets in the wall plane or roof line of a non-residential building must be used to break up expanses of fifty feet (50') or more; features such as recesses, reveals or projecting ribs may be used to provide relief, provided these types of elements are at least three feet (3') in width and six inches (6") in depth.
4. Metal siding shall only be used as an accent material for aesthetic purposes and not as a predominant building material.

SECTION III –CONDITIONS

3.1 Longevity

If no development or building permit has been submitted within five (5) years from the date this Ordinance was adopted, then approval of the PUD shall expire, and all plans, conditions and provisions associated with the PUD shall be deemed null and void and the tract would revert to its current RE and R6 zoning classification. Upon its expiration, a new PUD application must be filed and approved by the Planning and Zoning Commission, then City Council and the plans, conditions and provisions for the PUD shall be consistent with the City Code and Zoning

1. Since this PUD is scheduled for completion in increments or phases, with the successful completion of phase I the PUD will be remained zoned as a PUD unless it is modified or replaced by the process described herein or through the city's zoning regulations.

3.2 Time Extension

A request for a time extension of the PUD approval must be submitted in writing to the Planning and Development Department no later than sixty (60) days prior to the expiration date of the PUD. A request for a time extension shall be processed as a major amendment to the PUD requiring Planning and Zoning Commission, then City Council approval and subject to PUD amendment fees. A request for a time extension may be approved for 1-year increments from the date of the original expiration date. Only one request for a time extension not associated with disaster tolling may be granted by the Planning and Zoning Commission and the City Council.

3.3 Tolling Due to Disaster

In the event that a local, state, or national disaster or emergency declaration has been made, or in the event that there is a material delay caused by a utility provider (and not the Owner or the Owner's agents or representatives) for the project that is the cause for a delay which does not allow for a development or building permit to be timely submitted as required by this Section, the PUD may become eligible for a suspension of the longevity limitations outlined in this of this Section. Longevity may be paused for all or any portion of the period of time between the date when the disaster or emergency was initially declared and the date in which the declaration was officially ended, or for such time, not exceeding one year, that a delay caused by utility provider. A request for relief through tolling must be submitted in writing to the Planning Official or designee, but such a request cannot be submitted once a PUD has expired. Any approved requests for tolling must be annotated, catalogued, and included with the original adopted ordinance. The Planning Official or designee shall

advise the City Council of the tolled extension at the next available public meeting following its approval.

3.4 Amendments to the PUD

1. A major amendment to this PUD shall be processed as a zoning map amendment in accordance with the Zoning Ordinance and will be subject to filing fees for a PUD amendment. The following shall be considered a major amendment to the approved plan:
 - a. Any changes in a condition that was imposed by the Planning and Zoning Commission, and/or The City Council during the public hearing.
 - b. Any changes in the approved development standards, land use schedules or the intensity of the land uses that were approved for the PUD by the Planning and Zoning Commission, then The City Council.
 - c. A cumulative increase in overall density that exceeds ten (10%) percent of what was originally approved.
 - d. Any changes to the overall project boundary (expansions, contractions, or reorientations) that were originally approved for the PUD.
 - e. Any changes of any aspect, attribute or feature of the development which might adversely impact the site or surrounding area in a manner which would be inconsistent with either the UDC or the Comprehensive Plan.
 - f. Major Amendments to the PUD shall be submitted to and approved by the Planning Commission and the City Council.

2. A minor amendment to this PUD shall be processed administratively by the Planning Official or designee and shall be addressed in the Large-Scale Development Plan for each Phase. The following shall be considered as non-substantial modifications subject to administrative approval:
 - a. Any number of increases in density that do not exceed a cumulative total of ten percent (10%) above that which was originally approved.
 - b. A decrease in total density/number of units.
 - c. Any deviations in a development standard (e.g., parking ratios, landscape requirements, buffer standards, building height, etc.) that does not exceed ten

percent (10%). These deviations will be subject to review and approval by the Planning Commission during the Large-Scale Development Plan Process.

- d. The Planning Official, or designee, shall establish procedures necessary to file and process a request for a minor amendment to the PUD.

3.5 Variances

No application for relief by variance to a development standard outlined in this PUD shall be accepted or processed by City staff. Request for deviations to a standard outlined in this PUD shall adhere to the amendment's procedures outlined in this Section.

3.6 Unauthorized Deviations

Any unauthorized deviation from this PUD, or any failure to comply with any of its requirements, conditions or imposed safeguards as approved by the Planning Commission and the City Council, or any failure to complete the intended development in accordance with the permitting and development entitlement procedures and requirements of the City Code, shall constitute a violation of the City Code

3.7 Effect of Approval

The site plan, including but not limited to, site ingress and egress, building siting and footprint, as depicted in Schedule "1" is conceptual only. Permanent building location, building orientation, access points, on-site detention and off-site public improvements shall be determined during the site development and stormwater permit process. Intersection improvements, if warranted, shall be in accordance with the City Code and adopted access management standards, as amended.

PROPERTY DESCRIPTION

LEGAL DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23 AND A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 22, ALL IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, AND RUNNING THENCE N87°26'18"W 160.40 FEET TO THE EASTERN RIGHT OF WAY OF ELMORE STREET, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 4 COURSES: N00°29'49"W 119.55 FEET; ALONG A CURVE TURNING TO THE LEFT, THROUGH AN ANGLE OF 18°30'56", HAVING A RADIUS OF 1087.64 FEET, AND WHOSE LONG CHORD BEARS N09°45'17"W 349.95 FEET; N19°00'45"W 425.24 FEET; ALONG A CURVE TURNING TO THE RIGHT, THROUGH AN ANGLE OF 09°24'14", HAVING A RADIUS OF 769.31 FEET, AND WHOSE LONG CHORD BEARS N14°14'58"W 126.13 FEET TO THE SOUTHERN RIGHT OF WAY OF THE SANTA FE PACIFIC RAILROAD RIGHT OF WAY, AND RUNNING ALONG SAID RIGHT OF WAY N61°44'03"E 667.53 FEET; THENCE LEAVING SAID RIGHT OF WAY S87°20'51"E 1177.36 FEET; THENCE S02°25'05"W 1317.68 FEET; THENCE N87°26'18"W 1319.61 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 47.09 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

THE ABOVE-DESCRIBED TRACT OR PARCEL BEING THE SAME AS THAT DESCRIBED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO.: 23-2240, BEARING AN EFFECTIVE DATE AND TIME OF MARCH 8, 2023, AT 7:00 AM.

SCHEDULE "1" CONCEPTUAL MASTER PLAN



	PHASE A
	432 UNITS
	679 STRUCTURED PARKING SPACES
	57 SURFACE PARALLEL
	736 TOTAL SPACES = 1.7/UNIT
	PHASE B
	430 UNITS
	640 STRUCTURED PARKING SPACES
	53 SURFACE PARALLEL
	693 TOTAL SPACES = 1.6/UNIT
	PHASE C
	384 UNITS
	576 STRUCTURED PARKING SPACES
	72 SURFACE PARALLEL
	648 TOTAL SPACES = 1.68/UNIT
	PHASE D
	450 UNITS
	675 STRUCTURED PARKING SPACES
	105 SURFACE PARALLEL
	780 TOTAL SPACES = 1.73/UNIT
	PHASE E
	450 UNITS
	675 STRUCTURED PARKING SPACES
	105 SURFACE PARALLEL
	780 TOTAL SPACES = 1.73/UNIT
	PHASE F
	425 UNITS
	620 STRUCTURED PARKING SPACES
	104 SURFACE PARALLEL
	724 TOTAL SPACES = 1.7/UNIT
	TOWNHOMES
	87 THREE STORY DIRECT ACCESS UNITS
	174 GARAGED PRIVATE PARKING SPACES
	81 SURFACE GUEST SPACES
	255 TOTAL SPACES = 2.93/UNIT
TOTAL UNITS = 2,658	
TOTAL PARKING = 4,616 SPACES	

SCHEDULE “2”

UNIVERSITY of ARKANSAS COOPERATIVE EXTENSION SERVICE TREE SELECTION & PLANT GUIDE FOR WASHINGTON COUNTY



Red Maple

Acer rubrum

Leaf Type: Deciduous

Comments: medium sized shade tree (60') fast growing, excellent yellow fall color



Thornless Honeylocust

Gleditsia triacanthos var. *inermis*

Leaf Type: Deciduous

Comments: medium-large tree (60' tall by 60' wide). Very fast growing, excellent yellow fall color

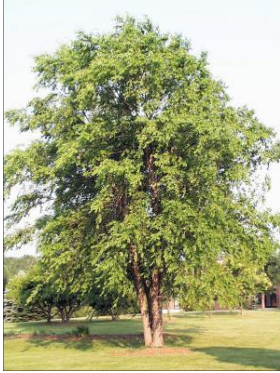


Northern Red Oak

Quercus rubra

Leaf Type: Deciduous

Comments: medium-large shade tree (65'). excellent dark red fall color



River Birch

Betula nigra

Leaf Type: Deciduous

Comments: medium-small tree (40'). Very fast growing, typically selected for attractive bark



American Linden

Tilia Americana

Leaf Type: Deciduous

Comments: medium-large tree (50'). fast growing, distinctive heart-shaped leaves



Lacebark Elm

Ulmus parvifolia

Leaf Type: Deciduous

Comments: medium tree (50'). fast growing, known for exfoliating bark



Shortleaf Pine

Pinus echinata

Leaf Type: Evergreen

Comments: large tree (70'). Very fast growing, needle, and cone-bearing tree with lovely plated bark



London Plane Tree

(Sycamore hybrid)

Platanus x acerifolia

Leaf Type: Deciduous

Comments: large tree (70'). Very fast growing, known for exfoliating bark



Yaupon Holly (Tree Form)

Ilex vomitoria

Leaf Type: Deciduous

Comments: small tree (15'). fast growing, ornamental fruit



Redbud

Cercis canadensis

Leaf Type: Deciduous

Comments: medium-small tree (30').

fast growing, small clusters of pink flowers appear in spring.

(TYP.) SHRUB SPECIES

Common Name

Botanic Name

Height

Dwarf Yaupon *Ilex vomitoria* (dwarf)
3'- 4'

Inkberry Holly *Ilex glabra* 3'- 4'

Virginia Sweetspire	<i>Itea virginica</i>	3'- 5'
Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>	4'-5'
Arrowwood viburnum	<i>Viburnum dentatum</i>	4'-6'
Limelight Hydrangea	<i>Hydrangea paniculata</i>	6'-8'
Glossy Abelia	<i>Abelia grandiflora</i>	3'-5'
Spirea	<i>Spiraea spp.</i>	3'-4'

(TYP.) GRASS SPECIES

<u>Common Name</u>	<u>Botanic Name</u>	<u>Height</u>
Maiden Grass	<i>Miscanthus sinensis</i>	4'
Pink Muhly Grass	<i>Muhlenbergia capillaris</i>	3'
Little Bluestem	<i>Schizachyrium scoparium</i>	3'
Fountaingrass	<i>Pennisetum alopecuroides</i>	18"-24"

(TYP.) GROUND COVER SPECIES

<u>Common Name</u>	<u>Botanic Name</u>	<u>Height</u>
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Liriope	<i>Liriope muscari</i>	12"
Variegated Liriope	<i>Liriope muscari 'Variegata'</i>	12"
Daylilies	<i>Hemerocallis spp.</i>	18"
SOD: (Bermuda Tifway 419) (Fescue) (Meyer Zoysia)		

The End